



UI CENTER FOR HUMAN RIGHTS
CHILD LABOR RESEARCH INITIATIVE



CHILD TRAFFICKING AND SEXUAL EXPLOITATION

BY

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"Children are the only future of any people. If the children's lives are squandered, and if the children...are not fully developed at whatever cost and sacrifice, the people will have consigned themselves to certain death"

Frances Cress Welsing, *The Isis Papers*, 1991

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Child Labor Module Team
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About the Child Labor Research Initiative



According to the latest report of the International Labor Organization (ILO), 246 million children between the ages of 5-17 engage in child labor. The majority of the world's 211 million working children between the ages of 5-14 are found in Asia (127.3 million or 60%), Africa (48 million or 23%), Latin America and the Caribbean (17.4 million or 8%), and the Middle East and North Africa (13.4 million or 6%). The rest can be found in both transitional and developed economies. Asia has the highest number of child workers, but Sub-Saharan Africa has the *highest proportion* of working children relative to population.

The international community, which includes intergovernmental organizations such as the ILO, other UN agencies, the World Bank, national governments, and civil society organizations across the globe, have rallied worldwide to combat the most abusive and exploitative forms of child labor.

The University of Iowa Center for Human Rights (UICHR) joined this global effort in September 2001 when, with the kind help of Senator Tom Harkin (an honorary member of the UICHR's Executive Council), it received financial support from the US Department of Labor to implement the UICHR's Child Labor Research Initiative (CLRI), \$1,2 million to date. The initiative include the following projects:

- Child labor legislative database of 31 countries
- Child labor essay collection
- Pre-collegiate modules on child labor
- College-level course on child labor
- Child labor public education program
- Colloquium on “Using the Human Rights Framework to Combat Abusive and Exploitative Child Labor”
- Child labor occasional paper series

Complete details of the specific projects being undertaken as part of the initiative can be found in our website at www.uichr.org.

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A note from the author

This module does not touch on general child labor problems. The lesson plans are designed specifically to introduce secondary school students to a specific form of child labor – child trafficking and sexual exploitation. If teachers are interested in learning about general child labor problems, please consult a separate handout designed specifically for teachers. See “Teaching Child Labor: Issues in the Classroom” (appendix) prepared by Robin Clark-Bennet and Jennifer Sherer for the Child Labor Research Initiative.

Though there are four lesson plans in this module, each lesson is designed with great flexibility to allow teachers to pick and choose depending on time availability. For example, some teachers may choose to use only Lesson 1 and Lesson 2 to get insights into the lives of the victims of child trafficking testimonials and stories and to find out about the different efforts over the century to address this problem. Lesson 1 with Lesson 4, which will allow students to be introduced to the concept of child trafficking and learn about the strategies by both inter-governmental organizations as well as non-governmental organizations to address this global problem. Or teachers may choose to combine Lesson 1 and Lesson 3 which allows them opportunities to be introduced the problem and to get to know specific countries and region. Or, if teachers are extremely limited in time, Lesson 1 will introduce students to an overview of the problem as a way of raising awareness.

A few words on statistics and some cautionary note

As you will discover, it is hard to find accurate statistics. I have reviewed many reports and studies to understand this issue and have encountered different figures depending on sources and authors. I encourage you to review the latest publication on child labor statistics, Every Child Counts: New Global Estimates on Child Labour, published in April 2002 by International Labor Office in Geneva. This report will give you insight into the big picture of child labor as well as provide some useful statistics on various forms of child slavery, including children in bondage, trafficking, and in armed conflicts. I have also included sources and citation I have used in these lessons for further investigation.

I have found that teaching about this subject can bring up some emotional issues in students. This is an extremely difficult subject to approach and may impact students on different levels. Teachers are urged to use caution and judgment as to the appropriate age for using this module. I recommend that you do not use this module for students below 9th grade. Some students who may have been sexually abused might have great difficulty in learning about this issue. I urge you to consider every preparation possible, including alerting counselors so that they may be prepared to help you and your students. Having said this, I feel that this is an extremely important subject to integrate into our school curriculum as it is a major global problem that needs creative solutions.

There is a real international consensus to eliminate the worst forms of child labor. To do so, there is a great need to raise awareness. I hope that this module will contribute to this global effort by educating young people about child trafficking and sexual exploitation.

Child Labor Module Series
Child Trafficking and Sexual Exploitation

Module Overview and Goals



According to governmental and non-governmental organizations, human trafficking is on the rise. It is one of the three most lucrative trades next to drug and arms trafficking. While the exact number is hard to ascertain, traffickers reap huge profit from exploiting fellow human beings, including children.

Trafficking involves multiple forms of exploitation akin to modern-day slavery. It may involve forced labor such as prostitution and other forms of sexual exploitation, debt bondage, coercion or violence against the victims, physical and mental abuse, and many other violations of fundamental human rights.

Who are trafficked and what is the magnitude of this problem?

The victims are diverse. Men, women, and children are all victims. They share some common denominators. Most are poor and desperate to make ends meet. Men and women fall victim to trafficking in search of work to feed their families. Children are victimized because they have been tricked by others to think that they might find a better life. The reasons are diverse and this module aims to provide insights into one of the most challenging human rights problem of this century.

The exact scope of the problem is difficult to find. The best figures we have are simply guestimates. The United Nations estimates that about **4 million** people are trafficked annually. The International Labor Organization, also part of the UN system, recently estimates that **1.2 million** children are victims of trafficking.

This module is designed to introduce students at the secondary school levels to this rising phenomenon. Students will get to know the victims and the traffickers through stories. They will be introduced to multi-faced efforts over the past century to address this problem. They will also gain insight into the challenges of implementing various programs and legal framework adopted to combat human trafficking. Students will also explore their voices and contributions to the effort through role playing.

MAJOR QUESTIONS TO BE ANSWERED

- Who are victims of trafficking and sexual exploitation?
- What are some of the factors that contribute to the trafficking of children
- Who are the traffickers?
- What are some of the organizations and people doing to combat trafficking of children?
- What are some of the challenges we face as we work to eliminate child trafficking?

- What can I (the student) contribute to this global effort?

SELECTED HUMAN RIGHTS CONVENTIONS

- United Nations Universal Declaration of Human Rights (1948)
- United Nations Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
- ILO Convention No. 182 “Worst Forms of Child Labor Convention” (1999)
- United Nations “Palermo Trafficking Protocol” (2000)

NATIONAL COUNCIL FOR THE SOCIAL STUDIES STANDARDS

V. Individuals, groups and institutions

VI. Power, authority and governance

X. Global connections

XI. Civic ideals and practices

CAUTIONARY NOTE FOR TEACHERS

Please be aware and be prepared in case this subject brings up potentially difficult feelings or memories with any student. It would be a good idea to have the names and phone numbers of contacts for students who find the need for special guidance in this subject area. School counselors or rape victim advocate counselors are readily available to help.

Child Labor Module Series

Child Trafficking and Sexual Exploitation

LESSON 1

Introduction

*Meeting the Victims of Trafficking
for Sexual Exploitation*

“The trafficking of human beings is unacceptable under any circumstances, but the trafficking of vulnerable children and young people is a violation of their rights to protection from exploitation, to play, to an education, and to health, and to family life.”

--Frans Röselaers, Director

ILO International Programme on the Elimination of Child Labour (IPEC)

“Foreword” of IPEC Report, *Unbearable to the Human Heart*

LESSON 1



Introduction: *Meeting the Victims of Trafficking for Sexual Exploitation*

LESSON OVERVIEW

According to the U.S. Department of State *Trafficking in Persons Report* released in June 2003, human trafficking appears to be on the rise. And this phenomenon touches every single nation, including the United States. The American Government estimates that between 18,000 to 20,000 people are trafficked in the U.S. Human trafficking is crime. And it is one of the worst human rights violations today.

Who are victims of human trafficking? And what are they forced to do? Men, women, boys, and girls, especially those from vulnerable situations, are victims of this international crime. They are trafficked within their countries, usually from poor rural areas to urban centers. They are trafficked across nations through an intricate network. And what happens to these men, women, and children? Many are forced to perform various forms of labor. Women and girls are especially vulnerable as most are forced into commercial sex work. According to the latest report by the International Labor Organization (ILO), approximately **1.2 million** children are victims of trafficking.

In this lesson, we will focus on victims of trafficking for sexual exploitation. And in today's age when the internet provides instant global communication, more children are finding themselves in dangerous and life-threatening situations similar to the ones in this lesson.

The fact that adults ruthlessly exploit children for sexual purposes is an extremely difficult subject for many adolescents. However, raising awareness of this challenging problem is also extremely important as awareness is the first step toward finding an effective solution. The introduction of this subject for adolescents concentrates on the basic facts with an emphasis on helping students focus on the solutions to the problem. A few simple case studies allow students to see the seriousness of the issue - pointing out the plight of the victims, then direct their thinking toward the plight of the problem solvers. A classroom discussion is very important in setting the right stage for this unit - one that will encourage a safe environment for discussion and promote student growth in understanding.

LESSON OBJECTIVES

Students will be able to:

- Awareness about children as victims of trafficking for sexual exploitation through stories
- Understand the consequences of sexual exploitation on children

- Understand basic concept of human rights and the role of international conventions and labor standards and introduction to the United Nations and the International Labor Organization

CONCEPTS

- Human trafficking
- Trafficking for sexual exploitation
- Trafficking for forced labor
- Commercial sexual exploitation
- Human rights
- Children's rights

FOCUS QUESTIONS

- What is human trafficking?
- Why does it happen? What are the factors that contribute to this problem?
- Who is involved? Who are the traffickers?
- What are the consequences on the children?
- How can international human rights conventions and labor standards help combat child trafficking?

EQUIPMENT AND MATERIALS

- Envelopes #1-5 (stories of children)
- Handout A: *Children: Victims of Trafficking*
- Handout B: *Factors Fueling Trafficking of Children*
- Handout C: Excerpts "Introduction" of Trafficking in Persons Report (2003)
- Handout D: Excerpts "Commercial Sexual Exploitation"
- Handout E: *Human Rights and International Labor Standards*

SUGGESTED DURATION

2 class periods

COURSE CONNECTIONS

World History, Global Studies, Current Events

SUGGESTIONS FOR TEACHING THE LESSON

Day 1

This lesson contains some stories that are useful for gaining insights into various forms of trafficking of children and sexual exploitation. Copy the five short stories and number them 1,2,3,4,5. Select or solicit five students who like to read out loud and have them practice the selections.

At the beginning of class, announce that we will learn life stories of some children and adolescents their age. Have the student holding reading #1 go first, followed by the other four stories.

At the end of these readings the teacher should distribute and read Handout A “*Children: Victims of Trafficking*” to the class asking the students to follow along marking any parts of the reading that they have questions about.

Holding a discussion following the reading is very important to set the tone for further lesson activities. The following are suggested questions to start discussion:

- Based on the stories you have heard, when children are trafficked, what happened to them? What kinds of work are they forced to do?
- What are some of the factors that contribute to the trafficking of children?
- Who are some of the traffickers you have met through these stories and what are their reasons for actions?
- What are some of the consequences (emotional, psychological, physical, etc) on the children who have been victimized?
- What are some of the factors contributing to this growing phenomenon called trafficking for sexual exploitation? (This is a good time to introduce the various factors with the use of Handout B: Factors Fueling Trafficking of Children).

If time allows in class, go over the various factors in Handout B. If there is not time, assign this as homework reading and have students underline the points that answer the above question.

HOMEWORK

Distribute Handout C: Excerpts "Introduction" of Trafficking in Persons Report (2003) and Handout D: Excerpts : Commercial Sexual Exploitation" (ILO Report Unbearable to the human heart: Child trafficking and action to eliminate it, pp 16-19) and Handout E: Human Rights and International Labor Standards. When all handouts have been distributed, read this excerpt from the 2003 Trafficking Report out loud to students:

"Trafficking is a Human Rights Violation and a Crime. Traffickers violate the universal rights of all persons to life, liberty, and freedom from slavery in all its forms. Trafficking undermines the basic need of a child to grow up in a protective environment and the human right of children to be free from sexual abuse and exploitation."

Ask students to read their handouts and keep in mind the stories they have heard in class. Referring to the questions for discussion following the initial readings ask students to write a paragraph in response to each using the information in their handouts to support their answers.

Day 2

Break students into small groups and have them share their responses to the questions from the day before. At this time ask students to think of ways they might contribute to addressing this problem. Have each student take notes from the discussion to expand on their own knowledge of the subject. These notes will be put to use in the evaluation assignment.

This may be a good time to invite an expert on child labor to come and listen to the students and perhaps contribute to the process of deepening their understanding of the issue.

EVALUATION

Ask students to organize their notes and knowledge into an essay that answers the following question: **What is trafficking of children for sexual exploitation, its causes, its consequences and what do you think are the solutions to the problem? Be sure to consider each of the following factors in your response: economics, enforcement, corruption, cultural biases, poverty and destitution, desire for better life, ignorance, gender roles, etc.)** The depth of students' understanding will reflect their ability to digest the Handouts and class discussions.

SUGGESTIONS FOR EXTENDING THE LESSON

Have students choose a country of their choice, conduct research of the selected country to gain understanding of the socio-economic conditions. Have them prepare a report on the country and connect their findings with trafficking of children.

Have students write poems, or musical lyrics, as a reaction to the stories they have heard. Or have students express their reactions through artwork, which can be displayed as a public awareness project.

Envelope 1

Uzma from South Asia

Uzma was trafficked from South Asia to a Middle Eastern country to work as a domestic. Her employer took her papers, beat her regularly, and gave her little food. Male relatives began sexually abusing her and then took her to hotels, forcing her to have sex with up to ten men over the course of a few days. She was locked in the house and never paid. She escaped when a young boy opened the door. She was picked up by police, who ordered her employers to send her back to her country. The employers sent her back, but only after three more days of prostituting her.

Story source: U.S. Department of State "Trafficking in Persons Report" (2003).

Available at: <http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm>

Envelope 2

Nina from Southeast Europe

A trafficker recruited Nina, a 19-year-old from southeastern Europe, to work as a waitress, but then raped, beat, and drugged her, forcing her into prostitution. After a daring escape, her trafficker hunted her down and kidnapped her. Taken into custody during a police raid, Nina agreed to be a witness against her trafficker. The police officer assigned to protect her gave away her location and her trafficker threatened her life. At the trial, she was forced to sit next to her traffickers and was insulted and humiliated by the judge and defense counsel. Her pimps were found guilty but released on appeal. For her own survival, Nina has fled to another country and assumed a new identity.

Story source: U.S. Department of State "Trafficking in Persons Report" (2003).
Available at: <http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm>

Envelope 3

Mercy of West Africa

Mercy escaped her slavers last year. Like many West African women smuggled or lured into Italy with the promise of jobs, Mercy was forced into prostitution to earn her freedom. She was able to escape with the assistance of a religious order. Escape did not end her nightmare. Three weeks after speaking publicly to human rights groups about her experience, her sister was reported dead in Florence, true to the threats made by her former captors.

Story source: U.S. Department of State "Trafficking in Persons Report" (2003).
Available at: <http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm>

Envelope 4

Srey Kanya of Southeast Asia

Srey Kanya was sitting outside her home weaving rush mats for her mother when Mrs. Ith approached her. Mrs. Ith was well-dressed and spoke kindly to Srey Kanya. “You’re too smart to be tucked away in this village,” said Mrs. Ith. “You should be in the town working in a good job that pays a high salary. I can help if you like.”

Srey Kanya was flattered. She was 15 years old and knew life in the village didn’t hold a bright future for her. She had also had many disagreements with her mother, and felt that her parents might be glad if she left and got a job through which she could send them back some money. But there was no decent, well-paid job for Srey Kanya. Instead, she ended up in a brothel in Phnom Penh city.

Story source: UNICEF “Profiting from Abuse,” p. 26

Full report available at: <http://www.unicef.org/emerg/profitng.pdf>

Envelope 5

Christine Dolan: Expert on Human Trafficking

"The exploitation of children is about money. It is about economic survivability. The children are used as commodities for trade, as are weapons, drugs, tobacco, toxic waste, or nuclear arms...It is cold and blunt, and it is not limited to Europe. Many Western African girls...are prostitutes throughout Europe. I also encountered children from Kenya, Nepal and India. Not all of them are prostituting by choice. Many thought that they were getting legitimate jobs. Many have had their passports and documentation taken away by traffickers. All but one girl I interviewed had been gang-raped by traffickers and pimps and their buddies. Their pimps or traffickers told them that they could not go to the local police because the local police were involved. Many believed these statements because in their homelands some of the traffickers were the police or involved with the police. One girl said she was actually sold by a Chief of Police - not once, but twice. She attempted suicide."

Source: *Executive Summary* of a Report "A Shattered Innocence, The Millennium Holocaust"
Available on the internet at: www.helpsavekids.org/executive1.html

*Children: Victims of Trafficking***Child Prostitutes: Albania's saddest export**

Rachel, a 12-year old Roma girl from Korca, a city near the Greek border, believed her new husband Stephan when he vowed to love and care for her. Rachel had just dropped out of school and was working in a cigarette factory. When Stephen, who was 29, suggested that they move abroad to have a better life, she married him.

Three months after their wedding, Stephan persuaded Rachel to travel to Italy with him. Soon after they arrived, Stephan asked Rachel to work on the street as a prostitute. "I didn't know what prostitution meant," says Rachel, now 15. "I thought it was only a job. I didn't know what kind of job it was."

Virtually every town in Albania has been affected by trafficking. According to a 2001 report by Save the Children, there are 30,000 Albanians working abroad as prostitutes. Most of them are teenage girls who were coerced, deceived and kidnapped, frequently by Albanian pimps and traffickers who are known to the family. In some remote areas where students must walk long distances to school, up to 90 per cent of girls no longer attend high school out of fear for their security. Girls are sold to pimps in Italy for \$2,500 to \$4,000; young virgins reportedly fetch up to \$10,000. Sometimes girls go abroad to be prostitutes, thinking they will 'get rich quick' and retire and unaware of the brutality they will face. According to Save the Children, the Italian Ministry of the Interior reported that 168 foreign prostitutes were murdered in 2000, the majority of them Albanian and Nigerian women who were killed by their pimps.

Rachel's husband became her pimp. "I worked morning till night every day," says Rachel. She worked on a highway and had to earn \$250 per night, requiring her to see about 10 clients. "If I didn't earn that money, he would beat me," she recalls.

Rachel thought her nightmare was over when she was arrested by the Italian police. They deported her on a ferry back to Vlore (Albania). But immediately upon her arrival in Vlore, her brother-in-law saw her and placed her on a speedboat back to Italy. This occurred three times.

Rachel is now taking correspondence classes in a programme run by NPF and sponsored by UNICEF. She lives in a rundown one-room house with her mother, brother, sister-in-law and two children. She recently passed her language exam, is attending vocational training classes in hairdressing and sewing, and hopes to get her high school diploma. Eventually, she'd like to work in a clothing factory.

Source: UNICEF, "Profiting from Abuse" p. 23
The United Nations Children's Fund, 2001

It happens in the U.S. too...

In 1998 in the United States, the Federal Bureau of Investigation raided a house in Atlanta, Georgia, after acquiring information that its occupants were engaging in a large-scale prostitution operation that recruited teenage Vietnamese girls. Ultimately, 13 individuals were charged under a number of different laws with smuggling, imprisoning and forcing into prostitution almost 1,000 women and girls, some as young as 13. The women and girls from China (including Hong Kong), the Lao People's Democratic Republic, Malaysia, Thailand and Viet Nam were smuggled into the United States for fees ranging from \$30,000 to \$40,000, which they were forced to pay back by working as prostitutes.

The house in Atlanta in which they were kept as virtual prisoners and forced to work as prostitutes looked "like a prison compound with an inordinate amount of wire mesh and barbed wire fencing that enclosed the house and lot." Inside, there were seven mattresses on the floor in five squalid rooms. The women and girls were not able to leave the premises unless they were escorted by their captors. Armed Vietnamese gang members were used as guards and enforcers. The women and girls were moved across the United States every week to 10 days to service men in 13 different states.

Source: UNICEF, "Profiting from Abuse" p. 12

What about boys?

It's seldom talked about, but boys are also vulnerable to commercial sexual exploitation. Although girls tend to be exploited in organized clubs, bordellos or houses, boys spend their time on their own or in small groups and are targeted in streets, parks, plazas and beaches.

*Sri Lanka's estimated 20,000-30,000 child prostitutes are primarily boyos. From Europe, paedophiles can arrange to have one or more boys waiting for them when they arrive.

*In the Dominican Republic, young boys, known as 'Sanky Panky' boys, stay with foreign tourists on the beaches of Boca Chica and Sousa; some establish relationships that last for years. The beach boys, some as young as 13, become the sex tourists annual partner during the week of the sex tourist's visits.

*In Haiti, sex between local boys and adult male tourists from the United States and Europe has existed in the tourist industry for many years.

*Boy prostitution is well established in the city of Prague. The majority of the boys are between 14 and 20, come from dysfunctional families and have run away from their homes and villages to earn easy money. Most of them are heterosexual but are exploited mainly by men. Foreign clients include doctors, businessmen and politicians. The younger the boy, the higher the price.

Source: UNICEF, "Profiting from Abuse" p. 11

[excerpts]

Factors Fueling Trafficking of Children for Sexual Exploitation

Source: UNICEF "Profiting from Abuse" p. 17

The United Nations Children's Fund, New York, 2001

POVERTY

Procurement agents thrive in urban slums and poor rural villages, where poverty severely blunts educational and employment opportunities. These agents bribe, coerce and lie to families, promising marriage or employment, often as domestic servants, to obtain children. Then they transport the children long distances, sometimes across borders and along well-worn clandestine drug routes. Families may also willingly send children to areas where there are better chances of a good job, inadvertently exposing the children to risk of exploitation

GENDER DISCRIMINATION

Since in many societies men are held in higher esteem than women, women and girls are often treated as property and denied a voice and a right to protection against violence. Families who don't value female children may choose to keep them from school or marry them off early, dramatically limiting their life opportunities and increasing their vulnerability to exploitation and abuse.

WAR, NATURAL DISASTERS AND POLITICAL INSTABILITY

Sexual violence flourishes in situations where norms break down. Poverty, hunger and general desperation may place women and children in situations in which they are forced to exchange sex for food, shelter, and survival.

CULTURE

Some cultures have long-standing practices, such as child marriage, that make the sexual exploitation of children permissible. More often, though, the breakdown of cultural taboos raises the risks enormously. Long-held cultural mores can be weakened by media influences, tourism and the promotion of materialistic pursuits, making behavior once considered inappropriate appear normal.

HIV/AIDS

Many exploiters are under the mistaken notion that younger children don't carry HIV. Yet children who are not fully grown are more likely than adults to be injured by penetrative sex, making it easier for the virus to enter their bodies. Children are also unlikely to be able to insist on safe sex practices or to even have information regarding risks of infection or access to condoms. Finally, HIV/AIDS has resulted in a massive rise in the number of orphans and child-headed households in which children must be wage earners. This vulnerability, along with the social stigma associated with AIDS in many parts of the world, leaves these children with few defenses against exploitation.

WEAK LAWS AND CORRUPT LAW ENFORCEMENT

Often, police are underpaid, overworked and lack resources, making them an easy target for bribery. Some police officers work as guards in brothels in their spare time, or get involved in trafficking. Efforts to fight against commercial sexual exploitation may also be crippled by inadequate laws.

GLOBALIZATION

The greater movements of people and goods occurring as a result of globalization has made it much easier for traffickers to transport children across borders and has increased the number of destinations where paedophiles can seek sex with children. In many countries, globalization has also increased unemployment and reduced wages and social spending, plunging more families into poverty.

NEW COMMUNICATIONS TECHNOLOGY

New technology can help to protect children, but it can also be used to exploit them. The internet, for example, knows no national boundaries and is almost without regulation. Today, text, images, and audio and video files can be sent around the world in seconds. Child pornography, sex tourism information and mail-order brides are offered openly on the internet, while forums on the Internet have become meeting grounds for pimps selling women and predators stalking children.

FAMILY DISFUNCTION AND BREAKDOWN

Sometimes parents cannot cope with the stress in their lives and become physically, emotionally or sexually abusive. Divorce and remarriage can also place a strain on family relationships, as can children with unresolved conflicts of sexual identity. When families become homeless, or are forced to move from place to place, parents' abilities to care for and protect their children are so severely limited. Sometimes children run away; other times, they are left to fend for themselves.

[Excerpts]

U.S. Department of State 2003 Trafficking in Persons Report<http://www.state.gov/g/tip/rls/tiprpt/2003/21262pf.htm>**INTRODUCTION**

As unimaginable as it seems, slavery and bondage still persist in the early twenty-first century. Millions of people around the world still suffer in silence in slave-like situations of forced labor and commercial sexual exploitation from which they cannot free themselves. Trafficking in persons is one of the greatest human rights challenges of our time. It is, as the International Labour Organization (ILO) points out, the "underside of globalization."

Human trafficking not only continues but appears to be on the rise worldwide. Many nations are touched by it in some way, serving as source, transit, and destination countries where human beings are procured, transported, and enslaved through forced labor or forced sexual exploitation. Traffickers exploit the aspirations of those living in poverty and those seeking better lives. They use dramatic improvements in transportation and communications to sell men, women, and children into situations of forced labor and sexual slavery with virtually no risk of prosecution. The traffickers also exploit lack of political will by governments to tackle trafficking and its root causes. Corruption, weak inter-agency coordination, and low funding levels for ministries tasked with prosecuting traffickers, preventing trafficking, and protecting victims also enable traffickers to continue their operations. The transnational criminal nature of trafficking also overwhelms many countries' law enforcement agencies, which are not equipped to fight organized criminal networks that operate across national boundaries with impunity.

Who Is Being Trafficked? Women, children and men are trafficked into the international sex trade and into forced labor situations throughout the world. Women are lured by promises of employment as shopkeepers, maids, seamstresses, nannies, or waitresses but then find themselves forced into prostitution upon arrival to their destination. Many victims are unaware that their travel documents will be seized, they will have to repay an enormous debt, or that they will be subject to brutal beatings if their earnings are unsatisfactory. These victims do not know how to escape the violence or where to go for help. The victims generally avoid authorities out of fear of being jailed or deported, especially if they have fraudulent documents. Traffickers often move victims from their home communities to other areas -- within their country or to foreign countries -- where the victim is often isolated, unable to speak the language and unfamiliar with the culture. Most importantly, the victims lose their support network of family and friends, thus making them more vulnerable to the traffickers' demands and threats.

Who Are the Traffickers and How Do They Recruit Individuals? Traffickers use threats, intimidation and violence to force victims to engage in sex acts or to labor under conditions comparable to slavery for the traffickers' financial gain. Traffickers may be freelancers or members of organized criminal networks. They may recruit and find potential victims through advertisements in local newspapers offering good jobs at high pay in exciting cities or use

fraudulent travel, modeling and matchmaking agencies to lure unsuspecting young men and women into trafficking schemes. A trafficker may be a family friend or someone well-known within the community who is able to convince the families that their children will be safer and better taken care of in a new place. Traffickers often mislead parents into believing that their children will be taught a useful skill or trade - but the children end up enslaved in small shops, on farms, or in domestic servitude. Traffickers also promise parents that they will marry their daughters - but the girls are forced into prostitution. Traffickers also kidnap and abduct victims.

What Is the Scope and Magnitude of the Problem? No country is immune from trafficking. A recent U.S. Government estimate indicates that approximately 800,000- 900,000 people annually are trafficked across international borders worldwide and between 18,000 and 20,000 of those victims are trafficked into the United States. This estimate includes men, women, and children trafficked into forced labor and sexual exploitation as defined in the Trafficking Victims Protection Act of 2000. This estimate does not include internal trafficking. The new figures were generated from a database that examined reports of specific trafficking incidents, counts of repatriated victims, estimates for victims worldwide, and victim demographics derived from analysis of information from press, governments, non-governmental and international organizations, and academic reports from 2000 to the present.

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THE TOLL OF TRAFFICKING

Populations vulnerable to trafficking are growing with potentially disastrous effects on the entire world community. The number of orphans in many developing countries is rising dramatically, thanks to civil conflicts and HIV/AIDS. The rapid rise of child-headed households is creating fertile ground for traffickers.

Trafficking is a Human Rights Violation and a Crime. Traffickers violate the universal rights of all persons to life, liberty, and freedom from slavery in all its forms. Trafficking undermines the basic need of a child to grow up in a protective environment and human right of children to be free from sexual abuse and exploitation. Hundreds of men, women, and children die in transit or upon arrival at their destination. Thousands of victims are killed for refusing to submit to forced labor or sexual slavery, or for trying to escape. Others die from contracting diseases or suffering abuse during their enslavement.

Trafficking Increases Social Breakdown and Promotes Crime. The loss of family support networks makes the trafficking victim more vulnerable to the traffickers' demands and threats and contributes to the breakdown of societies. For families and communities, trafficking weakens parental authority, undermines extended family relationships, and eliminates the family's nurture and moral development of children. Trafficking interrupts the passage of knowledge and cultural values from parent to child and from generation to generation, weakening a core pillar of society. Victims who do return to their communities may be more likely to become involved in criminal activity.

Trafficking Deprives Countries of Human Capital. Trafficking has a negative impact on the labor market in countries, according to the ILO, contributing to an irretrievable loss of human

resources for developing countries. Long-term effects of trafficking include depressed wages for all workers, a lower number of individuals left to care for an increasing number of elderly persons, social imbalances in the proportion of males to females, and an undereducated generation. Forcing children to work at an early age and subjecting them to 10 to 18 hours of work per day denies them access to the education necessary to break the cycle of poverty and illiteracy that makes conditions ripe for trafficking. At-risk individuals cannot acquire the skills necessary to compete in their country's labor market, leaving national labor forces ill-equipped to compete in the global economy, where success is based on skilled workers.

Trafficking Undermines Public Health. Trafficking brutalizes men, women, and children, exposing them to rape, torture, and to HIV/AIDS and other sexually transmitted and infectious diseases, violence, dangerous working conditions, poor nutrition, and drug and alcohol addiction. Increasing numbers of adults and children trafficked into prostitution as well as street children are contracting HIV/AIDS. Trafficked children are less likely to participate in immunization programs, defeating government efforts to eradicate early childhood diseases. Severe psychological trauma from separation, coercion, sexual abuse, and depression often leads to a life of crime, drug and alcohol addiction, and sexual violence.

Trafficking Subverts Government Authority. Many governments do not exercise control over the entire national territory. Trafficking operations thwart government attempts to exert that authority while undermining public safety, particularly the security of vulnerable populations. Some governments are unable to protect women and children, who have been kidnapped from their homes, schools, or refugee camps. Moreover, the bribes traffickers pay challenge a government's ability to combat corruption among law enforcement, immigration, and judicial officials.

Trafficking Funds Illicit Activities and Can Feed Organized Crime Activities. The profits from human trafficking may strengthen criminal groups by funding other illicit activities while weakening government attempts to establish rule of law. Organized criminal groups, gangs, document forgers, brothel owners, and corrupt police or immigration officials funnel trafficking profits into both legitimate and criminal activities. Human traffickers are often highly successful because of links with other transnational criminal groups, such as arms dealers, drug traffickers, and car theft rings, which provide them with safe and tested routes, access to cash, forged documents, and officials to bribe.

Excerpts from the ILO Report

Unbearable to the Human Heart: Child Trafficking and Action to Eliminate It

<http://www.ilo.org/public/english/standards/ipecc/publ/childtraf/unbearable.pdf>

Commercial Sexual Exploitation

(pp. 16-19)

Trafficking of girls (and less often boys) for commercial sexual exploitation is widespread, and encompasses all patterns of trafficking: internal, cross border, inter-regional, and international. Although most child sex abusers are local men, regions well known for sex tourism are also frequent destinations for trafficked children brought in to satisfy foreign tourists, underlining the demand-driven nature of this particular form of exploitation. Importantly, recent research shows that in most parts of the world the prostitution of children is an extension of the adult sex trade, with most abusers being regular prostitute users who may, or may not specifically have an interest in purchasing sex with minors. This means that, to a large extent, the trafficking of children into commercial sexual exploitation follows patterns of trafficking in women into the sex trade, and/or patterns of growth in the commercial sex sector. Trafficking for commercial sex occurs in myriad ways.

Women and girls may themselves take the initiative to migrate in the hope of earning a decent income, escaping a miserable life, or supporting a family back home. In such cases, they are sometimes aware that they are going to work in commercial sex, considering this to be an acceptable short-term remedy to a desperate need to earn a living. They very rarely, however, are aware of the nature of the demands that will be made upon them, the conditions in which they are likely to be held or the possible long-term repercussions of the activity (including reproductive illnesses and social exclusions). Research shows that children suffer especially severely in the commercial sex trade: they are forced to accept large numbers of clients, can almost never negotiate safe sex, are often beaten or otherwise ill-treated. Because of the illegal and clandestine nature of prostitution of children, their 'keepers' most regularly keep them locked away from public view, depriving them not only of access to education and health facilities but even of fresh air and exercise.

Both adults and minors entering sex trade may in other cases be recruited by small-scale, individual traffickers or well-established placement agencies, sometimes under false pretences, entering into a form of debt bondage on behalf of their family or to raise money in situations of intense need. In fewer but not insignificant cases, they may be kidnapped and sold, for example by criminal gangs who have links into cross-border crime syndicates, or by militia. Regardless of whether it has been initiated voluntarily or under threat of force, commercial sex is hazardous, exploitative work that puts women and girls at serious risk of ill health, including STDs and HIV/AIDS, reproductive illnesses, premature pregnancy, confinement and physical and mental abuse. In some cases, the victims are forcibly transferred from place to place so that their exploiters can make new profits (resulting also in their being more difficult to trace).

In Africa, girls are trafficked for commercial sex to developed countries, for example, Nigerian girls to Italy, Belgium and the Netherlands. Estimates of children in prostitution in South Africa range between 28,000 and 30,000, approximately half of whom are between 10 and 14 years of age, half of whom are between 15 and 18. Young girls exploited in commercial sex arrive from different parts of the region – Mozambique, Angola, Zimbabwe, Lesotho, Swaziland, Zambia, Cameroon, Malawi, Rwanda, Senegal, Kenya, the United Republic of Tanzania, Uganda, and Ethiopia.

Much of the trafficking of women and children in the Americas and the Caribbean is tourism-driven, with the destination being resort areas and the high demand for commercial sex by visitors and sex tourists. The same patterns of exploitation, recruitment and trafficking appear in Mexico, Costa Rica, Brazil, Guatemala and El Salvador. Because of its geographical position, Mexico is a major transit country. There is also considerable internal trafficking of girls for commercial sex to Mexican tourists resorts.

Japan is reported to be the largest market in the Far East for non-Japanese women in the sex trade, with some 150,000 mainly Asian women involved. There is no age disaggregation in these statistics and they very likely include girls below 18 years of age. The Japanese Immigration Bureau, Ministry of Justice, reports that such illicit movement and entry to Japan is arranged by international crime organizations, which are often violent and heavily implicated in exploitation, debt accrual and the forging of documents.

The trafficking of both women and children out of the countries of Central Asia and the CIS is highly organized and widespread. The troubled political and economic transition in these countries underlies a disturbing trend of many disenchanted adolescents turning to cheap alcohol and substance abuse and using prostitution as a way to raise cash. Many adolescents engage in prostitution while still at school, sometimes through pimp 'boyfriends'. The children also move to wherever demand is greatest and the opportunity to earn money is the most promising, generally cities, industrial areas or tourists zones.

The location of these regions in the middle of the land mass that includes Eastern and Western Europe, the Middle East and Gulf states and Asia, makes them ideally situated for the movement of people, both transit and outgoing. Young women are trafficked from Russia, Ukraine and Lithuania to Western and Eastern Europe, particularly Germany and Poland. Georgia and Kazakhstan are also source countries for both girls and boys who are trafficked not only for sexual exploitation but also for labour exploitation to Turkey, Greece, Israel, South Korea, the United Arab Emirates and Western Europe.

In Western Europe, there is a growing demand for commercial sex services, and this has created a market in trafficked women and girls from all over the world. Growth in the commercial sex trade has led to unmet demand and an influx of both adult prostitutes and trafficked women and children to meet this demand. European police forces report that the substantial profits available to traffickers of women and girls for the sex trade in Europe have prompted growing interest from large-scale international groups, who provide their infrastructure – trafficking routes, corrupt border guards, transport and secure locations – to often smaller-scale traffickers. In this

way, the organized crime syndicates stand to make substantial profits on the backs of smaller trafficking groups by effectively ‘selling services’.

There is significant inter-regional trafficking from Eastern to Western Europe; young women and adolescents are trafficked from Bulgaria, Romania, Ukraine, the Czech Republic, Slovakia, Hungary and the Balkans into Western Europe. Italy is a destination and transit country for young women and girls from Albania, the CIS, China, Nigeria, and South America, with some 80 percent being below the age of 20, and the most represented age group being 14-18 years old. The International Organization for Migration (IOM) estimates that between 2,000 and 6,000 women and girls may be trafficked each year into Italy. Switzerland, France, the Netherlands and the United Kingdom (UK) are all also destination countries.

Trafficking is a significant and growing problem in South-East Asia, both within countries and across the region. It has been estimated that 200,000-250,000 women and children in the region are trafficked every year. Many trafficked Cambodian children end up in the sex industry in Phnom Penh and Sihanoukville, although there is also movement of girls into the sex trade in Thailand. Girls are trafficked into Cambodia’s brothels from Southern Vietnam, which also faces a serious problem of trafficking of rural children into the sex sector in large urban centers such as Hanoi and Ho Chi Min City, and from northern Vietnam into China to be sold as wives or for labour exploitation. Children from Lao PDR and Myanmar are trafficked into Thailand for a number of purposes including sexual exploitation. Small numbers of children from Yunnan Province of China are trafficked into the sex sector in Thailand through Lao PDR and Myanmar, although most trafficking from this province is domestic.

According to the US Department of State, some 150,000 South Asians are trafficked every year. Both boys and girls are trafficked internally and across borders, principally into other countries in the region, the Middle East and South-East Asia. This parallels a general increase in illegal and undocumented migration within the region. Within the region, also, the prevalence of commercial sex outlets at many levels (low-class brothels, high-class escort services, etc.) coupled with increasing rates of HIV/AIDS and STD infection, provides a ready market for those who exploit children for commercial sex. It has been reported that, of the approximately 200,000 sex workers trafficked from Nepal to India, 40,000 are below 16 years of age. Recent ILO-IPEC Rapid Assessment research suggests a speculative figure of 12,000 children per year.

In the middle of East and North Africa, women and girls come from a number of regions, pulled by the demand for commercial sex and wide economic disparities that make the Gulf States, in particular, a potentially profitable market for traffickers and exploiters.

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Note: this excerpt does not contain footnotes. Please consult the original report for all footnotes found on pages 16-19 of this report.

Human Rights and International Labor Standards

PROMOTING AND PROTECTING THE DIGNITY OF EVERY INDIVIDUAL

"Human rights are the foundation of human existence ... Human rights are universal, indivisible and interdependent ... Human rights are what make us human. They are the principles by which we create the sacred home for human dignity. "

--Kofi Annan
UN Secretary-General

"Human Rights must be at the center of international agenda if the world is to achieve peace and justice"

--Mary Robinson
Former UN High Commissioner for Human Rights

The notion of human rights has been a part of human history for as long as we can remember. As stated by Professor Burns Weston, one of the leading scholars on international human rights, "most students of human rights trace the origins of the concept to ancient Greece and Rome, where it was closely tied to the doctrines of the Stoics, who held that human conduct should be judged according to, brought into harmony with, the law of nature." He then cites *Antigone*, a play in which "the title character, upon being reproached by King Creon for defying his command not to bury her slain brother, asserted that she acted in accordance with the immutable laws of the gods." The essence of this idea is that citizens can challenge authorities based on higher principles such as human rights.

Though human rights ideas date back to ancient times, the formal recognition of human rights is dated in 1945 when the United Nations Charter was adopted, affirming "faith in fundamental human rights, in the dignity and worth of the human person." Furthermore, the Charter sets one of the goals of the United Nations to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." It was

followed by the adoption of the Universal Declaration on Human Rights (UDHR) in 1948. Since then, a series of international conventions were also adopted to breathe life into the idea of human rights. Some of these conventions have focused on specific themes, such as women, refugees, labor conditions, and children. For example, the UN Convention on the Rights of the Child (CRC), adopted in 1989 by the UN General Assembly, is a cornerstone document and specifically aims to achieve the realization of the human rights of all children.

While there are many conventions dealing with the rights of children, two merit some attention by all students. The CRC obligates governments to protect all children and help them to develop to their fullest potential. Article 32 of the CRC obligates governments to protect children from economic exploitation. Article 34 prohibits the exploitation of children for sexual purposes. The International Labor Organization (ILO) has a number of conventions to promote a more humane and safe working conditions for all, including children. One convention merits discussion and understanding. Because of growing international consensus on the need to address some of the worst forms of child labor, the International Labor Conference, the governing body of the ILO, adopted Convention No. 182 (Convention on the Worst Forms of Child Labor or C182) in 1999. The four worst forms of child labor identified spelled out in C182 include 1) slavery or practices similar to slavery, which includes sale and trafficking of children, 2) child prostitution and pornographic production and performances, 3) children in illicit activities, and 4) work considered to be hazardous to the child.

The adoption of human rights conventions at the United Nations as well as at the International Labor Organization provides the foundation for legal protection of children. Most governments have signed and ratified these conventions, legally binding them to take necessary steps to promote and protect the rights all citizens, including children. These obligations may include the passing of domestic legislation to protect children from abuse and exploitation. Laws are not the only solution, but it is an important start to protect citizens. As stated in *Conditions of Work Digest* “although the fight against child labor will not be won through legislation, it certainly cannot be won without it. Child labor laws can play a catalytic and supportive role in efforts to establish a more humane order and in prodding society to give the child the best it has to offer” (Geneva, ILO, Vol. 1, 1991). Adopting domestic laws is the necessary foundation, and therefore important to the larger process of realizing children’s human rights and protecting them from abusive and exploitative labor.

Below are excerpts of some important articles related to the protection of children from exploitative and abusive child labor. Please note that this is not exhaustive by any definition. The list below is provided to introduce you some of the important conventions relevant to children. For full text, consult the United Nations High Commissioner for Human Rights website which will have links to international human rights conventions. Click on www.unhchr.ch to get to this site.

Universal Declaration of Human Rights

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

UN Convention on the Rights of the Child

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all;

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;*
- (b) Provide for appropriate regulation of the hours and conditions of employment;*
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.*

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;*
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;*
- (c) The exploitative use of children in pornographic performances and materials.*

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

International Labor Organization Convention No. 182

(commonly referred to as the Convention on the Worst Forms of Child Labor or C182)

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;*
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;*
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;*
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.*

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

(commonly referred to as the Palermo Protocol)

Article 2: Statement of Purpose

The purpose of this Protocol are :

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;*
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and*
- (c) To promote cooperation among State Parties in order to meet those objectives.*

Article 3: Use of terms

For the purpose of this Protocol:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in*

subparagraph (a) of this article shall be irrelevant where any of the means set forth in

subparagraph (a) have been used;

- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;*
- (d) “Child” shall mean any person under eighteen years of age.*

Article 5: Criminalization

- 1. Every State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.*
- 2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences.*

For a more concise discussion of the history and idea of human rights, please consult:
Burns H. Weston, "Human Rights" in the Encyclopaedia Britannica. Available in PDF format at the UI Center for Human Rights website: <http://web.uichr.org/resources/eb/index.shtml>
**Quotes by Weston is also found in this article.*

SELECTED BIBLIOGRAPHY AND FURTHER READING

There are extensive resources on trafficking available in print and on the internet. This section contains just a few selected books, reports, and internet resources to get you started on your research and to help you prepare for implementing this module.

BOOKS AND REPORTS

ILO, Unbearable to the Human Heart: Child Trafficking and Action to Eliminate it
International Programme on the Elimination of Child Labor (IPEC), Geneva, 2002
Available on the internet in PDF format at:

<http://www.ilo.org/public/english/standards/ipec/publ/childtraf/unbearable.pdf>

Francis T. Miko and Grace Park, “Trafficking in Women and Children: The U.S. and International Response,” (Congressional Research Service, Library of Congress, 2002)
Available on the internet at:

UNICEF “profiting from abuse: an investigation into the sexual exploitation of our children”
(United Nations Children’s Fund, New York, 2001) Available on the internet in PDF format at:
<http://www.unicef.org/emerg/profitng.pdf>

UNICEF, “Human Rights for Children and Women: How UNICEF Helps Make Them a Reality,” (United Nation Fund for Children, New York, undated)
Available on the internet in PDF format at http://www.unicef.org/publications/index_5587.html

UNICEF, “Trafficking in Human Beings, Especially Women and Children, in Africa” (UNICEF Innocenti Research Centre, Florence, 2003)

U.S. Department of State, Trafficking in Person Report 2003
Available on the internet at: <http://www.state.gov/g/tip/rls/tiprpt/2003>

INTERNET RESOURCES

World Congress: <http://www.csecworldcongress.org/en/index.htm>
Resources on the 1996 Stockholm meeting and the 2001 Yokohama meeting.

ILO-IPEC : <http://www.ilo.org/public/english/standards/ipec/>
Click on “Subject Areas” then scroll down to “Child Trafficking.” Useful publications and links on this subject. Most IPEC reports are readily available in PDF.

UNICEF: <http://www.unicef.org/publications/>

You can search for publications by subject, region, title, and date. Most reports are readily available in PDF.

Interpol: <http://www.interpol.int>

Click on “Children and Human Trafficking.”

Protection Project: www.protectionproject.org

Equality Now: <http://www.equalitynow.org/>

International Centre for Missing and Exploited Children: <http://www.missingkids.com/>

Child Labor Module Series

Child Trafficking and Sexual Exploitation

LESSON 2

A Century of Efforts to Combat

Trafficking of Children

“Child trafficking occurs within countries, across borders and between regions...leaving a trail of stolen dreams and shattered lives in its wake....national governments must commit themselves to prevent, protect and prosecute. And internationally, we all must agree to tackle this problem together.”

-- Queen Rania of Jordan

Speech delivered at the ILO on

“World Day Against Child Labour”

June 12, 2003

LESSON 2



Nearly a Century of Effort: Where Do We Stand Today?

LESSON OVERVIEW

Trafficking of human beings is one of the most challenging human rights problem of our time. But it is only until recently that this issue has become prominent on the agenda of international governmental and non-governmental organizations. With the adoption of the UN Convention on the Rights of the Child and the ILO Convention No. 182 (C182), trafficking of children was deemed a violations of children's rights and certainly one of the worst forms of child labor akin to modern-day slavery.

In this lesson, students will trace the development of various world events, including international conferences as well as the adoption of major conventions. Throughout the process, students will gain insight into the challenge of dealing with this issue and be introduced to concepts such as international human rights conventions and intergovernmental organizations.

This timeline activity helps students to reflect on the growth of efforts over the past century that have helped to define and develop solutions to the problem of child labor giving special attention to the subject of sexual exploitation. Through group and individual work students will analyze the multi-faceted approaches that have been taken toward the problem and begin to develop an opinion about what needs to be done to find a better solution today.

LESSON OBJECTIVES

Students will be able to:

- Recognize and explain the role of various world events and how they might relate to the effort to combat trafficking children of for the purpose of sexual exploitation
- Gain understanding about the work of two important intergovernmental organizations, the International Labor Organization (ILO) and the United Nations (UN).

CONCEPTS

- International human rights conventions
- Intergovernmental organizations (UN and ILO)
- Outcome documents of world conferences

FOCUS QUESTIONS

- What kind of institutional processes have been established in the effort to combat trafficking of children for sexual exploitation?
- Who have been working on this issue and what progress has been made?
- What role do children themselves play in this global effort to fight trafficking of children?

EQUIPMENT AND MATERIALS:

- Handout A: *Timeline of World Events* (set of 12 included)
- Handout B: *Timeline* [student desk version] for note taking
- Handout C: *Jump Rope for Protection* picture
- Markers or crayons and construction paper for backdrop of timeline sections
- Brightly colored yarn or string for jump rope poster (Handout C)
- Student copies of the UN Convention on the Rights of the Child, available at <http://www.unhchr.ch>

SUGGESTED DURATION

1-2 class periods

COURSE CONNECTIONS

World history, Geography, Current Events, Social Studies

SUGGESTIONS FOR TEACHING THE LESSON

Step 1: Have students form groups of two. Give each group give one of the Timeline posters (Handout A). Students will read the information concerning the convention covered on their poster and answer the following questions which they will share with the class in short presentations (this may be difficult for them to comprehend on their own, be sure to offer guidance if needed):

- a) What were the main goals or purposes of the event?
- b) What significance did this convention have for the efforts to stop the trafficking of children for the purpose of sexual exploitation?

Also have students create on their posters a collage by using magazine cutouts to symbolize the points of their convention.

Provide students with Handout C so they can record the facts from each presentation on their individual desk versions of the Timeline. A key is included to help direct students in the understanding that each convention/event helped to further the efforts at stopping this crime and that many different approaches to the problem have been tried over time. Hang the posters on the classroom wall in timeline sequence.

Add a piece of yarn or string through the hands of the jumper then hang all the pictures around the room as each student shares their human rights interpretation with the class. The effect is a wonderful reminder of how important children are!

EVALUATION

Assign students to write a short essay that explains their view on the following question:

How has each world event contributed to the global effort to combat trafficking of children, especially for sexual exploitation? How have the children themselves contributed to the entire process? And what does it mean to you, the students, to have this issue recognized as a human rights issue?

Let students know that this essay should help them organize their thoughts about what the organizations do and to analyze the important input that different groups have put into stopping these crimes against children. Also, check to see if students recognize the importance of youth participation in solving this global issue. Use this essay to check for student understanding of the issue and some recognition that more than one organization is necessary in working to combat the sexual exploitation of children.

SUGGESTIONS FOR EXTENDING THE LESSON

Have students create their own visual representations of the UN Convention on the Rights of the Child. Share their efforts with the community by hanging their work in a local business or community center.

SELECTED BIBLIOGRAPHY AND FURTHER READING

International Labor Organization: www.ilo.org

“About the ILO” is useful for basic introduction. Also click on “Site Map” then on “Conventions” to download all ILO conventions.

United Nations: www.un.org

Section on “About United Nations” is useful as an introduction to this intergovernmental organization.

United Nations Treaty Collection: <http://untreaty.un.org/English/treaty.asp>

This is an extremely useful site for UN treaties. Click on “Focus 2001: Rights of Women and Children” (<http://untreaty.un.org/English/TreatyEvent2001/index.htm>) and you will get to a site that will focus on these two issues. The left hand column contains useful links to precise description of each treaty. Highly recommended that you review this site for useful background information.

BACKGROUND READING ON THE UN CONVENTION ON THE RIGHTS OF THE CHILD

Cynthia Price Cohen, “United Nations Convention on the Rights of the Child: Developing International Norms to Create a New World for Children” in Klug and Alaimo (eds) Children as Equals (2002)

Adam Lopatka, “The Convention on the Rights of the Child” in Transnational Law & Contemporary Problems (Volume 6, Number 2, Fall 1996), pp. 251-262

Marilia Sardenberg, “Committee on the Rights of the Child: Basic Processes” in Transnational Law & Contemporary Problems (Volume 6, Number 2, Fall 1996), pp. 263-286

*Timeline of
World Events Related to
Trafficking of Children*

(Set of 12 with Background Materials on each item)

1919

The ILO is founded



International Labour Organization

Source: <http://www.ilo.org/public/english/about/index.htm>

About the ILO

Mandate

The International Labour Organization is the UN specialized agency which seeks the promotion of social justice and internationally recognized human and labour rights. It was founded in 1919 and is the only surviving major creation of the Treaty of Versailles which brought the League of Nations into being and it became the first specialized agency of the UN in 1946.

The ILO formulates international labour standards in the form of Conventions and Recommendations setting minimum standards of basic labour rights: freedom of association, the right to organize, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues. It provides technical assistance primarily in the fields of:

- vocational training and vocational rehabilitation;
- employment policy;
- labour administration;
- labour law and industrial relations;
- working conditions;
- management development;
- cooperatives;
- social security;
- labour statistics and occupational safety and health.

It promotes the development of independent employers' and workers' organizations and provides training and advisory services to those organizations. Within the UN system, the ILO has a unique tripartite structure with workers and employers participating as equal partners with governments in the work of its governing organs.

Director-General: Mr. Juan Somavia

– EXCERPTS –

FACT SHEET ON THE INTERNATIONAL LABOR ORGANIZATION (ILO)

I) What are the origins of the ILO?

The ILO emerged together with the League of Nations from the Treaty of Versailles in 1919, after WWI. It gave expression to the concern for social reform that grew with the industrial revolution, and the conviction that realistic reform had to be conducted on an international plane.

In 1944, the International Labour Conference adopted the Declaration of Philadelphia, which redefined the aims and purpose of the ILO. The Declaration opens with a reaffirmation of the fundamental principles on which the ILO is based, notably that "labour is not a commodity", "freedom of expression and of association are essential to sustained progress" and "poverty anywhere constitutes a danger to prosperity everywhere". The Declaration anticipated and set a pattern for the United Nations Charter and the Universal Declaration of Human Rights. Annexed to the Constitution of the ILO, the Declaration still constitutes the Charter of the aims and objectives of the organization.

In 1946 the ILO became the first specialized agency associated with the United Nations. As of March 2002, the ILO has 175 member states.

II) What are the objectives of the ILO?

The ILO was created primarily for the purpose of adopting international standards to cope with the problem of labour conditions involving "injustice, hardship and privation". With the incorporation of the Declaration of Philadelphia into its Constitution in 1944, the organization's standard setting mandate was broadened to include more general, but related, social policy, human and civil rights matters.

Its four main strategic objectives are to:

- promote and realize fundamental principles and rights at work;
- create greater opportunities for women and men to secure decent employment;
- enhance the coverage and effectiveness of social protection for all;
- strengthen tripartism and social dialogue.

In order to achieve these objectives, the ILO:

- formulates international policies and programmes to promote basic human rights, improve working and living conditions and enhance employment opportunities;
- creates international labour standards which are backed by a supervisory system;
- have extensive programme of international technical cooperation; and
- train, educate, carry out research and publishes activities to help advance all these efforts.

III) What is the Tripartite Structure?

The tripartite structure of the ILO makes it unique among world organizations. Employers' and workers' representatives - the "social partners" of the economy - have an equal voice with those of governments in shaping its policies and programmes. The ILO encourages tripartism within member states as well, by promoting a "social dialogue" which involves trade unions and employers in the formulation and implementation of national policy on social and economic affairs and other issues.

IV) What are International Labour Standards?

Since 1919, the ILO has built up a system of international standards in all work-related matters, in the form of international labour *Conventions and Recommendations*. ILO Conventions are international treaties, subject to ratification by ILO member states. Recommendations are non-binding instruments - typically dealing with the same subjects as Conventions - which set out guidelines orienting national policy and action. Both forms are intended to have a concrete impact on working conditions and practices in every country of the world.

By the end of 2001, the ILO had adopted 184 Conventions and 192 Recommendations covering a broad range of subjects such as the abolition of forced labour, freedom of association and collective bargaining, equality of treatment and opportunity, employment promotion and vocational training, social security, conditions of work, prevention of work-related accidents, maternity protection, protection of migrants and other categories of workers such as seafarers, nursing personnel or plantation workers.

The Governing Body decided that eight of these Conventions should be considered fundamental to the rights of human beings at work, implemented and ratified by all member states of the organization. These are called "Fundamental ILO Conventions".

Preamble of the ILO Constitution

Source: <http://www.ilo.org/public/english/about/iloconst.htm#pre>

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment the **protection of children, young persons** and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organization:

1930



International Labour Organization

Forced Labor Convention

also known as C29

is adopted by the International Labor
Conference

Source: <http://www.ilo.org/ilolex/english/convdisp1.htm>

C29 Forced Labour Convention, 1930

Convention concerning Forced or Compulsory Labour

Note: Date of coming into force: 01:05:1932. Place: Geneva

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 2

1. For the purposes of this Convention the term *forced or compulsory labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term *forced or compulsory labour* shall not include--

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a

public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

1945



**The United Nations is
founded**

– EXCERPTS –

United Nations Charter

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Source: <http://www.un.org/aboutun/charter/index.html>

PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

- to practice tolerance and live together in peace with one another as good neighbours, and
- to unite our strength to maintain international peace and security, and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed

to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

ARTICLE 1:

THE PURPOSES OF THE UNITED NATIONS ARE:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

BACKGROUND INFORMATION ON THE UNITED NATIONS

How the UN Works

Source: <http://www.un.org/Overview/brief1.html>

The United Nations was established on 24 October 1945 by 51 countries committed to preserving peace through international cooperation and collective security. Today, nearly every nation in the world belongs to the UN: membership totals 191 countries.

When States become Members of the United Nations, they agree to accept the obligations of the UN Charter, an **international treaty** that sets out basic principles of international relations. According to the Charter, the UN has **four purposes**: to maintain international peace and security; to develop friendly relations among nations; to cooperate in solving international problems and in promoting respect for human rights; and to be a centre for harmonizing the actions of nations.

The United Nations is not a world government and it does not make laws. It does, however, provide the means to help resolve international conflicts and formulate policies on matters affecting all of us. At the UN, all the Member States — large and small, rich and poor, with differing political views and social systems — have a voice and a vote in this process. The United Nations has six main organs. Five of them — the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, and the Secretariat — are based at UN Headquarters in New York. The sixth, the International Court of Justice, is located at The Hague in the Netherlands.

1948



The United Nations General Assembly adopts the

Universal Declaration of Human Rights

(UDHR)

Source: <http://www.unhchr.ch/udhr/index.htm>

Universal Declaration of Human Rights

(Selected articles – full text can be downloaded from the above source)

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

1989



The United Nations General Assembly

adopts the

**Convention on the
Rights of the Child
(CRC)**

ABOUT THE CRC

Source: download from : <http://untreaty.un.org/English/TreatyEvent2001/3.htm>

Objectives

The Convention is the principal children's treaty encompassing a full range of civil, political, economic, social and cultural rights. The Convention aims at protecting children from discrimination, neglect and abuse. It grants and provides for the implementation of rights for children both in times of peace and during armed conflict. The Convention constitutes a rallying point and a useful tool for civil society and individuals, working for the protection and promotion of the rights of the child. In many respects, it is an innovative instrument.

Key Provisions

It is the first legally binding international instrument, which provides in a single text universally recognized norms and standards concerning the protection and promotion of the rights of the child.

It is the most rapidly and widely ratified international human rights instrument in the world. Such unprecedented wide participation clearly demonstrates a common political will to improve the situation of children.

The Convention emphasizes the spirit of complementarity and interdependence of human rights by combining civil and political rights with economic, social and cultural rights. It calls for a holistic approach in analysis and recognizes that the enjoyment of one right cannot be separated from the enjoyment of others.

It establishes a new vision of the child, combining provisions aimed at protecting the child through positive action by the State, the parents and relevant institutions, with the recognition of the child as a holder of participatory rights and freedoms.

In so doing, it establishes rights in new areas which were not covered by previous international instruments, such as the right of the child to freely express views and have them given due weight, and the right of the child to a name and nationality from birth. In addition the Convention established standards in new areas including the issue of alternative care, the rights of disabled and refugee children; and the administration of juvenile justice. The need for recovery and social reintegration of a child victim of neglect, exploitation or abuse is also set forth.

The Convention acknowledges the primary role of the family and parents in the care and protection of the child, while stressing the obligation of the State to help families in carrying this task. It calls for positive action by institutions and the State or parents.

It constitutes a useful tool for advocacy and greater awareness of the new perspective of children's rights, and attaches special importance to international cooperation and assistance as ways of achieving the effective protection of children's rights.

SELECTED ARTICLES OF THE CRC

Source: <http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Have agreed as follows:

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

Article 32

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

1996

Source: <http://www.csecworldcongress.org/en/stockholm/index.htm>



**1st World Congress against
Commercial Sexual Exploitation
of Children**

**Stockholm, Sweden
August 27-31 1996**

1st World Congress Against Commercial Sexual Exploitation of Children

OUTCOME DOCUMENT

“Stockholm Declaration and Agenda for Action”

Below are excerpts from the outcome document. The entire outcome document can be downloaded from the official website:

<http://www.csecworldcongress.org/en/stockholm/Outcome/index.htm>

Declaration

1) We, gathered in Stockholm for the World Congress against Commercial Sexual Exploitation of Children, representing the Governments of 122 countries, together with non-governmental organizations, the End Child Prostitution in Asian Tourism (ECPAT) campaign, UNICEF and other agencies within the family of the United Nations, and other concerned organizations and individuals worldwide, hereby commit ourselves to a global partnership against the commercial sexual exploitation of children.

The Challenge

2) Every day, more and more children around the world are subjected to sexual exploitation and sexual abuse. Concerted action is needed at the local, national, and international levels to bring an end to the phenomena.

3) Every child is entitled to full protection from all forms of sexual exploitation and sexual abuse. This is reaffirmed by the Convention on the Rights of the Child, an international legal instrument of universal significance (of which there are 191 State Parties). States are required to protect the child from sexual exploitation and sexual abuse and promote physical and psychological recovery and social reintegration of the child victim.

5) The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.

6) Poverty cannot be used as a justification for the commercial sexual exploitation of children, even though it contributes to an environment which may lead to such exploitation. A range of other complex contributing factors include economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, growing consumerism, urban-rural migration, gender discrimination, irresponsible male sexual behavior, harmful traditional practices, armed conflicts and trafficking of children. All these factors exacerbate the vulnerability of girls and boys to those who would seek to procure them for commercial sexual exploitation.

The Commitment

12) The World Congress reiterates its commitment to the rights of the child, bearing in mind the Convention on the Rights of the Child, and calls upon States in cooperation with national and international organizations and civil society to:

Accord high priority to action against the commercial sexual exploitation of children and allocate adequate resources for this purpose;

Promote stronger cooperation between States and all sectors of society to prevent children from entering the sex trade and to strengthen the role of families in protecting children against commercial sexual exploitation.

Criminalize the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalize all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized;

Review and Revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;

Enforce laws, policies and programs to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities

Agenda for Action against Commercial Sexual Exploitation of Children

The agenda for Action aims to highlight existing international commitments, to identify priorities for action and to assist in the implementation of relevant international instruments. It calls for action from States, all sectors of society, and national, regional, and international organizations.

1999



International Labour Organization

The International Labor Conference

adopts the

Convention on the Worst Forms of Child Labor

(commonly referred to as C182)

***Selected Articles of
C182 Worst Forms of Child Labour Convention, 1999***

Convention concerning the Prohibition and Immediate Action for the

Elimination of the Worst Forms of Child Labour

(Note: Date of coming into force: November 19, 2000)

Place: Geneva

Date of adoption: June 17, 1999

Source: <http://www.ilo.org/ilolex/english/convdisp1.htm>

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2000



THE UNITED NATIONS GENERAL ASSEMBLY

adopts the

Optional Protocol to the
Convention on the
Rights of the Child
on the sale of children, child
prostitution and child
pornography

entered into force on 18 January 2002

Selected Articles of the Optional Protocol to the CRC

Source: <http://www.unhchr.ch/html/menu2/6/crc/treaties/opsc.htm>

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet, held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and believing further in the

importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Have agreed as follows:

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

- (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
 - b. Transfer of organs of the child for profit;
 - c. Engagement of the child in forced labour;
 - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
 - (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
 - (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.
3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.
5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

2000



The United Nations General Assembly

adopts the

The Palermo Trafficking Protocol

(Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime)

Selected text of the Palermo Trafficking Protocol

Source:

General provisions

Article 1

Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2

Statement of purpose

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in person, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

Article 3

Use of terms

For the purposes of this Protocol:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

Article 5

Criminalization

1. Every State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences.

2001

Source: <http://www.csecworldcongress.org/en/yokohama/index.htm>



2st World Congress Against Commercial Sexual Exploitation of Children OUTCOME DOCUMENTS

“The Yokohama Global Commitment 2001”

Below are excerpts from one of the outcome documents. The entire outcome document can be downloaded from the official website:

<http://www.csecworldcongress.org/en/yokohama/Outcome/index.htm>

Section I. Our Follow-up:

We, representatives from governments, intergovernmental organizations, non-governmental organizations, the private sector, and members of civil society from around the world, have gathered together in Yokohama, Japan, at the 2nd World Congress against Commercial Sexual Exploitation of Children (17-20 December 2001) (“the Yokohama Congress”). Five years after the first World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, in 1996, we have reviewed developments as a follow-up process to strengthen our commitment to protect children from sexual exploitation and sexual abuse.

Section II. Our Global Commitment:

We have come together to:

- **reiterate** the importance and the call for more effective implementation of the Convention on the Rights of the Child by States Party and related instruments, and **underline** our belief in the rights of children to be protected from commercial sexual exploitation in the form of child prostitution, child pornography and trafficking of children for sexual purposes;
- **encourage** early ratification of the relevant international instruments, in particular ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- **reaffirm** our commitment to build a culture of respect for all persons based upon the principle of non-discrimination and to eliminate commercial sexual exploitation of children, in particular by sharing the lessons learnt since the first World Congress, and by improving cooperation in this regards;
- **recommit** to the Declaration and Agenda for Action of the first World Congress (“the Stockholm Declaration and Agenda for Action”), and in particular to developing national agendas, strategies or plans of action, designated focal points and comprehensive gender-disaggregated data collection, and effective implementation of measures, including child-rights based laws and law enforcement;

- **reinforce** our efforts against commercial sexual exploitation of children, in particular by addressing root causes that put children at risk of exploitation, such as poverty, inequality, discrimination, persecution, violence, armed conflicts, HIV/AIDS, dysfunctional families, the demand factor, criminality, and violations of the rights of the child, through comprehensive measures including improved educational access for children, especially girls, anti-poverty programmes, social support measures, public awareness raising, physical and psychological recovery and social reintegration of child victims, and action to criminalize the commercial sexual exploitation of children in all its forms and in accordance with the relevant international instruments, while not criminalizing or penalizing the child victims;
- **emphasize** that the way forward is to promote closer networking among key actors to combat the commercial sexual exploitation of children at the international, inter-regional, regional/sub-regional, bilateral, national and local levels, in particular, among communities and the judicial, immigration and police authorities, as well as through initiatives inter-linking the young people themselves;
- **ensure** adequate resource allocation to counter commercial sexual exploitation of children, and to promote education and information to protect children from sexual exploitation, including educational training programmes on the rights of the child addressed to children, parents, law enforcers, service providers and other key actors;
- **reiterate** that an essential way of sustaining global action is through regional/sub-regional and national agendas, strategies or plans of action, that build on regional/sub-regional and national monitoring mechanisms and through strengthening and reviewing existing international mechanisms with a monitoring process, to improve their effectiveness as well as the follow-up of their recommendations, and to identify any reforms that might be required;
- **take** adequate measures to address negative aspects of new technologies, in particular child pornography on the Internet, while recognizing the potential of new technologies for the protection of children from commercial sexual exploitation, through dissemination and exchange of information and networking among partners;
- **reaffirm** the importance of family and **strengthen** social protection of children, young people and families through awareness-raising campaigns and community-based surveillance/monitoring of commercial sexual exploitation of children;
- **commit** ourselves to promoting cooperation at all levels and to combining efforts to eliminate all forms of exploitation and sexual abuse of children worldwide;
- **declare** that the sexual exploitation of children must not be tolerated and **pledge** to act accordingly.

2st World Congress Against Commercial Sexual Exploitation of Children OUTCOME DOCUMENTS

“Young People’s Declaration”

Below is the entire text of the declaration. A PDF version can also be downloaded from the official website: <http://www.csecworldcongress.org/en/yokohama/Outcome/index.htm>

Final Appeal of Children and Young People

At the end of the 2nd World Congress Against Commercial Sexual Exploitation of Children, the whole world still has a gigantic question to answer: when shall we have a world in which life is based on a sense of caring, sharing, true love and the protection of all societies and individuals from all forms of abuse, discrimination and exploitation? A world free from commercial sexual exploitation of children

The importance of the participation of children and young people cannot be overemphasized, with particular reference to the experiential young people who really are the experts on the issue at hand. This is therefore a giant step in the right direction for those who feel they know it better. However, there is still the need for the voices of the children and young people present here today, and of those who cannot be here physically, to be fully considered and incorporated in all agendas for action.

As mentioned by many speakers, those affected directly or indirectly are waiting to hear, see and believe in what actions we are going to take as we leave those very comfortable chairs we are currently sitting on. Where do we go from here? It need not be a question for pondering for anyone now. We expect that every one is leaving Yokohama with a clear sense of direction as to how we, together, are going to make this world a better place to live.

As the Congress is declared closed, as we leave this room, as we hug each other, as we shake hands, as we pack our luggage, as we depart for our various destinations in the planes and cars, as we plan our activities, as we implement, monitor, evaluate and re-plan, please, for the sake of the children and young people of the world – consider the following points:

1. Education, life skills development, awareness raising and advocacy about the UN Convention on the Rights of the Child and CSEC for all sexes and age groups should be one of the most important components of all prevention efforts.
2. Government support for children and young people’s participation in terms of funding, legislation, and human resource development brings us one step closer to finding solutions that are more effective, more appropriate, and more sustainable.
3. There is a need to address gender issues in CSEC, because the way we raise boys and girls in our communities creates male-dominant societies that allow the commercial

sexual exploitation of both girls and boys, including children who identify as homosexuals, transgendered or transsexual.

4. Governments and communities must begin to seriously fight corruption, as it is not only a barrier in our struggle to eliminate CSEC but is also a contributing factor to the continued growth of CSEC.
5. Multi-sectoral cooperation in the fight against CSEC is invaluable. The sharing of knowledge, resources and skills of the government agencies, NGOs, community organizations, children and young people's organizations allows us to increase our reach and multiply our strength.
6. The causes of CSEC are multiple and have an interactive and dynamic relationship. Decisions and actions are better informed by comprehensive research efforts especially on the demand factors (people who buy sex from children).
7. Efforts must be made to ensure that exploiters are the ones punished, not children and young people who have been exploited.
8. There is a need for better harmonization of national legislations in line with international treaties, and cooperation between law enforcement agencies at all levels, as well as strict enforcement, monitoring and evaluation of these laws.
9. The media have a crucial role to play in the eradication of CSEC. Media personnel should endeavor to make provisions for airtime, print space or Cyberspace that would educate the general public about CSEC and related issues, and facilitate the effective participation of young people.
10. Positive cultural, traditional and religious values should be used in the fight against CSEC, and practices that are harmful or that make children vulnerable to CSEC are eliminated.
11. Our cultures are wellsprings of creative ideas and effective means for fighting CSEC. Programmes that aim to combat CSEC should be made with the consideration of this cultural, political and economic diversity, as well as individual differences.
12. There is a need for relevant, long-term, comprehensive and accessible services for those who experience commercial sexual exploitation and who need exiting points and healing.
13. The UN Convention on the Rights of the Child must be used as a guiding tool for all legislation, plans of action, and services related to fight against CSEC. We believe that, if children's rights to survival, development, protection and participation are not ensured, we can NEVER eliminate CSEC.

This appeal is on behalf of all the children and young people of the world to governments and agencies all over the world, including those who could not be here with us; and we expect the

governments and agencies to exhibit their political will to implement the commitments to fight CSEC.

We commit ourselves to share the outcomes with other countries, NGOs, other young people and children, that are not present here.

We promise to exert efforts to build a network of children and young people across the globe, and initiate a fund to facilitate the implementation of CSEC-related activities worldwide.

As we finally **appeal** for the recognition of the above points, **we encourage** all parties to donate to the fund and consider the possibilities of observing a day in recognition of the worldwide struggle against CSEC.

Thank you for your attentive listening.

2002



United Nations

Special Session on Children

ABOUT THE UNITED NATIONS SPECIAL SESSION ON CHILDREN

Source: <http://www.unicef.org/specialsession/index.html>

World leaders 'Say Yes' for children

From 8 to 10 May 2002, more than 7,000 people participated in the most important international conference on children in more than a decade, the Special Session of the UN General Assembly on Children, at which the nations of the world committed themselves to a series of goals to improve the situation of children and young people.

The Special Session was a landmark, the first such Session devoted exclusively to children and the first to include them as official delegates. It was convened to review progress since the World Summit for Children in 1990 and re-energize global commitment to children's rights.

About 70 Heads of State and/or Government, prime ministers or their deputies, together with many high-ranking government delegations came to New York to take part in the Session. Four governments had youth representatives address the General Assembly on behalf of their respective countries (the Netherlands, Norway, Sweden and Togo).

In addition, the Special Session benefited greatly from an extraordinary array of leaders from civil society, including non-governmental organizations, cultural, academic, business and religious groups, and eminent personalities such as Nelson Mandela and Bill Gates, Jr.

UN Secretary-General Kofi Annan, in his opening statement to the General Assembly, addressed the children of the world. "We, the grown-ups, have failed you deplorably,..." he said, adding, "One in three of you has suffered from malnutrition before you turned five years old. One in four of you has not been immunized against any disease. Almost one in five of you is not attending school.... We, the grown-ups, must reverse this list of failures."

Carol Bellamy, UNICEF Executive Director, echoed his concern for the need to accelerate progress for children. "If we want to overcome poverty and the instability it breeds, we must start by investing in our young people," she said. "I implore national leaders to seriously examine their records on children. Are you getting all your children into the classroom? Are you protecting all your children against disease? Are they safe from abuse, exploitation and violence? Unfortunately, we already know the answers. We know we have work to do."

An impressive number of government representatives - 187 - took the floor during the plenary debate at the General Assembly. Leaders took stock of progress for children made since the 1990 World Summit for Children. And most concurred with the conclusions of the Secretary-General in his end-decade report, *We the Children*, which stated that much work had been accomplished but much still remained to do. Speakers said they saw the Special Session as a sign of hope and the outcome document as a pledge by the international community to act together to address pressing issues and build a world fit for children, supporting a new set of goals established by participants at the Special Session.

Excerpt from “World Fit for Children” document

Source: <http://www.unicef.org/specialsession/wffc/index.html>

(scroll to bottom of page to download the entire document in PDF format)

Note: this is the outcome document adopted by the General Assembly on October 11, 2002 (A/RES/S-27/2). The following text is an excerpt related to trafficking and sexual exploitation

Elimination of Trafficking and Sexual Exploitation of Children

40. Take concerted national and international action as a matter of urgency to end the sale of children and their organs, sexual exploitation and abuse, including the use of children for pornography, prostitution and paedophilia, and to combat existing markets.
41. Raise awareness of the illegality and harmful consequences of sexual exploitation and abuse, including through the Internet, and trafficking in children.
42. Enlist the support of the private sector, including the tourism industry and the media, for a campaign against sexual exploitation of and trafficking in children
43. Identify and address the underlying causes and the root factors, including external factors, leading to sexual exploitation of and trafficking in children and implement preventive strategies against sexual exploitation of and trafficking in children.
44. Ensure the safety, protection and security of victims of trafficking and sexual exploitation and provide assistance and services to facilitate their recovery and social reintegration.
45. Take necessary action, at all levels, as appropriate, to criminalize and penalize effectively, in conformity with all relevant and applicable international instruments, all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child prostitution, paedophilia, child pornography, child sex tourism, trafficking, the sale of children and their organs, engagement in forced child labour and any other form of exploitation, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration.
46. Monitor and share information regionally and internationally on the cross-border trafficking of children; strengthen the capacity of border and law enforcement officials to stop trafficking and provide or strengthen training for them to respect the dignity, human rights and fundamental freedoms of all those, particularly women and children, who are victims of trafficking.
47. Take necessary measures, including through enhanced cooperation between Governments, intergovernmental organizations, the private sector and non-governmental organizations to combat the criminal use of information technologies, including the

Internet, for purposes of the sale of children, for child prostitution, child pornography, child sex tourism, paedophilia and other forms of violence and abuse against children and adolescents.

2004

Children's World Congress on Child Labor

Florence, Italy

Children's Declaration

Children's World Congress on Child Labor

Source: Global March Against Child Labor
<http://globalmarch.org/worldcongress/dec.php3>

We are the Present, Our Voice Is the Future

10-13 May 2004

We, the delegates of the Children's World Congress on Child Labour, have come to the city of Florence, Italy, from all different parts of the world, speaking different languages, growing up with different cultures and backgrounds, because we all know that child labour must be eliminated.

Although our Congress has been successful, we are missing some of our important delegates. These children were already selected to participate in the Congress. But, these children did not get visas necessary to come to Italy because the Italian government thought them as a security risk. These children who were not allowed to attend, felt very discriminated. We all missed their ideas at the Congress, because these children are from the regions where child labour is most common. At the next Congress, we would like to see them participate because their voice is their vision and the world must hear it.

Each country had a different selection process to choose the delegates. All children who participated in the selection process had either faced child labour in their own experience or had learned about it and joined the fight against child labour. With the passion and desire to solve this terrible crime against 246 million children around the world, we were all qualified to take part in this Congress. This is why the discussions for the last 3 days have been very fruitful.

This is the responsibility, of all including the business sector and others who hold the power to help us in our struggle.

Before we even start to discuss about child labour, we must appreciate that the only way the children can have their rights is in the situation of peace. Peace is the most basic human right. We have to ask ourselves why everyone is not able to have something so fundamental. While living in peace, every child has not only a better chance of getting their rights, but also has a stronger potential to improve the world for their generations and those to come.

When we started discussing about child labour, we found that many issues were common to all different parts of the world. We heard personal stories from the children about; child trafficking, sexual exploitation, working on fishing boat, cleaning car, selling things on street or in market, pornography, collecting garbage, transportation and shipping, brick making and demolishing, the making of medical utensils and other dangerous materials, drug trafficking, domestic servants,

bounded labourers, farming, mining, weaving carpets, child soldiers, working in factories and sweatshops. These children are misused everyday and have no one to speak for them.

While most people and governments are aware these problems exist, they are hidden or just ignored. This does not change the fact they all are very dangerous to the physical and mental well being of a child. These forms of child labour must be stopped.

Most of the children have expressed that they are losing faith in the governments because of their empty promises. They have made many promises to end child labour through education and better social services. But they do not act. Their promises are not met with real commitment or resources.

While the governments put an enormous amount of money to weapons and war, there are still children who cannot read or write. They have no homes to live in or food to eat. The government must take the needs of children as a priority. They must provide all that is necessary to live while still protecting our rights.

As it is a responsibility of governments to protect our rights, end child labour, and provide free, equal education or good quality, we have many demands for the governments. When we speak about the governments, we talk not only about the role of national governments but also other governmental bodies at international and regional levels that are responsible for protecting our rights.

First and most importantly, governments must listen to children. The governments make the issues of the children a priority and include the children in the decision-making that affects our lives. Governments must also provide opportunities for children to participate and express their opinions because they are the future as well as the present and their opinion should be valued.

Governments must criminalise child labour but should never criminalise the children. The children are victims of child labour. They must create and carry out laws that strictly punish the adults who have abused children for their own interest. Governments must support the children if they want to bring the cases of them being used as child labourers to court, by providing a free attorney. Children should be able to turn in the people who have abused them without fear of getting trouble. Instead, these children be rescued and rehabilitated.

Governments must fight against trafficking of children. They must enforce the laws they already have. But today's laws may not be enough so they must make more effective ones. The governments in countries where trafficking happens must work together to have laws which can criminalise the traffickers.

Governments must provide compulsory education of quality at free of cost. Schools must provide skilled teachers who are qualified. There should be a mechanism to check that the teachers are doing their job well and these laws to provide education for all children are enforced. The teachers must get paid better. Education must also be provided equally to all children regardless of gender, race, economic status, religion, places of birth, citizenships, caste, disability, indigenesness or languages.

Every country has to make sure the issue of child labour is taught in every school.

Governments should encourage adults to work. Adults should work so they have enough money not to put their children to work. The rights of adults as workers have to be respected. Adult workers always have to be allowed to unionise in their workplace, because the union can help protect them from dangerous working conditions and provide them the minimum wage. It is important that adults are protected as workers so that the children do not have to work.

Governments must establish a National Plan of Action to end child labour. These plans should be made together with children.

Governments must make sure that overseas development aid (ODA) goes directly to its purpose and does not end up in the wrong hands.

Governments must make a system to put some trademarks for the products that are not made by child labourers.

Governments, not only should they work with other governments, they should also work with civil society and trade unions to be at most effective. In return, the civil society must understand the demands of the children and work together with us to watch them closely so that the governments will not fail us again. NGOs also have to use the resources that they have honestly and directly for the children.

It is also parents' responsibility to listen to children.

The children need love, respect and dignity. It is in the hands of parents to provide with happy and stable family life. Parents must take their responsibility and vote. When they vote, they must also speak for the children and vote for someone who respects child rights. If the parents are not acting in the best interest of the child, the state must act on the child's behalf. Parents must talk about issues such as child sexual exploitation or abuse even when they are not comfortable because this is the only way a child will know his or her natural rights of safety and security. Parents must understand the importance of a proper education no matter of the gender of the child.

Having identified the current situation of child labour and our demands to the adults, we now show our commitment and the role in ending child labour.

We, the children, have to start initiatives to spread awareness about child labour in our own local communities and villages. We must educate each other about child labour, from a child to a child to promote child participation.

We must work at national level and establish a Children's Parliament, in every country, that is not just a symbol but a source of power for children to change the situations that we think are wrong. This Parliament would elect a representative to the country's government. These representatives would also meet at a congress at regional and at international to look at the problems at a larger scale, and report back to their governments and local communities.

We have to start a network of children so that we can keep contact with each other to be educated on the issue all over the world. Only while working together, we can have the power to take action and to end child labour. This network will be made up of children from all over the world, and it will spread the stories of child labour and opinions. The network will help us plan more effective actions in our struggle against child labour. The network will also be a medium to report on the governments' falling or not falling their promises among the children of the world.

We believe that the use of art, dance, music and drama as a form of expression and means to spread awareness about child labour is very important. These are ways in which children from any background can connect with, understand and enjoy. There are many ways to spread the message against child labour, beyond borders, through performing art.

We must also use media to spread our voices. We would create our own form of media, such as newspaper developed by the children for the children, for us to freely express our opinion. Media also must be more friendly and tell the truth about child labour and help us combat child labour.

We have to bring the efforts to end child labour out to the villages, where the fight is not as strong. Information about child labour sometimes only reaches cities and people in the villages do not have information about the dangers of child labour. We must get them involved.

We promise to continue to take action to eliminate child labour and make a better world for children. Now, we ask all of you to join us, because only together can we truly achieve freedom for all. In this friendship, we will create a healthy and peaceful world for all.

Today, the power is in our hands. We define the future.

We are the present and our voice is the future!

Children's World Congress on Child Labor

Background Information

Source: Global March Against Child Labor
http://globalmarch.org/worldcongress/why_new.php3

WHY IS THE CHILDREN'S WORLD CONGRESS NECESSARY?

Six years ago, children and adults from around the world marched against child labour. The march across five continents culminated in Geneva, where these voices were instrumental in building worldwide support for a new International Labour Organization (ILO) Convention 182 on the Worst Forms of Child Labour. The convention was unanimously adopted by ILO members, and since then about 149 countries have ratified it.

Despite enthusiastic ratifications, neither ILO Conventions 182 nor 138 (Minimum Age Employment) have been fully implemented, as the treaties require. Moreover, ten years ago, 155 governments promised education for all by 2015 but not much progress on this front has been made. Despite these agreements, today, more than 115 million children are not in school and more than 211 million children between the ages of 5 and 14 are working.

Just as children and youth took the initiative six years ago in the Global March, so did they again in 2004 at the Children's World Congress. At the meeting, they formed a network for worldwide, youth-driven action to press international and national efforts towards integrating world resources and responses on poverty, child labour, and education. This platform included the development of strategies to enhance national support for implementation of ILO Conventions 138 and 182, as well as the 2015 commitment for education for all children.

A PLATFORM FOR THE CHILDREN TO SPEAK...

One out of every six children in the world works as a child labourer. Some children in India weave carpets. Others in Haiti work as domestic servants. Children in Thailand beg on the streets. In Brazil children pick oranges while those in Albania work as prostitutes. Altogether there are 246 million child labourers. Most of them will never go to school.

Children who were rescued from such harsh working conditions and given the chance to receive education have raised voices and shown leadership in spreading awareness on child rights.

But the voices of these children are not being heard by the world leaders and the governments. Many times the governments have promised to help these children out of child labour and give them education. None have succeeded in living up to their promises. They have failed because they failed to listen to the children.

Here lies the significance of the Children's World Congress on Child Labour, which is helping to bridge the huge gap existing between the children, the victims of exploitation and the decision makers of the world. They are sharing their experiences and present the world leaders with a plan of action to end child labour and give education for all.

To facilitate such a process the Global March Against Child Labour gave an opportunity to 200 former child labourers, child activists and school going children a common platform in Florence, Italy from 10-13 May 2004, to communicate their thoughts and demands to the world leaders.

THE REASONS FOR THE WORLD CONGRESS

To give children a platform to share their experiences and learn from one another while discovering other's challenges, accomplishments and dreams in order to further their role as leaders in the struggle against child labour.

To remind governments of the promises they made to children when they ratified ILO Conventions 182 and 138 and the UN Convention on the Rights of the Child, and urge governments to fulfill their obligations ensuring that child labour and education becomes both national and international priority issues.

To enhance and strengthen child participation in all processes of decision-making, ensuring that children's participation becomes an important part of policy-making processes.

To enhance child and youth movements against child labour in order to motivate young people to take actions against child labour.

To urge international organisations to increase their support to programs aimed at eradicating child labour, poverty reduction, achieving universal, free, and quality education for all children.

To urge the international community to take concrete and effective measures to achieve tangible, time-bound goals to eradicate child labour and poverty and aim at achieving universal, free and quality education for all children.

To elicit the interest of more people and organisations to support the cause of the rights of children.

To establish a standing children's committee, selected by World Congress participants, to facilitate the communication and implementation of the decisions made in the World Congress and to represent the voices of children in global, regional, or national discussions or actions on child labour.

The Timeline of World Events

Student Desk Version

Questions to answer on the timeline:

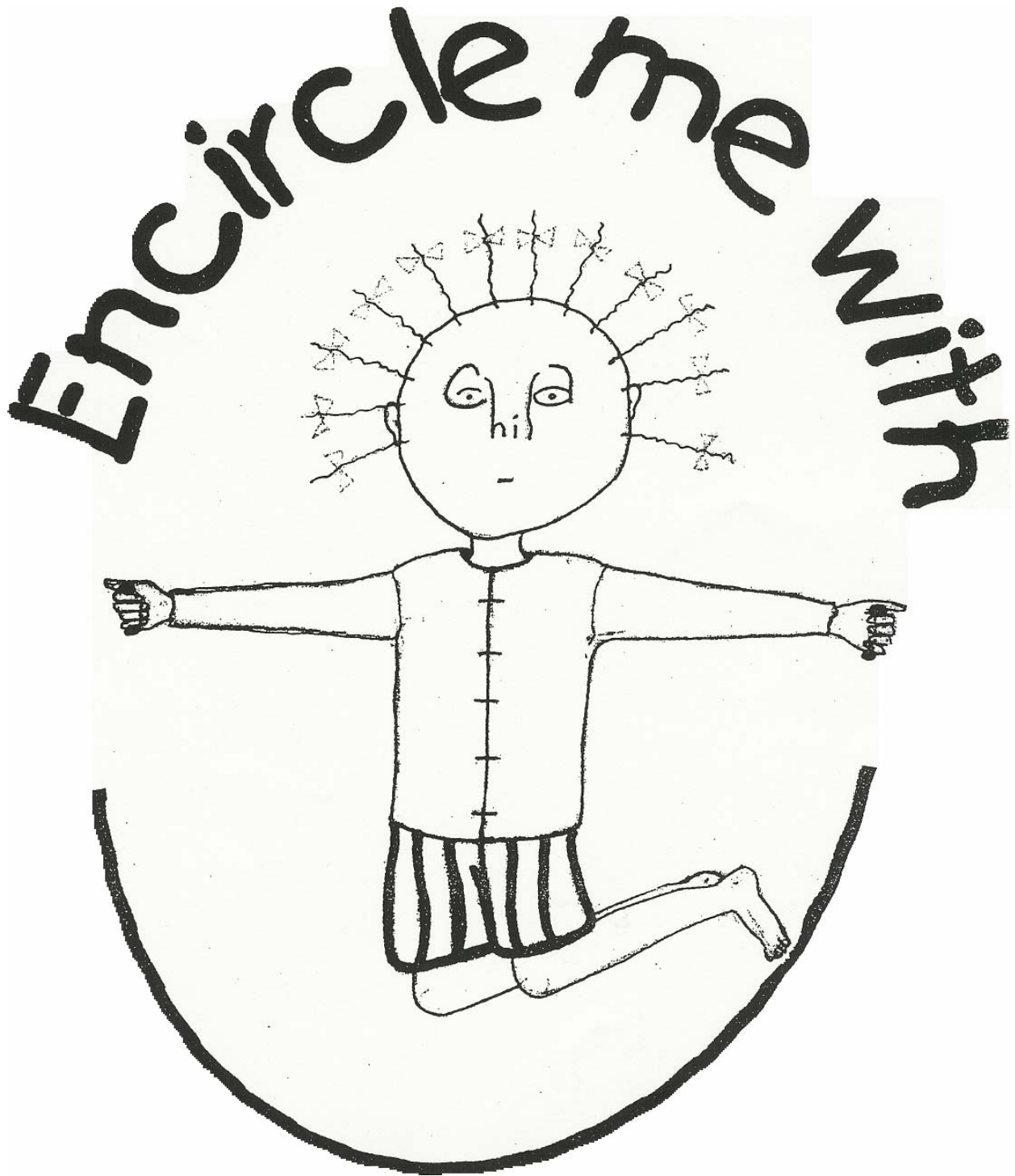
- 1) What did the convention attempt to do?
- 2) What values did the convention have to the efforts to stop trafficking of children for sexual exploitation?

Example

| | | |
|------|---|---|
| 1910 | International Convention for the Suppression of White Slave Trade | 1) Locate and help victims 2) Brought awareness to the problem |
|------|---|---|

| | | |
|------|--|--|
| 1919 | ILO is founded | |
| 1930 | International Labor Conference adopts Convention No. 29 (C29), also known as Forced Labor Convention | |
| 1945 | The United Nations (UN) is founded | |
| 1948 | UN General Assembly adopts the Universal Declaration on Human Rights (UDHR) | |
| 1989 | UN General Assembly adopts the UN Convention on the Rights of the Child | |

| | | |
|------|---|--|
| 1996 | 1 st World Congress Against Commercial Sexual Exploitation is held in Stockholm, Sweden | |
| 1999 | The International Labor Conference adopts the ILO Convention No. 182 (C182) on the Worst Forms of Child Labor | |
| 2000 | UN General Assembly adopts the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | |
| 2000 | UN General Assembly adopts the “Palermo Trafficking Protocol” | |
| 2001 | 2 nd World Congress Against Commercial Sexual Exploitation of Children is held in Yokoham, Japan | |
| 2002 | UN General Assembly holds a “Special Session on Children” | |
| 2004 | Global March convenes the “Children’s World Congress on Child Labor” in Florenc, Italy | |
| | | |



Child Labor Module Series

Child Trafficking and Sexual Exploitation

LESSON 3

Gap Between Laws and Reality: The Challenge of Enforcing Laws on Trafficking and Sexual Exploitation

“It is incomprehensible that trafficking in human beings is taking place in the 21st Century—incomprehensible but true. Trafficking leaves no land untouched, including our own.”

*—Colin Powell
U.S. Secretary of State*

LESSON 3



Gap Between Laws and Reality: The Challenges of Enforcing Laws on Trafficking and Sexual Exploitation

LESSON OVERVIEW

Human trafficking, as mentioned in the other previous lessons, is on the rise and is one of the three most lucrative crimes next to drugs and arms trafficking. Child trafficking is especially prevalent. This human rights violation has no boundary and occurs within a country, within a region, and across the globe.

The rise in this crime has also been met with the rise in global concern for the well-being of children by policy makers, activists working with civil society organizations, as well as those working in national government agencies. Across the globe, a positive trend has emerged. With the adoption of the new ILO Convention No. 182 on the Worst Forms of Child Labor, the adoption of the new UN Trafficking Protocol (commonly known as the Palermo Trafficking Protocol), active involvement by the U.S. Department of State, UNICEF, the ILO, as well as well-known human rights organizations such as Human Rights Watch, there is a trend to adopt or amend domestic legislation to address child trafficking and sexual exploitation.

Some countries have adopted some form of trafficking laws. Others may amend their existing penal code to include trafficking and sexual exploitation. Others may have legislation aimed at protecting children from prostitution and pornography but may not have laws on trafficking. This lesson will expose students to all of the above and will ask students to analyze the content of these laws and the challenges behind effective implementation. At the end of this lesson, they will also take on the role of a Legal Advisor and draft a model legislation on trafficking and sexual exploitation.

LESSON OBJECTIVES

Students will be able to:

- Analyze current laws of four countries and evaluate its content
- Evaluate the effectiveness or inadequacy of laws by examining the gap between law and reality of trafficking situations
- Draft a model legislation on trafficking and sexual exploitation

CONCEPTS

- Source country
- Transit country
- Destination country
- National legislation

FOCUS QUESTIONS

- What kind of laws exist to regulate child trafficking and sexual exploitation
- How effective are these laws in protecting children from trafficking and sexual exploitation
- What does an ideal legislation contain?

EQUIPMENT AND MATERIALS

- Lesson 3, Handout 1 (Evaluating each country's law and situation on trafficking and sexual exploitation)
- Lesson 3, Handout 2 (Preparation for Drafting Law on Trafficking for the Minister of Justice of Japan)
- Country Packet 1 (Cambodia)
- Country Packet 2 (Thailand)
- Country Packet 3 (Philippines)
- Country Packet 4 (Japan)

SUGGESTED DURATION

2-3 class periods

COURSE CONNECTIONS

Current Events, World History, Global Studies

SUGGESTIONS FOR TEACHING THE LESSON

1. Have students form 6 groups of 4-5 students each. Distribute a copy of each country packet to each group. For this lesson, I have picked out four countries (Cambodia, Thailand, the Philippines, and Japan) in East and Southeast Asia to demonstrate the intricate relationship

between each country within the region. However, you can choose other countries and other regions. Each country packet contains an excerpt of one piece of legislation, an excerpt of the U.S. Department of State (DOS) Trafficking in Persons Report 2003, and an excerpt of the selected country from the Factbook on Global Sexual Exploitation.

[**Note to teachers:** if you want to prepare for other countries, there are several sources you can turn to for legislation. See “Selected Bibliography and Further Reading for sites and links to legal resources and reports used in this lesson].

2. Distribute Handout 1 to each group and ask them to follow the instructions for Part A & Part B. After students have completed work on Handout 1, have them come back together as a class. Ask each group to come up in front of the class to present their findings. Teacher should draw out some of the commonalities of each country (i.e. poverty, methods of trafficking, corruption) and note them down on the blackboard or overhead.
3. Distribute Handout 2 to all students. Since Japan currently has no law on trafficking, have students pretend that he or she has been appointed as the Legal Advisor to the Japanese Minister of Justice (MOJ). The Legal Advisor is asked to draft a law on trafficking for Japan. Follow instructions on Handout 2.
4. At the end of the process, have students draft a state or federal law on trafficking and sexual exploitation.

EVALUATION

Gauge students’ understanding of the complexity of trafficking, especially of children, and sexual exploitation. Did students understand the fact that having laws in place does not necessarily result in effective actions against this crime. Did they understand that the having the laws in place does not always result in effective enforcement? Did they understand that the multiple factors, such as corruption, poverty, and the hidden nature of this crime, make it difficult to implementing the laws?

Grade students’ draft legislation and check for their understanding of the need for definitions of what constitutes a violations of the children’s rights, whether they identified the offenders, and whether they were able to prescribe punishment based on the severity of the acts of trafficking and sexual exploitation.

SUGGESTIONS FOR EXTENDING THE LESSON

There are numerous other grassroots activities that students can take part in:

- Call a news conference for school news reporters and the local media. Ask for volunteer students to share their views on the subject and call for community action to help top this crime.
- Have students write letters to the editor of local and state newspapers in which they can articulate their concerns about the issue and present their opinion about what can be done to contribute toward the global effort to fight trafficking and sexual exploitation of children.
- Have students write letters or e-mail to the organizations that they represented in the KICK Conference (see Lesson 4). They can share their legislative ideas with them or make suggestions as to action or just gather more information on the subject.
- Invite lawmakers or other experts such as a law professor specializing in this subject or directors of an organization to your classroom to let students present their draft legislation and engage in conversation about trafficking laws that exists in the U.S. (i.e. Victims of Trafficking and Violence Protection Act of 2000 and any other state or local laws protecting children from sexual exploitation)

Evaluating each country's laws and situation on trafficking and sexual exploitation

Each packet you have been handed has three items to help you gain better understanding of each country: 1) a piece of legislation either on trafficking or some form of sexual exploitation, 2) a U.S. Department of State evaluation of each country in its 2003 *Trafficking in Persons Report*, and 4) an excerpt of facts on global sexual exploitation of the selected country. Complete Part A first by reading the piece of legislation in your packet. As a group, discuss the questions below and prepare notes to share with the class.

PART A: Evaluating the Laws

- Does the law address trafficking and/or sexual exploitation?
- Does the law in question have special provisions concerning children?
- How is a child defined? At what age is a person a child?
- Is the law gender biased in any way?
- Are the offenders defined?
- How does the law punish the offender?
- Does the law punish the victims in any way? Please explain.
- Does the law find certain other related behaviors punishable? Please explain.
- What do you feel are the most important aspects of these laws? Your group should be prepared to discuss your findings with the rest of the class.

PART B: Evaluating the trafficking and sexual exploitation of children of your country

Now that you have read the law, each student should read the excerpts from the U.S. Department of State 2003 *Trafficking in Persons Report* and the *Factbook on Global Sexual Exploitation*. As a group, discuss the following and prepare notes to share with the class:

- Now that you have read the law, what is the reality that exists in each country?
- Is the country a source of child trafficking, a transit, or a destination country? Or is it a combination? Why do you think this is the case?
- Where do the children come from or where are they being sent to? What factors contribute to this pattern?
- What are some of the things the government is doing to address trafficking and sexual exploitation of children?
- Has the government taken steps to enforce the existing law? How?
- What are some of the challenges that you have found in enforcing the existing law?

***Preparation for Drafting Law on Trafficking
For the Minister of Justice of Japan***

A) You are now the Legal Advisor to the Minister of Justice of the Government of Japan. Your job is to help the Minister come up with a draft Law on Human Trafficking that she can introduce to the Japanese legislature, the Diet. List five issues or sections you would like this law to address (examples include defining terms you would like to have included, punishment, etc).

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____

B) In this draft Law on Human Trafficking, you are also required to pay special attention to the sexual exploitation of children. What other considerations do you recommend to be added to the draft law? For example, if the child is below a certain age, should the punishment be more severe or how should girls and boys be treated, what kind of services, etc. Be creative.

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____

C) Take above notes home and finish your assignment by drafting a law. Turn in the draft law to your teacher (the Minister of Justice) at the beginning of the next class.

SELECTED BIBLIOGRAPHY AND FURTHER READING

LEGAL RESOURCES ON TRAFFICKING AND SEXUAL EXPLOITATION

The University of Iowa Center of Human Rights (UICHR) has a Child Labor Legislative Database of 30 countries. Visit www.childlaborlaws.org and this will take you to the homepage of the Child Labor Research Initiative. Click on “Project” to get to the database. On the left-hand side, click “Search” and you can look up laws of all 30 countries.

The Protection Project has text of foreign laws related to trafficking. Visit www.protectionproject.org and go to “Legal Library.” Go to “Text of foreign laws” to search for legislation.

International Police Organization (Interpol) also has legal database of member legislation. Visit <http://www.interpol.int> and click on “Children and Human Trafficking.” To go directly to the site with national legislation, click on <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp>.

REPORTS

U.S. Department of State *Trafficking in Persons* reports, click on <http://www.state.gov/g/tip/rls/tiprpt/> and you will be able to download the 2001, 2002, 2003, and 2004 reports.

Coalition Against Trafficking in Women (CATW) *Factbook on Global Sexual Exploitation* of the can be found at <http://www.catwinternational.org/fb/>. Note that this “factbook” is just a collection of different sources that are combined to give the readers a glimpse into the situation of trafficking and sexual exploitation. CATW notes that they did not contact sources to verify information. Teachers may find contradicting information, which also reflects the reality of the challenges behind accurate statistics related to trafficking and sexual exploitation.

OTHER USEFUL RESOURCES

U.S. Department of State Pathbreaking Strategies in the Global Fight Against Sex Trafficking (Conference Recommendations, February 2003). Available at <http://www.state.gov/g/tip/c8628.htm> or in PDF format at <http://www.state.gov/documents/organization/20942.pdf>. This report contains both recommendations as well as text of keynote speeches by senior officials.

LESSON 3

COUNTRY PACKET #1

Cambodia

– Excerpt –

Cambodia

LAW ON SUPPRESSION OF THE KIDNAPPING, TRAFFICKING AND EXPLOITATION OF HUMAN PERSONS

Source: Kingdom of Cambodia, Office of the Council of Ministers, Council of Jurists
http://www.bigpond.com.kh/Council_of_Jurists/Penal/pen006g.htm

Also available at
www.childlaborlaws.org

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CHAPTER ONE: GENERAL PROVISION

Article 1:

This law has an objective of suppressing the acts of Kidnapping of human persons for trafficking /sale and the exploitation of human persons, in order to rehabilitate and upgrade the respect for good national tradition, protect human dignity and protect the health and welfare of the people.

Article 2:

The kidnapping of human persons for trafficking/sale or for prostitution and the exploitation on human persons, inside or outside of the Kingdom of Cambodia, shall be strictly prohibited.

CHAPTER TWO: KIDNAPPING OF HUMAN PERSONS FOR TRAFFICKING/SALE OR FOR PROSTITUTION

Article 3:

Any person who lures a human person, even male or female, minor or adult of whatever nationality by ways of enticing or any other means, by promising to offer any money or jewelry, even though upon there is or no consent from the concerned person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution, shall be subject to imprisonment from ten (10) to fifteen (15) years. Shall be punished by imprisonment from fifteen (15) to twenty (20) years, in the case where the victim is a minor under the age of 15.

Those who are accomplices, traffickers/sellers, buyers, shall be subject to the same punishment term as which of the perpetrator(s).

Shall also be considered as accomplices, those who provide money or means for committing offences.

All means of transportation, materials and properties that are used during the commission of offences, shall be confiscated as State's property.

CHAPTER THREE: PIMP

Article 4:

Shall be considered as a pimp (male or female) or head of prostitutes, any person:

- 1- who supports or protects one or more persons, by whatever means with knowledge in advance of the act of prostitution of such person(s) or seeks customers for such person(s) for the purpose of prostitution, or
- 2- who regularly shares the benefits obtained from the prostitution acts in any form, or
- 3- who brings men or women by whatever means for a training and convincing them to become male or female prostitutes, or
- 4- who acts as an intermediary by whatever form, to create relationships between male and female prostitutes with the head/owner of a brothel or with a person who provides benefits on the prostitution of other persons, or
- 5- who confines men or women in his/her house or any place, for a purpose of forcing them to commit prostitution to earn money for him/her.

Article 5:

Any male or female pimp or head of prostitutes shall be punished with from five (5) to ten (10) years in prison. In case of repeated offence, double term of the above punishment shall be applied.

Shall be subject to punishment to imprisonment from ten (10) to twenty (20) years, in case if upon a pimp:

- 1- commits an offence onto a minor person of below 15 years old, or
- 2- commits an offence by coercion and violence or by threat or weapon, or
- 3- who is a husband, wife, boy/girl friend, father or mother or guardian, forces a man or woman to commit prostitution, or
- 4- who forces a victim to commit prostitution outside of the country or, a victim who is a foreigner to commit prostitution on the territory of the Kingdom of Cambodia.

The court may, in addition to the above principal punishment term, apply a sub-punishment, by restriction of the civil rights and non-authorization of residence.

Article 6:

The accomplices or those who attempt to commit offenses as stated in the Articles 4 and 5 above, shall also be subject to the same punishment term as which of the perpetrator(s).

CHAPTER FOUR: DEBAUCHERY

Article 7:

Any person who opens a place for committing a debauchery or obscene acts, shall be punished to imprisonment from one (1) to five (5) years and with a fine penalty of from five million

(5,000,000) Riels to thirty million (30,000,000) Riels. In case of repeated offence, the above punishment terms shall be doubled.

Article 8:

Any person who commits debauchery acts onto a minor person of below 15 years old, even if there is consent from the concerned minor person or if upon buying such minor person from somebody else or from a head of the prostitutes, shall be subject to punishment from ten (10) to twenty (20) years in prison. In case of not giving up, the maximum punishment term shall be applied.

The court may, in addition to the above principal punishment, apply a sub-punishment by restriction of the civil rights and non-authorization of residence.

.....

*This law was passed by the National Assembly of the Kingdom of Cambodia,
On January 16, 1996, during the 5th of ordinary session of its 1st Legislature.
Phnom Penh, On January 1996
The President of the National Assembly,
Chea Sim*

CAMBODIA (Tier 2)

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| Source: U.S. Department of State Trafficking in Persons Report 2003 Source: http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#cambodia |
|--|

Cambodia is a source and destination country for persons trafficked for sexual exploitation and forced labor. Cambodian men, women, and children who cross into Thailand, often as illegal migrants, are forced into labor or prostitution by traffickers. Cambodian children are trafficked into Vietnam and forced to work as street beggars. Vietnamese women and girls are trafficked into Cambodia for prostitution. Cambodian women and children are trafficked internally for sexual exploitation.

The Government of Cambodia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Faced with limited resources, government officials have recognized that trafficking is a major problem confronting the country and have put in place new measures – particularly in prosecution and law enforcement – to address the challenge. Much remains to be done to build upon this modest start. Government action should concentrate on removing corrupt officials linked to trafficking, ensuring that procedures to protect victims function uniformly, and expanding bilateral cooperation, particularly with Vietnam. Future government action should also include enacting an anti-trafficking law, as well as increasing the number of prosecutions and convictions of traffickers.

Prevention

The government works with a wide-reaching array of NGOs and international organizations on prevention. Both the Ministry of Women's and Veterans' Affairs (MOWVA) and the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) have worked with NGOs and international organizations to build up community-based networks in high-risk provinces to inform potential victims of the risks of trafficking. The MOWVA carried out information campaigns, including grassroots meetings in key provinces. The Ministry of Tourism works with NGOs to produce workshops and pamphlets to combat trafficking dangers associated with sex tourism.

Prosecutions

The Government of Cambodia has no comprehensive anti-trafficking law. Law enforcement against traffickers is possible under existing statutes. The Ministry of Interior runs a hotline to gain tips on cases of child sexual exploitation. The hotline has helped officials to identify and rescue victims at risk. According to available data, there were at least 75 convictions of sexual exploiters under the Law on the Suppression of the Kidnapping, Trafficking, and Exploitation of Human Beings. The number of convictions under the law specifically related to trafficking in persons is not available, but NGOs reported at least nine criminal convictions, with six

defendants receiving sentences ranging from 10 to 20 years imprisonment. Victims were also awarded financial compensation. Prosecution of traffickers was hampered, however, because the judicial system is backlogged and burdened by corrupt practices, a subject of continuing concern. While authorities have arrested public officials on charges of corruption related to trafficking, no complete information was available on these efforts. The government needs to take aggressive steps to address the involvement of public officials and their families in trafficking.

Protection

The government has procedures to assist victims but they are limited and not uniformly implemented. MOSALVY runs two temporary shelters for victims and attempts to place victims with NGOs for long-term sheltering. However, victims are at risk of being taken out of these shelters and re-trafficked. MOSALVY's efforts are hampered by a lack of resources. Officials have pushed a much-needed memorandum of understanding (MOU) with Thailand, which when implemented will regularize Cambodian repatriations. Government officials recognize the need for regularized repatriation of Vietnamese, and the MOWVA has begun discussions with Hanoi to promote an MOU.

– EXCERPT –

CAMBODIA

Coalition Against Trafficking in Women
Factbook on Global Sexual Exploitation

Donna M. Hughes, Laura Joy Sporcic and Nadine Z. Mendelsohn

Source : <http://www.uri.edu/artsci/wms/hughes/cambodia.htm>

TRAFFICKING

Prostituted girls, most of them aged 15 to 18 years of age, are found in the Svay Pak red-light district of Cambodia. Many girls are much younger. Most of them are smuggled in from Vietnam and all are bound by contracts, which last from six months to over a year. Svay Pak has the largest number of prostituted Vietnamese girls. ("The Street of Little Flowers," rewritten from 'Children of the Dust,' by MIKEL FLAMM and NGO KIM CUC, *Bangkok Post*, 23 February 1997)

Many of the prostituted women and children in Cambodia are from Vietnam. (Chris Seper, "Police Sweeps Help Clean Up Child Prostitution," *Christian Science Monitor*, 8 January 1998)

Vietnamese girls are commonly brought to Phnom Penh, where they are concentrated in a strip 15 km north of the city in an area known as Svay Pak. (Laura Bobak, "For Sale: The Innocence of Cambodia," *Ottawa Sun*, 24 October 1996)

Methods and Techniques of Traffickers

Unofficial estimates say that there are as many as 15,000 prostituted persons in Phnom Penh, and that up to 35% of them have been smuggled into Cambodia from China or Vietnam, mostly from the southwestern provinces of Vietnam (Long An, An Giang, Song Be, Kien Giang, Dong Thap, Can Tho and Ho Chi Minh City). Brothel owners pay traffickers from US\$350 to \$450 (8,750 to 11,250 baht) for each attractive Vietnamese virgin 16 years or younger. Non-virgins and those considered less beautiful are sold from \$150 to \$170 each (3,750 to 4,250 baht). ("Children of the dust," rewritten from 'Children of the Dust,' by MIKEL FLAMM and NGO KIM CUC, *Bangkok Post*, 23 February 1997)

Girls bound by contracts to a brothel owner have their debt to the brothel owner subtracted from the number of customers serviced. It may take from six months to a year or more to work off this debt. The fees that have been paid to their families, trafficking agents, and border guards compound the total debt. Once all debts are paid off, the prostituted person makes from \$2 to \$3 [50 to 75 baht] per customer, this is after the brothel owner has taken their own cut. ("The Street

of Little Flowers," rewritten from 'Children of the Dust,' by MIKEL FLAMM and NGO KIM CUC, *Bangkok Post*, 23 February 1997)

Virgins, who have been sold to brothels by trafficking agents, are confined to the brothel or a hotel room until the first client comes. Due to the belief that sex with a virgin has rejuvenating properties, her first client is charged an expensive amount. Advertised as "special commodities," virgins are also attractive in that they are less likely to have AIDS or other sexually transmitted diseases. The customer pays from \$300 to \$400 (7,500 to 10,000 baht) to have sex with her for one week in a local hotel chosen by the brothel owner. ("Children of the dust," rewritten from 'Children of the Dust,' by MIKEL FLAMM and NGO KIM CUC, *Bangkok Post*, 23 February 1997)

When recruited by brokers in a village, the girls' families are told they will be employed and be able to send money home. After the girls are purchased, usually for about \$150, they are brought to a hotel room or safe house where they are kept until they can be sold to their first buyer for \$300 to \$400 for a week. But after this, the girl is considered "used goods" and her value drops dramatically to as little as \$2 per sexual transaction. (Laura Bobak, "For Sale: The Innocence of Cambodia," *Ottawa Sun*, 24 October 1996)

The enslaved girls must stay until their debt to their purchasers is paid off, or face beatings. This is difficult, if not impossible, since the owners consider the girls indebted to them for their constantly mounting expenses for food, clothing, medical costs and abortions. As a result, a brothel owner will hold a girl prisoner until she becomes too old or too ill to attract customers. (Laura Bobak, "For Sale: The Innocence of Cambodia," *Ottawa Sun*, 24 October 1996)

A trafficking network, operating under protection from local authorities, was discovered by human rights workers in Cambodia. For at least two years in Koh Kong province the network trafficked hundreds of children a month into Trat province, Thailand. The children are sold for \$70 each. Some children were drugged and forced into prostitution. Other children who were sent to work on fishing boats were often arbitrarily tossed overboard to drown. ("Child slavery ring uncovered in Cambodia," *Associated Foreign Press*, 19 December 1997)

OFFICIAL COLLABORATION AND CORRUPTION

Many politicians and their networks are involved in the trafficking business - indirectly or directly. (Kritaya Archavanitkul of the Institute for Population and Social Research at Mahidol University, Cameron W. Barr, "Asia Traffickers Keep Girls in Sexual Servitude, Criminal groups deceive and lure poor villagers," *Christian Science Monitor*, 22 August 1997)

The governor of Koh Kong Province recently banned human rights investigators who raided a trafficking ring without his permission. Cambodia's National Assembly called for the governor to resign, as he is suspected of supporting brothel rings there. Some traffickers are protected at high governmental levels. (Chris Seper, "Police Sweeps Help Clean Up Child Prostitution," *Christian Science Monitor*, 8 January 1998)

CASES

45 kidnapped women and children were freed after a raid on a trafficking ring in Kok Kong Province, Cambodia. (Chris Seper, "Police Sweeps Help Clean Up Child Prostitution," *Christian Science Monitor*, 8 January 1998)

One trafficker, Chay Heang, arrested by police in Sihanoukville had 14 Cambodian women and children who were to be trafficked to Thailand for the purpose of sexual exploitation. Police say Heang is a minor criminal; he is connected to Chea Sarith an alleged major trafficker who lives in Koh Kong Province near the Thai border. (Chris Seper, "Police Sweeps Help Clean Up Child Prostitution," *Christian Science Monitor*, 8 January 1998)

In one village in Chiang Rai, families sold 61 daughters, most between 13 or 14 years old, into prostitution, for about \$480 each, an advance of her "future earnings". At least 13 of the women were sent to brothels in Japan, or along the Thai/Malaysia border. Some of the girls have already contracted AIDS and died. The girls spend months and years enslaved to pay off the advance given to their parents. (7 year study, beginning mid 1980s, Cameron W. Barr, "Asia Traffickers Keep Girls in Sexual Servitude, Criminal groups deceive and lure poor villagers," *Christian Science Monitor*, 22 August 1997)

The UN soldiers presence in Cambodia caused the number of prostitutes to rise to an estimated 20,000 at the peak. After their departure, the number dropped to 10,000 to 15,000. (UNICEF report, Laura Bobak, "For Sale: The Innocence of Cambodia," *Ottawa Sun*, 24 October 1996)

The local industry for sexually exploited children is exploding for two reasons: Many Khmer -- and other Asian men -- believe sex with a virgin will renew their vigor and youth, and the fear of contracting HIV is fuelling a demand for younger and younger virgins. (Laura Bobak, "For Sale: The Innocence of Cambodia," *Ottawa Sun*, 24 October 1996)

A study of more than 6,000 prostituted girls found that one-third of prostitutes in Phnom Penh and Battambang were between the age of 12 and 17. (Human Rights Vigilance of Cambodia, Laura Bobak, "For Sale: The Innocence of Cambodia," *Ottawa Sun*, 24 October 1996)

LESSON 3

COUNTRY PACKET #2

Thailand

– EXCERPT –

THAILAND

Source: The Protection Project

<http://209.190.246.239/protectionproject/statutesPDF/ThailandF.pdf>

THE PENAL CODE AMENDMENT ACT

Section 1

This Act shall be called “the Penal code Amendment Act (No. 14) B.E. 2540 (1997)

.....

Section 282

Whoever, for sexual gratification of another person, procures, lures, or traffics a man or woman for an indecent sexual purpose, even with his or her consent, shall be punished with imprisonment of one to ten years, and fine of two thousand to twenty thousand bath.

If the commission of the offence in the first paragraph is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of three to fifteen years, and a fine of six thousand to thirty thousand bath.

If the commission of the offence in the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment of five to twenty years, and a fine of ten thousand to forty thousand baht.

Whoever, for sexual gratification of another person, receives the person who was procured, lured, or trafficked as provided in the first, second or third paragraph, or aids or abets in the commission of such offence, shall be punished with the punishment accordingly provided in the first, second, or third paragraph as the case may be.

Section 283

Whoever, for sexual gratification of another person, procures, lures, or traffics a man or woman for an indecent sexual purpose, by using the deceitful means, threats, physical assault, immoral influence, or mental coercion by any means, the offender shall by punishment with imprisonment of five to twenty years, and a fine of ten thousand to forty thousand baht.

If the commission of the offence [in] the first paragraph is committed against a person over fifteen years, but not yet over eighteen years of age, the offender shall be punished with imprisonment of seven to twenty years, and fine of fourteen thousand to forty thousand baht, or life imprisonment.

If the commission of the offence [in] the first paragraph is committed against a person not yet over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years, and a fine of twenty thousand to forty thousand baht, or life imprisonment, or death penalty.

Whoever, for sexual gratification of another person, receives the person who was procured, lured, or trafficked as provided in the first, second, or third paragraph, or aids or abets in the commission of such offence, shall be punished with the punishment accordingly provided in the first, second, or third paragraph as the case may be.

– EXCERPT –

THAILAND (Tier 2)

Source: US. Department of State Trafficking in Persons Report 2003
<http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#thailand>

Thailand is a source, transit and destination country for persons trafficked into sexual exploitation and forced labor. Economic disparity in the region helps to drive significant illegal migration into Thailand from its neighbors, presenting traffickers opportunities to move victims into labor exploitation and, particularly women and children, into prostitution. International trafficking victims come mainly from Burma, Laos, Cambodia, and China. Many victims are from stateless ethnic tribes in Northern Thailand and the surrounding region. Widespread sex tourism in Thailand encourages trafficking for prostitution. Thai victims -- and others sometimes transiting through Thailand -- are trafficked to Australia, South Africa, Japan, Taiwan, Europe and North America mainly for sexual exploitation; many go willingly and are later victimized by traffickers.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has recognized for years that trafficking in persons is a problem, but the issue is still not among Thailand's top priorities. Concerned Thai officials, however, are gradually increasing the government's regional and bilateral initiatives, a positive development because Thailand has the capacity to become a leading country in the law enforcement effort against traffickers. Thailand needs to give more focused national government direction to prosecutions and increase the number of arrests and convictions of traffickers at home. It also needs to continue working with its neighbors on regional law enforcement. Official complicity in trafficking remains an area of concern.

Prevention

The government provides life skills training to children and young women at risk of being trafficked; it works at the community level and with local industry to encourage youth to seek jobs outside the sex trade. The government works well with NGOs and international organizations giving wide latitude and support for these organizations to engage in public awareness campaigns against trafficking and provide support services.

Prosecution

The Government of Thailand enforces laws against traffickers, but given the scope of the trafficking problem within its borders, more national focus needs to be given to these efforts, particularly against kingpin traffickers. According to government data, in 2002, there were 504 trafficking related arrests, resulting in 42 prosecutions and 21 jail sentences. The establishment of a special transnational crime department, which will have a unit dedicated to combating trafficking, is a high priority of the government. The first legal and administrative steps to create

this new institution have been taken. This is an important expression of the government's long-term commitment to law enforcement and engagement on regional police cooperation. Prosecutorial attention should continue and expand against public officials who are involved in trafficking abuses. Dealing with trafficking-related official corruption merits continued government efforts. The government does not adequately control its long land borders, but it does monitor migration at Bangkok international airport.

Protection

Overall, senior Thai officials make commendable efforts to provide protection to trafficking victims; however, the relatively large size of the country and the scope of the problem hinder the smooth implementation of these measures. Officials attempt to ensure that foreign victims are not treated as illegal migrants through internal government agreements. The government operates 97 shelters for abused women and children, and works with NGO shelters to place trafficking victims. Thailand has negotiated a migrant labor memorandum of understanding (MOU) with Laos that also helps regularize the repatriations of foreign trafficking victims; an MOU with Cambodia specifically addressing trafficking is near final agreement. Thai police and consular officials receive training on how to deal with trafficking issues, and Thai missions overseas provide support to victims who want to return home.

THAILAND

Coalition Against Trafficking in Women

Factbook on Global Sexual Exploitation

Donna M. Hughes, Laura Joy Sporcic and Nadine Z. Mendelsohn

Source: <http://www.uri.edu/artsci/wms/hughes/thailand.htm>

Trafficking

Around 80,000 women and children have been sold into Thailand's sex industry since 1990, with most coming from Burma, China's Yunan province and Laos. Trafficked children were also found on construction sites and in sweatshops. In 1996, almost 200,000 foreign children, mostly boys from Burma, Laos and Cambodia, were thought to be working in Thailand. (Mahidol University's Institute of Population and Social Research, "Trafficking of children on the rise," *Bangkok Post*, 22 July 1998)

Pattaya has a multi-billion dollar multinational sex industry with links to drug trafficking, money laundering and an expanding regional cross-border traffic in women. (Mark Baker, "Sin city can't shake vice's grip," *Sydney Morning Herald*, 17 May 1997)

In Thailand, trafficking is a \$500 billion annual business, which is 50%- 60% of the government's annual budget and more lucrative than the drug trade. (Authorites and activists, Kulachada Chaipipat, "New law targets human trafficking," *The Nation*, 30 November 1997)

Twenty years ago, Thailand was in the forefront as a sending country for trafficked women. Thailand has now become a destination country, receiving women from Russia, Yugoslavia, Poland, and the Czech and Slovak Republics, South America. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

Women from Thailand are trafficked particularly to the Netherlands and Germany of the European Union, Japan, Australia, India, Malaysia and nations of the Middle East. ("Trafficking of Women to the European Union: Characteristics, Trends and Policy Issues," European Conference on Trafficking in Women, (June 1996), IOM, 7 May 1996) and (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

The internal traffic of Thai females consists mostly of 12-16 year olds from hill tribes of the North/ NorthEast. Most of the internally trafficked girls are sent to closed brothels, which operate under prison-like conditions. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

Large numbers of women and children from neighbouring countries are lured into prostitution and trafficked through the four Thai borders: Chiang Rai, Ranong and Mae Hong Son at the

Burmese border, Trat and Sa Kaew at the Cambodia border, Mukdahan and Nong Khai at the Lao border and Yala and Narathiwat at the Malaysian border. (Wanlop Phloytaptim, Sirinya Wattanasukchai, "Flesh trade shrugs off new risks," *The Nation*, 1 May 1997)

10,000 foreign women are trafficked for sexual exploitation each year from nearby countries to replace Thai women who have moved on other roles in the sex industry. (Kritaya Archavanitkul, Institute for Population and Social Research, Mahidol University, *The Passage of Women in Neighbouring Countries Into the Sex Trade in Thailand*, "Academic urges action in war against flesh trade," Yindee Lertcharoenchok, Mukdawan Sakboon, *The Nation*, 28 May 1997)

Russian females, supplied by prostitution rings in Pattaya and Bangkok, have become a common sight since 1994. Although no one knows their exact number, some estimate there are at least 20 in Pattaya and hundreds flying in and out upon orders given mostly by wealthy Thai men. ("Pattaya: Murder, prostitution and tourists," *Bangkok Post*, 22 April 1998)

Experts fear a resurgence of commercial sexual exploitation, child prostitution and human trafficking across the region, because Thailand's economic meltdown has doubled unemployment to more than two million people; pay cuts have reduced living standards for millions more and the government has cut social security funding. Experts warn conditions are ripe for sex traffickers – "job brokers" who sell women and girls to brothels in Thailand and overseas. ("Survival the name of the game," *Bangkok Post*, 3 July 1998)

Child trafficking will increase in Thailand due to the Asian economic crisis. There is a child labor shortage resulting in a need for labor from neighboring poorer countries as well as an increase in domestic child labor. Middle class Thai children are increasingly becoming involved in prostitution, drugs, and begging. ("Children hard-hit by Asian crisis," *United Press International*, 22 September 1998)

The Asian economic crisis is leading to an increase in street children in Thailand. Before the crisis the majority (80%) of street children were from poor families; in 1998, 10-15% of the children are from middle class families. The children are involved in prostitution, drugs, and begging. Some have lived in the streets so long and have suffered abuse, that they begin abusing younger street children and trafficking in children for prostitution. Official estimates there are 15,000 street children. ("Expert says Thailand turns into hub of child trafficking," *Bangkok Post*, 22 September 1998)

Thailand is becoming a center for human trafficking, taking in people from neighboring countries and sending its own citizens to developed nations such as Japan. (Supalak Ganjanakhundee, "Migrant workers booming as Asian economy declines," *Kyodo News*, 23 September 1998)

Methods and Techniques of Traffickers

Victims of trafficking from other nations are easily deceived or lured because they face poverty, unemployment, broken families and unstable governments in their own countries. (Sirinya Wattanasukchai, "Flesh trade shrugs off new risks," *The Nation*, 1 May 1997)

The networks in Thailand involved in the trafficking of women have liaisons in Japan, Singapore, Taiwan and Hong Kong. (Chulalongkorn University, "There's money everywhere for Thai police," *The Nation*, 25 February 1997)

Thailand is a staging point for the international trade in prostitutes and illegal workers, with facilities for the production of false travel documents and processing of foreign nationals to third countries. (Chulalongkorn University, "There's money everywhere for Thai police," *The Nation*, 25 February 1997)

The story of two Thai women

Two Thai women forced trafficked to Saudi Arabia have come forward leading to the surrender of their trafficker, another Thai woman named Suna Thianmanee. Both women had contacted Suna in hopes of finding high paying work in Saudi Arabia, but instead were forced into prostitution. The women were forced to travel, in a tiny compartment below the truck's undercarriage or empty oil tank of the vehicle tanker in the scorching sun, from one construction site to another and to offer their sexual services.

Upon arriving in the Saudi capital, they were forced to share a five-metre-by-four-metre room with seven other girls, one of whom was Suna's sister. They were told that they would be engaged in prostitution, not restaurant helpers as promised, if they wanted to live. One of the women said that all nine girls, including herself and Suna's sister, had been wrongfully lured into the sex trade. Each girl had to service four to ten customers a day. Suna would earn about 200 to 800 riyals (Baht 2,000-Baht 8000) per visit while the girls would get free room and boarding and earn occasional tips. In five months, Suna was able to expand her brothel by renting a two-story, three-bedroom house. Most customers were Thai and Filipino workers and some Saudi citizens. (Preecha Sa-Ardsorn, "Saudi woman procurer surrenders before police," *The Nation*, 19 July 1998)

Policy and Law

Children are increasingly trafficked across Southeast Asia for prostitution, with Thailand being the main destination. Government policy to repatriate some 300,000 illegal workers was criticized because the measure would push illegal migrants, especially children, "further underground". (International Labour Organization, "Trafficking of children on the rise," *Bangkok Post*, 22 July 1998)

In Thailand, the new Measures in Prevention and Suppression of Trafficking in Women and Children Act only issues authorities the right to detain suspected victims of trafficking, not the suspected traffickers. (Kulachada Chaipipat, "New law targets human trafficking," *The Nation*, 30 November 1997)

Prostituted women who are illegal immigrants when found by police are deported and blacklisted. (Police Colonel Sanit Meephan, deputy chief of the Tourism Police Bureau, "Thailand popular haunt for foreign prostitutes," *The Nation*, 15 January 1997)

Most of the police operations, which work closely with the Immigration police and Crime Suppression Division to suppress foreign prostitution rings, were against procurers and sex establishment operators rather than the women. ("Thailand popular haunt for foreign prostitutes," *The Nation*, 15 January 1997)

Official Response and Action

Local law enforcement officials have ignored the expansion of Russian traffickers' involvement in prostitution in Pattaya, because it causes "no trouble." ("Pattaya: Murder, prostitution and tourists," *Bangkok Post*, 22 April 1998)

Reduced punishments for prostituted women and harsher penalties for pimps and brothel owners has not curbed the problem of trafficking into Thailand. Officers in charge of enforcing the law, particularly immigration police do not take the matter seriously, or fail to take immediate action against violators. (Senator Keerana Sumawon, Sirinya Wattanasukchai, "Flesh trade shrugs off new risks," *The Nation*, 1 May 1997)

Official Corruption and Collaboration

Marut, a well-known pimp in Pattaya, was introduced to Russian traffickers by a local expatriate restaurateur. The Russians needed a local link to clients, especially wealthy Thai men. Over 60% of Marut's clients are government officials, including policemen. Some do not pay for what Marut describes as "special service," because they are powerful men. The price for "special service" is 3,000 to 6,000 baht depending on the status of the client. ("Pattaya: Murder, prostitution and tourists," *Bangkok Post*, 22 April 1998)

Some trafficked women, who were detained at immigration offices, were escorted out of the office at night with permission from officers or ordered to have sex with officers. In one cases four Laotian girls were gang-raped by inmates at a Rayong police station where the women were detained on charges of illegal entry and gambling (Surita Sandosham, Sirinya Wattanasukchai, "Flesh trade shrugs off new risks," *The Nation*, 1 May 1997)

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It is widely accepted that illegal businesses exist under the patronage of the police in Thailand. There is also evidence that some police and military figures actively participate in illegal businesses. Some of the protection rackets that prey on gambling and prostitution businesses are said to be based in the army. Political figures are also involved. In the last parliament, 20 to 30 MPs were said to be involved in illegal businesses. (Chulalongkorn University, "There's money everywhere for Thai police," *The Nation*, 25 February 1997)

In the past, the Thai government covered up the reality of AIDS fearing tourism would be hindered. ("Opening our eyes to the Aids problem," *The Nation*, 20 May 1997)

NGO Action

There are 24 shelters and 4 rehabilitation centres for prostituted women in Thailand. ("Police asked to focus raids on prostitution," *The Nation*, 11 April 1997)

LESSON 3

COUNTRY PACKET #3

The Philippines

– EXCERPTS –

PHILIPPINES

Source: UI Center for Human Rights Child Labor Legislative Database
www.childlaborlaws.org

ANTI-TRAFFICKING IN PERSONS ACT OF 2003

REPUBLIC ACT NO. 9208

An act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. -This Act shall be known as the "Anti-Trafficking in Persons Act of 2003".

SEC. 2. Declaration of Policy. - It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

SEC. 3 . Definition of Terms. - As used in this Act:

(a) Trafficking in Persons - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

(b) Child - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

(c) Prostitution - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

(d) Forced Labor and Slavery - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

(e) Sex Tourism - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

(f) Sexual Exploitation - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

(g) Debt Bondage - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

(h) Pornography - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

(i) Council - shall mean the Inter-Agency Council Against Trafficking created under Section 20 this Act.

SEC. 4. Acts of Trafficking in Persons. - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- (a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- (e) To maintain or hire a person to engage in prostitution or pornography;
- (f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
- (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

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SEC. 10. Penalties and Sanctions. - The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- (b) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

(d) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

(e) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

(f) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;

(g) If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;

(h) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government officials or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited; and

(i) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

SEC.11. Use of Trafficked Persons. - Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows;

(a) First offense - six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and

(b) Second and subsequent offenses - imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

.....

Approved,
JOSE DE VENECIA JR.
Speaker of the House of Representatives
FRANKLIN M. DRILON

President of the Senate

This Act, which is a consolidation of Senate Bill No. 2444 and House Bill No. 4432 was finally passed by the Senate and the House of Representatives on May 12, 2003.

ROBERTO P. NAZARENO

Secretary General

House of Representatives

OSCAR G. YABES

Secretary of the Senate

Approved: May 26, 2003

GLORIA MACAPAGAL ARROYO

President of the Philippines

PHILIPPINES (Tier 2)

Source: US. Department of State Trafficking in Persons Report 2003
<http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#philippines>

The Philippines are a source, transit and, to a lesser extent, destination country for persons trafficked for labor and sexual exploitation. A strong tradition in the country of seeking economic opportunity outside the Philippines puts many Filipinos at risk of trafficking. Filipino women are trafficked for sexual exploitation to destinations throughout Asia, the Middle East, Africa, Europe and North America. Traffickers lure such victims abroad with false promises of legitimate employment. International organized crime gangs traffick persons from Mainland China through the Philippines. Less frequently, the Philippines are the final destination point for victims from China. There is internal trafficking from rural to urban metropolitan areas. The sexual exploitation of children in the Philippines through pornography, the Internet, and sex tourism is a growing concern.

The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government recognizes that trafficking is a problem and has been engaged internationally for a number of years to combat it. The Philippine president ordered a senior-level task force headed by the Department of Foreign Affairs to address trafficking. The 2002 agreement between the Philippines, Malaysia and Indonesia to work cooperatively on transnational crime matters, specifically to include trafficking in persons police work, has the potential to be a significant step forward. Despite economic fluctuations that affect its ability to provide consistent funding, the government still engages in good measures in the areas of prevention and protection. An area for improvement, however, is in criminal prosecution against traffickers.

Prevention

Fourteen government agencies are involved in anti-trafficking efforts, much of which is prevention-oriented. Officials oversee pre-departure sessions with overseas contract workers to warn them about trafficking. Officials have made commendable efforts to control “mail-order bride” businesses through increased monitoring. Government offices conduct information campaigns on child labor and sexual exploitation for the hotel industry and other tourism businesses.

Prosecution

The Philippines in March 2003, enacted a comprehensive anti-trafficking law. The government carries out some arrests and prosecutions of traffickers, but those efforts are small in comparison to the scope of the problem. The number of convictions is a serious shortcoming. Available data on prosecutions is incomplete, but reports indicate that there were 18 arrests, one conviction and 29 trafficking establishments closed in the reporting period. There also were 13 arrests of child pornography producers. The government is addressing malfeasance in the issuance of official

documents that certify women as “entertainers” eligible for foreign visas. Corruption remains a problem that requires further attention.

Protection

Given years of experience with trafficking cases, many Filipino officials have developed an understanding of the issue and how to assist trafficking victims. The government’s “Half-Way Home” program works with NGOs to repatriate victims and provide them temporary shelter, transportation, counseling and financial assistance. The government trains law enforcement officials on dealing with trafficking victims. Philippine embassies take steps to assist victims abroad. Consular officials in embassies receive awareness training on dealing with trafficking victims.

– EXCERPTS –

PHILIPPINES

Coalition Against Trafficking in Women

Factbook on Global Sexual Exploitation

Donna M. Hughes, Laura Joy Sporcic and Nadine Z. Mendelsohn

Source: <http://www.uri.edu/artsci/wms/hughes/philippi.htm>

Trafficking

150,000 Filipina women have been trafficked into prostitution in Japan. (Press Statement, Bangladesh National Women Lawyers Association, "Open sale of little girls at Tanbaza brothel," *Daily Star*, 2 July 1998)

150 Filipinas were sold into prostitution to night club operators in African countries, particularly Nigeria. The women were bought for \$5,000 each by international syndicates. Four Filipinas were rescued by the Philippine Embassy in Lagos, Nigeria after they sought help from officials. (Bureau of Immigration, Lira S. Dalagin, "150 Pinays sold as sex slaves in Africa," *Manila Chronicle*, 31 May 1995)

In 1991, Filipinas were being sold in Japan, often to the Yakuza, at \$2,400 to \$18,000 each. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

Philippine women are vulnerable to trafficking due to the Asian economic crisis. Requests for entertainer visas for Japan did not decline in the first six months of 1998. Travel to Japan increased 21% in the first half of this year compared with the same period in 1997. The label "entertainer" sometimes implies "sex worker." The women are vulnerable in Japan, not because they lack skills, but because they are young, beautiful women in a hazardous or vulnerable occupation. Trafficking laws exist but are not enforced. (Supalak Ganjanakhundee, "Migrant workers booming as Asian economy declines," *Kyodo News*, 23 September 1998)

Official Response and Action

In 1995, the national government in Manila appointed a special prosecutor, Dorentino Floresta. In his first year, 181 people were prosecuted for sexually exploiting children. In 1996, 162 people were charged. Prior to that, trafficking in children went unchallenged by local officials. (Edward A. Gargan, "Traffic in children in Brisk (Legacy of the Navy?)," *Olongapo Journal/New York Times*, 11 December 1997)

Prostitution and sex trafficking are pervasive in the countryside. According to a study made by various non-governmental organizations led by the Women's Education, Development, Productivity and Research Organization (WEDPRO), even remote rural areas are becoming favorite sites for sex traffickers and prostitution syndicates. Certain areas in Laoag, General Santos City, Negros, Southern Tagalog provinces, Pinatubo area, and Pagadian, to name a few,

have reported increasing numbers of cases of prostitution, and where prostituted women are no longer from other provinces, but are local women. ("Ex-streetwalkers fight VFA: Form advocacy groups in urban centers," *The Philippine Journal*, 18 September 1998)

Health and Well-being

Prostituted children remain prisoners of their damaged psyche despite rehabilitation efforts. The longer a child stays in the sex industry, the harder it is to overcome the trauma. (Child rights activists, Dr. Norietta Calma of the Philippine General Hospital's Child Protection Unit, Sol. F. Juvida, "Philippines - Children: Scourge of Child Prostitution," *IPS*, 12 October 1997)

There is "no evidence" that children in prostitution can ever rehabilitate. "Few children rescued from brothels have been able to begin living anything like a healthy life again. The wisdom of trying to end the prostitution of children rather than attempting to assist the victims has been confirmed." (EPCAT coordinator Ron O'Grady, Sol. F. Juvida, "Philippines - Children: Scourge of Child Prostitution," *IPS*, 12 October 1997)

Gonorrhea is the most common STD among children in prostitution. "They drink water with a bit a TIDE detergent in the belief this would prevent gonorrhea." (Louie Orpea a street educator, Sol. F. Juvida, "Philippines - Children: Scourge of Child Prostitution," *IPS*, 12 October 1997) [catwlog9710c]

Cases

Sharon, a 13-year-old girl was kidnapped and sold as a virgin for US\$30. In a brothel, she was raped by 8 to 15 men every night, even when she had her menstrual period or was running a fever, and by the time she escaped with a customer's help in February 1997, she had 'serviced' more than 1,500 men. ("Scourge of Child Prostitution," Sol. F. Juvida, *InterPress Service*, 12 October 1997)

Former Congressman Manolet Lavides, promised 30 dollars, for sexual favors, to four 15 year old girls - enough for a new pair of shoes one of the girls said she needed. (Sol. F. Juvida, "Philippines - Children: Scourge of Child Prostitution," *IPS*, 12 October 1997)

Official Corruption & Collaboration

Many police officers and government officials have sexually assaulted or exploited girls in the Philippines. Congressman Romeo Jalosjos raped a 12-year-old girl. Binan Mayor Bayani Alonte was accused of raping a 16-year-old girl. Former Quezon Representative Manolet Lavides was involved in the prostituting of 4 high school students of Novaliches High School. Angeles City Mayor Edgardo Pamintuan was involved in the cases of a 16-year-old model being prostituted by a talent manager, Jojo Veloso. 5 policemen in San Fabian, Panagasinan were accused of raping an 11-year-old girl inside police barracks. 4 policemen on duty were implicated in the rape of a 17-year-old girl inside the police station in Luneta. SPO2 Roel Waga, police investigator in Bgy. Puerto, Cagayan City was involved in the sexual harassment of a 13-year-old girl. (Gabriela, Statistics and the State of the Philippines, 24 July 1997)

LESSON 3

COUNTRY
PACKET #4

Japan

– EXCERPTS –

Japan

[Temporarily Translated Version]

Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children

[adopted by Japanese Diet in April 1999]

Source: Japanese Ministry of Justice

<http://www.moj.go.jp/ENGLISH/CRAB/law01.html>

Article 1 Objective

The objective of this Law is to protect the rights of children by prescribing punishment for acts related to child prostitution and child pornography, and by establishing measures including the giving of appropriate protection to children who have suffered physically and/or mentally from the said acts, in light of the fact that sexual exploitation and sexual abuse of children seriously infringe upon the human rights of children.

Article 2 Definitions

1. For the purpose of this Law, a "child" means a person under the age of 18 years.
2. For the purpose of this Law, "child prostitution" means the act of performing sexual intercourse, etc. (i.e., sexual intercourse, an act similar to sexual intercourse, or an act for the purpose of satisfying one's sexual curiosity, of touching genital organs, etc. (i.e., genital organs, anus and nipples; the same shall apply hereinafter) of a child or of making a child touch one's genital organs, etc.; the same shall apply hereinafter) with a child in return for giving, or promising to give, a remuneration to any of the persons listed below:
 - (i) the child;
 - (ii) the person who acts as an intermediary in sexual intercourse, etc. with the child;
 - (iii) the protector of the child (i.e., a person who exercises parental power over the child or who is the guardian or suchlike and who is taking actual care of the child; the same shall apply hereinafter) or a person who has placed the child under his or her supervision.
3. For the purpose of this Law, "child pornography" means photos, videotapes and other visual materials which:
 - (i) depict, in a way that can be recognized visually, such a pose of a child relating to sexual intercourse or an act similar to sexual intercourse with or by the child;

- (ii) depict, in a way that can be recognized visually, such a pose of a child relating to the act of touching genital organs, etc. of the child or of having the child touch someone else's genital organs, etc. in order to arouse or stimulate the viewer's sexual desire; or
- (iii) depict, in a way that can be recognized visually, such a pose of a child who is naked totally or partially in order to arouse or stimulate the viewer's sexual desire.

Article 3 Caution in Applying This Law

In the application of this Law, care should be exercised so as not to infringe upon the rights of the people without due cause.

Article 4 Child Prostitution

A person who commits child prostitution shall be punished with imprisonment with labor for not more than three years or a fine of not more than one million yen.

Article 5 Intermediation of Child Prostitution

1. A person who acts as an intermediary in child prostitution shall be punished with imprisonment with labor for not more than three years or a fine not exceeding three million yen.
2. A person who, as his or her business, acts as an intermediary in child prostitution shall be punished with imprisonment with labor for not more than five years and a fine not exceeding five million yen.

Article 6 Solicitation of Child Prostitution

1. A person who solicits another person to commit child prostitution for the purpose of intermediating in child prostitution shall be punished with imprisonment with labor for not more than three years or a fine not exceeding three million yen.
2. A person who, as his or her business, solicits another person to commit child prostitution for the purpose mentioned in the preceding paragraph shall be punished with imprisonment with labor for not more than five years and a fine not exceeding five million yen.

Article 7 Distribution, etc. of Child Pornography

1. A person who distributes, sells, lends as a business, or displays in public, child pornography shall be punished with imprisonment with labor for not more than three years or a fine not exceeding three million yen.
2. A person who produces, possesses, transports, imports to or exports from Japan child pornography for the purpose of conducting any of the acts mentioned in the preceding paragraph shall be punished with the same penalty as is described in the said paragraph.
3. A Japanese national who imports to or exports from a foreign country child pornography for the purpose of conducting any of the acts mentioned in paragraph 1 of this article shall be punished with the same penalty as is described in the said paragraph.

Article 8 Trade, etc. in Children for the Purpose of Child Prostitution, and Suchlike

1. A person who buys or sells a child for the purpose of making the child be a party to sexual intercourse, etc. in child prostitution, or for the purpose of producing child pornography by depicting any of the poses provided for in items (i) to (iii) of paragraph 3 of Article 2 shall be punished with imprisonment with labor for not less than one year and not more than ten years.
2. A Japanese national who, for any of the purposes mentioned in the preceding paragraph,

transports a child, who has been abducted, kidnapped, sold or bought in a foreign country, out of that country shall be punished with imprisonment with labor for a limited term of not less than two years.

3. Attempts of the crimes mentioned in the two preceding paragraphs shall be punished.

Article 9 Awareness of the Age of the Child

No one who uses a child shall be exempt from the punishments specified in Articles 5 to 8 on the grounds of not having been aware of the age of the child excepting cases where there is no negligence.

Article 10 Crimes Committed by Japanese Nationals Outside Japan

The crimes specified in Articles 4 to 6, paragraphs 1 and 2 of Article 7, and paragraphs 1 and 3 (limited to the part thereof which relates to paragraph 1) of Article 8 shall be dealt with according to the provision of Article 3 of the Penal Code (Law No. 45 of 1907).

Article 14 Education, Enlightenment, Research and Study

1. In light of the fact that such acts as child prostitution and the distribution of child pornography would seriously affect the mental and/or physical growth of children, the State and local public entities shall, to allow for the prevention of such acts, endeavor to educate and enlighten the public to deepen their understanding of the rights of children.

2. The State and local public entities shall endeavor to promote researches and studies that can help prevent such acts as child prostitution and the distribution of child pornography.

JAPAN (Tier 2)

Source: US. Department of State Trafficking in Persons Report 2003
<http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#japan>

Japan is a country of destination for men, women, and children trafficked for sexual exploitation. Victims come mainly from China, South Korea, Thailand, Taiwan, the Philippines, Colombia, and Eastern Europe. Some victims are lured to Japan under false pretenses; others come aware that they will work in the lucrative Japanese sex trade and are abused after their arrival. Trafficking also occurs within Japan as victims are “resold” between traffickers.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government is providing international funding for anti-trafficking efforts in Southeast Asia and conducting symposiums that help focus other governments. At home, however, measures are less advanced. The government has no national plan of action. Japan’s law enforcement and immigration response is seriously hindered because government officials, unclear on the nature of trafficking, tend to define the crime too narrowly and disagree among themselves about who is a trafficking victim.

Prevention

Japan is active internationally, conducting training seminars for immigration officials in source countries throughout Southeast Asia to help them prevent trafficking. Domestically, the government holds information campaigns against the abuse of foreign workers. The government sponsored a seminar in 2003 with UNICEF to raise awareness of child trafficking, but needs to take further legislative efforts to address the issue of commercial sex tourism where some citizens travel abroad with the express purpose of having sex with minors.

Prosecution

Japan has no law specifically prohibiting trafficking, although in practice it applies mainly the immigration and labor laws against traffickers. The government does investigate traffickers, but the number of prosecutions has been too few and the penalties too weak to act as an effective deterrent against the professional syndicates involved in trafficking. The 2003 arrest and conviction of kingpin trafficker Koichi "Sony" Hagiwara were significant. His criminal sentence, like many violent crime sentences in Japan, was light by U.S. standards (less than two years for a repeat offender who operated a criminal trafficking organization which moved hundreds of victims from Colombia) indicating a weakness in Japan’s punishment of traffickers. The government does not aggressively prosecute and punish the criminal organizations involved in trafficking.

Protection

The Japanese Government does not adequately protect victims. The government’s authority to provide temporary residency status to foreigners in an emergency is rarely invoked for foreign

trafficking victims. Japanese officials are trained to deal with the extenuating circumstances of foreign victims; however, in practice, they tend to treat them as illegal migrants and quickly deport them. Victims who are suspected of attempting to avoid deportation may be held in detention centers, a treatment inappropriate to their status as crime victims. Facing deportation, victims have few options to seek legal remedies against traffickers in civil courts. Japan is active internationally making generous donations to UNDP and IOM to aid victims in Vietnam and Cambodia.

– EXCERPTS –

JAPAN

**Coalition Against Trafficking in Women
*Factbook on Global Sexual Exploitation***

Donna M. Hughes, Laura Joy Sporcic and Nadine Z. Mendelsohn

Source: <http://www.uri.edu/artsci/wms/hughes/japan.htm>

Trafficking

There are 60,000-70,000 Filipina dancers in Japan; a third are undocumented. (Virginia Calvez, a director at the POEA manpower registry division, Roli Ng, "Feature: Filipina dancers keep swinging despite yen," *Reuters*, 7 July 1998)

Philippine women are vulnerable to trafficking due to the Asian economic crisis. Requests for entertainer visas for Japan did not decline in the first six months of 1998. Travel to Japan increased 21% in the first half of this year compared with the same period in 1997. The label "entertainer" sometimes implies "sex worker." The women are vulnerable in Japan, not because they lack skills, but because they are young, beautiful women in a hazardous or vulnerable occupation. Trafficking laws exist but are not enforced. (Supalak Ganjanakhundee, "Migrant workers booming as Asian economy declines," *Kyodo News*, 23 September 1998)

Some 80% of Asian female migrant workers who legally entered Japan in the 1990s were "entertainers," a euphemism for those engaged in the booming sex industry. (International Labor Organization, Elif Kaban, "UN labour body urges recognition of sex industry," *Reuters*, 18 August 1998)

There are more than 150,000 foreign women in prostitution in Japan; more than half are Filipinas and 40% are Thai. (CATW-Asia Pacific, Newsletter Volume 1.2, Winter 1998)

Japan is a destination of trafficked women from Ukraine and Russia. (Global Survival Network, Vladimir Isachenkov, "Soviet Women Slavery Flourishes," *Associated Press*, 6 November 1997)

Prostitution Tourism

Japanese men constitute the largest number of sex tourists in Asia. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

The Philippines, Thailand, South Korea, Sri Lanka and Hong Kong are some of the primary Asian destinations for organized sex tours from Japan. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

Many sex establishments in the Philippines are backed by Japanese capital. (International Labor Organization, Elif Kaban, "UN labour body urges recognition of sex industry," *Reuters*, 18 August 1998)

Australia is a destination for Japanese sex tourists. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

Japanese sex tourists frequent Bangkok and other parts of Thailand to buy women and children as young as 12 and 13. ("Japan's UNICEF ambassador rails against child sex abuse," *Kyodo*, 17 June 1998)

Pornography

In 1998, Japan was the world's biggest producer of child pornography and Parliament recently refused to pass a law banning the production of child pornography, citing "business reasons." (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, Poona Antaseeda, "Expert urges global law to end child pornography on the Internet," *Bangkok Post*, 3 June 1998)

Pornography is so pervasive, even schoolchildren have access to comic books with pornographic contents. Sex magazines can be bought at vending machines. Twenty-four hour pornography is available through cable television. Pornography can be accessed through computer networks. (CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*)

Cases

Sekiya Saida, author of erotic novels, videos, and articles in a child pornography magazine called 'Alice Club,' estimates that about 40% of his work involves sexual depictions of children. He's been in this profession for 20 years. An agent procured nine girls for Saida and brought them to a rented bungalow in the Northern Thai city of Chiang Rai. They kept the girls for three days, recorded 10 hours of video tape, and back in Japan, produced six, 40-minute video tapes. The girls were supposed to be 15 years old, but Saida says they looked younger, as the videos demonstrate. Saida paid each of nine girls a total of 30,000 baht (US\$50) and the agent, US\$80. The tapes have sold for years for 10,000 yen or 14,000 yen each - at today's rates US\$83 and US\$117. Each video has sold past the break-even point of 300 copies. Saida asked that his real name be kept out of this article in favor of his pen name, to avoid any future difficulties in travelling. (Cameron W. Barr, "An Industry Seen Through the Eyes of One Producer," *Christian Science Monitor*, 2 April 1997)

Policy and Law

There is no law prohibiting child pornography in Japan. 5000 pornographic films are approved each year by an ethics commission composed of major representatives of studios. Japan's obscenity laws require pornographers to blur out pubic hair and genitals. 1,000 illegal pornographic, that do not blur the genital regional, are produced in Japan each month - 35 new titles a day. Media Jack Productions makes 500 approved pornographic videos a year and makes

US\$31.7 million ("An industry seen through the eyes of one pornographer," *Christian Science Monitor*, Cameron W. Barr, 2 April 1997) & (Director Mitsuhiro Shimamura, "Pornography Easy To Find in Japan," Joseph Coleman, *Associated Press*, October 1997)

The Japanese government plans to implement legislation by April 1999 that will ban Internet providers from sending pornography to anyone under age 18. The law will require Internet pornography suppliers to verify *the age* of clients before providing contracted services. ("Japan seeks tighter control over Internet porn," *Agence France-Presse*, 6 March 1998)

Child Labor Module Series

Child Trafficking and Sexual Exploitation

LESSON 4

K.I.C.K. Trafficking

*Kids International Conference on Kids
Against Trafficking*

“The global movement that produced the Convention on the Rights of the Child has helped generate pressure to protect the rights of all children, including those affected by war and other forms of violence; children performing hazardous or exploitative labor; children in extreme poverty; and indigenous and disabled children. Now it is up to all of us – including governments, law enforcement, international organizations and all levels of civil society – to see to it that the elimination of sexual exploitation and abuse is accorded the same sustained priority, with national action to match. The world’s children are entitled to no less.”

—Carol Bellamy,

Executive Director, UNICEF

Foreword of “Profiting from Abuse”

LESSON 4



KICK TRAFFICKING ***K.I.C.K. Kids' International Conference on Kids***

LESSON OVERVIEW

As we have learned from previous lessons, human trafficking in general and child trafficking in particular is an extremely complex problem. Efforts to combat this human rights violation require multi-faceted approaches by governmental and non-governmental institutions alike.

This lesson will help students to learn about the existing organizations and gain insights into some of the current strategies employed by these institutions. Students will also gain insights into the challenges of finding effective solutions, but it will also empower them to act effectively as individuals. With individual and collective thought students will develop their own plan, based on the roles of real international organizations, to help stop the trafficking of children for sexual exploitation.

LESSON OBJECTIVES

Students will be able to:

- become familiar with and take on the active role of an international organization in the effort to combat child trafficking;
- collaboratively develop a plan of action that involves a variety of different missions to address exploitation and create a multi-faceted solution while considering challenges in enforcement, practicality, and effectiveness of the organization they represent
- assess and choose from a variety of action plans to determine the best course of action

CONCEPTS

- Non-governmental organizations (NGOs)
- Inter-governmental organizations (IGOs)
- International activism
- Organizational collaboration

FOCUS QUESTIONS

- What are some of the organizations working to combat child trafficking?
- How can people around the world work together to stop the exploitation of children?

- What are the challenges to these international efforts?
- What are the positive aspects of collaborative activism?

EQUIPMENT AND MATERIALS NEEDED

In addition to internet access each student group will need copies of the information included for one of the conference organizations listed below. Placing the copies in separate folders for each group is a great way to organize the materials.

Handouts 1:

Non-Governmental Organizations (NGOs)

- Group 1: ECPAT International (End Child Prostitution and Tourism)
- Group 2: Free The Children
- Group 3: National Center for Missing and Exploited Children
- Group 4: Coalition Against Trafficking of Women and Children (CATWC)
- Group 5: The Protection Project
- Group 6: Polaris Project
- Group 7: Human Rights Watch

Inter-governmental Organizations (IGOs)

- Group 8: INTERPOL International Criminal Police Organization
- Group 9: ILO-IPEC (International Labor Organization's International Program on the Elimination of Child Labor)
- Group 10: UNICEF (United Nations Children's Fund)

U.S. Government Federal Agency

U.S. Department of State

Note: This is only a short list of some of the organizations working on trafficking. There are many more based in many countries.

Each of these packets should also contain copies of each of the following handouts for EACH student in the group:

- Handout 2 (KICK Convention instructions)
- Handout 3: (Getting to Know Your Mission)
- Handout 4: (ACTION PLAN Proposal Worksheets)
- Handout 5: (Action Plan Proposal)
- Handout 6: (KICK's Best Action Plan)

SUGGESTED DURATION

2-3 class periods.

COURSE CONNECTIONS

Current Events, World History, Global Studies

SUGGESTIONS FOR TEACHING THE LESSON

1. Organize students into groups of 2-3 and explain to them that they will be simulating a conference on the subject of child trafficking and sexual exploitation. Teachers can assign organizations or allow students to choose by lottery, etc.

2. Using **Handout 3** (Getting to Know your Mission) students should review the information in their packets to become familiar with their organization. Inform them that these are real organizations and that they will need to locate the organizations' internet web sites to obtain all the information they need to answer the questions on the handout. As students review the materials on their organizations help them to understand the missions, practices and finances.

Give students time to learn about the other organizations present at their meeting - then to begin discussing and brainstorming ways to eliminate the sexual exploitation of children. Have them use **Handout 4: ACTION PLAN Proposal Worksheets** to aid in this process.

- Remind students that the more organizations work together to come up with plans, the more successful they will be in getting theirs passed.
- Remind them to look back at some of the facts they have concerning exploitation so they do not forget to address the real issues.

3) Distribute **Handout 5 ACTION PLAN PROPOSAL**. Have students begin to build coalitions to work on the problem together. Each student should turn in an Action Plan by the end of this work session - although those who work together successfully will have identical plans. Help students to be thorough and realistic in their plans, yet creative in their approach to the problem.

4) After examining the proposals choose those that are well planned, realistic and reasonable. With student coalitions presenting together guide a large group discussion, bringing up as many of the different proposals as you have time for, encouraging serious consideration and debate on each plan by helping students to recognize both their positive and negative aspects.

5) After discussing each relevant proposal have students use **Handout 6 (KICK's Best Action Plan)** on which to cast their individual votes for favorite Action Plan proposals. A committee of

students can count the ballots. Announce the plan chosen and hold a discussion as to why that seems to be the best approach for combating child trafficking.

EVALUATION

You may choose to grade the individual student PROPOSAL PLANS based on the thoroughness of the plan and efforts of the students to build coalitions, or ask students to write a formal evaluation of the plan they voted for which can be assessed for its understanding of the issue and the challenges of finding effective solutions to child trafficking.

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| <h2>SUGGESTION FOR EXTENDING THE LESSON</h2> |
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Have students write a press release for their organization that reviews the KICK Conference and its accomplishments.

Assign students to take on the role of news reporter and write an article for the press reporting the KICK Conference and its accomplishments.

Have students work together to draft a conference outcome document or declaration.

Organizations Working to Combat Trafficking of Children

TABLE OF CONTENTS

NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

1. ECPAT International

<http://www.ecpat.com>

The ECPAT acronym stands for “End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes”

2. Free the Children

<http://www.freethechildren.org/>

3. National Center for Missing and Exploited Children

<http://www.ncmec.org/>

4. Coalition Against Trafficking in Women (CATW)

<http://www.catwinternational.org/>

5. The Protection Project

www.protectionproject.org

6. The Polaris Project

<http://www.polarisproject.org/polarisproject/>

7. Human Rights Watch

www.hrw.org

INTER-GOVERNMENTAL ORGANIZATIONS (IGOS)

1. INTERPOL

(International Criminal Police Organization)

<http://www.interpol.int>

Suggestions: Click on “Children and Human Trafficking” for details on INTERPOL’s efforts to combat this problem.

2. ILO-IPEC

(International Labor Organization’s International Program on the Elimination of Child Labor)

<http://www.ilo.org/public/english/standards/ipec/index.htm>

3. UNICEF

(United Nations Children's Fund)

www.unicef.org

U.S. FEDERAL AGENCY

1. US-DOS

(U.S. Department of State Office to Monitor and Combat Trafficking in Persons)

<http://www.state.gov/g/tip/>

ECPAT

<http://www.ecpat.com>

Note: The ECPAT acronym stands for “End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes”

ECPAT is a network of organisations and individuals working together to eliminate the commercial sexual exploitation of children. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free from all forms of commercial sexual exploitation.

Programmes

The main thrust of ECPAT's work is to make a reality of the Agenda for Action, adopted by 122 countries at the First World Congress against the Commercial Sexual Exploitation of Children in Stockholm, Sweden in 1996. This takes different forms.

We follow what governments are doing, and have done, to combat commercial sexual exploitation of children, and we publish the results. We explore good models for prevention work, and share those models and experiences. We find and develop training modules to help caregivers to do their work better. We develop learning tools for police training curricula. We provide advice and information to groups who are trying to make a national plan for their country, or to implement an existing plan. We carry out research and develop research methodologies. We promote the participation of young people in seeking solutions to the problems and in providing support to victims.

The tools and information that you will find throughout the ECPAT programmes are intended to help non governmental organisations, individuals, caregivers, legislators, and all those who are trying to combat child prostitution, child pornography and trafficking in children for sexual purposes.

FREE THE CHILDREN
<http://www.freethechildren.org>

About Free the Children

Free The Children is an international network of children helping children at a local, national and international level through representation, leadership and action. It was founded by Craig Kielburger in 1995, when he was 12 years old. The primary goal of the organization is not only to free children from poverty and exploitation, but to also free children and young people from the idea that they are powerless to bring about positive social change and to improve the lives of their peers.

Free the Children is unlike any other children's charity in the world, as it is an organization by, of and for children that fully embodies the notion that children and young people themselves can be leaders of today in creating a more just, equitable and sustainable world.

Education

Free the Children provides comprehensive educational opportunities to poor children. The organization also believes that in order to allow children to go to school, children must be provided with the proper school and health supplies, health care, and family income support. As a result, Free the Children offers “holistic” development programs to tens of thousands of children and families around the world.

School Building: *Free the Children* has built and outfitted more than 375 schools around the world providing the gift of education to more than 30,000 children in 23 developing countries each day. Education is the best way to break the cycle of poverty. School building projects are supported and enhanced by alternative income programs, medical centers and clean water programs

School and Health Kits: *Free the Children* has shipped more than 175,000 school and health kits to children in nearly 40 developing countries, providing them with the necessary supplies to go to school and remain healthy. The school and health kits are collected by children in Canada and the United States who wish to support their underprivileged peers.

Peacebuilding

Free the Children provides peacebuilding programs on an international level. The organization has entered into a lead partnership with the United Nations (Office of the Special Representative of the United Nations Secretary-General For Children and Armed Conflict), in order to raise awareness about the plight of children trapped in situations of armed conflict, and to provide educational opportunities for war affected children. The organization has built and outfitted primary schools in war-torn countries like Sierra Leone and has shipped school and health supplies to war affected children in Bosnia, Kosovo, Afghanistan and many other war-zones, providing these children with the chance for a brighter future.

Youth Ambassadors for Peace Program: In partnership with the United Nations, *Free the Children* is working to create a generation of peacebuilders on an international level

Embracing Cultures Tour: Through the generous support of the Lekha Singh Foundation, *Free the Children* is educating and empowering thousands of students to embrace cultural diversity and create a more just and humane world.

Leadership

Leadership: *Free the Children* believes that leadership development is the key to achieving a generation of socially active young people. Working with *Leaders Today*, *Free the Children* hosts leadership workshops and conferences for tens of thousands of young people each year. Inspirational educational publications are also written and distributed to young people and educators/adults who work with youth on an international level.

Take Action Tour: The Take Action Tour is a unique educational and motivational program touring schools across North America inspiring students to become socially involved.

The Kenya Peace and Leadership Center is located on the edge of the masai Mara, Africa's richest game reserve. The Center is an ideal place for individuals and groups to enjoy an extended stay filled with volunteerism, learning and adventure.

The Wind-Song Leadership Center is nestled in the mountainous region of southern Arizona. Located in close proximity to Mexico as well as Native American Indian reservations, the Center offers rewarding leadership and volunteer experiences.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

<http://www.ncmec.org/>

Suggestion: Go to “Topics of Focus” and click on “Sexual Exploitation”

About NCMEC

NCMEC was established in 1984 as a private, nonprofit 501(c)(3) organization to provide services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. Pursuant to its mission and its congressional mandates (*see* 42 U.S.C. §§ 5771 *et seq.*; 42 U.S.C. § 11606; 22 C.F.R. § 94.6), NCMEC

Serves as a clearinghouse of information about missing and exploited children
Operates a CyberTipline that the public may use to report Internet-related child sexual exploitation

Provides technical assistance to individuals and law-enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children

Assists the U.S. Department of State in certain cases of international child abduction in accordance with the Hague Convention on the Civil Aspects of International Child Abduction

Offers training programs to law-enforcement and social-service professionals

Distributes photographs and descriptions of missing children worldwide

Coordinates child-protection efforts with the private sector
Networks with nonprofit service providers and state clearinghouses about missing-persons cases

Provides information about effective state legislation to help ensure the protection of children

COALITION AGAINST TRAFFICKING OF WOMEN (CATW)

<http://www.catwinternational.org>

An introduction to CATW

<http://www.catwinternational.org/about/>

Mission

The Coalition Against Trafficking in Women (CATW) is a non-governmental organization that promotes women's human rights. It works internationally to combat sexual exploitation in all its forms, especially prostitution and trafficking in women and children, in particularly girls.

CATW is composed of regional networks and of affiliated individuals and groups. It serves as an umbrella that coordinates and takes direction from its regional organizations and networks in its work against sexual exploitation and in support of women's human rights

CATW brings international attention to all forms of sexual exploitation, including prostitution, pornography, sex tourism, and mail order bride selling. Working with national and international policy makers, women's rights and human rights advocates, and the United Nations, it promotes the fundamental human right of women and children, in particular, girls, to be free from sexual exploitation.

CATW testifies before national congresses, parliaments, law reform commissions, regional and UN committees and commissions, holding Category II Consultative Status with the United Nations Economic and Social Council (ECOSOC). Members serve as consultants to governmental commissions drafting new legislation on prostitution and sex trafficking, and against the sex industry.

CATW researches and documents the situation of women who have been trafficked and are in prostitution; educates the public about the extent of harm sustained by women and girls in prostitution; and galvanizes change through legislation and working with governments and international agencies to create/change/amend policy and legislation that support the right of every woman and girls to be free of sexual exploitation; and helps create and support alternatives for women and girls who have been sexually exploited.

Philosophy

Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or advancement through the abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental well-being.

Sexual exploitation includes sexual harassment, rape, incest, battering, pornography and prostitution.

All prostitution exploits women, regardless of women's consent.

Prostitution includes casual, brothel, escort agency or military prostitution, sex tourism, mail order bride selling and trafficking in women.

'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(Article 3, UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime)

THE PROTECTION PROJECT

www.protectionproject.org

Mission

Establishing An International Framework For The Elimination Of Trafficking In Persons, Especially Women and Children.

The goal of the Protection Project is to research and document the global scope of the problem of trafficking in persons and, through the dissemination of relevant and timely information, to influence policy and practice in the war against trafficking. Our work includes:

- Researching and documenting routes, cases, contributing causes and policy as well as social implications of trafficking and trafficking related issues including public health, immigration and law enforcement practices.
- Analyzing international and domestic laws related to trafficking and the adequacy of comparative anti-trafficking legislations in addressing all aspects of trafficking.
- Educating the public on the national, regional and international scope of the problem of trafficking through our Seminar Series, briefings and public awareness programs, and our web site: www.protectionproject.org
- Advocating for the protection of the rights of victims of trafficking against all forms of exploitation.
- Advising policymakers, legislative bodies, governmental agencies and international organizations on the status of domestic and international trafficking.
- Developing model legislation to assist foreign countries in adopting effective legislative measures for the prevention, control and criminalization of trafficking.
- Providing practical training for law and law enforcement personnel on law enforcement techniques and resource available to victims.
- Collaborating with academic institutions, governmental agencies, non-governmental organizations and advocacy groups in the development and implementation of resolutions to the problem of trafficking.

A Brief Description

The Protection Project is a legal human rights research institute based at the Johns Hopkins University School of Advanced International Studies in Washington, D.C. The project documents and disseminates information about the scope of the problem of trafficking in persons, especially women and children, with a focus on national and international laws, case law, and implications of trafficking on U.S. and international foreign policy.

The Protection Project has collected the criminal laws concerning trafficking for the purpose of commercial sexual exploitation from over 190 countries. The project has analyzed these laws and their adequacy in addressing the various issues of trafficking in persons, including the prevention

of trafficking acts and the protection of trafficking victims. The project has also documented the immigration laws for the purpose of examining the immigration status of and the assistance provided to victims of trafficking. Among the final products of the Protection Project are:

1. A Comprehensive Database. The database includes:

- *Law Collection.* The Protection Project has collected international conventions as well as domestic legislation that address issues of trafficking in persons. These laws are located in our database and have been translated into English.
- *Comprehensive Legal Charts.* These charts compare the laws on trafficking for the purposes of commercial sexual exploitation and document penalties imposed in each country.
- *Maps.* A set of maps delineates legislative approaches and, to the extent that they can be documented, national and international trafficking routes, military bases (foreign and national), and other related information.
- *Survivor Stories.* Over 50 testimonies of trafficking survivors have been collected and organized in the database.
- *Daily Press.* Daily updates on the status of trafficking arrests, prosecutions and convictions around the world as well as up-to-the-minute news stories taken from a comprehensive survey of the world press. A comprehensive list of resources related to trafficking. These resources include transcripts of all Seminar Series presentations as well as recent reports on trafficking related issues from US and international organizations.
- *Custom map generating capability.* This capability enables users to generate custom maps linking different countries depending on their research needs and interests.

2. The Annual Human Rights Report on the Trafficking in Persons, Especially Women and Children. This report includes a summary of laws and the scope of the trafficking problem in over 190 countries. The first edition was published in March 2001. The second edition includes additional information on the evidentiary requirements to prove a trafficking case, the immigration status of the trafficked person, victim assistance, witness protection, forced labor, anticorruption, money laundering, extradition, bilateral treaties, and international conventions. The second edition also includes updated information on the scope of the trafficking problem and related activities, including domestic service, alien smuggling, exploitation of refugee women and girls, prostitution and the military, intercountry adoptions, forced marriages, mail-order brides, child labor, sexually transmitted diseases, and sex tourism.

3. Law Enforcement Survey. The Protection Project has developed a three-phase survey that addresses the effects of immigration law, anticorruption law, and money-laundering law on trafficking in persons, as well as police investigations and court procedures. The purpose of the survey is to gather information about the practical application of the laws and to measure the extent to which law enforcement officials effectively implement them. The survey obtains a detailed country-by-country report of law-enforcement responses to the problem of trafficking in persons.

4. Model Legislation. The Protection Project drafts model legislation that can be adopted by countries that wish to improve or strengthen their laws regarding trafficking in persons. The

model legislation shifts the focus from criminalizing the behavior of the trafficked person to protecting victims of trafficking. It also provides a more enhanced punishment for traffickers. The model legislation provides a comprehensive approach to trafficking that addresses the issues of witness protection, the trafficking victim's rights to civil compensation and victim assistance, the appropriate immigration status to be granted to trafficking victims, preventive measures to combat trafficking, and a proper authority or governing body to implement these measures. The model legislation provides for extraterritorial jurisdiction to cover trafficking offenses regardless of where such offenses are committed. It also recognizes trafficking as an extraditable offense.

POLARIS PROJECT

<http://www.polarisproject.org/polarisproject/>

About the Polaris Project

http://www.polarisproject.org/polarisproject/about_v2.htm

Polaris Project was founded by Co-Executive Directors Katherine Chon and Derek Ellerman to address the vital need for direct intervention, grassroots advocacy, and action-oriented research to combat trafficking in women and children.

Building the Grassroots Movement

Polaris Project is one of the largest grassroots anti-trafficking organizations in the United States. We have grown from just two dedicated community members from Providence, RI to the over 1500 members and supporters from around the country and the world that now make up our Grassroots Network.

In the last year, over 50 Grassroots Network members have volunteered to join our staff in our Washington, D.C. office to work full-time and part-time (and often overtime). They have come from across the country and as far away as South Korea, Japan, and Peru, leaving their jobs or taking time off school to join the front-lines of the anti-trafficking movement.

The passion and dedication of our volunteers and staff allow Polaris Project to operate double shifts every weekday, sometimes until 2 or 3AM, fueling the success of our local, national, and international anti-trafficking programs.

Many community members also volunteer virtually to help conduct research and raise awareness about trafficking in their own communities. Social investors who have made financial contributions have also been critical to our success.

Polaris Project knows that it cannot end human trafficking overnight, but we are assisting victims now while working to build the movement's capacity to meet the challenge for the decades to come.

We hope you'll join us in the fight.

HUMAN RIGHTS WATCH

www.hrw.org

Suggestions: click on “Children’s Rights” on the left-hand sidebar to get to child labor section

About Human Rights Watch

Human Rights Watch is dedicated to protecting the human rights of people around the world.

We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice.

We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those who hold power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

<http://www.hrw.org/children/about.htm>

About Human Rights Watch’s Children’s Rights Division

Human Rights Watch established the Children's Rights Division in 1994 to monitor human rights abuses against children around the world and to campaign to end them. We take on abuses carried out or tolerated by governments and, when appropriate, by armed opposition groups.

We investigate all kinds of human rights abuses against children: the use of children as soldiers; the worst forms of child labor; torture of children by police; police violence against street children; conditions in correctional institutions and orphanages; corporal punishment in schools; mistreatment of refugee and migrant children; trafficking of children for labor and prostitution; discrimination in education because of race, gender, sexual orientation, or HIV/AIDS; and sexual violence against girls and boys.

Children's physical and intellectual immaturity makes them particularly vulnerable to human rights violations. Their ill-treatment calls for special attention because, for the most part, children cannot speak for themselves: their opinions are seldom taken into account and they can only rarely form their own organizations to work for change. Humanitarian groups that work for children largely concentrate on survival and development; if they openly criticize governments for abusing children they run the risk of having their programs closed. Our work to protect

children and raise awareness around the world about the violence and discrimination experienced by children is essential.

The Children's Rights Division examines children's rights abuses in every part of the world; we send fact-finding missions to countries where abuses are occurring-interviewing child victims, parents, human rights activists, lawyers, child care workers, government officials, and others, working closely with local human rights groups to identify specific abuses and strategies for change. We then write objective, factual reports and present them to governments, international organizations (such as the United Nations, the European Union, the Organization of American States, and the African Union), non-governmental organizations, policy makers, and the media. We devise campaigns and work in coalition with local and international groups to expose abuses of children's rights and to put a stop to them.

We have looked at such questions as child soldiers in Burma, Colombia, Liberia, and Uganda; child farmworkers in Egypt, Ecuador, El Salvador, and the United States; ill-treatment in orphanages in China, Romania, and Russia; violence against school children in Kenya and South Africa, brutality in correctional institutions in Jamaica, Pakistan, and the United States; discrimination against kids affected by HIV/AIDS in Kenya and India; and police violence against street children in seven countries on four continents.

INTERPOL
(International Criminal Police Organization)
<http://www.interpol.int>

Suggestions: Click on “Children and Human Trafficking” for details on INTERPOL’s efforts to combat this problem.

Crimes against children

<http://www.interpol.int/Public/Children/Default.asp>

The sexual abuse of children by adults to satisfy their own perversions is a global problem. With modern methods of travel and communication, people with a similar interest move from country to country to abuse children. Since the introduction of the Internet, are also able to network exchanging child pornography and information in vast quantities and in very short periods of time.

In 1989, the United Nations Convention on the Rights of the Child passed the most popular resolution ever, which has now been adopted by more than 190 Countries, declaring that all children must be protected from all forms of abuse. Specific mention was made of sexual abuse and that that all nations should take all appropriate measures to prevent the use of children in prostitution and the production of pornography.

Interpol's involvement in the investigation of offences against children also began in 1989 following the adoption of the United Nations Convention on the Rights of the Child. Interpol started working on this important issue and co-ordinated the international fight to eradicate the exploitation of, and crimes against, children.

Children are the most vulnerable individuals in society, they are also the most precious commodity that the world has and have a right to be protected from all forms of abuse.

Interpol as an organization is also committed to eradicating the sexual abuse of children and have passed its own resolutions in support of this.

ILO-IPEC

(International Labor Organization's International Program on the Elimination of Child Labor)

<http://www.ilo.org/public/english/standards/ipec/index.htm>

Suggestions:

For specific publications on “child trafficking,” click on “Subject Areas” and then scroll down to “child trafficking.”

IPEC at a glance

<http://www.ilo.org/public/english/standards/ipec/about/implementation/ipec.htm>

IPEC's **aim** is to work towards the progressive elimination of child labour by strengthening national capacities to address child labour problems, and by creating a worldwide movement to combat it.

IPEC's **priority target groups** are bonded child labourers, children in hazardous working conditions and occupations and children who are particularly vulnerable, i.e. very young working children (below 12 years of age), and working girls.

The political will and commitment of individual governments to address child labour in cooperation with employers' and workers' organizations, other NGOs and relevant parties in society – such as universities and the media – is the starting point for all IPEC action. Sustainability is built in from the start through an emphasis on in-country "ownership". Support is given to partner organizations to develop and implement measures which aim at *preventing* child labour, *withdrawing* children from hazardous work and providing *alternatives*, and *improving the working conditions* as a transitional measure towards the elimination of child labour. A phased and **multi-sectoral strategy** is applied consisting of the following steps:

- *Motivating* a broad alliance of partners to acknowledge and act against child labour.
- Carrying out a *situational analysis* to find out about child labour problems in a country.
- Assisting with developing and implementing national *policies* on child labour problems.
- *Strengthening* existing organizations and setting up *institutional mechanisms*.
- Creating *awareness* on the problem nationwide, in communities and workplaces.
- Promoting the *development* and *application* of *protective legislation*.
- Supporting *direct action* with (potential) child workers for demonstration purposes.
- *Replicating* and *expanding* successful projects into the programmes of partners.
- *Mainstreaming* child labour issues into socio-economic policies, programmes and budgets.

UNICEF

(United Nations Children's Fund)

www.unicef.org

Suggestion: Click on "What we do," then "Child Protection" to find out more about UNICEF's work on child trafficking. Another valuable resource is the "Publications" section which you can get to by clicking directly on this site: <http://www.unicef.org/publications/>. This section contains valuable publications on trafficking. Many are available in PDF format.

Building a protective environment

<http://www.unicef.org/protection/index.html>

UNICEF believes that the protection of children is crucial to their survival, health, and well-being. Everyday millions of children are exploited, abused, or are victims of violence. Bought and sold like commodities, children are forced to be soldiers, prostitutes, sweatshop workers, and servants. Abuse, exploitation and violence, occurring usually in private, are often elements in organized crime and corruption. Only time reveals the consequences: children uneducated, unhealthy and impoverished.

UNICEF believes that everyone has a responsibility to see that children are safe. We work with individuals, civic groups, governments and the private sector to help create protective environments for them. Healthy, nurturing surroundings allow children to resist abuse and avoid exploitation. Caring environments fortify children against harm in the same way that proper nutrition and good health care fortify them against disease.

US-DOS
(U.S. Department of State)
Office to Monitor and Combat Trafficking in Persons
<http://www.state.gov/g/tip/>

Actions to End Modern-Day Slavery

Secretary of State Colin L. Powell has released the [2004 Trafficking in Persons Report](#), the most comprehensive report on human trafficking around the world and what governments are doing to end it. The 2004 report includes analysis of 141 countries' efforts to combat trafficking, best practices worldwide, a summary of U.S. action to fight human trafficking at home, and new data on the scope of this tragic phenomenon.

The *Trafficking in Persons Report* serves as the primary diplomatic tool through which the U.S. Government encourages partnership and increased determination in the fight against forced labor and sexual exploitation.

The [Trafficking Victims Protection Act of 2000](#) (P.L. 106-386) and the [Trafficking Victims Protection Reauthorization Act of 2003](#) (H.R. 2620) provide the tools to combat trafficking in persons both worldwide and domestically. The Act authorizes the establishment of the Office to Monitor and Combat Trafficking in Persons, headed by Director [John R. Miller](#), and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts.

Sexual and labor exploitation are against the law in the United States. Federal laws prohibit slavery. Victims can ask for help, regardless of immigration status, using this hotline number: 1-888-373-7888.

Trafficking in persons is a modern-day form of slavery, involving victims who are typically forced, defrauded or coerced into sexual or labor exploitation. It is among the fastest growing criminal activities, occurring both worldwide and in individual countries. Annually, at least 600,000 - 800,000 people, mostly women and children, are trafficked across borders worldwide, including 14,500 - 17,500 persons into the United States.

People are snared into trafficking by various means. For example, physical force is used or false promises are made regarding a legitimate job or marriage in a foreign country to entrap victims into prostitution, pornography and other forms of commercial sexual exploitation or slavery-like labor conditions in factories and fields. Victims suffer physical and emotional abuse, rape, threats against self and family, passport theft, and physical restraint.

K.I.C.K. TRAFFICKING

KIDS' INTERNATIONAL CONFERENCE ON KIDS AGAINST TRAFFICKING

Today we are here to represent kids around the world to explore ways to protect ourselves from those who would sell our innocence through trafficking and sexual exploitation.

Instructions

STEP 1: Pick up your organization's packet from the teacher and meet with your group. List the names of your group members below:

STEP 2: Using Handout 3 as a guide, each group should review the materials as directed in the packet. Each student should complete the review forms. Access internet sites as needed.

STEP 3: OUTREACH TO OTHER ORGANIZATIONS

Your assignment is to coordinate services between as many organizations as you can to develop an action plan to help stop trafficking of children. Use this time period to learn about the other organizations in attendance and brainstorm ideas to solve this problem.

STEP 4: BUILD COALITIONS

Develop your ACTION PLAN proposals. Each student is responsible for turning in an action plan. You may work on identical or similar action plans that you have developed across organizations or you may submit one of your designs.

STEP 5: Large group discussion and debate over proposed ACTION PLANS.

The teacher will choose the action plans to be discussed by the class based on thoroughness, practicality and number of organizations that the plan pulls together. The Plan's authors will present their idea to the rest of the conference attendees and discussion over its effectiveness will take place. Encourage students to provide constructive criticism.

STEP 6: Assess and cast your vote on the most effective ACTION PLAN.

STEP 7: Announce the Best ACTION PLAN

The following organizations will take part in our efforts by allowing us to share their interests and concerns about this issue.

Getting to Know Your Mission

ORGANIZATION REVIEW FORM

1. Name of your organization: _____

2. How does your organization's goals relate to the issue of trafficking of children for the purpose of sexual exploitation? This is very important – be sure that the organization's goal/mission is clear.

3. What are some of the projects or activities organized by your organization to contribute to the global effort to combat trafficking of children?

4. Brainstorm other possibilities that you as the newest member of this organization can see for new ways to work on solving the problem of trafficking and sexual exploitation of children.

5. How does your organization pay for the projects and staff. If information is not available, make some suggestions as to how you might pay for your projects and staff?

ACTION PLAN PROPOSAL WORKSHEETS

1. What would your organization like to accomplish to contribute toward the effort to combat trafficking of children for sexual exploitation? Choose 2-3 goals and keep them realistic!!
2. Look at what your organization has done in the past - can you build on one of these projects to attempt to meet your goals above or do you need to develop a new activity to reach them/it? Explain.
3. Choose one of your brainstorm ideas from Handout 3 (#4), or a project that your organization has already begun. Begin to develop that idea further with distinct steps for carrying it out. These steps should be activities than can be done to reach your goals, not just words that say what you want to accomplish. Be as thorough as possible with your plan. Discuss it with others in your group to get their input and ideas. Be practical, realistic and remember your outcome goals.

Workspace - brainstorm development
(Create an "outline" of your plan below)

4. Once you have developed an outline for your plan it is time to learn about the other organizations so you can compare ideas and see if you can help each other reach your goals. You must try to work with as many organizations as possible so that your efforts collaborate in order to solve this problem. On the chart on the next page, begin to develop some connections between organizations and your Action Plan.

ACTION PLAN PROPOSAL

YOUR NAME: _____

YOUR ORGANIZATION: _____

NAME OF ACTION PLAN: _____

GOAL(S) OF PLAN: _____

OVERVIEW/DESCRIPTION OF PLAN: _____

STEPS FOR CARRYING OUT THE PLAN:

**ORGANIZATIONS THAT COLLABORATE ON THIS PROPOSAL
(SIGNATURES)**

Those that sign must be willing to support the plan and describe their part during its discussion.

HOW THE PLAN WILL BE FUNDED:

* If you are working with other organizations on a proposal you should each fill out one of these sheets emphasizing your organization's role in the plan. Attach the proposal sheets together when you turn them into the teacher for the discussion phase of the convention.

KICK's Best Action Plan

A) My first choice is action plan:

I believe this action plan is most effective for combating child trafficking for the following reasons:

1. _____

2. _____

3. _____

B) My second choice is action plan:

I believe this action plan is most effective for combating child trafficking for the following reasons:

1. _____

2. _____

3. _____