Child Labor Exploitation:
Addressing the most vulnerable children

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This paper provides some background for discussion about the ways to address exploitation of the most vulnerable groups of children. My short remarks in the Panel on Labor Exploitation are drawn selectively from ILO’s experience with its ILO’s International Program on the Elimination of Child labor (IPEC) – the single largest TC program against CL in the UN system, and within the framework of ILO Convention 138 on minimum age and ILO Convention 182 on the Worst Forms of Child Labour (WFCL).

This ILO’s work has been supported in recent years primarily by the US Government and I am honored to share my remarks in this Panel with the Department of Labor’s Deputy Under-Secretary, Charlotte Ponticelli. I would like to thank the US Government’s State Department and the Department of Labor for its continued support to the ILO and also for organizing this Conference with the George Mason University and associates.

1. Understanding child labor from an historical perspective and a broader context of labor market trends

Child labor issues should be addressed in a wide context of ethics, politics, and economic activity and the various

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1 This presentation was prepared for the Conference on Protection of Unaccompanied and Separated Children, October 22-24, 2008, George Mason University, Fairfax, Virginia, USA.
2 Director, ILO Washington Office and ILO Representative to the Multilateral Institutions in Washington.
3 IPEC
4 For a wider treatment of the subject see ILO Global Reports on child labor and other publications and surveys at: http://www.iilo.org/globals/topics/child-labour
See also Armand F. Pereira: Child Labor Eradication: Progress, Gaps, Challenges in the Light of Labor Market Trends with Special Emphasis on the Americas, paper and presentation prepared for the UCLA Latin American Institute’s Training Workshop for K-12 LAUSD teachers, July 8-18, 2008. For background and review of broader labor market trends it may be useful to examine, inter alia http://www.iilo.org/trends.
institutions shaping these areas and their linkages with education and the world of work, including: employment, social security, labor relations and international labor standards (ILS) and related national legislation.

Child labor eradication began to receive international attention since the end of the XIX century amid initiatives to establish a level playing field in working conditions and related labor rights laws. Some visionaries argued then that a minimum level of harmonization in national labor laws would be a necessary condition for pursuing fair international trade competition.

That early debate – not too different from what we see today – was a major factor leading to the creation of the International Labour Organization in 1919 with its primary function of defining, promoting and supervising ILS. Five of the first 15 ILO Conventions (treaties) produced between 1919 and 1921 concerned child labor, including four on minimum age and one on night work.

So why are we still tackling the scourge of child labor nearly a century later? What has changed in a century of international discussions and standards and action about child labor exploitation, prevention and eradication? What progress has been made? What accounts for regional and country differences regarding the extent and forms of child labor as well as attitudes, law enforcement, policies and programs? What are the causes of child labor? What are its consequences? What are the gaps? What are the challenges? What are the priorities, particularly with regard to the most vulnerable groups of children?

2. Progress: Significant decline but irregularly across regions and less linked to economic performance than policy choices

Child labor declined by 11 per cent from 248 million in 2000 to 218 million in 2004.⁵ That was a good sign of progress, but what does it mean? Where were the working children? What next?

The estimates for 2004 provided in the ILO's Global Report on Child Labor in 2006 revealed the largest concentration of working children in the following sectors:

- Agriculture, fishing: 72%, 132 million boys and girls between 5 and 14 - many injuries, illnesses and fatalities.
- Domestic work: 6% of working children, of which, 95% girls - many abused and victims of violence.
- Street commerce: 9%.
- Construction and mining.
- Home-based outsourced work.

This distribution means that the vast majority of the working children in 2004 were in the informal economy, usually outside the reach of inspection, law and regular mainstream statistics, which complicates the eradication and prevention efforts.

The global trends in hazardous work by age group and year reveal that

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6 The ILO estimates in the 2006 Global Report were partly based on special household surveys and statistical efforts with member States. It is hoped that statistical coverage of working children in household surveys will be enlarged and improved through more awareness about this need on the part of national governments and donor agencies.
The more hazardous the work and the more vulnerable the children involved, the faster the decline, i.e. the largest decline in hazardous work was observed in the younger 5-14 year bracket.

Global trends in hazardous work by children

The comparative regional trends in the proportion of working children in the 5-14 age group (in %) shows fastest progress in Latin America and the Caribbean (LAC), but much less progress in Asia and the Pacific region. The proportion of 5-14 year-olds was higher in Sub-Saharan Africa, but the relative decline was much higher than in Asia (compare the blue and red columns).

(Incidence of child labor by region)
Regional trends in the proportion of working children in the age group 5-14 years (%)

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Yet, the GDP growth trends in the LAC during the 2000-04 period were relatively unfavorable and its regional poverty decline was lower than those in Asia and Africa (see the declining slopes below). Thus, neither poverty nor economic growth would *prima facie* appear to explain the higher relative decline in child labor in LAC compared to Asia and its sub-regions.

Even some of the countries with relatively high economic growth rates and higher rates of poverty decline in East Asia and South Asia made relatively less progress than some countries in LAC with much lower GDP growth and poverty decline rates. So what accounted for progress in 2000-04? What have we learned?

### 2.1 Irreversible changes shaping action

ILO experience leads me to highlight the importance of three sets of changes which have become more evident in efforts to prevent and eradicate child labor exploitation and related trafficking and forced labor, namely changes in *Normative instruments, policies and concepts.*
2.1.1 Normative changes

The key normative changes concerning child labor and forced labor and trafficking include:

- A minimum package (or "floor") of universally recognized and highly ratified standards, including those which have become a part of the international debate in the last 15 years, namely:
  - UN Universal Declaration of Human Rights (1948),
  - ILO Declaration of Fundamental Principles and Rights at Work (1998),
  - enshrining the eight ILO Fundamental Conventions on freedom of association and right to bargain, child labor, forced labor, and discrimination and
  - reflected in the UN Global Compact (2001) and other voluntary instruments.
- Child Labor standards:
  - ILO Conv. 138, Minimum Working Age - 150 ratif;
  - ILO Conv. 182, Worst Forms of Child Labor - 166 ratif;
  - UN Conv. Rights of the Child - 193 ratif;
    - 1. Optional Protocol ... on the Involvement of Children in Armed Conflict and the
- Forced labor and trafficking standards
  - ILO Conv. 29, Forced Labour –
  - ILO Conv. 105, Abolition of Forced Labour
  - The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), also known as the "Palermo Protocol"
- Discrimination standards:
  - ILO Conv. 100 - 164 ratif,
  - ILO Conv. 111 - 166 ratif,
  - UN Conv. Elimination of All forms of Discrimination - 185 ratif,
- Upper packages (floors) of standards
• Enterprise social responsibility: codes of conduct
• SAI’s certification: SA 8000
• FSC’s certification
• ISO’s (future) 26000, etc
• UN International Covenant on Economic, Social and Cultural Rights

What is child labour to be abolished (Summary)

<table>
<thead>
<tr>
<th>Children between the minimum age and 18</th>
<th>Children between 12/13 and the minimum age</th>
<th>Children below 12/13 years of age</th>
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<tbody>
<tr>
<td>Work excluded from minimum age legislation</td>
<td>Light work</td>
<td>Non-hazardous, non-light work</td>
</tr>
<tr>
<td>Hazardous work</td>
<td>Hazardous work</td>
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</tbody>
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Shaded areas = child labour for abolition

2.1.1.1 The essential elements of the ILO’s legal framework and obligations

• Under the above mentioned ILO Declaration of 1998, all 181 member States of the ILO have an obligation to respect, promote, and realize the principles concerning fundamental rights at work, including the right to be free of child labor with timing priority to the Worst Forms of Child Labor (WFCL).

• Any child under the age of 18 has the right to be free of the WFCL. Any child under the age of at least 15 has the right to be free of CL, except in some exceptional short
work types and in some transitional cases of low income countries where 14 may be a temporary minimum age with commitment to raise it to 15 or above in a short period of time.

The main (but not exclusive) priority to child labor eradication goes to WFCL covered by ILO Convention 182 of 1999, which calls for immediate and effective action to ensure that:
- All girls and boys under 18 must be protected from:
  - Forced or compulsory labor (including child trafficking, forced child soldiering among others).
  - Use in prostitution or pornography.
  - Use in (other) illicit activities (e.g. drugs).
  - Hazardous work, i.e. likely to harm their health, safety or morals (the exact list should be nationally defined after tripartite consultation involving government and employers' and workers' organizations).

Convention 182 defines a “child” as a person under 18. It defines the first three out of above four categories of “worst forms”. The first of the above includes slavery or practices similar to slavery, the sale or trafficking of children, debt bondage or serfdom, as well as the forcible recruitment of children for use in armed conflict. The fourth category concerning hazardous work has to be defined at country level based on tripartite consultations (government with employers’ and workers’ organizations).⁷

A lot of progress has been made already toward the eradication of the worst forms. Convention 182 is the ILO convention with the highest number of ratifications (166) although it still remains the major gap to address in all regions.

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2.1.1.2 Law enforcement

- Laws are only as good as their implementation, and so law enforcement is a vital element of anti-labor exploitation and anti-trafficking efforts. Providing the means to impose dissuasive punishment on those who exploit children is useful to deter exploitation. Such deterrence is boosted through stiff penalties, well-publicized laws and an effective and efficient law enforcement mechanism.

- At national level, confiscation of assets of culprits should be considered, and social indifference to labor exploitation should be addressed through broad based mobilization in society – including by city authorities who strive to make their cities free of labor exploitation.

- The proof of improved law enforcement is in the number of successful convictions and measure of punishment imposed on exploiters (and accessible records on these).\(^8\)

2.1.1.3 Legal initiatives to prevent labor exploitation and trafficking

- In addition, efforts should be made to prevent the crime of labor exploitation. This implies strong labor, criminal and civil laws with specifics regarding under age labor, regulation of the informal economy (i.e. make the informal formal) and offering sufficient decent work alternatives to youth of working age.

- A major obstacle in the fight against child trafficking (and labor exploitation) in many countries is the lack of specific and/or adequate legislation including clarity on a definition of exploitation, offences, and a division of roles and responsibilities.

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\(^8\) ILO (Nov. 2008), op. cit. See section 4.4.
• Lack of birth registration and late registration often facilitates trafficking of children as well as adults in some countries with large and remote rural populations in Africa, Asia and South America. In such countries, it is possible to register later through "expanded registration" services. Yet, this can also facilitate abuses of children in particular. For example someone may register a victim of trafficking as their child.

2.1.2 Policy changes

Laws and law enforcement are essential but insufficient. Supplementary policy measures are equally important. Different sets of policy priorities are often required.

Reflection over the nearly 90 years of the ILO have suggested that countries which have made decisive and faster progress in child labor eradication and prevention – from Europe to Australia, from northern Japan to the southern cone of South America - have tended to follow or facilitate a menu of complementary policies grounded on normative instruments, along with special initiatives to shift children from work to school.

Understandably, donors often want tangible results in terms of head counts: kids with names and addresses to move out of work. This is very important. But even more important is to pursue and achieve multiplier effects in eradication and prevention via sustainable policies that can reinforce each other. Such changes in government policies can be promoted and assisted by policies and priorities of international agencies, donors, creditors, media, and other institutions.

2.1.2.1 A basic policy framework

To meet this objective, we need first and foremost:
An essential tripod of complementary (preferably integrated) policies:
- **Education**: More and better schools: integrated with other child labor eradication efforts
- **Income**: Assistance conditioned to school attendance (e.g. cash transfers),
- **Labor administration**: statistics, monitoring, labor inspection, justice.

We also need a second layer of policy measures to prevent discrimination on the basis of gender and race/ethnicity and to facilitate the transition from precocious and exploitative work to school, and from school to decent work opportunities for youth with legal age to work. These measures depend on national and state or local government initiatives, but also on support structures from employers’ and workers’ organizations and other NGOs.

All these efforts need support from a wide array of stakeholders, including: human rights advocacy groups, trade unions, intergovernmental multilateral agencies (ILO, UNHCHR, UNICEF, UNESCO, development banks, NGOs, churches and other faith-based organizations. Responsible media have also played a very positive role in a number of countries. Where possible, associations of inspectors, prosecutors, judges, social assistants and teachers are also important in ensuring that action plans and targets in child labor eradication are on track.

Education is pivotal to eliminating and preventing child labor, to establishing a skilled workforce and to promoting development based on the principles of social justice and human rights. Yet, education alone is usually insufficient to keep children out of work. Those who believe education is all that is needed may surprisingly find that the government or some teachers may be promoting or sponsoring child labor. There is evidence of this in some countries.
Investments in education should be an essential part of the Elimination of Child Labor and linked to Education for All (EFA) Initiative (see more below). The ILO-IPEC program supports international, national and local efforts contributing to the EFA movement and was the leading UN agency in the establishment on 28 November 2005 of the Global Task Force on Child Labor and Education, the founding members of which include UNESCO, the World Bank, UNICEF and the Global March Against Child Labor. The international community’s efforts to achieve EFA and the progressive elimination of child labor are inextricably linked.

On the one hand, education is a key tool in preventing child labor. Children with no access to quality education often have little alternative but to enter the labor market precociously and be exposed to dangerous and exploitative conditions.

On the other hand, child labor is a major obstacle to the achievement of EFA, since children who are working full time cannot go to school. For those who combine work and school, their educational achievement will suffer, and there is a strong tendency for them to drop out of school to go into full-time employment.

It has been shown that a phased and multi-sectoral strategy – one based on a broad alliance of partners to acknowledge and act against child labor - is most effective in bringing about tangible and sustainable results in education. Yet, this approach is often not effectively pursued for a variety of reasons, e.g.: donors may shift approaches and resources; each agency/ministry may have their own pet variables as “fixes”, or they may compete for resources, etc. This situation should improve in the future as a result of efforts by the OECD/DAC’s creditors and donors to achieve greater harmonization and alignment and bundled funding in follow up to the Paris Declaration on Aid Effectiveness.
The latest “fix” has been cash transfers to families (usually mothers). Unfortunately, some of advocates of cash transfers see it merely as a poverty alleviation tool and not always linked to child labor eradication. This view is driven by the assumption that if cash transfers reduce poverty, and if poverty is seen as the main cause of child labor, then cash transfers should cut child labor. This is a deviation from some successful experiences. For example, cash transfers to mothers were initiated in Brazil, Mexico and elsewhere in the context of child labor eradication. An ILO-IPEC project in NE Brazil included a successful cash transfer component as early as 1993-94, even before the local governments of Brasilia, Campinas, Recife and others launched large programs supplemented by federal programs. Cash transfers may be diverted and deemed useless without proper conditionality and monitoring of school attendance and performance and a minimum of labor administration. In addition, cash transfers, simply as a means of reducing poverty, may in some cases miss out opportunities to contribute to social inclusion via productive work.

Labor administration (in broad terms) - including child labor statistics linked to government labor inspection and justice, as well as voluntary initiatives in monitoring by enterprises, unions and non-governmental organizations - are essential to reduce child labor not only in formal establishments, but also in a variety of informal economic activities.

Traditional labor inspection systems along with expansion of basic schooling facilities were essential in many countries to eliminate child labor from formal establishments clearly covered by labor institutions. Their relative importance is much more limited in rural, largely informal, settings in many low income countries. Their effectiveness has also been diminished even in countries with strong labor administration institutions, as the residual extent of child labor has become increasingly concentrated in the informal economic activity. In such cases, more and better efforts in the form of public and private
partnerships need to be explored to deal with the challenges of the informal economy in both national and global supply chains.

These partnerships remain a great challenge. Yet, they are being increasingly facilitated by the fact that more and more companies have an interest in self regulation to prevent exposure to and risks of child labor and forced labor. Voluntary initiatives in supply chains have played an increasingly important role via codes of practice and self monitoring, certification of processes and products in supply chains, etc. One critical issue is to ensure that these efforts are designed to complement (not replace) those of governments.

*Statistics on child labor*, including detailed information by types of activity, geographical spread, age groups and family characteristics, are essential for effective policies and programs. The ILO and other agencies have helped many countries in this domain, but continued efforts have to be ensured by governments with assistance from donor agencies.

In summary, countries cannot rely on economic progress alone to bring about the end of child labor. Those that combine economic growth with the right policy mix make more rapid and more sustainable progress. The slide below provides a synthesis of the policy integration strategy advocated for better proven results.
2.1.2.2 The most critical policy gap

The above overview of normative and policy changes highlighted a number of gaps, including, e.g.: the improved application of the international standards and national laws and enforcement, better coverage and maintenance of statistics, required complementarity and integration of actions in education, income assistance and labor administration, etc.

The most critical gap of all, however, is to define and meet eradication targets starting at the highest level of universally recognized priority. In 1999, the ILO approved Convention 182 on the worst forms of child labor, reaching 166 ratifications by June 2008 (see above section 2.1.1.1 for details on worst forms and related references).
The ILO constituents agreed just a few years ago to tackle the elimination of all worst forms of child labor by 2016. Yet, this would have required all countries to design and put in place appropriate time-bound measures by 2008. We are now very short of the time bound targets required to meet that goal. Will the neglected children forgive us? What can you do about it?

2.1.2.3 Challenges

What does it take to close those major gaps?

- Several countries are ready to set time bound targets to eradicate the worst forms of CL and reduce other forms of CL, but international financial support must increase.
- CL eradication must be a central focus of the international development agenda, particularly for Sub-Saharan Africa.
- Impact of HIV/AIDS on CL needs more focus.
- CL eradication should be linked with youth employment efforts.
- Reducing CL in the informal economy requires special public-private efforts focused on production/distribution chains and not just on local work environment.

There is need to secure more support from donors and creditors to ongoing inter-agency initiatives and also to facilitate adhesion by NGOs. Some of these initiatives involving the ILO with employers' and workers' organizations and other UN agencies and NGOs include:

- Education: Global Task Force on Child Labor and Education for All.
- Commercial sexual exploitation of children (CSEC).

9 Through the formal endorsement by the ILO GB of the ILO Global Action Plan in November 2006.
• Children in armed conflict: Interagency Task Force on Children Affected by Armed Conflict and the Working Group on Disarmament, Demobilization and Reintegration of Child Soldiers.
• Child domestic labor: (ILC 2008, DWCPs, OAS).
• Global Partnership Agreement against Child Labor in Agriculture: Agreement signed in Geneva on World Day Against Child Labor 12 June 2007. – ILO, FAO, IFAD, IFPRI/CGIAR, IFAP, IUF.
• World Day Against Child Labor - June 12 - focusing on specific but related themes each year (e.g. the 2008 theme was “Tackling Child Labor Through Expanding Access to Education”

In addition, more integrated efforts at national, regional and international levels are required to increase the effectiveness of actions to cope with the most extreme cases of child abuse, including in hidden work environments and illicit activity and related trafficking of the most vulnerable groups of unaccompanied and separated children.

2.1.2.4 Targeting

In protecting children from labor exploitation we should target those that are most in need and most at risk – including, indeed, unaccompanied and separated children, AIDS orphans, stranded youth migrants, street children and former victims of child trafficking (to prevent their re-trafficking).  

2.1.2.5 Broad protection

Where possible, protection should be offered in the broad sense of the word – not only offering protection to child victims of exploitation, but more broadly protection from becoming victim

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10 ILO: Combating trafficking in children for labour exploitation: a resource kit for policy-makers and practitioners (Geneva, Nov 2008) - an output of the IPEC knowledge project, partly funded by the US DOL. See section 4.2.1 in particular.
of exploitation. This means that children in need should be offered access to basic services including education, training, safety, legal assistance, job placement services and credit facilities. Such services would reduce the chance that they become victims of labor exploitation.

The reality is often different however: Those that are most in need of basic services often do not have access to them – making them vulnerable to exploitation.¹¹

Special policy efforts are needed to ensure birth registration as early as possible. One way of promoting this is to establish formal and reliable identification requirements and checks in the provision of basic services, etc. By the same token, “expanded registration” systems may require practical safeguards to prevent fraudulent registration of trafficking victims.

2.1.2.6 Assistance

Where children were severely exploited but rescued, a package of services should be offered to overcome possible traumatic experiences and enable them to make a clean start and create a future. This should hopefully include access to (free) quality education and training, job placement services and/or assistance in starting a business.

Former victims should be empowered to turn crises into opportunities with commercial skills that can bring them decent income and dignity. Their leadership skills should be promoted and where possible they should serve as role model to other children in need.¹²

2.1.3 Conceptual changes

¹¹ ILO (Nov. 2008), op. cit. See section 4.2 in particular.

¹² See ILO (Nov. 2008), op. cit., paragraph 4.2, section 6.
Conceptual changes have to do with the shift in the perceptions - of employers, parents, teachers, inspectors, legislators, policymakers, consumers, investors, suppliers, buyers, donors and creditors and the media - about the causes, consequences and long term economic and social impact of child labor. Conceptual clarity is essential for promoting improved enforcement and compliance with laws as well as for proper diagnosis of problems and policy options to address them.

There has been a lot of progress in recent years, but very uneven within and across countries. This conceptual shift has been influenced by increased availability of information and statistics on child labor. The ILO has played a key role in this domain through the SIMPOC series of household survey modules focused on child labor. A total of 34 country surveys were carried out over the 1999-2006 period. Many of these were associated with broader national labor market surveys carried out in cooperation with national statistics institutes. Unicef and some NGOs and academic research institutes have also made important contributions at times in cooperation with ILO.\textsuperscript{13}

The facts and figures about child labor become more powerful and more difficult to accept when they are reviewed against a broader context of indicators including: employment to population ratios, open unemployment, underemployment, working poor, vulnerable workers, real wages, occupational safety and health hazards to adults and children, the relationship between child labor and youth unemployment, the relationship between child labor and forced labor, the gender dimensions of child labor, etc.

ILO studies in some countries have revealed strong correlation between working children and unemployed youth above legally minimum working age, which feeds the circular poverty cycle.

\textsuperscript{13} See Federico B. Alhais and Frank Hegenhem: Child Labour and Education: Evidence from SIMPOC surveys (Geneve, ILO. International Programme on the Elimination of Child Labour), June 2008
Working children, once adults, also have higher susceptibility of falling victims of trafficking and forced labor.

Another important development is the growing awareness and evidence that it is more cost effective from the standpoint of the economy as a whole to invest in programs to keep children in school and out of work, while opening more space for adult employment, than having to invest public money later on the externalities of foregone education.\textsuperscript{14}

Cultural traditions have their economic and legal reasons. And, indeed, some of these traditions condoning and perpetuating child labor, particularly in their worst forms addressed by Convention 182, have been changing fast as a result of international awareness and management risks of child labor and forced labor and other fundamental rights abuses in supply chains in sectors such as cocoa, cotton, sugar, fruits, tea, sisal, charcoal, fishing, mining and quarrying, etc.

2.1.3.1 Is poverty a cause or consequence of child labor?

This is a most critical question because either answer can lead to strikingly different approaches, strategies and paths to action – and results.

Although many people still perceive child labor as a consequence of poverty, our in-depth analysis and experience is revealing that child labor is a \textit{circular cause of poverty} and that the main causes of predominant forms of child labor are rather a mix of: greed, deregulation, impunity, denied opportunity, discrimination and social neglect. Poverty is often the key facilitator rather than the ultimate cause of child labor.

There is some evidence that if poverty falls significantly, child labor also tends to decline, although the former is not necessarily the "cause" of the latter. On the other hand,

increased poverty, or decreased family incomes tend to facilitate child labor. But to treat these factors as causes of illegal, unethical and harmful employment of children is no more than an attempt of employers or their intermediaries, or policymakers or consumers to brush off their/our blame.

We cannot, with all honesty, blame poverty for our hiring and buying practices, nor should we blame poverty for giving low priority to the protection of children, particularly (and not exclusively) the most vulnerable groups of children among them.

By the same token, national level of development and trends in economic growth have often been thought to influence attitudes on child labor and the definition of the minimum working age, in accordance with the flexible provisions of ILO's Convention 138 (1973). Yet, there are many examples suggesting no such relation, including the regional poverty trends outlined earlier compared to regional indicators of child labor decline.

The diagnosis of child labor as a “cause” or “consequence” of poverty for different case profiles of children with names and addresses - and also with specific relations with employers, or coyotes or pimps, or even abusive family members - can lead to rather different sets of diagnoses about causes, actors, institutions, and options for intervention, recourse, etc. (box below).
Interdisciplinary approaches to problem-solution diagnosis is ESSENTIAL.

<table>
<thead>
<tr>
<th>CAUSE VS. FACILITATING FACTOR?</th>
<th>Correct Diagnosis?</th>
<th>ACTORS, INSTITUTIONS</th>
</tr>
</thead>
</table>
| Greed                           | What is the real Problem? | ... >> >
| Deregulation                    | Profile             | Options              |
| Impunity                        | Elena, Isobel       | ... >> >
| Discrimination                  | Enrico, Nellie      | ... >> >
| Neglect vs. POVERTY??           | M. Rosa?            | ... >> > |

... >> >

APPROACH

... >> >

Strategy

... >> >

SolutionS vs. REMEDIATION

... >> >

ACTORS, INSTITUTIONS

POLICY <-> CIVIL ACTION

INTEGRATION

... >> >

Ethics case for business Vs. Business case for ethics

LAW ENFORCEMENT

So here they are in a very simplified format to stimulate further discussion:

**Elena** is one of the six cases in this Conference’s website. She is 16, from Honduras; separated from her mother after she remarried; lived with her poor grandmother; left school at 12; tried to support herself and her grandmother and sister by selling gum, tissues, etc. At 15, she went to the U.S. with a help of a local loan shark presumably linked to some “coyote” who could be a “smuggler” or a “trafficker” (the legal difference between these two is huge in the US, but the practical difference between them
can be a matter of ambiguous detail and high risk). By the time she arrived in the US she realized she was pregnant. Elena worked in a restaurant until it was raided, and she was apprehended by federal immigration authorities and placed in a federally-funded shelter. She gave birth soon after her arrival at the shelter.

**Isabel** is a 17 year old “undocumented” worker from Mexico who died of dehydration and related complications in May 2008 from strenuous and long hours in grape-picking in a vineyard in California. Her life path (uncertain here) was probably comparable to Elena’s.

**Maria Rosa** is a 17 year old from Mexico; she’s another victim of false promises of a good job in a restaurant in Florida who goes from smuggler to coyote to intermediary, and ends up as a bondage victim of a commercial sexual exploitation ring.\(^\text{15}\)

**Emmanuel** is a different sort of case. He’s a 13 year old street boy in Nairobi, the main character of Len and Gloria Morris’ (2008) film, “Rescuing Emmanuel” (Galen Films). He’s mistreated by his family, abandoned to street life, neglected by his government and society. He sniffs glue to get high; eats and drinks from the garbage dump; sleeps on the streets; he comes across Len and Georgia Morris, the film-makers, and he lays his case: “Help me; I want to go to school... right now”.

**Hamela** is a 15 year old domestic worker from Burma (one of the six case studies in this Conference’s website). In the past six years, she’s worked seven days a week tending house and the three small children of a Bangladeshi family in a Caribbean country. While hospitalized for appendicitis she told the hospital nurse

\(^{15}\) Maria Rosa’s case is a simplified sketch borrowed from lectures by Ambassador George Miller, former Director of the U.S. State Department’s Office to Monitor and Combat Trafficking in Persons. (For details of this Department’s activities see: [www.state.gov/j/tip/](http://www.state.gov/j/tip/))
that some of the marks on her body were from beatings by her employer for chores she had not completed appropriately. Her employers told her they paid a lot of money to her family for her services. She allegedly worked from 6 a.m. until 9 p.m., and was only allowed to retire to her room after the employers’ children went to bed. She was afraid to be beaten again.

On the basis of those profiles, let us discuss the basic setting of actors and concerned institutions and try to figure out the “cause” vs. “consequence” syndrome of their plights which is essential for further diagnosing the options to address their cases.

One common general question regarding the cases of Elena, Isabel and Maria Rosa is why are they tempted to cross the border in search of illegal jobs while exposing themselves to risks of smugglers coyotes and traffickers? Evidently, this is because they find illegal employment easily enough. Elena was apprehended and Isabel died, but what happened to their employers? If there were effective enforcement of employment laws along with immigration laws in the destination country in the first place, wouldn’t the Elena’s or Isabel’s or Maria Rosas be less likely of getting exposed to false ideals and promises and even extreme forms of abuse?

But even if they had proper “documents” to be hired legally, should Elena and Isabel be working at their ages respectively in a restaurant and a farm? Doing what kind of work for how many hours? Is their work hazardous enough to fall under the fourth category of WFCL or not? Probably not in Elena’s restaurant, but probably yes in Isabel’s vineyard. And that depends on the country’s definition of “hazardous” work under the obligations established by ILO Convention 182. Isabel’s death received wide media coverage from CNN’s Lou Dobbs to the Governor of California, but this coverage bypassed altogether the critical question of whether or not Isabel should be working in a
vineyard in the first place, regardless of her status. Isabel's work and death was caused by legal and institutional failures. Poverty simply facilitated exploitation. Lack of water was simply instrumental. The governments of the 166 countries which have so far ratified ILO Convention 182 (including the US) have the obligation under its provisions to define - through consultation with nationally representative employers' and workers' organizations - a list of activities that make up the category of "hazardous work" and reflect them into national law. Indeed, several ratifying countries include that type of work as hazardous to children under 18.

And why are Maria Rosa and Hamela exposed to trafficking and extreme abuses? Maria Rosa's case is more detached from law enforcement and institutions, because the obvious cause of her exploitation in her situation is a trafficker who is often difficult to track down. Poverty simply facilitated her search for a risky job, making her fall prey to traffickers.

Hamela's case involves inter-governmental legal and immigration of more complex nature. The nurse wasn't sure how to proceed and whom to report her case. She was concerned that following her surgery, Hamela would be forced back into a life of abuse. Hamela would like to return to live with her family in Burma, but she only remembers her family name, not their address. The concerned Caribbean country is a party to the Refugee Protocol and has a process in place to conduct refugee processing. The country is ranked on Tier 2 of the Department of State's annual Trafficking in Persons Report, and has a Taskforce and a Plan of Action to combat trafficking in persons. The country is not a party to the conventions on statelessness. Family reunification is difficult. So what will have happened to her employers? Shouldn't they be investigated for alleged abusive treatment and extreme long work hours and possibly forced labor via coercion and induced fear? And if guilty, shouldn't they be prosecuted? And if prosecuted, should this be done under what code(s) - penal, civil, labor?
Emmanuel’s case is legally even more remote from institutional responsibility and accountability. He’s not even a child laborer. His fate is even worse. But can we blame poverty for his glue sniffing and feeding out of the garbage dumps? Is his government so poor that it cannot invest in shelters coupled to public schools with minimal nutrition and safe drinking water? Can the world community of donors, creditors, businesses and consumers neglect Emmanuel’s fate?

2.1.3.2 Risk factors and vulnerability of child exploitation and trafficking

For many years, trafficking was thought of in the narrow sense of kidnapping, abduction and selling of children. Experience gained from numerous projects to combat child trafficking carried out by the ILO and other organizations has demonstrated that the issue is considerably more complex and has multiple causes, risk factors and manifestations.

Poverty usually plays a principal facilitating role, but poverty alone does not explain - much less justify - why certain poor families fall victim to trafficking and others not or why certain governments are more actively engaged in preventing it than others.

There are often a number of risk factors at source, transit and destination points that, if combined with institutional deficiencies, make children more likely to be trafficked. Additional risk factors include, for example, parent illiteracy, illness or death of one of the main family breadwinners, unemployment, early school drop-out of the concerned children, absence of workplace inspection or policing, and a specific demand for child labor.

The following list shows the many risk factors in the trafficking process that can make a child more vulnerable to being
trafficked, exploited and re-trafficked. Effective solutions to stop trafficking include recognizing which risk factors are present in a given situation and finding ways to minimize them. Without addressing these, trafficking is likely to continue.

**INDIVIDUAL RISK FACTORS**

**General**
- Age & Sex (i.e. young girls);
- Marginalized ethnic minority – little access to services;
- No birth registration / Lack of citizenship;
- Orphans and runaways;
- Lack of education & skills;
- Low self-esteem;
- Innocence / naivety / lack of awareness;
- Consumerism, negative peer pressure.

**In transit**
- Traveling alone rather than in a group;
- Traveling without money;
- Traveling unprepared & uninformed;
- Traveling without destination address or job;
- Emotionally upset, drugged, threatened, constrained;
- Traveling without ID & registration;
- Traveling illegally;
- Go through non-registered agency or smuggler;
- Traveling at night.

**In source/sending areas**
- Difficulties in school – drop-out;
- Experience of family abuse or violence;
- Feeling bored with village/rural life;
- City attraction / perception of a better life.

**At destination**
- Isolation;
- No social network;
- Inability to speak the language;
- Inability to understand system in which they live/work;
- Illegal status;
- Dependency on drugs, alcohol;
- No contact with family;
- Work in bad conditions – may result in WFCL;
- Inability to recognize exploitation / bondage.

**FAMILY RISK FACTORS**
- Marginalized ethnic group or subservient caste;
- Poor single parent families;
- Large family in poverty;
- Serious illness (HIV-AIDS) & death in poor family;
- Power relations within HH - often patriarchal – fathers decide
  (e.g. LAC, Africa, South Asia);
- Son/male preference;
- Domestic violence & sexual abuse;
- Alcohol & drugs in family;
- Past debt / bondage relations of the family;
- Traditional attitudes & practices (e.g. send daughter to
  extended family);
- History of irregular migration & migration network.

**EXTERNAL AND INSTITUTIONAL RISK FACTORS**
- War / armed conflict;
- Market absorption capacity; Large youth population vs. low labor market;
- Natural disaster (e.g. draught, flooding, earthquakes);
- Globalization & improved communication systems;
☐ cheap, fast & transparent Absence of migration/job placement services for youth (i.e. youth may go illegally);
☐ Strict migration controls contribute to pushing movement underground, with large profits for traffickers;
☐ Weak legal framework & enforcement;
☐ Corruption;
☐ Weak education not relevant to labor market;
☐ (Gender) discrimination in education & labor market;
☐ Shifting social mores, ambiguity in teens’ roles.

COMMUNITY RISK FACTORS
☐ Youth unemployment;
☐ Location – i.e. close to border with more prosperous country;
☐ Distance to secondary school & training centers;
☐ Road connection, exposure to city;
☐ Quality of village leadership & community network;
☐ Lack of policing, trained railway staff, border guards;
☐ Lack of community entertainment;
☐ History of migration.

WORKPLACE RISK FACTORS
☐ Unsupervised hiring of workers (e.g. in border areas);
☐ Limited reach of labor law;
☐ Poor labor protection & enforcement;
☐ (dangerous, dirty, Unregulated informal economy and 3D jobs demanding) with poor working conditions;
☐ Lack of law enforcement, labor inspection & protection;
☐ inability to change employer;
Male demand for sex with girls & sex tourism;
Undercover entertainment (hairdresser, KTV, massage);
Public tolerance of prostitution, begging, sweatshops;
Lack of organization and representation of workers.

2.2 Concluding remarks

There has been some progress in raising public awareness about child labor and related trafficking and forced labor and their tenacious nature and of the awful prospect that it is growing in some areas of the world.

In addition, key UN and other international agencies are now working together more effectively, which is critical to sustaining the growing global movement to eliminate child labor. The basis of action to combat the problem is the political will and commitment of individual governments and civil society to address it.

The estimated 11% decline in child labor in 2000-2004 was also significant. A number of critical gaps and challenges remain, however.

1. The residual child labor of well over 200 million in 2004 was still too high and it is unclear whether and how much it will have improved since 2004 in spite of improved growth trends and reduced poverty in 2005-07.
2. The residual of worst forms is too high for the envisaged target of eradication by 2016 given the extreme shortage of time-bound programs.
3. Some countries that are growing the most, particularly in South and East Asia are making progress, but still far too slowly and with little excuse not to do more.
4. A few other countries which had made more progress due to the right policy mix even when their economies were not doing so well, have recently seen setbacks in spite of improved economic indicators. Brazil may be the best example of this.

5. Some developments to reduce and prevent child labor in supply chains are positive in some cases but still far too scanty. It is difficult to accept that sectoral cocoa-chocolate or the cotton-apparel chains or vegetables and fruits cannot move faster.

Annex 1

IPEC INITIATIVES TO COMBAT CHILD TRAFFICKING

Together with a broad network of local partner organizations, IPEC has operated a range of regional and national programs against child trafficking over the past 10 years. These programs show how various elements

West and Central Africa
In October 1999 IPEC launched a major 12-country project (LUTRENA) in West and Central Africa to combat cross-border trafficking. The project is operational in Benin, Burkina Faso, Cameroon, Gabon, Ghana, Guinea, Côte d’Ivoire, Mali, Niger, Nigeria, Senegal and Togo. By March 2007 it had rescued 13,000 children from trafficking and prevented 23,300 from being trafficked. Direct assistance (including health services, nutrition, formal and non formal education, vocational and skills training, legal assistance and/or counseling services) and awareness raising campaigns have reached tens of thousands of people in areas of origin, transit and destination in each country. Other highlights include the provision of training to more than 7,500 social workers, judges and prosecutors, law enforcement and border personnel, journalists, and NGOs staff; the establishment of local vigilance committees which mobilize
communities, monitor the well-being of children and migrant behavior, identify and intercept children at risk of trafficking and victims, and participate in the offering of direct assistance services to children in need; the mobilization of a transport union to fight trafficking through an alert system; the Abuja Agreement on trafficking in persons, especially women and children, adopted by 24 of 26 member states of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) and the adoption of national legislation and a series of bilateral cooperation agreements among sending and receiving countries.

Eastern and Southern Africa
Attention to trafficking in children is in its infancy in East and Southern Africa. Through engagement with national research organizations, capacity has been built and information has been gathered in Swaziland, Uganda and Zambia. Research is about to start in Malawi. The results of these studies are expected to support focused dialogue to address child trafficking through policy and outreach initiatives.

Europe
A full-fledged project to combat trafficking of children and young people has been operational in the Balkans (Albania, Romania, Moldova, and Ukraine since 2004. In its three-year first phase, the project prevented/withdrew 4,400 children from trafficking in the region through education, job counseling, youth employment, and peer education (through child participation) in youth centers. A comprehensive Child Labour Monitoring System has been set up, and the psychosocial rehabilitation capacity of professionals has been enhanced through development of training packages and delivery of training, indirectly benefiting thousands of children. Work to date has been documented in "Steps to the Elimination of Child Labour in Central and Eastern Europe – Emerging Good Practices and Lessons Learned" (2007). In its second phase,
which runs until 2009, another 4,500 children have been targeted for prevention/withdrawal from WFCL. The focus of the project is on country-wide scaling-up of IPEC models of prevention, identification, referral, rehabilitation and tracking, and increasing the outreach of institutions for the elimination of child labor.

Central America
A multi-year program has been operational since February 2002 to combat commercial sexual exploitation of children in eight countries of Central America: Belize, Dominican Republic, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. The Program aims to create synergies among the national initiatives in the region, to facilitate cross-sectoral cooperation among the countries and to strengthen the capacities of major actors through training, technical support and the sharing of good practice and pilot models for action. Pioneering research and advocacy work has, amongst others, focused on men and masculinity and their contribution to trafficking, and potential solutions. Mobilization and training of a range of judges and prosecutors has contributed to law enforcement and punishment of offenders. In collaboration with other international organizations, the project contributed to the development of regional guidelines for the repatriation of children and adolescent victims of trafficking in persons. These were approved in April 2007 during a Regional Conference on Migration for Central America, Mexico, Canada, the United States and the Dominican Republic.

South America
In Argentina, Brazil and Paraguay, Idec’s three-border project has been active from 2001 to 2005 to map the incidence of exploitation in the border areas of the three countries, and build institutional capacity. This included training of police, judges, prosecutors, journalists and teachers associations; awareness raising initiatives; and mobilization of community-based prevention, protection and care for exploited children. Local
referral centers have furthermore been established to care for sexually exploited children. The “Weaving Networks” project in Chile, Colombia, Paraguay and Peru – operational since 2004 – is strengthening local capacity, raising awareness and mobilizing community-based protection and care for sexually exploited children and children in domestic labor. The project uses a holistic approach where children receive gender and child friendly rehabilitation services along with education and vocational training.

Brazil
Following a series of small projects on child trafficking in Brazil since 2002, a large project started in 2006 focusing on increasing the knowledge base, building the capacity of institutions including associations of judges, prosecutors and attorneys, and sensitizing the media and the population about trafficking in persons for commercial sexual exploitation and forced labor exploitation. The project also contributed to the development of a national policy against trafficking in persons that was enacted in October 2006.

South Asia
A sub-regional project to combat trafficking in children in South Asia began in 1998 with research, consultation and analysis, which led to a two-year project covering Bangladesh, Nepal and Sri Lanka. Anti-trafficking units have been supported within government structures, and surveillance units have been set up with computerized monitoring of rescued victims. Youth groups have been mobilized and supported and a strategy for effective rehabilitation has been developed, along with child-friendly standards and guidelines for the recovery and reintegration of trafficked children.

Mekong sub-region
A five-country project to combat trafficking in Cambodia, China (Yunnan Province), Laos, Thailand and Viet Nam has been in operation since 2000. It is one of the largest anti-trafficking
initiatives in the sub-region. The project works through a combination of grass-roots interventions and capacity building of Governments at all levels, offering education and skills training, alternative livelihoods and improved income prospects, legal literacy and awareness raising through local partners, and helping governments to better manage labor migration and avoid trafficking-related exploitation. The project also offers cross-cutting public advocacy for better treatment of cross-border migrants, especially migrant children. An emphasis is placed on the promotion of safe migration for decent work for youth of working age, and engagement of workers’ and employers’ organizations to address the demand side of trafficking at destination, covering both internal and international movements. Together with Save the Children – UK, the project launched the "Voices of Children" initiative to show the value of children’s meaningful participation in the development of policies that affect the lives of young people. The project also supports the close collaboration of women’s organizations, as illustrated in the Mekong Women’s Forum (held in July 2007). The forum highlighted the value of sub-regional cooperation, networking and consultations in work against trafficking.

**China**

The project to prevent trafficking in girls and young women within China (CP-TING) was launched in 2004. CP-TING is implemented in close collaboration with the All-China Women's Federation and carries out activities at the national level and in five pilot provinces. For at-risk girls under the age of 16, the project promotes a prolonged education and training; and for girls and young women aged 16-24, the project focuses on reducing vulnerability by promoting safe migration for decent work. More specifically, the project is working with local education departments to deliver life skills training to over 17,000 boys and girls in 90 middle schools in rural areas. Over 100 Women's Homes have been established to provide information, training and referral services for young female migrants and potential migrants. To enhance the capacity of the
young migrants and the institutions providing them with services, the project is developing a comprehensive set of safe migration guidelines. A public awareness campaign carried out with the Ministry of Railways at the time of the Chinese Spring Festival reached nearly a million migrants traveling through 22 major train and bus stations. Children affected by trafficking have participated in provincial forums and representatives will come together for the first ever National Children's Forum on anti-trafficking organized jointly with UNICEF, UN Inter-Agency Project on Trafficking (UNIAP), and Save the Children China. The children's Statement of Recommendations will feed into a sub-regional ministers' meeting to be held in Beijing in December 2007.

SOME OF THE LESSONS WE HAVE LEARNED FROM INTERVENTIONS IN RECENT YEARS

Responses to the problem of child trafficking for a long time addressed only poverty as the primary cause rather than some of the more specific vulnerabilities; addressed the supply side in sending communities rather than interventions all along the way, including demand at destination points; and focused on assistance to victims rather than prevention. We now know that these represent only a partial response and that other aspects of intervention are just as important. The following are some of these lessons learned.

The most cost-effective way to fight child trafficking is to stop it before it happens. But effective prevention requires an understanding of the problem at its root, including risk factors that interplay and combine in different ways in different sectors at source, transit and destination, and in different cultural contexts, communities and families.
Learning from former victims is instrumental in determining these risk factors and their interplay. It is also crucial in targeting the children that are most vulnerable to (re)trafficking. Local communities at source and destination points need to be empowered to understand what creates these vulnerabilities and determine age-specific remedial action that includes education for children under 15 and school/work solutions for children of minimum working age.

State policy must provide protection and this policy must be enforced. Law enforcement and policy initiatives should include restrictive and preventive steps to stop the recruiters, traffickers and exploiters from causing more harm. It should also focus on the creation of decent work alternatives for families whose children are at risk of trafficking.

Recruiters and middle men are only half of the equation. Programs must also address the responsibility of clients and employers who take advantage of vulnerability for special gain.

Public indifference must also be fought. This includes indifference to such activities as child begging and exploitation of children in domestic work.

Focusing on preventing migration pushes trafficking further underground. It is better to emphasize reducing vulnerability to trafficking in the process of movement. This implies an understanding of risk factors and cause-effect relations.

Child participation is crucial. Individual children can be helpful in identifying children that are most in need, as well as in finding meaningful ways to assist them.

PARTNERS AND PARTNERSHIPS

UN Global Initiative to Fight Human Trafficking (UN.GIFT). Together with the International Organization for
Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), United Arab Emirates (UAE), United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), and the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the ILO is part of the Steering Committee of UN.GIFT which aims at mobilizing state and non-state actors to eradicate human trafficking by (i) reducing both the vulnerability of potential victims and the demand for exploitation in all its forms; (ii) ensuring adequate protection and support to those who fall victim, and (iii) supporting the efficient prosecution of the criminals involved while respecting the fundamental human rights of all persons. In carrying out its mission UN.GIFT will increase knowledge and awareness on human trafficking; promote effective rights based responses; build capacity of state and non-state actors; and foster partnerships for joint action against human trafficking.

ILO International Training Centre/Turin (ITC). IPEC works with the ITC to offer regular training courses on trafficking in children and adults.

Understanding Children's Work (UCW) initiative. UCW is a joint initiative by ILO, UNICEF and the World Bank, based in Rome, which conducts research on child labor, including child trafficking.

International Agricultural Partnership for Agriculture without Child Labour. The partnership includes ILO, Food and Agriculture Organization (FAO), International Fund for Agricultural Development (IFAD), International Food Policy Research Institute (IFPRI) of the Consultative Group on International Agricultural Research (CGIAR), International Federation of Agricultural Producers (IFAP) and International Union of Food Agricultural Hotel, Restaurant Catering, Tobacco and Allied Workers' Associations (IUF). The partnership, amongst others, points at the need for research on
trafficking of children into agricultural work, including on plantations.

Global Task Force on Child Labour and Education For All (GTF). Core members of the GTF partnership are the ILO, United Nations Educational, Scientific and Cultural Organizations (UNESCO), United Nations Children's Fund (UNICEF), World Bank, United Nations Development Program (UNDP), Education International (EI), the Global March against Child Labour, and the governments of Norway and Brazil. The GTF reflects international concern that child labor, including child trafficking, is an obstacle to the achievement of EFA goals. It also recognizes that fighting child trafficking contributes to achievement of the EFA goals.

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