

ECPAT Child ALERT

# Pacific Trafficking in Persons Forum

Wellington September 2009

# Who is ECPAT?

- ECPAT stands for **End Child Pornography, Child Prostitution and Child Trafficking for sexual purposes**. It is an international network of agencies in over 80 countries with a Secretariat in Bangkok.
- **ECPAT Child ALERT** is the NZ branding of ECPAT – focus in NZ mainly on Child Prostitution and Child Pornography – but growing concern regarding Child Trafficking.

# History

- First World Congress Against Sexual Exploitation of Children; Stockholm; 1996 The event was co-organised by UNICEF and ECPAT International.
- Resulted in a **Declaration and Agenda for Action** so that governments in attendance could receive the necessary approval for its formal adoption at the Congress.
- Two further World Congresses in Yokohama (2001) and Rio (2008).



# What is CSEC

The most widely agreed upon definition used by academics, lawyers and child advocates is the one contained in the *Declaration and Agenda for Action* of the First World Congress in Stockholm 1996:

“The commercial sexual exploitation of children **(CSEC)** 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 commercial object. The CSEC constitutes a form of coercion and violence against children, and amounts to forced labour and **a contemporary form of slavery.**”

# Statistics I

All numbers associated with people trafficking are estimates only.

- According to ILO, there are more than **200 million children** in the world involved in child labour.
- According to ILO, almost 75 per cent of employed children are engaged in the worst forms of labour, **including trafficking**, armed conflict, slavery, **sexual exploitation** and hazardous work.
- According to numbers recently released by the United Nations Office on Drugs and Crime, **79% of all trafficking worldwide is for sexual exploitation** and the victims used for this purpose are predominantly women and girls.

# Statistics II

- Estimated **1.2 million children are trafficked worldwide for sexual exploitation**, including for prostitution or the production of sexually abusive images, as well as to be used as cheap labour.
- Among the total victims of the **global trafficking of human beings, children count for over 20%**.
- Even if many victims may originate from relatively underprivileged areas, these **children are trafficked for sexual exploitation in or through virtually all countries in the world** to meet the sexual desires of a large number of exploiters and abusers and financial gain for traffickers.

# Legislation

Currently there is **no one piece of international law protecting children from CSEC in all its forms**. Rather, there are a series of conventions, treaties and declarations of various judicial authorities that make reference to child protection and the criminalisation of sexual crimes against children.



# International Instruments I

- The Convention on the Rights of the Child (CRC) and came into force in September 1990. In the context of commercial sexual exploitation, **the CRC contains direct obligations by states to protect children from all forms of sexual exploitation, including child prostitution, child pornography and trafficking**, pursuant to Articles 34 through 35.
- The Optional Protocol on the sale of children, child prostitution and child pornography entered into force in January 2002. **The Protocol expressly prohibits the sale of children**, child prostitution and child pornography and is the first international instrument to define these terms. Accordingly, the Protocol requires these offences to be treated as criminal acts.

# International Instruments II

*UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the 'UN Trafficking Protocol', often referred to as the 'Palermo Protocol' (2000):*

- (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 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.
- (b) **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 above.
- (c) "Child" shall mean any person under 18 years of age.

# CEDAW & ILO

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. **States parties agree to take appropriate measures against all forms of trafficking in women and exploitation of women. Its application to CSEC is that since “women” is not defined in the Convention, its articles are equally applicable to the girl child as well.**
- The ILO Convention No. 182 became the first International Labour Organisation convention to be unanimously adopted by the 174 member states of the ILO in June 1999. The Convention provides definitions of **the worst forms of child labour that include all forms of slavery, trafficking, child prostitution, child pornography.**



# Prevention

- Public Awareness – the educating of people to alert them to the reality of trafficking. This form of modern day slavery has to be abolished.
- Legislation - at all levels to prevent the recruiting, harbouring, transportation, selling and exploitation.
- Monitoring and reporting - publicly on levels of child trafficking or similar abuse and the responses by government agencies (and other organisations) has a preventive effect.



# Dollar Driven Demand



- Demand created by consumers –for sex specifically with someone under 18 years of age.
- Sex industry controlling the sale of human bodies to meet demand can make large profits per person.
- In this context, the younger the age of the victim, the easier it is to control him or her, and the less money it takes to support the upkeep of the young person.
- Demand is often fed through the trafficking of young people from rural areas within their country to the tourist markets, and even across borders from countries without a tourist market to those that are tourist destinations.

# Male Driven Demand

- Underlying **attitudes about male entitlement** can foster a perverse notion that it is acceptable for men to sexually exploit children, either in their own countries or abroad (as in the phenomenon of child sex tourism).
- Contrary to popular misconceptions, the demand for sex with children does not only come from paedophiles but is actually mostly **generated by people who pay for sex**. Persons (nationals and foreigners) who patronise the commercial sex market may end up sexually exploiting a child.



# Contributing Factors I

**Financial Interests** - At minimum, four sub-sectors within the realm of private enterprise have habitually been associated with CSEC and Child Trafficking:

- The first sub-sector involves the **travel and tourism industries – supply.**
- A second subsector includes the **media industries - portrayal.**
- The third sub-sector represents **new technologies – processes.**
- The fourth, and newest sub-sector within the private sector, is the **financial alliance - blocking.**

# Contributing Factors II

## Criminal Interests

- According to law enforcement, sexual exploitation of women and children is one of the fastest growing organised criminal activities around the globe, and follows in revenue only the trade in narcotics and weapons.

Trafficking is estimated to earn **\$US28.5 Billion** per year.

- Children are at particular risk of exploitation because trafficking cartels are highly skilled in manipulation and deception.



# Contributing Factors III

Corporates -

Corporate Social Responsibility (CSR)



CSR has advanced alongside globalization. Globalisation has increased the number of stakeholders affected by the business process of today's world. Currently, 94 per cent of FTSE-350 firms include a reference to CSR in their annual reports - evidence the market is demanding that corporates recognise their impact on local and global communities.

# Contributing Factors IV

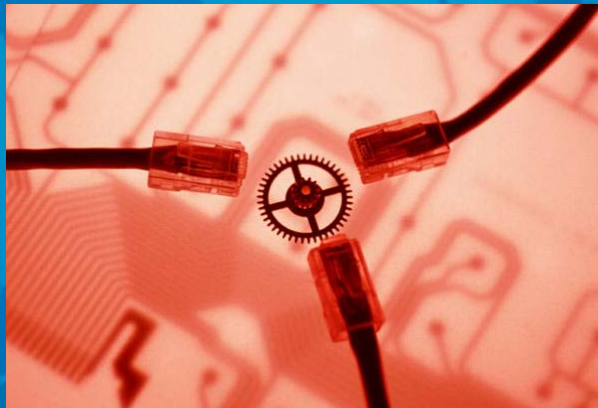
**Poverty** - Poverty, which is one of the main factors behind child trafficking, will grow significantly. According to the World Bank, in 2009, 65 million people will fall below the \$2-a-day poverty line and **53 million will be pushed below the level of absolute poverty, which is \$1.25 a day.**

**Conflict** - Protracted armed conflicts often determine a rise in demand of sexual services from troops, peacekeepers and humanitarian workers, and **traffickers that take advantage of this** by luring and selling children into prostitution. Similarly, natural disasters such as earthquakes, flood or famine crises may disrupt entire families and communities, leaving children without necessary protection.

# Prevention, Recovery, Reintegration

The Repatriation and Reintegration phase will be composed of three potential options:

- repatriation of the child to the place of origin,
- **local integration in the place of the trafficking destination,**
- or resettlement and integration in a third country.



# The New Zealand Context

- New Zealand's Minister of Immigration introduced ***The Plan of Action to Prevent People Trafficking*** in 2009.
- New Zealand's Minister of Justice introduced ***The National Plan of Action Against the Sexual Exploitation of Children 'Protecting Our Innocence'*** in 2001. This was reviewed and updated in 2006 called *The Stocktake*.
- The Plan of Action to Prevent People Trafficking **does not** have specific reference to trafficking of children.
- The National Plan of Action Against the Sexual Exploitation of Children **does** have specific reference to trafficking of children.

# Current situation

- There is a lack of substantive research regarding trafficking of people (including children) in New Zealand in regard to trafficking both across the borders and within the country – although there is anecdotal stories told of both.
- None of the Pacific Island states have a National Plan of Action Against Sexual Exploitation of Children (including trafficking) as yet. Agencies are working with partners to achieve this.



# Where to next

- ECPAT endorses the two Plan of Action documents and commends the Government for their concern – but call for stronger implementation and monitoring measures.
- ECPAT intends to campaign on issues related to trafficking of people and will conduct research to quantify the New Zealand context – particularly in regard to children (ECPAT is the only NGO in New Zealand with a sole focus on CSEC – commercial sexual exploitation of children, including trafficking of children for sexual purposes).



**Thank You !**