

THE GLOBAL AND LOCAL DIMENSIONS
OF
TRAFFICKING IN CHILDREN AND YOUTH

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As with trafficking in persons, trafficking in children and youth is a world-wide phenomenon. It is a phenomenon that is hard to quantify or even estimate but UNICEF estimates that anywhere from 1 -1.2 million children are trafficked each year throughout the world. Canada is also part of this phenomenon and is considered a country of transit and destination. But as my co panellist Sara Hunt explains, this does not take into consideration a fairly large number of aboriginal children that are trafficked domestically and to some extent internationally each year for sexual exploitation.

In this presentation I am going to talk about the types of trafficking that children are subject to internationally and in Canada, the risk factors for children and the push and pull factors that lead to children being trafficked. Finally I will briefly look at the legal position of children, victims of Human Trafficking in Canada as compared to that found in International instruments which we have signed.

Trafficking of children and youth globally is not restricted to trafficking for sexual exploitation, which includes child sex tourism, pornography, and pedophilia. Children and youth are also trafficked throughout the world for domestic work, forced labour, begging, child soldiers, organ transplantation and adoption. In Canada I myself have seen children who have exploited sexually, in domestic work where you could almost say they were slaves, drug sellers, and I am sure some of the foreign adoptions really involved trafficking. I have not heard of organ transplants from children being done here in this country but I am sure that Canadians have gone overseas to benefit from organ transplants from trafficked children.

The risk factors that make children and youth vulnerable to trafficking include but are not limited to the following: gender in that girls are more vulnerable than boys; Poverty; Globalization since it contributes to mobility, poverty, unemployment unstable jobs for young people, illiteracy and the expansion of international organized crime; Social Isolation found in many dysfunctional families where they have suffered from sexual abuse, mental health problems and little education; Areas of armed conflict where they may be recruited as child soldiers or protective measures become ineffective; New Technologies like the Internet through which children may be recruited; Stricter Immigration Policies which lead children to seek help in crossing borders

Like adults there are many push and pull factors that lead children to become victims of human trafficking. These factors may be direct or indirect that is they may be on the child or on the family or persons close to the child. But one thing must be remembered but I am afraid isn't, is that children cannot consent to be exploited. Therefore any child being exploited for financial gain is a victim of trafficking even if they have agreed in order to help out their family.

As mentioned Poverty is a risk factor and it is also a push factor. It may lead parents knowingly to sell a child in order to help support the rest of the family, or to send a child to a place where they are promised much better paying work. Some may sell their children or even give them away for adoption with the idea that they will have a much better life then they would have at home. This may be true or it may be a ruse and lead to worse horrors. The parents can never really be sure. Poverty may also lead to debt bondage and paying off the debt through their children. Poverty usually causes parents to work long hours leaving children poorly supervised and much more vulnerable to outright kidnapping or luring away with false promises. Traffickers have patience and take the time to groom potential child victims with presents and pretending to be boyfriends or friends. Wars and natural disasters separate children from their families leaving them vulnerable to anyone who befriends them for survival. Here in Canada we hear of youth who are lured by friends they have made on the internet.

On the demand side there is an ever growing need for children and ever younger children for prostitution. The AIDS epidemic in many parts of the world has led to the prostitution of more and more and younger children in hopes of either preventing the disease or as some believe they can cure it by having sexual relations with a virgin. Globalization and economic colonialism has led to the demand for cheaper and cheaper labour and children are a good source of this cheap and submissive labour. Also their size and nimble fingers make them ideal for certain types of work. For certain groups they make ideal soldiers easily risked in battle or unsuspecting terrorists. Children are also much more easily moved from country to country then adults and in many first world countries if children are caught committing a crime they have a much better chance to be freed or let off with a much lighter sentence then an adult. No wonder traffickers are so ready to recruit and use children and youth.

The definition of trafficking for children under the age of 18 is different than that of adults in the Palermo protocol, that is children cannot consent to be exploited. The definition for adults is

(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. 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;

while that for children adds the following two paragraphs.

(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.

To simplify the difference is to say that consent is not a question when dealing with children under the age of 18. So when exploitation is involved with children you don't have to distinguish between trafficking and smuggling. But Canada makes no difference between adults and children in the requirements for its temporary residence permit and in fact does not differentiate between adults and children in any of its laws dealing with trafficking or possible trafficking. Therefore we see youths like some of our under age Honduran drug dealers who are still being criminalized instead of being recognized as children, victims of human trafficking. They are jailed instead of being helped, deported without the possibility of a Temporary Resident Permit. BC has some of the worst labour laws for children in first world countries. Therefore instead of protecting children it makes them extremely vulnerable to forced labour and no one is necessarily suspicious. Therefore I would not be surprised to find youth victims of trafficking if we looked closely enough in our fields, factories etc. Who is really getting the money for their employment. But since the work in itself is legal it is much harder to identify these children.

Now some people will argue that trafficking allows these children to migrate to a better situation than in their own country. Is it really better for them to be separated from their family, friends, culture etc or is it our attitudes that things are superior here? It is important that we don't generalize one way or the other.