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Child Trafficking¹

Introduction

As a social problematic, child trafficking exploded onto the international scene in the late 1990s, a product of the union between the anti-child labour and anti-trafficking movements. For the next 15 years, it became the defining child protection issue for a whole network of Northern donor agencies, Southern government departments, UN bodies and a universe of NGOs. It led to institutional interventions across the globe, carved multilateral channels through which billions of dollars flowed, and shaped (and in many cases seriously harmed) lives on every continent. Although now somewhat supplanted by the catch-all problematic of ‘modern slavery’, the concept of ‘child trafficking’ still carries some weight, and has been targeted for eradication, alongside child labour, by the 8th Sustainable Development Goal. This entry looks at how child trafficking has commonly been understood, at what policy-makers have tended to do about it, and at the many scholarly critiques of their actions and understandings.

Background and Legal Definition

Child trafficking began its journey to social prominence in the 1990s. It rose on the back of a sharp increase in funding for, media attention to and political discourse around the previous ‘it’ issues of (adult) sex trafficking, child labour and child sexual abuse. These spiked in the wake of the 1989 adoption of the UN *Convention on the Rights of the Child* and in 1992 led to the establishment of the ILO’s *International Programme on the Elimination of Child Labour* (IPEC). IPEC quickly became the centrepiece of a well-resourced and discursively powerful global movement to get children out of work and into school. In 1996, it helped launch the *World Congress Against the Commercial Sexual Exploitation of Children*, and in 2000 fought for the adoption of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

The ‘Palermo Protocol,’ as this document became known, marked the official inauguration of human trafficking (and child trafficking as a sub-category thereof) as an international issue. The years following its adoption saw an explosion of anti-trafficking rhetoric, legal action, project money, and media stories. Organisations dedicated to the anti-trafficking fight mushroomed from a few to many thousand, anti-trafficking literature proliferated, national policy frameworks spread worldwide, and funding rose from the paltry to the billions.

The international legal architecture defining child trafficking combined the Palermo Protocol with the ILO’s 1973 *Minimum Age Convention* and 1999 *Worst Forms of Child Labour Convention*. In doing so, it constructed child trafficking as comprising: (1) childhood (understood to be the state of being aged below 18 years); (2) movement; and (3) exploitation. The section below outlines the components of the legal definition of the crime, according to IPEC.

Definitional Elements of Child Trafficking

- A child — a person under the age of 18 years;
- ‘Acts’ of recruitment, transportation, transfer, harbouring or receipt, whether by force or not, by a third person or group;
- A third person or group who organizes the recruitment and/or these other acts for exploitative purposes;
- Movement may not be a constituent element for trafficking in so far as law enforcement and prosecution is concerned. However, an element of movement within a country or across borders is needed— even if minimal — in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention No. 182 (C182), and ensure that trafficking victims away from their families do get needed assistance.
- Exploitation is taken to include:

¹ Portions of this entry have been re-published with permission from the author’s monograph: Howard, N. (2016), *Child Trafficking, Youth Labour Mobility, and the Politics of Protection*, Basingstoke: Palgrave MacMillan.

- (a) all forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (C182, Art. 3(a));
 - (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (C182, Art. 3(b));
 - (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 (C182, Art. 3(c));
 - (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 (C182, Art. 3(d) and C138, Art. 3);
 - (e) work done by children below the minimum age for admission to employment (C138, Art. 2 & 7).
- Threat or use of force or other forms of coercion, abduction, fraud or deception, or the abuse of power or a position of vulnerability at any point of the recruitment and movement do not need to be present in case of children (other than with adults), but are nevertheless taken as strong indications of child trafficking.

Mainstream Discourse and Policy

Following the definition above, child trafficking has commonly been understood by international child protection agencies as involving innocent and unsuspecting minors kidnapped, tricked or trapped by criminal exploiters, or sold by their desperately poor (or irresponsible) parents into work that is damaging for them. The dominant discourse informing this view assumes that no well-intentioned, well-informed adult would willingly let a minor engage in labour or migration and that no minor would have the capacity to make a decision to engage in these things independently. As such, the existence and persistence of ‘regular’ child work and mobility has often been understood by the relevant institutions as inherently problematic and unwilling. They see children’s work and mobility as unfortunate consequences of factors beyond what they assume to be the ‘normal’ state of affairs.

Mainstream policy responses have correspondingly tended towards the draconian, paralleling efforts to end child labour by pre-emptively targeting the work equated with trafficking or the migration seen to lead to it. Although the specifics of each intervention vary by case and by context, there exist common trends the world over. These pull in two major directions: 1) the promotion of the components and institutions seen as contributing to the creation of the ‘safe and healthy’ (read: Western) childhoods representative of the norm that trafficking is understood to be a deviation from, and 2) the pre-emptive discouragement of children’s labour and mobility. This involves initiatives such as school promotion for children as an alternative to work, anti-work/movement sensitisation campaigns, the passing of anti-trafficking laws that illegalise independent child mobility, border strengthening, and police efforts to reduce child work and movement.

Problems with Mainstream Discourse and Policy

The mainstream approach to addressing child trafficking has been widely critiqued by the scholarly community as reductive and at times counterproductive. Five principal issues have been identified. First is that institutional thinking around it has typically proved ethnocentric, assuming the archetypal Western, middle-class childhood to represent a morally ‘right’, universal childhood that all others should aspire to. This, in turn, has led to the pathologizing mentioned above, whereby non-Western and non-bourgeois childhoods, along with the socialisation practices they entail – including child work and mobility – are constructed as deviant, deficient, and anti-developmental.

Second, in its ethnocentrism, mainstream institutional understandings of child trafficking have failed to account for the *social* nature of meaning. That is, in any given context, practices such as child work or mobility may be experienced either as negative *or* positive, with the difference between the two largely accounted for by the local meanings given to each practice. This relativity of meaning is missed amidst the assumption of a one-size-fits-all truth around childhood and maturation, with the consequence that children’s subjective understandings of their experiences often end up discounted within official child protection practice.

Third, in their zeal to protect children by promoting the non-mobile, work-free childhood typical of middle-classes in the Global North, international anti-child trafficking efforts have often failed to account for the socio-

material imperatives underpinning children's work and movement in the Global South. For many poor children in many poorer parts of the world, work is a necessary condition for survival and in order to contribute to their families' well-being. For some, mobility is also necessary in order to access that work. As such, child trafficking narratives that demonize work or mobility gloss over the structural conditions making each necessary, while the policies that aim to prevent work and mobility fail to address the needs beneath them.

Fourth, the above factors tend to manifest themselves in an approach to policy- and project-making that is typically top-down and at times heavy-handed. Critical scholars have long documented this tendency within the international development field and anti-trafficking actors are no exception to the rule. Children and their families are rarely meaningfully consulted in analyzing their circumstances or in generating ideas for how to improve them; projects are commonly conceived and managed in non-participatory fashion; and interventions tend to take place *on* rather than *with* affected communities, with the result that effectiveness is often limited.

Finally, fifth, as a consequence of the above, research has shown that many anti-trafficking efforts fail to achieve their stated goals and can even make things worse, causing what has been termed 'collateral damage' for the very children and communities they are designed to protect. This trend has been documented on all continents, with children forcibly 'rescued' from work that would otherwise have provided them with a livelihood and repatriated against their wishes and best interests. Worse still, the overly simplistic rescue paradigm has diverted energy away from more robust initiatives towards socio-economic redistribution, which could more directly address the structural underpinnings of all difficult work and mobility.

Explanations

What explains this state of affairs? If we can reasonably assume that international child protection actors genuinely wish to contribute to the well-being of the world's children, including those who they understand as trafficked, why do they appear to be getting it all so wrong? A number of explanations present themselves in the scholarly literature.

First is simply the power of the ethnocentric received ideas discussed above, concerning what childhood is and should be. International child protection actors are commonly taught to think in these terms and much less frequently taught about the multiplicity of childhoods or the social nature of meaning. As a result, they fail to develop the reflexivity necessary to interrogate often sensationalist discourses like those surrounding child trafficking.

Second, institutional practice is such that few have the chance to encounter alternative narratives that challenge their own received beliefs. Agencies in this field tend to cite reports written by each other while field staff in Global South country offices are rarely permitted (or able) to spend long periods of time with the target populations their interventions affect. As a result, meaningful feedback mechanisms are stifled, meaning that pathways for correcting interventional failures or institutional misunderstandings are lacking.

Third is the power of ideology and the funding that attaches to it. Received normative ideas around childhood have been shown to be essential here but so too have those around statehood and the market. Ultimately, as critical development scholars have argued, (neo)liberal understandings of the way that states and markets should be managed govern the operations of all development actors, and those working on child trafficking are no different. This has major consequences for child protection practice. For instance, many anti-traffickers have admitted to being aware of the structuring power of borders and global capitalist inequalities in prompting child migration or (exploitative) work. Many are on record as wanting to do something about them. Yet none are permitted to openly discuss or directly address these issues in the projects they propose since doing so would result in a denial of funding. Ultimately, therefore, international development and the anti-traffickers that are part of it comprise a political system designed to eschew the political economy of lack and instead reproduce comforting stories about Southern cultural backwardness amid the grinding pressure of poverty, because that is what sells among the largely white, Western media audience and the donor agencies they fund.

Alternatives

These criticisms notwithstanding, a substantial academic literature has developed over the past two decades (itself drawing on the related literature around child labour, which dates back further) advocating alternatives to the mainstream documented above. These alternatives point in a number of directions.

First is for international child protection actors to approach what they do in more reflexive fashion. This would require them to embrace the idea that many different kinds of childhood are possible and thus to avoid the unquestioning pathologization of those which differ from what has been described as the 'globalized' norm of Western middle-class childhood. That, at least, would lead to an appreciation of the difference between child trafficking and child work or mobility.

Second is for international child protection actors to acknowledge that children's well-being can best be served in different ways at different times in different contexts. This would itself require putting the promotion of child well-being at the heart of international policy-making, which is currently organised around responding to specific issues, like 'trafficking'. To do this would require the arduous practical and intellectual work of collaboratively defining what well-being means in any given context and balancing competing visions of it.

Third, advocates argue that policy and project work should be developed in participatory, bottom-up fashion. That is to say, rather than beginning with an externally-defined problematic (such as trafficking) and a pre-set way of dealing with it (such as the prevention of child movement), they should approach the communities they wish to assist and ask their members what they think *they* need to improve their lives and the lives of their children. This shift has been characterized as one from charity to solidarity.

Fourth, and in line with the above, child protection practice would need to alter its accountability mechanisms. Currently, accountability travels upwards towards donors, rather than downwards towards beneficiaries. Reversing this direction of travel would constitute a considerable improvement on current practice, and would require the establishment of feedback mechanisms within the international system that currently are lacking.

Finally, anti-trafficking actors have been widely urged to 'get political' in what they do. This would involve directly naming and tackling the political-economic root causes of the phenomena they wish to address. For example, honestly identifying border controls as causal of migrant vulnerability by pushing migrants into ever more dangerous (and exploitative) hands, and so instead advocating for more open borders. Or critiquing Western trade subsidies as fundamental to rural Southern immiseration and targeting global debt relief as a macro-political response to the economic vulnerability that lies beneath children's work and movement.

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Further Readings

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