TERRE DES HOMMES NETHERLANDS FOCUS BRIEF

CHILD TRAFFICKING AND CHILD EXPLOITATION



Child trafficking is a global crime affecting thousands of children worldwide.

According to the widely ratified Palermo Protocol,¹ trafficking in persons is defined as

'The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'.²



Child trafficking and child exploitation are deeply interconnected issues as exploitation is the purpose of trafficking.

¹ Palermo Protocol, 2000. 2 Ibid



DEFINING TRAFFICKING

TRAFFICKING IN PERSONS

means the 'recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'.³ Trafficking is an offence, even if the ultimate act of exploitation does not take place.

CHILD TRAFFICKING

is when the persons being trafficked are under the age of 18 years old. It is important to know that 'the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation' is legally considered 'trafficking in persons' even if this does not involve any of the means, including use of force, threat, deception, abduction or fraud.

TRAFFICKER

Any person who commits or attempts to commit any act related to trafficking in persons or any person who participates as an accomplice, organises, or directs other persons to commit the crime of trafficking in persons.⁴ This term can be used for any person who is involved in the crime of child exploitation.

TECHNOLOGY-FACILITATED TRAFFICKING IN PERSONS

refers to the use of modern communication and information technologies, such as the internet, social media platforms, mobile phones, and other digital tools, to engage in various aspects of trafficking in persons. It involves the misuse of technology to recruit, transport, advertise, exploit or control victims. Technology itself is not the cause of trafficking in persons, but rather a tool that perpetrators misuse to carry out their criminal activities.5

Palermo Protocol, 2000. IOM, 2019. OSCE, 2024.

Context

Child trafficking is alarmingly on the rise. The United Nations Office on Drugs and Crime (UNODC) reports that children comprise over a third (38%) of all victims of trafficking in persons identified worldwide (74,785 in 2022),⁶ which represent just less than 28,500 identified child victims. In 2018, children accounted for 34% of the just less than 48,478 identified victims of trafficking in persons,⁷ with a total number of almost 16,500 detected child victims worldwide.

Such a significant increase regarding the total numbers of child victims between 2018 and 2022 may be explained by various factors which include:

- A significant fall in several regions of the number of detected cases of trafficking in persons, including children, during the COVID-19 pandemic;
- An increasing number of children detected among trafficking victims around the world;
- A demand for sexual exploitation with girls in many regions which is on the rise;
- An increasing number of trafficking routes worldwide, especially after the pandemic, making trafficking in persons and increasingly global and transnational crime;
- Increasing situations of displacement, conflicts, insecurity and climate disasters have exacerbated and are increasingly exacerbating the vulnerability of affected populations, and particularly children, to trafficking.

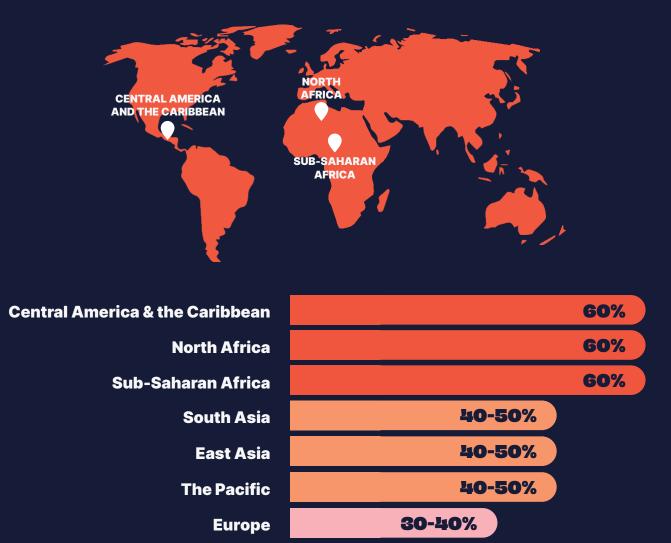
TOTAL VICTIMS CHILD TRAFFICKING CHILD TRAFFICKING VICTIMS VICTIMS **OF TRAFFICKING IN PERSONS** (PERCENTAGE) (ABSOLUTE) 40 0 80000 3000 35 70000 38% 28.500 74,785 0 34% 2500 30 60000 0 25 50000 2000 48.478 20 0 40000 16,500 1500 15 30000 0 1000 10 20000 0 10000 500 0 0 Ω 2018 2022 2022 2022 2018 2018

6 UNODC, 2024 7 UNODC, 2021

Child trafficking is a global issue which is prevalent in all continents. According to UNODC, the highest rate of trafficked children is in Central America and the Caribbean, Sub-Saharan Africa and North Africa with over 60% of all detected child victims in the region.8 South and East Asia and the Pacific have a prevalence of between 40-50% child victims of trafficking. In Europe, between 30% and 40% of all victims of trafficking are children.

This data shows that child trafficking is a pervasive issue across the globe, with significant regional variations in its prevalence.9

The disproportionately high rates of child victims in regions such as Sub-Saharan Africa, North Africa, and Central America highlight the vulnerability of children in areas affected by poverty, conflict, and weak legal frameworks. Similarly, the substantial percentages in South and East Asia and the Pacific, as well as Europe, indicate that no region is immune to this crime. These figures underscore the urgent need for targeted interventions and coordinated global efforts to combat child trafficking and protect vulnerable populations.¹⁰



Regions with the Highest Rate of Trafficked Children

UNODC, 2024. Ibid. Ibid.

¹⁰

TdH NL Position

At Terre des Hommes Netherlands (TdH NL), we recognise that:

Our work contributes to the achievement of the Sustainable Development Goals (SDGs). With regard to child trafficking and exploitation the targets we focus on are:11



SDG GOALS 5 (GENDER EQUALITY)

5.2 eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.



SDG GOAL 8 (DECENT WORK AND ECONOMIC GROWTH)

8.7 eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.



SDG GOAL 16 (PEACE, JUSTICE AND STRONG INSTITUTIONS)

16.2 end abuse, exploitation, trafficking and all forms of violence against, and torture of, children.



SDG GOAL 17 (PARTNERSHIPS FOR THE GOALS)

In response, TdH NL:

Building on extensive years of experience and expertise in developing research, coordinating and implementing impactful projects with local partners and conducting evidence-based advocacy towards ending child trafficking, both domestic and cross-border, in East-Africa (e.g. between Kenya and Ethiopia), in South Asia (in India and Bangladesh) and in Southeast Asia (between Thailand and Myanmar and in the Philippines), TdH NL:

- Develops data-driven responses: Efforts to prevent and eliminate child trafficking for the purpose of child labour and sexual exploitation must be driven by data and survivor-informed policy responses. This includes addressing forced labour, modern slavery, child sexual exploitation and trafficking in persons, including online and/or technology-facilitated trafficking.12
- Empowers children to make safe migration and employment decisions; giving children safe, inclusive and meaningful opportunities to influence decisionmaking on trafficking; ensuring that at risk children and families have access to economic resilience interventions, including education, vocational training, small business support and access to social protection; raising awareness on child trafficking in local communities and working in partnership with local champions to address harmful cultural practices that are root causes to trafficking etc.
- Gender-responsive/transformative and intersectional • approach to prevention and response.
- Takes a trauma-informed approach to our work, • recognising that many of those we work with may have experienced trauma that continues to impact their lives.13
- Advocates for strengthened standard operating procedures for mutual assistance and international cooperation for the identification, rehabilitation, return, and reintegration of victims of child trafficking, as well as for the safety of children on the move, particularly unaccompanied child migrants, refugee children, children in alternative care, etc., who are at risk of sexual exploitation and child labour.14
- Proactively engages in reporting processes of • international and regional human rights instruments (especially UPR, UNCRC, and CEDAW) and influence policies and legal frameworks to stop child trafficking for sexual exploitation, including online and/or technology-facilitated child trafficking and ensure that the rights of children on the move are protected.¹⁵
- Advocates for the inclusion of specific provisions on • online and/or technology-facilitated child trafficking and provide evidence to policymakers to address the above issues to influence policies and legal frameworks, including the impact of technology,

TdH NL. Theory of Change, 2023 12

TdH NL, Global Influencing Agenda and Strategy, 2024. TdH NL, Listen Upl Strategy, 2023. TdH NL, Global Influencing Agenda and Strategy, 2024. Ibid.

¹³ 14 15

business, climate change and humanitarian crisis on child trafficking and the safety of children on the move.¹⁶

- Influences policies and legislation to address child trafficking and the worst forms of child labour (like defining hazardous work and establishing a minimum age as per UNCRC and ILO), considering the best interest of the child.17
- Influences policy makers and other duty bearers

to protect children from (Child Early and Forced Marriage) CEFM that includes or leads to child exploitation and/or child trafficking and to protect them from forceful recruitment by armed groups to take part in armed conflicts.18

 Researches how we can effectively engage with governments and other key actors to further understand and address the safe migration - child trafficking continuum.¹⁹

TdH'S RESPONSE TO CHILD TRAFFICKING

DATA-DRIVEN & SURVIVOR-INFORMED **ACTIONS**

- Develops responses based on data and survivors' voices.
- Focus on forced labour. sexual exploitation, and tech-facilitated trafficking.

EMPOWERING CHILDREN & FAMILIES

- Supports safe migration and employment.
- Provides access to education, training, small business support, and protection.
- Raises awareness in communities.

GENDER-RESPONSIVE & TRAUMA-INFORMED **APPROACHES**

- Uses gendertransformative and intersectional strategies.
- Applies trauma-informed care for survivors.



ADDRESSING **TECH-FACILITATED TRAFFICKING**

- Advocates for laws on online child trafficking.
- Connects child safety to tech, climate, crisis, and migration risks.

LEGAL REFORM & PREVENTION OF CHILD LABOUR

- Pushes for better definitions of hazardous work.
- Advocates to stop child marriage, armed group recruitment, and child exploitation.

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POLICY **INFLUENCE** & ADVOCACY

- Advocates for stronger international cooperation.
- Engages with UPR, UNCRC, CEDAW to push child protection policies.



More Information on Child Trafficking

This section provides an analysis of literature about child trafficking, as well as institutional knowledge, which informed the TdH NL position in this paper.



Palermo Protocol art 3(d), 2000
 Palermo Protocol art 3(c), 2000
 Council of Europe, 2022.

Elements that Constitute Child Traffcking

ACT (What is done)	MEANS (How it is done)	EXPLOITATIVE PURPOSE (Why it is done)
Recruitment	Threat	Sexual exploitation ²³
Transportation	Use of force	Forced labour
Transfer	Abduction	Forced criminality
Harbouring	Fraud	Forced marriage
Receipt of persons	Deception 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	Forced begging Mixed forms of exploitation
		Removal of organs

MEANS ARE ALWAYS IRRELEVANT IN CHILD TRAFFICKING CASES.

Only an **Act** and an **Exploitative Purpose** are required to establish that a child trafficking related crime was committed.

²³ In the United States of America trafficking in persons for the purpose of sexual exploitation is often referred to as "sex trafficking". According to the United States. Department of State, under the Victims of Trafficking and Violence Protection Act of 2000 (2000), "Sex trafficking encompasses the range of activities involved when a trafficker uses force, fraud, or coercion to compel another person to engage in a commercial sex act or causes a child to engage in a commercial sex act" (https://www.state.gov/what-is-trafficking-in-persons/).

Although the UN Trafficking Protocol provisions do not contain any specific information defining what *"exploitative purpose(s)"* should be in the context of trafficking, the 2024 UNODC Global Report on Trafficking in Persons²⁴ states that victims of trafficking are mostly trafficked for the purpose of sexual exploitation, forced labour, forced criminality, forced marriage, forced begging, mixed forms of exploitation as well as removal of organs.



Child trafficking cases can be prosecuted even if perpetrators have not used any means. Means are always irrelevant in child trafficking cases. As a result, only the action(s) undertaken by perpetrators together with their intention to exploit (exploitative purpose) children are required to establish that the crime was committed. However, if those means are present, they contribute significantly to the trauma and harm experienced by child trafficking victims.²⁵

KEY POINTS



The consent of children to any of the act(s) carried out by perpetrators is always irrelevant in child trafficking cases.





Trafficked children should never be arrested, charged, detained or prosecuted for any illegal activity(ies) they have committed as a direct consequence of being trafficked.



Movements across borders are not required to establish that a child trafficking related crime was committed. Child trafficking can take place both domestically and internationally.

UNODC, 2024.
 IOM and the FXB Center for Health and Human Rights at Harvard University, 2023.

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Conceptual Clarity

Distinction between terms and concepts which are often inadequately considered similar to the term *"child trafficking"*.

DISTINCTION BETWEEN "TRAFFICKING IN PERSONS" AND "SMUGGLING OF MIGRANTS"

The terms "trafficking in person" and "smuggling of migrants" are often confused or misunderstood due to the complexity of migration contexts and situations. Although both "trafficking in person" and "smuggling of migrants" are crimes committed by criminal organisations that use and exploit vulnerabilities of other human beings, particularly children, to generate huge profits, there are several distinctions to be made between those two crimes.



Definition of "SMUGGLING OF MIGRANTS"

"Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident."²⁶

Elements that Constitute Smuggling of Migrants

ACT	MEANS	EXPLOITATIVE PURPOSE
(What is done)	(How it is done)	(Why it is done)
Displacement and transfer of a person	No means of coercion or threat required. Migrants agree with smugglers on the conditions that will enable the illegal border crossing even if those conditions often obliterate migrants' basic human rights.	Financial or other material benefit resulting from the illegal entry of a person into a foreign country.

²⁶ United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, 2000.

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Key Differences

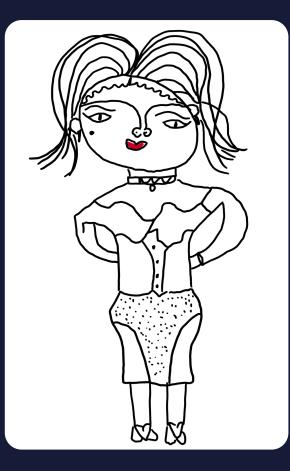
	TRAFFICKING IN PERSONS	S SMUGGLING OF MIGRANTS
Victim	Individual(s)	State(s)
Purpose	Exploitation of an individual Ongoing exploitation to generate profits for the traffickers.	Service provision aimed to facilitate the illegal entry of migrants into a State and which ends after the illegal border crossing in exchange for financial or other material benefit.
Consent	The victim's consent is always irrelevant in the case of a child victim.The consent is irrelevant if means such as use of force, deception or threat are used by traffickers in the case of an adult victim.	Migrants consent to be smuggled.
Geographical scope	Can be either domestic or transnational.	Always transnational.

A clear distinction between "*trafficking in persons*" and "*smuggling of migrants*" is often challenging in practice. Both crimes are often interlinked and contain elements of both crimes.

EXAMPLE

Some individuals may start a journey as migrants agreeing to be smuggled into a country illegally but may end up being coerced into exploitative situations along the way or in the country they have entered illegally since criminals can both traffick and smuggle people.

MEET OUR FRIENDS MONICAH from Kenya



This avatar exposed the plight of Monicah, a 16 years old girl originally from Thika in Kiambu County. Monicah is a naïve church girl from a humble background who was brought to Gilgil by her uncle after she sat her KCSE exams in 2022 in the pretext that he had found a college placement for her, yet he had other ideas.

The uncle received money from agents who trafficked the young girl to Qatar with a promise of good earnings and hence savings for investment back home. The information from Qatar is that Monicah is in distress; she is suffering unending sexual abuse, perpetual physical abuse, a meagre salary unlike she was promised, she has no medical cover while her health condition is deteriorating daily.

Monicah has asked to be rescued but instead she's on the list of those to be deported meaning she will lose any accruing benefits owed her.

Output from TdH NL Thematic Programme Co-design Focus Group Discussion with Children, 2023

The fact that trafficking and smuggling routes are often similar and used by criminal groups who are sometimes involved in both trafficking and smuggling of people, tends to create some confusion between the two crimes.

DISTINCTION BETWEEN "CHILD TRAFFICKING" AND "SALE OF CHILDREN"

According to the UN Committee on the Rights of the Child,²⁷ the legal definition of *"sale of children"* is not identical to that of *"trafficking"* for two main reasons:

The sale of children always involves some form of commercial transaction, which trafficking in children does not require.

The sale of children does not require the intended purpose of exploiting the child, which is one of the constitutive elements of child trafficking. However, the consequence of the sale can still be exploitative.

²⁷ United Nations Committee on the Rights of the Child, 2019.

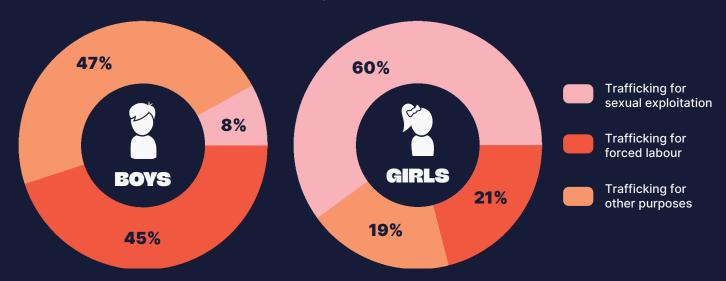
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Modalities of Child Trafficking and Linked Exploitation

According to UNODC, child trafficking is carried out with the aim of exploiting children for two main purposes: sexual exploitation and child labour. Sexual exploitation accounts for the majority of child trafficking cases involving girls, and covers all forms of sexual exploitation, including online child sexual exploitation, commercial

child sexual exploitation, exploitation for the production of child sexual abuse material, as well as sexual exploitation in the context of travel and tourism.²⁸ On the other hand, child trafficking for exploitation in child labour primarily affects boys, while also being highly prevalent with girls, and entails the worst forms of child labour, including hazardous labour, the recruitment and use of children in armed groups and armed forces, forced begging, and forced criminality.29

Share of detected child victims of trafficking by form of exploitation, 2022 (or most recent)*



*Based on information on 8,749 boy victims and 9,323 girl victims of trafficking in persons whose forms of exploitation were reported. Source: UNODC Global Report on Trafficking in Persons, 2024.

Although child trafficking is a crime predominantly perpetrated by organised criminal groups (74%), often children are trafficked by people they know.³⁰ In fact, in more than half reported cases of child trafficking, friends and/or family were involved in the recruitment of the child victims (37.4% and 14.7%, respectively; 51.1%, taken together).31

28 UNODC, 2024. Ibid

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²⁹ 30 31 IDIA. Ibid. IOM and the FXB Center for Health and Human Rights at Harvard University, 2023.

Root Causes of Trafficking in Persons, Including Children

The root causes of trafficking in persons are various and often differ from one country to another given the influence that has on them social, economic, cultural, political and other elements that shape such contexts. However, studies have shown that there are categories of factors that are common to trafficking in person among various regions of the world. Such factors can be categorised as 'push' and 'pull' factors.32

"Push" factors include poverty, lack of political stability, lack of social and economic opportunity, lack of social security, lack of access to education, social and cultural norms and practices which fuel gender inequalities and gender-based violence, civil unrest, armed conflicts and violence as well as natural disasters. There are additional factors increasing, specifically the vulnerabilities of children and young people, such as the lack of parental care and the placement of children and young people in alternative care, particularly when this alternative care is institutionalised.³³ In addition some practices, such as the practice of entrusting poor children to more affluent friends or relatives may also increase children's vulnerabilities, as well as the practice of parents selling their children, not just for the money, but also in the hope that their children will have a better life and more opportunities.34

"Pull" factors consist of promises of education and steady employment, better living conditions and demand for cheap unskilled labour.³⁵ In addition to these factors, issues such as porous borders, corrupt government officials, the involvement of international organised criminal groups or networks and limited capacity of or commitment by immigration and law enforcement officers to control borders,³⁶ significantly contribute to the growth of both domestic and transnational trafficking in persons, including children.

A combination of both "*push*" and "*pull*" factors³⁷ tend to lead individuals, children, families to migrate internally or/and across borders using various migration routes, including unsafe, irregular or mixed migration routes in search of better livelihood opportunities. Being on the move, often with very limited financial resources and networks, significantly increases vulnerabilities of concerned individuals, particularly children and the risks for them to fall under the control of traffickers. Traffickers have been using deceptive job advertisements, increasingly through the use of online platforms, to lure their victims, including young people.38

Children in humanitarian contexts and situations of forced or voluntary migration seeking to escape from armed conflicts are highly vulnerable to child labour and trafficking for different forms of exploitation, especially in the absence of protection services allowing for the safe migration of unaccompanied children.39

PUSH FACTORS

- Poverty & lack of opportunities
- Conflict, violence & disasters
- Gender inequality & harmful social norms
- Lack of education & social protection
- Family separation & institutional care
- Child-selling or child-entrusting



PULL FACTORS

- Promises of education or jobs
- Demand for cheap labor
- **Better living conditions** •
- Weak border control & corruption
- Organised criminal networks •

- 36 UNODC, 2008, 37 n Parliament 2024 Europe
- UNODC, 2024. TdH NL, Child Labour Thematic Programme Design Document, 2024.

European Parliament, 2024. Lumos, 2021. UNODC, 2008.

³² 33 34

³⁵ European Parliament, 2024.

Emerging Trends in Trafficking in Persons, Including Children

Technology-facilitated trafficking in persons

The advancement of modern communication and information technology has given rise to technologyfacilitated trafficking in persons, enabling traffickers to more easily access and exploit victims through the Internet. Technology-facilitated trafficking in persons refers to the use of modern communication and information technologies, such as social media platforms, mobile phones, and other digital tools, to engage in various aspects of trafficking in persons. Technology itself is not the cause of trafficking in persons, but rather a tool that perpetrators misuse to carry out their criminal activities.40

Evidence suggests that traffickers are increasingly using technology to fraudulently recruit children for exploitative purposes, including for forced criminality related to online scams operations, which is a growing trend in some regions, particularly in Asia.41

There is evidence showing that the misuse of rapidly evolving information technologies play a key role in facilitating and expanding the crime of trafficking in persons, including children, worldwide.

According to the OSCE, the following online tools and platforms are the ones mainly used by traffickers to commit their crimes:

- Social media platforms, which traffickers use most proactively to identify, target, groom, and recruit victims;
- Instant messaging services where the grooming, deception, and control of victims is amplified and often difficult to detect as traffickers benefit from end-to-end encryption;
- Platforms that host sexually explicit content (text, imagery, and videos) to advertise victims of trafficking to potential buyers;
- · Platforms that host pornography featuring victims of

trafficking and facilitate the livestreaming of adults and children being sexually abused and exploited;

 Online banking, electronic payment services, and cryptocurrency, which facilitate the seamless movement and often laundering of traffickers' profits.

The involvement of technology in trafficking in persons entails many challenges in terms of identifying victims of trafficking, and prosecuting perpetrators. For instance, when a conversation between a trafficker and a potential victim moves from public social media to private messaging apps with end-to-end encryption. In addition, the use of cryptocurrencies allows traffickers to move money and launder their profits, which makes trafficking and the profits more difficult to track.43

Online scams operations and trafficking in Southeast Asia: an emerging form of trafficking for forced criminality

These crimes mainly take place in Special Economic Zones established in the following countries: Cambodia, Lao PDR, Myanmar, Thailand and Vietnam where cases of child trafficking have been reported prior to the Covid-19 pandemic.44

Since 2021, traffickers have fraudulently recruited individuals from various countries who believed that the jobs they applied for online were legitimate.

However, they were sent to scam centers where they were forced or coerced to perpetrate online fraud using a range of platforms including fake gambling websites and cryptocurrency investment platforms, as well as romantic and financial scams (so-called "pig-butchering"), where fake romantic relationships or friendships are used to defraud online users of significant amounts of money.45

Evidence shows that some children have been trafficked for the purpose of this specific form of forced criminality.⁴⁶ Traffickers from Myanmar, Cambodia, Laos, Malaysia and the Philippines used fake job listings to recruit adults and children from dozens of countries with the intention to exploit them in online scam operations.⁴⁷

OSCE, 2024. OHCHR, 2023. OSCE, 2024.

⁴¹ 42 43 44 lbid OHCHR, 2023. OHCHR, 2023.

⁴⁵

⁴⁶ Ibid.
47 U.S. Department of State, 2023.

Consequences of Child Trafficking for Child Victims and Survivors

Trafficking in persons is a grave crime and violation of human rights for all people, but when children are trafficked and exploited, the harm caused can affect the trajectory of their young lives.

Child trafficking inflicts severe harm on the physical and mental well-being of children, leading to both immediate and long-term detrimental effects. Victims often endure severe physical abuse, sexual violence, and neglect, resulting in injuries, chronic health issues, and exposure to sexually transmitted infections. Psychologically, trafficked children frequently suffer from anxiety, depression, post-traumatic stress disorder (PTSD), and other trauma-related disorders.

The extreme violence and coercion employed by traffickers exacerbate these conditions, with studies indicating that trafficked children experience high levels of physical and sexual abuse, necessitating prolonged mental health support.⁴⁸ Additionally, trafficked children are frequently deprived of education and are victims of stigmatisation and discrimination.⁴⁹

Child trafficking causes severe harm on children.



Child trafficking is a grave crime and violation of human rights. Children deserve safety, support, and justice.

Ottisova L, Smith P, Shetty H, Stahl D, Downs J, Oram S. 2018.
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