

**A child perspective on the victims of human trade -
Age, ethnic belonging and *gender* in European National policy on Trafficking**

Authored by Live Stretmo

In this working paper I will present a draft outline for my PhD research project, in Sociology and European Studies at the Göteborg University in Sweden, that I am about to conduct on European trafficking policy in a child and gender perspective.

As a social issue related to the so called *irregular migration* “trafficking”-either from countries outside of Europe or in-between European countries- is considered highly important on the European political agenda. Since May 1999, the European Unions actions to fight “trafficking in human beings” have been explicitly mentioned under the Title VI in Amsterdam Treaty (Judicial and police cooperation). The European Commission (2005), The Council of the European Union (2004, 2002, 2000a and 2000b) and the Council of Europe (2005) have adopted specific courses of action and the European countries are hence also obliged to take joint ventures. Member states go to great length in order to combat such human trade and formulate guidelines –policy- that aims to prevent trafficking, by eradicating criminal cartels and organized crime groups, as well as protect the possible victims of such trade.

In this paper I will first of all define what “trafficking” is perceived to be and describe specific features and patterns of human trade in the European context. Secondly I will point to some international arrangements that aim to confront “trafficking” and some examples of national actions. I will then argument how implicit perceptions of corresponding social issues, often comprehended as quite parallel to trafficking, such as *illegal* or *irregular* immigration, *prostitution* or in how minor migrants rarely are visualized as *children* in official documentation, could possibly colour the way European societies views the minor trafficking victims in their national policy. Finally I will present a possible research design for my further comparative study on National trafficking policy, from various European countries, through the angle of the child perspective.

The menace of trafficking in humans

Background and conceptualisations in the European context

Trafficking, as a novel form of “slave trade”, includes the transportation of human beings for the purpose of organ donation, illegal adoption, forced labour exploitation, domestic servitude, but also for commercialized sex-work or prostitution (See for instance Holmes 2002:16-18, Kvinnoforum 2002 and IOM 2001). Deception, false pretences –fake job opportunities etc- debt bondage, physical abuse and very often rape are found to be factors connected to the process of trafficking, during the transportation between country of origin and to the destination country, as well as after (See for instance definitions of “trafficking in women and children” in United Nations 2001, Unicef 2005, Council of Europe 2005:3 Article 4a, European Commission 2005, Gallager and Aruppe 2002 and Bettion and Garofalo 2003). These complex features and different situations all contribute to make the process of trafficking highly complex and difficult to measure.

There are also factors indicating that trafficking might have both a *gendered, ethnic* as well as an *age* related side: The victim of such trade is often perceived to be the young girl that are transported -under cruel and brutal conditions- from the eastern to the western parts of Europe to be exploited in the sex industry (See for instance GCIM 2005, El-Cherkeh, Stirbu, Lazariou and Radu 2004, Wipler 2003:21-23). Especially vulnerable for trafficking are young women in the age range between 15 and 30 perceived to be¹, but evidence suggests that the possible victims are getting younger and that trafficking in boys is also a growing phenomenon (Kvinnoforum 2002, IOM 2001, Unicef 2005 and 2002, UN 2001, Somerset 2004:9-11). Trafficking in boys is often not perceived to be equally common, but there is evidence of young (Albanian and Roma) boys that are trafficked for petty-thefts (such as selling drugs or pick-pocketing) or into forced labour (See for instance Unicef 2002: 4f).

According to IOM (2001) and ICMPD (2005) numerical data on “trafficking” and especially on “trafficking in minors” are unreliable, but an indication of the potential scale of the problem can be shown in a study conducted for the European Commission (IOM 2001):

¹ The *gendered* side of trafficking can not be understood independent and separated from a discussion focusing on the feminisation of migration and poverty within Europe as well as internationally (See for instance El-Cherkeh, Stirbu, Lazariou and Radu 2004:12ff).

Official figures from four EU Member States² established that a total of 30 000 *unaccompanied minors* crossed their borders in the period of 1999 to 2000 (IOM, 2001:73. 89ff, 116ff, 171ff). Estimations from UNHCR verify that approximately 60 000 single children –“persons under the age of 18, without a legal guardian- applied for asylum in any of the European countries in the time period of 2000 until 2003 (DS 2004:25). According to the Swedish Migration Board (2003) 550 unaccompanied children applied for asylum in Sweden during 2002, 562 during 3003 and 311 children by October 2004 (Ibid and DS 2004:25). Norwegian registration data shows that a total of 916 children applied for asylum in the 2003, which is the single highest number of unaccompanied minors amongst the Scandinavian countries (NOU 2004:16.2.2.1.) These statistics does not include the possible number of children that do not seek asylum, those that are covertly smuggled into the European Community (See Holmes 2002), so called visa “over stayers” or children that cross borders on fraudulent passports (Khoshravi 2005 and ICMPD 2005).

Even though this group of unaccompanied children both consisted as “child asylum seekers” and “minors” found to be “irregular entrants” and that clearly not all of them were victims of “trafficking”, the fact that a large number of these children later *disappear* from official contact *after* they have arrived the Union is worrying (Holmes 2002:16-18, See also IOM 2001:13f, 55ff and Somerset 2004). There are also indications that persuading or forcing a child to enter a country on his or her own –as an unaccompanied minor- is an approach often utilised by child traffickers (Holmes 2002: 16-18, Somerset 2004, NOU 2004 and Migrationsverket 2003).

² The four countries in this study were the Netherlands, Belgium, Germany and Italy (IOM 2001).

Plans of action against child trafficking

The fact that there is evidence for such Modus Operandi among child traffickers can of course not account for the entire number of unaccompanied minors that disappear from official registration. But it becomes a matter of speculation as to what might have happened to the group of children that remain unaccounted for (Holmes, 2002:17) Such conjecture can help to highlight the importance of cooperative courses of action in-between different countries in regards to the possibility of children becoming victims of trafficking.

The difficulty to assess the possible numbers of children involved in trafficking highlights a deficit in the monitoring mechanisms in between Member States of the European Union. This points to how the experience and understanding of trafficking and the degree of protection that children and youngsters can get might be highly variable in-between different European countries.

This is also an indication of the difficulty in establishing valid data on a clandestine social phenomenon such as trafficking. Estimations of the scope of trafficking (and also of so called *illegal immigration*) within the European Union therefore tends to be highly speculative.³ But even though “trafficking” is hidden from view, it is parallel also an issue of highly political and social relevance. The conception of “trafficking” and the idea of existent global networks of human traffickers often come to influence political rhetoric’s concerning migration.

The rights of children are protected in international conventions and rules, like in the UN Children’s Convention (1989), which all the European member states have ratified⁴, as well as the Human Rights Convention (1984/2005) and the Geneva Convention (UN 1949 and 1977). In the novel Action plan against trafficking initiated by the council of Europe (2005-05-03/05) “a child” is defined as any “person under eighteen years of age” (Chapter 2, Article 4.d). In

³ The problem of assessing the extent of trafficking is similar to the difficulty of registering all forms of *irregular migration* (See for instance Jandl 2005).

⁴ In regards to the ratification of the Children’s rights convention it is important to keep in mind that the different countries have rather varied comprehensions of this declaration. For instance, the United Kingdom has chosen to make a reservation in regards to Article 22 and in how the state is to grant a child –single or accompanied- automatic protection regardless of status.

order to enhance the joint efforts by the member states, each member becomes obliged to “take measures to establish or strengthen national coordination between the various bodies responsible for preventing and combating the trafficking in human beings” (Chapter 2, Article 5.1). The importance of promoting a “human rights approach” and “gender perspective” (Chapter 2, Article 5.3) on the issues of trafficking is further assessed. In addition to this the parties shall also facilitate a “child-sensitive manner” (Ibid) and reduce children’s vulnerability to trafficking by creating a safe environment for them (Chapter 2, Article 5.5).

These recommendations are to be framework standards that the different member state is obliged to implement in national policy.

In for instance Sweden (the Swedish Government 2003), Norway (Justice and Police Department 2003-2005, 2005-2008) (not a EU member, but a Schengen agreement country), Finland (Foreign Ministry 2005), Denmark (the Danish Government 2002, 2005) and the Netherlands (the Ministry of Health, Welfare and Sports 1997) specific guidelines have already been articulated in order to coordinate and address specific tactics to trafficking. Amongst the Eastern-European (candidate and member) countries only Lithuania (Government of the Republic of Lithuania 2002) has adopted an explicit Action plan, but similar efforts are under progress.

In other European countries corresponding policy have been administrated within the frame of the “prevention of violence against women and children” programme initiated by the Commission (See for instance presentation of the “the Daphne programme” 2001/2005 (http://www.europea.eu.int/justice_home), the *AGIS* programme (customs, judicial and police cooperation, aimed to fight organized crime, trafficking and sexual exploitation in children, 2003 http://www.eu.int/comm/justice_home/fsj/crime/fsj_crime_intro_en.htm#) and a trafficking frame work adopted by the Council of the European Union (2002) (http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_203/l_20320020801en00010004.pdf).

These national examples points to some of the different strategies European countries have adopted in order to face trafficking. Though issues of human rights violations and trafficking

in children obviously are given high priority on the European agenda⁵, several features of this national policy might come on coalition course: The eager to hazard and vanquish global criminalization versus the human rights aspects of the victim of trafficking.

Pictures of illegal immigrants and prostitution and the lack of visualization of “minor migrants” as *children* in policy

How the different European societies come to comprehend young victims of trafficking might be coloured by the way the countries for instance perceive *illegal immigration* and *prostitution*. In combination with the fact that children often are in the risk of having their specific problems concealed in official registrations (See IOM 2001 and See Andersson, Björnberg, Eastmond and Mellander 2005) and rarely are visualized as a specific group.

The perception of “illegal immigration” is a factor that often colour the way the European States comprehends “victims of trade”. This points to the so called “climate of distrust” (See Andersson, Björnberg, Eastmond and Mellander 2005) that are common amongst the official bodies handling immigrants and asylum seekers. Migrants claiming to be” victims of trafficking” might be questioned. (“Are they factual victims of trade or are they just faking?” See Ibid and the IOM 2001, for parallel lines of thought.) Other researchers (See for instance Wipler’s 2003:20 and Apap, Cullen and Medved 2002) also points to the lack of clear distinctions between what consists as “illegal migration” and what constitutes a case of trafficking. Action to combat trafficking must therefore be based on clearly established concepts in order to assess the difference between *illegal immigration* and *trafficking* (Se also similar discussion in Apap, Cullen and Medved 2002:4f).

National conceptions of “prostitution” (“forced” versus “free choice”) are other images that can come to influence the way “victims of trafficking” are considered. In for instance

⁵ One of the focal issues that the current British Presidency wishes to establish are joint European ventures against trafficking (See <http://www.eu2005.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1107293521089> for a presentation of the priorities of the British presidency , July to December 2005). The European commission has also recently (19/10-2005) launched a new draft on a line of action against trafficking: “Fighting trafficking in human beings: an integrated approach and proposals for an action plan”. (http://www.eu.int/comm/justice_home/news/intro/news_intro_en.htm) Two contemporary examples how important the “trafficking issue” is perceived in a European context.

Netherlands “sex-work” is liberated, in other countries “to prostitute” is criminalized and in for instance Sweden *the purchase* of sexual services are prohibited by Swedish law (See for instance NIKK 2002:22-26). These three “standards” points to fairly diversified understandings of what comprises “prostitution” and how this issue is best dealt with. Such notions could also be brought forward in regards to how the different states come to conceptualize children or youngsters in regards to *trafficking*. The association between prostitution and trafficking further establishes *trafficking* as a clearly gendered concept. Such inherent feminisation, might lead to a possible failure in noticing young boys as possible victims of trafficking. Special interests of children and youngsters are hence important to address in regards to national policies on trafficking.

An outline for further research

As discussed in the previous section children in exposed situations are in risk of having their specific problems concealed (Andersson, Björnberg, Eastmond and Mellander 2005). Registration and statistics are generally not made in ways that make children visible as *children*. This is often the case in regards to asylum-seeking children, as have been revealed in a conference report on the asylum-seeking child in Europe (Ibid) and might very well also be the case of young victims of trafficking (For a parallel discussion, see also IOM 2001:221ff). They risk invisibility in regards to their status as children. Instead they might become comprehended in relation to how the specific society perceives cases of *illegal immigration* or (forced) *prostitution* and hence treated accordingly, i.e. prosecuted and or deported.

By using the “child perspective” as an analytical angle of incidence, important complements to the understanding of trafficking in the EU/ in-between European countries can surface. It hence becomes of great magnitude to examine how the national policy coordination comes forth in the specific member state as well as how it emerges on an EU level.

Therefore it becomes urgent to investigate the official conceptualizations of “trafficking” in national action plans or policy on trafficking from a comparative viewpoint. A possible research design emanated to do this could be to, investigate how children are pictured in

regards to national trafficking policies from a broad selection of European countries. (Discourse analysis) The aim of such a deconstruction would be to understand how the concept of trafficking could have different understandings and valuations *in-between* the European countries. By comparing these national conceptualizations to notions of trafficking on the supranational level –EU policies, UN declarations etc- further understandings of trafficking in children can surface.

Focus of this part of the Discourse Analysis would be to investigate on the National and supra national level:

- How “trafficking” is addressed in national policy?
- How “trafficking” is made understandable in relation to global criminalization, illegal immigration, forced prostitution and/or bondage labour?
- Who the “victims” versus “perpetrators” of “trafficking” are perceived to be?
- What kinds of protection that are granted “victims of trafficking”?
- How are issues of age, ethnic belonging and gender addressed within these policies?
- What kinds of child, ethnic or gender discourses are expressed?

These comparative findings are further on in the research process to be further problemized in regards to interviews of officials handling migrants on the local level. These interviews shall focus on issues related to “trafficking” and intend to investigate how these officials in their everyday handlings of child migrants - that could be possible victims of trafficking- negotiate between different *gender*, *ethnic* and *age* related pictures of trafficking.

By using the child perspective as an angle of incident important highlights can be put on children’s exposed situation within the migration process.

Table of references

Andersson, Hans E., Henry Ascher, Ulla Björnberg, Marita Eastmond och Lotta Mellander red. (2005) *The Asylum-seeking Child in Europe*. (205 sidor) Göteborgs universitet: Centrum för Europaforskning.

Apap, Joanna, Cullen, Peter and Medved, Felicita (2002) *Counteracting Human Trafficking Protecting the Victimes of trafficking*. STOP2 Conference: European Parliament's Hemicycle Brussels 18-20 September 2002

(2005-04-20:

www.2002.belgium.iom.int/STOPConference/Conference%20Papers/01.%20Apap,%20J.-0IOM%20final%20paper.pdf)

Bettion, Francesca and Garofalo, Giulia (2003) *Trafficking and Prostitution: Country Report for Italy*. NEWR Workshop, 25-26 April, Amsterdam (2005-05-03:

http://www.newr.bham.ac.uk/topics/Trafficking/trafficking_newr.htm

Council of Europe (2005) *Council of Europe convention on action against trafficking in human beings*. 925 meeting 4 human rights (2005-05-18:

http://www.coe.int/T/E/human_rights/trafficking/PDF_CM%282005%2932add1finalE.pdf)

Council of the European Union (2000a) *Council Decision of 29 May 2000 to combat child pornography on the Internet*. Official Journal L 138 , 09/06/2000 P. 0001 - 0004

Council of the European Union (2000b) *Council Decision of 8 December 2000 on the signing, on behalf of the European Community, of the United Nations Convention against transnational organised crime and its Protocols on combating trafficking in persons, especially women and children, and the smuggling of migrants by land, air and sea*. Official Journal L 030 , 01/02/2001 P. 0044 0044

Council of the European Union (2002) *Council Framework Decision of 19 July 2002 on combating trafficking in human beings*. Official Journal L 203 , 01/08/2002 p. 0001 - 0004

Council of the European Union (2004) *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*. Official Journal L 261 of 06/08/2004 p.0019 - 0023

DS/Departmentsserien (2004) *Mottagandet av barn från annat land som kommer till Sverige utan medföljande legal vårdnadshavare (s.k. ensamkommande barn)*. Utensrikesdepartementet/DS 2004:54

Danish Government/Ministry of Equality (2002) *Regjeringens handlingplan til bekæmpelse af kvindehandel*. (18/10-05: www.lige.dk/files/PDF/handelmedborn.pdf)

Danish Government/Ministry of Equality (2005) *Tilæg til regeringens handlingplan til bekæmpelse af kvindehandel*. 18/10-05: (www.lige.dk/files/PDF/handelmedborn.pdf)

El-Cherkeh, Stirbu, Lazaroiu and Radu (2004) *EU-Enlargement, Migration and Trafficking in Women: The Case of South Eastern Europe*. Hamburg Institute of International Economics: Hamburgisches Welt-Wirtschafts-Archiv (HWWA) report 247

European Commission (2005) *Trafficking in Women - The misery behind the fantasy: from poverty to sex slavery. A Comprehensive European Strategy*. Justice and Home Affairs: (2005-05-05: http://www.europa.eu.int/comm/justice_home/news/8mars)

European Union (1997) *Treaty of Amsterdam - Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*. Luxembourg: Office for Official Publications of the European Communities, 1997: (2005-05-20: <http://www.eurotreaties.com/amsterdamtext.html>)

Finland/Foreign Ministry (2005) *Handlingsplan mot människohandel*. (14/10-05: www.formin.finland.fi/doc/swe/policies/ihmiskaup_su05pdf)

Gallagher, Anna Marie and Arrupe, Pedro (2002) *Country Report: Spain Trafficking and Smuggling of Women*. University of Deusto, Bilbao: Chair of Migration and Refugee Law (2005-05-04: http://www.newr.bham.ac.uk/topics/Trafficking/trafficking_newr.htm)

GCIM/Global Commission on International Migration (2005) *Child trafficking: The worst face of the world*. Global migration perspectives no. 40: September 2005

Holmes, Paul (2002) *Methods to Prevent and Reduce the Trafficking of Children*. Discussion paper by the “International law enforcement co-ordination consultant” prepared for the conference Stop II (2002-09-18/20) (www.endchildexploitation.org.uk/pdf/ct/UKtraffickingreportfinal.pdf)

ICMPD/International Centre for Migration Policy Development (2005) *2004 Year Book on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe-A Survey and Analysis of Border Management and Border Apprehension Data from 22 States*. Vienna: ICMPD

IOM (2001) *Trafficking in Unaccompanied Minors for Sexual Exploitation in the European Union. Pilot Project on the Fight against Trafficking in Human Beings – Research and Networking on Unaccompanied Minors in the European Union STOP Programme 2000*. International Organization for Migration: (<http://www.iom.int>) (2005-05-18: http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Trafficking_minors_partI.pdf and www.iom.int/DOCUMENTS/PUBLICATION/EN/Trafficking_minors_partII.pdf)

Kvinnoforum (2002) *A Resource Book for working against Trafficking in Women and Girls Baltic Sea Region*. Stockholm: 3.edition (<http://www1.umn.edu/humanrts/svaw/trafficking/research/strategies.htm>)

Khosravi, Shahram (Unpublished conference paper) *En etnografi av illegalitet - Papperslösa iranier i Sverige*. Världsskulturmuseet: Göteborg 25/10-2005

NIKK (2002) *Bodies across Borders – Prostitution and Trafficking in Women*. Nordic Institute for Women's Studies and Gender Research: NIKK Magasin No1-2002
Lithuania, Republic of/Prekybos Zonemis Prevencija IR Kontrolė *Program for the Control and Prevention of trafficking in human being and prostitution for 2002-2004*. 18/10-05:
(www.sos.vrm.lt/en/mod_richtext.php?pid=4)

NOU/Norges Offentlige Utredninger (2004:16.2.2.1.) *Enslige mindreårige asylsøkere*. Justis og politidepartementet: NOU 2004:16
(http://odin.dep.no/jd/norsk/dok/andre_dok/nou/012001-020034/dok-nn.html, hentet 5/9-2005)

Norwegian government/ Justice and Police Department (2003) *Regjeringens handlingsplan mot handel med kvinner og barn 2003-2005*. (14/10-2005:
www.odin.dep.no/jd/norske/tema/menneskehandel/bn.html)

Norwegian government/ Justice and Police Department (2005) *Regjeringens handlingsplan mot menneskehandel 2005-2008*. (14/10-2005:
www.odin.dep.no/jd/norske/tema/menneskehandel/bn.html)

Netherlands, the/Ministry of Health, Welfare and Sports (1997) *Netherlands policy against trafficking in Women*. 4 Documentation 18/10-2005: (www.minvws.nl/images/_D4eng_tcmII-45108pdf)

Official journal of the European Communities (1999) *The Schengen Acquis – Integrated into the European Union*. General Secretariat of the Council: (<http://ue.eu.int>)

Somerset, Carron (2004) *Cause for concern- London social services and child trafficking*. Ec-ECPAT/Anti-Slavery. (2005-05-22:
<http://www.antislavery.org/homepage/antislavery/Cause%20for%20Concern.pdf>)

Swedish Migration board/Migrationsverket (2003:1) *Genomgång av ärenden där ensamkommande asylsökande ungdomar avvikit under år 2002*. Utvecklingsenheten:2003-10-28

Swedish Government/ Regjeringens propposisjon (2003) *Ett utvidgat straffansvar för människohandel*. 4/10-05:(www.regeringen.se/content/1/cb/01/20/63/f94559432.pdf)

Unicef (2005) *Unicef Urges Europe and Central Asia to Combat Trafficking of Children Into the Sex Trade*. Press release 2005-05-22: (<http://www.unicef.org/newsline/01pr83printer.htm>)

Unicef (2002) *Trafficking of Children in South Eastern Europe: Situation Overview*. Stability Pact for South Eastern Europe, task force on trafficking in Human Beings, draft presented by Unicef November 2002 (www.unicef.org/sexual-exploitation/report_trafficking.html)

United Nations (1949 and 1977) *The Geneva conventions* (2005-05-22:
<http://www.genevaconventions.org/>)

Göteborgs University
Department of Sociology
Working Paper prepared for the
4 WELLCHI Workshop in Athens, Greece
2-3 December 2005

Live Stretmo, Postgraduate Student
E-mail: Live.Stretmo@sociology.gu.se
Phone: +46 (0)31 773 4826

United Nations (1948/2005) *Universal Declaration of Human Rights*. Office of the high Commissioner of Human Rights: (2005-05-21: <http://www.unhchr.ch/udhr/index.htm>)

United Nations (1989) Convention on the Rights of the Child. United Nations: (www.unicef.org/crc/fulltext.htm)

United Nations (2001) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. United Nations, General Assembly: 8 January 2001.

Wipler, Eva (2003) *Combating trafficking in women and the role of the "international Community" – With special focus on the situation in Moldova*. Human- und Sozialwissenschaften der Universität Wien: Diplomarbeit November, 2003

Important homepages:

www.coe.int
www.ecpat.org.uk
www.eu2005.gov.uk
www.eu.int/comm/justice_home
www.endchildexploitation.org.uk
www.eurotreaties.com
www.formin.finland.fi
www.iom.int
www.lige.dk

www.minvws.nl
www.genevaconventions.org
www.odin.dep.no
www.regeringens.se
www.sos.vrm
www.ue.eu.int
www.unicef.org
www.unhchr.ch
www.unicef.org