Communicating Human Trafficking

A Media Handbook

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AT YOUR FINGERTIPS: QUICK REFERENCE PAGES

Definition of human trafficking

Human trafficking, or trafficking in persons, involves three components:

Recruitment or some other form of entry into the trafficking 'chain'	For adults, the UN Palermo trafficking Protocol, which South Africa has ratified, states that this has to involve some form of "threat, force, coercion, abduction, fraud, deception, abuse of power, of a position of vulnerability, or debts bondage, to obtain the consent of a person having control over another person". For children (under the age of 18), this condition does not apply.
Movement	This includes transportation, transfer and also harbouring or receipt of a person.
Exploitation	Defined as prostitution and other forms of sexual exploitation, forced labour, slavery or similar practices, or the removal of organs. Exploitation is always the end result of trafficking; if there is no exploitation, then there is no trafficking.

People movement and trafficking: some differences

Human trafficking	Human trafficking is a crime against the person and a human rights violation. The person who is being trafficked is a victim. The trafficked person never consents to being trafficked – in the case of adults, force or deception are involved; children are considered too young to be able to express consent.
People smuggling	People smuggling involves a criminal act by the smuggler (who is actually transporting people into a country illegally) AND by the person who buys the smuggler's services to be able to enter illegally. Usually it is immigration laws that are broken, but there may be other illegal acts involved (for example production of false documents).
Illegal migration	Illegal migration is when a person enters and stays in a country illegally, i.e. they do not go through regular migration channels. There may or may not be other people involved in helping them (for example a corrupt border guard). Illegal migration is a violation of immigration laws. Illegal migrants are often called 'undocumented' because they do not have legal papers.

Migration	When a person enters and stays in a country legally, they are migrants and have many, if not all the rights of citizens of that country, depending on the nature of their visa, work or residence permit.
Refugees/asylum seekers	Refugees and asylum seekers are people who have left their own country, usually as a result of conflict, discrimination, disaster or economic shock, and who seek to live in another country. The difference between refugees and asylum seekers is that refugees have received recognition of their status by the international community (through the UN refugee agency, UNHCR), whereas asylum seekers have not (yet) been granted that status. Countries are obliged, by international conventions, to offer refuge to refugees whereas they usually investigate the status of asylum seekers before granting their request to stay, or sometimes just send them back.
Forced labour	Forced labour is usually what happens at the end of the trafficking chain. Forced labour can also exist by itself, however, with no movement involved. Then the person who has been forced into labour is not a trafficking victim, but s/he has been exploited and should receive legal and social support.

Some key concepts

Source (or 'sending')	This is the place the trafficking victim comes from.
Transit	This is either a route the trafficking takes, or a stop-off point on that route.
Destination (or 'receiving')	This is where the trafficking victim ends up.
Domestic (or 'internal')	This describes trafficking within a country, where no national borders are crossed.
Cross-border	This describes trafficking that involves movement across a national border, whether that is on foot, by air, sea or other form of transport.
Trafficker	A person who is involved somewhere along the trafficking chain (for example as a recruiter, transporter, exploiter or pimp) and where there is an intent to be involved in trafficking.

Intermediary	A person who is involved somewhere along the trafficking chain (for example a taxi driver) who does not intentionally contribute to trafficking but who is nevertheless a key part of the process.
Demand	This describes not only the 'end user' of a trafficked person's services (for example an unscrupulous employer) but also the person who generates demand in order to make a profit (for example a pimp).

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PART I: WHAT YOU NEED TO KNOW ABOUT HUMAN TRAFFICKING[1]

1 BUSTING SOME MYTHS

Human trafficking is of growing public concern and regularly finds its way into the daily media, television series and Hollywood blockbusters – usually in a very dramatic form. As a result, both the public and sometimes media professionals have a skewed perception of what human trafficking is and how it works. The first part of this handbook is designed to address these misconceptions and describe human trafficking as it really is.

To begin, let's bust some of the principal myths about human trafficking:

Human trafficking is not all about prostitution. It is true that large numbers of women and girls (and some men and boys) are trafficked into both the legal and the illegal sex trade. However, large numbers of trafficking victims find themselves exploited in agriculture, construction, factory work, domestic service, criminal activities, begging, service industries and street-based trades – in fact, just about all sectors where exploitative employers can make a profit from their labour.

Human trafficking is not the same as migration. All people of working age have a right to migrate to find decent work, whether that migration is long-term or just temporary. Migrant workers make a significant contribution to a country's economy. Helping people to migrate legally and in safety is one way to ensure that traffickers do not have a supply of vulnerable people who will be fooled by the 'help' they offer in arranging travel and work.

People who have been trafficked are victims, not criminals. Although trafficking victims may in fact break the law in the course of being trafficked (for example crossing a border with false papers or working without a visa), they are in a situation beyond their control and are being manipulated by traffickers who are the real criminals. International law calls on all governments to recognise this and to help, not prosecute, trafficking victims.

Trafficking does not always involve crossing of borders. Much – some people say most – human trafficking occurs within a country, not across national borders. People may be trafficked internally from the countryside to the city, or from their home to a tourist resort, or into seasonal labour. Closing borders or increasing border controls will not stop trafficking completely (although border controls are of course important in interrupting cross-border trafficking).

Human trafficking does not always involve organized crime or major criminal networks. It is true that organized crime is becoming more and more involved in human trafficking. It is, after all, a profitable venture and relatively low-cost because human beings are easier and cheaper to find and replace than weapons, drugs or other contraband. Much human trafficking, though, is carried out by people who link up (regularly, occasionally or even just once) with other individuals who can provide the services that make up the 'trafficking chain' – transport, for example, or false documents.

There is much more on these issues – and others – in the pages that follow.

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[1] This first part of the handbook is based on the Training Manual prepared by ILO-IPEC for the UN Expert Group Initiative on Child Trafficking as part of the UN Global Initiative to Fight Human Trafficking (UN.GIFT). It has been completely revised, reworked for a media audience and customized to the needs of the Tsireledzani! programme in South Africa.

2 UNDERSTANDING WHAT HUMAN TRAFFICKING IS

Before getting into the 'nuts and bolts' of human trafficking, it is worth stopping to look briefly at some important definitions that often cause confusion and even controversy. Some of these are surprisingly basic and yet can give rise to questions:

2.1 What is a child?

- According to the United Nations Convention on the Rights of the Child (1989), "a child means every human being below the age of 18 years *unless, under the law applicable to the child, majority is attained earlier*". Although in reality most child protection workers consider that 18 should still be considered as the 'ideal' age for demarcating the end of childhood, the way this definition is written in the CRC is important, because in practice many countries have chosen to set the age of majority lower than 18.

  This has important ramifications in relation to national legislation (for example in relation to migration or prostitution), although if a country is a State Party to the conventions mentioned below then, in relation to trafficking specifically, they should be considering a child as anyone below the age of 18. These two international instruments do not allow any variance in the definition:

- According to the ILO Worst Forms of Child Labour Convention, 1999 (No.182), "the term child shall apply to all persons under the age of 18";
- According to the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Palermo Protocol), "child shall mean any person under eighteen years of age".

2.2 What is human trafficking?

Although the Palermo Protocol properly relates only to trafficking cases that are (a) transnational and (b) involve organized criminal groups (defined as "a group of three or more persons existing for a period of time and acting in concert"), the definition it provides of trafficking is now widely agreed and used outside these parameters.

Article 3(a) defines trafficking in persons as:

> "…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, or 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".

Article 3(b) explains that 'consent' – for example to take up work in prostitution – is irrelevant where any of the means set forth in 3(a) have been used.

2.3 How does child trafficking differ from the trafficking of adults?

Article 3(c) explains that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation" is considered to be trafficking even if none of the means set forth in 3(a) have been used.

So, in short, a child is trafficked when s/he is recruited, transported, transferred, harboured or received by someone who is part of a chain of people who have done what they have done with the intention to exploit the child.

It is important to remember that international law says that no child can 'consent' to her/his own trafficking or exploitation, even for example if s/he has approached a recruiter and asked for help finding a job. This makes good sense because, for example, asking for help in finding a job does not mean that you consent to a job that puts your health, safety or morals at risk.

2.4 Does trafficking always include movement?

Yes. Human trafficking happens when someone is moved from one place to another – within a country or across a border – and by someone or a group, into a situation in which they are exploited. This exploitation can take many different forms but usually involves dirty, dangerous, demeaning work (known as 3-D work) for little or no pay, with inadequate rest time, no safety nets like health insurance or social assistance, and often with a degree of force or violence.

When children move or are moved, they have a right to special protection because they are children, in addition to the protection that all people should expect when they are moving legitimately to seek work and build a better life. This includes the freedom to work without being exploited (when they have reached the legal minimum working age, and to be in school at least until they have reached that age), to good health and freedom from ill treatment, to decent work according to international labour standards, and to the other freedoms laid down in international and national human rights treaties and national laws and standards. These treaties are clear about the situation of children: their best interests must be taken into account at all times.

2.5 What do we mean by exploitation?

Exploitation is the other essential element of human trafficking. Trafficking is always made up of both movement and (the intention of) exploitation. If there is only movement and no (intent of) exploitation, then this is not trafficking. If there is exploitation but no movement, then this is not trafficking either.

Exploitation is essentially the opposite of enjoying labour rights and includes such things as being underpaid or not paid at all, working long and often unsociable hours, being put in situations where safety or health are compromised (for example in extreme heat, or at heights without safety equipment), being forced to work, being locked in or otherwise coerced, being subjected to violence including sexual violence, and not having access to documents that would allow you to leave (passport, travel ticket). It is understandable, reading this list, why human trafficking is often called a 'modern form of slavery'.

2.6 How does trafficking differ from migration and people smuggling?

It is very important to remember that trafficking is not the same as migration (whether legal or illegal – also called regular or irregular), or people smuggling. Confusion about this not only leads to the wrong terms being used in the media, but also to reinforcing public perceptions that migration is bad, migrants bad people and that a country should be 'protected' from them.

In fact, in almost every country of the world, **migration** is a vital input to the economy and migrant workers a vital factor of growth. Many people migrate legally for work, temporarily or on a more permanent basis. They are not breaking any laws and have a right to protection from exploitation and to work in freedom.

If people cannot move legally to find work – for example because a country will not accept workers from elsewhere, or because they do not meet that country's requirements, or maybe just because they do not know how to use legal channels for migration – then they may turn to illegal means. For example, they may obtain fake documents that allow them to enter a country fraudulently. Or they may enter with a tourist visa and then not leave the country when the visa expires. Sometimes they may just enter a country using a route that avoids official border crossings, so that they arrive without any entry papers, thus becoming 'undocumented'. Illegal/irregular migrants are, by definition, breaking the law. This may include migration or labour laws, but potentially other laws too.

For children especially, legal migration channels might be closed because they are too young to migrate or are not accompanied by family members, and in many countries women are excluded from migrating unless they are accompanied by a male family member, or find that legal avenues are closed to them just because they are female. This puts them at risk of falling into the hands of traffickers who take advantage of their desire to move.

If would-be irregular migrants pay someone to move them into a country clandestinely, then they are considered to be 'smuggled'. For example, people may pay the owner of a boat to take them to another country by sea, or they may identify a person or an agency that operates vehicles that cross borders by road, often carrying other goods as well as people. **Smuggling** of people across national borders is illegal and both the smugglers and the people who pay to be moved are breaking the law.

2.7 What does human trafficking look like?

If human trafficking were to be drawn as a shape, it would be something that has a beginning, middle and an end. The beginning would be the place that people come from; the middle would be the journey they take as a trafficking victim, and the end would be the place where they are exploited. The following terms are used to describe this shape:

Term used	*Alternative term*	*What this means*
Source	sending	This is the country, town or village or other source of origin of the trafficked person
Transit		This is a route or a point on that route which is between the source and the destination
Destination	receiving	This is the place where the person ends up in exploitation (the person could also be temporarily in exploitation in the place of transit, depending on the circumstances)

For example, a 10 year-old girl from Village A is recruited by a trafficking intermediary to be moved to work in domestic service in the capital, City B, of the same country. She is moved there by bus. In this case, Village A is the **source** or **sending** village of the child. City B is the **destination** or **receiving** city. Although the child could be said to be 'in transit' while she is on the bus, there is no intermediate transit place. This is an example of **domestic** or **internal** trafficking.

Next, imagine the case of a 25 year-old man from Country X who wants to help his family by finding work in a neighbouring country, Country Z. He seeks out agents who are known to find

work there and to arrange travel and accommodation. The agents persuade him that they have a job waiting for him in a call centre, which is looking for people who speak the language of his country. However, when he gets on the bus, he is not taken to Country Z but to Country Y, which also shares a border with Country X, and they keep him there working on the streets cleaning car windows. They have taken his travel documents so he cannot leave, and warn him he is in an illegal situation and will be arrested if he goes to the police. Over three months, two more men are brought to share the room that the man sleeps in each night. It is clear that the agents have been putting together a small group of men to be able to move them at the same time. Indeed, a few days later the agents take all three of them by car to Country Z and they are put to work in a factory in terrible conditions. They are not paid because the traffickers say they 'owe' money for their transport, food and lodging. And they still do not have their passports so are scared to run away. In this more complex model, Country X is the **source** or **sending** country; Country Y is a **transit** country; and Country Z is the **destination** or **receiving** country. This is an example of **cross-border** or **external** trafficking of the man, since he has been moved out of his own country.

Countries could be source, transit or destination countries or any combination of these. Additionally, they may face internal trafficking from for instance rural areas to cities within the country.

Sometimes people who have been trafficked are identified and returned to the place they came from. In some cases, sadly, nothing has changed for them in that place and they are likely to fall victim to traffickers again for the same reasons they did the first time. In such cases, trafficking has the shape of a loop as opposed rather than a straight line. However, in practical terms, every separate incident of trafficking has a beginning, middle and an end, even if eventually the victim is returned to the beginning and effectively starts again.

Activity 1: Recognizing human trafficking

You can test your understanding up to here – or just stop and give yourself time to think through what you've read so far – by working through some of these examples that may, or may not constitute human trafficking. Read the case studies and answer the questions. If you believe the answer is not clear – that there are 'maybe' areas – explain what they are and what information you would need to be able to give a more definite answer. You will find the answers in Annex 1.

A is a 14 year-old boy who has finished schooling and hopes to find a job in a more affluent neighbouring country. A recruiter comes to his village and offers to help him get to the country and find work. His parents are happy because the recruiter gives them a small sum of money in advance. When they arrive in the destination country, the boy is handed over to an employer and made to work underground in a coalmine.

1. Is 'A' a victim of trafficking? If yes, on what grounds? If no, why not?
2. Can the employer at the coalmine be charged as a trafficker? If yes, on what grounds? If no, why not?
3. Would the situation be different if boy A was put to work as a labourer in a factory?
4. Would it make a difference if the parents were against his departure?
5. Would it make a difference if the recruiter had charged the family a fee for arranging the job for A, instead of paying for his labour?
6. Would it make a difference if boy A were 16 years old?

B is a 17 year-old girl who dreams of becoming a model. One day, a recruiter comes and tells her about a job in another country. He entices her with promises of glamorous locations where she will have a chance to work with internationally renowned designers. The recruiter arranges the trip, as B agrees, but does not accompany her. When B arrives at the destination, she finds that she is expected to 'model' skimpy clothes and entertain customers in pornographic performances.

1. Is girl B a victim of trafficking? If yes, on what grounds? If no, why not?
2. Is this recruiter a trafficker? If yes, on what grounds? If no, why not?
3. Would it make a difference if B were aware that the 'modelling assignment' would be pornographic, but still agreed because it would pay good money?

C, a 20 year-old woman from Country T, consented to be moved by her brother from the centre of country T to the south of the country. She lives with her brother and sister-in-law in the south, near the border with Country Z. Every day she travels illegally across the border to sell fruit and eggs for a third person to whom her brother introduced her. Every week, she gives her brother some of the money to cover her living expenses.

1. Is C a victim of trafficking? If yes, on what grounds? If no, why not?
2. Is C's brother a trafficker? If yes, on what grounds? If no, why not?

3. Is the employer in Country Z a trafficker? If yes, on what grounds? If no, why not?

2.8 What is meant by supply and demand?

Media professionals may often come across mention of the concept of 'supply and demand' in relation to human trafficking. This is borrowed from economic analysis and has been adopted partly because it is relevant to looking at trafficking within the context of labour market realities, but also because the people involved in trafficking – traffickers and victims – are in many ways two sides of an equation.

Trafficked people are often called the 'supply' side of trafficking. They are a factor of production when their labour is exploited. For example, a rural community with high levels of unemployment may have a 'supply' of young people desperate to find work and these adolescents may be recruited by traffickers into exploitation in a nearby city in factories producing clothes. The community impacted by unemployment is effectively 'supplying' the people who get trafficked.

The people buying the clothes are creating 'demand' – although this demand is for the clothes, not the adolescents, and this is an important distinction. The true 'demand' for the adolescents comes from the factory operator who is trying to keep prices low and therefore profit margins robust and who is willing to take trafficked people in order to do that. It is also coming from the traffickers, who hope to make money out of trafficking the adolescents.

It is important to distinguish between consumer demand and derived demand by exploiters, and recognize that they occur at different points of the trafficking chain.

Consumer demand is generated directly by people who actively or passively buy the products or services of trafficked labour, for example the tourist who buys a cheap T-shirt made by a trafficked child in a sweatshop. Research suggests that most of this kind of demand does not directly influence the trafficking -- for example, the tourist buying a cheap T-shirt does not specially ask traffickers to exploit people and so cannot be said to be an 'accomplice' in the trafficking.

Derived demand is a very different matter because it is generated by the people who stand to make a profit from the trafficking. These might include pimps and brothel owners, the various intermediaries involved in trafficking, corrupt factory owners or farmers who exploit trafficked labour to keep their costs down, prices low and profits flowing.

Understanding the different types of demand is important if appropriate actions are going to be designed and implemented to target the right people in the right way. Understanding demand is also important if the role of the public, the consumer, is also to be dealt with accurately in media reporting.

2.9 Why is it important to understand risk and vulnerability?

When asked why they think some people become victims of trafficking, many people would immediately answer, "because they are poor". It is true that poverty is an important factor in explaining why some people are trafficked. However, poverty can mean many things and it is not by itself the answer to the question. Media professionals need to understand this because the many other factors that lead to people falling prey to traffickers open up many different possibilities for stories.

Poverty alone cannot explain why some countries have more trafficking than others; traffickers are active in some places and not in others; some communities face more human trafficking than

others; some families are more at risk of trafficking than others; girls/women are most at risk in some instances and boys/men in others. There are many people living in poverty who do not fall victim to trafficking, and understanding the nature of poverty and differences between these people and victims of trafficking is important if we are to know how to protect children at risk.

In fact, poverty is only one of a range of **risk factors** that create **vulnerability** to trafficking. Often people experience several risk factors at the same time, and one of them may act as a **trigger** that sets the trafficking event in motion. This is sometimes called **'poverty plus'**, a situation in which poverty does not by itself lead to a person being trafficked, but where a 'plus' factor such as illness combines with poverty to increase vulnerability.

The many factors that may come into play in determining the level of vulnerability are often described as 'individual, family, community or institutional-level risk factors'.

There are for example **family** disruptions that can be considered as vulnerability or 'plus' factors: the men in the family going off to war or being killed in conflict, for example, or one or both parents dying of AIDS and leaving children with no adult support. There are also wider social/economic factors that disrupt family finances, such as drought or floods that leave a rural family with no food stocks and no income. In addition to such natural disasters, there are man-made emergencies, such as conflict, that might drive a family from their home into a refugee camp where recruiters will be active rounding up people who have lost everything.

At the level of the **community**, violence can increase risk. Conflict breaks up families and communities and increases the vulnerability of the whole community, but especially the children. Street or gang violence may lead children who feel threatened to seek to leave the community. Other forms of violence may also trigger the urge to escape and make people easier prey for traffickers. Where communities have a tradition of movement (for example if they live on a border and have always crossed that border to find seasonal work), vulnerability to recruitment into trafficking may be increased. Sometimes also the nature of the community is itself a risk factor: for example children from farming families may be at risk of trafficking if they aspire not to work on the land and so leave for the city.

There are also, of course, risk factors that are specific to **individuals** or groups of people. These include discrimination, disability, involvement in criminal activity or drugs, or belonging to a caste or ethnic minority that is disadvantaged in employment or social services.

Some triggers, additionally, can be said to occur at '**institutional**' level, that is to say that individuals and families are vulnerable because of social development gaps such as lack of access to education, discriminatory policies that marginalize some ethnic groups within a country; poor or not used systems of birth registration that make it impossible to keep track of children's welfare; as well as geographical factors such as climate change that devastates the livelihoods of fishing or farming communities. Institutional risk factors also include situations in which children are separated from their families and find themselves in reunification channels. These generally legal and monitored processes have been known to be infiltrated by those seeking to divert children into exploitation. The responsibility of the state to police mechanisms which see unaccompanied children being transferred from one place to another is paramount in these situations.

These 'plus' factors show that vulnerability is not a static state. It changes over time, often as the result of factors that come into play only in certain circumstances and may or may not result in vulnerability.

Most often, however, it is not the extreme situations that underpin trafficking events but an accumulation of the everyday realities of survival. Many families live in poverty partly because the adult members of the household do not have jobs that provide enough money for the family

to survive. It may be that there are no jobs in the area where they live, but often it is because the adults are not equipped for the jobs that do exist. This is why getting parents jobs and keeping children in school and then some sort of training is so important – it is the only way to break the cycle of unemployment and poverty that puts whole families at risk.

A number of risk factors are particular to transit places and to the situation of children in **transit**. 'Transit place' can refer to a country or a town, for example, that people pass through temporarily, or to a specific venue en route between two places, such as a railway station or a bus terminus. People are particularly at risk in transit places when they are travelling alone, at night, without money, unprepared and uninformed, undocumented or in an irregular situation with regard to the law. They are also at risk because they may not have or know what their final destination is. This may be particularly true if they have used an unregistered agency or agent to organize the travel.

Often, also, trafficked people are moved in transport that is not safe – unlicensed fishing boats, un-roadworthy vehicles, or trucks that have been adapted to carry a human cargo, and these may also be considered as 'transit risks'.

Risk and vulnerability to trafficking also occurs at **destination**. People separated from their families may run out of money or may lose their identity papers, for example, or an intermediary may make them more dependent by introducing them to drugs so that they become addicted. Such risk factors at destination also make people vulnerable to being lured into exploitation.

An absence of **workplace** inspection or policing is also a risk factor, even though it does not relate to the individual. Any policies or programmes – or lack of them – that allow exploitative workplaces and practices to flourish, increase the likelihood of exploitation and/or trafficking for both adults and children.

If risk factors are not addressed, then victims who are returned after having been trafficked will find themselves in the same at-risk situation and are vulnerable to being trafficked again.

Journalists will find investigation of these different risk factors allows for a wide range of stories to be covered, from social disadvantage of certain groups, to geographical factors that put people at risk, to the impact of conflict and more.

2.10 Is human trafficking a criminal, social or rights issue?

Human trafficking can be considered in several different ways, and this is important for media professionals to know because it means that trafficking stories can be fitted in under different headings and in different sections of a newspaper or magazine, for example.

Trafficking is a violation of human rights: The Universal Declaration of Human Rights, adopted in 1948, reminds us that:

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms (Article 4) – to ensure that people, regardless of sex, age, ethnic origin, (dis)ability, religion etc, have a right to decent work to ensure their survival (for children, there is agreement that they must comlete schooling first, for their future welfare);
- Everyone has the right to freedom of movement and residence within the borders of each state. And (2) Everyone has the right to leave any country, including his own, and to return to his country (Article 13) – underlining that freedom of movement and return is a fundamental right;
- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. And (2) Everyone, without any discrimination, has the right to equal pay for equal work. And (3) Everyone who works has

the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Also: (4) Everyone has the right to form and to join trade unions for the protection of his interests (Article 23) – this sets out the minimum standards agreed as long ago as 1948 for decent work.

Trafficking is a violation of children's rights: In addition to these universal right, all children should be enjoying all their rights under the UN Convention on the Rights of the Child. Trafficking seriously violates their rights to be protected from exploitation, to remain with their family, to go to school, to be protected from sexual violence and to have time to play.

When children are trafficked, they almost always end up in work that is dangerous to their health, safety and sometimes morals. They are not able to go to school and so lose the opportunity to improve their lives in the future. They are often cut off from their families and at risk of sexual abuse and other forms of violence. Apart from the dangers that a child faces while being trafficked and then being exploited, child trafficking violates many other rights promised to children in international law.

Trafficking is a worst form of child labour: When children take up a job but have not yet reached the legal minimum age for work, this is considered to be 'child labour'. When they are employed in hazardous or other exploitative circumstances, such as slavery and slavery-like situations, in commercial sexual exploitation or illicit activities, they are in a worst form of child labour.

Hazardous work - according to the Worst Forms of Child Labour Convention, 1999 (No.182) - is "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". Hazardous work is defined by each country, with government, workers' and employers' organizations in consultation developing a list of sectors (for example 'underground mining') or tasks (for example 'handling loads over 10 kilos') that constitute hazardous work.

No child under 18 should be in a worst form of child labour. Children under 15 (or 14 in some countries) should not be in regular work, and children under 13 (or 12 in some countries) should not even do light work according to ILO Convention No. 138 on the minimum age of employment.

Trafficking children is in itself considered to be a 'worst form of child labour', because children who have been trafficked are in a particularly vulnerable situation. They are away from home, usually separated from their family and community, may be isolated in a country or region where they do not know the language, cannot get help and have no way to return to their home. Isolated in this way, they are commonly the victims of abuse of power. Trafficked children are totally at the mercy of their employers or the people who are controlling their lives and so risk sexual aggression, starvation, loss of liberty, beatings and other forms of violence.

Because any exploitation that includes trafficking is a worst form of child labour, children must be removed at once from this situation and be given the support they need to recover and rebuild their lives in safety and security.

Trafficking is a criminal act and issue of national security: In international law and in most countries' national laws, trafficking is a criminal offence. It disrupts families and communities, and earns profits for criminals and criminal networks. Understanding this is particularly important for media professionals, whose work includes reporting on issues of broad social development, national welfare and crime. It is also important because, as media professionals are aware, reporting on criminal activity is a difficult and sometimes dangerous task. There is more on this in Part II.

In relation to the exploitation of trafficked human beings, trafficking also undermines financial structures and the national economy, since goods and services produced with trafficked labour are often from enterprises working outside regulated markets. It destabilizes the workings of the regular labour market, under-cutting prices and wages and encouraging corruption and unfair practices.

Trafficking is also a security issue when it includes crossing of national borders because traffickers make large profits from introducing people illegally into a country and exploiting their labour. Many traffickers are also involved in moving other forms of contraband along the same routes as their human cargo, such as cigarettes, stolen cars or 'dirty' money, so governments across the world have increasingly become concerned about the operations of traffickers.

In some parts of the world, there are insidious links between human trafficking and the drug trade. People – adolescents especially -- are trafficked into exploitation as drug couriers and dealers, and are often 'paid' in drugs so that they become addicted and entrapped. Such young people are at high risk of other forms of violence and even murder. Because of the illicit nature of drug dealing and trafficking, adolescents and other trafficking victims who are caught are more often than not treated as serious criminals whereas they are, in fact, in need of specialized help.

3 HOW HUMAN TRAFFICKING WORKS

Media professionals usually see the end result of human trafficking, when traffickers are caught or victims identified, for example following a raid on a clandestine workplace. But there are stories all along the trafficking chain, including social and human interest stories relating to vulnerability, for example, or child labour, poverty or migration issues. Understanding how human trafficking works and how the whole 'chain' is built allows this range of stories to be explored.

3.1 Human trafficking begins with recruitment

Human trafficking begins when a person is recruited by someone or, in some cases, approaches a recruiter to find out about how to move to find work or in the hope of being able to leave the place where they are for opportunities elsewhere. Recruiters may be the person who actually employs the person, or an intermediary, part of a chain of people involved in the trafficking. Recruitment happens in many different ways.

- Children and adolescents, especially, may be under pressure from their families to find work to help support the family, and there may not be work available locally. Sometimes, the family will seek the help of someone who they know can arrange work, or the family will be approached by someone who knows that they are in a difficult situation. These recruiters are diverse: it may be an elderly woman in the village who in fact makes her living out of recruiting vulnerable children and putting them into the hands of others who will exploit them, or an adult or an older child who has returned from being trafficked and knows that there is money to be made in encouraging another child to follow the same path. In fact, the people who participate in the trafficking chain at this level often have the same kind of risk profile as the victims themselves and may become involved in order to earn an income. This does not make their actions any less criminal. Sometimes it is an agency – either illegally operating or legal but with this illegal 'sideline' – that advertises work and arranges employment.
- Often, there is a relationship of trust involved: People may be approached by someone from their own community, or the same ethnic group, who offers an introduction into a similar ethnic grouping in another place or country. Girls and women, especially, are at risk of being lured by men who show an interest in them and promise them love, a good job, or even marriage.
- Occasionally an adult or a child of working age may decide to leave home and move away to find work or a better life and will approach someone s/he knows can arrange transport and who promises help with finding a job at the destination. In such cases, the person may be lured by the perception s/he has formed of life in other places – this perception may be right or wrong and may come from the media, from talking to friends or in other ways, for example on the Internet. Even if a child initiates the move her/himself, this is still a case of trafficking if the child is exploited by a third person at any time during the move or at the destination point, and it is trafficking also if an adult has been deceived or coerced in any way.
- Very young children may be trafficked alongside their parents and siblings, as the whole family is recruited and promised opportunities elsewhere. Sometimes families are split up before they arrive at the promised destination -- the men are separated from the women and children or the children are separated from the adults. It is not uncommon for a mother to be given someone else's child in place of her own so that she can be exploited in begging on

the streets. In such cases, the hope of one day being reunited with the rest of the family contributes to keeping the trafficked person obedient to the traffickers.

- There are also instances of people being kidnapped or abducted into trafficking, although these are much rarer than people commonly think. Often movies and television depict trafficking dramatically, with children and women being kidnapped and bundled into a truck to be shipped off and locked up somewhere. In fact, trafficking happens most often because of disturbed migration patterns, especially labour migration, with traffickers moving in to exploit the situation and make money from people's vulnerability, aspirations and sometimes desperation.
- Kidnapping and abductions do sometimes occur, however, and there is one particular situation in which they are known to occur frequently. There have been many reports of people who have been abducted from border zones in conflict areas by armed men who force them into becoming soldiers or into other work with militias. Sometimes children have been forced to watch family members being tortured or killed and understandably this is enough to persuade the child to do what the armed men tell them.
- The very specific case of baby trafficking happens both within countries and across borders. Babies may be acquired through agents. In some cases these agents effectively buy them from individuals or families who do not want them or cannot support them, or in some cases they may be 'produced on order' from adolescents or young women who see this as a way to earn enough money to survive. Sometimes the intermediary in the transaction is an individual; in some cases sham adoption agencies are involved. Where the prospect of exploitation is remote, it is difficult to classify such forms of trafficking as a form of child labour.

3.2 Human trafficking involves movement

Generally internal trafficking will be done using various forms of land transport – train, truck, taxi, bus or private car – and sometimes people are also taken on foot.

Where national borders are relatively open, people may move by road or on foot across the border using routes that have been known to local people for many years. These may be relatively easy crossings but they may also involve hazardous and tortuous routes through deserts and mountains, or across a river. Air routes are also used to move people for trafficking, although not in large numbers.

Once people are on the move, they are of course at increased risk in a number of ways. Often the transport used to move them is substandard (unregistered fishing boats or adapted road vehicles, for example). Their general welfare may be at risk – they may not have adequate food or water or may get sick. Vulnerability increases as people move further away from the safety nets of their own communities, especially if they do not speak the language of the place they are moved through or to.

Mapping out human trafficking routes provides the potential for often exciting media coverage although, of course, precautions need to be taken if traffickers are active in the area, and in particular care must be taken not to jeopardise police surveillance or investigations – keeping a good relationship with the trafficking task force of the police is a vital prerequisite to any media investigations of trafficking.

3.3 The purpose of human trafficking is to profit from exploitation

People who have been trafficked are by definition exploited when they arrive at their destination. This exploitation can take many forms, depending on the sex of the victim, their age, the nature

of the labour market into which they have been trafficked, and the level of their skills, as well as their vulnerability.

Trafficking does not always end in prostitution. Both men and women, and adolescents (and sometimes children) of both sexes are trafficked for exploitation in a wide range of different sectors: they may end up in agricultural work, construction, mining, factories of various kinds, entertainment outlets like bars or clubs, street-based activities such as hawking or organized begging, or armed conflict. Many children and women especially are trafficked to become household servants, although boys and men are also trafficked into domestic labour in some regions. The babies that are sometimes trafficked for adoption are occasionally an exception to this rule, because they may find themselves in a loving home. Often, however, they find themselves being raised for a specific exploitative purpose, for example to work on the family farm or in the family business, or they may be used for begging even while they are still babies.

All over the world, girls and women are particularly vulnerable to being trafficked into the sex trade. This happens because the sex industry worldwide is a thriving and profitable market and because there is often a demand for girls and women who are in some way 'different' or 'exotic' by clients of the sex trade and by the brothel owners and pimps who provide services to them.

Children – especially very young ones – and women are also trafficked into forced begging. They often operate in groups with one adult supervisor or handler keeping control of them and the money they earn. People with a disability may be exploited in begging and, in some cases, may be mutilated specifically so that they can be exploited in this way.

Trafficked children and adolescents are also used for criminal activities, often petty crime like pick-pocketing, because they are considered to be 'disposable', easily replaced by another child if they get caught. Adolescents are also increasingly trafficked into organized crime, often lured by promises of expensive gifts, money and an exciting lifestyle. Peer pressure is also a factor here as adolescent boys, in particular, encourage each other to take risks and 'live the high life'. For most children who end up in organized crime, the reality is much less glamorous: they are subjected to violence to keep them compliant and threats against themselves and their families.

In some parts of the world, there are links between human trafficking and the drug trade. People are trafficked into exploitation as drug couriers and dealers, and are often given free drugs in order that they become addicted and thereby entrapped. In addition to the health and social hazards of drug addiction, such victims are also at high risk of physical violence and threat of harm from both clients and exploiters. More often than not, when caught by the authorities, trafficked people who have been involved in the drug trade are treated as criminals rather than as victims.

In short, traffickers and exploiters will put trafficked people to work wherever there is a way to make a profit from their labour and from their extreme vulnerability because they have been moved away from their homes and families.

4 THE PEOPLE INVOLVED IN HUMAN TRAFFICKING

4.1 Traffickers and intermediaries

Traffickers are people who contribute to human trafficking with the intent to exploit. They include recruiters, intermediaries, document providers, transporters, corrupt officials, service providers and employers of trafficked people, even though most of these criminals may take part in only one element of the whole trafficking process.

Trafficking intermediaries include, for example, people who specialize in providing information to traffickers about which border crossings are open and when, and who give advice on the best times to move people. Some intermediaries take responsibility for identifying and bribing corrupt border guards or immigration officers. At the place of destination, there may be intermediaries whose job is to keep watch over the trafficked people as perverse guardians, and sometimes bodyguards who are there not so much to protect the people but the investment of the trafficker.

Institutional players such as corrupt police, government officers and consular staff may be involved in trafficking, and governments have a responsibility to exercise due diligence in ensuring that all those who work in the various arms of government, no matter how far removed they may seem from the centre of power, are held accountable for their actions.

Private sector organizations also have a responsibility to ensure that their representatives do not facilitate or profit from trafficking. The transport sector is an example of a work sector that needs to be vigilant, as do companies involved recruitment and work placement (including agencies for temporary employment), and tourism-related industries such as hotels and entertainment. In all sectors, owners and executives need to pay due diligence, also, to the possible involvement of their sub-contractors in trafficking or exploitation of human beings.

4.2 How traffickers organize themselves

Much of what we have learned about the way traffickers operate has come from research by law enforcement specialists and those who study criminal organizations and market mechanisms. Research suggests that trafficking operations can generally be grouped into three distinct models (the first has two slightly different forms):

- The first model is known as 'corporate' because it is organized like a business and usually involves organized criminal groups. It is structured like any big business, with a 'boss' at the top and a pyramid-like structure. Each level of the pyramid only knows the tier directly above it and answers to people in that tier. At the bottom, of course, are the 'workers' – the recruiters, transport providers, document forgers and so on – who are so far removed from the top of the pyramid that they have no idea who is actually in charge and so, if they are caught, cannot lead to the 'boss'. Typically the boss (or bosses) will also be involved in extortion, drug production or peddling, illegal gambling and corruption. The whole pyramid is held together by threats and violence so that each tier of people remains faithful to the tier above. It is important to understand that reports such as those saying 'most traffickers are women' really just mean that more women (at the bottom of the pyramid) have been caught – the people in the top tiers are rarely brought to justice.
- A variant on this first model also involves organized criminal groups but this time working together in a much looser, decentralized way. This is called the 'network' model because there is no one 'boss' at the top but a network of 'specialists' who each control their own

special area – for example the recruitment part of the 'business' or the exploitation (for example a group running illegal sweatshops). These specialists communicate with each other and put together the series of events and facilities that make up trafficking. They may work together regularly or just occasionally. This model is seen as 'safe' because, if one group of specialists drops out for any reason, it can just be replaced.

- The second model is much less 'business-like' and is based on small groups of well-organized criminals who specialize in leading victims from one country to another along well known routes. They are in some ways little more than 'criminal guides' and they generally work in just one geographical area, the one they know. Such 'services' are vital to trafficking operations, though, and many countries focus on the activities of intermediaries like these in attempts to stop cross-border trafficking.
- The third model is the most common. It is made up of 'amateurs', individuals who provide a single service such as transport, forged documents, recruitment or reception services. These people hire out their services for money and may do this regularly or just once in a while. Sometimes family members or friends may set themselves up as intermediaries, making money from leading a niece or nephew or friend into the hands of traffickers. Are intermediaries traffickers? Most people would say they are because what they do is part of the trafficking process. In general, though, when intermediaries are caught and arrested they are not tried as traffickers but according to the specific crime they committed, for example enticement or forgery or aiding illegal border crossing.

4.3 Cutting off the profits

Sometimes traffickers make their profits in one part of the trafficking event – for example by arranging the transport of the trafficking victims. Sometimes they may run the whole operation: making money at source (by selling false papers, getting the family to pay for 'services' provided or even charging a fee); during travel (adding a margin to travel tickets, charging a fee for bribing authorities, actually owning the transport); and then at destination (paying low or no salaries, operating an often substandard workplace, providing high-priced accommodation, food and transport to/from work).

Often it is the trafficking victim who pays for the 'services' the trafficker promises, but there is also a 'big business' side to human trafficking. In 2002, it was reported that organized criminal networks were hiring out their 'infrastructure' to traffickers. These services and structures, often put in place to move drugs and other contraband, are then used by other criminals to move trafficked people. They include transport, corrupt officials, safe houses and personnel – and in 2002[2] were estimated to be bringing in profits of some US$12 billion a year for the crime bosses.

The costs of human trafficking are low because, if the victims get caught, they can easily be replaced with other victims. While drugs, weapons and contraband goods are expensive to replace, people are not.

Where laws and law enforcement are weak, the treatment of victims also affects the volume of the business. In countries where conditions are particularly harsh for those who have been trafficked, the volume of trafficking is higher, presumably because the victims are less likely to escape, speak out or even perhaps survive.

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[2] This figure was given by the Director of Europol to the EU STOP/ILO conference on trafficking in 2002. Note that it relates only to the profits from hiring out services and structures. The ILO estimated in 2005 that the average annual profits generated by trafficked forced labourers was just under $32 billion (*A global alliance against forced labour*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva 2005).

The commercial realities of human trafficking are important to understand, since they are the key to knowing how to stop it. For traffickers and intermediaries, trafficking is all about money. The key to stopping trafficking is making sure that it is no longer profitable, by making it difficult (for example by reducing the vulnerability of people or by putting in place regulations that increase the cost to the trafficker), interrupting it (for example through good policing at borders) and confiscating profits and infrastructure (for example by closing exploitation places and transferring crime proceeds to victims). Reducing corruption also increases the costs to traffickers, since they are less able to 'pay off' those who can make trafficking easier and so have to spend more money to get around regulatory requirements.

Research has shown that, if they begin to lose money or stop making a profit, traffickers may move on to some other form of crime that will make money for them. Law enforcement systems that have vigorously pursued traffickers have often used a whole gamut of laws in order to close down trafficking operations, even where specific anti-trafficking legislation may not be in place or be difficult to enforce. Prosecutions for money laundering, illegal money transfers, migration offences, forgery, even vehicle licensing laws can be pursued in order to make life difficult for those involved in human trafficking and to impose financial sanctions.

Rigorous pursuit of those involved in trafficking can also have a financial impact on the traffickers. Taking the age of the victim into account and significantly increasing the penalties for those who traffic children is an important anti-trafficking policy action.

Activity 2: Finding the links in the trafficking chain

Read through the two case studies below and identify every person in the story. then say whether they are:

- A trafficker
- A victim
- An intermediary
- Not involved
- Role not clear – need more information

Case 1: A 25 year-old man goes to an employment agency to seek work in a neighbouring country. They offer him work in construction and arrange his bus travel, including a visa and accommodation. When he arrives at his destination, he finds he has to work seven days a week on a dangerous construction site with no safety equipment or training. He is paid less than the going rate for the job. The employer tells him his visa is false and he will report him to the police if he does not work. The owner of the boarding house where he is staying begins locking the door at night and he cannot get out. Every day a bus arrives to take him to the construction site along with other young men.

Case 2: A 15 year-old girl is introduced by a school friend to a young man on the beach and over a few weeks spends a lot of time with him. One day, he tells her he loves her and wants her to go and live in the city with him. He says he can stay with his aunty first, until she is old enough to marry him. The girl leaves her home and moves to the city, travelling with the man and his friend, who has a car. The aunty welcomes her but, after a few days, the man stops coming to see her and the aunty introduces her to another man who forces her to have sex with him. For the next six months, she is made to have sex with several men who come to the house. From time to time, a nurse comes to check that she has not contracted any sexually transmitted infections and gives the aunty a certificate saying she is 'clean'.

The answers are in Annex 1.

5 THE SCOPE AND IMPACT OF HUMAN TRAFFICKING

Journalists love numbers. This is understandable, because being able to give numbers allows the media to give people an immediate, easy-to-grasp idea of just how big a problem is, how important it is and why it must be addressed. Media professionals are anxious to quote concrete facts, including statistics where these are available. Information officers look for such data to include in press releases and reports.

5.1 How many people are trafficked?

The truth is that reliable estimates on the number of people who have been trafficked or who fall victim to trafficking each year are almost impossible to obtain.

Most reports on trafficking include somewhere a statement about the lack of reliable data. The criminal and hidden nature of trafficking means that the only data available are generally based on the few reports that come to light – for example when trafficking victims are found and appear in official police, immigration or social welfare statistics. Some figures are calculated from data on cases that come to court, hospital and health reports on victims, or national data that are often a mix of police and immigration figures, social services input and other sources of information. By their very nature, these figures probably underestimate the true picture, and they represent in any case only those cases that come to light. Many more trafficked people are never reflected in available figures.

Because of the nature of data collection and reporting, additionally, the figures that are quoted often seem 'old' – there can be a two- or three-year delay in collecting, collating and publishing data. Statistics should therefore be used over time to give an indication of trends, rather than being seen as providing information on the current extent of human trafficking.

Taking all these caveats into account, some attempts have nevertheless been made to estimate the number of people trafficked each year. The US State Department's annual report on Trafficking in Persons (TIP)[3] estimated in 2008 that a flow of between 600,000 and 800,000 people are trafficked across borders every year. This does not include people who are trafficked within their own countries. The report indicated that approximately 80 per cent of trafficking victims were women or girls and that half of the total were minors.

The ILO estimated in 2002[4] a stock of some 1.2 million children who had been trafficked and were still in a situation of exploitation. This estimate includes cross-border and internal trafficking.

Very few individual countries publish estimates of human trafficking from or to their country. This is not surprising when we consider the challenges that remain to obtaining reliable estimates of the numbers of people trafficked. The United Kingdom Home Office published research in 2000, for example, that concluded that "the scale of trafficking in women into and within the UK lies within the range of 142 and 1,420 women a year". The enormous range given here shows clearly how difficult it is to arrive at a national total. What is available is often information on trafficking cases brought to court and successful prosecutions, but this does not indicate the actual size of the problem.

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3 *Trafficking in persons report*, US Department of State, Washington DC, 2008, p.8. This report is an annual publication and the latest edition can be downloaded from: www.state.gov/g/tip.

4 *Every child counts: New global estimates on child labour*, ILO, Geneva, April 2002. This figure will be updated in 2010.

Journalists and others should therefore be very careful if they quote numbers, and always ensure that the source is quoted. Information officers must resist the temptation to provide numbers that are based on anecdotal evidence, are unreliable or are included just for 'shock value'.

5.2 The impact of human trafficking

Even if it is impossible to quantify with any accuracy, we do know that human trafficking has a significant negative impact, first and foremost on the trafficked people and their families, but also on their communities and on the nation as a whole. A thorough understanding of the human and economic costs should provide the arguments for the allocation of sufficient government resources to address human trafficking effectively, and to mobilize all those who can make a difference.

On individuals and families: Trafficking has devastating consequences for those who fall victim to it, but it is especially damaging for children because its impact will last into the child's future.

In the worst cases, trafficking and the exploitation it involves can cause death, serious illness or permanent injury. The journey might be treacherous; the conditions of work are often dangerous; the standard of living provided by traffickers is invariably substandard. Trafficked people may be denied access to doctors and health workers who could report their situation to the authorities. Often victims who fall ill are simply turned out onto the streets by their exploiters and left to fend for themselves or in some cases may suffer a worse fate.

Trafficked people are subjected to violence of many kinds. They may be beaten or burned to keep them obedient. The threat of such physical violence is in itself a form of psychological violence. Often, trafficked people are badly fed or even starved, again to make sure that they do as they are told. Girls and women are at risk of sexual abuse, although boys may also face sexual violence.

Depending on the type of labour they will have to undertake, the trafficking victims will face different health repercussions: agricultural work, for example, may expose them to toxic chemicals. Factory work may include operating machinery that is beyond their capacity. Commercial sex work carries its own particular risks, including unprotected sex that results in STD (including HIV) infection, unwanted pregnancy or reproductive illnesses.

Many trafficked people are exposed to substance abuse. They may be given drugs to keep them quiet and exploitable or to ensure that they become dependent on their supplier and therefore less likely to try to run away.

Being in a trafficking situation also has severe psychological risks: they are separated from family, friends and community. They may be totally isolated by fear, including fear of threats against their families. Trafficked people often end up in a vicious cycle of desperation, trafficking, exploitation, dependence and re-trafficking. For these many reasons, people who have become victims of trafficking may lose all sense of hope and plunge into depression, leading them to do harm to themselves or even attempt suicide.

The impact on families is severe. While many families may believe that sending or allowing a family member to relocate to find work will bring benefits, in reality many families never see the trafficked person again. Many more never receive any of the promised income.

On the community: The social impacts of human trafficking are similarly wide-ranging and long-lasting. The impact on the family of losing a family member to traffickers can be long-term, especially if the family was enthusiastic about the person's leaving to find work. Conversely, if the victim does send some money home or even returns to the community, this might be an

incentive to other families to send someone into a trafficking situation so that a whole community can be 'corrupted' by trafficking.

There is also a severe impact on the community, as well as on the child and her/his family, when the trafficked child's education is cut short. This has both a social and an economic impact. The child's future is less assured because s/he will not have the skills required to earn a living or progress in life. Girls may find their marriage prospects are diminished, especially if they are known – or thought – to have been victims of sexual exploitation. Social development efforts are undermined and the cycle of poverty continues, putting younger generations at risk of trafficking too.

On the country's social development: At a national level, economic development is stymied both by the lack of educational development and also because potentially productive future workers are lost to the economy. Children and adults who return from trafficking with injuries or diseases also put a financial burden on their families and on the country, not least because the young and middle-aged people who are trafficking's most likely victims are unable to work and support the older people who depend on them.

There are important long-term – but vitally necessary -- costs involved in the rehabilitation of trafficked people and costs involved in making sure they can rebuild their lives and prepare a safer future.

It is clear that government efforts to combat human trafficking can not only result in improved protection of human rights but are an important contribution to social development broadly defined. There is consequently a strong imperative for mainstreaming anti-trafficking policies and programmes in national development efforts, coordinating such policies and programmes across all relevant government departments, and allocating sufficient resources to tackle this problem.

Media professionals have the responsibility, in light of the importance of human trafficking to the country's development, to report on government (and other efforts) to combat human trafficking, and to monitor progress.

6 LAWS DEALING WITH HUMAN TRAFFICKING

There are laws that can be applied to address human trafficking at international, regional and national levels, although some countries do not yet have specific anti-trafficking legislation. Media professionals should check the status of legislation in their country while they are doing preparatory research for a story.

Among the most important tools for combating human trafficking are the internationally or regionally agreed commitments that are laid down in instruments variously called conventions, protocols, memorandums, joint actions, recommendations or declarations. It is useful to understand these because most countries have now ratified them – each media professional should check the status of ratification in her/his country. Many government policies and programmes will be a direct response to the need to implement these international instruments at national level.

The instruments listed below are the most significant treaties in relation to human trafficking, but there are others that may also be relevant.

6.1 Trafficking-specific international instruments

- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention on Transnational Organized Crime (2000)** – known as the Palermo Protocol, this aims to prevent and combat trafficking, protect and assist victims, and promote cooperation among States Parties.
- The **Recommended Principles and Guidelines on Human Rights and Human Trafficking** issued by the Office of the High Commissioner for Human Rights in 2002 do not have the status of an agreed treaty, but they are an important complement to the Palermo Protocol because they focus on areas such as the status of victims, comprehensive recovery services, information and accompaniment of victims, confidentiality and privacy, and witness protection.

6.2 Labour and migration treaties

These are important reference frameworks because they help those who intervene at various levels to clarify definitions and define the types of intervention necessary.

- **ILO Minimum Age Convention, 1973 (No.138)** – an important instrument because, in implementing it, States Parties define the age at which a child is legally allowed to work (usually linked to the age for compulsory education) and it is then possible to define when a child is being exploited in child labour (in relation to their age – there are other conditions that define child labour, of course, including the nature of the work being done, but age is a key determining element).
- **ILO Worst Forms of Child Labour Convention, 1999 (No.182)** – specifies that trafficking is, of itself, a worst form of child labour. Other worst forms include bonded child labour, forced child labour, and recruitment into armed conflict. Convention No.182 is accompanied by a **Recommendation (No.190)** on implementing the spirit of the Convention in national policy and practice. It includes suggestions on research, target groups, planning and coordination.
- It is worth noting, also, that on 7 November 2006 countries that are members of the ILO adopted a **Global Action Plan** on eliminating the worst forms of child labour and agreed to put in place time-bound commitments by 2008. Under these time-bound plans, they aim to

end the worst forms of child labour, including trafficking, by 2016 (and all forms of child labour by 2020).

- **ILO Forced Labour Convention, 1930 (No.29)** – defines forced labour as "all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".
- **ILO Migrant Workers Convention (revised), 1949 (No.97)** – defines the migrant worker as a person who migrates from one country to another in order to take up employment that is not self-employment.[5]
- **United Nations Convention on the Rights of All Migrant Workers and Their Families, 1990** – enshrines the principle that all people who move for work – including children – have the same fundamental labour rights as all workers.

6.3 Rights of the child

- **UN Convention on the Rights of the Child, 1989** – Articles 32, 34, 35 of the CRC relate specifically to the child's right to be protected from economic exploitation and from hazardous work, to be protected from the illicit use and production of drugs, and to be protected from sexual abuse and exploitation. It is important to note the general principles set out in Articles 2 (non-discrimination), 3 (primacy of the best interests of the child), 6 (right to life and survival) and 12 (right to express views). Two Optional Protocols to the CRC on the Sale of Children, Child Prostitution and Child Pornography and on the Use of Children in Armed Conflict also have relevance to child trafficking.

6.4 Regional instruments

Agreements are also negotiated at regional level, through regional bodies such as the European Union (EU), the Council of Europe, the South Asian Association for Regional Cooperation (SAARC), the African Union, the Caribbean Community (CARICOM), the League of Arab States, and the Organization of American States (OAS).

These regional agreements have different weight in relation to national law. In some instances, a regional instrument is binding on the states that are members of the regional body. Sometimes the instruments are intended rather to guide countries on the basis of what they have agreed are important matters of principle.

Regional and subregional framework decisions include the:

- Council of Europe Convention on action against trafficking in human beings (Treaty series No.197), 2005;
- Multilateral cooperation agreement to combat trafficking in persons, especially women and children, in West and Central Africa (2006);
- Mekong subregional cooperation agreement to fight human trafficking (COMMIT), 2004.

6.5 National law

[5] Additional clauses were added through ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

More and more national laws are being brought into line with international principles and so there is more consistency and harmony in individual countries' laws.

Not all countries have laws relating specifically to human trafficking; instead traffickers are prosecuted under laws relating to abduction, prostitution, violence, fraud, counterfeiting or labour exploitation.

Some people believe that using these laws is enough to address human trafficking and that specific anti-trafficking laws are not necessary. However, dedicated anti-trafficking laws are important so that traffickers can be prosecuted as traffickers and especially so that trafficking victims have the status of 'victim' in law and are given appropriate consideration.

In addition to criminal law covering trafficking, at national level civil law can also be relevant. Trafficking victims or their families might decide to take civil action to pursue compensation from traffickers for loss of income or damages. Confiscation of the proceeds of trafficking is additionally a strong deterrent to trafficking, which is after all basically a profit-making activity.

7 HUMAN TRAFFICKING IN SOUTH AFRICA

From the reports available, it is known that South Africa is a source, transit and destination country for human trafficking. A 2003 study by the International Organization for Migration (IOM) found that South Africa is a primary destination for victims of trafficking in the region "given its pockets of extreme wealth, its first class financial and transportation infrastructure, and the growing influence of organized crime".

7.1 Internal trafficking

Research done by the ILO in South Africa between 2004 and 2008 focusing on child trafficking showed that children from under-resourced rural and peri-urban communities with little or no economic and social development are at high risk of becoming victims of trafficking and that the bigger cities and towns in South Africa all have the possibility of absorbing trafficked children into various forms of exploitative labour. The ILO also documented the risk of children being trafficked from poorer neighbouring countries for the same purposes.

Research by IOM in 2008 showed that internal trafficking victims are generally recruited from regions of lower socio-economic status, in provinces such as Mpumalanga, Limpopo, Northern Cape and Eastern Cape as well as informal settlements or rural areas of Western Cape, Free State and Gauteng Province. Victims were most often transported by minibus taxi, with the fare frequently paid for by the recruiter, and taken to a commercial centre such as Johannesburg, Durban or Cape Town. In 2009, additionally, trafficking cases were documented in the Free State. The destination areas included Bloemfontein, Cape Town, Durban, East London, Johannesburg, Nelspruit, Port Elizabeth, Pretoria, Rustenburg and Welkom.

Internal trafficking is mostly for the exploitation of children and adults in domestic labour and agriculture, street vending, begging and petty crime, sexual exploitation, and drug trafficking.

7.2 South Africa as a destination country

As a destination country, South Africa receives human trafficking victims from a variety of countries, which include the SADC region (Angola, D R Congo, Malawi, Mozambique, Lesotho, Swaziland and Zimbabwe), the African continent (Cameroon, Ethiopia, Kenya, Nigeria, Rwanda, Senegal) as well as China, Eastern Europe, India, the Philippines and Thailand.

7.3 South Africa as a transit country

South Africa is also a transit point for trafficking to Europe and there are some documented cases of women being trafficked through South Africa to Ireland, Israel, Zimbabwe and Switzerland for forced labour or forced marriage.

7.4 Risk and vulnerability

Poverty or lack of income underlie vulnerability to trafficking in South Africa, and high unemployment rates as well as the impact of HIV/AIDS means that parents are unable to support their families economically, with the result that children take on the responsibility of supplementing the family income. This makes children, especially, vulnerable to falling into the hands of recruiters and entering the trafficking chain.

The HIV/AIDS pandemic has led to an increase in the number of vulnerable households as breadwinners and caregivers become sick and are unable to provide for their children. As a

consequence children may have to drop out of school to care for sick family members or work to supplement family income. This increases their vulnerability to transactional sex (sex in return for money, food or household necessities) and to other forms of exploitation and trafficking.

As is the case for most countries with a tradition of regular cross-border migration (both documented and undocumented) for work, traffickers take advantage of the routes and the infrastructure involved in order to move trafficked people, predominantly into the commercial sex sector and for forced labour in agriculture and street-based or sweatshop labour.

7.5 Key characteristics of human trafficking in South Africa

The following are some of the key characteristics that define the occurrences of human trafficking in South Africa:

- Involvement of organized crime syndicates based in large cities applies to both international, regional and local trafficking;
- Coincidence between victims and perpetrators, which come from the same communities, with some trafficked women, for example, facilitating the domestic trafficking of children they know within the community;
- Cross-border trafficking sometimes takes place through refugee communities where refugees become both victims and perpetrators of trafficking;
- Recruitment generally operates either through coercive methods, such as abduction, or through deception with promises of work, study and general life improvement, which are believed by the victims;
- Urban centres such as Cape Town, Johannesburg and Durban are the main destination areas for both domestic and cross-border trafficking;
- Cross-border routes follow main transport routes (such as Maputo Corridor, and Beit Bridge) and entry points, such as Cape Town and Durban Harbour.

7.6 The South African legislative framework

The Republic of South Africa ratified the Palermo Protocol in 2004 and has embarked on a series of actions designed to implement the provisions of the protocol at national level.

One of these is the establishment of a national structure to develop and coordinate a comprehensive response. This includes a multi-sectoral National Task Team (NTT) that is developing a National Action Plan, the blueprint for coordinated action against human trafficking. A Trafficking in Persons Bill was in final stages of development in 2009, and South Africa also has in place a number of laws that can already be used against traffickers.

Constitutional Provisions

The South African Constitution provides for the right to human dignity and the right of everyone to freedom and security. This includes the right *'to be free of all forms of violence from either public or private sources'* (Section 12(1)(c)) and *'not to be treated or punished in a cruel, inhuman or degrading way'* (Section 12 (1)(e). The constitutional rights defined in the Bill of Rights are applicable to *'everyone'* and this includes children. Section 28 of the Bill of Rights provides for the special protection of children and also states that *'a child's best interests are of paramount importance in every matter concerning the child'*.

For the child survivor of trafficking for the purpose of sexual exploitation it provides, amongst other things, for the right not to be victimized further by the justice system. It further provides

for the right of access to places of safety and care during the process of physical and psychological recovery.

National legislation

Whilst the Constitution provides broadly for the protection of children and for the right of all human beings to dignity, freedom and security, comprehensive legislation referring to human trafficking is still in the process of being developed in South Africa.

The government took initial steps in addressing human trafficking through an investigation by the South African Law Reform Commission (SALRC), with a view to producing a comprehensive Prevention and Combating of Trafficking in Persons Bill on the matter. This draft bill defines trafficking as:

"*…the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of persons, within or across the borders of the Republic (i) by any means, including the use of threat, force, intimidation or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control or authority over another person; or (ii) by abusing vulnerability, for the purpose of exploitation".*

The bill provides specific sanctions for offenders and allows for up to two years of imprisonment for individuals who procure services from a victim. Once the Combating of Trafficking in Persons Bill is passed, the trafficking components of the Child Care Act and the Sexual Offences Bill will be repealed.

The full text of the Bill can be found at: www.justice.gov.za/salrc/dpapers.htm.

In the meantime, two pieces of legislation have specific sections that deal with trafficking: The Children's Act of 2005 defines and prohibits trafficking (and behaviour that facilitates trafficking) in children. It also deals with reporting, and states that cases of suspected Child Trafficking must be referred to a designated social worker for investigation.

The Sexual Offences Act provides recourse for victims of sexual offences and the perpetrators of such offences. It places the burden of care and protection of a child against sexual offences on the parent or guardian and includes the prosecution of a parent or guardian who has permitted, procured or attempted to procure a child for unlawful sexual intercourse or any immoral or indecent act or who knowingly permitted the defilement or seduction of his/her child or who has allowed his/her child to become a prostitute. The Sexual Offences Act also prohibits the procurement or attempts to procure any female to have unlawful sexual intercourse with any person other than the procurer or in any way assists in bringing about such intercourse. It also prohibits the enticement of a woman into a brothel for the purpose of unlawful sexual intercourse or prostitution.

The Act also makes it an offence to administer drugs or intoxicating liquor to or cause them to be taken by any female with the intent to overpower her so as to enable any person other than the procurer to have unlawful carnal intercourse with such female. Due to the use of the term 'female' instead of 'person' this provision could be applicable for the protection of a girl child, but this restriction excludes the prosecution of sexual offences against a boy or man. In addition, the narrow common law understanding of 'carnal intercourse' (i.e. a man having sex with a woman) does not explicitly provide for the prosecution of female offenders committing 'unlawful sexual activities' with other women or men.

Other legal instruments that might be used against traffickers include:

- Corruption Criminal law - Sexual offences and related matters - amendment Act 32 of 2007

- Extradition Act 67 of 1962
- Act 94 of 1992
- Films and Publications Act 65 of 1996, as amended
- International Cooperation in Criminal Matters Act 75 of 1996
- Basic Conditions of Employment Act 75 of 1997
- Prevention of Organised Crime Act 121 of 1998
- Refugee Act 130 of 1998
- Immigration Act 13 of 2002, as amended

The absence of comprehensive legislation limits prosecutors to dealing with only the perpetrator directly linked to the offences resulting from the trafficking of the victim, and not those who may be involved at other points in the trafficking chain.

PART II: COVERING HUMAN TRAFFICKING

8 THE ROLES AND RESPONSIBILITIES OF MEDIA PROFESSIONALS AND INFORMATION OFFICERS

8.1 Some key principles

Sometimes people forget that journalists and other media professionals are, at the end of the day, just regular people. They are not vultures, out to get a story at any price (at least, most of them are not!). Many have children and families and worry about the same issues that the rest of the population does. Human trafficking, for example, is not something that happens only to other people; journalists are just as likely to know someone who is trafficked or exploited – or even a trafficker or exploitative employer – as anyone else. And they are just as interested in making sure that their family and friends, and themselves, are protected from exploitation and from trafficking.

But as media professionals, they also have another imperative: they must cover the news and present information in a dispassionate, disinterested way, striving to bring the facts to public attention without bias and in a balanced way.

This means that they are not there to be 'used' by NGOs or agencies who want to get messages out about human trafficking. Freedom of the press – including from the persuasion or payment of those who genuinely want to do a 'public service' by pushing the anti-trafficking agenda – is crucial to the kind of society in which human trafficking is rejected and traffickers are pursued and brought to justice and victims are protected and supported.

This is not to say that it is not vital that NGOs and other agencies working to combat trafficking should not work closely with the media, building a relationship of trust that is built on the agencies providing reliable, accurate and timely information that allows journalists to put together informative, accurate and newsworthy stories for their readers, listeners and viewers.

The media, therefore, do not have a 'duty' to cover human trafficking in their work, but will do so whenever there is a newsworthy social, crime- or development-related or human interest story to be brought to public attention. The role of the information officer is to provide to the media the kind of information they need to be able to make this judgement.

So, in brief, the respective roles and responsibilities of media professionals and information officers are:

Media professionals

- Identifying news and feature stories of public concern
- Investigating these stories in a timely manner
- Reporting the stories without bias or vested interest
- Ensuring that information provided is reliable and accurate by verifying to the extent possible
- Following the principle of 'do no harm', for example ensuring that interviewees are not put at risk and sources, victims and others at risk are protected
- Ensuring that stories on criminal matters such as human trafficking do not interfere with law enforcement or judicial process

Information officers

- Identifying potential stories of media interest on the basis of public utility (not fundraising or vested interest)
- Providing accurate, reliable, timely information allowing media professionals both to evaluate the newsworthiness of the story and to report the story accurately
- Protecting the identity and privacy of victims, people at risk, informants and others figuring in the information
- Building a relationship of trust with media professionals, not a commercial relationship that compromises freedom of the press.

8.2 The International Federation of Journalists Code of Ethics

The International Federation of Journalists (IFJ), the world's largest professional association for media professionals, has negotiated a Code of Ethics that guides media professionals in covering stories about children. The general principles covered in the Code are also relevant to both adults and children in at-risk situations such as those vulnerable to trafficking.

International Federation of Journalists:

Guidelines and Principles for reporting on issues involving children

Media organizations should regard violation of the rights of children and issues related to children's safety, privacy, security, their education, health and social welfare, and all forms of exploitation, as important questions for investigation and public debate. Children have an absolute right to privacy, the only exceptions being those explicitly set out in these guidelines.

Journalistic activity which touches on the lives and welfare of children should always be carried out with appreciation of the vulnerable situation of children.

Journalists and media organizations shall strive to maintain the highest standards of ethical conduct in reporting children's affairs and, in particular, they shall:

- Strive for standards of excellence in terms of accuracy and sensitivity when reporting on issues involving children;
- Avoid programming and publication of images which intrude upon the media space of children with information which is damaging to them;
- Avoid the use of stereotypes and sensational presentation to promote journalistic material involving children;
- Consider carefully the consequences of publication of any material concerning children and shall minimize harm to children;
- Guard against visually or otherwise identifying children unless it is demonstrably in the public interest;
- Give children, where possible, the right of access to media to express their own opinions without inducement of any kind;
- Ensure independent verification of information provided by children and take special care to ensure that verification takes place without putting child informants at risk;
- Avoid the use of sexualized images of children;

- Use fair, open and straightforward methods for obtaining pictures and, where possible, obtain them with the knowledge and consent of children or a responsible adult, guardian or carer;
- Verify the credentials of any organization purporting to speak for or to represent the interests of children;
- Not make payment to children for material involving the welfare of children or to parents or guardians of children unless it is demonstrably in the interest of the child.

Journalists should put to critical examination the reports submitted and the claims made by governments on implementation of the UN Convention on the Rights of the Child in their respective countries.

Media should not consider and report the conditions of children only as events but should continuously report the process likely to lead or leading to the occurrence of these events.

Additionally, the IFJ contributed to the development of specific guidelines that were prepared for the first ever World Congress against Commercial Exploitation of Children, in Stockholm in 1996, and that continue to guide media professional and information officers in relation to this particularly sensitive issue:

World Congress against Commercial Exploitation of Children (1996, 2001, 2008):

Guidelines on reporting sexual abuse and exploitation of children

- If you want to show images of children caught up in the sex trade, crop the photos (masking is possible but risks de-humanizing the child), film from a distance or from behind. If you are writing, make sure names are changed and that this is stated in your copy.

For example: the full-face photo of a young girl caught up in the sex trade in a bar not only violates the dignity of the child, it could be seen by a family member who will kill the child to save family honour. Children in most parts of the world face similar risks, whether it be for family honour, to protect a pimp, or for various other reasons.

- Never identify through words or images places where vulnerable children can be located; you might be leading abusers and exploiters right to them.

For example: a photo of a beach or shopping centre where children are prostituted might be identified. Beginning a story, "In a back street in the XXX district of downtown Bombay" is a picturesque way to begin a feature but as good as a map to a sex tourist.

- Do not suggest that children are caught in the sex trade or have been trafficked unless you are certain they are/have been.

For example: children who live on the streets are certainly vulnerable to exploitation but they are not all necessarily being exploited; don't print a photo of children on the street and caption it 'street prostitutes in XX'. You could be putting these children at risk and you are, in any case, giving misleading information that an adult would sue you over.

- Don't suggest that all adults are abusers or exploiters.

For example: a middle-aged man with a young boy on a tropical beach might just be father and son. Adverse publicity following a number of libel cases have made the public wary of challenging adults they actually suspect of coercing children to accompany them. Check your facts.

- Understand what sexual abuse and exploitation (and trafficking) are.

For example: don't over-use the word 'paedophile'. This word relates to a specific group of (usually) men who have a psychological profile that includes sexual relations (of varying degrees) with a child below the age of puberty. Over-using this word hides the reality: that the majority of men who have sex with minors are 'normal' (non-paedophile) men who simply choose to do so. This is important because we need to get our responses to the problem right if we are going to have an impact on it: in this case, governments as well as the public need to know that paedophiles are not the only threat to children; the 'normal' guy living next door might be a bigger threat. So do your research.

- Be a care-taker of children who may need support

You may well meet a young person who has been a victim of sexual abuse/exploitation and who wants to speak out. Many young people become effective activists and are powerful speakers. Also, many organizations realize this and are sometimes too ready to .offer. young people as 'testimony' to the press. Experience shows that some of these young people do not realize (i) the risk they may be running in allowing their identity/image to be revealed; (ii) the pressure that can arise out of even fleeting press interest and profile. This is a delicate issue and the young person must be allowed to express his/her own feelings in this matter. But you, as not only a journalist but as someone who safeguards the identity and security of sources/informants, must use your discretion and take care of the young person involved, including refusing to profile them if you believe that is in their best interest. Please do not ever feel that their safety is someone else's responsibility.

There are also both regional and national codes and guidelines that cover the issues that media professionals, and those providing information to them, need to consider when addressing issues such as exploitation and human trafficking. You should check with your national Journalists' Association, Media Alliance, Broadcasting Auhority or Press Club to see whether there are national or sectoral codes or guidelines of which you should be aware.

All media professionals also know, however, that the best guide to appropriate coverage is the personal ethical framework that each individual journalist builds for her/himself. Understanding human trafficking better, by working through Part I of this handbook, will help you to consider how best your own ethical principles will apply to coverage of human trafficking.

9 POTENTIAL AND PITFALLS IN COVERING HUMAN TRAFFICKING

Covering a complex issue like human trafficking can be a veritable minefield, with the need to balance reporting the news with public interest and curiosity, human rights imperatives related to

the inclusion of the victim in a story, ethical challenges related to criminal investigation, and the journalistic impulse to tell a good story.

Perhaps the best way to illustrate the many different issues that arise in covering a human trafficking story is to look at a real-life example. Activity 3 presents an article written by a senior South African journalist, Michael Schmidt. Mr Schmidt did all the right things in preparing his story. He informed himself of the nature of human trafficking, consulted with the police who were about to conduct a raid on a brothel where there were suspected trafficking victims, and had their full cooperation. He followed their instructions during the raid and, in conducting the interview that formed the core of his story, followed ethical principles and obtained the permission of the interviewee before printing her story.

And yet... The article is a solid, newsworthy piece and such articles are an important contribution to raising public understanding of human trafficking, but it raises a number of questions that even the most senior journalists might miss. Read the article carefully and ask yourself whether you can see any elements in the story that raise questions about appropriate reporting/coverage of human trafficking. Consider in particular:

- The woman who is the key informant in the story;
- What the main focus of the story is;
- The interface between the story and any judicial process that might ensue;
- How the story is illustrated.

Some comments and suggestions are provided in Annex 1.

10 WORKING ALONGSIDE LAW ENFORCEMENT

Human trafficking, and its outcomes of forced labour, child labour and exploitation, are criminal activities. The interface between investigating journalists, NGOs and welfare agencies, and law enforcement and judicial staff is extremely complex in such situations.

Journalists who get 'leads' on potential trafficking operations or exploitative work situations must decide whether they will inform the police and provide information they may have gathered, rather than proceed with the story, or pursue the story first and then inform the police. In many countries, this decision is facilitated by the existence of national laws and media regulations covering such circumstances. If there are not legal or regulatory frameworks, then the individual journalist, generally in consultation with senior editorial staff and the house lawyer, will decide how to proceed. Clearly, it is not in the public interest for the imperatives of journalism to interfere with law enforcement or judicial process so that traffickers and other criminals walk free.

Among other issues that may arise, reporting situations that lead to undercover police officers being identified, or to victims or informants being put at risk, must also be carefully considered. Not only by media professionals, moreover, but also by NGOs and other welfare agencies who may inadvertently put victims and others at risk through the uninformed use of information (for example for fundraising or press purposes).

In some countries, some of these challenges are dealt with by the formation of trained, equipped 'pool' media professionals who gain experience in working alongside law enforcement and are able to provide information and/or images to other journalists on a shared basis. This is not ideal for most media outlets, since it takes away all possibilities of exclusivity or 'scoops', although if a story is important, it is better to have access to it on a shared basis than not at all.

A final question to ask in covering human trafficking as a criminal venture is "Who is actually breaking the law?" Victims, for example, may break various laws in the course of their exploitation, although international law does not accept that they should be held liable for this. Clearly the traffickers and intermediaries are committing crimes. But what about the 'end users' of trafficked labour – the prostitutes' clients, the supermarkets whose suppliers employ trafficked labour, the fashion houses whose clothes are produced by trafficked workers? There is obvious public interest in exploring angles such as these, since they are close to the reader/viewer/listener. There must, however, be clarity about who is committing crimes and where the line between media activity and legal process must be drawn. Make friends with the personnel in your local anti-trafficking task force and police contingent in general – they will be able to guide you and together you may be able to find ways to permit media activity where it might otherwise be excluded.

11 SOURCES AND INTERVIEW TECHNIQUES

Remember that there are several different approaches to human trafficking, and that the issue is so complex that it can provide many different stories, not all of them necessarily focusing on trafficking itself. Trafficking and related issues can be considered as:

- An issue of social protection;
- A criminal activity;

- Human interest;
- National stability and security (including organized crime);
- National social development;
- Financial/economic impact;
- Health (HIV/AIDS, violence, sexual abuse);
- Human rights.

You may begin researching what you think is a trafficking-related story only to find that, in fact, it does not conform to the understanding of human trafficking that you have acquired through reading Part I of this handbook. This does not mean, however, that you have wasted your time. You will undoubtedly be able to find a story there somewhere, whether it is a story of social development, child labour, financial wrong-doing or instability, or one of the many other potential issues mentioned in this handbook.

11.1 Sources

Sources of information for stories on human trafficking include:

- Press releases from various sources (government, UN agencies, NGOs, other welfare agencies, police);
- Reports and studies (research reports, academic publications);
- National surveys and data collection exercises (health surveys, national census exercises, labour surveys);
- Tip-offs (from informants, police, NGOs, former victims);
- Anecdotal, unsubstantiated reports (from various sources, including other media);
- Regional or international sources (for example the annual US Trafficking in Persons (TIP report).

Potential interviewees include:

- Government sources;
- NGOs;
- UN or international agencies;
- Trade unions or employers' organizations;
- Law enforcement;
- Eye witnesses;
- Former victims or perpetrators;
- Experts (on trafficking, migration, legal issues, economics, social development, health etc).

Having a good understanding of human trafficking (for example from Part I of this handbook) and using the kinds of reliability verification processes that media regularly use (checking of source, cross-referencing of information etc) will help in the selection and evaluation of these divers sources.

In an area as complex as human trafficking, where agencies may in effect be competing for scarce funds, the sometimes competing agendas of different agencies will also have to be considered.

Particular attention should be paid to the reliability of provided data/statistics (see Part I).

11.2 Interview techniques[6]

Information that comes directly from victims, including children, is of great value in planning actions to counter human trafficking, protect people from it and help those who have been victims, and in securing reliable information on how trafficking works and the impact on victims. However, there are some important principles that must always be followed before and during interviews with victims and people at risk:

- Minimize the risk of reprisals. People who are at any risk of reprisal if they are interviewed – or even thought to have been interviewed – should not be approached for interviews at all. The best interests of the person concerned must prevail and so discretion is important at all times when informants are in a situation where someone else is controlling them. This is especially true if they are in an exploitative situation such as sexual exploitation or have been trafficked into labour. It is better to interview someone who has exited from the situation and who is no longer at risk of any danger.
- Make sure the interviewee has given informed consent. Anyone who is interviewed should agree freely to be interviewed and should understand why s/he is being. It is advisable to proceed slowly and build a relationship of openness and trust before any interview is attempted.
- Be aware of any trauma that the person might be experiencing, especially if they have recently experienced abuse or trafficking. A victim may be suffering trauma as a result of trafficking, abuse or violence, and the best interests of this person must be paramount. A traumatized victim should not be used as a subject of general research.
- Advise informants what will be done with the information they provide, who will see it and how they will be protected.
- Ensure confidentiality. There must be clear plans in place for ensuring the confidentiality and anonymity of all information received. There should be written rules on who can access the information, how it will be stored and how it can be used.
- Cross-check information. Cross-check and supplement information from the victims through interviews with other respondents ('key informants') – parents, teachers, social workers – who can comment on the victim's situation from a different point of view.
- Make sure the interviewee feels safe. Remember that children in particular, who feel threatened, are likely to give the answer they think the interviewer wants and not the answer they want to give. Children should be helped to feel confident, supported and safe.

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6 This section is adapted from text in *Combating trafficking for labour and sexual exploitation: A resource kit for policy makers and practitioners*, ILO-IPEC and UN.GIFT, Geneva 2007.

- Do not repeat the same question to children more than once, even if you are not satisfied with the reply. When children think they have not been believed, they are more likely to change or invent a new answer.
- Never pretend to be someone you are not. For example, do not pose as a labour inspector to gain entrance to a workplace; do not pretend to be a client to get into a brothel. These situations are not only unethical, they are dangerous.
- Leave sensitive topics until last and only address them when you feel that an adequately trusting relationship has been built with the informant. Remain sensitive to the person's feelings and reactions at all times.
- Make sure that these codes and protocols are in place and are monitored at all times.

Activity 3: Interviewing children

Work through this exercise, which was developed by the UK-based organization PressWise (now MediaWise):

Brief:

Cross-border trafficking in girls and women for sex is a big, breaking story in your region. The government has just launched a campaign in partnership with local NGOs to crack down on the traffickers.

You have asked an NGO to find you a girl to interview. They have come up with a 13 year-old girl who was abducted two years earlier and forced to become a prostitute in another country. She has recently been freed from a brothel into the care of the NGO, which is now trying to contact her parents. You have 30-45 minutes to talk to her.

(One complication: social workers say her parents may have sold her into prostitution, but she is not aware of this. Going home, in fact, may not be the solution to her problems.)

Plan your interview, addressing the following questions:

(a) Who should be sent to cover the story, and why?

(b) Where is the best place to hold the interview?

(c) Should other adults be present? If so, who?

(d) What key questions do you want answered in the short time available?

(e) How will you question the child without upsetting her?

The answers can be found in Annex 1.

12 IMAGES AND ILLUSTRATIONS

Finally, a word about illustrating articles or features about human trafficking, and the approaches to take in gathering visuals for television or on-line accounts:

The same cautionary comments must be made here as for the written word and journalistic processes already discussed. The key factors to consider are: protection of victims and people at risk as well as informants; avoiding compromising law enforcement and judicial process; respecting the human rights and dignity of those who have been trafficked or are at risk of falling prey to traffickers; and avoiding painting a misleading picture of the reality of human trafficking so that readers/viewers/listeners 'tune out' and do not realise that human trafficking is an issue that concerns them and their families.

Some common approaches to illustrating human trafficking stories are outlined below:

Photo angles

There have been some very successful attempts to photograph or film human trafficking victims, people at risk and sources who wish to remain anonymous through creative use of unusual angles. Over-the-shoulder shots or pictures shot from other angles that keep the face hidden are an obvious way to protect the identity of the subject. Shots of the hands, or of a face hidden by the hair, for example, also allow the person's identity to be protected while their humanity remains clear.

Pixilation

The same is not true of pixilation. Although this is often a preferred option of TV news stations and glossy magazines – perhaps because it lends an air of drama and clandestinity to the shot – it is generally unfair to the person in question, because it is de-humanizing. This is particularly unfortunate because the whole trafficking process itself is de,-humanizing and not surprisingly, some commentators believe that pixilating the image of a trafficking victim, for example, causes them secondary loss of dignity.

Black bars

It is quite common, particularly in images of children who have been trapped in prostitution or of women in exploitation, to put a coloured (usually black) banding across the eyes of the subject. The theory is that hiding the eyes of a person is the best way to render them unrecognizable. Like pixilation, however, this is a very de-humanizing way of obscuring a person's identity and is additionally an ugly, awkward way to solve a problem that can easily be solved with some creative thinking.

Veiling/profiles/silhouettes

A much more benign way of masking identity is to shoot a subject behind a veil or screen, or film them in profile or in silhouette. This provides them with protection without diminishing their humanity.

Other identifiers

Beyond the portrayal of the subject her/himself, it is important to remember that traffickers and others who may be seeking to find and potentially harm the trafficking victim, person at risk or informant should not be helped in their enquiry by the careless use of identifiable images. For example, just as addresses and locations should not be mentioned in the text of a story, so buildings, locations or other signposts should be avoided in images, including in the background when people are being interviewed or depicted.

Voice masking

Television and radio journalists should also pay attention to masking the voices of interviewees in cases where the voice may lead to the person being identified by those seeking to do harm. Similarly, however, such masking should not de-humanize the person involved nor be done in

such a way that the person hearing the voice is negatively influenced by the masking techniques used.

Graphics/illustration

One way of getting around the obvious difficulties of capturing images of the people involved in trafficking is to commission graphics or illustrations instead. These can be very effective and allow for situations to be shown that may not otherwise be illustrated (for example, scenes of violence or in a clandestine workplace). It is particularly important, however, that illustrations do not become caricatures, for example falling into the trap of stereotyping certain forms of exploitation such as prostitution, or ethnic groups or different social strata (for example always showing trafficking victims as clearly from extremely poor groups). It is also important to avoid cliché in abstract imagery: the broken rose, for example, to illustrate the loss of innocence of an exploited child, or the trapping of slavery such as chains or shackles.

Using models

Although photo journalists often resort to using models to recreate situations that they cannot show in reality, in relation to trafficking there are some hurdles to be overcome before models can be used. The first is obviously the issue of protecting the models, just as 'real' trafficking victims or informants have to be protected. Trafficking is also such an 'inclusive' problem, taking little account of social, ethnic, geographic and socio-economic borders, that problems of stereotyping may also arise in the choice of models to illustrate trafficking situations. This is true also of gender stereotyping: in many countries or regions, for example, boys are as likely to be trafficked into commercial sexual exploitation as girls, although it would be rare for a photo journalist to think of using a male model to illustrate prostitution.

Captions

Finally, once images have been prepared, it is important to consider carefully how they will be captioned (or what commentary will be added). Again, the key issue to be addressed is protection: it is vital not to provide information through a simple caption that will lead traffickers to identifying and locating trafficking victims, people in vulnerable situations, or those who comment or give evidence on their activities. The use of real names of those involved in any way in trafficking is also to be avoided (including traffickers until they are brought to justice and found guilty, in order not to compromise judicial process).

Most human rights commentators also voice concerns about captions that suggest that those in the images are something they are not: for example, showing a group of children playing on a street and suggesting in a caption that they have been trafficked into begging. The rights and dignity of people shown in images should always be considered.

Although covering human trafficking is a challenge for media professionals – even the most experienced and adept – it is a rich source of stories that are not only of public interest but also of fundamental importance.

ANNEX 1: ANSWERS AND COMMENTS ON THE ACTIVITIES

Activity 1: Recognizing human trafficking

Child A:

1. Yes, child A is a victim of trafficking because he is only 14 years old and work in the coalmine is considered as hazardous work, which is not permissible. It is exploitation and, in combination with the movement, is trafficking.
2. Yes, the employer can be charged as a trafficker. He is a part of the whole system of recruitment/exploitation. However, it may be difficult to prove the employer's involvement as part of an organized process. Even if he cannot be shown to be a trafficker, the fact that he is employing a 14 year-old underground – ie in hazardous conditions -- should be punishable in itself.
3. This third question is tricky. If the minimum working age is 14 in the country where A works, and the work in the factory is not hazardous/exploitative, then it would be difficult to demonstrate trafficking, because the element of exploitation is no longer present. If the minimum working age is 15 or higher, then the 14 year-old is clearly in a situation of child labour even if the work is not hazardous and he would be considered to have been trafficked. Another possible consideration is whether the advance payment to the parents might restrict the boy's freedom to leave the job. If that is the case, then he could be considered to be in bonded/forced labour and thus to have been trafficked, regardless of the tasks he carries out.
4. If the boy is taken out of the country against the parents' will, there is likely to have been an element of deception or force. If this can be demonstrated, then the child has been trafficked. Laws covering abduction may also be applicable.
5. No, it would not make a difference if the recruiter had charged the family a fee for arranging the job for A, instead of paying for his labour. Sometimes victims are trapped in forced labour because of a real debt to the intermediary, but sometimes also they may believe (or be told) that they 'owe' fees for travel or other 'services' even when they do not.
6. No, it would not make a difference if the boy were 16 years old, because he would still be under the age of 18 and a victim of trafficking if he ends up in hazardous labour in the coalmine.

Child B:

1. Yes, girl B is a victim of trafficking. She was deceived and the picture painted of the 'job' was designed to disguise the true nature of the work. Girl B is considered to be in sexual exploitation, a worst form of child labour. This is true even if she has reached the minimum working age.
2. Yes, the recruiter is a trafficker, as a part of the chain of people involved in leading the girl into a situation of sexual exploitation.
3. No, it would not make a difference if B were aware that the assignment would be pornographic, but still agreed because it would pay good money. B is a minor and cannot in law 'consent' to being exploited.

Woman C:

1. No, C is not a victim of trafficking. She is working illegally in Country Z, but has not been brought in.
2. No, C's brother is not a trafficker, unless he is part of a system of arranging to move people for exploitation in Country Z.
3. No, the employer in Country Z is not a trafficker, although he is an employer of illegal labour and, if the law sanctions that, he could be prosecuted.

Activity 2: Identifying the links in the trafficking chain

The people in the story are underlined:

Case 1: A 25 year-old man goes to an employment agency to seek work in a neighbouring country. They offer him work in construction and arrange his bus travel, including a visa and accommodation. When he arrives at his destination, he finds he has to work seven days a week on a dangerous construction site with no safety equipment or training. He is paid less than the going rate for the job. The employer tells him his visa is false and he will report him to the police if he does not work. The owner of the boarding house where he is staying begins locking the door at night and he cannot get out. Every day a bus arrives to take him to the construction site along with other young men.

A 25 year-old man	The man is clearly a victim of trafficking. He has been deceived into movement that has resulted in exploitation.
Employment agency	The agency may or may not be involved in trafficking, depending on whether they are aware of the situation into which the victim is moved. Remember that there has to be intention to traffick/exploit.
Bus travel	There is not enough information to know whether or not the transport company/bus driver were involved in the trafficking chain.
Visa	Someone issued the visa. It is not clear whether or not it is a legitimate document – the exploitative employer says it is false but we do not know whether he is telling the truth or just lying in order to scare the man. If the visa is false, then the person who produced/supplied it would be a trafficker if there was an intention to aid in the trafficking process. At the very least, the person(s) involved could be prosecuted for producing/supplying false documents.
The employer	At the very least, the employer is breaking labour laws. If he is knowingly a part of the process of trafficking, he is also a trafficker.
The police	The role of the 'police' – probably a single police officer – is not clear. The police may not be involved at all but just being quoted by the employer. It is also possible, though, that there is a police officer who works with the employer and threatens the victims in exchange for money. We just do not know.
Owner of boarding house	This person is clearly a part of the trafficking chain (remember that trafficking includes 'harbouring' of a victim). This is clear because the owner locks the victim in and does not allow him to leave.

Bus 2	There is another bus driver/transport company but, again, it is not clear whether this person/company knows about the trafficking situation.
Other young men	The other young men may or may not also be victims of trafficking. They may just be regular employees who are not aware of the status of the victim, or they may be exploited labourers but not trafficked. Sometimes trafficking and labour exploitation exist side-by-side with regular labour but the fear and coercion involved mean that victims do not speak out even to other workers.

Case 2: A 15 year-old girl is introduced by a school friend to a young man on the beach and over a few weeks spends a lot of time with him. One day, he tells her he loves her and wants her to go and live in the city with him. He says he can stay with his aunty first, until she is old enough to marry him. The girl leaves her home and moves to the city, travelling with the man and his friend, who has a car. The aunty welcomes her but, after a few days, the man stops coming to see her and the aunty introduces her to another man who forces her to have sex with him. For the next six months, she is made to have sex with several men who come to the house. From time to time, a nurse comes to check that she has not contracted any sexually transmitted infections and gives the aunty a certificate saying she is 'clean'.

15 year-old girl	The girl is clearly a victim of domestic/internal trafficking into sexual exploitation.
School friend	It is not clear whether the school friend knew about the young man or whether she, too, had just been fooled by him.
Young man	The young man is a trafficker. He obviously intended to move the girl into prostitution.
His aunty	The aunty is a trafficker because she is an important link in the trafficking chain.
His friend	It is not clear whether or not the friend is aware of the young man's intentions and activities. If he is, then he is a trafficker.
Another man	It is not clear whether or not the man is aware that the girl has been trafficked, nor is it clear that he knows she is being forced to provide sexual services (although it should be fairly obvious that the girl is not being allowed her freedom). If prostitution is legal in the country, the man is not committing any crime; if it is illegal, then he is probably breaking national laws.
Several men	These men should be considered in the same situation as 'another man'.
A nurse	It is likely that the nurse is well aware of the girl's situation and, in that case, she is also a link in the trafficking chain and a trafficker.

Activity 3: Interviewing children

(a) Who should be sent to cover the story, and why?

Perhaps the first prerequisite of the journalist sent to cover this story should be that they are acquainted with Part 1 of this handbook! Anyone sent to cover the story should have an understanding of human trafficking and should be aware of the ethical and safety issues discussed in this handbook relating to victims of trafficking and people at risk.

Some people may feel that a female journalist would be better placed to interview a girl who has been sexually exploited than a male journalist.

(b) Where is the best place to hold the interview?

Somewhere where the child feels safe. Attention should also be paid to who else is in the area of the interview and will know that the child is speaking to the media (ie it should not be a public place like a restaurant).

(c) Should other adults be present? If so, who?

Since the child is a minor, a responsible adult should be present. Pay attention, however, to possible ulterior motives of the NGO representative, who may understandably be seeking publicity for the work of the NGO.

(d) What key questions do you want answered in the short time available?

Questions should not put the child at any risk of reprisals from traffickers who may have access to her during or after judicial process (or to her family, for that matter). They should not seek to get her to identify traffickers by name, nor to give information that will otherwise lead to identification of places or people involved in trafficking. They should perhaps focus on her personal experience, although care must be paid to not re-traumatizing the child by focusing on details of her abuse.

(e) How will you question the child without upsetting her?

It will be important to take time to put the child at ease, to introduce the journalist, explain how the interview will proceed and what will be done with the information. The child should herself give permission for the interview to proceed – the NGO representative is not a legitimate proxy.

ANNEX 2: RESOURCES

International instruments

<table>
<tr><th>International instrument</th><th>Date SA became a Party</th><th>Focus of the instrument</th></tr>
<tr><td>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (2000)</td><td>14/12/2000
(signed)

20/02/2004
(ratified)</td><td>Also known as the ‘Palermo Protocol’. Focus is on combating human trafficking and providing support to victims.

See definition and other details at:

www.unodc.org/unodc/en/human-trafficking/index.html</td></tr>
<tr><td colspan="3">Articles 3 of the Palermo Protocol: Use of Terms
For the purposes of this Protocol:
(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, 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:
(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.</td></tr>
<tr><td>ILO Worst Forms of Child Labour Convention, 1999 (No.182)</td><td>07/06/2000
(ratified)</td><td>Combating the worst forms of child labour, which includes child trafficking

See the full text of the Convention, and Recommendation 190 which complements it, at:

www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm</td></tr>
</table>

ILO Worst Forms of Child Labour Convention (1999), No.182

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(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;

(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.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;

(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;

(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

ILO Minimum Age Convention, 1973 (No.138)	30/03/2000 (ratified)	Setting a minimum age below which children should not enter work. See the full text of the Convention at: www.ilo.org/ilolex/cgi-lex/convde.ple?C138
UN Convention on the Rights of the Child, 1989	16/06/1995 (ratified)	Enumerates the rights that States Party must ensure all children enjoy including the right to be protected from economic exploitation and hazardous work, and from being trafficked. See the full text of the Convention at: www.unicef.org/crc

Relevant articles of the CRC:

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child;
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the

present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Relating to children and the media:

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2002)	30/06/2003 (ratified)	One of two Optional Protocols to the CRC; focuses on the exploitation of children, including trafficking. ☞ See the full text of the Protocol at: www2.ohchr.org/english/law/crc-sale.htm

Useful links

More information, useful data, links to resources, news and reports on human trafficking can be accessed through the following websites:

Government

South African Government Information	http://www.info.gov.za/issues/humantrafficking/index.html	
National Prosecuting Authority	www.npa.gov.za	Lead agency for South Africa's implementation of the Palermo Protocol and of the Tsireledzani anti-trafficking programme.

International Organisations

United Nations	www.un.org	The UN portal provides access to other subject-related websites and to the whole UN System of organisations
United Nations Development Programme (UNDP)	www.undp.org	A major UN programme with activities all over the world. UNDP produces the annual Human Development Report
International Labour Organization (ILO)	www.ilo.org	The UN agency promoting decent work. Child labour, labour standards and social protection are on its agenda
ILO's Child Labour Programme (IPEC)	www.ilo.org/ipec	The ILO's international programme on the elimination of child labour with activities in many countries
International Training Centre of the ILO	www.itcilo.org	The ILO's training arm. It offers training courses on most labour-related issues, including child trafficking
United Nations Organization on Drugs and Crime (UNODC)	www.unodc.org	The Vienna-based UN agency dealing with transnational organized crime, inter alia, and guardian of the Palermo Protocol.
United Nations Children Fund (UNICEF)	www.unicef.org	The UN children's agency, guardian of the Convention on the Rights of the Child, dealing with all elements of the child's well-

		being, including protection from trafficking
Office of the High Commissioner for Human Rights (OHCHR)	www.ohchr.org	The UN's principal human rights organ and the custodian of international instruments on human rights . The OHCHR also administers the UN mandate holders, special rapporteurs appointed by the Secretary-General to report on specific issues. There is a Special Rapporteur on Human Trafficking.
Office of the United Nations High Commissioner for Refugees (UNHCR)	www.unhcr.org	The UN's principal agency dealing with the rights and welfare of refugees, displaced persons and asylum seekers.
International Organization for Migration (IOM)	www.iom.int www.iom.org.za	An international intergovernmental organization providing services and advice to governments and migrants on issues relating to migration and repatriation

Media associations

International Federation of Journalists (IFJ)	www.ifj.org	The world's largest organisation of journalists always at the forefront to defend press freedom and social justice
Reporters sans frontières (Reporters without borders)	www.rsf.org	An international media NGO fighting for press freedom and rights of the media
MediaWise (formerly PressWise)	www.presswise.org.uk	An independent charity operating for press freedom and media ethics issues