

Human Trafficking: A Transnational Organized Criminal Activity

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Abstract

Modern –day slavery, sex trafficking, illegal organ removal, and the use of child soldiers are criminal activities known collectively as Human Trafficking. Such activities may involve the coordinated efforts of three or more individuals to achieve some common benefit, and frequently, these activities involve more than one country. As such human trafficking activity is considered to be a form of transnational organized crime. This paper considers the legal frameworks internationally and in the United States to deal with these criminal activities. The paper discusses some data sets concerning the extent, and nature, of human trafficking activities. The paper notes some significant differences between data sources for some of the measures. Social and/or cultural factors may result in reporting biases in the data sets. Information is presented both for global aggregates and for Africa as a single region where possible.

Keywords: Transnational, Organized Crime, Human Trafficking, State-Imposed Forced Labor, Sexual Exploitation, Forced Labor Exploitation, Child Soldiers.

1. Introduction

...the profit of the crime is the force which urges man to delinquency: the pain of the punishment is the force employed to restrain him from it. If the first of these forces be the greater, the crime will be committed; if the second, the crime will not be committed.

Jeremy Bentham, 1788. (Cited in Eide, 1999)

Modern–day slavery, sex trafficking, illegal organ removal, and the use of child soldiers are criminal activities known collectively as Human Trafficking. Such activities frequently involve more than one country. This paper provides a brief introduction to Human Trafficking activities globally and in Africa. The paper considers the relevant international legal frameworks as well as relevant laws in the United States. The paper compares, and contrasts, the results of various data sets concerning the profiles of trafficking victims portrayed by the respective data sets. When available, the paper provides some estimates of the economic impacts of the activities.

2. Transnational Organized Crime

The *United Nations Convention against Transnational Organized Crime (CTOC)* of 2000, along with its associated Protocols, provides the legal framework for transnational organized crime (UNGA, 2000a). The CTOC (also known as the Palermo Convention¹) defines an ‘organized criminal group’ as a “structured group of three or more persons...acting in concert with the aim of committing one or more serious crimes... in order to obtain...a financial or other material benefit.”

According to the Palermo Convention, a criminal offense is transnational if it satisfies one or more of the following criteria:

- a. It is committed in more than one State
- b. It is committed in one State but a substantial part of its planning, direction or control takes place in another State
- c. It is committed in one State but involves an organized criminal group engaged in criminal activities in more than one State
- d. It is committed in one State but has substantial effects in another State.

3. *Human Trafficking*

If there is a heart of darkness, I believe without question that the unrelenting, unpunished, and craven exploitation of millions of human beings for labor, sex, and hundreds of sub-categories thereof is simply the most appalling and damaging expression of so-called human civilization we have ever seen.

Robert Bilheimer, director of “Not My Life” (a documentary on human trafficking). Cited in USDOS (2011)

UNODC (2012) provides the following simple definition of human trafficking: human trafficking is “an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them.”

The **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime** provides the international legal framework concerning human trafficking (UNGA, 2000b). As a Protocol to the Palermo Convention, this protocol is known as the **Palermo Protocol**. It also is referred to as the **Trafficking in Persons Protocol (TPP)**. As of November 14, 2012, 117 countries had signed the Palermo Protocol (UNTC, 2012).

The Palermo Protocol, Article 3(a), provides the following detailed definition of human trafficking: Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Protocol also provides the following definition specifically for children (persons under age 18): 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 the definition in Article 3(a) above.

It is important to note two points. First, that the concept of human trafficking discussed here does not encompass the smuggling of migrants which is covered by the **(Palermo)Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime**² (UNGA, 2000c). Second, the concept of human trafficking may involve movement of victims over distance but it need not involve physical re-location.

4. *The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT)*

UN.Gift Progress Report uses the data from UNODC/UN.GIFT (2009).

4.1 **The UNODC/UN.GIFT Data Set**

The UNODC/UN.GIFT data set, covering 155 countries and territories, collects information regarding the “number of victims identified and assisted by competent authorities and the profile of offenders and victims.”

4.2 **The UNODC/ UN.GIFT Results**

UNODC/UN.GIFT groups human trafficking cases into two major forms of exploitation i) sexual exploitation and ii) forced labor services. The relative proportions of exploitation cases for the UN.GIFT data set are given in Table 1.

Table 1: Human Trafficking Victims Across the Major Types of Exploitation

Sexual Exploitation	Forced Labor	Other
79	18	3

Source: Adapted from Pie Chart in UN.GIFT (2009).

Figures given are subject to rounding error.

In the UNODC/UN.GIFT data set, sexual exploitation accounts for almost 80 percent of the victims of human trafficking and forced labor accounts for about 18 percent. The remaining 3 percent is classified as “other” which includes activities such as begging and the removal of organs.

The gender and age (adult/child) profiles of victims for the years 2003-2006 are given in Table 2.

Table 2: Human Trafficking Victims’ Gender and Age Profiles

	Female			Male			Children			A
	C	A	T	C	A	T	F	M	T	
2003	11	71	82	3	16	19	11	3	14	86
2004	10	74	84	3	13	16	10	3	13	87
2005	16	66	82	5	14	19	16	5	21	79
2006	13	67	80	9	12	21	13	9	22	78

Source: Adapted from UN.GIFT (2009). Figures given are

subject to rounding error. C=Children, A=Adult,

T=Total of gender or age group.

Some general features emerge from the above data set. The victims are predominantly adult; however, a shift appears to occur between 2004 and 2005 as the adult rate drops below 80 percent in 2005. The majority of children are female. Females (adult and children) account for at least 80 percent of victims in each year. The adult female share appears to decline after 2004.

UN.GIFT (Undated), a fact sheet, indicates that human trafficking involves 161 countries. Each country can be classified as an origin, transit, or destination country, or a combination of the foregoing classifications. Of the 161 countries, 127 are source countries and 137 are involved in the exploitation of trafficked persons. Young adults (18-24 years of age) account for the majority of tracking victims. Virtually all (95%) victims are subjected to sexual or physical violence during the trafficking process. Victims engaged in sexual exploitation account for 43% of all victims with 98% being female. Another 32% of victims are engaged in forced economic (i.e. labor) exploitation. Women account for 56% of those engaged in forced economic exploitation (UN.GIFT, undated). These figures differ from the tabular results based upon the UN.GIFT Progress Update of 2009. In particular, the proportion of victims involved in sexual exploitation is only slightly more than one-half that shown in Table 1.

According to UN.GIFT (undated) some 2.5 million persons are engaged in forced labor at any time. Trafficked labor as an industry accounts for about US\$ 31.6 billion globally.

Table 3: Geographic Locations of Forced Laborers and Profits Generated

Region	# of Laborers	Distribution of Laborers %	Profits Generated \$bn	Distribution Of Profits %
Asia & Pacific	1.4 million	56	9.7	30.6
Latin America & Caribbean	250,000	10	1.3	4.1
Middle East & North Africa	230,000	9.2	1.5	4.7
Sub-Saharan Africa	130,000	5.2	1.6	5
Transition Countries	200,000	8	---	---
Industrialized Countries	270,000	10.8	15.5	49

Source: UN.GIFT (undated).

In terms of forced laborers, the majority are located in the Asia & Pacific region with Industrialized Countries and Latin America & Caribbean taking second and third places respectively. SSA has the smallest number of laborers. The distribution of profits shows a somewhat different picture with Industrialized Countries capturing almost half of the profits from forced labor with less than 11% of the labor pool. Asia and Pacific captures the second largest but with less than a one third share. SSA captures five percent and ranks third ahead of Latin America & Caribbean countries and the MENA region despite having considerably fewer laborers.

Table 4: Gender Profile of Recruiters

Gender	Male	Female	Both
%	52	42	6

Source: UN.GIFT (Fact Sheet)

Table 4 shows that, while males constitute the largest group recruiting trafficking victims, female participation in recruiting is surprisingly large. UNODC (2009) indicated that in 30% of countries providing gender information for trafficking recruiters, women made up the largest proportion of recruiters. Women figure more prominently in recruiting traffic victims than in other criminal activities.

According to IAST (2012), between 700 thousand and 4 million women, children and men are trafficked annually. Between 600 thousand and 800 thousand are trafficked across national boundaries. Of the top 11 countries of origin (Belarus, the Republic of Moldova, the Russian Federation, the Ukraine, Albania, Bulgaria, Lithuania, Romania, China, Thailand, and Nigeria) only one, Nigeria, is in Africa. No African country is listed in the “high demand”, or destination country list which consists of Belgium, Germany, Greece, Israel, Italy, Japan, the Netherlands, Thailand, Turkey, and the United States (IAST, 2012). Women are trafficked to the US “primarily for the sex industry...” where young women sell to brothels for as much as \$16,000 each (IAST, 2012).

5. The International Organization for Migration (IOM)

5.1 The IOM Data Set

The Genesis of the IOM’s human trafficking data collection efforts was in Kosovo, 2000 when a system was “needed to collect information about trafficking victims they were assisting as well as returning and referring for assistance in countries of origin” (IOM, 2012) The IOM data set is based upon “assisted cases” of trafficking victims collected from the International Organization for Migration’s (IOM) network of missions globally. IOM uses two tools for data collection: a screening interview form and an assistance interview form. The IOM human trafficking data set has amassed about 20,000 cases over the time- period 2000-2010 with the cases being encoded by 72 different missions. The IOM data set includes “duplicate assists”. That is, a victim may be assisted in Africa and then show up and receive assistance in Europe This will show as two assists in the global data.

5.2 The IOM’s 2011 Results

Table 5: Number of Cases Assisted by Region, 2011

	No. of Cases Assisted	Proportion of Total Cases %
Africa*	303	6
South & Central Asia	1049	19
East Asia & Pacific	860	16
Europe	1606	29
Near East	696	13
Western Hemisphere	984	18
Global Total	5498	

Source: IOM (2012). Figures rounded to nearest whole number.

* Data are not available for 19 African countries.

Europe has the largest number of IOM-assisted cases with almost 30% of the total. South and Central Asia and the Western Hemisphere each have almost 20%. Together these three areas account for two-thirds of the cases. Africa has the fewest at 6%. Given the social stigma and severe consequences for African women known to be victims of trafficking abuse, it is likely that many will not seek assistance for fear that this will become known. This may explain the low assist rate for Africa. In fact, it is important to acknowledge that the IOM data set is not intended to be representative of the “universe of victims” but rather a set of actual victims that have been assisted by IOM personnel.

Table 6: Five Countries with the Most Cases (>200 cases) Assisted

	No. of Cases Assisted	Proportion of Global Total %
Ukraine	814	15
Haiti	656	12
Yemen	513	9
Thailand	260	5
Uzbekistan	204	4
Kyrgyzstan	202	4
Total of Six Countries	2649	49

Source: IOM (2012)

The top six countries accounted for almost 50% of the cases globally. The Ukraine and Haiti account for over 25% of the global total.

Table 7: Five African Countries with the Most Cases Assisted

	No. Cases Assisted	Proportion of African Total
Tanzania	47	16
Uganda	45	15
Ethiopia	44	15
Nigeria	35	12
Mali	32	11
African Total	303	

Source: IOM (2012). Percentages have been rounded.

These five countries account for 67% of the African total (based upon the number of assisted cases not the proportions given).

Table 8: Proportions of Assisted-Cases by Gender of Recipient, Globally and in Africa

	Proportions Globally	Proportions in Africa
Male	37	47
Female	62	53
Not Known	1	0

Source: IOM (2012)

Again we see some differences between the global data here and the figures in Table 2. In Table 2 at least 80% of victims were female. In Table 8, globally only 62% of assisted cases are female. There may be various explanations for the difference. Different data sets involving different victims, and different years all contribute. Again female sensitivities to consequences of revealing abuses endured may reduce the numbers who voluntarily seek assistance. Also, those who do seek assistance may be reluctant to identify sexual abuse for fear of severe repercussions. The proportion of females in Table 8 is closer to the proportion of Adult women in Table 2 suggesting that the “assists” may include predominantly adult females. Table 8 shows that the proportions of males and females being assisted in Africa are much closer together than the global figures. African women appear less likely to seek assistance that women globally.

Table 9: Proportions of Assisted -Cases by Age of Recipient, Globally and in Africa

	Proportions Globally	Proportions in Africa
Under Age 18	36	49
18 and Older	62	51
Not Known	2	0

Source: IOM (2012)

The proportion of assisted individuals under age 18 is much higher than the child-victims incidence figures in Table 2. In Africa the proportions of assisted individuals are almost equal. This likely reflects the use of child soldiers in SSA, and child labor in mining operations.

Table 10: Proportions of Assisted-Cases by Exploitation Type, Globally and in Africa

	Proportions Globally	Proportions in Africa
Sexual	27	13
Forced Labor	53	41
Combined Sexual And Forced Labor	5	2
All Other	15	44

Source: IOM (2012)

Table 10 shows a glaring contrast with Table 1 in the proportion of victims of sexual abuse. In Table 1, sexual exploitation accounted for 80% of trafficking victims. In Table 10, assisted victims of sexual abuse alone or in conjunction with Forced Labor accounted for 27% or 32% respectively. These figures are closer to those presented in the UN.GIFT (Undated) Fact Sheet but still lower.

The African “All Other” assisted –cases accounts for 44% of assisted victims. “Unknown” is a major component of the “All Other”. It is possible that this covers up sexual abuse for women seeking help but not being willing to give sexual abuse as a reason.

Table 11: Proportions of Assisted-Cases Classified as Internal or International, Globally and in Africa

	Proportions Globally	Proportions in Africa
Internal	31	27
International	64	58
Both	1	11
Not Known	4	5

Source: IOM (2012)

International cases run about double those domestic cases both globally and in Africa.

6. The International Labour Office (ILO) Global Estimate of Forced Labor (2012)

The ILO definition of forced labor is provided by the *ILO Forced Labour Convention, 1930* (No. 29), and it includes “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The ILO states that (unlike the terminology used by UN.GIFT) forced labor is defined by the relationship between the person(s) performing work and the person(s) requiring the work, not on the nature of the work. ILO (2012) observes that “Human trafficking can also be regarded as forced labour” so the ILO figures encompasses sexual exploitation as well as labor exploitation (as used in discussions above).

6.1 The ILO Data Set

The ILO uses a “reported case of forced labour” as their basic unit of measurement.

ILO uses a two-stage segmentation of types of forced labor. In the first stage, forced labor is partitioned into State-Imposed Forced Labor and Private Sector Forced Labor. The second stage partitions the private sector forced labor into Sexual Exploitation and Labor Exploitation. ILO (2012) places the global estimate for forced labor at 20.9 million persons.

6.2 The ILO Results

Table 12: Composition of Forced Labor Services by Type of Exploitation (millions [%])

Overall Forced Labor	State-Imposed Forced Labor	Private Sector Forced Labor	
		Sexual Exploitation	Labor Services
20.9 [100%]	2.2 [10%]	4.5 [22%]	14.2 [68%]

Source: ILO (2012)

Table 12 provides the composition of ILO’s overall forced labor of 20.9 million cases. It shows that 10 percent of the total is in State-imposed forced labor, and 90 percent is in the private sector. The major form of forced labor is in labor exploitation (68%) while sexual exploitation accounts for only 22 percent of total forced labor cases. The figure for sexual exploitation is far smaller than what was shown in the UN.GIFT data in Table 1.

Table 13: Gender Composition of Forced Labor Services by Type of Exploitation

Gender	Overall Forced Labor	State-Imposed Forced Labor	Private Sector Forced Labor	
			Sexual Exploitation	Labor Services
Female	55%	58%	98%	40%
Male	45%	42%	2%	60%

Source: ILO (2012)

Overall, in Table 13, females account for slightly more than half of forced labor cases. This is quite different from the results in Table 2 which females account for four times as many cases as males. It is also a smaller proportion of females than IOM found (Table 8) where females accounted for over 60 percent of cases. Females dominate sexual exploitation with 98 percent of the cases. Females account for close to 60 percent of state-imposed cases. Males account for 60 percent of labor exploitation.

Table 14: Age Composition of Forced Labor Services by Type of Exploitation [%]

Age	Overall Forced Labor	State-Imposed Forced Labor	Private Sector Forced Labor	
			Sexual Exploitation	Labor Services
17 years & Under	26%	33%	21%	27%
18 years & Above	74%	67%	79%	73%

Source: ILO (2012)

The age profiles in Table 14 are fairly close to those shown in Table 2 overall, with the latter accounting for less than one-third of cases.

Table 15: Migration Patterns of Forced Labor Services by Type of Exploitation [%]

	Overall Forced Labor	State-Imposed Forced Labor	Private Sector Forced Labor	
			Sexual Exploitation	Labor Services
No Migration	56%	94%	7%	66.3
Domestic Migration	15%	6%	19%	15.2%
Transnational Migration	29%	0%	74%	18.5%

Source: ILO (2012)

According to Table 15, domestic trafficking (including no migration) dominates transnational trafficking. However, for sexual exploitation, transnational trafficking dominates domestic with almost three-quarters of the cases being transnational.

Table 16: Regional Composition of Overall Forced Labor

	Number (millions)	Share of Total Forced Labor	Prevalence (Number per 1,000 Persons)
Central & Eastern (non-EU) Europe & CIS	1.6	7%	4.2
Africa	3.7	18%	4.0
Middle East	0.6	3%	3.4
Asia & Pacific	11.7	56%	3.3
Latin America & Caribbean	1.8	9%	3.1
Developed Economies & European Union (EU)	1.5	7%	1.5

Source: ILO (2012)

7. *The US Trafficking Victims Prevention Act (TVPA) and Trafficking in Persons (TIPs) Reports*

In the same year (2000) that the Palermo Convention was passed by the United Nations, the US Congress passed the TVPA. The TVPA provides the following definition of “severe forms of trafficking in persons”:

- Sex trafficking in which a commercial sex act is induced by to perform such an act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (UNDOS, 2012).

The TVPA mandates that the US Department of State produce annual *Trafficking in Persons (TIPs) Reports* which provide assessments concerning countries’ efforts to eliminate human trafficking. Accordingly, the TIP reports assign countries to one of the following three tiers.

Tier 1 consists of countries whose governments are in full compliance with the standards set by the TVPA.

Tier 2 consists of countries which are not in full compliance with the standards of the TVPA; however, they are making significant efforts to come into compliance.

Tier 2 Watch List consists of countries whose governments are not in full compliance with the standards of the TVPA; however, they are making significant efforts to come into compliance. Furthermore, the absolute number of victims of severe forms of trafficking is very significant or is increasing significantly. Also, there is a failure to provide evidence of increasing efforts.

Tier 3 consists of those countries whose governments are not in full compliance with the TVPA standards, and are not making significant efforts to come into compliance

Given space considerations Table 17 only shows the Tier assignments for African countries in 2012.

Table 17: SSA Country Placements on the Respective Tiers in the 2012 TIP Report

Tier 1	Tier 2	Tier 2	Tier 2WL	Tier 3	Special Case
Mauritius	Benin	Mozambique	Angola	Algeria	Somalia
	Botswana	Nigeria	Burundi	Cent. Afr. Rep	
	Burkina Faso	Rwanda	Chad	Dem. Rep. Congo	
	Cameroon	South Africa	Comoros	Equatorial Guinea	
	Cape Verde	Swaziland	Congo, Rep	Eritrea	
	Cote d'Ivoire	Togo	Djibouti	Libya	
	Egypt	Tunisia	The Gambia	Madagascar	
	Ethiopia	Uganda	Guinea- Bissau	Sudan	
	Gabon	Zambia	Kenya	Zimbabwe	
	Ghana		Liberia		
	Guinea		Malawi		
	Lesotho		Mauritania		
	Mali		Namibia		
	Morocco		Niger		
			Senegal		
			Seychelles		
			Sierra Leone		
			South Sudan		
			Tanzania		

Source: Table constructed from the discussion in USDOS (2012).

The nine Tier 3 African countries are: Algeria, CAR, DR Congo, Equatorial Guinea, Eritrea, Libya, Madagascar, Sudan, and Zimbabwe.

8. Child Soldiers

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children—through force, fraud, or coercion—by armed forces as combatants or other forms of labor.

USDOS (2012)

A basic definition of a child soldier was provided in the Cape Town Principles (UNICEF, 1997):

A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition also includes girls recruited for sexual purposes and for forced marriage. The crucial aspect of the definition is the recognition that designation as a “child soldier” is not limited to those bearing arms in combat situations.

These issues concerning the definition of a child soldier are incorporated in the updated version of the Cape Town Principles known as the Paris Principles (UNICEF, 2007). Changing language, the Paris Principles defined “a child associated with an armed force or armed group” as any person below age 18 years of age who is or has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.

The prohibition against using children as soldiers in times of hostilities is found in various international conventions. Of particular relevance, are the Convention on the Rights of the Child (UNGA, 1989) and its associated Optional Protocol (UNGA, 2000). The Child Rights Convention has been signed by 193 countries making it one of the most signed of the international humanitarian laws along with the Geneva Conventions. Articles 22 and 38 of the 1989 Child Convention are relevant to the use of child soldiers. Article 22 specifies that there should be special cooperation between State parties, the United Nations, and non-governmental organisations in order to ensure the protection of children in this particular situation. Article 38 specifies that States must strive to protect the children from being involved in hostilities, such as acting in conflict, and are responsible to ensure that the rights under international humanitarian law are respected and upheld during the time of armed conflict.

In particular, states parties are to refrain from recruiting persons less than 15 years of age into the armed forces, and to endeavour to ensure that no persons less than 15 years of age engage in hostilities. The Optional Protocol increased the minimum age from 15 to 18 years of age. In 2012, 147 states were parties to the Optional Protocol (CIS, 2012). The ILO's Convention No. 182 concerning the Prohibition and Immediate Action for the elimination of the Worst Forms of Child Labour includes "forced or compulsory recruitment of children for use in armed combat" (ILO, 1999). This Convention had 175 states had signatories as of June 2012 (CSI, 2012).

The Rome Statute of the International Criminal Court the "conscripting or enlisting [of] children under the age of fifteen years into armed forces or using them to participate actively in hostilities" as a war crime under Article 8.2.b.xxvi for international conflicts. For civil armed conflicts the Rome Statute declares the "conscripting or enlisting [of] children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities" as a war crime under Article 8.2.c.vii (United Nations, 2002).

Table 18 shows countries known to recruit and use child soldiers, male and female, and also those known to subject girl soldiers to rape and other sexual violence during the period April 2004 to October 2007.

Table 18: Countries Recruiting and Using Child Soldiers, April 2004-- October 2007

Male Children Actively Involved in Armed Conflict in Government Forces or Non-state Armed Groups	Girls also Involved in Combat and Non-Combat Roles	Girl Soldiers also Subjected to Rape and other Forms of Sexual Violence
Afghanistan		
Burundi		
Central African Republic	X	
Chad	X	
Colombia	X	X
Cote d'Ivoire	X	X
DRC	X	X
India		
Indonesia		
Iran		
Iraq		
Israel (OPT)		
Lebanon		
Liberia		
Libya		
Myanmar (Burma)		
Nepal	X	
Nigeria		
Pakistan		
Peru		
Philippines	X	
Sierra Leone		
Somalia		
Sri Lanka	X	
Sudan		
Thailand		
Uganda	X	X
Yemen		

Source: Developed from Coalition (2008)

According to a UN Secretary General's report, refugee camps and IDP (internally displaced persons) camps have become "prime recruiting grounds" for child soldiers (UNGA, 2007). Globally, in 2008, at least 13 countries recruited internally displaced children into armed forces or armed groups (IDMC, 2009).

The UN Secretary-General, in his 2012 report on children and armed conflict, set out an analysis of countries with respect to their treatment of children (UNSC, 2012).

The Report identifies armed groups which have been listed for at least five years for recruiting and using child soldiers (government and rebel forces). These armed groups which have been listed for five years are termed “persistent perpetrators.” The 2012 Report lists 32 groups that are persistent perpetrators as of December 2011. The number of persistent perpetrators identified in the 2012 Report is double the number identified in the secretary-General’s 2010 Report. The majority of persistent perpetrators operate in African countries. Non-African countries with persistent perpetrators listed in the 2012 Report included Afghanistan, Iraq, Myanmar, and Syria. The Lord’s Resistance Army (LRA) operates in a number of central African countries.

CIS (2012) identifies 20 countries with State-Sponsored Use of child soldiers. These countries are presented in Table 19. Half of the countries are African.

Table 19: Countries With State –Armed Forces or State-Allied Armed Forces Using Child Soldiers, January 2010 - June 2012.

Afghanistan	Myanmar (Burma)
Central African Republic	Philippines
Chad	Rwanda
Colombia	Somalia
Cote d’Ivoire	Sudan
DRC	South Sudan
Eritrea	Syria
Iraq	Thailand
Israel (OPT)	United Kingdom
Libya	Yemen

Source: Developed from CSI (2012)

8.1 Child Soldiers Prevention Act

Complementing the international conventions dealing with child soldiers is the *Child Soldiers Prevention Act* (CSPA) of 2008 which was promulgated by the United States Congress. The CSPA’s definition of child soldiers follows that of the Capetown Principles: child soldiers are those under age 18 “serving in any capacity including serving in a support role such cook, porter, messenger, medic, guard or sex slave.” Children under 15 years of age recruited voluntarily into the governmental armed forces are also classified as child soldiers under the CSPA (USC, 2008).

The CSPA mandates that the annual TIP Report include a list of countries whose governments have been “identified” as using child soldiers in their armed forces the previous year. The 2012 CSPA list has seven countries: Burma, DR Congo, Libya, Somalia, South Sudan, Sudan and Yemen. Only two of these countries are not in Africa. In 2010, President Obama granted waivers to Chad, DR Congo and Sudan (Chad was on the CSPA List in 2011).

The most poignant comment concerning the efforts to eliminate the use of child soldiers is from Child Soldiers International (formerly the Coalition to Stop the Use of Child Soldiers): “the challenge is not establishing 18 as a minimum age for recruitment; it is the matter of enforcing it” (CSI, 2012)

9. Final Observations

As shown in the “evidence” provided above, there are differences in the respective profiles which emerge from the data sets. In some cases the differences are quite stark. The reports do address possible biases in the reported data. These are briefly outlined below.

UNODC (2009) suggests that the high proportion of cases of sexual exploitation may be due to fact that such activity “tends to be visible, in city centers, or along highways” and “is more frequently reported...” On the other hand forced labor is less frequently detected and reported than trafficking for sexual exploitation.”

IOM (2012) acknowledges that their data is reflective only of their assisted cases, and as such, do not provide an accurate profile of trafficking in any particular region.

IOM also notes the bias introduced by the respondents who are willing to come forward for assistance. They also note that a focus on sex trafficking has “led to a tendency to neglect other types of victims (e.g. males) and other forms of trafficking (e.g. labor) which, in turn, has led to sometimes distorted presentation of the phenomenon....” IOM also suggests that there has been a heavy focus on international trafficking which has caused neglect of internal cases and may have “caused confusion as to the role of cross-border movements in trafficking.”

At this point, the ILO figures seem to be the most reliable. They have worked on their methodology and achieved improvements over their earlier work. However, they note that more work is needed to ensure that their sampling technique is producing reasonably accurate representations of general populations.

Endnote

1. The CTOC was signed in Palermo, Italy in 2000. Hence the use of the terms Palermo Convention and Palermo Protocols in connection with the convention and protocols.

References

- Child Soldiers International (CSI). 2012. Louder than words: An agenda for action to end state use of child soldiers. www.child-soldiers.org
- Coalition to Stop the Use of Child Soldiers (Coalition). (2008). Child Soldiers: Global Report 2008. www.childsoldiersglobalreport.org/overview-and-benchmarks.
- Eide, E. (1999). Economics of Criminal Behavior, 8100 In Bouckaert, B. and De Geert, G. Elgar and University of Ghent, Eds. Encyclopedia of Law and Economics. 345-389. Encyclofind.com..
- Initiative Against Sexual Trafficking (IAST). (2012). Sexual Trafficking Facts. www.iast.net/thefacts.htm
- Internal Displacement Monitoring Center (IDMC). (2009). Internal Displacement: Global Overview of Trends and Development in 2008.
- International Labour Office (ILO). (2012). ILO Global Estimate of Forced Labour: Results and methodology. Geneva.
- International Organization for Migration (IOM). (2012). IOM 2011 Case Data on Human Trafficking: Global Figures & Trends. Geneva.
- International Organization for Migration (IOM). (undated). IOM Global Human Trafficking Database Counter Trafficking Division.
- United Nations (2002). The Rome Statute of the International Criminal Court.
- United Nations General Assembly (UNGA). (1989). Convention on the Rights of the Child.
- United Nations General Assembly (UNGA). (2000a). United Nations Convention against Transnational Organized Crime.
- United Nations General Assembly (UNGA). (2000b). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime.
- United Nations General Assembly (UNGA). (2000c). Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
- United Nations General Assembly (UNGA). (2000d). Optional Protocol to the Convention on the Rights of the Child.
- UN.GIFT. (2009). Global Initiative to Fight Human Trafficking: Progress Update 2009.
- UN.GIFT. (Undated). Human Trafficking: The Facts.
- UNICEF. 1997. The Capetown Principles and Best Practices on the Prevention of Recruitment into the Armed Forces and on the Demobilization and Reintegration of Child Soldiers in Africa.
- UNICEF. 2007. The Paris Principles: The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.
- United Nations Office on Drugs and Crime (UNODC)/ UN.GIFT. 2009. A Global Report on Trafficking in Persons.
- United Nations Office on Drugs and Crime (UNODC). 2012. What is Human Trafficking? www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=me
- United Nations Secretary- General (UNSG). 2010. Children and Armed Conflict: Report of Secretary—General. UN General Assembly, 2010.
- United Nations Security Council (UNSC). 2007. Children and Armed Conflict: Report of Secretary—General. UN General Assembly, 2007.
- United Nations Treaty Collections (UNTC). 2012. Databases. <http://treaties.un.org>. November 14, 2012
- United States Congress (USC). (2000). Trafficking Victims Protection Act.
- United States Congress (USC). (2008). Child Soldiers Prevention Act.
- United States Department of State (USDOS). 2011. Trafficking in Persons Report, June 2011. www.state.gov/j/tip/rls/tiprpt/2011
- United States Department of State (USDOS). 2012. Trafficking in Persons Report, June 2012. www.state.gov/j/tip/rls/tiprpt/2012