NOTES

SAD STORIES: TRAFFICKING IN CHILDREN—UNIQUE SITUATIONS REQUIRING NEW SOLUTIONS

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SAD STORIES: TRAFFICKING IN CHILDREN

I. INTRODUCTION

A sixteen-year-old child soldier in Central Africa recalls, "I feel so bad about the things that I did. . . . I still dream about the boy from my village whom I killed. I see him in my dreams, and he is talking to me, saying I killed him for nothing, and I am crying." Meanwhile, a thirteen-year-old Albanian girl is sold by her husband to a gang of men who repeatedly beat and rape her and then sell her to another person who forces her to work as a prostitute. In yet another part of the world, a fifteen-year-old boy is sold to a slave trader in India and forced to work over twelve hours a day producing hand-woven carpets until rescued by a non-governmental organization (NGO). These few examples of exploitation demonstrate the plight of child trafficking victims around the world.

Almost 50% of the estimated 600,000 to 800,000 persons trafficked across international borders each year are minors. This data does not include the number of persons trafficked within their own countries, which likely reaches into the millions. International and State responses to the problem of trafficking have increased over the last few years, including the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

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2 TIP REPORT 2005, supra note 1, at 9.

3 Id. at 13.

4 Id. at 6. Defining 'minor' in international law is not an easy task. However, as the TIP Report (implicitly, since this is the age of majority in the United States) and the Protocol define minors as persons under the age of eighteen, this Note will take that position as well.

5 Id. For example, 60% of the estimated 200,000–225,000 women and children trafficked in South Asia are trafficked within that particular region. Tal Raviv, International Trafficking in Persons: A Focus on Women and Children – The Current Situation and the Recent International Legal Response, 9 CARDOZO WOMEN’S L.J. 659, 660 (2003). One estimate of the total number of enslaved persons in the world is twenty-seven million. Linda Smith & Mohamed Mattar, Global Challenges: Trafficking in Persons, Humanitarian Intervention, and Energy Policy: Creating International Consensus on Combating Trafficking in Persons: U.S. Policy, the Role of the U.N., and Global Responses and Challenges, 28 FLETCHER F. WORLD AFF. 155, 158 (2004) (citing KEVIN BALES, DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY 8 (1999)).
and Children (Protocol). Nonetheless, the incredible number of persons trafficked each year, combined with the horror of the individual trafficking victim’s experience, reveals that trafficking in persons is a humanitarian crisis that the international community and individual States must continue to address. Further, the fact that children comprise such a large percentage of victims calls for increased attention to this particular aspect of trafficking. Thus, this Note argues that although the Protocol was an important step forward in the fight against human trafficking, a new international agreement is needed, which, standing alone and developed in a human rights context, addresses specific issues related to child trafficking and contains more effective provisions such as stronger enforcement mechanisms and greater participation of NGOs.

Part II of this Note will discuss the background of trafficking, including the people, purposes, and practices of trafficking, as well as issues related to children and trafficking. Part III will briefly summarize international efforts to combat trafficking. Part IV will critique the Protocol, describe why the

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7 Public awareness in the United States of human trafficking is rising. For example, in early February, the Anderson Cooper blog on CNN.com ran a story on the problem of trafficking and the U.S.-Mexico border. See Anderson Cooper 360° Blog (Feb. 3, 2006), http://www.cnn.com/CNN/Programs/anderson.cooper.360/blog/2006/02/is-us-mexican-border-broken.html. Part of the increased awareness of trafficking is due to efforts of celebrities. For example, the Ricky Martin Foundation partnered with the U.S. Department of Health and Human Services in the Rescue & Restore Victims of Human Trafficking public awareness campaign. Ricky Martin Foundation Website, http://www.rickymartinfoundation.org/english/programs/rescue_restore.aspx (last visited Nov. 4, 2006). Even Oprah Winfrey has joined in raising public awareness. See Oprah (CBS television broadcast Nov. 2, 2005) (including guests such as Ricky Martin and Gary Haugen, the founder of the International Justice Mission, available at www.ijm.org).

8 By ‘stand-alone,’ the author means an instrument which is not merely supplemental or subordinate to another agreement, but one which focuses specifically on trafficking in children and which is independently enforceable. Others have similarly suggested that child trafficking be differentiated from adult trafficking. See, e.g., LeRoy G. Potts, Jr., Global Trafficking in Human Beings: Assessing the Success of the United Nations Protocol to Prevent Trafficking in Persons, 35 GEO. WASH. INT’L L. REV. 227, 244–46 (2003) (arguing that the U.N. should specifically address children and trafficking and advocating for increased role for NGOs). Potts notes that the U.N. High Commissioner for Human Rights believed that there should be separate provisions in the Protocol relating to children. Id. at 245. The suggestions offered here provide only a foundation for addressing this issue and are by no means exhaustive or comprehensive.
current effort against trafficking is not enough to protect children, and offer
some preliminary suggestions for developing a new international tool to
combat trafficking in children. Part V will draw conclusions about the search
for solutions to these sad stories.

II. BACKGROUND OF TRAFFICKING AND CHILDREN

In June of 2005, Secretary of State Condoleezza Rice stated that “[t]rafficking in human beings is nothing less than a modern form of slavery,” in an address coinciding with the release of the Fifth Annual Department of State Trafficking in Persons Report (TIP Report 2005). Characterizing trafficking as slavery is appropriate, as it involves the buying and selling of human beings, forced labor and prostitution, and other affronts on individuals’ freedom.

In the past, international efforts against trafficking focused mainly on forced prostitution of women; however, the paradigm shifted with the passage of the Protocol in 2000. In contrast to the earlier perception of trafficking as involving only prostitution, the Protocol views trafficking in a broader sense and thus covers a wider variety of exploitative practices.

Worldwide, an estimated 12.3 million persons suffer from enslavement at any given time, ranging from bonded and forced labor to sexual servitude, despite the international community’s condemnation of slavery and slave-like practices. Trafficking, as a new manifestation of slavery, has only recently attracted substantial amounts of attention from interested persons, States, the international community, and the media. Therefore, the full story of trafficking in persons is yet to be written or understood. Nevertheless, a very brief overview of the people, purposes, and practices of human trafficking is

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10 TIP REPORT 2005, supra note 1, at 9. One early effort which focused on prostitution was the 1904 International Agreement for the Suppression of White Slave Traffic. Elizabeth F. DeFeis, Protocol to Prevent, Suppress and Punish Trafficking in Persons – A New Approach, 10 ILSA J. INT’L & COMP. L. 485, 485 (2004). The key early treaty aimed at forced prostitution was the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others which consolidated previous treaties in this area. Id. For comments on the more comprehensive coverage of the Protocol, see infra Part IV.

11 TIP REPORT 2005, supra note 1, at 7.
a necessary introduction to addressing issues related to trafficking in children.\(^\text{12}\)

\textit{A. The People of Trafficking}

Trafficking generally involves three parties—the victims, the facilitators, and the customers. Describing the victims is a much easier task than describing the facilitators or customers. While many men fall victim to traffickers, women and children are by far the most frequent victims, comprising 80\% of those trafficked each year.\(^\text{13}\) Approximately 1.2 million children fall into the hands of traffickers each year.\(^\text{14}\)

A number of factors lead to increased susceptibility to trafficking. Victims who are young or from rural areas are especially vulnerable as they often lack knowledge regarding legal migration.\(^\text{15}\) Other characteristics contributing to high occurrences of trafficking include poverty, poor state infrastructure, post-war instability, political unrest, and other circumstances that encourage migration.\(^\text{16}\) Lack of opportunities for education and economic betterment are typical of victims.\(^\text{17}\) Combining these factors offers a composite of the most common trafficking victim as poor, young, female, and from rural areas, though this clearly does not encompass all victims.

\(^{12}\) For more information than is provided in this brief background, see Raviv, \textit{supra} note 5, at 660–64.

\(^{13}\) TIP REPORT 2005, \textit{supra} note 1, at 6.

\(^{14}\) Carla Power, \textit{Preying on Children}, NEWSWEEK, Nov. 17, 2003, at 34. Again, this number includes only those trafficked across international borders and not within their own country, so the numbers are actually much higher.

\(^{15}\) Raviv, \textit{supra} note 5, at 662.


\(^{17}\) Mathews, \textit{supra} note 16, at 659.
The facilitators of trafficking are often organized criminal groups. These trafficking groups tend to be small and loosely organized, although the small size is largely irrelevant due to modern technology which aids communication and trade. While trafficking is facilitated by these groups, often the key player is a local person who appears trustworthy and lures victims with false promises of such things as work, marriage, or educational opportunities. Even more disturbing are those situations in which family members participate in the process.

The ‘customers’ of trafficking are a little more difficult to describe, and few commentators have done so. For the purpose of this Note, customers will be defined as the persons serviced by the victim. Thus, a customer might be the aunt and uncle using a niece as a domestic slave, the sex tourist sleeping with young girls in Southeast Asia, the owner of a racetrack using young boys as camel jockeys, or the guerrilla army which forces captured children to fight against their own people. Customers play a significant role by supplying the demand for services which keeps trafficking profitable.

B. The Purposes and Practices of Trafficking

Another important question is why and for what purposes people are trafficked. As the trade generates billions of dollars each year, economic gain...
drives trafficking. However, on a more specific level, the purposes of trafficking involve the actual work done by trafficked persons. People are trafficked to work as prostitutes, agricultural or industrial laborers, domestic servants, beggars, child soldiers, and recently even camel jockeys.

The methods and practices of trafficking, or how trafficking is accomplished, also should be addressed. Typically, traffickers coerce or force victims out of the protection of their homes, ship them across borders, and then use various methods of detaining them such as confiscation of documents, drugs, violence, assault, and threats of harming their families. These tactics force the victims to cooperate and prevent or discourage them from seeking the help of local authorities. The traffickers then sell the victims or enslave

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24 Smith & Mattar, supra note 5, at 155. See also Mathews, supra note 16, at 656–57 (noting that profits from trafficking are around five to ten billion dollars a year). The FBI estimates that trafficking accounts for $9.5 billion a year in revenue. TIP REPORT 2005, supra note 1, at 13. See also U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 5 (2003), available at http://www.state.gov/documents/organization/21555.pdf [hereinafter TIP REPORT 2003] (quoting the ILO’s description of trafficking as “the underside of globalization”). Ironically though, just as globalization facilitates trade and the movement of goods, the movement of people faces increasing restriction, which forces persons who cannot legally migrate or pay smuggling fees upfront into the hands of traffickers. Andrew Cockburn, NAT’L GEOGRAPIC, Sept. 1, 2003, available at 2003 WLNR 8869960.

25 See generally TIP REPORT 2005, supra note 1, at 5–31 (addressing various activities for which people are trafficked). See id. at 12 (“The trafficking and exploitation of South Asian and African children as camel jockeys has ... transformed camel racing [into] a multi-million dollar activity. ... [T]housands of children, some as young as two years of age, are trafficked ... and sold into slavery as camel jockeys.”); see also Rice, supra note 9 (“Victims ... are made to toil on farms and in work camps, in brothels and in sweatshops. Children are even forced to become soldiers.”); Potts, supra note 8, at 229 (“[T]raffickers ... enslave [victims] for various purposes such as sex, forced labor, or domestic servitude.”); Cockburn, supra note 24 (describing a few of the ways in which slave labor is used around the world, including young children as camel jockeys, slave gangs making charcoal in Brazil, and farm workers in India bound by debt for generations).

26 Examples of ways in which trafficked women end up in the commercial sex business include coercion through false promises either with or without consent, abduction, and debt bondage, whereby the victim’s families sell them to pay off a debt. Schwartz, supra note 16, at 377–78.

27 Potts, supra note 8, at 229–30.

28 Id. See also Raviv, supra note 5, at 662 (“Victims are often abused en route; they are commonly beaten, starved, and ... raped. Threats are made to them in regard to the well-being of the relatives they left behind, since in most cases the traffickers know where their families live.”). Adding to the victim’s plight is the contributing factor of government corruption in some countries, which leaves no guarantee that seeking help from local authorities would do any good. Potts, supra note 8, at 232 (describing government corruption as a problem in Russia).
them, charging the victims 'fees' for meals, travel, securing jobs, and often for buying back their own passports. Without documents, work, or money, the victims find themselves under the complete control of the trafficker.

C. Children and Trafficking

Against this very general background, the trafficking of children raises a number of unique issues. First, why are children such likely victims? Second, the types of labor are often different for children, including child sex tourism and the use of children in armed conflict. Finally, illicit international adoption and baby selling create additional opportunities for exploiting and enslaving children in the guise of legal activities.

1. Why Children?

If asked, most people could probably come up with reasons as to why children become victims of trafficking, such as their inferior physical and intellectual capabilities. However, experts and others who study trafficking offer a number of other explanations as to why children constitute such a large number of trafficking victims. Many cite poverty as a key factor contributing to trafficking. Within families struggling for survival, children are “the most vulnerable segment of the social pyramid” and thus the most susceptible to trafficking. Trafficking flourishes in these poverty-stricken countries because children must work to survive and contribute to the family, regardless of the legality of their labor. Given the relationship between poverty and

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29 Potts, supra note 8, at 230.
30 See Raviv, supra note 5, at 662–63 (describing the experience of trafficking victims).
32 See Jullien, supra note 31, at 582 (describing socio-economic conditions of countries where trafficking flourishes).
33 Id. at 583. See also Cockburn, supra note 24 (“[In] 1999 . . . [an] estimated . . . one million [Egyptian] children . . . work[ed] in [the] . . . cotton sector ‘because they are cheaper and more obedient than adults, and are the appropriate height to inspect cotton plants.’ ”).
34 See Jullien, supra note 31, at 582 (describing conditions which lead to child labor).
trafficking and the sheer number of children in the world living in poverty, it is not surprising that children are such frequent victims.\textsuperscript{35}

Cultural factors also expose children to exploitation. For example, the perception in many cultures of children as financial assets leads families to exploit children as an extra source of income.\textsuperscript{36} Also, prejudice against women leads to exploitation of young girls who have less rights.\textsuperscript{37} Often, traditional ways of life, like systems of bonded labor in South Asia and Africa, and the practice of Trokosi\textsuperscript{38} in some African nations, contribute to trafficking.\textsuperscript{39} Finally, in many cultures governments play a role either through turning a blind eye to child labor, which provides needed revenue, or through corrupt practices from within.\textsuperscript{40}

\section{Child Labor}

Around the world, millions of children working in fields, factories, homes, and brothels find themselves exposed to conditions detrimental to any opportunity they might have for a healthy future.\textsuperscript{41} The types of child labor involved in trafficking include any labor that is destructive or exploitative.\textsuperscript{42}

\begin{footnotes}
\textsuperscript{35} See, e.g., id. (noting that despite malnutrition and high mortality rates, minors still constitute a large percentage of the population in underdeveloped countries and offering the example that in Brazil 40\% of the population is under age eighteen).
\textsuperscript{36} See id. at 583 (noting that sometimes children are occasionally sold or exchanged for luxuries like meat or farm animals).
\textsuperscript{37} See, e.g., id. at 583–84 (“[Young women] believe in their duty to serve men. They live in a prejudiced society where men have all of the rights. . . . [Similarly,] for those minors engaged in sexual activity, it is ‘normal’ to be used for such purposes.”).
\textsuperscript{38} Trokosi, which means “slaves of gods,” is a practice by which young girls are given to priests to atone for the sins of male relatives and is practiced in Ghana, Benin, Nigeria, and Togo. Smith & Mattar, supra note 5, at 172.
\textsuperscript{39} Id. For example, an estimated five million children in India are enslaved in bonded labor despite laws against this practice. Id.
\textsuperscript{40} Jullien, supra note 31, at 584.
\textsuperscript{42} See Mantei, supra note 41, at 473 (discussing child work as resting on a continuum between that which benefits the child and that which is exploitative and destructive, which is the
Bonded labor and child prostitution are the most serious offenses as they essentially enslave children, though one can imagine labor which does not rise to this level but is nonetheless exploitative or destructive.\textsuperscript{43}

One agreed upon definition of the types of child labor that the international community seeks to end comes from the International Labor Organization's Convention 182 on the Elimination of the Worst Forms of Child Labor (ILO 182).\textsuperscript{44} Included in this definition are "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and servitude and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict," the use of children for prostitution, pornography, or other illicit activities, and work which is "likely to harm the health, safety or morals of children."\textsuperscript{45}

The negative impact of these worst forms of labor is especially hazardous to children. Fatigue, naïve decision-making, lack of skill and capability, and other developmental issues make children more prone to accidents in dangerous conditions than adults.\textsuperscript{46} Further, the actual physical harm to children from accidents and other environmental factors, such as exposure to toxic agents, is often more detrimental to children than adults.\textsuperscript{47} Other negative age-related effects on children include stunted physical growth, impaired mental and emotional health, the denial of education, and separation from families.\textsuperscript{48}
While all of the worst forms of child labor have these general consequences, narrowing the scope of the inquiry to particular forms of child labor is helpful in revealing how exploitation plays out in the real world. Two of the most devastating practices, child sex tourism and the use of children in armed conflict, expose the sad reality of trafficking.

A retired U.S. schoolteacher describes his trips to Mexico and Colombia where he had sex with a fourteen-year-old and a fifteen-year-old, stating:

I’m helping them financially. If they don’t have sex with me, they may not have enough food. If someone has a problem with me doing this, let UNICEF feed them. I’ve never paid more than twenty dollars to these young women, and that allows them to eat for a week.49

This schoolteacher and the two young girls are representative of the growing child sex tourism industry.50 Sadly, the practice of using child prostitutes is on the rise due to the ever-growing demands of the sex industry.51

A number of factors contribute to the increased demand for children in the sex industry. Besides the general demand for child labor discussed previously, fear of AIDS leads “tourists” to demand younger and younger victims.52 Similarly, local myths, which teach that having sex with a virgin will rid one of AIDS, contribute to this demand for younger victims.53 Finally, other


50 Child sex tourism involves the “tourist” traveling from a “sending country” to a “destination country” to engage in sexual acts with children. See id. at 484–85. Sending countries, including the United States, Australia, and European countries, generally have a higher standard of living, whereas destination countries include places like Cambodia, Thailand, and several African countries. Id. For further explanation of sending versus receiving countries, see infra note 139.


52 Mathews, supra note 16, at 664. However, this belief is misguided. Jullien, supra note 31, at 601–02 ("[D]octors believe that sexually active children [in the context of trafficking] are more likely to carry the virus than adults.").

53 Mathews, supra note 16, at 664–65; Smith & Mattar, supra note 5, at 167.
factors like the internet and cheap international air fares contribute to the rise in child sex tourism.  

Another unique form of forced labor is the use of children in armed conflict. In this context, children are abducted and thrown into combat to serve as soldiers. Some experts in 2002 estimated that at any given time almost 300,000 children under eighteen were being used as soldiers. Other experts estimate that another 500,000 children serve with guerillas, militias, and other paramilitary groups in over eighty-five countries. Child soldiers are often forced to commit suicide missions, test mine fields, serve on the frontlines, and kill their own family members. The children most vulnerable to this form of labor are poor, uneducated, and separated from their families. Often, the perpetrators drug the children to boost their courage and dull their sensitivity to pain.

3. Inter-country Adoption

Inter-country adoption, though not immoral in and of itself, is a practice which has the potential for abuse and thus bears a relationship to child trafficking. Consequently, international adoption frequently receives bad press because of its association with practices like trafficking for the sex industry and sweat shops. An illegal form of inter-country adoption—"baby selling"—does not always constitute trafficking, but becomes trafficking when the child is exploited through coerced labor or sexual exploitation. The

55 See, e.g., TIP REPORT 2005, supra note 1, at 16 ("In northern Uganda, rebels . . . become traffickers when they abduct young children from villages to serve as soldiers and sex slaves.").
58 Id.
59 Id.
60 Id.
62 Id. at 185.
63 TIP REPORT 2005, supra note 1, at 21. For an article discussing international adoption and baby selling, see Jonathan G. Stein, A Call to End Baby Selling: Why the Hague Convention on Intercountry Adoption Should be Modified to Include the Consent Provisions of the Uniform
scenario where inter-country adoption or "baby selling" becomes trafficking
looks like this: a family adopts a child or illegally "buys" a child, usually from
a desperate mother in a poor country, and then forces the child to work as a
domestic servant, sexual slave, or the like. At this point, the child has been
forced into involuntary servitude. Thus, the international community must not
fail to examine this possibility when addressing trafficking.

III. INTERNATIONAL EFFORTS RELATED TO TRAFFICKING AND CHILDREN

A. International Efforts to Combat Involuntary Servitude

A number of international agreements already address the issue of
involuntary servitude and trafficking in persons, beginning in 1904 with the
International Agreement for the Suppression of the White Slave Traffic. While other agreements followed the 1904 Convention, the next significant
effort was not until the 1949 Convention for the Suppression of the Traffic in
Persons and of the Exploitation of the Prostitution of Others (1949 Convention), which consolidated all of the previous treaties on this matter.
Although the 1949 Convention was the most important treaty addressing trafficking in over fifty years, it contained a number of flaws. For example,
many States would not ratify or sign this treaty because of provisions calling


As a preliminary matter, commentators examine the international efforts related to trafficking in a variety of ways. Some are more expansive in their inclusion of international agreements in discussions of trafficking while others are more limited. In the interest of space, this Note will only discuss agreements that are specifically related to trafficking. For a more complete picture of international agreements that relate to trafficking, see Edelson, supra note 49, at 500–02 (discussing efforts of the World Congress Against Commercial Sexual Exploitation of Children, the E.U. Joint Action Programme, and country specific legislation); Mathews, supra note 16, at n.15 (listing various treaties, conventions, and resolutions); Raviv, supra note 5, at 666 (noting the relevancy of Human Rights Conventions).


For a description, see Emerton, supra note 65, at 221.

See id. This remained the most important treaty addressing trafficking until the Protocol in 2000. For a discussion of the Protocol, see infra Part IV.
on signatories to punish persons involved in the exploitation of prostitution—a matter traditionally left to domestic policy.\textsuperscript{69}

Other important treaties which relate to trafficking include the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) (CEDAW), which requires States to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."\textsuperscript{70} Finally, human rights treaties such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and other regional treaties prohibit slavery and the slave trade.\textsuperscript{71}

\textbf{B. International Efforts to Protect Children}

1. \textit{The Convention on the Rights of the Child and Relevant Protocols}

While the rights discussed in the preceding section apply to children as well as adults, a number of international treaties deal specifically with children. The most important of these treaties is the United Nations Convention on the Rights of the Child (CRC).\textsuperscript{72} The CRC defines children as those under eighteen, unless the age of majority is lower in a particular State.\textsuperscript{73}

The CRC protects children against destructive labor practices. Under Article 32, children have the right 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."\textsuperscript{74}

\textsuperscript{69} Emerton, \textit{supra} note 65, at 221–22.


\textsuperscript{73} CRC, \textit{supra} note 72, art. 1.

\textsuperscript{74} Id. art. 32.
The CRC also contains provisions which relate directly and indirectly to trafficking. For instance, the CRC requires that States undertake to protect children from exploitation and prostitution, prevent the use of children in the trafficking of narcotic substances, and combat illicit transfers of children abroad. Most pertinent to the issue of trafficking in the CRC is Article 35, which requires State parties to "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."

Two optional protocols to the CRC were recently adopted. The Protocol on the Involvement of Children in Armed Conflict (Armed Conflict Protocol) declares that "State[ ] Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices." A second protocol, the Protocol on the Sale of Children, Child Prostitution and Child Pornography (Sale of Children Protocol) declares that parties "shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol." The CRC and these two Protocols are significant in that they provide recognition of unique issues related to children and of the international community's commitment to protecting children.

2. International Labor Organization Convention 182

ILO 182 provides that ratifying members "shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency." Children, as defined in ILO 182, include any person under the age of eighteen. Member States must take effective and timely measures to prevent children's engagement in the worst forms of child labor, provide assistance for rehabilitation and social

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75 Id. art. 34.
76 Id. art. 33.
77 Id. art. 11.
78 Id. art. 35.
81 ILO 182, supra note 44, art. 1. For a definition of the "worst forms of child labor," see id. art. 3. Over 140 States have ratified ILO 182. TIP REPORT 2006, supra note 1, at Part IX, International Conventions Matrix.
82 ILO 182, supra note 44, art. 2.
integration, ensure access to basic education, and identify the most vulnerable children, including girls.\(^{83}\)

3. *The Hague Convention on Inter-country Adoption*

Finally, the Hague Convention on Inter-country Adoption (Hague Convention) addresses the issue of international adoption and trafficking. After affirming the need for international adoptions, the Hague Convention emphasizes that such adoptions should be "made in the best interests of the child . . . and to prevent the abduction, the sale of, or traffic in children."\(^{84}\) The requirements for international adoption as listed in the Hague Convention include that the child must be eligible, that the adoption is in the child's best interest, that the biological parents freely consent, and that the adoptive parents are suitable and have themselves received counseling.\(^{85}\)

4. *The Protocol*

Prior to the Protocol, the protection of victims of trafficking might have come from provisions of the 1949 Convention, CEDAW, the UDHR, the ICCPR, or other regional documents.\(^{86}\) Despite the fact that these prior efforts provided victims with some protection from a human rights perspective, two key issues remained unresolved as related to human trafficking. First, there was no agreed upon definition of trafficking, and second, there was no comprehensive agreement addressing the specifics of trafficking.\(^{87}\) Without such a comprehensive tool, the fight against trafficking had to be fought using a jumble of various provisions spread across numerous agreements. Compounding this was the fact that the agreements developed over a span of fifty years and lacked uniformity in enforcement. As trafficking remains such a global problem, one can argue that these prior agreements have not been

\(^{83}\) *Id.* art. 7.


\(^{85}\) See Kleem, *supra* note 84, at 332–34.

\(^{86}\) See *supra* Part III (discussing international efforts).

\(^{87}\) Raviv, *supra* note 5, at 668.
effective in addressing the problems of human trafficking in the twenty-first century.

The international community finally comprehensively addressed trafficking in an optional Protocol supplementing the U.N. Convention Against Transnational Crime.\(^8^8\) As drafted, the Protocol was to address trafficking as a whole, regardless of the victim’s age or sex.\(^8^9\) The intention of the drafters was to adopt a comprehensive international instrument, including measures to prevent trafficking, punish traffickers, and protect victims of trafficking.\(^9^0\)

One of the most significant accomplishments of the Protocol was the adoption, for the first time, of an internationally agreed upon definition of trafficking in persons.\(^9^1\) Article 3 of the Protocol provides that:

"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. 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.\(^9^2\)

\(^8^8\) See Protocol, supra note 6, pmbl. ("Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons."). Over eighty States have ratified the Protocol, though many more are signatories. TIP REPORT 2006, supra note 1, at Part IX, International Conventions Matrix.

\(^8^9\) Raviv, supra note 5, at 668.

\(^9^0\) Protocol, supra note 6, pmbl. The stated purposes of the Protocol are to prevent trafficking, protect victims, and promote cooperation among State parties. Protocol, supra note 6, art. 2.

\(^9^1\) Smith & Mattar, supra note 5, at 158. But cf. Schwartz, supra note 16, at 375 ("Although comprehensive, this definition is far from universally accepted; at the national level, definitions still vary greatly."). The controversy usually surrounds whether border crossing and coercion are required for acts to constitute trafficking. Id. See also Defeis, supra note 10, at 488 (noting the contention over the definition of trafficking); Potts, supra note 8, at 237 (describing the debate over the inclusion of "sexual exploitation" in the definition of trafficking).

\(^9^2\) Protocol, supra note 6, art. 3. For articles discussing the adoption of this definition, see Defeis, supra note 10, at 488 ("What is noteworthy is that for the first time, the International
In addition to defining trafficking, the Protocol took significant steps toward punishing perpetrators, protecting victims, and preventing trafficking.

First, as related to punishment, the Protocol requires that countries criminalize the acts defined in Article 3.93 Second, the Protocol contains a number of provisions addressing the protection of victims of trafficking.94 For example, Article 6 addresses assistance and protection of victims, requiring States to protect the privacy and identity of victims, and to ensure access to the possibility of compensation.95 Article 7 addresses the status of victims and obliges States to consider legislation allowing victims to remain in its territory either temporarily or permanently, while taking into account humanitarian and compassionate factors.96 Article 8 contains provisions relating to the repatriation of victims of trafficking.97

Third, the Protocol deals with the prevention of trafficking in persons, requiring States to establish “comprehensive policies, programmes and other measures” to prevent trafficking and to protect victims from revictimization.98 Also, this section provides for measures like research, mass media campaigns, and other initiatives to combat trafficking.99 Finally, the Protocol promotes cooperation among States through provisions relating to information exchange, border control, and documentation of persons.100

IV. ANALYSIS: SEARCHING FOR SOLUTIONS

A. Successes and Failures: The Trafficking Protocol

Despite the many achievements of the Protocol, it has significant failings. One of the main criticisms of the Protocol was its adoption in a crime control, rather than a human rights, context.101 For example, the former Special Community has agreed on a definition of trafficking.”); Emerton, supra note 65, at 225 (describing the Protocol as a “landmark achievement,” in particular for “establish[ing] the first contemporary international definition of trafficking . . .”).

93 Protocol, supra note 6, art. 5, § 1. This provides for domestic enforcement against trafficking and thus goes to the punishment and prevention of trafficking in persons.
94 Id. arts. 6–8.
95 Id. art. 6, §§ 1, 6.
96 Id. art. 7.
97 Id. art. 8.
98 Id. art. 9, § 1.
99 Id. art. 9, § 2.
100 Id. arts. 10–13.
101 Emerton, supra note 65, at 224.
Rapporteur on Violence Against Women viewed the Protocol as a "failure of the international community to fulfil [sic] its commitment to the protection of the human rights of women." However, the Protocol does not completely ignore the human rights aspect, as the Preamble to the Protocol includes the protection of internationally recognized human rights.

Other criticisms of the Protocol's failures are more specific. For example, the Protocol still did not "resolve the thorny issue of whether all facilitated migration for prostitution constitutes trafficking, or only that which involves an element of force, coercion or deception."

Yet another disappointment of the Protocol is the overly flexible nature of the protection provisions. For example, section three of Article 6 only requires that States "consider" measures to help victims recover physically, psychologically, and socially. Similarly, States only have to "endeavor to provide" protection for victims' physical safety and "consider" legislation permitting victims to remain in their country "in appropriate cases."

Because of the weak protection provisions, some viewed the Protocol as a "lost opportunity to protect the rights of victims of trafficking."

These failures are magnified in the context of children. First, the failure to define all forced migration for prostitution, regardless of consent, does not bode well for children in the sex tourism industry. Second, the weak protection provisions do little to help those most vulnerable in any society—children. Although the Protocol does demand that States "take into account" the special needs of children, it makes no specific demands on States in this area.

Third, although the Protocol addresses trafficking in a more comprehensive manner than previous agreements, much of its attention remains focused on trafficking for prostitution. In doing so, the Protocol fails to give adequate concern to other areas of child exploitation, like bonded labor, the use of

102 Id.
103 Protocol, supra note 6, pmbl.
104 Emerton, supra note 65, at 225.
105 Protocol, supra note 6, art. 6, § 3.
106 Id. art. 6, § 5; art. 7, § 1. See also Emerton, supra note 65, at 228 (discussing the discretionary nature of the protection provisions).
107 Defeis, supra note 10, at 490 (discussing the shortcomings of the protection provisions and noting that the Human Rights Caucus viewed the Protocol as inadequate for its failure to require governments to provide services to victims or to treat trafficking victims differently from other undocumented migrants).
108 Protocol, supra note 6, art. 6, § 4.
children as domestic servants, and child soldiers. Finally, the development of the Protocol in an organized crime framework might miss some trafficking of children done by individuals, such as through illicit adoptions or amongst family members.

B. Falling Short: Protections Outside the Protocol

Besides the Protocol, the CRC, ILO 182, the Hague Convention, and the Armed Conflict and Sale of Children Protocols all have provisions intended to protect children from trafficking. These are certainly significant instruments because they specifically address the protection of children and relate to unique issues of children. The fact that these instruments exist might lead some to believe that they, in conjunction with the Protocol, provide adequate protection for children in the context of trafficking. However, these agreements, like the Protocol, contain shortcomings which cannot be overcome merely by combining efforts.

The CRC and its Armed Conflict and Sale of Children Protocols, the Hague Convention, and ILO 182 deal with some of the missing components of the Protocol such as illicit adoptions, child soldiers, and child labor beyond prostitution; however, even combined with the Protocol, these are not effective enough to sufficiently protect children for two reasons. First, to adequately combat trafficking in children, issues like child labor and illicit adoption must be addressed in the specific context of trafficking. Although significant in their own context, these previous agreements, the CRC notwithstanding, deal with specific issues and were not constructed with trafficking in mind, which requires a much more comprehensive perspective.

The second, and perhaps most significant, reason why the agreements do not sufficiently protect children relates to the weaknesses within the agreements themselves. Even the strongest and most comprehensive of these agreements, the CRC, which addresses all aspects of children’s well-being and includes four articles which relate specifically to trafficking, has limitations which diminish its efficacy. A key problem of the CRC relates to

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109 See supra Part II (discussing issues relating specifically to children).
110 Id.
111 See supra Part III (discussing efforts to protect children).
112 Raviv, supra note 5, at 667 (noting that the CRC is the most ratified human rights treaty). Most likely, the drafters of the Protocol refrained from addressing children specifically because of existing obligations to protect children under the CRC. Potts, supra note 8, at 245. However, many persons advocate for a separate section focusing on the special needs and problems of child
enforcement. As the CRC is geared mainly toward cooperation, it lacks meaningful enforcement mechanisms. As one commentator notes, "[t]he most significant limitation of the [CRC] is that it does not provide for mechanisms to allow children, NGO's, or child advocates to present personal complaints and lacks remedies in case of confrontation." As the CRC does not regulate private individual action, policing is left up to individual States—States that have failed to stop the flow of trafficking on their own initiatives.

Some suggest the weaknesses of the CRC could be overcome by combining it with other conventions like the 1949 Convention, for example, which requires that parties punish persons who exploit others for prostitution. However, the problem with this combining approach is twofold. First, different countries have ratified different treaties and different conventions. For example, one State might have ratified only the CRC and ILO 182, while another State has ratified the CRC, but not the Armed Conflict Protocol. Enforcement thus depends on which country has signed which agreement, and what each different agreement allows by way of enforcement. What is lacking is the consistency and the uniformity necessary to confront a problem as grave as trafficking in children, which relates to a second weakness in this method.

Merely combining existing agreements, which thus far have not deterred the practice of child trafficking, does not show a strong commitment to eradicating child trafficking. A clear statement by the international community is needed instead. The Protocol affirmed the international community's recognition of the need for a comprehensive approach to trafficking. Now, the hundreds of thousands of child victims of trafficking deserve a concentrated international effort which addresses the unique issues facing children, provides for meaningful enforcement as in the Protocol, offers strong, mandated protection, and includes specific roles for those on the frontlines of the battle against trafficking—NGOs.

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113 Schwab, supra note 20, at 337.
114 Jullien, supra note 31, at 590.
115 Id.
116 Schwab, supra note 20, at 337.
117 Jullien, supra note 31, at 590.
118 For example, the United States has not ratified the CRC. Mathews, supra note 16, at 666.
119 Protocol, supra note 6, pmbl.
C. Suggestions for Addressing Trafficking in Children

1. Develop a Stand-Alone Instrument in a Human Rights Context

Most importantly, any international effort against child trafficking should stand alone and be created in a human rights context. First, a stand-alone instrument relating specifically to children would affirm the international community’s deep commitment to ending this tragic practice. Also, such a specific instrument would be more difficult for countries to ignore or refuse to ratify since the international community, as evidenced by widespread support of the CRC, appears to be committed to protecting children. Further, specific examples from the Protocol demonstrate that agreement and stronger protection might be more possible in addressing children alone rather than lumping them in with adults.

One area of contention in the Protocol was prostitution. The States could not fully agree on whether all facilitated migration for prostitution constituted trafficking and thus left this undecided. However, in the context of minors, a new instrument could explicitly require that all States recognize and criminalize all forced migration for prostitution.

Another weakness of the Protocol concerns the protection provisions. The Protocol’s mandates for protection use flexible language like “consider,” “endeavor,” and “take into account,” leaving much room for interpretation, and therefore, inaction. Although all trafficking victims need protection,

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120 A preliminary issue that will have to be overcome in developing a new instrument is defining what constitutes a “child.” As the age of majority varies around the world, no universal definition exists. Edelson, supra note 49, at 488. Edelson takes the position that an absolute minimum age should be established and that the age of majority should be set at the lowest of any relevant country through which the victim has been trafficked. Id. at 534. Also, this Note is only suggesting a few starting points for addressing trafficking in children. Should the international community choose to separately address this issue, much research, effort, and study will be required to develop a truly effectual instrument.

121 Granted, the CRC has not been ratified by the United States, an important international player. Hopefully the international community, the United States included, can come together in agreement to develop an instrument relating just to trafficking and children.

122 Emerton, supra note 65, at 225.

123 But see supra note 120 (discussing lack of agreement over what constitutes a minor).

124 Protocol, supra note 6, arts. 6–7. For example, the Human Rights Caucus, a group of twelve NGOs, criticized the Protocol for not requiring “governments to provide any services to victims of trafficking . . . [or insisting] that governments treat victims of trafficking different from undocumented migrants.” Defeis, supra note 10, at 490. The problem with this is that victims can then be subject to criminal penalties or other repercussions. See, e.g., TIP REPORT
children are certainly the most in need of assistance. The Protocol says that States “shall take into account . . . in particular the special needs of children, including appropriate housing, education and care” but does not specify any requirements.  

A new instrument focused on children should contain explicit protection requirements.

Second, an instrument addressing trafficking in children should be created within a human rights framework. Developed in a crime control context, the Protocol focuses on the perpetrators of trafficking. An instrument formed from a human rights perspective could instead focus on the victims. Such a victim-centered approach would draw more attention to the importance of protecting victims and preventing re-victimization and would serve as an impetus for strengthening protection provisions.

2. Address Issues Specifically Related to Children

As discussed in Part II, a number of unique issues arise regarding the trafficking of children. In contrast to their adult counterparts, children are the most vulnerable victims and suffer the gravest consequences because of the detrimental effects of trafficking on their development. Further, child trafficking involves unique methods and purposes which should be addressed specifically, including child sex tourism and pornography, the use of children in armed conflict, and the use of children as domestic servants. Also, an instrument relating to children should address alternate ways in which children are trafficked, such as through international adoption or by relatives, as is the

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2005, supra note 1, at 6–7 (“Because she [a trafficking victim] entered the U.A.E. illegally, on a false passport, the U.A.E. immigration service said she should serve a two-year prison sentence.”). The United States has partly responded to this problem by criminalizing the tampering of documents in furtherance of trafficking, but exempting victims of trafficking from this law. Mathews, supra note 16, at 688.

125 Protocol, supra note 6, art. 6, § 4.

126 See supra Part IV (discussing the strength of the Protocol’s provisions relating to the criminalization of trafficking but weak provisions relating to the protection of victims).

127 Re-victimization poses a significant problem. See, e.g., Smith & Mattar, supra note 5, at 160 (describing Cambodian girl who was sold into prostitution three times by her mother after being rescued by NGOs and returned to her mother).

128 For discussion, see supra Part II.C.2.

129 For instance, many children are brought into the United States, passed off as a niece or nephew, and then required to cook, clean, and care for other children. Potts, supra note 8, at 244.
case with many children.\textsuperscript{130} A meaningful attempt by the international community to end child trafficking must address these issues.

Finally, a key aspect of protecting children from harmful practices is through education. In countries where trafficking is facilitated by family members or close family friends, educating not only parents, but children also, is essential. One commentator suggests that public awareness campaigns in schools, and on radio and television, could serve as useful tools for educating children about trafficking.\textsuperscript{131} Thus, a new instrument should contain specific requirements for educating children in countries where the practice is rampant.

In developing an instrument that addresses child trafficking, the international community should certainly look to agreements already in place for guidance. The CRC, ILO 182, UDHR, International Adoption Convention, other human rights treaties, and efforts by individual States provide much substance and a strong foundation for combating child trafficking.\textsuperscript{132} However, the benefit of a new agreement would be in its treatment of these larger issues, as related to the narrow issue of trafficking, and in the development of new practices which focus on children.

3. Increase the Role of NGOs

The double-edged sword of trafficking is that it flourishes in impoverished countries where people are desperate to the point of selling their own children, the same countries which are the least equipped for dealing with trafficking because of their poverty.\textsuperscript{133} However, there is hope. Besides assistance from wealthier nations, there are willing and able assistants already out there trying to make a difference—NGOs.\textsuperscript{134}

\textsuperscript{130} Mathews, \textit{supra} note 16, at 660. The Protocol, drafted in the context of transnational organized crime, diverts attention from such practices.

\textsuperscript{131} Potts, \textit{supra} note 8, at 246.

\textsuperscript{132} \textit{See}, e.g., Trafficking Victims Protection Act, \textit{supra} note 6; Edelson, \textit{supra} note 49, at 483. One specific example involved governments of five West African countries who, in order to combat child trafficking, developed a "common travel document," containing the name of the adult traveling with the child and the name of the adult the child was to stay with at his or her destination. Smith & Mattar, \textit{supra} note 5, at 165.

\textsuperscript{133} \textit{See} Jullien, \textit{supra} note 31, at 601 ("[D]estination nations lack the monetary and human resources necessary for social programs and services. NGOs can help.").

\textsuperscript{134} A few websites of non-governmental groups include http://www.childtrafficking.org; http://www.ijm.org (International Justice Mission); http://www.antislavery.org.
One need only conduct a web search on Google.com\textsuperscript{135} of "child trafficking" to recognize the number of NGOs and non-profit groups engaged in the business of fighting trafficking. NGOs already play an important role in combating human trafficking.\textsuperscript{136} For example, a number of NGOs participated in developing trafficking standards, which helped shape the Protocol.\textsuperscript{137} NGOs also provide valuable assistance to States by gathering information and protecting victims.\textsuperscript{138} Given the significant role NGOs already play, the availability and resources of NGOs, and their eagerness to combat trafficking, any new international efforts should take advantage of these valuable resources. Thus, a new instrument should look to NGOs to gather information, develop policies and best practices, and should establish explicit roles for NGOs, especially in the area of protecting victims.

4. Make Enforcement Meaningful

Any effort by the international community to combat child trafficking will only be effective if that effort is manifested through meaningful enforcement in sending and receiving countries.\textsuperscript{139} Receiving countries that lack financial resources should take advantage of NGOs and other aid that will assist them in educating the public and in preventing trafficking to the greatest extent.

\textsuperscript{135} Google, http://www.google.com (last visited Nov. 6, 2006). "Child trafficking" brings up 2.2 million hits. \textit{Id.}

\textsuperscript{136} See Smith & Mattar, supra note 5, at 166 ("Among the most effective means of protecting victims of trafficking have been actions by governments (by NGOs and by governments in cooperation with NGOs) . . ."). For an article discussing the role of NGOs in a specific context, see Schwartz, supra note 16, at 421–23 (describing contributions of the important and “thriving” NGO sector in Cambodia, including designing enforcement and training police officers and other officials).

\textsuperscript{137} For a list of the eight principles, see Potts, supra note 8, at 238–39.


\textsuperscript{139} Sending countries denote either the country from which children are taken or, in the case of sex tourism, the country from which the perpetrator came. Receiving or destination countries are those which receive trafficked children. Some countries may be both sending and receiving countries. Mathews, supra note 16, at 658. For example, the United States would be a sending country in the case of citizens traveling overseas for sex tourism and a receiving country for children employed as domestic servants.
possible. On the other end, sending countries, in the case of sex tourism, which are more likely to have available resources, could assist the receiving countries in preventing and punishing trafficking and in protecting victims.

Commentators have suggested that one specific way to promote enforcement, and thus assist receiving countries lacking in resources, is through extra-territorial legislation (ET legislation). Thus, for example, a U.S. citizen who travels to Thailand to engage in sexual acts with children could be prosecuted under United States law, even though the criminal activity occurred in another country. This is beneficial in two ways. First, this would assist receiving countries that might lack resources by taking on the burden of prosecution. Second, ET legislation would help alleviate situations where receiving countries ignore the activity because of its benefit to their economy.

ET legislation demonstrates one way in which various States can cooperate in order to combat the problem of trafficking in children. However, this cooperation must extend much further. Trafficking is a global problem and must be attacked on a global scale. As some commentators have noted, "intergovernmental cooperation is essential to mobilizing resources, exchanging information, and coordinating policies . . . ." Thus, the international community and individual States must combine efforts to combat this devastating practice.

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140 See, e.g., Jullien, supra note 31, at 601 ("Receiving countries must welcome the NGOs and publicly support their missions in order to suggest to parents and children in financial difficulties that alternatives to the sex trade exist to overcome poverty. . . . In conjunction with NGOs, governments can develop family counseling programs, centers for runaway children, orphanages, and other institutions oriented toward promoting family values."). For enforcement to be meaningful in States that lack resources, assistance from NGOs and other States is a necessity.

141 See id. at 603. For an article focusing on extra-territorial legislation and sexual exploitation of children, see Edelson, supra note 49.

142 See Jullien, supra note 31, at 603 (noting that such laws, because of differences like age of consent, should not have a double criminality requirement). Thus, for example, a U.S. citizen who travels to another country to engage in sexual acts with minors as defined under U.S. law would not be immune from prosecution in the U.S. simply because that country’s age of consent is lower.

143 Id. at 603 ("Not all [receiving] countries will file requests for prosecution — sex tourism is too profitable for their economy.").

V. CONCLUSION

Although the international community has not been silent on the issue of trafficking and has outlawed slavery for a century, the problem remains serious as millions of people, a majority of whom are children, live their lives enslaved. While early efforts focused mainly on forced prostitution, the Protocol was a major step forward in expanding the view of trafficking, defining trafficking, and providing for criminalization of trafficking. However, despite urgings by the U.N. High Commissioner for Human Rights, NGOs, and other concerned parties, the drafters chose to not include provisions aimed directly at children.\textsuperscript{4}

A number of unique issues arise in the context of children and trafficking. From their increased vulnerability and developmental consequences because of abuse at their young age, to unique uses of children in armed conflict and as camel jockeys, trafficking in children involves issues beyond the scope of the Protocol. Further, while the Protocol has strong prevention and punishment provisions, children are the most in need of protection. For these reasons and others offered throughout this Note, a new instrument should be developed by the international community that specifically addresses child trafficking.

This new instrument should stand alone and be developed in a human rights context, focusing attention not only on prevention and punishment of perpetrators, but also on containing strong provisions relating to the protection of child victims. The Protocol, CRC, ILO 182, and other relevant international agreements provide a strong foundation for protecting children. However, a child trafficking instrument should comprehensively address the issues raised in each of these documents as specifically related to trafficking. Further, it should provide for stronger enforcement mechanisms than in previous agreements, especially in the area of protection. Additionally, the energy and efforts of the many NGOs already working on the frontlines should be more intentionally utilized in preventing trafficking and in protecting victims.

Most importantly, the international community must not only talk the talk, but walk the walk as well. While words on paper mean a great deal on a theoretical level, to the suffering children in the world, they mean very little. The international community must be committed to enforcing the instrument and to working together globally, as trafficking is not an isolated problem.

\textsuperscript{45} See supra note 8.
Finally, the international community, while remaining committed to fighting trafficking directly, must continue efforts against the underlying causes of trafficking, including poverty, political instability, and gender inequality. As one commentator has noted:

[L]egal solutions, acting alone will not be sufficient to address the underlying causes of trafficking namely poverty, gender inequality, corruption and under-education. Rather, legal responses must be complemented by prescriptive development measures . . . . Only when women have enough viable alternatives to prostitution and the necessary education and political clout to serve as their own advocates will trafficking be abated.

Thus, only when the underlying causes which drive people into desperation are alleviated will there be potential to eradicate trafficking in persons. In the meantime, however, the hundreds of thousands of children around the world living in horrific circumstances of enslavement deserve the full attention and efforts of the entire international community.

A young boy is sent to live with an aunt and uncle who promise that he will receive an education and have a chance for a better life. Instead, the boy is forced to work fourteen-hour days in a factory with dangerous equipment. Meanwhile, a teenage girl, sold into prostitution many years before, dies of AIDS alone in a back alley in Southeast Asia. Although each is different, the stories of child victims of trafficking are tragic. Whether sold by a family member or an organized ring, whether fighting with guerrillas in Africa, or serving as a domestic worker in North America, these children deserve a chance. Perhaps one day, with the full effort and attention of the international community, there will not be so many sad stories.

\[146\] See Raviv, supra note 5, at 661.

\[147\] Schwartz, supra note 16, at 432.