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# Child Trafficking, Child Soldiering: exploring the relationship between two ‘worst forms’ of child labour

CARL CONRADI

*ABSTRACT* While it may be intuited that human trafficking is an ineluctable component of the child soldiering experience, very little research exists to illustrate the tangible connections between these two ‘worst forms’ of child labour. The extent to which common reception points for trafficked children—such as slave-owning households, religious boarding schools and brothels—double as profitable reservoirs for recruiting commanders remains entirely unknown. Likewise, despite the clear financial incentive that some erstwhile commanders might have to traffic their former child combatants into civilian slavery, the prevalence of such practice is unknown. The purpose of this article is to delineate some of the most conspicuous academic gaps pertaining to the intersection of child trafficking and child soldiering.

In 2002 the International Labour Organisation (ILO) estimated that some 1.2 million children were being trafficked worldwide every year.<sup>1</sup> Those who survive the illicit and often perilous journey from their point of origin are made to serve as domestic slaves, field or factory workers, prostitutes, unwitting organ donors or—in the case of 250 000 boys and girls—child soldiers.<sup>2</sup> While the respective phenomena of child trafficking and child soldiering are increasingly well understood, there is a dangerous lacuna in the literature: the relationship between these two ‘worst forms of child labour’ remains critically under-researched.

It may be intuited that all active child soldiers—with the exception of those who are enlisted into local community protection militias, such as the Mai Mai in the Democratic Republic of Congo (DRC)—are victims of child trafficking. This is because the movement of a child from one battlefield to another always entails varying degrees of deceit, manipulation or force. Yet this is only one form of trafficking that concerns child soldiers. Before they are ready to be

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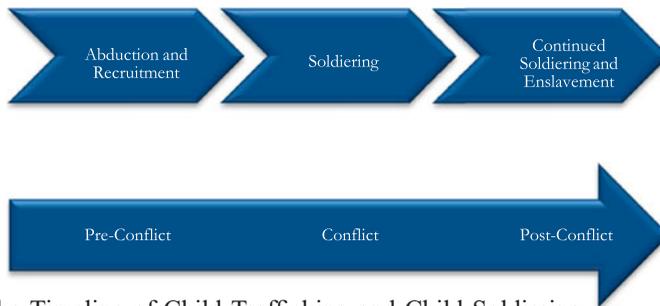


FIGURE 1. The Timeline of Child Trafficking and Child Soldiering

marched *between* front lines, children must be recruited, often across international borders. Likewise, after the conflict has ended and their commanders no longer have any strategic use for them, child soldiers may be trafficked into civilian slavery, rather than undergoing official disarmament and demobilisation.

The purpose of this article is to provide an overview of the existing data concerning child trafficking and child soldiering; to identify potential linkages between the two bodies of knowledge; and to illustrate the spectrum of trafficking-related vulnerabilities that child soldiers may face before, during and after armed conflict.

### **An overview of the problem**

#### *Child trafficking*

In 2000 the UN adopted the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This legal convention, which has been signed by 117 countries, defines ‘trafficking in persons’ as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, 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.<sup>3</sup>

This definition must be contrasted with the concept of ‘human smuggling’, which refers to the illegal but voluntary process of being surreptitiously moved from one country to another by a third party, usually for the purpose of immigration. While persons who are smuggled are generally well informed and accepting of the difficult circumstances that await them during transit and at their final destination, victims of trafficking are not.

Trafficking can take place both across or within state borders. In 2009 ‘Domestic trafficking, or the exploitation of citizens in their home country, was

reported by 32 countries but [it] is likely under-detected due to restrictive definitions of trafficking or the greater visibility of foreign victims'.<sup>4</sup> This is important to note when discussing the trafficking of boys and girls, as many cultures around the world maintain 'stewardship' traditions, whereby village children are sent to live with and be educated by wealthier relatives within cities. Unfortunately, such traditions are easily perverted and may give rise to abuse that amounts to slavery.

In Article 3 of the Palermo Protocol, a child is defined as 'any person under eighteen years of age'.<sup>5</sup> Like other international trafficking legislation, the Palermo Protocol renders the term 'child smuggling' meaningless; because a child is considered too immature to understand the implications of being smuggled, all instances of child smuggling can be considered crimes of child trafficking. This is true regardless of whether the child has 'voluntarily agreed' to his or her displacement.

Trafficking in children is abetted by a number of political, economic and social factors. Foremost among these influences is the presence of armed conflict, which exacerbates poverty, weakens security in frontier areas, produces large populations of internally displaced persons (IDPs) and generates a need for war-related labour.<sup>6</sup> Under such circumstances it becomes markedly more likely that individuals will seek to abduct children for personal gain, or for parents to sell their own children for profit.<sup>7</sup> According to the ILO, girls are disproportionately affected by trafficking, 'and are trafficked in particular for commercial sexual exploitation and child domestic labour'.<sup>8</sup> Boy victims, however, are more commonly subjected to farm, factory or street work.

As of 2008 the Asia-Pacific region was home to the largest number of child labourers (roughly 113.6 million), while sub-Saharan Africa presented the largest and fastest growing proportion of children involved in forced labour, with one in four being employed in some form of work.<sup>9</sup> Moreover, the proportion of sub-Saharan African children who are exposed to characteristically hazardous work (15%) is far higher than in the Asia-Pacific region (5.6%).<sup>10</sup>

While it remains impossible to estimate the real prevalence of child trafficking on a region-to-region basis, the literature seems to suggest that the phenomenon is most common in Southeast Asia and that it is on the rise in sub-Saharan Africa—an observation that correlates with the child labour data cited above. However, this impression may be misleading as, until recently, the majority of academic work on the subject focused upon the sex trade, which is especially active in Southeast Asia's Mekong sub-region. As such, incidences of trafficking unrelated to the sex trade—and most especially, instances of domestic trafficking—may be underreported.

### *Child soldiering*

The most comprehensive description of a child soldier can be found within the 2007 Paris Principles. Therein, the term 'child soldier':

refers to any person below 18 years of age who is or who 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.<sup>11</sup>

Because the Paris Principles are not an internationally binding convention, the precise legal age of recruitment and conscription differs from country to country. Those governments that have adopted the UN Convention on the Rights of the Child (every government in the world except those of Somalia and the USA) have pledged not to recruit any person under the age of 15, whereas those that have ratified the subsequent Optional Protocol have outlawed the recruitment of any person under the age of 18.

As with child trafficking, child soldiering is necessarily exacerbated by the presence of armed conflict. During periods of political violence livelihoods are disrupted, borders become more porous, IDP camps proliferate and war profiteers carve out spheres of economic influence. These factors increase the vulnerability of children to abduction and recruitment and raise the incentive for adults to recruit children into their ranks. Like those children who are ‘voluntarily’ trafficked, child soldiers do sometimes ‘volunteer’ to join armed groups. Again, the choice is frequently inauthentic, as children will rarely participate in conflict unless they are under some form of duress. As Steven Hick remarks:

While most child soldiers are recruited by conscription, abduction or coercion, some also volunteer. For them, joining an army may be the only way to escape starvation and death, and a military unit may serve as a refuge, providing a kind of surrogate family.<sup>12</sup>

In 2005 Save the Children estimated that some 40% of the world’s 250 000 child soldiers were girls.<sup>13</sup> Until recently academia and the popular imagination did not make room for the possibility of girl combatants, preferring instead to focus upon the stereotype of the African boy wielding an AK-47. However, girls can be among an armed group’s most valuable strategic assets: not only are they able to fight on the front lines like boys, they can also act as sex slaves, domestic caregivers to the group’s infants, or as unassuming spies or reconnaissance officers. These additional demands can render girl soldiers particularly difficult to extract, demobilise and reintegrate—if indeed separate disarmament, demobilisation and reintegration (DDR) programmes are made available to them.

According to the UN Secretary-General’s annual report on children and armed conflict, 19 countries experienced child recruitment between 2011 and 2012.<sup>14</sup> While the government of Burma continues to be the single largest user of child soldiers (despite increasing levels of cooperation with the ILO<sup>15</sup>), the regional locus of recruitment remains overwhelmingly African.

*Child trafficking and child soldiering in the literature*

Until now child protection organisations have treated child trafficking and child soldiering as two discrete phenomena. Foundational documents such as the US Department of State's 2012 *Trafficking in Persons Report* and the UN Office on Drugs and Crime's (UNODC) 2009 *Global Report on Trafficking in Persons* make only passing mention of child soldiering as a trafficking issue, whereas the seminal 2000 report by Graça Machel makes no distinct reference to trafficking whatsoever.<sup>16</sup>

A tiny number of academics—namely Susan Tiefenbrun and Sandrine Valentine—have acknowledged that:

While we do not know how many children are trafficked to be used as child soldiers, prevention, protection and recovery for those children first depends on developing an understanding of the critical link between child soldiers and child trafficking.<sup>17</sup>

These authors are unique in that they indicate how domestic and international human trafficking laws can be used to prosecute the recruiters and users of child soldiers,<sup>18</sup> rather than having to rely upon the usual child protection and labour conventions, which may not secure successful convictions in all cases.

Yet analysis of the relationship between child trafficking and child soldiering is still far from systematic. While it may be clear that child soldiering constitutes child trafficking, very little is known about how children are trafficked *into* soldiering (especially across international borders); whether children who are trafficked for purposes *other* than soldiering are at higher risk of subsequent recruitment; or to what extent former child soldiers are vulnerable to *post-conflict* trafficking, either at the hands of their erstwhile commanders or on account of having been abandoned.

### **The relationship between child trafficking and child soldiering**

#### *Pre-conflict: abduction and recruitment*

In many conflicts a majority of the participating child soldiers have been abducted into service.<sup>19</sup> For example, conservative estimates suggest that in Central Africa the Lord's Resistance Army (LRA) has kidnapped more than 20 000 children during its 26-year war with the Ugandan government.<sup>20</sup> Likewise it has been noted that the preponderance of child soldiers in East Asia and the Pacific are forcibly recruited.<sup>21</sup>

During abduction campaigns secondary schools and orphanages are often the most strategic targets, as they are 'where children of suitable size [can be] collected in one place, but out of contact with their parents, who would try to spirit them away.'<sup>22</sup> This has certainly been the case in Somalia, where 'A significant proportion of children interviewed [by Human Rights Watch] said

they were forcibly taken from their schools'.<sup>23</sup> Such abduction methods have also been employed in Burma, where 'groups of 15- to 17-year old children have been surrounded in their school yards and conscripted as soldiers against their will'.<sup>24</sup>

However, in spite of being a clear example of child trafficking, the abduction of children for the purpose of soldiering is a relatively well understood phenomenon. Of greater pertinence to this study are cases whereby children are coerced by a recruiting trafficker to join an armed group 'voluntarily'; are trafficked for purposes other than soldiering (but nonetheless end up within an armed group); or are trafficked across international borders to participate in war.

*Trafficking by recruiting agents.* Kathleen Fitzgibbon has perspicuously observed that, 'Traffickers exploit the aspirations of those living in poverty and seeking better lives'.<sup>25</sup> This is undoubtedly the case whenever a recruiter of child soldiers makes an appeal to a potential recruit—or to his or her parents. For instance, while conducting focus groups with former child combatants in Liberia, Human Rights Watch (HRW) learned that:

Most of the...warriors interviewed said that they were motivated by the recruiters' promises of financial compensation, usually in American dollars, and of the opportunity to enrich themselves through looting...Sometimes, combatants were promised drugs, a place in a future disarmament program, food or jobs as civil servants or in the new army.<sup>26</sup>

Anecdotal evidence suggests that such promises are most convincing in IDP camps and mines. In both locales recruiters find large numbers of disaffected children who are susceptible to the lie that soldiering will offer them a better, more materially enriching life. This is perhaps one reason why Vera Achvarina and Simon Reich have found the presence of accessible IDP camps to be the strongest predictive indicator of the potential for child soldiering.<sup>27</sup>

When direct appeals to boys and girls fail, recruiters may turn to their parents. In Mali it has recently been noted that insurgent Islamists have been 'buying child soldiers, paying families \$600 (£375) per child',<sup>28</sup> while in Venezuela the Revolutionary Armed Forces of Colombia (FARC) has reportedly paid parents US\$600 per month for the recruitment of their children.<sup>29</sup>

In some cases, the material benefits that accrue to a child's parents do not appear until the boy or girl has been killed in battle. During the civil war in Sri Lanka:

parents within LTTE-controlled zones who [lost] a child [were] treated with special status as 'great hero families'. They [paid] no taxes, [received] job preferences, and [were] allocated special seats at all public events.<sup>30</sup>

Remarkably the fact that these recruitment tactics share a great deal in common with those employed in more conventional instances of trafficking has largely

gone unnoticed, potentially robbing child protection experts of compelling good practices developed within the anti-trafficking field.

For example, HRW has observed that, among children who were trafficked to work within the gruelling Ivorian cocoa trade, ‘The trigger for migration was meeting a recruiter who confirmed the positive image of Côte d’Ivoire, promised good wages and agreed to pay their fare and arrange travel.’<sup>31</sup> HRW was also repeatedly told in nearby Burkina Faso and Mali that ‘if you don’t have a son [working on the cocoa plantations] in Côte d’Ivoire, you don’t count in [our] village’.<sup>32</sup>

In Alja Klopčič’s article, ‘Trafficking in Human Beings in Transition and Post-Conflict Countries’, she notes that in Eastern Europe:

The reasons why potential victims [of trafficking] consent in the first place are false promises of marriage, advertisements for decent work abroad (eg babysitting, housekeeping, etc), and sometimes the victims even marry a person who subsequently abuses and traffics them.<sup>33</sup>

One of the key lessons pertaining to child recruitment that may be garnered from the human trafficking domain concerns the crucial preventative role that can be played by survivors. Indeed, a significant reason why trafficking into the Ivorian cocoa trade is so persistent is because of the few ‘young people who [do] come back from Côte d’Ivoire with money’ and who send ‘postcards [of] Abidjan with skyscrapers and cars’.<sup>34</sup> These boys perpetuate a misleading stereotype of plantation work that renders other children more vulnerable to the solicitations of traffickers. At the same time ‘those who return from Côte d’Ivoire disillusioned appear to be ashamed and reluctant to discuss their experiences’,<sup>35</sup> thereby allowing malignant stereotypes to run rampant. Presumably the same dynamic occurs within Eastern Europe’s trafficking networks, just as within communities ravaged by child soldiering.

It is therefore clear that past victims of child trafficking (and, by extension, child soldiering) can play a vital role in demythologising the seductive promises made by recruiters. Of course, this is only true if the children’s communities are willing to listen. There have been many instances of boys returning from Ivorian cocoa plantations—or, as will be discussed in the following section, of *talibés* (child religious scholars) returning from abusive *daaras* (Senegalese Islamic boarding schools)—only to face accusations of laziness and disrespect levelled by their guardians or communities. Likewise children who attempt to reintegrate into their home villages after having served in an armed group are often held responsible for atrocities that they were forced to commit while under intense physical or psychological duress. The lingering question is: how might one encourage a community to view a victimised child’s story as being legitimate, rather than giving immediate preference to the lies told by his or her adult trafficker or commander?

*Trafficking into armed groups via other forms of slavery.* One of the most under-studied aspects of child soldiering concerns the extent to which exposure to other forms of trafficking—such as domestic or sexual enslavement—increases a child’s chances of falling prey to an armed group. Indeed, it is

the hypothesis of this author that some traditional ‘stewardship’ customs may put children at a significantly higher risk of being recruited during times of conflict. Examples of such practices include the employment of *restaveks* (child domestic servants) in Haiti and the Dominican Republic, or the boarding of *talibés* at *daaras* in Senegal and Sierra Leone. While not all *restaveks* and *talibés* are subject to abuse that would amount to trafficking, there is extensive evidence to suggest that abuse is on the rise and that these cultural institutions are being incrementally perverted by personal avarice.

With respect to the *restaveks*, of whom there are some 225 000 working in homes across Haiti, Clare Ribando Seelke has noted that a great proportion ‘are vulnerable to verbal, physical, and sexual abuse’.<sup>36</sup> Many of these children live in urban centres far from their own communities and receive limited (if any) supervision from their host family. The distance itself does not imply trafficking; rather, it is the abusive nature of the work that many *restaveks* are forced to endure, often unbeknown to their own parents, that suggests a trafficking dynamic. In such cases recognising that unaccompanied minors are at a markedly higher risk of being recruited into an armed group<sup>37</sup>—and acknowledging the high concentration of such groups within Haiti—it would seem that *restaveks* merit special consideration. It would not be inconceivable for a host family to sell their *restavek* to an armed group, or for a criminal gang to abduct a *restavek* without his or her guardian ever knowing.

A similar problem may exist in West Africa, where it is fairly common for village parents to send their young boys to study at urban *daaras*, under the tutelage of a *marabout* or *karamoko* (Islamic professor). Like *restaveks*, these *talibés*—who are moved throughout Mauritania, Senegal, Mali, Guinea-Bissau and Sierra Leone—are often exposed to serious abuse at the hands of their guardians. As HRW has indicated:

At least 50 000 children attending hundreds of residential Quranic schools, or *daaras*, in Senegal are subjected to conditions akin to slavery and forced to endure often extreme forms of abuse, neglect and exploitation.<sup>38</sup>

One of the most common forms of maltreatment to which these children are subjected is forced urban begging.<sup>39</sup> This manifestation of slavery is extremely dangerous and, as with the *restaveks*, leaves boys unsupervised for extended periods of time. Insofar as living on the street increases a child’s chances of being victimised by state or non-state forces<sup>40</sup>—and considering the ease with which an entrepreneurial *marabout* could sell his students to one or another West African militia—there may be a connection between the trafficking of *talibés* and incidences of child soldiering.

Again, not all *daaras* double as reception centres for trafficked children. Yet, ‘In thousands of cases where the *marabout* transports or receives *talibés* for the purpose of exploitation, the child is also a victim of trafficking’.<sup>41</sup>

Unfortunately, for both of the aforementioned illustrations there is a complete lack of explanatory data. Further research should be conducted on the subject,

particularly with respect to specific linkages between child soldiering and child trafficking via the sex and drug trades.

*Trafficking child soldiers across international borders.* As with the relationship between child soldiering and other forms of child trafficking, the prevalence and process of moving children across international borders for the purpose of combat is critically under-analysed. There is, however, a number of anecdotes that may point to a disturbing trend.

In Turkey, for instance, the Kurdistan Workers' Party (PKK) is reported to have recruited child soldiers from as far away as Sweden, Germany and France.<sup>42</sup> According to Rädde Barnen and Child Soldiers International, the PKK has orchestrated:

recruitment drives in Swedish schools. Seventeen minors were invited to attend a 'summer camp' in July [1998] in northern Sweden before being recruited to serve the PKK in southeast Turkey. By mid-August 1998, only three of them had returned. Media reports suggest that over 50 children have been recruited to the PKK from Sweden over the past 10 years.<sup>43</sup>

A more familiar example of the cross-border trafficking of child soldiers concerns the 'regional warriors' of West Africa. These youth, many of whom began fighting in Liberia, have spent the past several years being shuttled by traffickers and recruiters from one West African conflict to another. As one military intelligence source told HRW:

They float in and out of wars and operate as they wish. They have no one to tell them where, when and how to behave. They've been incorporated into militias and armies all over the place...and are really the most dangerous tool that any government or rebel army can have [on account of their extensive experience].<sup>44</sup>

These transnational soldiers present a particularly challenging problem for child protection and child trafficking experts. In cases where the soldier is still under the age of 18, he or she is clearly a victim of trafficking, for reasons outlined in this article's first section. However, if the child began fighting while under the age of 18, only to surpass the legal age of recruitment during his or her mercenary wanderings, the question of his or her legal agency becomes more complex. The international community has yet to agree whether such individuals should be treated as victims of child soldiering and child trafficking, or as adults who are to be held responsible for their complicity in violence and human smuggling.

As may be inferred from the anecdote concerning the PKK, international diasporas may also play a significant role in aiding and abetting the trafficking of child soldiers. This dynamic is already well acknowledged by human trafficking specialists. As UNODC notes, 'diaspora populations from source regions may be used as a conduit for moving victims into the countries where they will be exploited'.<sup>45</sup>

In addition to the more organised transportation of children across international frontiers for the purpose of soldiering, there have also been numerous reported instances of ‘spontaneous’ child abduction across borders. As noted by the UN:

Seven cases of children recruited from across the border in Pakistan and subsequently used to conduct military operations in Afghanistan were confirmed [in 2011]. This [phenomenon is further] illustrated by the case of an 11-year old Pakistani boy arrested in early 2009 in Nangarhar province in possession of explosives and suspected by the Afghan border police of planning a suicide attack.<sup>46</sup>

In Central Africa the UN has observed that, although the ‘presence of the Justice and Equality Movement (JEM) in refugee camps in eastern Chad has significantly decreased [in the past year]’, there is still a marked possibility that Sudanese refugee children are being targeted for cross-border recruitment and re-recruitment.<sup>47</sup> Likewise the abduction of Somali children living in Kenyan refugee camps by al-Shabaab also continues unabated.<sup>48</sup>

Disturbingly human trafficking experts have discovered that in many of these aforementioned cases, there is ‘collusion between traffickers and the border patrol’.<sup>49</sup> One might easily surmise that during armed conflict, when child soldiers are being used and borders are at their most porous, instances of such collaboration are rife.

### *Conflict: soldiering*

The act of soldiering is, in and of itself, a crime of human trafficking whenever it involves a child. If a boy or girl is to participate in armed conflict, he or she must be forcibly or coercively moved from one battlefield to another, by a commander who demands unequivocal obedience. As indicated by Lisa Alfredson, ‘Child soldiers are displaced as soldiers (as a general characteristic of their condition)’.<sup>50</sup> Moreover, ‘Child soldiering equates to child trafficking because it is hazardous and interferes with a child’s right to education, health and development’.<sup>51</sup>

Often the pressures of being trafficked—or rather, marched—are extreme. According to one former child soldier from Bougainville, who joined an armed group at the age of 11 and whose account is in no way unusual:

I realized that travelling around in the nights I spoiled my growth. I didn’t rest my body. I had malaria three times. For treatment, I drank bush medicine...During times of being sick it was very hard. I was shot in the right knee in mid-96. It hurt a lot.<sup>52</sup>

In many armed conflicts, child soldiering, child trafficking and the sex trade collide. As Susan McKay and Dyan Mazurana have reported:

some [girl soldiers are] systematically required or forced to provide sexual services to the males in the force (confirmed reports in Angola, Burundi, Cambodia, Columbia [sic], Honduras, Myanmar, Mozambique, Peru, Rwanda, Sierra Leone, Uganda).<sup>53</sup>

Girls will be sexually assaulted in this manner even as they are being made to move from one base camp or front line to another.

In addition to being trafficked across borders *before* becoming child soldiers, children are occasionally trafficked internationally *as* soldiers. In Northern Uganda many child soldiers who are used by the LRA have been forcibly marched into South Sudan and onwards into the Central African Republic, the DRC and the Darfur region of Sudan.<sup>54</sup>

While it is clear that trafficking is a basic component of the child soldier's experience, child soldiering itself is seldom addressed or prosecuted through a trafficking lens. It is far more common for recruiters and users to be indicted under child protection and/or child labour laws than for corrupt border officials, middlemen and other such 'shadow facilitators' to be tried under child trafficking laws. Yet so long as the international community is exclusively preoccupied with the prosecution of recruiters and users—without attempting to dismantle the trafficking infrastructure that makes child soldiering possible—the potential for children to be victimised during conflict will persist. This is precisely why 'despite the profusion of declarations and treaties condemning slavery, this crime still exists today in the form of child trafficking and child soldiering'.<sup>55</sup>

Part of the problem is that, while the recruiters, users and other such 'king-pins' of child soldiering very clearly fall within the jurisdiction of the Rome Statute of the International Criminal Court, the institution does not have the capacity to try the myriad individuals who act as petty go-betweens in the trafficking process. These men and women are more efficiently prosecuted at a national level. Yet, as UNODC has reported 'As of November 2008, [only] 63% of the 155 countries and territories [included in UNODC's global report] had passed laws against trafficking in persons addressing the major forms of trafficking'.<sup>56</sup>

One mechanism that has the potential to put significant pressure upon foreign governments to adopt anti-trafficking laws is the US Trafficking Victims Protection Act (TVPA). This piece of national legislation mandates the US Department of State to conduct an annual survey of worldwide trends in human trafficking. In its subsequent report every country in the world is ranked on a scale of one to three, according to the strength of its anti-trafficking efforts. Should a country be labelled as a 'Tier 3' offender, it is to be subjected to severe US sanctions.

In its 2012 report the US Department of State listed a number of Tier 3 countries that are or have been home to child soldiers, including the Central African Republic, the DRC, Eritrea, Iran, Papua New Guinea, Sudan and Yemen.<sup>57</sup> US law would therefore stipulate that these states be subjected to coercive embargoes. Under ideal circumstances such sanctions would serve to motivate concerned governments to develop anti-trafficking legislation that is of

sufficient robustness to hold offending border officials and shadow facilitators to account.

In practice, however, when TVPA-related sanctions are levied, the rationale is frequently hypocritical and self-serving. In 2011 President Barack Obama issued trafficking-related embargoes against Cuba, North Korea, Eritrea, Iran, Burma, Sudan and Zimbabwe—all countries that were receiving no US aid in the first place. At the same time sanctions were waived for the DRC, the Dominican Republic, Kuwait, Mauritania, Papua New Guinea and Saudi Arabia; this, in spite of the rampant child soldiering problem in the DRC, the *restavek* phenomenon in the Dominican Republic and the epidemic prevalence of child slavery in Mauritania.<sup>58</sup> One author accounted for this discrepancy by cynically noting that ‘if [President Obama] granted no waivers, the worldwide defense industry would lose approximately \$12 724 000 000 [in 2011] alone’.<sup>59</sup>

The TVPA—which many academics had previously celebrated as being the single strongest tool for promoting good anti-trafficking jurisprudence worldwide—has therefore shown itself to be a self-contradicting piece of legislation, to which the US government seldom adheres and of which developing countries that traffic and employ child soldiers are largely unafraid.

However, even if the TVPA is ineffective in encouraging the promulgation of national human trafficking legislation, it is still an invaluable mechanism for global data collection. Concerned stakeholders should therefore lobby for the inclusion of more extensive, disaggregated child soldier data in the TVPA’s annual *Trafficking in Persons Report*, as well as for more information regarding instances of pre- and post-conflict child soldier trafficking.

The international community *has* begun to make some good progress in its quest to prosecute the most egregious instances of child soldier recruitment, trafficking and use. On 13 March 2012 the International Criminal Court issued its very first conviction against former Congolese warlord Thomas Lubanga Dyilo for having conscripted, enlisted and used children in armed conflict. Yet, on the whole, the legal focus remains almost exclusively upon those who have actually employed child soldiers—with very little attention being paid to individuals who have simply facilitated their movement. Indeed, it may well be the comparably less visible problem of child trafficking—which is abetted by petty corruption, weak legislation and opportunistic go-betweens—that explains why the phenomenon of child soldiering persists. While a clear legal warning is being issued to commanders, their more obscure shadow facilitators continue to live in a state of impunity. Until these less apparent criminals are held to account within their own countries, the entire infrastructure that enables child trafficking during conflict—whether for purposes of soldiering, enslavement or prostitution—will persist.

#### *Post-conflict: continued soldiering and enslavement*

During mid-conflict disarmament processes or when a conflict has come to a complete close, the victimisation of child soldiers can be perpetuated in one of two ways. First, they may be coerced—either by their former armed group or

by the national army itself—to continue soldiering, either domestically or in lingering conflicts abroad. Second, they may be trafficked by their erstwhile commanders into civilian enslavement. Which form of abuse actually takes place is often contingent upon the cost–benefit analysis of the commander, which is in turn heavily influenced by the presence or absence of child-specific LRA programming.

*Continued soldiering.* It has often been reported that armed groups are highly reluctant to demobilise child soldiers because of the amount of time and money that is invested into their training. In Sri Lanka evidence suggests that, during periods of demobilisation sponsored by the Liberation Tigers of Tamil Eelam (LTTE), underage members of the naval-oriented Sea Tigers were surreptitiously retained, as they had received resource-intensive training that made them particularly strong military assets.<sup>60</sup>

In Sierra Leone HRW has observed that:

the regional warriors [ie child soldiers originating from Liberia] universally referred to themselves as being a member of the ‘Special Forces’. [These children] were the vanguard, the arrowhead, the strongest, those who had been trained outside, those who could play a pivotal role.<sup>61</sup>

On the other side of the African continent, the Ugandan People’s Defence Force (UPDF) has repeatedly been accused of incorporating former LRA abductees into its ranks. There is a perverse logic to this form of trafficking and abuse:

Boys who return from the LRA are often seasoned fighters, knowledgeable about LRA activities, and are understandably valuable to the UPDF in the fight against the LRA. They are also malnourished, abused, and often arrive with only the clothes on their back. In a physically and psychologically weakened state, they may fall prey to temptations from the soldiers.<sup>62</sup>

It does become easier for children to be trafficked into other conflicts or for the state army to recruit escaped child soldiers if there is no child-specific DDR programme in place; if said DDR programme is weak and ineffective; or when there is no oversight of the process by which children are moved from army bases to demobilisation centres.

For example, in Liberia:

A demobilization program, which [included] provisions for child soldiers, began on December 8 [2003] but was soon postponed until January 20 due to the overwhelming numbers of fighters who presented themselves for the program, lack of advance information on the benefits included and a general un-preparedness by UN officials.<sup>63</sup>

This programmatic delay heightened the risk that some children would be trafficked—often from IDP camps which, in the absence of any DDR support,

became the only safe haven for unaccompanied former child soldiers—to fight in neighbouring countries.<sup>64</sup> The delay also prompted some child soldiers to ‘choose’ to remain with their armed groups, as they calculated that they would earn a better living if they continued to loot, as compared to if they waited for a DDR-sponsored skills training that was not guaranteed to take place.<sup>65</sup>

When the second Liberian DDR programme did begin in earnest, it was one of the first in history to offer former child combatants reinsertion benefits in the form of cash payments.

this policy not only undermined efforts to successfully reunify and reintegrate them back into their families and communities, but also made them more vulnerable for re-recruitment into future wars.<sup>66</sup>

The reasoning is twofold. First:

giving children money as part of the disarmament program...reinforced the link between child soldiers and their commanders, who often insisted on being given a portion of the child’s TSA [Transitional Safety Net Allowance].<sup>67</sup>

Second, it actually *encouraged* children in neighbouring countries—most especially Sierra Leone—to participate in the Liberian conflict, so as to accrue extra reinsertion benefits.<sup>68</sup>

Several countries have also reported that cash payments to demobilised child soldiers actually incentivise the recruitment of ‘temporary’ child soldiers: boys and girls who were never affiliated with an armed group but who are trafficked by commanders to pose as child soldiers, so as to extort reinsertion benefits. While the Liberian case study is most often analysed through the lens of DDR, it is also illustrative of various child trafficking dynamics. In the interest of avoiding such instances of opportunism and abuse in the future, DDR practitioners would be wise to study the intersection of their discipline with child trafficking and to integrate best practices developed by trafficking experts themselves.

*Enslavement.* When insufficient pressure is placed upon armed groups to formally demobilise their child soldiers—or when commanders see it as being economically advantageous to divert their child soldiers away from DDR programmes—there is a chance that former child combatants will be trafficked into domestic slavery, prostitution or the drug trade. Unfortunately, very little information exists to demonstrate the prevalence of such transactions, although it is not inconceivable that such criminality takes place, especially when the trafficking infrastructure that allows for the movement of children as soldiers remains in place. For instance, just as communities of *restaveks* and *talibés* may serve as reservoirs of potential recruits in the Caribbean and West Africa, former child soldiers may be re-trafficked into such institutions by their erstwhile commanders, especially if the employing family or *marabout* is offering cash.

Conflict and post-conflict environments also offer unique opportunities for child traffickers, insofar as the presence of peacekeepers expands the market for young prostitutes. This is a problem that has garnered increasingly serious levels of attention from both the UN Department of Peacekeeping Operations (DPKO) and NATO.<sup>69</sup> According to Charles Anthony Smith and Brandon Miller-de la Cuesta, the influx of peacekeepers in Kosovo, Haiti and Sierra Leone saw a concomitant explosion in the number of prostitutes in their capitals.<sup>70</sup> The presence of ECOMOG (West African intervention force) troops in Sierra Leone also led to a dramatic increase in the number of girls who were being trafficked for the purpose of marriage.<sup>71</sup> Very little is known about the intersection of child soldiering and the prostitution of children during peacekeeping missions, although the sale of former girl soldiers into prostitution—whether to service peacekeepers or local civilians—is not unimaginable.

Perhaps the most important question is whether the shadow facilitators who are responsible for their movement are the same as those who traffic children pre-conflict. If this is the case, it further demonstrates the need to prosecute these facilitators at a national level, rather than simply to focus upon the prosecution of recruiters and users at an international level. It is likely that the infrastructure of child trafficking is highly resilient and that when children are no longer needed for the purpose of soldiering, the same trafficking networks shift to abet their movement into domestic slavery, prostitution or the drug trade.

### **Conclusion**

Overall the relationship between child trafficking and child soldiering is alarming as it is misunderstood. Its nexus permeates all three phases of war: pre-conflict, conflict and post-conflict. Before the onset of violence, children may be abducted by armed groups or sold into soldiering by their families; recruited out of other trafficking contexts, such as domestic slavery or religious boarding schools; or forcibly moved across international borders.

During conflict the very act of child soldiering constitutes a crime of trafficking. In order to be moved from one battlefield to another, children must be subjected to varying degrees of coercion and abuse. Likewise their movement must be enabled by corrupt border officials and other shadow facilitators, many of whom go unpunished as a result of weak national anti-trafficking legislation and the international community's preference for condemning only the actual users of child soldiers. This means that the infrastructure of trafficking—and the potential for children to be victimised in ways other than forced soldiering—persists long after violence has abated.

Once the conflict has ended child soldiers may be retained by state or non-state armed groups, either for the purpose of maintaining a contingency force or to perpetuate lucrative violence in neighbouring countries. They may also be re-trafficked as civilians, into domestic slavery, prostitution or the drug trade. Often the outcome will depend upon an individual commander's appraisal of his economic opportunities—whether a DDR programme irresponsibly incentivises a child's disarmament or a civilian enslaver is willing to 'outbid' the DDR programme's benefits.

To date these various dynamics remain critically under-studied. It is the author's hope that this article will serve as a call to action among academics and field practitioners, encouraging them—as child soldiering or child trafficking experts, respectively—to collaborate, share good practices and begin the arduous task of collecting more reliable, disaggregated data. Indeed, the phenomenon of child soldiers may provide a valuable entry point into the problem of child trafficking, just as addressing the phenomenon of child trafficking may be one way of contributing to the worldwide eradication of child soldiering.

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