

Orphanage Trafficking and the Sustainable Development Goals

Institutionalised Children Explorations
and Beyond
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Abstract

This article examines the intersections of orphanage trafficking, a form of child trafficking and modern slavery, and the sale and sexual exploitation of children with reference to the Sustainable Development Goals. It outlines the contextual challenges of these intersections highlighting the special protection needs of children residing in institutions and outlines how orphanage tourism and funding undermine care reform efforts of national authorities. To address these issues, we make recommendations to address both the in-country and external causal factors that drive and enable orphanage trafficking suggesting that governments of host and sending countries should work in tandem, under the framework of international cooperation, to implement practical measures to combat orphanage trafficking.

Keywords

Alternative care, orphanage trafficking, modern slavery, orphanage tourism, voluntourism, residential care, sustainable development goals

Introduction

Institutional care settings expose children to an increased risk of, and vulnerability to, sale and sexual exploitation, trafficking, and modern slavery. There are between 2.7 (Petrowski et al., 2017) and 5.37 (Desmond et al., 2020) million children residing in institutional care settings globally. The 2019 United Nations Global Study on Children Deprived of Liberty reported that ‘conditions in institutions are often characterised by violence, sexual abuse and neglect, amounting to inhuman and degrading treatment’ and that child protection systems

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that favoured institutionalisation were sometimes characterised by ‘profit motives or the commodification of the care of children’ (Nowak, 2019, p. 13). A 2020 Lancet Commission found that children residing in institutional care were ‘at risk of severe physical or sexual abuse, violation of fundamental human rights, trafficking for sex or labour, exploitation through orphan tourism, and risk to health and wellbeing after being subjected to medical experimentation’ (van Ijzendoorn et al., 2020, p. 706).

Orphanage trafficking is one form of trafficking and modern slavery that children in institutional care may be subjected to, and falls predominantly under Sustainable Development Goals 8 and 16. Orphanage trafficking is the recruitment or transfer of children into residential care institutions for the purpose of exploitation and profit (van Doore, 2022). Orphanage trafficking is an issue of supply and demand where the prevalence of volunteers and donors who wish to support orphaned children overseas create a demand for children to be harboured in institutions or orphanages. To meet the demand, children are recruited or transferred from families into institutions for the purpose of exploitation or profit. Orphanage trafficking shares close links with the sale of children as in some instances children are bought and sold into institutional care for purposes of exploitation and profit. At law, these situations may be prosecuted as sale of children where ongoing exploitation is difficult to prove or sustain as a charge for prosecution (van Doore, 2016).

This article focuses on orphanage trafficking, a form of child trafficking and modern slavery which strongly intersects with the sale and sexual exploitation of children. We examine the intersections of child exploitation, orphanage trafficking, and the sale and sexual exploitation of children with reference to Sustainable Development Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and Sustainable Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. We outline the contextual challenges of these intersections and highlight the special protection needs of children residing outside of parental care who are living in institutions.

Examining the Intersections Between Child Exploitation, Orphanage Trafficking and Institutional Care

The links between institutional care and trafficking have been in particular focus in recent years. In 2016, the *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography* to the Human Rights Council highlighted research indicating that orphanages were recruiting children and maintaining them in poor conditions to prompt foreign charity and donations:

Research has provided evidence of systems in which the owners of orphanages use intermediaries to get children who look poor to orphanages, in order to satisfy a fee-based volunteering demand, generating significant profits. Traffickers lure

poverty-stricken families into giving away their children, under promises of good living conditions and education. Children are then often left in poor conditions, in order to prompt foreign charity, and forced to perform activities to please foreign volunteers. (de Boer-Buquicchio, 2016, p. 16)

In the United States Trafficking in Persons Report 2018, a special section entitled ‘Child Institutionalization and Human Trafficking’ highlighted how children are both trafficked into and out of orphanages outlining that the ‘physical and psychological effects of staying in residential institutions, combined with societal isolation and often subpar regulatory oversight by governments, place these children in situations of heightened vulnerability to human trafficking’ (United States Department of State, 2018, p. 22). Such heightened vulnerability results in the exploitation of children being more likely, with cases of orphanages doubling as brothels, and children being forced into commercial sexual exploitation and forced labour detailed in the report (United States Department of State, 2018). Profits from voluntourism ‘incentivise nefarious orphanage owners to increase revenue by expanding child recruitment operations in order to open more facilities’ thereby facilitating ‘child trafficking rings’ (United States Department of State, 2018).

In 2019, the Report of the Secretary General on the Status of the Convention on the Rights of the Child to the United Nations General Assembly (UNGA) detailed awareness-raising campaigns that ‘sought to highlight the potential harm to children stemming from a wave of short-term, unqualified staff, volunteers and interns in orphanages around the world’ as an ‘emerging area of progress’ (United Nations Secretary General, 2019, p. 9). In the 2019 UNGA Resolution on the Rights of the Child, United Nations Member States acknowledged the link between orphanage tourism, trafficking and exploitation, and committed to taking appropriate measures to prevent and address the harms associated with orphanage tourism and volunteering (United Nations Committee on the Rights of the Child, 2020, art 35(t)).

Orphanage trafficking relies upon an underlying enabling environment for its existence. This environment is the result of intersecting factors including poverty, marginalisation and vulnerability affecting families, a lack of appropriate community-based support for children and families, and privatised and under regulated institutionalised systems of alternative care in which children’s care is easily commodified (Nowak, 2019, p. 13).

Orphanage trafficking, and the sale and sexual exploitation of children in institutional settings, is enabled in an environment typified by:

- Push factors such as poverty (Sustainable Development Goal 1), inadequate and inequitable access to education (Sustainable Development Goal 4), and parental migration for labour (Sustainable Development Goal 8).
- Systemic issues such as inequitable development, structural inequality, weak enforcement of child protection and care law and policy, insufficient regulation and oversight over privatised child protection and welfare services, and prevailing community attitudes towards residential care.

- External drivers such as foreign funding, orphanage volunteering and tourism that continue to incentivise the recruitment, the trafficking and exploitation of children in institutional care settings (Sustainable Development Goal 16) and that undermine national child protection and care reform efforts.

In this environment, traffickers and orphanage operators operate by disguising their intent to exploit and profit from children in institutional care under the guise of offering support to families. They typically recruit children from vulnerable families who are faced with few, if any other, options to access services such as education, or to meet children's basic food, healthcare and shelter needs. In many rural areas of low- and middle-income countries, children are often recruited/ transferred to urban institutions under the guise of accessing better opportunities. Families may also initiate the transfer of a child to an orphanage in response to vulnerability, however, unwittingly transfer their children to an orphanage operator who has an intent to exploit and commodify children once in 'care'. Children who are victims of orphanage trafficking are often exposed to multiple forms of exploitation (ReThink Orphanages et al., 2019) including child labour, sexual exploitation, domestic servitude and slavery-like practices such as harbouring children in sub-standard and detrimental conditions to elicit sympathy and donations from tourists, volunteers and foreign donors.

Contextual Challenges

The scale of foreign funding and orphanage tourism propping up the institutional model of care undermines the efforts of national authorities to reform their care systems and redirect resources towards family-based services. In some countries, institutions are established in tourist destinations to meet the demand for orphanage tourism. An estimated 4 million people from the US alone volunteer in orphanages every year (Guiney, 2012). Orphanage tourism results in children being vulnerable to forms of labour and sexual exploitation with children residing in the most corrupt centres 'often perceived to be accessible for more than humanitarian activities' (Guiney & Mostafanezhad, 2015, p. 141). A 2021 study estimated that US Christians donate \$3.3 billion annually to residential care facilities (Barna Group, 2021). In APEC countries, 79% of all volunteering with children takes place in residential care settings (Barna Group, 2021). Where children are separated from their families to live in institutions to meet this demand, or to attract or sustain foreign funding, their right to a family life, to parental contact, and to be protected from exploitation may be undermined and violated (Reid, 2020; van Doore, 2019). Orphanage tourism has been linked to child sexual exploitation in travel and tourism, with situational and preferential offenders gaining access to vulnerable children through volunteer placements in residential care settings (ECPAT, 2021).

The institutionalisation of children through the establishment of orphanages is often implemented as a child protection response in post-disaster and conflict

humanitarian contexts (van Doore & Nhep, 2021). Despite extensive evidence that institutionalisation can be harmful to the development of children (Sherr et al., 2017), institutions and orphanages have proliferated over the past three decades as a response to humanitarian crises and the ‘increased interest of private financial donors in funding the creation and operation of institutions’ (van Ijzendoorn et al., 2020, p. 706). There are special protection challenges that arise in humanitarian responses where the influx of aid funds and new responders, particularly from outside of the formal humanitarian response framework, can result in children being institutionalised and the establishment of new institutions. In such situations, where child institutionalisation is posited as a protection response, it can be easily maintained for many years with the crisis as an ongoing rationale. Where institutionalisation is touted as a child protection response and orphanages as sites of protection, it can interfere with reintegration efforts. By virtue of their ongoing institutionalisation, children in this situation may be continually subjected to an increased risk of sale, sexual exploitation and trafficking.

Recommendations to Address Orphanage Trafficking

To address both in-country and external causal factors that drive and enable orphanage trafficking, governments of host and sending countries must work in tandem, under the framework of international cooperation, to implement practical measures to combat orphanage trafficking.

Host Country Governments

Host country governments are progressively recognising orphanages as venues for the sexual exploitation of children in travel and tourism (SECTT) (ECPAT, 2016). Whilst voluntourism remains largely unregulated, in countries such as Cambodia and Thailand, governments have formed partnerships with key child protection organisations and taken steps to reduce the prevalence of orphanage tourism to combat SECTT. In the Asia Pacific region, the APEC Tourism Working Group released *Voluntourism Best Practices in the Asia Pacific Region* in 2018 which explicitly discourages orphanage voluntourism in member economies’ tourism sectors (Milne et al., 2018). The ECPAT Legal Checklist: Key Interventions to Protect Children from Sexual Exploitation in Travel and Tourism provides an excellent framework for addressing the potential harms of exploitation in institutional care.

Host country governments should ensure the protection of children in alternative care, including by:

1. Strengthen the alternative care regulatory system: Improved gatekeeping mechanisms, enforcement of legal registration requirements and monitoring, and timely and appropriate responses to violations.

2. Improve cooperation between child protection and law enforcement/anti-trafficking sectors: increased sensitisation of orphanage trafficking indicators and strengthening of mandatory reporting (van Doore & Nhep, 2022).
3. Institute moratoriums on new institutions, including in emergency response contexts. For example, the Government of Nepal issued a moratorium preventing the registration and establishment of new residential care institutions for children in the wake of the 2015 earthquake (van Doore & Nhep, 2021).
4. Develop and enforce national policies to eliminate unskilled volunteering in residential care facilities.
5. Ensuring trafficking offences allow for the criminalisation and prosecution of orphanage trafficking.
6. Recognising profit as a purpose of exploitation in anti-trafficking legislation. For example, article 10 ‘Unlawful Removal with Purpose’ of Cambodia’s Law on Suppression of Human Trafficking and Sexual Exploitation 2008.
7. Enhancing awareness of orphanage trafficking and its indicators amongst child protection and law enforcement personnel to enhance detection and prosecution.
8. Establishing redress mechanisms for abuse and exploitation in alternative care, including for sale of children into institutional care, orphanage trafficking and exploitation.

Sending Country Governments

The harms associated with orphanage tourism and volunteering are increasingly being recognised by governments. Countries such as the UK, Netherlands, Australia and the US have issued travel advice alerting prospective volunteers to the harms and risks associated with orphanage tourism and links to child exploitation and trafficking. In the US, this was linked to the Department of State’s examination of child institutionalisation and human trafficking in the 2018 Trafficking in Persons Report.

As a sending country, Australia, has taken several steps to regulate charities’ engagement with orphanage tourism and volunteering, including restricting access to government funding and introducing regulatory measures for charities with overseas activities (van Doore, 2020). Residential care for children, overseas volunteering and child sponsorship are categorised as high-risk activities under the regulations and charities are required to meet minimum safeguarding requirements and relevant minimum standards, as set out in Australian law and the laws of the host country (Australian Charities & Not for Profit Commission, 2019). Effectively this makes Australian charities’ support for unregistered overseas institutions, including through sending volunteers or facilitating orphanage tourism, an ineligible activity for Australian charities, including churches (ReThink Orphanages Australia, 2019).

The UK and Australia acknowledged orphanage trafficking as a reportable type of modern slavery under their respective Modern Slavery Acts (Commonwealth Government of Australia, 2019; Secretary of State for the Home Department, 2019). Australia explicitly identified engagement with children through orphanage tourism and other forms of voluntourism as a specific sector or industry risk indicator for modern slavery in the Acts guidance material for reporting entities (Commonwealth Government of Australia, 2019, p. 80).

Sending country governments should consider the implications of their extraterritorial human rights obligations, including:

1. Establishing extra-territorial jurisdiction for all offences involving sale of children, child trafficking and exploitation. Ensure trafficking and slavery laws are fit for purpose to criminalise orphanage trafficking, including for the purpose of profit.
2. Issuing travel advice to discourage citizen participation in orphanage tourism and volunteering.
3. Instituting policies to prevent Overseas Development Aid from funding institutions and state sanctioned volunteering in residential care facilities.
4. Regulating the extraterritorial activities of domiciled not for profit and voluntourism sector entities that intersect with residential care facilities (ReThink Orphanages, 2021).

Conclusion

As a form of child trafficking, orphanage trafficking has strong intersections with the sale and sexual exploitation of children. The Sustainable Development Goals, particularly Goals 8 and 16, provide a framework to encourage countries to address orphanage trafficking and the sale and sexual exploitation of children in institutional care, however contextual challenges remain prevalent including the sheer scale of foreign funding and tourism initiatives that sustain institutional models of care whilst national authorities are engaging in care reform. Such challenges must be met by countries cooperating internationally to ensure that both host countries, where institutions are located, and sending countries, who contribute via sending volunteers, visitors and funding, instigate appropriate measures to curb the orphanage industry. Legislative and policy measures should be implemented to ensure that where children are trafficked into institutional care, appropriate offences exist to enable prosecution. Sending and host countries alike should focus on redirecting resources towards family and community-based services to strengthen and prevent child institutionalisation in the first instance; and to provide appropriate alternative care where required. As a recognised framework, the Sustainable Development Goals provide a platform for countries to cooperate internationally on this issue to achieve real and lasting change for vulnerable children who have special protection needs.

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