

ORPHANAGE TRAFFICKING: WHAT YOU CAN DO AS A LEGISLATOR

WHAT IS ORPHANAGE TRAFFICKING AND WHO ARE THE TRAFFICKERS?

Orphanages are a type of residential care institution for children, where care is provided by staff or volunteers in a group setting. Other terms synonymous with orphanages include children's villages, children's homes, shelters, and in some instances, boarding schools.

Up to eight million children live in orphanages across the world, and 80% of them have at least one living relative who could care for them with support. Research shows that most children who live in orphanages or other residential care settings have at least one living parent or family member, many of whom could provide care for them if they could access support. Orphanage trafficking refers to the transfer or recruitment of children into orphanages, or residential care settings, for the purpose of exploitation and/or profit. Orphanage trafficking is driven mainly by donor and volunteer interest in supporting children in orphanages. More 'orphans' in orphanages creates an emotional appeal that attracts more money, in-kind donations, volunteers, and, in some cases, adoption revenue.

Orphanage traffickers are those who recruit children from vulnerable families or situations and transfer or receive them into orphanages with an ultimate purpose of exploitation or profit. The trafficking of children into orphanages encompasses those who receive, transport and harbor these children. Traffickers may be orphanage directors or staff, recruiters who search for children (sometimes called "child finders"), community leaders or members, or civil servants seeking to personally profit from referring children into care. Individual donors and volunteers are rarely involved in the act of trafficking though they may be complicit when they urge orphanages to obtain more children for them to support. The cycle of trauma is perpetuated when voluntourists form connections with the children only to depart, reinforcing the belief that those who care will eventually leave.

IN ADDITION TO THE PALERMO PROTOCOL, WHAT ARE THE APPLICABLE INTERNATIONAL COMMITMENTS?

[A/RES/74/133 2019 UNGA Resolution on the Rights of the Child, Article 35](#): Urges States to take action to ensure the enjoyment of human rights for all children without parental



**"AN INSTITUTION CAN NEVER BE HOME."
– STEPHEN UCEMBE, LIVED EXPERIENCE EXPERT (KENYA)**

care, in accordance with the international human rights framework [...], and also to take action to provide a range of alternative care options and to protect all children without parental care, including by: [...]

(t) Taking appropriate measures to protect children who are victims of trafficking and are deprived of parental care, as well as enacting and enforcing legislation to prevent and combat the trafficking in and exploitation of children in care facilities, and supporting children who are victims of human trafficking in returning to their families and in receiving appropriate mental health and psychological assistance that is victim-centred and trauma-informed, and taking appropriate measures to prevent and address the harms related to volunteering programmes in orphanages, including in the context of tourism, which can lead to trafficking and exploitation.

[A/77/41 2022 Committee on the Rights of the Child: Recommendations from 2021 Day of General Discussion on children's rights and alternative care Annex II, D.1.29](#): States should adopt legislation and regulations to eliminate orphanage tourism and volunteering in orphanages, prevent incentives driving institutionalization and family separation, and ensure adequate offenses and penalties to prevent and enable the prosecution of violations of children's rights in alternative care, including orphanage trafficking.

[CRPD/C/5 2022 Committee on the Rights of Persons with Disabilities: Guidelines on the deinstitutionalization, including in emergencies. XII.143](#): States parties should prevent volunteering by foreign tourists in institutions (known as "voluntourism"), by providing appropriate travel guidance and raising awareness about the Convention and the dangers of institutionalization.



ADVOCATE: Legislators can advocate to other government agencies, leaders and civic organizations which provide oversight.

- Advocate for families. Instead of removing children from their home, poverty should be removed from the home. Increased home-based care within families ensures that children are not being exploited.
- Advocate for upstream services that address the vulnerabilities that put children at risk of being separated from their families and recruited into orphanages.

WHAT CAN I DO?

Governments should employ a whole of government approach to:

EDUCATE: Lawmakers have a unique platform to educate the public about orphanage trafficking.

- Awareness raising and capacity building: Legislators can socialize the government position, laws, regulations, and guidelines, and build the capacity for compliance and enforcement.
- “Voluntourism”: Legislators can promote initiatives and public awareness campaigns like travel advisories that warn people of the harms of orphanage volunteering.
- The media: Share this Legislative Toolkit and the orphanage trafficking awareness video through your media channels. Consider writing an article on the topic on behalf of your nation.

LEGISLATE: The proliferation of orphanages in many parts of the world is because governments fail to have adequate laws that prioritize child protection.

- Recognize orphanage trafficking as a form of modern slavery: Legislators can create a clear position recognizing orphanage trafficking as a form of child trafficking in legislation and a clear position recognizing the harms of orphanage volunteering. Such laws should include strong penalties for those involved in trafficking and regulations against orphanage tourism and volunteering (see model legislation in the ITHT Legislative Toolkit).
- Multi sector regulation: Legislators can regulate charities' overseas activities and volunteering activities with children across all sectors, and prohibit orphanage tourism and voluntourism.
- Data collection, data analysis, and data sharing: Legislators can develop a baseline understanding of the scope and scale of the issues to track progress and analyze trends and to advance international cooperation on this transnational issue.



HOW CAN I LEARN MORE?

- Read the Interparliamentary Taskforce on Human Trafficking Legislative Toolkit: <https://TaskforceonHT.org/orphanage-trafficking>



Legislative Toolkit

- See the **Thematic Brief on Voluntourism and Trafficking in Orphanages**.
- Visit the following websites: **The Better Care Network**, **ReThink Orphanages**, or **Global Volunteering Standards**.