

The Fight Against Child Trafficking

Breaking the Cycle of Structural Violence

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General Conclusion

Brewing favorable winds

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General Conclusion

Brewing favorable winds

There is no favourable wind for the sailor who doesn't know where to go.

– Seneca, *Epistulae morales ad Lucilium*

Slowly I became possessed by the absurd conviction that everything was possible, and it seemed to me that even those deserted streets and that hostile wind smelled of hope.

– Carlos Ruiz Zafón, *The Shadow of the Wind*

The story told in this book is one of human exploitation scaled up to pervasive levels. It is the story of an apparatus in search of solutions to end the trafficking of children, yet reproducing it in its daily workings through mechanisms of structural violence that are embedded in its very foundations. Sisyphean as the fight against trafficking may seem, “Slowly I became possessed by the absurd conviction that everything was possible, and it seemed to me that even those deserted streets and that hostile wind smelled of hope” (Carlos Ruiz Zafón, *The Shadow of the Wind*). Because this book is also the story of the many people that invest their time, craft, and talent into anti-trafficking initiatives, and of the many tools, available or under construction, that could curb child trafficking.

Part 1 deconstructed the genealogy, the technical constituent parts, and the stakeholders of the global child trafficking norm. It showed, in Chapter 1, that the codification of the child trafficking norm in international law has a striking characteristic: its polarization around moral lines, yet the difficult grasping of its boundaries. It implies that the act of child trafficking is a triangular relation between poor kids, deviant criminals who take the shape of folk devils (Cohen 2002), and an impartial international society defying injustice with its Scales and Sword. It delineates an absolute prohibition on the act of trafficking (Nadelmann 1990; Andreas and Nadelmann 2008), notably through its historic undertones referring to slavery and puritanism. Yet, it simultaneously doesn't set the boundaries of that prohibition, because of the complexity inherent to this multilayered concept and due to the political sensitivities surrounding the definition of each of its constitutive elements. This particular construction creates the conditions for

the emergence of creative adaptations that reminds Delmas-Marty's "imagining forces" of international law, though here those are developing outside the scope of legal formalism (Delmas-Marty 2006).

Chapter 2 examined these "imagining forces" at play, in the context of the regional and local adaptation and performance of the child trafficking norm. It provided an analysis of the dialectics between codification, political cooperation as set out in international and regional instruments, and its application by anti-trafficking professionals. It showed that, despite a relatively homogenous adoption of the child trafficking norm as set out at the global level by the Palermo Protocol and adapted at the regional level in the EU and ASEAN, there are stark inadequacies between the legal definitions and the performances of the norm within the trafficking apparatus. There is no question that the legal definition needs to remain very clearly separated from other forms of crimes, to preserve the principle of legality in criminal law. Yet, for practitioners seeking to implement anti-trafficking protection measures, there is a silver lining. This chapter indeed argued that where protection measures are concerned, considering child trafficking, not as a stand-alone norm, but stringing it together with correlated norms in a cluster would allow it to deploy greater firepower, both on a symbolic and practical level. This is all the more urgent when considering the difficulty of public authorities to implement protection measures for child traffickees.

Part 2 indeed studied in detail the performances of the child trafficking norm within the two core publicly governed apparatuses across which it is divided: the protection apparatus and the migration apparatus. It demonstrated that, although the child trafficking apparatus in the EU and ASEAN discursively, legally, and politically claims to protect victims, it participates in exerting structural violence on the children concerned.

Chapter 3 grapples with the internal tension between "make live" objectives and "let die" practices unfolding in the global protection apparatus and its manifestations in member states of ASEAN and the EU. Through a set of solid data collected through fieldwork and interviews, it argues that the protection apparatus deviates towards unintended consequences or biopolitics of selection, resulting in non-protection mechanisms for children identified as trafficking victims. Trafficked children not only slip through the cracks of the protection system involuntarily, they do so of their own free will. The defiance towards public authorities rings true in all case study countries. This investigation found that there seemed to be generalized fatigue from – and distrust of – the protection apparatus on the part of child traffickees. When large numbers of trafficked children refuse to be helped and consider the risk of renewed exploitation as more desirable than the care offered by public authorities, it is a statement of failure of the protection apparatus. This observation disturbs the representations that European countries have of their protection apparatus. It marks a stark contrast between the protection apparatus that countries such as the United Kingdom or France, which are strong human rights norms entrepreneurs in the international arena, have the sentiment of having created, and the antinomically harmful protection mechanisms that have sparked from it. For all its varied practices, and the unequal importance attached

to human rights in the different contexts observed, the protection apparatus operates biopolitics of selection that fragilize trafficked children instead of protecting them. At the heart of the architecture of control of child traffickees is their circumscription to liminal spaces, at the margins of the ordinary public spaces of liberal democracies. This systemic and large-scale system of confinement upon which the protection apparatus hinges, comes in that respect close to the workings of the migration apparatus, which were explored in Chapter 4.

Chapter 4 builds on Marc Bernardot's metaphor of the "mourning wars" to argue that the migration apparatus "captures" child traffickees. Through contradictions in a utilitarian perspective on child migrant workers and the securitization of migrants, the governance mechanisms of migratory circulation further vulnerabilize child traffickees to exploitation. This chapter showed how the sporadic and incomplete management of migration creates the conditions for the de-legitimization of child traffickees, while simultaneously creating the conditions of their capture as productive, underground workers. The capture of transnational child traffickees occurs at two levels. First, as they are caught in migration fluxes that are pushed underground by repressive border control policies, they are vulnerable to exploitation. Second, once in the country of destination, structural violence – whether intentional or not – tends to maintain them in positions of exploitation. What this chapter highlights is the inadequacy, when considering both the policy and human rights interests embedded in the migration apparatus, for security and border control to be the primary lenses through which to approach child migrants who are vulnerable to trafficking.

The strong historical heritage, demonstrated in Part 1, embedding undertones of puritanism, moral prohibition and a focus on criminal activities within the contemporary child trafficking norm plays, we argue here, a strong role in the difficulties of the public protection and migration apparatuses to more efficiently shield migrant children from trafficking, as shown in Part 2. The fragmentation of the issue of child trafficking for the purpose of exploitation in numerous correlate norms further impedes implementation. Part 2 therefore shines a concrete light on the practical benefits that a norm-cluster approach could have for the implementation of anti-trafficking measures. The final part of the book studies the capture of child migrants, observed in the previous chapters, by looking at the actorship of the corporate sector in the governance of the child trafficking norm, and by studying the intersection between the structural violence of protection and migration policies, and global economics.

Part 3 demonstrates the reliance of many global value chains on cheap, exploitable migrant labor along a South-North axis, with many multinational enterprises established in the European Union relying, in their GVCs, on suppliers established in ASEAN countries. The geographical, social, and financial distributive dynamics induced by the global market are hereby constructing the overarching architecture of structural violence that traps children in exploitative situations. This led me to question the intersection between governments' public policies directed towards corporations, labor and migration, and the governance schemes of private corporations on their own activities, as well as the degree of influence

and control public and private authorities have over each other. These complex dynamics incorporating the North-South dynamics of MNEs' GVCs, the state-to-state and region-to-region relations between EU and ASEAN on the issue of child trafficking, and the power dynamics between public authorities and private corporations have pushed us to conceptualize a web of interregional relations writ large.

Chapter 5 foregrounded not only the economic and structural organization of MNEs' GVCs, but also the political geographies of the contemporary global economy. It demonstrated the link between the direct and indirect exploitation of children that seeps deep into the global supply chains of multinational companies. The disparate approaches adopted by MNEs to look into social sustainability issues pertaining to the exploitation of children deserve to be treated jointly. While forced labor, exploitation, bonded labor, child labor, worst forms of child labor and child trafficking bear different definitions in law, they are intrinsically related in practice, when considering the nature of their effects on children's physical and psychological health, social insertion, schooling, and future life prospects. It is our belief that if corporations understood these risks along the lines of a norm cluster, it would allow them to deploy more comprehensive protection and remediation programs, that are better fine-tuned to the varied vulnerabilities and diverse environments of these children. Children indeed toil primarily in invisible and informal sectors of GVCs and their routes into trafficking are multimodal. For children who are forced to mobility, whether within a country or across borders, the tipping point into a situation of exploitation can occur at different stages of the journey. It is caused by vulnerabilities accrued through a pattern of worse-worse-worse experiences, more than at the hands of organized crime. From a financial point of view, trafficked children in GVCs work under strenuous conditions for little or no earnings, due to underpayment of wages, wage retention and repayment of debt, yet contributing to large direct and indirect profits. Countries in which forced child labor takes place, or where trafficked children originate, are also strongly affected.

The countries where they work lose revenues from non-payment of taxes due to undeclared incomes or the illegal nature of the jobs concerned. For the countries of origin, remittances are severely affected by the very low wages of forced labourers. For developing countries, this cut in remittances tends to result in a heavy reduction in investments and a lack of improvement in income inequality.

(ILO 2014, 12)

The issue of child exploitation on GVCs is thus as much a human rights issue, as it is of concern for the national development of countries.

Consequently, these conundrums related to the labor rights and human rights of trafficked children starkly highlight a problematic intersection between public stakeholders, who are the traditional actors of international relations, and the workings of a highly integrated global economy, which is under private authority. Recognizing the governing authority held by private enterprises,

Chapter 6 examined how the traditional international system can and does manage the deviances occurring within global supply chains, or the excesses produced by transnational corporations. It studied scenarios through which public entities could manage the tension between the orthodoxy of non-interference with the market economy, and the ambition to limit human rights breaches and coax private actors into more ethical behavior. It also explored the levers of negotiation and action that could be actioned. The final chapter further examined the mechanisms for creating tipping points at which a public concern over human rights becomes a corporate concern, and at which GVCs can move from high-risk patterns of child trafficking to low-risk through better oversight and control. In so doing, it opened up a new field of inquiry, which promises to bring rich perspectives, in terms of the transformations that businesses, as well as public authorities and the public, are seeking to bring to more sustainability in global supply chains. As it opened up avenues for the development of a strategic anti-trafficking business case for MNEs, it explored possible business management processes that could transform current models into sustainable ones. This chapter also provided a space for testing the child trafficking norm-cluster hypothesis, developed in Chapter 2, in the context of corporate anti-trafficking actions, and found that some of the most promising corporate- and public-private initiatives reside in the coupling and decoupling of child trafficking and correlate norms in their search for more efficient shielding of children from exploitative labor practices.

This research, then, has contributed to bringing an additional clue to the riddle of why, despite a seemingly solid legal framework, anti-trafficking policies remain largely inefficient. It suggests that the usual model of laws trickling down to the local level for implementation needs to be reexamined in light of the structural impediments to the protection of child traffickees. If the micro-level is due to achieve any durable relief for exploited children, macro-structures must be shaken. The current model affects public governance mechanisms through the migration and protection apparatuses, and it also affects the governance of multinational enterprises' global value chains. While it might be illusory to believe that we can completely eradicate child trafficking – after all, human exploitation is a constant in history – there *are* solutions at hand to seek out trafficked children who are pushed to the fringes and have fallen through the cracks of our global anti-trafficking apparatus. It will take a bit of time, political courage, and will possibly cost John Doe a few bucks next time he seeks out exotic food or a T-shirt.

The prospects are both daunting and exhilarating. It is my sincere belief that, as long as we don't have our ducks in a row, and as long as we don't acknowledge the need to be pushed a little to the boundaries of our habitus, an excessive number of children will continue to be trafficked for labor exploitation. Yet at the same time, all the elements for shifting the paradigm are there, within reach.

Recommendations

A short summary of key findings from across the chapters, as well as associated policy recommendations, have been drafted below. They are neither final

nor complete, but form the basis of a reflection that, hopefully, could be furthered by and with relevant stakeholders in the near future. It is worth reiterating, at this stage, that significant progress has been made – and continues to be made – by countries, corporations and associations worldwide towards institutionalizing stronger anti-trafficking measures. The European Union has been one of the forerunners in focusing efforts not only on criminalizing traffickers, but on preventing the trafficking from happening and protecting the survivors. These conclusions therefore do not call into question the merits of having a child trafficking definition, or the efforts made by stakeholders involved in anti-trafficking initiatives. It aims at increasing the efficiency of anti-trafficking policies by unearthing unintended consequences and causal mechanisms that have been insufficiently identified until now, and at suggesting ways forward to strengthen existing frameworks. This book could hopefully contribute to attaining the objectives set: preventing children from being trafficked and making sure that trafficees are lifted durably out of exploitation. As mentioned previously, the findings from the research indicate that the current governance of child trafficking not only fails to protect victims; it often leads to structural violence for the children concerned, with the effect of vulnerabilizing them even further.

Among causes that are well known and documented, the most preeminent are:

- Insufficient funding;
- Deficient training of stakeholders, leading to difficulties in a) locating the children, b) identifying them as minors, c) identifying them as victims rather than criminals;
- Inadequate support for the children throughout the process;
- Inconsistencies in communication among stakeholders;
- Red tape.

Results emerging from this research identify key procedural and administrative impediments to protection, including:

- Poor operability of the legal category of “child trafficking” in courts, as witnessed by the handful of cases brought to court under the trafficking offense;
- When a trafficking case is identified, a sizable cohort of children disappears for fear of retribution by the traffickers or for fear of the destination country’s judgment;
- When victims choose to go through the legal and administrative procedure, their child trafficking status is rarely recognized for lack of material proof and adequate court environments allowing children to deliver their testimony;
- Sizable numbers of young migrants who are victims of trafficking are unable to switch from irregular to legal status;
- Although the EU funds anti-trafficking projects in source, transit, and destination countries, there is little follow-through and follow-up (see for instance the European Court of Auditors’ Special report no 09/2017).

The research also uncovered more counter-intuitive mechanisms, which are preventing children from being successfully lifted out of trafficking:

- From a legal perspective alone, the fight against child trafficking is spread across a variety of international, regional and national instruments, embedding it in a layer-cake of administrative, social and criminal law. Instead of offering strong guarantees for trafficking victims, it disseminates protective measures over various jurisdictions. Children are categorized at times in overlapping categories (trafficking victim, (irregular) migrant, asylum seeker, unaccompanied minor), and at times in a vacuum;
- Biases in the legal category of “human trafficking”: trafficking is defined in terms of modern “slavery” with clear dichotomies (trafficker-victim; active-passive; consent-dissent) and the idea that trafficking victims have not taken part in their trafficking journey, which obscures a majority of cases where these boundaries are much more fluid. Not only does this limit the number of trafficking cases it represents; it also feeds into collective representations about trafficking, affecting law enforcement methods. Police, for instance, are quicker to investigate whether a young girl in sex exploitation is a trafficking victim than where a young boy stealing on the account of an organization or working illegally on a construction site is concerned;
- This feeds into the adverse effects of inconsistent or poorly designed policies, as well as “norm variation”, i.e. the differences in implementation of what constitutes a case of trafficking, on the one hand, and the changes at the national level in policies with regard to migrants and trafficking victims. Fieldwork in the EU and SEA has shown the adverse effects created on the children by such variations, both in terms of short-term and long-term exploitation;
- A number of unintended consequences of laws and policies established in good faith have adverse effects on the protection of children. To cite only one, most “shelters”, both in the EU and SEA, are more akin to prisons. Whereas European legislations provide for protective measures for unaccompanied minors, lack of funding or space often means that children do not have access to the healthcare, education and housing that they are entitled to. Adding to this the duration of procedures, staying within the system that is meant to provide them with protection can lead to increased vulnerability to trafficking down the line.

Lastly, for anti-child trafficking to be effective, we must take stock – and solve – structural political and economic obstacles. There is political ambivalence towards child trafficking victims who are simultaneously irregular migrants. In a nutshell, young migrants are a high priority on two conflicting policy agendas: the global determination to protect children, and the objective to deter irregular migration. Several mechanisms cascade from this:

- The political cost of upholding the rights of migrants, even where these migrants are child victims of human rights violations;

- There are occurrences of conscious instrumentalization of the child trafficking norm to political and geostrategic ends;
- Discrepancies between different state services, who act on different mandates (described in this book as “right hand/left hand dynamics”) – i.e. protection of trafficked children v. removal of irregular migrants – creating stark instability for the children concerned.

There is also economic ambivalence towards children trafficked transnationally for labor, as these workers are often “captured” within global supply chains and represent a productive cog in the wheel of many industries.

All these elements taken together account for structural violence embedded in our legal, economic and political cycles, despite genuine intentions at improving the fate of trafficked children, and a number of feedback loops that amplify vulnerability instead of stemming it.

There is no quick-fix solution to this complex issue. Yet a number of measures can improve the current situation. The proposals below do not purport to be exhaustive. They do, however, draw together analyses coming from dialogue with multiple stakeholders, and offer therefore a panoramic view of some important tools that, implemented together, could fruitfully improve anti-trafficking efforts at macro- and micro-levels.

A transversal perspective

The priority should be on avenues to increase the prevention of child trafficking and the control over whether such exploitation is taking place or not. This requires effective legislative and policy environments with strong enforcement mechanisms, that are sufficiently staffed and funded, within a whole-of-stakeholder system. On a more granular level, measures can be advanced in different issue areas:

Improve the framing of the child trafficking issue:

- Reshape the discourse and norms on child trafficking to include adjacent concepts such as exploitation, forced labor, and child labor under a norm cluster;
- Moving away from the univocal implementation of anti-child trafficking policies, design protection frameworks that pull together related issues under the framework of a norm cluster, with a clear matrix of appropriate solutions depending on the social, economic, political and cultural complexities of each case;
- Systematically measure the impact of policies on trafficked children;
- Continue to conduct research to fill knowledge gaps;
- Move beyond the paradigm of child trafficking as a crime solely perpetrated by organized crime to focus more forcefully on correcting structural drivers of child trafficking produced by political, social, and economic fixes;
- Correct the ambivalence of vocabulary in general communication – e.g. avoid wording such as “sex workers” and their “pimps” when talking about sexually exploited children and their abusers;

- Steer away from the ambivalence towards migration as an object of security, and the migration-trafficking nexus that tend to criminalize trafficking victims;
- Beware of the dichotomy of “good/desirable” v. “bad/undesirable” migrants;
- Recognize and swiftly act upon new risk areas as they emerge, such as the increased vulnerabilities linked to the emergence of subcontracting profiles in the gig economy or the economy of micro-tasks, the increased risk of trafficking experienced by children forced to migrate in the context of war or environmental catastrophes, and the pauperization of already fragile populations created by the Covid-19 pandemic.

Institutional consistency:

- Adopt ambitious, coherent, and comprehensive laws spanning both the public governance of child trafficking (prevention, protection, prosecution) and the private governance of human rights and sustainability measures on corporations’ supply chains;
- Ensure solid policy design and policy coherence across synchronic, syntopic, diachronic, and diatopic dimensions to positively impact children, instead of increasing direct and indirect migration costs, driving migration trajectories underground to irregular channels, barring access to protective mechanisms linked to regular migration (i.e. standard contracts, official complaint mechanisms, pre-migration training), increasing vulnerability to deception in recruitment, or making it more difficult to return home even in cases of qualified exploitation;
- Ensure that the issue of child trafficking is made part of all pre- and post-qualifying training for the entire frontline safeguarding workforce, which must cover the social work, health, teaching, law enforcement, and border agency workforces;
- Continue to improve collaboration between stakeholders within countries (social workers, police, judges, teachers, etc.) and across borders, by increasing their training, and the presence and mandate of focal points and liaison officers;
- Constitute dedicated national child trafficking task forces, with specifically trained contact points in all relevant frontline professions.

International cooperation:

- Champion whole-of-stakeholder approaches in policy design and implementation;
- Acknowledge the broad range of stakeholders that have stakes in – and influence over – anti-trafficking policies, formalize multistakeholder umbrella platforms and transnational child trafficking task forces, with specialized national contact points to favor smooth cooperation among countries;

- Continue to work at international and bilateral level towards the harmonization of laws and policies, to ensure the coherent and efficient implementation of protection mechanisms towards traffickees and criminalization of traffickers;
- Increase sharing of data between countries, especially in the context of the Schengen Information System's "missing children alert", which could ensure the early identification of child victims, if implemented with appropriate safeguards;
- Extend the mandate of the European Public Prosecutor's Office to include child trafficking.

Prejudice and ambivalences:

- Take stock of vested interests and break structural deadlocks that favor anti-crime and anti-immigrant approaches over protection;
- Solve the inconsistencies between the different agencies or departments in charge of trafficked children, within countries and across borders;
- Address the opposition that persists in certain legal frameworks between protection of victims and criminalization of traffickers by ensuring, for instance, that victims are not prosecuted if they have committed an offense in the context of their trafficking, as is the case in EU Directive 2011/36/EU;
- Redress procedural selection biases in current victim identification frameworks, which vary according to context but can for instance include false assumptions that only undocumented migrants can be victims of exploitation, or a focus on the more overt conditions of exploitation, such as forcible confinement or physical mistreatment;
- Get rid of built-in protectionist thinking, which sees a foreigner as someone who wants to come to a destination country to earn a little more than in their own country and who is prepared to do whatever it takes to achieve that;
- Limit the effects of possible prejudice of agents as well as the weight of personal beliefs in the attitudes of compassion or suspicion deployed in the assessment of the veracity of stories of abuse and in the triggering of protection measures towards trafficked children;
- Avoid the caveat of removing trafficking alert systems in the presence of work permits, when in fact there are many instances of child trafficking victims working on legal permits;
- Discard systemic institutional ambivalence, between care and control, towards children in the protection apparatus.

Root causes:

- Fight corruption at all levels of governance in the private and public sectors;
- Formulate clear strategies towards the root causes of child trafficking (poverty, violence, discrimination, lack of job education, poor job opportunities, etc.), which are recognized as the most critical challenges to successful

anti-child trafficking policies in most legal preambles, yet are not spelled out further, contrary to repatriation procedures and criminal law enforcement mechanisms;

- Favor holistic frameworks focused on sustainable development of fragile communities, through general socioeconomic measures targeting the alleviation of poverty, access to education, safe migration options, access to secure livelihoods;
- Focus efforts in at-risk communities on building concrete alternatives to exploitative labor by deploying better social support, education, and work opportunities, recognizing that the development of high-value underutilized traditional skills, for instance, is much more effective than additional prevention campaigns.

Resources:

- Dedicate sufficient human and financial means to detecting trafficked children, and to accommodating their educational, health, housing, and other basic needs;
- Across national budgets, create a separate line item for anti-trafficking activities;
- Clearly indicate the sources of anti-trafficking budgets and devise strategies for their sustainable replenishment;
- Dedicate a specific fund to the protection of child traffickees to avoid difficulties with budgetary divisions between the different services in charge of the child's protection journey.

The protection apparatus

Protect the “best interest of the child”:

- Acknowledging the difficult balance that the protection apparatus must strike between strict guidelines, to avoid as much as possible the interference of personal prejudices on protection decisions towards traffickees, and flexibility, to adapt the “best interest of the child” principle to the great variety of child victims' situations;
- Ensure that the protection system is short-term, victim-oriented, and remedial, to enable child traffickees to recover from their trafficking experience and build a sustainable future for themselves;
- Evaluate protection mechanisms on a case-by-case basis, with the awareness that, despite the overuse of these solutions in praxis, the best interest of the child does not necessarily involve placement in a shelter, family reunion and/or return to their country of origin;
- In cases of trafficking of several members of the family, while removing the child completely from their context and sending the family back home or to a shelter is in practice the preferred solution, granting the parents access to a

safe work environment and warranting the child's schooling is often a much more sustainable solution;

- Mitigate protective orders against the desires of the child and the overall context of the child (family situation, debt bondage, vulnerabilities to re-trafficking, violence, schooling, or work opportunities, etc.);
- Where placement in a shelter or other state custody is chosen, ensure that facilities cater in practice to the best interest of the child in terms of health services, housing, education, and livelihood opportunities, providing a durable route out of trafficking in the short, medium and long terms;
- Allow child traffickees to speak out about their experience and their desires, by securing age-adapted, culturally appropriate infrastructure, and psychological support in their native language.

Judicial processes:

- Reflect on factors currently limiting the detection of trafficking cases and the enforcement of anti-trafficking legislation;
- Improve the detection of child traffickees, the enforcement of legislation, and the prosecution of offenders;
- Throughout the judicial process, guarantee the continued rehabilitation and psychological support of the child;
- Recognize and mitigate the factors limiting the child's revelations of trafficking and exploitation, such as the presence of a "family" member, intimidating official settings, people in uniform, absence of specifically trained professionals to elicit testimonies, etc.;
- Ensure the adequate training of professionals on interviewing protocols tailored to the needs of the child such as the NICHD protocol;
- Empower the child to testify and express their own views, by providing sufficient special units with specifically trained professionals and an environment for the child that is safe, respective of their wellbeing;
- Introduce standard procedures to calculate compensation for trafficking victims in criminal proceedings that are commensurate with the damages incurred through the trafficking experience (the suffering endured by the victim, the amounts lost due to debt bondage, insufficient or inexistent salaries) and the financial losses incurred by the victims due to their impossibility to work during the trial phase;
- Reduce the duration of both the trial period and the delays in delivering restitution to the victims.

Shelters:

- Focus efforts on retaining children in care through processes of rehabilitation and psychological support that help them understand their status as victims;
- Address the disproportionate lack of access of children, and in particular of boys, to care and protection facilities;

- Reinforce the coverage of reception centers and shelters specifically responding to the needs of child traffickees;
- Provide one-stop services for child traffickees, with multi-professional teams of educators, psychologists, lawyers, doctors, teachers, etc.;
- Build trust with public authorities and avoid self-exclusion from the protection apparatus by finding mechanisms such as mentorship schemes, catering to specific needs, the keeping in comfortable environments;
- Provide facilities that allow families to stay together, when family relations are functional and it is in the best interest of the child to do so – in several countries, boys are currently being separated from their family as they become teenagers.

Rehabilitation and reparation:

- Improve opportunities for child trafficking survivors to resettle in their country of origin or settle in their country of destination, so as to boost their ability to build a future devoid of vulnerability and exploitation;
- Ensure that protection mechanisms are beneficial to the rehabilitation and reparation of children, especially in comparison to retaliatory measures such as deportation;
- Recalling the lengthy and cumbersome processes that child traffickees are faced with when testifying, providing evidence, and going through the care system, promote swift activation of protection measures and accelerated trial procedures for child traffickees, to pave the way to effective rehabilitation and reparation;
- Dedicate specific schemes to the building of long-term life opportunities for trafficking survivors, by providing children with sufficient education, vocational skills, and mentorship to plan their way back into regular society, find a livelihood, and avoid re-trafficking risks.

Financial compensation:

- Bearing in mind transgenerational debt bondage and other debilitating fragilities linked to trafficking, design financial compensation schemes that are commensurate with both the harm suffered by the child, and with the costs incurred by the child for being taken out of trafficking ;
- Standardize procedures to calculate financial compensation for trafficking victims in criminal proceedings;
- Acknowledging that children are at increased risk of re-trafficking the longer they are kept in the judiciary system, ensure swift rehabilitation processes and timely release of funds;
- When offenders' assets are traced and confiscated by public authorities in trafficking cases, ensure that the amounts are ring-fenced to compensate trafficking victims;
- Where a court order condemns offenders to pay compensation to a trafficking victim, place the responsibility of asset tracing and enforcement of

rehabilitation/compensation payment upon public authorities or an independent third party, with stringent time limits and obligations of success;

- Where asset tracing fails, secure financial compensation through mechanisms such as a Guarantee Fund for victims of trafficking, which could be endowed through the fines paid out by offenders, or other sources guaranteeing its sufficient replenishment;
- Ensure the anonymity and discretion of financial compensation, to shield child traffickees from retaliation by traffickers, predatory attitudes, stigmatization, or other threats;
- Improve harmonization of laws and enforcement procedures between countries, to ensure that court decisions are communicated to victims and enforced in a timely manner, including in transnational cases of trafficking.

The migration apparatus

Governing borders and migration flows:

- Recognizing the inadequacy of using security and border control as the primary lenses through which to approach child migrants who are vulnerable to trafficking, and the problematic use by some countries of “migration governance” tools for the purpose of exclusion and control of ethnic, racial, linguistic or other purposes beyond migration, we must ensure that international cooperation agreements do not take cover under the broad terminological ambiguity of migration governance to legitimize forced exclusions, or forced migrations;
- Promote safe, orderly, and regular migration that includes efficient protection mechanisms against the exploitation and trafficking of migrant children;
- Systematically scope potential negative unintended consequences of migration policies on trafficking and exploitation risks for migrant children;
- Disaggregate border controls from immigration controls to avoid practices that push migrants to arrive undocumented and unsafely;
- Address violent state practices of control and exclusion of migrants, at the fringes of international human rights instruments, such as single-employer-tied work visas and the deletion of firewalls on the sharing of information about migrants among state authorities;
- Acknowledging that border closures (destination country perspective) and targeted migration bans (source country perspective) create protection gaps and increase the vulnerability of migrant children to trafficking, even when they are meant to create the opposite effect, use such political measures sparingly.

The labor-migration-trafficking nexus:

- Acknowledging that a large proportion of children in both the EU and ASEAN migrate for labor, include them in the debate on the labor-migration-trafficking nexus;

- Recognize that some national laws and by-laws have constitutive rhetoric of migrants as laborers, that thereby insist on the temporariness of the migration experience, and in turn have an effect on the conceptualization of public policies pertaining to the governance of transborder child traffickees;
- Redress the capture of child migrants in a dual-speed system that both repels migrants and seeks out docile migrant labor, thereby driving irregular child migrants into even more precarious employment where they are prone to exploitation;
- Warrant trafficking alert systems even in the presence of legal work permits;
- Enshrine consequences for employers employing irregular and underage migrants;
- Facilitate the access of migrant workers to administrative regulation by lifting language barriers, promoting information on rules and regulations, providing assistance in one-stop centers, and other measures commensurate to specific local environments.

Implementing safe labor migration corridors, including for children:

- Acknowledging that stringent migration regulations increase the vulnerability of fragile (child) migrants to labor exploitation and trafficking rather than stemming irregular migration flows, avoid stringent sanctions or imprisonment terms for foreign workers who work without work permits;
- Observing that policies that prompt migrants workers to leave and reenter the country or specific sectors have been documented to directly fuel exploitative practices and increase the recourse to illegal networks under more precarious conditions, strive for a stable policy environment to reduce the risk of first-time and repeat trafficking for vulnerable children;
- Bearing in mind the specific vulnerability of children who do not meet the minimum age requirements to legally apply for work, and therefore cannot apply for a work visa, reflect on possible access of children to official migration schemes, under conditions that would enable them to travel through safer migration corridors;
- Where the market is mature enough and logistical and administrative conditions permit, strive for the promotion of ethical recruitment procedures that are commensurate with the needs of the market. This could entail opening official recruitment centers directly in source countries, being responsible for organizing the logistics of migration, or pushing a “no recruitment fees” policy, as is currently being attempted under the Employer Pays Principle;
- Taking stock of the prevalence of debt bondage, in particular in ASEAN: strive to better understand debt loads; acknowledge the possibility for debt to rest with different stakeholders (brokers, recruitment agencies, direct bondage with employers, etc.); recognize the increased risk of debt bondage in the context of single-employer-tied work visas; reflect on effective mechanisms to curb excessive debt bondage that fragilizes workers and risks carrying debt over from one generation to the next; promote safe and financially accessible migration schemes.

*Private sector governance***Improving the overall protection of workers' rights:**

- Ensure protective legislation in the realm of working hours, occupational health and safety, social security coverage, freedom of association, right to collective bargaining and action, minimum wage, and living wage for all workers in wage employment, irrespective of age, sex, race, and ethnicity, and regardless of whether they work in the formal or informal sectors;
- Recognizing the particularly vulnerable situations of
 - a) Non-contracted workers, for instance micro-tasking workers or farmers who are not contracted by a processing plant and are working under serf-like conditions, or
 - b) Unofficially subcontracted workers, such as workers that sublease profiles in the gig economy,
 - c) Reflect on adequate mechanisms of protection for non-contracted workers and push for the adoption of clear policies and regulations on contract working where appropriate;
- Provide access to training and information to migrant workers in the formal and informal sectors on their rights, ensuring that the information is readily available (through mobile phone platforms and videos, for instance) and that it trickles down, including to underage and irregular child traffickees, through collaboration with trade unions and civil society organizations;
- Recognizing the crucial role held by collectivization and social movements in avoiding human rights breaches and promoting a fair labor environment, support the unionization of workers, including the possibility for foreign workers to unionize independently from local workers. In particular:
 - Ratify and apply the International Labour Organisation's Conventions n°87 Freedom of Association and Protection of the Right to Organise (1948) and n°98 on the Right to Organise and Collective Bargaining Convention (1949);
 - Where needed, leverage conditionality requirements in trade negotiations at state level, and in contract negotiations at the level of buyer-supplier relations, to enforce the right to unionization of foreign workers;
- Encourage open social dialogues with trade unions, including on issues related to migrant workers' rights, child labor, and sustainable business practices;
- Solve policy gray zones that increase trafficking risks, such as the case of children who have completed statutory education but have not reached the legal age to work, or that of children working partly in conditions of "worst forms of child labor" (e.g. the presence of chemicals on-site) although when considering the bigger picture, the labor doesn't stunt the child physically or emotionally, and doesn't seem to inhibit their ability to develop and to go to school;

- Lift laws and policies that fragilize migrant workers by preventing them from speaking out, for instance by banning the payment of rewards to informers that assist authorities to arrest undocumented migrant workers.

Mapping the global supply chains:

- Acknowledging the difficulty of measuring social sustainability and human rights on GVCs, strive to map GVCs with precision, to have a clear view of who works, who pays, and who is being paid in the chain;
- Review the proprieties and significance of the metrics and the indicators used, to ensure that they are efficient in picking up child labor, forced labor, and trafficking among other social impacts on GVCs, and that they are able to adjust to trade systems in Southeast Asia, where many payments are done in cash or in kind;
- Explore the possibility to extend block-chain techniques to enforce social and environmental due diligence, whereby digital currency is transferred to the supplier once the transaction is validated by the next link in the supply chain following checks;
- Recognizing the potential benefit of digital mapping and measuring tools, and noting that currently these digital solutions are concentrated in sectors, in countries, and on activities where such connectivity is possible, strive to extend those tools to increase sectoral and geographical coverage;
- Bear in mind the need for due diligence and mapping techniques to be within the financial, technical and human means of all companies, to create significant added value of due diligence and to avoid massive redistribution effects whereby lead firms consolidate their power position in the GVC;
- Reflect on the possibility to leverage third-party tracing techniques, such as the ones used by TRASE or iSEAL's Evidensia, at a systemic and systematic level;
- Lift barriers to possible evasion of due diligence techniques, linked in part to companies' weariness to register data for fear of paying taxes;
- Put appropriate checks and balances in place to minimize the risk of data being misappropriated and leveraged to further squeeze lower prices or more work out of suppliers, for instance through participatory systems with data crowdsourcing and valid incentives for all workers to participate;
- Balance the development of digital tools against questions such as human rights, personal freedoms, competitiveness of small companies, and further risks of supplier-squeezes.

Governance:

- Level the playing field between direct competitors to curtail the timidity of corporations of all sizes to engage in social sustainability practices;
- Use socialization effects of new regulations and norms on MNEs to encourage the uptake of ambitious social sustainability standards, in particular in the most difficult areas such as child labor, forced labor, and child trafficking;

- Decrease the risk of suppliers resorting to informal work and hidden subcontracting by simplifying the traceability of products and the oversight of sustainability through the implementation of ethical and sustainable measures along shorter, rationalized, and more geographically condensed GVCs;
- Conduct additional research into best practices regarding shortening and insourcing of GVCs, and the effects on social sustainability;
- Increase the leverage of MNEs over suppliers by promoting transparent, fully-mapped GVCs that promote fair labor practices internally and down the chain;
- Curb practices that shift the responsibility for anti-trafficking away from lead firms and onto the suppliers in the deeper tiers of GVCs through the uptake of stringent regulations;
- Educate corporations on social sustainability dynamics, to avoid a top-down, neo-colonialist, and paternalistic approach to the buyer-supplier relationship, epitomized in candid phrasings such as: “what are the ways to help suppliers really appreciate that their workers are their number one value?”;
- Bearing in mind the possible deflection of sustainability arguments to consolidate and legitimate the power of large corporations, carefully craft regulation and due diligence tools to avoid creating undue power distortions and a race to the bottom in terms of human rights, social and environmental standards;
- Implement fair purchasing practices of MNEs towards their suppliers through equitable pricing, better information on lead-time, better management of cash-flow to curb the risk of accrued sustainability-driven supplier-squeeze, the impacts of which are felt most acutely by child traffickees and other vulnerable workers down the chain;
- Assess social sustainability performance of a business through the lens of their internal policy coherence, by for instance measuring the alignment of corporate lobbying with their displayed sustainability principles;
- Promote collective action and coherence between private and public action, between civil society, government, international organizations, and the corporate sector.

Regulation:

- Recognizing the urgency to act at scale, to implement well-informed, ambitious laws and policies:
 - Harmonize ambitious, simple, clear, and holistic global standards;
 - Level the playing field by engraining mandatory human rights due diligence as a core obligation to business conduct in legislation at international, regional, and national levels;
 - Establish mandatory and effective human rights due diligence mechanisms that include a broad material scope, regular public monitoring by a dedicated authority, liability for the non-respect of due diligence obligations, forceful sanctions for corporations, effective remedies, and access to justice for victims;

- Ensure that the laws and policies implemented are not watered down in their design or implementation, to have the best chances of effectively curbing child trafficking and other sustainability issues on GVCs;
- Create a favorable regulatory environment at the national level, which holistically addresses social rights and labor rights, as much as corporate law initiatives;
- Legal action should take particular stock of the most vulnerable populations and the different access to services for rightsholders (migrant/non-migrant, skilled/low-skilled, workers in the formal/informal sector, adult/minor, woman/man, etc.) and build mechanisms to promote and/or safeguard the right to association;
- Build legislation on existing regulatory requirements and interpretations of due diligence that are backed by governments;
- Embed the recognition of multistakeholder cooperation and industry collaborations in legislation on mHRDD;
- Reflect on regulations and enforcement regimes that push for proactive corporate responses to address child trafficking risks – this could encompass the obligation for companies to follow the OECD Guidelines for Multinational Enterprises, penalties for failure to carry out effective human rights due diligence, criminal liability with significant fines, accountability of directors, or other measures that are commensurate with the possibilities of national jurisdictions;
- Embed in legislation the obligation of anticipative mHRDD processes, including the compulsory and full involvement of workers’ representatives and trade unions during the entire due diligence process;
- Enforcing recent court orders, disprove the principle of “shareholders’ limited liability” and the principle of companies’ “legal autonomy” in the event of abuses by suppliers and subcontractors regarding human rights, social and environmental standards on a company’s global supply chain;
- Design mechanisms that encourage corporations to seek solutions collaboratively;
- Design safeguards to prevent cut and run behavior, where companies move operations to areas perceived as less risky;
- Establish clear lines of responsibility and adequate mechanisms to monitor and measure compliance through independent bodies using methodologies that go beyond enterprises’ self-declarations or social audits;
- Legislation should provide efficient compliance mechanisms and sanctions, using the full range of administrative sanctions, criminal liability and civil liability of enterprises in their supply chains;
- Ensure that human rights due diligence legislation is designed so that it avoids check-the-box approaches and encourages meaningful, continuous, risk-based due diligence, that sanctuarizes engagement with stakeholders and centers rightsholders, including workers and trade unions;
- Clarify remediation responsibilities as, despite a growing regulatory body attempting to address the void between commercial law and the structures

of production on GVCs, laws are silent on the responsibility of companies to remediate trafficking victims, and if they remediate, it is unclear which company in the GVC bears responsibility:

- Follow the precept *ubi emolumentum, ibi onus* (“where the profit is, there is the liability”);
- Follow UNGPs on business and human rights that put collective responsibility on states and businesses to guarantee workers’ access to remedy in relation to human rights abuses, including forced labor and trafficking;
- Given the significant obstacles for migrant child traffickees to accessing remedy, define clear lines of responsibilities and efficient mechanisms to provide support to those workers;
- Support mechanisms that are accountable, trustworthy, and independent such as trade union- or civil-society-led approaches to grievance mechanisms;
- Ensure that the family is not penalized for the child being out of work and that the child doesn’t become a burden on the family, which would risk fragilizing the family further and making its members more prone to repeat exploitation or trafficking;
- Protect the identity of victims, yet make remediation decisions public for the purpose of greater transparency, accountability, and good practice sharing.

Public enforcement of human rights due diligence:

- Step up enforcement efforts at all levels of public authorities;
- Acknowledging the need for the exchange of standardized information on (m)HRDD within states and between countries, reflect on the possible harmonized use of emerging standards, frameworks, guidelines and define a single definition of blue-washing to allow for harmonized national supervision and allow national (market) authorities to exchange knowledge on a common basis;
- Conduct stakeholder engagement activities that include children, thereby considering their views to shape more responsible business practices that positively impact them;
- Ensure the regular public monitoring of existing and upcoming mHRDD regulations by one or more national public authorities, in relation to regional and global monitoring entities, such as the European Labour Authority;
- Set up mediation and conciliation platforms to provide effective non-adjudicatory tools promoting human rights in GVCs, on the model of OECD National Contact Points, or promoting the use of OECD National Contact Points;
- Pending efficient assessment mechanisms, explore options on the taxation of unsustainable products, through leverages such as the equal taxation of domestic and foreign producers that can receive a tax rebate if they can show that they meet defined sustainability criteria;

- Authorize courts to reverse the burden of proof if certain criteria are met in hearings on mHRDD, for example if the due diligence processes and plans are so vague or incomplete that claimants cannot utilize them to establish their rights;
- Strive to shorten the length of judicial processes, especially where victims are concerned, to minimize the adverse effects of lengthy proceedings on child trafficking victims;
- Leverage trade agreements to create spill-over effects at the international level, through mechanisms such as the incorporation of human rights clauses or sustainability reciprocity clauses in Free Trade Agreements, or the use of trade sanction mechanisms such as the EU yellow card in the most entrenched cases;
- Create publicly induced market incentives promoted by regional or national organizations to engage MNEs, SMEs but also financial institutions in more responsible business conduct and advancing the alignment of national standards with international expectations.

Private sector promotion of mHRDD and anti-child trafficking initiatives on GVCs:

- Implement child trafficking risk-based assessment mechanisms throughout the GVC, paying particular attention to the quality, scope and depth of due diligence in this particular area of vulnerability;
- Strengthen transparency as a critical enabler of trust, social sustainability and human rights practices;
- Increase businesses' contribution to sustainable development across their full GVCs through actions such as technology transfer, skill development of workers, supplier capability building, raising wages, and addressing root causes of risk;
- Transfer from risk avoidance strategies to empowering the supply chain;
- Shift corporate vision of governance from shareholder governance to include stakeholder governance;
- Integrate compliance standards within daily management systems at all levels of companies, from Boards to worker participation in worker rights committees;
- Incorporate transversal instruments such as OECD Guidelines for Multinational Enterprises and OECD Due Diligence Guidance for Responsible Business Conduct into supply chain governance tools, to benefit from two main positive dynamics:
 - Bringing together all stakeholders involved across value chains (governments, trade unions, civil society, corporate sector), thereby enabling participants to slot into a pre-existing and dynamic platform for constructive dialogue, exchange of best practices, and cooperation;
 - Assisting corporations and governments in setting the common standard across many Northern and Southern countries, linking upper tiers and lower tiers of the global value chain;

- Leverage the reputational and financial benefits of engaging in a globally recognized standard of due diligence, as greater visibility and transparency has been shown to foster trust on the part of consumers and investors, thereby increasing business opportunities;
- Utilize innovative government- and company-backed mechanisms, such as OECD sector-specific due diligence guidances, to gain vision over the full supply chain, and in particular to drill down into the lower tiers of supply chains and associate SMEs through a “choking-points” approach, which provides a tool for diffusing due diligence more efficiently across the supply chain;
- Impose mHRDD standards from MNEs onto suppliers and accompany them with soft power measures (newsletter, webinars, training, coaching, etc.) to implement changes in their business models to achieve anti-trafficking effects;
- Develop opportunities and guidance for investor leverage, bearing in mind the varied tools at the disposal of different stakeholders (private equity, public equity, asset ownership, etc.) channeling whole-of-portfolio approaches;
- Promote the role of financial institutions as gatekeepers in promoting sustainable practices, for instance by imposing conditionality for companies to trade on their platforms, in the same vein as the London Metal Exchange and the Asian mineral Exchange’s requirement of an assessment in conformity with the OECD Guidance for Responsible Supply Chains in Conflict-Affected Areas;
- Activate the underlying power of pension funds in pushing mHRDD norms on GVCs;
- Extend the notion of “double materiality” within financial markets to human rights-related impacts, including child labor, forced labor, and child trafficking. The concept of double materiality is starting to be applied in the realm of climate and takes the key accounting concept of materiality of financial information one step further. The notion suggests that it is not only child trafficking-related impacts on the company that can be material but also impacts of a company on child trafficking – or any other dimension of human rights, social and environmental sustainability;
- Reflect upon the possible disruption of market competition induced by supplier-squeezes and how it slots in with current social sustainability and human rights breaches, to efficiently act upon it;
- Demand that MNEs’ suppliers and subcontractors respect sustainability standards, with the proviso that the MNE should responsibly implement means to check the adherence to the social sustainability rules they demand, and that they provide sufficient financial and logistical breathing room for them to do so.

Monitoring compliance to human rights and social sustainability standards:

- Due diligence:
 - Build on existing interpretations of due diligence that have been the object of multistakeholder negotiations and are backed by governments;

- Strive for coherent, robust, and comprehensive due diligence frameworks that move beyond the social audit approach across the full supply chain and the full product life cycle;
- Demand the use of existing global standards and due diligence guidelines, such as the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and OECD sector-specific due diligence guidances in mHRDD legislation;
- Advocate the use of non-judicial grievance and mediation mechanisms, such as the National Contact Points provided by the governments adhering to the OECD Guidelines for Multinational Enterprise;
- Encourage the use of voluntary self-assessment mechanisms, such as the OECD Alignment Assessments of Industry and Multi-Stakeholder Programmes, which is a voluntary assessment mechanism backing the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector and enables partners to self-assess their progress in the area;
- Labels, standards and certifications:
 - Correct the current issues presented by labels, standards, and certifications, whether they target environmental sustainability or social sustainability in GVCs: data collection often based on self-declaratory frameworks, collusion on the lowest common denominator, poor readability of methodology and results, lack of comparability between standards, partial product life cycle approach, instances of bluewashing and greenwashing;
 - Measure the impact that labels, standards, and certifications have on the practices of corporations;
 - Ensure that labels, standards, and certifications take into account the full life cycle of a product;
 - Move beyond self-declaration schemes to include assessment mechanisms;
 - Categorize the reliability of labels, standards, and certifications through official rating agencies, following requirements such as the ones developed by France's Ademe OPTIGEDE (the label must be based on a standard with quantified indicators, it must be certified by an independent third party, it must provide guarantees on the main environmental and social impacts of the product category, it must take into account the product's full life cycle);
- Audits:
 - Provide a judicial definition of industrial spaces that allows for public inspections when there are suspicions of human rights breaches;
 - Ensure that public inspectors are legally allowed to conduct surprise audits;
 - Guarantee sufficient financial and human means to conduct audits;
 - Use qualitative methods along with quantitative methods, to make sure that discrimination, abuse, exploitation, trafficking are picked up;

- Build effective community consultation processes, without falling into the caveats of consultation fatigue and colonial models of question searching, and by paying attention to ownership and equity for targeted communities, so that people are benefiting at the moment that the extraction is happening;
- Regulation of labels, standards, certifications, and non-financial rating agencies:
 - Reflect on a common framework regulating labels, standards, certifications and non-financial rating agencies, in the same vein of what has already been set up for credit rating agencies;
 - Set up supervision mechanisms, which could rest on four core activities: the registration and certification of labels and non-financial rating agencies, the monitoring of their activities, investigations and on-site evidence to confirm adherence to standards, and the enforcement of regulations with the possibility to sanction non-adherence.

We are at a crucial moment to push the legal and policy frameworks in a new direction, as an increasing number of laws are emerging on corporations' obligation to conduct mandatory human rights due diligence on their GVCs. Recently adopted laws in places such as California (2010), the UK (2015), France (2017), Australia (2018), the Netherlands (2019), Germany (2021), Norway (2022), and, soon, Belgium and the EU, are testing out different approaches to supply chain transparency and due diligence. These laws are starting to be used as draft models in other parts of the world, while public authorities as well as large private corporations are pushing the international community towards adopting more stringent measures towards the global regulation of sustainable practices on GVCs.

In the Covid-19 context and associated talks of preparing the “world after”, there is an appetite for sustainable practices, I therefore believe that it is a crucial topic of investigation, that would benefit from being further examined from an academic perspective, while being transformed into more detailed policy recommendations. I hope to be able to humbly contribute to this colossal area of inquiry through this book, and in the years to come.