

## Trafficking in children and violations of human rights

### ABSTRACT

The article was devoted to the trafficking of children and the violation of basic human rights. The author draws attention to the evolving phenomenon of child trafficking, brings closer her goals, discusses groups of children exposed to trade, analyzes the risk factors determining child trafficking and the directions of child trafficking in the world. The article also discusses the effects of child abuse. In addition, the author draws attention to the need for systematic preventive actions aimed at preventing the phenomenon of trafficking in human beings.

KEYWORDS: *child trafficking, exploitation, sacrifice, children's rights*

### Introduction

Providing a sense of security, peace and conditions for comprehensive child development is nowadays not only a challenge for the parent, but also for the state in which the child is born, matures and functions, it is also an obligation of all citizens. To meet the above conditions, it is necessary to respect basic human rights: such as dignity, freedom and equality. Human dignity, also called humanity, is enshrined in art. 30 of the Constitution of the Republic of Poland "The inherent and inalienable dignity of man is a source of freedom and human and civil rights. It is inviolable and its respect and protection is the responsibility of public authorities. 'Two principles derive

from dignity: freedom and equality, which are the basis of all human rights. Freedom means that a person is not owned by anyone, has free will, can independently make decisions and consciously be responsible for them (the child learns freedom during adolescence). Equality means that every child has the same rights and is to be treated equally by all without any discrimination.

Many years ago, J. Korczak once said: "there are no children there are people". "A child is also a man, only a small one..." (Kirchner, 1997, p. 18), he formulated three fundamental rights of the child: the child's right to death, the right to the present day, and the right of the child to be what it is. In a soldier's hand, the author called us "Attention, we will either communicate now or we will forever be broken. [...] I am calling for magna charta libertatis, for the rights of the child" (Spokesperson for Children, 2012, p. 147). The rights proposed by the author have become one of the messages during the creation of the Convention on Children's Rights passed in 1989, on the initiative of Poland. These laws were created to protect the child and guarantee a sense of security.

In today's world, however, there is more and more frequent violation of fundamental rights, because abduction, detention, intimidation, abuse of another person for purposes of various uses are undoubtedly violent situations, often directly life-threatening, especially cruel and dangerous, nothing more than a threat to freedom dignity and equality of a human being, in particular a child who is trustful, defenseless and easier in manipulation.

An especially dangerous phenomenon in the present times is trafficking in human beings, especially children growing over the years to huge proportions. This phenomenon has undergone many changes, it has spread to new regions of the world, the perpetrators have developed new methods of recruiting people. Opening of borders, development of new technologies, min. such as the Internet, has contributed to the development of this serious form of crime and related crimes, such as various forms of sexual abuse and slave labor, which enable perpetrators to achieve huge, illegal profits. It is worth paying attention to selected publications on child trafficking, including: .min report of the United Nations Office on Drugs and Crime

(UNODC) “World Report on Trafficking in People 2016” (GLOTIP 2016), from which it follows that “

- sexual exploitation still remains the most frequently identified form of victim abuse (in the period 2007-2014 it ranged between 53 and 61%);
- male victims of trafficking are increasingly identified (in the period 2004-2014 an increase from 13 to 21%);
- increase in the number of people whose transport for use takes place within one country (in the period 2012-2014 – it was 42% of identified victims).

Report from the Ministry of Interior and Administration “Human Trafficking in Poland Report for 2017 and the report Trafficking in Persons 2018, shows that the total number of victims of trafficking in human beings is very significant or drastically increasing, including children.

UNICEF and ICAT confirm that the number of children who have been victims of trafficking in human beings is actually higher. Children often hide this fact in fear of traders, lack of information about how their fate may go, lack of trust in public services, fear of stigma and lack of material support in returning to families. (<https://www.unicef.pl/Centrum-prasowe/Informacje-prasowe/UNICEF-Niemal-1-3-ofiar-handlu-ludzmi-na-swiecie-to-dzieci>)

That’s why it’s so important to provide information, data on the abductions of detentions, the purposes of child abuse, the methods of action of the perpetrators and how to react when a kidnap occurs. The sooner we implement programs related to the prevention of child trafficking, the greater the chance that we will save many children. This prophylaxis should be implemented at local, state, regional or global levels. Thanks to systematic, reliable cooperation between states and the observance of human rights, we will be able to prevent human misfortune, and certainly minimize the risk of the offense of child trafficking.

The concept of trafficking in children, groups of children exposed to trade, goals and characteristics of trafficking in children

According to the UN (a) Trafficking means “recruitment, transport, transfer, storage or reception of persons, using threats or the use of force,

or using other forms of coercion, abduction, deception, misrepresentation, abuse of power or exploitation of weaknesses, giving or accepting payments or benefits to obtain the consent of a person having control over another person, for use. The use includes, as a minimum, the use of other people for prostitution, or other forms of sexual abuse, forced labor or services, slavery or practices similar to slavery, enslavement, or removal of organs. (b) the consent of the victim of trafficking in human beings for the intended use specified in point (a) this article is not relevant if any of the methods listed in (a) is used (c) the recruitment, transport, transfer, storage or reception of a child for use is considered as “trafficking in human beings” even if it does not include any from the methods listed in point (a) of this article (d) “child” means a person who is under the age of eighteen (UN Article 3, Protocol 2000).

Currently, the crime of human trafficking is defined in Polish law as recruitment, transport, delivery, transfer, storage or reception of a person using:

- 1) violence or unlawful threat,
- 2) abduction,
- 3) deception,
- 4) deception or exploitation of error or inability to properly understand the action taken,
- 5) abuse of the dependency relationship, the use of a critical location or state of helplessness,
- 6) granting or accepting a property or personal benefit or its promise to a person having custody or supervision over another person;

for its use, even with its consent, in particular in prostitution, pornography or other forms of sexual exploitation, at work or services of a compulsory nature, in beggars, in slavery or other forms of exploitation degrading human dignity or in order to obtain cells, tissues or organs contrary to the provisions of the Act. If the behavior of the perpetrator concerns a minor, it constitutes trafficking in persons, even if the methods or measures listed in items 1–6 have not been used (Penal Code, 2013, Article 115 § 22).

Thus, trafficking in children in the context of the general definition of trafficking means “recruitment, transport, transfer, storage or reception of

children for use. The use includes various forms: sexual exploitation, work or services for slavery, slavery or practices similar to slavery, enslavement or removal of organs (quoted in Morawska, 2003, pp. 1–14).

An attractive object of trafficking in people over the years have become children, of all ages and genders, to the most exposed groups in order to use we distinguish:

- children traveling unaccompanied by biological parents, (lonely, orphaned) eg: fleeing from war areas after cataclysms)
- citizens of countries that are not members of the European Union or other highly developed countries,
- children who have educational difficulties (manifest symptoms of social maladjustment, demoralized, practicing prostitution),
- children with mental, motor, blind and deaf, teenagers traveling to work in various capacities, e.g. model or model, hostesses, waiters or waitresses, dancers or dancers,
- children suffering from rare diseases for medical experiments

Child trafficking takes different aims:

- Illegal adoptions (trade in adoption) – sometimes children are extorted to mothers immediately after birth, they receive little money from intermediaries for a child. New adoptive parents pay much more for buying a child from traffickers. Children are also offered on websites.
- Work or slave practices – on plantations (eg cocoa), in craft workshops (for example in the production of rugs, jewelry, sports balls), as camel riders at races organized in the Middle East (hazardous activity).
- Domestic service (serving or to care for seriously ill people and the handicapped). They often provide sexual services.
- Forcing prostitution and other forms of sexual abuse to produce pornography (sex business).
- Conclusion of a marriage usually with a “rich” foreigner. Minor women come to an unknown environment, not knowing the language or culture, and their status, in most cases, is completely dependent

on the husband. They become slaves of husbands and are forced to prostitution, work without remuneration.

- To commit various crimes, for example: drug trafficking, etc.
- Armed forces
- Obtaining tissues and organs for transplantation, which often means death for children.
- Begging and theft – are under the constant supervision of someone who takes them stolen or stolen money.
- Medical experiments.

When it comes to minor victims of trafficking, 72 percent girls are victims of sexual abuse, and 21 percent forced labor, while 50 percent boys are victims of forced labor, and 27 percent sexual abuse. The other juveniles are forced to begging, they become child soldiers, they are used to commit criminal acts, and also forced to enter into forced marriages (<http://www.tvn24.pl>).

Many adults, from different backgrounds and with different roles in child abuse, can be involved in the trafficking of children. Contrary to popular opinion, they are not always associated with organized criminal groups. Organizing the trade may be done by the child's relatives, guardians, other people known to the child or his family. At any stage – recruitment, transport, storage, reception – another person may participate. In countries affected by corruption, it happens that professionals and representatives of services such as the police or border guards work with criminals. (FDN, 2012, p. 16). The perpetrators to lure the victim often post on false websites job offers, lonely or orphan people are often “bombarded” with love, care for which you have to pay later. Small children are manipulated by making various promises, giving gifts, by a fake uncle, or aunt, children observed on the so-called the order is steal from parents, taken away and put to sleep, so that they can easily be transported across the border of a given country.

The characteristic features of human trafficking include:

- Transport – disconnection from the supporting social network; within borders or across the border.

- Coercion – coercion (psychological, physical), threat of coercion, deception, debt / debt repayment, slavery, abuse of a stronger position of power.
- Use – prostitution or other forms of sexual abuse, forced labor or services, slavery and practices similar to slavery,
- It happens that one of the above-mentioned phases is completely omitted (eg people who are traded after some time become traders, in which case there is no phase of release, this also applies to children). (Lukasek, 2014 pp. 15–16).

## Risk factors for child abuse, directions of child trafficking

Taking into account the child's use, it is worth considering three risk factors:

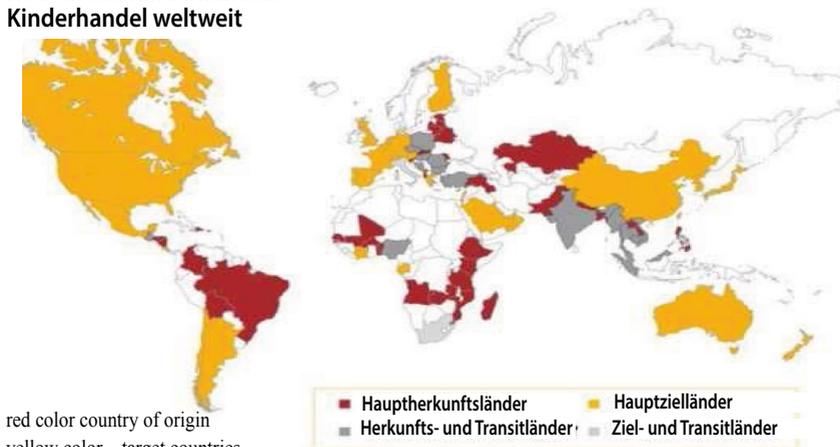
1. Socio-economic, such as:
  - Poverty
  - Social exclusion
  - Belonging to marginalized groups
  - Unemployment
  - Low access to education
  - No prospects
  - Cultural norms, for example, early marriages, child labor
  - Lack of a properly developed child protection system
2. Consumer approach to life
  - Connected with a child such as:
    - Homelessness
    - Disability
    - Addiction to alcohol or drugs
    - Losing peer pressure
    - Experience of violence / abuse
    - Lacks in education
    - Stay and escape from care and education centers

## 3. Connected with family such as:

- Low level of education in the family
- Domestic violence (physical, psychological, sexual)
- Addiction in the family
- Lack of proper care on the part of parents
- Superficial relationships with carers
- Difficult financial situation (FDN 2011, p. 14).

Child trafficking now applies to almost all countries, these are the countries of origin of the victims, the transit countries through which the victims are transported and the destination countries where it is used. Most often these are victims from areas affected by armed conflict or other risk factors. Europe is the destination for victims of trafficking from all continents, and victims from Asia are transported to the largest number of countries around the world. However, many of the cases of trafficking in children are internal, that is, in one country.

Figure no. 1

**Directions of child trafficking in the world****Routen des Kinderhandels  
Kinderhandel weltweit**

red color country of origin

yellow color – target countries

light gray color – transit countries

dark gray color – transit and origin countries

[https://www.frauenrechte.de/images/downloads/frauenhandel/Lehrmaterialsammlung\\_film-trade.pdf](https://www.frauenrechte.de/images/downloads/frauenhandel/Lehrmaterialsammlung_film-trade.pdf) legend: color

Poland is currently a country:

- the origin of victims, mainly deported to Western European countries,
- transit through which victims are transported from Eastern Europe to the West,
- destination, to which victims from Ukraine, Belarus, Bulgaria, Moldova and Romania are mainly transported. Internal trade may take place in one city, district or province, and victims abducted from abroad may be repeatedly sold only on the territory of Poland. It is worth mentioning that five years ago Poland was only a transit state.

## Violation of selected basic human rights and consequences of child trafficking

Human trafficking is undoubtedly a crime against the dignity and integrity of a human being, violates basic human rights such as:

- the right to life (Article 3 of the PDPC Universal Declaration of Human Rights, Article 2 of the ECHR Convention on the Protection of Human Rights and Fundamental Freedoms, Article 6 of the ICCPR and the International Covenant on Civil and Political Rights),
- prohibition of torture, inhuman and cruel treatment or punishment (Article 5 of the PDPC, Article 3 ECHR, Article 7 of the ICCPR),
- the prohibition of slavery and forced labor (Article 4 of the PDPC, Article 4 of the ECHR, Article 8 of the ICCPR),
- rights to the personal security of an individual (Article 3 of the PDPC, Article 5 of the ECHR, Article 9 of the ICCPR),
- the right to protection of private life (Article 12 of the PDPC, Article 8 of the ECHR, Article 17 of the ICCPR) (Lasocik, 2007, pp. 34,45).

Non-observance, violation or violation of human rights through trade leads to abuse of torture and, consequently, the threat of indirect or direct life, mental and physical injury, which is often a consequence of PTSD, depending on the age and sex of the child, which is a reaction to the experience of a strong life threat, it is expressed through:

- Continuously experiencing new traumatic situations – frequent thoughts, intrusive memories, nightmares;
- Avoiding certain situations or places related to the injury;
- Isolation, difficulty in experiencing feelings;
- Agitation – difficulties with concentration, irritability, outbursts of anger.

The consequence of using can also be:

- Thoughts of suicide,
- Mutilation itself
- Depression
- Addiction
- A sense of guilt and shame
- Fear
- Lack of self-confidence and many other consequences that require professional professional help.

## Applications summary

The phenomenon of human trafficking, especially children, evolves, covers more and more newer regions of the world, new methods of recruiting perpetrators, as well as the goals of trafficking in children. Official statistics on trafficking in human beings certainly do not reflect the magnitude of the phenomenon. Hence, there are numerous attempts to estimate the annual number of victims by various organizations. Frequently appointed International Organization for Migration speaks of 700,000 to 2 million victims per year.

According to the UN, trafficking in human beings – children and women forced to prostitution and workers forced to slave labor – is today the most profitable crime in Europe. Profits from it amount to 2.5 billion euros annually, and the number of its victims is growing by 50 percent a year. Gangs that trade people are very hermetic and difficult to work with. Therefore, it is difficult to determine the real scale of this phenomenon. In Poland, 15 076 people were missing in 2013, some of whom may have been victims of human trafficking.

According to UNICEF and the inter-agency UN counter-terrorism cooperation group (ICAT) of 2018, nearly 28% of the identified victims of trafficking in human beings in the world are children. In regions such as sub-Saharan Africa, Central America or the Caribbean, children represent an even greater percentage of victims – from 62 to 64%. (UNICEF, 30/07/2018).

That is why it is so important to prevent and systematically cooperate countries around the world, develop legal documents, adapt them to the changing phenomenon of child trafficking to prevent the use of minors and minors.

It would be advisable to:

- Continue cooperation with states regarding the creation of legal documents regarding the fight against and trafficking in human beings.
- Update the legal documents in force, adequately to reports prepared every year on the subject of trafficking in people, especially children.
- Organize trainings for school management staff, care and educational centers and resocialization centers regarding the prevention of child trafficking.
- Organize workshops for parents and legal guardians of children regarding the prevention of child trafficking
- Introduce obligatory classes for kindergartens, primary and secondary schools aimed at prevention of the above-mentioned phenomenon

Data on child trafficking are estimates, often difficult to obtain, and there are serious difficulties in identifying victims of child trafficking in Poland. Despite the widely taken actions to counteract this phenomenon, the detection of this crime and the identification of minor victims of trafficking are scarce. “Trafficking in human beings is a crime that we should all be ashamed of” ( [http:// www.lex.pl/akt/-/akt/forum-walki-z-handlem-ludzmi-wieden-13-15-ii-2008](http://www.lex.pl/akt/-/akt/forum-walki-z-handlem-ludzmi-wieden-13-15-ii-2008)).

REFERENCES:

Constitution of the Republic of Poland

Convention for the Protection of Human Rights and Fundamental Freedoms, Done in Rome on November 4, 1950, subsequently amended by Protocols No. 3, 5 and 8, and supplemented by Protocol No. 2, U. of 1993 No. 61, item 284.

Global report Trafficking in Persons 2018 Access (24-06-2019) z [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf)

Kirchner, H. (1997) Janusz Korczak, writer-educator-thinker, Institute for Literary Research

Klebeko, B. (2014) Trafficking in human beings one of the greatest threats to the realization of the idea of human rights: UJ

Lasocik, Z. (2007) Trafficking in human beings – social and legal aspects. “Sociological Studies”, No. 4, pp. 34-45

Lukasek, A. (2014). Trafficking in women – an attempt to analyze the problem. in: E Łuczak., S. Przybyliński, J. Żeromska-Charlińska (ed.), *An Explicit Approach to the Rehabilitation Process* Olsztyn: UWM

Ministry of the Interior and Administration “Human trafficking in Poland. Report for 2017.

Morawska, A. (2003) Sexual exploitation of children for commercial purposes, outline of the problem in the international perspective. *Child abused. Theory, research, practice* No. 2, pp. 1–14

Nexis Penal Code 2013, Lexis publishing house Lexis, Nexis

The motto of the Vienna Fight against Trafficking in Human Beings (held on February 13-15, 2008) organized by the United Nations Global Initiative is Fight Human Traffing (UN.GIFT) and the Bureau on Narcotics and Crime of the United Nations (UNODC) , Acquired (5/11/2014) from [http:// www.lex.pl/akt/-/akt/forum-walki-z-handlem-ludzmi-wieden-13-15-ii-2008](http://www.lex.pl/akt/-/akt/forum-walki-z-handlem-ludzmi-wieden-13-15-ii-2008)

The problem of child trafficking in Poland and in the world. (2011) Nobody’s Children Foundation

UN Article 3 of the Protocol of 2000 on preventing, combating and punishing trafficking in persons, especially women and children, supplementing the UN Convention against Transnational Organized Crime

Universal Declaration of Human Rights passed by the General Assembly of the United Nations on December 10, 1948, Acquired (November 5, 2014) with [http://www.unesco.pl/fileadmin/user\\_upload/pdf/Powszechna\\_Deklaracja\\_Praw\\_Czlowieka.pdf](http://www.unesco.pl/fileadmin/user_upload/pdf/Powszechna_Deklaracja_Praw_Czlowieka.pdf)

Working on a text based on Janusz Koreczak. How to love a child. A child in a family in Dzieła vol 7 Warsaw: Ombudsman for Children's Rights

World Report on Human Trafficking 2016 (GLOTIP 2016) United Nations Office on Drugs and Crime (UNODC)

INTERNET SOURCES:

Autor: mm / Źródło: PAP obtained (24-06-2019) from <https://www.tvn24.pl/wiadomosci-ze-swiata,2/raport-onz-o-handlu-ludzmi-rosnie-udokumentowana-liczba-ofiar,898060.html>

UNICEF obtained (24-06-2019) from <https://www.unicef.pl/Centrum-prasowe/Informacje-prasowe/UNICEF-Niemal-1-3-ofiar-handlu-ludzmi-na-swiecie-to-dzieci>

