



MASTER ENFORCEMENT TRAINING PROGRAM

Enforcing the Labor and Criminal Law to Address Child Labor, Forced Labor, and Human Trafficking

IDENTIFICATION



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Introduction to Module 1

Module 1 of the Enforcement Training Program focuses on Identification. Identification is the first step of child labor, forced labor, and human trafficking cases. Subsequent steps of this process are addressed in the modules on Investigation, Referrals, Prosecution, and Sentencing. The ability to identify and recognize child labor, forced labor, and human trafficking cases is important for first responders, law enforcement, labor inspectors, non-governmental organizations (NGOs), civil society organizations (CSOs), prosecutors, and judges. This module begins by looking at what child labor, forced labor, and human trafficking are, referring to international standards and norms. Definitions of these terms may vary in national legislation, so it is important to consult local laws and regulations. Indicators of child labor, forced labor, and human trafficking are covered next. Finally, the module addresses how to distinguish child labor, forced labor, and human trafficking from each other and from other crimes. The module has three interactive exercises to help put into practice the concepts learned during lessons.



Photo Credit: ©CIAT/Neil Palmer, 2010, Bolivia

Lesson 1.1: What are Child Labor, Forced Labor, and Human Trafficking?

Objective:

- Understand the definitions of key terms related to child labor, forced labor, and human trafficking; facts and figures about child labor, forced labor, and human trafficking; and what these crimes look like in practice.

Time:

 2 hours and 10 minutes

Steps:

- Exercise 1.1.1: Impact Icebreaker
 - 25 minutes
- Present PowerPoint Presentation 1.1: What are Child Labor, Forced Labor, and Human Trafficking?
 - 45 minutes
- Exercise 1.1.2: Definitions of Child Labor, Forced Labor, and Human Trafficking
 - 1 hour

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 1.1: *What are Child Labor, Forced Labor, and Human Trafficking?*
- Projector
- Exercise 1.1.2: *Definitions of Child Labor, Forced Labor, and Human Trafficking*
- Handout 1.1.2: *Definitions of Child Labor, Forced Labor, and Human Trafficking*
- Handout 1.1.2 Key: *Definitions of Child Labor, Forced Labor, and Human Trafficking*

Overview of Child Labor, Forced Labor, and Human Trafficking

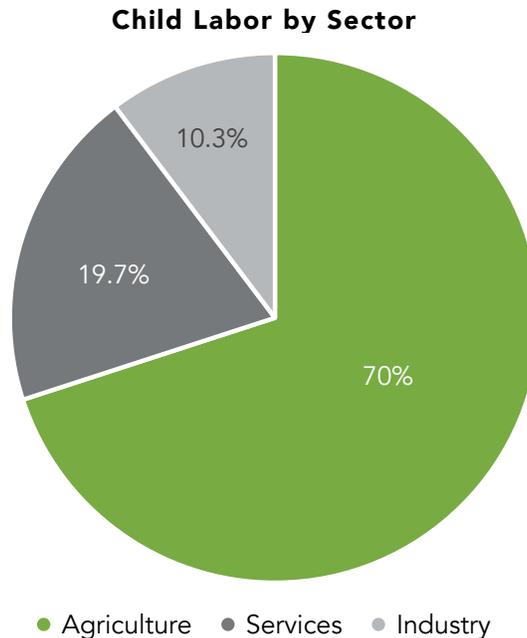
Millions of people around the world are engaged in child labor, forced labor, and human trafficking. The types of work that child laborers, forced laborers, and trafficked persons perform can vary from country to country, but many of the factors driving these activities and the negative impacts they cause are common globally.

Child Labor: Sustainable Development Goal 8.7 calls for the elimination of “child labor in all its forms” by the year 2025. Between 2016 and 2020 child labor increased in absolute terms. This was the first-time child labor estimates increased from the time that reporting began in 2000. Globally, an estimated 160 million children were engaged in child labor at the beginning of 2020.¹ Of child laborers, 63 million were girls, 97 million were boys, and nearly half—79 million—were engaged in hazardous work. There were 8 million more children engaged in child labor in 2020 than in 2016, while the number of children engaged in hazardous work increased by 6.5 million, the percentage of children engaged in these activities has remained constant. The number of children aged 12 to 14 and 15 to 17 engaged in child labor declined in both percentage and absolute terms, but the number of children aged 5 to 11 engaged in child labor increased by 16.8 million between 2016 and 2020.

Between 2000 and 2016, the number of children engaged in child labor globally was reduced by 94 million. The rates decreased substantially between 2012 and 2016. Some of the decrease could be due to global economic decline, which made all employment, including child labor, more difficult to obtain during those years.

Information about the sectors in which children are engaged in child labor can be seen in the figure below.

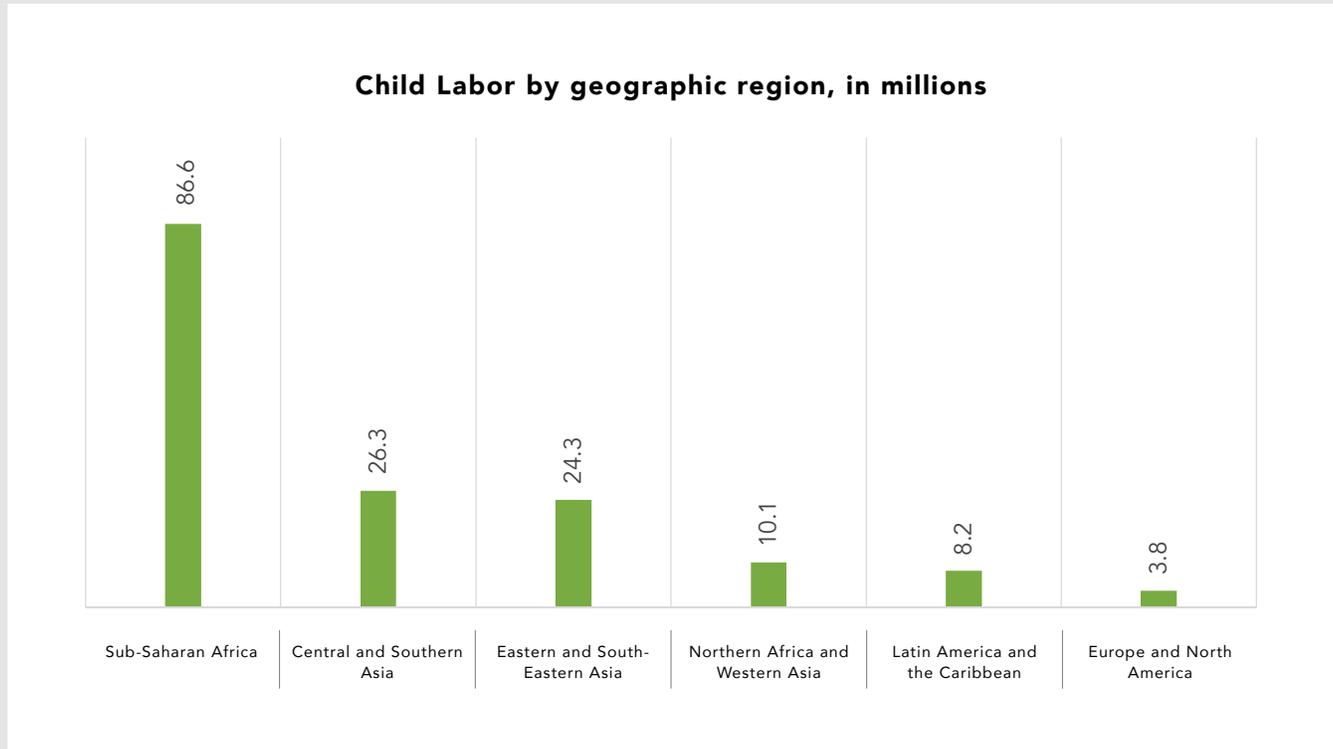
Figure 1: Child Labor Engagement by Sector



¹ *Child Labour: Global Estimates 2020, Trends and the Road Forward*, International Labour Organization and UNICEF, 2021, p. 8 https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_797515.pdf

Globally, the majority of child labor takes place in agriculture (70%), with over 75% of children ages 5 to 11 years in child labor working in agriculture.² Children working in agriculture often work for their families, in part because the majority of child laborers are employed by their families. Of child laborers globally, 32.9% in agriculture are in hazardous work, 54.8% in industry are in hazardous work, and 38.2% of those in services are in hazardous work.³

Figure 2: Global Spread of Child Labor by Geographic Region⁴



The majority of children engaged in child labor live in sub-Saharan Africa, where 23.9% of children ages 5-17 are in child labor.⁵ Sub-Saharan Africa is the only region where the percentage and number of children in child labor has been increasing since 2012. This increase is linked to high rates of extreme poverty in the region (40%), gaps in education, and a heavy reliance on the informal sector, which provides 86% of jobs in Africa.⁶ Child labor is nearly three times higher in rural areas than urban ones globally.⁷

Globally, the majority of children work in the informal sector. Due to inadequate monitoring and inspection, government resource restraints, and poor enforcement throughout the informal economy, children are not easily identifiable at job sites. This leaves children largely unprotected from rules which regulate legal work for children.⁸

2 Ibid. at p. 9.

3 Ibid. at p. 41.

4 Ibid. at p. 22.

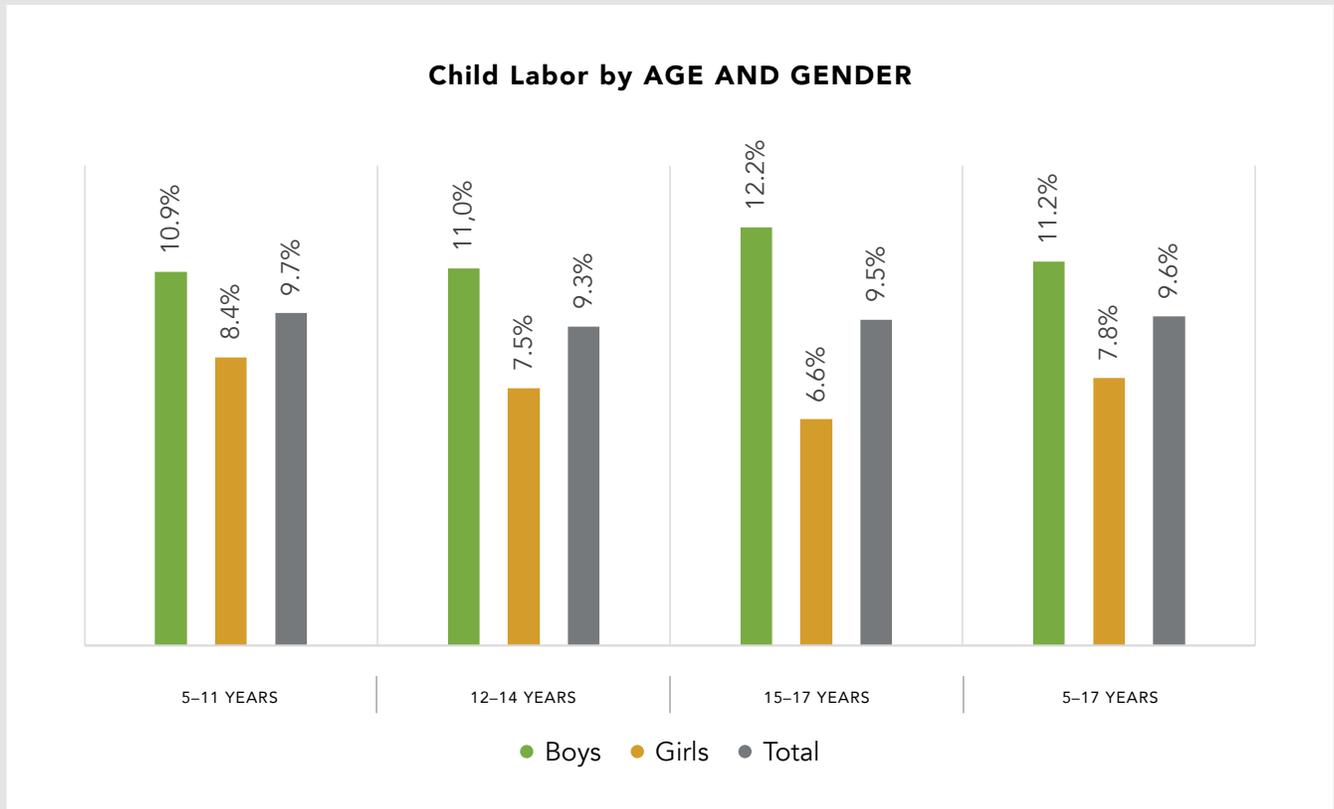
5 Ibid. at p. 22.

6 Ibid. at pp. 26-27.

7 Ibid. at p. 35.

8 *Findings on the Worst Forms of Child Labor Report: Liberia*, United States Department of Labor Bureau of International Labor Affairs, 2021, p.2. <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>

Figure 3: Comparison of Child Labor by Age and Gender⁹



While International Labour Organization (ILO) data indicate that boys are more frequently engaged in child labor and hazardous work,¹⁰ it should be noted that girls tend to work in less visible forms of child labor and may be under-reported. Girls perform household chores at a higher frequency and for longer hours than boys do. Household chores are not inherently damaging to children. However, two thirds of children aged 5–14 years who perform 21 hours per week or more of chores—which can negatively impact their education and/or physical, mental, or social well-being—are girls.¹¹ Among these girls, nearly 7 million perform chores for 43 or more hours each week, which is considered “extremely long hours.”¹² The ILO found that once performing 21 hours or more per week of chores is classified as child labor, it considerably narrowed the gender gap between girls and boys in child labor.¹³

Forced Labor and Human Trafficking: According to the 2021 *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage*,¹⁴ authored by the International Labor Organization (ILO), Walk Free, and the International Organization for Migration, approximately 50 million people are in situations of modern slavery on any given day, either forced to work against their will (27.6 million) or in a marriage that they were forced into (22 million). COVID-19 has exacerbated the underlying drivers of all forms of modern slavery, which often is linked to economic hardship.¹⁵

9 *Child Labour: Global Estimates 2020, Trends and the Road Forward*, International Labour Organization and UNICEF, 2021, p. 12. https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_797515.pdf

10 Ibid. at p. 28.

11 *Global Estimates of Child Labour: Results and Trends, 2012-2016*, International Labour Office, 2017, p. 14. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf

12 Ibid. at p. 14.

13 *Child Labour: Global Estimates 2020, Trends and the Road Forward*, International Labour Organization and UNICEF, 2021, p. 33. https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_797515.pdf

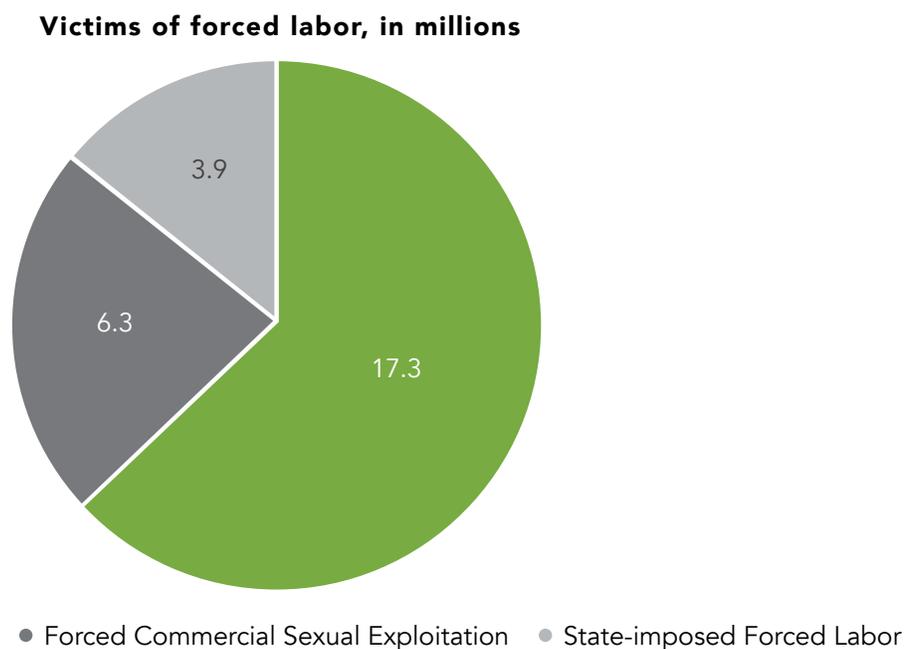
14 *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage*, International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), 2022, pp. 1-2. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf

15 Ibid. at p. 5.

Worldwide, 27.6 million people are in situations of forced labor.¹⁶ Withholding wages is the most common means of forcing people into labor (36 percent of adults in forced labor in the private economy subjected to this form of coercion).¹⁷ Other means include violence or physical threats or acts, debt bondage, threats against family, or sexual threats. Men and women experience coercion differently, with women more likely to be subjected to wage non-payment, abuse of vulnerability through threat of dismissal or physical and sexual violence and threats against family members, while men in forced labor more likely to be subjected to threats of violence and financial penalties, confiscation of identity documents, threat of deportation, and forced confinement.¹⁸

There is a close link between forced commercial sexual exploitation and trafficking. According to the United Nations Office on Drugs and Crime (UNODC), “half of all identified trafficking cases reported to the organization in 2018 involved trafficking for the purpose of commercial sexual exploitation.”¹⁹

Figure 4: Percentage of Victims Working in Three Categories of Forced Labor²⁰



Of the 6.3 million victims of forced commercial sexual exploitation, 1.7 million are children (27 percent).²¹ Nearly 80 percent of those trapped in forced commercial sexual exploitation are women or girls.²² Additionally, 51% of all children in forced labor are in commercial sexual exploitation.²³

Forced commercial sexual exploitation can be transnational. UNODC has found complex transnational trafficking mechanisms where there is collaboration between criminal groups specializing in recruitment and brokering women for commercial sexual exploitation in a source country and other criminal networks specializing in their “reselling” and abuse in destination countries.²⁴

16 Ibid. at p. 2.

17 Ibid. at p. 41.

18 Ibid. at p. 41.

19 Ibid. at p. 45.

20 Ibid. at p. 26.

21 Ibid. at p. 45.

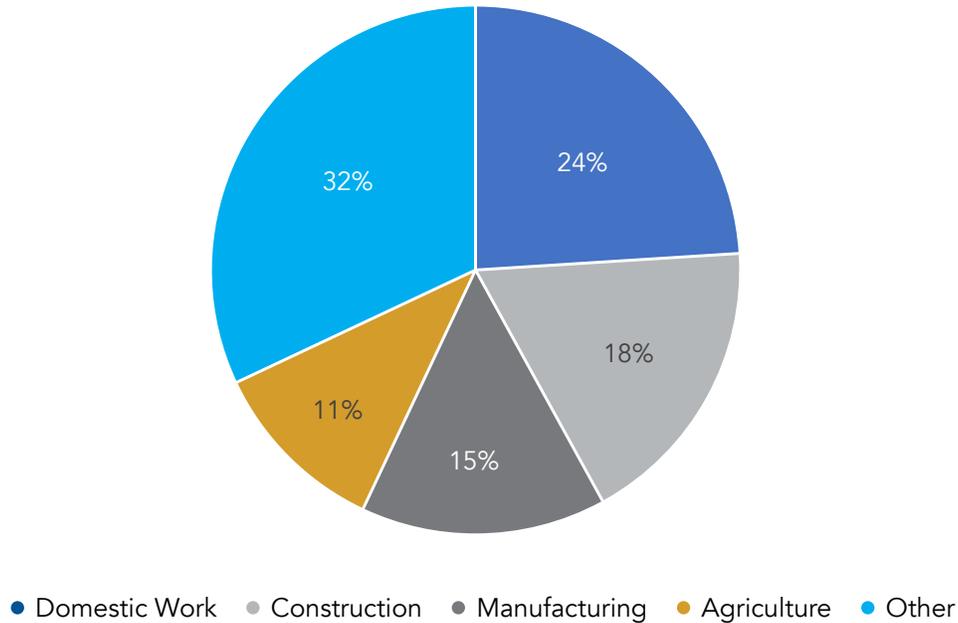
22 Ibid. at p. 45.

23 Ibid. at p. 46.

24 Ibid. at p. 45.

Figure 5: Forced Labor Exploitation by Sector²⁵

Forced Labor Exploitation by Sector



In the above chart, “other” includes begging and involvement in illicit activities.²⁶ Of the 17.3 million people in situations of forced labor exploitation,²⁷ 35 percent are female,²⁸ and 8 percent are children.²⁹ Men in forced labor exploitation tend to work in mining, begging, construction, manufacturing, and agriculture. Women in forced labor exploitation are often engaged in domestic work, accommodation, and food services. One-fifth of men and women in forced labor exploitation are victims of debt bondage, often due to recruitment fees, withheld wages, or other coercive practices of predatory recruiters or employers.³⁰ This figure is much higher for adults in forced labor in mining and quarrying (43.1%), agriculture (31.0%), and construction (27.4%).³¹

Regarding forced child labor and human trafficking, identified cases of child trafficking for forced labor reported by the Counter Trafficking Data Collaborative (CTDC) indicate that children are most commonly trafficked into domestic work (21 percent), followed by begging (10 per cent), the hospitality sector (7 percent), street and small-scale informal retail (6 percent), illicit activities (6 percent), and agriculture (5 percent), while other reports point to child trafficking for forced labor in agriculture and mining and quarrying, among others.³²

25 Ibid. at p. 31.

26 Ibid. at p. 31.

27 Ibid. at p. 26.

28 Ibid. at p. 34.

29 Ibid. at p. 30.

30 Ibid. at p. 43.

31 Ibid. at p. 44.

32 Ibid. at p. 49.

Impact on Victims and Survivors

Child labor, forced labor, and human trafficking have significant impacts on victims and survivors. These impacts are both short and long term and are important to keep in mind when investigating and prosecuting child labor, forced labor, and human trafficking cases.

Child Labor: Child labor is harmful to children’s physical development because their bodies are still growing, and work performed in childhood can leave them at risk of illness and injury. Child labor harms children’s emotional growth and prevents them from forming normal emotional bonds with family and friends. They may also be subjected to fear, isolation, degradation, and exploitation that can leave them with low self-esteem and a lack of interpersonal skills. Child labor is also harmful to children’s social development because it prevents them from attending school, playing, socializing with peers, and enjoying life, and pushes them to maturity and adulthood prematurely. Children engaged in WFCL may be subjected to injuries or illness such as respiratory diseases or sexually transmitted diseases, sexual or physical violence, overly strenuous work, or overly long hours that harm their physical growth and development.³³

Child labor can contribute to long-term cycles of poverty, lack of education, unemployment, isolation, and drug and alcohol abuse. Children engaged in child labor are more likely to drop out of school, be chronically absent or tardy, too tired to learn properly, and may perform worse than their peers academically.³⁴ Approximately one-third of children in child labor are not in school.³⁵

Human Trafficking and Forced Labor: Victims and survivors of human trafficking and forced labor often fear or mistrust law enforcement due to lies told by their trafficker or exploiter and from previous experiences of mistreatment or criminalization. Victims and survivors also may not trust other service providers. Victims and survivors may fear reprisal against their families, feel shame or stigmatization, not understand that they are victims/survivors, or believe they can resolve their situation on their own without assistance. Victims and survivors of human trafficking and forced labor may have experienced sexual abuse and related trauma. They may feel dependent on or grateful towards their trafficker or feel “bonded” to him or her and believe their family or community will never take them back after their experiences.³⁶ Victims and survivors may have illnesses or injuries as a result of forced labor and trafficking. Victims and survivors may have been denied medical care to avoid discovery.

Child victims of human trafficking may become seriously injured or ill, in some instances resulting in death. Child trafficking victims are sometimes subjected to physical violence, starvation, or provided drugs, and both girls and boys can be victims of sexual violence (although girls are more commonly subjected to sexual abuse than boys). Child trafficking victims may be exposed to dangers, including working with chemicals and heavy machinery, and in the case of commercial sexual exploitation, sexually transmitted diseases (STDs) or pregnancy. Child victims and survivors of trafficking may experience psychological problems from being separated from their families and communities, which can lead to depression and suicide attempts.³⁷

33 *Child Labor Manual: A Resource for Labor Inspectors and Officers in Pacific Island Countries*, International Labor Organization (ILO), 2015. https://www.ilo.org/suva/publications/WCMS_494313/lang--en/index.htm

34 *Training Manual on Child Labour in Afghanistan*, International Labour Organization (ILO), 2018, p. 41. https://www.ilo.org/wcmsp5/groups/public/--ed_norm/---ipec/documents/instructionalmaterial/wcms_667934.pdf

35 *Global Estimates of Child Labour: Results and Trends, 2012-2016*, International Labour Office (ILO), 2017. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf

36 *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*, The International Association of Chiefs of Police, 2007. <https://www.theiacp.org/resources/document/the-crime-of-human-trafficking-a-law-enforcement-guide-to-identification-and>

37 *Training Manual to Fight Trafficking in Children for Labor, Sexual, and Other Forms of Exploitation: Understanding Child Trafficking*, International Labor Organization (ILO), 2009. https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_10771/lang--en/index.htm

Impact on Society

Child labor negatively impacts families and communities. Communities that rely on child labor are deprived of a more educated community and future increased earning potential. Children engaged in child labor often grow up to find themselves in the same subsistence situations that their families were in when they were children and unable to break cycles of poverty and lack of education. These children may also develop drug or alcohol problems or sustain psychological damage that can lead to violent crimes and negatively impact society as a whole.³⁸

Child trafficking harms families who lose their children to this crime. In instances where parents receive the money they were promised for their child's labor, other families may be incentivized to send their children into exploitation. Ending a child's education, which nearly always occurs when a child is trafficked, has economic and social ramifications for communities and countries, and girls may be less likely to marry if they are considered to have been harmed by their experiences. Trafficking perpetuates cycles that put future generations at risk of poverty and trafficking, and when children return injured or sick, it puts a strain on the families, communities, and countries that must care for them. Efforts to rehabilitate survivors and prevent child trafficking can drain resources from countries, governments, and communities.³⁹

Definitions

OVERVIEW OF TYPES OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

To understand child labor, forced labor, and human trafficking, it is important to understand key terms and definitions in both international conventions and domestic law. In this module, the definitions used are international standards from International Labour Organization Conventions (ILO Conventions) and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol). Definitions can vary at the country level, so it is crucial to consult local legislation and regulations to fully understand how to identify child labor, forced labor, and human trafficking locally. By understanding how these terms are defined internationally and at the local level, it can be easier to recognize cases of child labor, forced labor, and human trafficking and build a case for these types of offenses.

Child Work: Not all work performed by children is child labor. Child work is work that can be done legally by children. It is not child labor. Child work has restrictions based on age, working conditions, hours, and types of work that are performed. Child work should not negatively impact children's education or physical, mental, emotional, or social development. Working can allow children to develop skills that may help them in adulthood. Children can also gain responsibility through child work. Child work, understood to be benign or even beneficial for children, includes providing limited help to a family business or working small odd jobs to earn spending money when not in school.⁴⁰ In some jurisdictions, children may be permitted to work part time before or after school or full time with restrictions if they have reached the minimum age for employment. Examples of child work are illustrated below.

Martin is 15 years old, and he works at a dry goods store for two hours a day after school. He is responsible for taking inventory and helping customers locate items in the store. The job helps him pay for school fees and save some additional money.

Jasmine is 17 years old. She has a full-time job working as a receptionist at a doctor's office. She works 35 hours per week. Jasmine answers phones, helps schedule appointments, checks patients in when they arrive, and files paperwork. She hopes to train as a nurse once she has saved up more money.

38 *Training Manual on Child Labour in Afghanistan*, International Labour Organization (ILO), 2018. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/instructionalmaterial/wcms_667934.pdf

39 *Training Manual to Fight Trafficking in Children for Labor, Sexual, and Other Forms of Exploitation: Understanding Child Trafficking*, International Labor Organization (ILO), 2009. https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_10771/lang--en/index.htm

40 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

The chart below details the type of work children are legally permitted to engage in based on ILO Conventions. These ages serve as an example. Local legislation should be consulted to ensure that the ages included below are accurate. More information about the different types of employment can be found in the following chart (Table 1).

Table 1: Different Types of Child Employment

Type of Employment	Description	Age at Which Permitted by ILO
Light Work	Part-time work that is not likely to harm the health, safety, morals, or education of a child	13, can be lowered to 12 for developing economies
Minimum Age for Employment	Full-time employment that is non-hazardous	15, can be lowered to 14 for developing economies, must not be lower than the age of compulsory education
Hazardous Work	Work that is likely to harm the health, safety, or morals of a child	18, can be lowered to 16 for tasks identified by the government if the hazards have been mitigated
Worst Forms of Child Labor	<ul style="list-style-type: none"> a. All forms of slavery and practices similar to slavery, b. Prostitution and pornography, c. Illicit activities d. Hazardous work 	a–c are never permissible for children

Child Labor: Child labor occurs when children engage in employment, whether formal or informal, paid or unpaid, that is not permitted by law. This is different from child work, which can legally be performed by children (see “child work” definition above). Child labor can include children working at a younger age than the legal age of employment, working more hours than permitted for their age, or working in jobs children are not permitted to engage in (such as dangerous jobs like mining), or having work negatively impact their education, as in the case of younger children. The ILO defines Child Labor as “work that deprives children of their childhood, potential, dignity and which is harmful to their physical and mental development,”⁴¹ including “work that

- Is mentally, physically, socially, or morally dangerous and harmful to children; and
- Interferes with their schooling by:
 - Depriving them of the opportunity to attend school;
 - Obliging them to leave school prematurely; or
 - Requiring them to attempt to combine school attendance with excessively long and heavy work”

An example of child labor is provided below.

Vivian, an 11-year-old girl, spends her days selling peanuts and mints on the streets of her town instead of attending school. Her father’s death has put an economic strain on the family and Vivian must sell goods on the street to help pay for food for her family.

In this situation, Vivian is obligated to leave school prematurely. Social and economic support to her family could help her return to school.

⁴¹ *What is Child Labour*, International Programme on the Elimination of Child Labour (IPEC), International Labour Organization (ILO). <http://www.ilo.org/ipec/facts/lang--en/index.htm>

Minimum Age for Employment:

ILO Convention 138 on Minimum Age requires that the minimum age for employment

*shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.*⁴²

However, the minimum age for employment can be lowered to 14 if the country has an emerging economy.⁴³ The ILO recommends that countries set the minimum age for employment at 16.⁴⁴

Chores: Chores are distinct from child work. Children are permitted to perform household chores, or “services for consumption within their own households...include[ing] caring for household members; cleaning and minor household repairs; cooking and serving meals; washing and ironing clothes; and transporting or accompanying family members to and from work and school.”⁴⁵ Although chores are considered a normal and healthy part of a child’s development, excessive involvement in chores can negatively impact children’s schooling and social and emotional growth. Household chores, which are performed without economic compensation in a child’s own home and contribute to the well-being of the child’s family, should not be confused with children in domestic work. Domestic work involves household tasks and domestic duties performed for payment in a household that is not the child’s own.⁴⁶ Children engaged in domestic work are frequently in situations of child labor due to the long hours, working conditions, nature of tasks performed, and negative impacts on education. It should be noted that the burden of household chores falls disproportionately on girls as domestic tasks are often seen as the responsibility of women and girls. This can negatively impact girls’ education, including girls combining chores with employment and/or school and leaving school early.

Light Work: Children of a certain age may engage in light work. Light work is generally seen as part-time work that is not hazardous and does not interfere with school. The ILO’s Minimum Age Convention defines light work as work that is

(a) not likely to be harmful to their health or development; and

*(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.*⁴⁷

Light work is permitted for children beginning at age 12 or 13 (depending on whether the country has an emerging economy)⁴⁸ and should not exceed 14 hours per week per child.⁴⁹ The child’s parents, medical experts, and sometimes school authorities should all be consulted before children are engaged in light work.⁵⁰ Examples of light work are provided below.

Joshua is 13 years old. He works for two hours a day, four days a week, as an assistant coach for a youth soccer team. He helps the coach demonstrate skills and helps to lead drills for the players. He works after school and on the weekends. Joshua is performing well in school and has perfect attendance.

42 Convention concerning Minimum Age for Admission to Employment, 1973 (No.138). (Entered into force June 19, 1976), Article 2(3). International Labour Organization (ILO). [hereinafter *Minimum Age Convention*] http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138

43 Minimum Age Convention, Article 2(4).

44 *Recommendation Concerning Minimum Age for Admission to Employment, 1973 (No. 146)*, Article 7(1). International Labour Organization (ILO). https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312484

45 *Global Estimates of Child Labour: Results and Trends, 2012-2016*, International Labour Office (ILO), Geneva, 2017, p. 21. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf

46 *Training Manual on Child Labour in Afghanistan*, International Labour Organization (ILO), 2018. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/instructionalmaterial/wcms_667934.pdf

47 Minimum Age Convention, Article 7(1).

48 Minimum Age Convention, Articles 7(1) and (4).

49 *Nepal Labor Inspection Training on Child Labor Facilitator’s Guide*, Verité and Winrock International, 2018. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

50 *Training Manual on Child Labour in Afghanistan*, International Labour Organization (ILO), 2018. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/instructionalmaterial/wcms_667934.pdf

Linda is 14 years old. She has a part-time job labeling fruit at a farm. She works for six hours on the weekend putting stickers on fruit. Linda is able to work with some of her friends. They are happy that they do not have to lift the heavy baskets of fruit as part of their job and are able to work out of the sun.

Worst Forms of Child Labor: The ILO identifies a subsection of child labor, the worst forms of child labor (WFCL), which children under 18 years of age should not participate in. Article 3 of ILO Convention No. 182 on the Worst Forms of Child Labor defines WFCL as follows:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

Hazardous Work: Under ILO Convention 182 Article 3(d), hazardous child labor is work that by its nature or the circumstances in which it is carried out is likely to harm the health, safety, or morals of children. Table 2 below summarizes the difference between light work and non-hazardous work performed by children who have reached the minimum age of employment.

Table 2: The Difference between Light Work and Non-Hazardous Child Labor

Cannot Negatively Impact	Light Work	Non-Hazardous Employment Performed by Children Who Have Reached the Minimum Age for Employment
Health	✓	✓
Safety	✓	✓
Morals	✓	✓
Education	✓	

Hazardous work is work that is dangerous for children because of the unsafe or unhealthy conditions in which it is carried out, a lack of training or safety equipment, or because it is work that is particularly dangerous for children, such as carrying heavy loads, working with chemicals, or having to use dangerous tools. Children are smaller than adults and are still growing and developing, causing many of the hazards they encounter on the job to be more dangerous for them than for adults. Carrying heavy loads can cause permanent damage to a growing child (such as a spine curvature). Additionally, the damage to a child from chemical inhalation is also likely to have a more severe and long-term impact than for adults. Further explanation of what types of work can be considered hazardous child labor can be found in Article 3 of ILO Recommendation No. 190, which lists the following activities:⁵¹

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;

51 Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999 (No. 190), Article 3. International Labour Organization (ILO). https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312528

(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Examples of hazardous work are provided below.

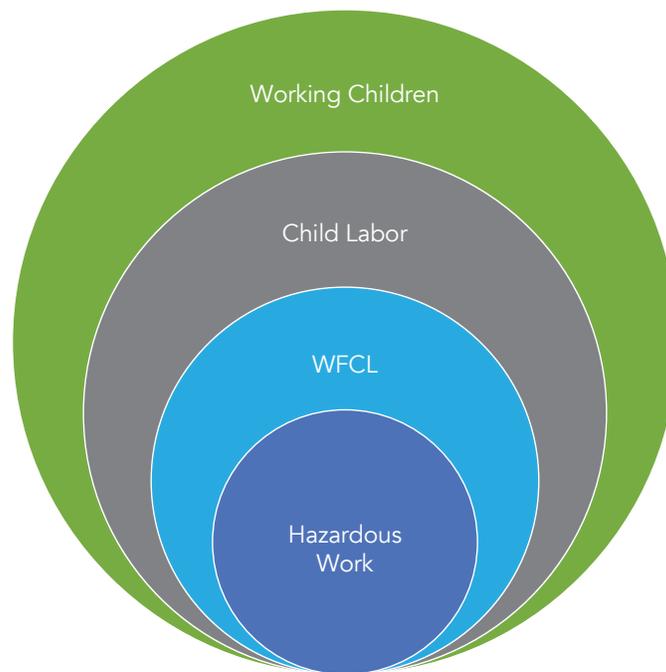
Priya is 15 years old. She works in a carpet-making factory 10 hours a day, six days a week. She has to work hunched over, and her back frequently hurts. The factory is hot and there are a lot of fibers in the air, which have caused her to develop a cough that she has had for the past six months.

Phil is 14 years old. He works as a porter, carrying bricks from the kiln to job sites. He works every day. The bricks are heavy, and he has cuts and scrapes from carrying them. Phil has to work outside carrying the bricks even when the weather is bad.

The ILO has acknowledged that in some circumstances, hazards can be mitigated for children ages 16 and 17. For children ages 16 and 17 to be able to engage in work that is included on a country’s hazardous work list, the country must list it as a type of work in which it is possible to mitigate the hazards for children ages 16 and 17 to protect their health, safety, and morals and provide adequate instruction (effectively making the work non-hazardous).⁵²

The figure below explains the relationship between working children, child labor, WFCL, and hazardous work.

Figure 6: Relationship between Working Children, Child Labor, Worst Forms of Child Labor, and Hazardous Work



52 Minimum Age Convention, Article 3(3).

This figure shows that, out of the total population of working children, some are working legally while others are engaged in child labor. Of those children engaged in child labor, some but not all of the children are engaged in WFCL, with hazardous work being one of the four types of WFCL.

Below are the definitions and some examples of each category:

- Working Children: (1) Light work performed by children ages 13 and 14 and (2) legally permitted full-time or part-time work performed by children ages 15 to 17
 - Annie is 14 years old and work 2 hours a day, Monday-Friday stocking pantry items at a local grocery store. (Permitted light work for children ages 13-14).
 - Sam is 17 years old and works full-time as cashier at a supermarket. (Permitted full-time work for children ages 15 to 17)
- Child Labor: ALL work that is NOT legally permitted for working children in both age groups 13-14 and 15-17. In other words, work that people under 18 should not participate in
 - Charlie is 13 years old and works full time as a waiter at a local restaurant. (Children under 15 cannot work full time).
 - Child labor hazardous work example: Grace is 16 years old and works at a mine under mining holes underground. (All children cannot engage in hazardous work).
- Worst Forms of Child Labor (WFCL): Four worst types of child labor: (1) slavery and similar practices, such as child trafficking and forced child labor; (2) prostitution and similar activities; (3) child labor in illicit activities; (4) hazardous work, which are prohibited for ALL children
 - Samuel is 16 years old and works on a fishing boat. He has been on the boat for over 2 years and is not allowed to return to land until he meets his fishing quota. (Slavery and similar practices: forced labor and could be human trafficking)
- Hazardous Work: One of the four types of WFCL because hazardous work is likely to harm the health, safety, or morals of children
 - Lucy is 16 years old and works 12 hours a day on a farm spraying pesticide. She felt sick from inhaling the chemicals and has not been allowed to see a doctor.

Forced Labor: ILO Convention 29 on Forced Labor defines forced labor as

*All work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*⁵³

The “penalty” referenced in the definition includes not just physical or sexual violence but also threats to report a victim to immigration authorities, threats to inflict physical harm on the victims or their family or friends, and the withholding of wages or personal documents.⁵⁴ Forced labor also includes people in situations of debt bondage, defined as “being forced to work to repay a debt and not being able to leave, or being forced to work and not being able to leave because of a debt.” Traditional debt bondage, similar to feudal systems, still exists today. However, modern debt bondage often refers to situations where workers are charged fees from recruitment agencies, which can lead workers or their families to take on loans that they cannot repay without the job, trapping them in the position. In some instances, these debts can be passed down from parents to children, keeping entire families in poverty and forced labor for generations.

53 Convention concerning Forced or Compulsory Labour, 1930 (No.29). (Entered into force 1 May 1932), Article 2(1). International Labour Organization (ILO). [hereinafter *Forced Labor Convention*] https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO

54 *Victims of Modern Slavery – frontline staff guidance. Version 3.0*, UK Home Office, 2016. <https://www.antislaverycommissioner.co.uk/media/1057/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf>

Examples of forced labor:

Sanjay was offered a job as a cook in another country. His employer would pay for the cost of Sanjay's travel and arrange his visa. The salary he was promised was twice as high as he could make in his hometown. Sanjay's family borrowed money to pay the recruiter a recruitment fee that was two months of his promised salary. When Sanjay arrived at his job site, he discovered that the salary he would be paid was half of what he was promised. He could not look for other jobs in the country he was working because his employer sponsored his visa, and he could only stay in the country if he kept working for the same employer. Sanjay knew he had to earn enough money to pay off the loan his family obtained because if they could not pay, his father would lose his family's small farm.

Mary is a domestic worker. She had been excited to take the job because it was in a city and she looked forward to seeing new places and making friends. She hoped to start taking some classes at a local university. Once Mary arrived, her employers took her phone and did not let her leave the house unless it was to buy groceries for the family. Mary has been told that if she tries to leave, her sister will be harmed.

Although forced labor is often associated with poor, dangerous working conditions, the elements of coercion and/or deception are necessary to meet the criteria of forced labor. Poverty and unemployment create structures in which workers may accept unfavorable conditions, but these are not inherently situations of forced labor.⁵⁵ Exploitative working conditions, including situations in which workers are not fairly compensated or are expected to work in dangerous conditions, are not considered forced labor, even if the worker feels compelled to accept the conditions due to economic hardship.⁵⁶ However, if a worker is paid less than he or she was promised or is forced to do a different job than agreed to—which in many instances of forced labor is more dangerous work or has more hours—then it may be a case of forced labor.

Human Trafficking. Human trafficking (also referred to as “trafficking in persons”) is defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (often referred to as the Palermo Protocol) as:

Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, or the removal of organs.⁵⁷

Examples of human trafficking:

Anya was offered a modeling job by a man posing as an agent. She traveled with him to another city, where she was forced to work as a prostitute. Anya was told that if she left, her family and friends would be told that she was working as a prostitute. Her trafficker knew that the stigma Anya would face would mean that she likely would not be able to return home.

55 *Forced Labor and Human Trafficking: A Handbook for Labor Inspectors*, International Labor Office (ILO), 2008. https://www.ilo.org/global/topics/forced-labour/publications/WCMS_097835/lang--en/index.htm

56 *Victims of Modern Slavery – frontline staff guidance. Version 3.0*, UK Home Office, 2016. <https://www.antislaverycommissioner.co.uk/media/1057/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf>

57 *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 2000*. (Entered into force 25 December 2003), Article 3(a). [hereinafter Palermo Protocol on Trafficking in Persons] <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

Joseph was recruited to work in a mine. He was told that he would receive 50 percent of the gold he found. When he arrived, he learned that the men in charge of the artisanal mine took all of the gold that was found and would beat anyone who tried to hide gold or leave. Joseph was given food and a place to sleep but has to work long hours and has not been paid for the gold he found.

Forced labor can occur without the presence of human trafficking, but nearly all victims of human trafficking find themselves in situations of forced labor.⁵⁸ Although the word “trafficking” is often associated with movement, human trafficking does not require the victims to cross an international border. Victims can be trafficked within their own communities, and in some instances, within their own homes.

When the victims/survivors of human trafficking are children, the “means” mentioned in the Palermo Protocol (“...threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits...”) are not necessary for the crime of human trafficking to occur; this is because children cannot consent to being trafficked.⁵⁹ Additionally, consent is not a defense for trafficking adults if any of the means listed in Article 3 (a) were used.⁶⁰



Photo Credit: CDI, 2009, Argentina

58 *Forced Labor and Human Trafficking: A Handbook for Labor Inspectors*, International Labor Office (ILO), 2008. https://www.ilo.org/global/topics/forced-labour/publications/WCMS_097835/lang-en/index.htm

59 Palermo Protocol on Trafficking in Persons, Article 3(c). <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

60 Palermo Protocol on Trafficking in Persons, Article 3 (b). <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

WHAT CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING LOOK LIKE

Child labor is present in many sectors and types of work. It occurs most frequently in the informal sector, which is difficult for governments to monitor. The dangers and risks of child labor can vary, depending on the tasks that children are required to perform in different sectors. Forced labor and human trafficking can involve children and adults. In many instances, forced labor is performed in the open, at construction sites, or for agricultural work, giving the appearance of legitimacy. In other instances, forced labor and human trafficking may be more hidden, such as for domestic work, work on fishing boats, and work in factories.

Agriculture: Seasonal agriculture requires an influx of workers during harvest season, putting this sector at a greater risk of using child labor, forced labor, and human trafficking. If parents enlist their child in this type of work, the child may be required to migrate to a rural area. Migrating seasonally for work can make it difficult for children to stay enrolled in school, increasing the likelihood that they will leave school to work. The location of the worksite can cause children to miss school and also make it difficult for the government to monitor worksites for the use of child labor. At farming job sites, children often plow land or herd cattle and can sometimes work up to fourteen hours per day with little or no pay.⁶¹ Industrial farm equipment, silos, manure pits, and pesticides pose great physical risks to children's health and safety.

Agricultural work often relies on migrant workers due to the seasonal nature of the work, which means that workers are less likely to have access to protections provided to full-time employees. Agricultural work that includes harvesting by hand is more likely to have violations. On smaller farms, work is often in the informal sector, increasing the vulnerability of workers. The sector involves unskilled labor, and the sector often is not required to provide the same standards and benefits to agricultural workers as other employees. Agricultural workers are often required to work long hours in high temperatures, putting them at risk for heat-related illness, which can be exacerbated by heavy protective gear. Wages in the agricultural sector are frequently lower than in other sectors, and often workers are paid by quotas or piece, meaning they have to pick or harvest a certain weight of a crop. Failure to pick the quota can mean they will be financially penalized.⁶² Using a quota system can increase the number of hours workers must work in practice and lead to an increase in child labor if parents need the help of extra workers to meet their quota.

While women perform the majority of agricultural work, they work primarily on family farms and in the informal sector. In many instances, they work off the books to help their husbands meet a quota. Women in the agricultural sector are at risk of harassment and abuse, often from employers. Particularly if the women are migrants and lack legal status, they may fear being deported if they complain or report the abuse.

Landless farmers may be in situations of debt bondage. In many instances, farmers are required to pay for seeds and other inputs, which they may need a loan to pay for, but when the crop is harvested, they may make insufficient profits to recoup their investment. The farmers then have to take on additional loans the next season, increasing their debt. Sharecroppers are also frequently in debt to the owners of the land they are farming. Landless farmworkers, who are fed and housed by their employers, often have money deducted from their wages that exceeds the value of the services being provided, increasing the likelihood that they are in a situation of forced labor. In many instances, the accommodations provided by employers are substandard.

Fishing and Aquaculture: Fishing and aquaculture include wild-caught fishing, farm fishing (aquaculture), and fish processing. At fishing job sites, children often lift heavy fishing loads, clean and process fish, and repair nets. Both fishing and farming commonly involve carrying heavy loads and being exposed to the natural element, putting children at a high risk of physical deterioration or injury. While some children work on small fishing boats locally, others work on larger boats that spend long periods of time at sea, taking children away from their communities and isolating them from others.

61 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>.

62 *Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*, Verité, 2017, p. 28. <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>



Though involvement in familial fishing or agricultural work can be a normal part of childhood socialization in many communities, it is considered child labor if the tasks are risky, not age appropriate, or if the hours interfere with the child's study or playtime.

Fishing has expanded greatly in recent years, which has led to an increase in illegal, unlicensed, and unregulated fishing. These boats are more likely to rely on forced labor. The boats may catch more than the allowed quota of fish or catch protected species, resulting in dwindling fish populations.⁶³ Because of overfishing, boats must now travel further to catch fish, leading to more time at sea and increasing the vulnerability of those working on boats. Overfishing has also led to an increase in aquaculture. Farm-raised fish are sometimes fed fishmeal, which is sourced through wild-caught fishing.

Fishing in open water is often performed under hazardous conditions, particularly when on an unregulated vessel. Work must be performed on a moving ship, in bad weather or with exposure to the sun, far from medical care, and often for long periods at sea. Boats fishing in colder climates, including the arctic, expose workers to extreme cold. Workers have to use sharp, dangerous tools and heavy nets. Living quarters are often cramped, and there may not be sufficient access to adequate food and water. Workers may be required to work extremely long hours and may be subject to harsh discipline. As the boat may be at sea, workers are not free to leave and may not be able to speak to friends and family by phone. Workers on fishing boats are typically men and boys. Boats may also transfer their catches to smaller boats to avoid having to go to shore, trapping workers at sea for longer periods of time. Many workers on large fishing boats are migrants. These migrants are sometimes recruited and required to pay a fee to obtain the job, which in practice is different from the job that was accepted.

Smaller fishing boats can also lead to instances of debt bondage. On small boats, workers often are paid a portion of the catch by the boat owner, but the owner will frequently under weigh the portions of employees. Employees may also have to pay the boat owners for expenses such as food or supplies, increasing the debt they owe.

⁶³ *Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*, Verité, 2017, p. 74. <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>

The extended exposure to water in both the collection and shrimp farming process leads to infections, fevers, rashes, and snake bites. In the farming phase, many forced laborers are paid very little and are not paid until the end of their season, forcing them to take out loans from their employer that they pay off through additional work. Many fish farmers must work eleven-hour days during peak season and can only leave the farming facilities for a few days each month.

Fish and shrimp processing puts workers at risk through exposure to hazards, including cold temperatures, loud noises and vibrations, dangerous machinery and tools, chemicals, and airborne irritants. Work at processing facilities tends to be casual, so workers do not have access to the same protections as in the formal sector. Often, workers are employed on short-term contracts that must be frequently renewed, disincentivizing workers to speak out against conditions. Many workers at fish and shrimp processing facilities are women.

Construction: Construction includes a variety of tasks, including building, maintaining, demolishing, renovating, and repairing structures.⁶⁴ Construction tends to be performed by men and boys. Construction sites often employ children for building, stone-cutting, or transportation of materials. Construction sites are particularly hazardous. Construction sites are noisy and dangerous and often put children at risk of being hit by falling materials, inhaling dangerous chemicals or dust, being electrocuted by exposed wires, or falling off tall structures. Not only is there a risk of serious injury or death but also a high likelihood of physical deterioration.

Forced labor and human trafficking occur on construction sites, often with migrant workers traveling from South East Asia or East Africa to the Gulf States, where they are forced to work long hours for less pay than they were promised. They are often required to work outside in high temperatures and may lack needed protective gear. Workers recruited for these construction projects are men. Boys and men are also employed at construction sites closer to home.

Forced labor in the stone industry varies greatly by region but can be performed through debt bondage or by migrant workers. Because quarrying cannot be performed during rainy seasons, many families take out loans during those seasons and fall into debt bondage through high interest rates. Forced labor of children is common in this industry. The goal of the stone industry is to dig up large boulders and break them down into more useable pieces. To break down these boulders, the laborers must heat them up using whatever they can find, including tires and other toxic materials. After men break them into chunks, women and children work to transport the rocks and break them down further. This is a hazardous industry, with a high risk of death from falling rocks and heavy exposure to particles causing respiratory diseases.

Forced labor in brick production varies greatly by region, but in certain countries, it stems from a relationship between the caste system and debt bondage. A recruiter or subcontractor will often hire someone to work at a kiln and pay a small advance or loan.⁶⁵ The individual will then begin working to repay the debt but will never be able to do so because the interest will increase at a rate that no amount of work can match. This debt is often passed on to children after the parent dies, creating multigenerational debt bondage.⁶⁶ Brick builders are often given high quotas, and many are forced to work long hours. Bricks are used heavily in domestic construction projects, and according to the ILO, all bricks made in southeast Asia are likely made using some form of bonded child labor.⁶⁷

Domestic Work: Many children are engaged in domestic work, particularly girls, for exceedingly long hours under conditions of extreme isolation. In many cases, these girls are migrating from a rural area of the country to a more urban one. Sometimes they are promised the chance to go to school. The girls are most often not related to their employers. These conditions put children at a high risk of physical, psychological, and sexual abuse. Domestic work often evades government monitoring because it occurs in private homes. Many domestic workers are not paid at all, and there is a common overlap between child labor in domestic work and forced labor.

64 *Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*, Verité, 2017, p. 38. <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>

65 *Toil and Trouble: Where Slavery Persists in All but Name*, The Economist, November 3, 2012. <http://www.economist.com/news/asia/21565685-where-slavery-persists-all-name-toil-and-trouble>

66 Ibid.

67 *Buried in Bricks: A Rapid Assessment of Bonded Labor in Brick Kilns in Afghanistan*, International Labor Organization (ILO). 2011. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_172671.pdf



Migrant workers and children are the most vulnerable populations for forced domestic work and labor trafficking. Because they often work in private homes, they are especially vulnerable to exploitation. Most domestic workers are female migrants working up to 18 hours per day, 7 days per week. Sometimes these individuals are paid far below minimum wage, are locked in their workplace, and are subjected to physical and sexual violence. Domestic workers may face sexual harassment and threats of deportation. Most people employed in domestic work are not covered by labor laws, and 11.5 million of the 67 million domestic workers worldwide are migrants, making them particularly vulnerable to abuse.⁶⁸ Abuses include a lack of healthcare and maternity coverage, unpaid wages, excessive overtime and workloads, and restrictions on movement in situations in which visas are dependent on the employer. The majority of domestic workers are women and girls.

Manufacturing: The manufacturing industry relies heavily on unskilled and manual labor, making the industry particularly vulnerable to child labor. Manufacturers often employ children to make textiles and garments, weave carpets, produce bricks, or complete other rote tasks within a supply chain. These children are often made to work extremely long hours, usually at least 14 hours per day.⁶⁹ They are often threatened with violence and sexual abuse and paid negligible wages. The working conditions can also be extremely unhealthy and hazardous. Children often work in the same uncomfortable position doing the same task all day, which causes countless health problems. These children often face severe joint pain, arthritis, eye strain, cuts and wounds, and respiratory illness. Furthermore, the heavy machinery and rotating parts pose a great risk of injury or amputation.

68 *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, International Labour Office (ILO), 2017. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf

69 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

Garment manufacturing relies heavily on seasonal workers, temporary workers, and short-term contracts. Workers are often not able to unionize. Workers in the garment sector are typically female; the vast majority of these workers are women and girls. Workers are often paid a piece rate, which incentivizes them to work excessive hours. Piece work is often performed by subcontractors who work at home, and as a result, it is often impossible for labor inspectors to monitor. Those workers who are paid hourly are often forced to work overtime, under the threat of being blacklisted by the industry.⁷⁰

Migrant workers are often recruited to work in manufacturing, such as in the garment sector, through a labor broker. The workers then owe a recruitment fee debt to the broker. The workers are often required to live on-site where they work. Once they begin working, their employer may retain their travel documents and a mandatory deposit— often referred to as “runaway insurance”— to prevent the employee from leaving. The migrant workers are often paid far below minimum wage and local employees. These low wages are further reduced by debt repayment and mandatory food, housing, and medical fees.

Mining: Mining is typically very hazardous work, often putting it among the WFCL. Most child labor is used in small-scale mines in remote areas, making it difficult for the government to monitor. Children are often used to chisel away at large stones, dig away gravel and sand, excavate stone, load trucks, and transport materials. These children often work in cramped and unsanitary conditions. They are at risk of explosions, poisonous gases, dust inhalation, falling objects, and biological hazards. Further, they are at a high risk of injury or physical deterioration from carrying heavy loads, bending and squatting, and engaging in repetitive movements.

Mining, such as for gold, is often associated with the presence of violent criminal groups, causing dangerous working conditions. Gold mines are often in isolated areas beyond government oversight. The seclusion and the rushed nature of the work leave local populations vulnerable to labor and sex trafficking. Gold mining is often very high risk, with many workers suffering serious injury or death from mine collapses. Furthermore, dust often leads to lung damage, and the digging leads to muscular and skeletal problems.

Women are more likely to work in small-scale mines (sometimes called artisanal mines) than in large-scale commercial mines. Women perform mining activities as a means to increase family income when subsistence farming is not sufficient to meet the needs of the family. Women and girls are less likely than men and boys to participate in shaft mining.⁷¹ Instead, women and girls typically perform tasks including panning, mineral cleaning, and trading, and perform domestic tasks in the camp. Women may also be involved in prostitution; in many instances, these women have been trafficked.

Sexual Exploitation: Over 99 percent of all victims of forced sexual exploitation, also known as sex trafficking, are women and girls; over 70 percent of victims are found in Asia and the Pacific.⁷² Sex trafficking victims are often isolated, kept in brothels or hotels where they are not able to interact with the general public. Victims are often subjected to threats and violence; in some instances, they are forced to become addicted to drugs, making them dependent on their traffickers. Many sex trafficking victims and survivors fear law enforcement. They believe law enforcement is complicit with their traffickers, will return them to their traffickers, or will fail to recognize their situation as trafficking and send them back to their home community and the bad situation they left, possibly leading to their being exploited again. This fear can increase if victims have to repay a debt incurred in the migration or recruitment process. Additionally, victims and survivors may fear that they will be stigmatized and possibly prosecuted if prostitution is illegal in the jurisdiction.

70 *Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*, Verité, 2017, p. 126. <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>

71 *Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*, Verité, 2017, p. 64. <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>

72 *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, International Labour Office (ILO), 2017. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf

Exercise 1.1.1: Impacts Icebreaker

Objective:

- To have participants approach child labor, forced labor, and human trafficking from a victim/survivor-centered lens.

Time:

 25 minutes

Materials and Preparation:

- Pens/pencils for all participants
- Note cards or sticky notes (one per participant)
- One flip chart
- Tape
- Write “Impacts of Child Labor, Forced Labor, and Human Trafficking” in marker on the top of the flip chart sheet

Steps:

- Explain to participants the goal and process of the activity
 - 2 minutes
- Distribute the note cards, giving one to each participant. Instruct them to each write one impact of child labor, forced labor, and/or human trafficking on their note card.
 - 5 minutes
- Have each participant introduce him or herself and then read what they have written on their note card. If an introductory ice breaker has already been done by the group, participants can skip introducing themselves. Each participant should tape their note card to the flip chart page after they have read the note card aloud.
 - 15 minutes
- Wrap up with key messages below.
 - 3 minutes

Key Messages:

- There are many impacts of child labor, forced labor, and human trafficking; some impacts are to victims/survivors, others are to society and the economy.
- The flip chart will be kept up throughout the workshop, and participants are encouraged to add to it and/or consult it.

Exercise 1.1.2: Definitions of Child Labor, Forced Labor, and Human Trafficking

Objective:

- To ensure participants have a thorough knowledge of the crimes of child labor, forced labor, and human trafficking and the international laws surrounding them.

Time:

 1 hour

Materials and Preparation:

- One copy of Handout 1.1.2: *Definitions of Child Labor, Forced Labor, and Human Trafficking* for each participant
- Pens/pencils for all participants;
- One flip chart for each group plus one for the facilitator
- One marker for each group plus one for the facilitator
- Overhead slide/ LCD projector with computer

Steps:

- Explain to participants the goal and process of the activity
 - 5 minutes
- Distribute Handout 1.1.2: *Definitions of Child Labor, Forced Labor, and Human Trafficking* and divide the participants into teams of four or five. Allow participants to review the handouts and work together as a team to write the answers on their flip chart.
 - 30 minutes
- Bring the teams back together and go through the responses as a group, having each team read out loud their answers. The facilitator will keep score on their flip chart, awarding 0 points for an incorrect response, 1 point for a correct response, and 1 additional point if the group responds correctly “incorrect” and provides an accurate correction of the statement. As the response sheets are corrected, engage the participants in discussions regarding the statements and why they are correct/incorrect.
 - 15 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- Understanding the definitions of child labor, forced labor, and human trafficking plays an important role in being able to identify cases
- There are several types of child labor, dependent on the age of the child and type of work performed
- Trafficking does not require crossing an international border

HANDOUT 1.1.2: DEFINITIONS OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

For each statement below, indicate whether it is correct or incorrect. If incorrect, explain why it is incorrect.

1. Child labor is the same thing as child work.
2. Performing age-appropriate domestic chores within the family home is always detrimental to children's welfare.
3. Children may engage in what the International Labour Organization (ILO) calls "light work" from the age of 12 or 13, depending on the country.
4. The ILO does not distinguish between types of child labor.
5. Hazardous child labor only describes child labor that exposes a child to physical or sexual abuse.
6. All victims of sexual exploitation are either women or girls.
7. The term "forced labor" can only be used to describe situations in which the victim is working under dangerous conditions.
8. The "threat of penalty" referred to in the definition of forced labor refers not only to physical or sexual violence but also to threats such as reporting a victim to immigration authorities or withholding of wages or personal documents.
9. Debt bondage is a form of forced labor that no longer exists in the modern world.
10. For the crime of human trafficking to occur, the victim must be transported between locations.
11. The internationally accepted definition of human trafficking can be found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (often called the Palermo Protocol).
12. "...threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits..." must always be present for the crime of human trafficking to occur.

HANDOUT 1.1.2 KEY: DEFINITIONS OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

For each statement below, indicate whether it is correct or incorrect. If incorrect, explain why it is incorrect.

1. Child labor is the same thing as child work.

Incorrect. Child labor specifically refers to “work that deprives children of their childhood, potential, dignity and which is harmful to their physical and mental development.” Age-appropriate work that does not harm children’s mental, physical, social, or emotional well-being is not defined as child labor and is allowed under international law.

2. Performing age-appropriate domestic chores within the family home is always detrimental to children’s welfare.

Incorrect. Household chores can be benign or even beneficial to children as they allow them to learn responsibility and skills that will serve them in adulthood and contribute to the family’s well-being. However, if performing chores is negatively impacting a child’s schooling or their social and emotional growth, chores can become child labor.

3. Children may engage in what the International Labor Organization (ILO) calls “light work” from the age of 12 or 13, depending on the country.

Correct.

4. The ILO does not distinguish between types of child labor.

Incorrect. The ILO defines a subset of child labor as the “worst forms of child labor.” These include all forms of child slavery (including child labor, debt bondage, and forced child labor), the involvement of children in prostitution or pornography, the involvement of children in illegal activities, and hazardous child labor.

5. Hazardous child labor only describes child labor that exposes a child to physical or sexual abuse.

Incorrect. Hazardous child labor includes all child labor that exposes a child to physical, psychological, or sexual abuse, as well as work conducted in unhealthy conditions or dangerous or difficult environments such as mining or work in confined spaces or around dangerous machinery.

6. All victims of sexual exploitation are either women or girls.

Incorrect. Men, women, boys, girls, and nonbinary individuals can all be victims of sex trafficking. Anyone can be a victim of sex trafficking, regardless of the person’s age, gender, sexual identity or orientation, and socioeconomic status. Traffickers often choose their victims based on perceived vulnerability because traffickers look for people they can easily exploit.

7. The term forced labor can only be used to describe situations in which the victim is working under dangerous conditions.

Incorrect. Forced labor describes any work which the victim was coerced into and is doing under threat of penalty, even if the labor itself is not inherently dangerous or harmful.

8. The “threat of penalty” referred to in the definition of forced labor refers not only to physical or sexual violence but also threats such as reporting a victim to immigration authorities or withholding of wages or personal documents.

Correct.

9. Debt bondage is a form of forced labor that no longer exists in the modern world.

Incorrect. In addition to more traditional systems of debt bondage, which are similar to feudalism, modern debt bondage includes situations in which workers are charged fees from employment agencies that accrue interest they are unable to repay.

10. For the crime of human trafficking to occur, the victim must be transported between locations.

Incorrect. Although it is often associated with the transport of victims, human trafficking does not require the victims to be moved.

11. The internationally accepted definition of human trafficking can be found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (often called the Palermo Protocol).

Correct.

12. "...threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits..." must always be present for the crime of human trafficking to occur.

Incorrect. When the victim of trafficking is a child, the "means" listed above are not necessary for the crime to occur.



Photo Credit: ©CIAT/Neil Palmer, 2009, Thailand

Lesson 1.2: Indicators of Child Labor, Forced Labor, and Human Trafficking

Objectives:

- Learn to recognize child labor, forced labor, and human trafficking.
- Understand the push-and-pull factors that can lead to child labor, forced labor, and human trafficking.

Time:

 2 hours and 50 minutes

Steps:

- Exercise 1.2.1: Indicators Energizer
 - 15 minutes
- Begin presenting PowerPoint Presentation 1.2: Indicators of Child Labor, Forced Labor, and Human Trafficking (until the slide that says Exercise 1.2.2)
 - 30 minutes
- Exercise 1.2.2: Recognizing Cases of Child Labor, Forced Labor, and Human Trafficking
 - 1 hour and 5 minutes
- Finish presenting PowerPoint Presentation 1.2: Indicators of Child Labor, Forced Labor and Human Trafficking
 - 10 minutes
- Exercise 1.2.3: Push-and-Pull Factors
 - 50 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 1.2: *Indicators of Child Labor, Forced Labor, and Human Trafficking*
- Projector
- Copies of Enforcement Training Program Case Studies 1–4

Being able to recognize child labor, forced labor, and human trafficking is the first step in bringing cases against these offenses. Understanding the indicators of child labor, forced labor, and human trafficking can lead to identifying potential cases that should be investigated and victims/survivors who may require assistance. Once a case has been identified, some of the indicators could also be aggravating or mitigating factors in charging or sentencing the case. Please refer to Module 2 (Investigation), Module 4 (Prosecution), and Module 5 (Sentencing) for more detail.

How to Identify Child Labor

There are several general indicators of child labor that labor inspectors and law enforcement officers should be alert to. These indicators include age-based indicators, vulnerability, recruitment, restriction of movement, threats, dependency, forced labor, and working/living conditions. These topics are expanded on below and can be used as a checklist by labor inspectors and law enforcement.

Age-based indicators:

- Child below the age of compulsory education out of school or at work instead of school
 - Frequent school absences and/or poor performance in school due to working
- Children working at night
- Children working more hours than allowed by the law
- Children doing tasks that are on the country's Hazardous Work List
- Children of an age permitted to do only light work doing work that is not on the country's Light Work List (if the country has such a list) or otherwise does not meet the country's definition of light work (e.g., working more hours than allowed or performing work that is unsafe for children ages 13 and 14 years old)

Vulnerability:

- Cultural tradition/birth status (prior determination of child with "slave "or bonded status), or traditional/inherited bondage. Children can be recruited in the context of a tradition perpetuated by those in power. For example, in South Asia, where debt bondage persists among brick kiln workers, children work alongside their indentured parents.⁷³ In countries such as Mali and Mauritania, despite some progress, hereditary slavery practices affecting entire families persist in some areas. These practices see children starting lives in slavery in activities such as cattle herding, field work and domestic work.⁷⁴
- Disability
- Poverty
- Broken families and domestic violence

Recruitment of children linked to debt (loan or advance allowance) or deceptive promises:

- Recruitment of children in exchange for a loan or cash advance to parents
- Deception about the type of work the child will perform and/or skills that will be gained
- Deception about living or working conditions
- Children recruited through false promises of being able to attend school or to see their parents frequently.
- Children can be found in debt bondage because their parents are in such situations. For example, irregular migration poses a risk of debt bondage for children. "There are reports of child migrants in an irregular situation migrating from Asia or Africa to Europe and falling into debt bondage to repay their travel costs to smugglers."⁷⁵

Sale of child's labor:

- Someone other than the child benefiting from the sale of the child's labor

73 Global Estimates of Modern Slavery: Forced Labor and Forced Marriage, International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), 2022, p. 49. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf

74 Ibid. at p. 48.

75 Ibid. at p. 48.

Restriction of movement:

- Child has limited freedom of movement and communication with others outside of work
- Child cannot leave his or her living quarters or has a restricted ability to leave
- Child is not allowed to talk to other children or adults
- Child is not allowed to practice his or her religion
- Someone other than the child is holding onto the child's identification documents
- Constant surveillance of a child by an employer, overseers, or armed guards
- Child is not permitted to play with other children
- Child domestic worker is not permitted to eat with the family or interact with the family's children

Living under the threat of penalty/retaliation/fear of punishment/physical abuse:

- Physical, psychological, or sexual violence or threats against the child
- Punishment (deprivation of food, water, sleep, etc.)
 - Unfulfilled promises of education or vocational training
 - Wage deductions
- Threats of dismissal
- Child threatened with being reported to the authorities
- Child's family threatened
 - Threat of financial harm to other family members (loss of job/future employment; exclusion of family's access to loans)
 - Child's family threatened with violence
- Punishment/violence inflicted on children in front of the child as a warning
- Child is isolated and prevented from contacting his/her family
- Retention of child's wages or his/her identity papers

Dependency:

- Employer makes decisions in the child's private life (marriage, education, health, religion)
- Food, clothing, and housing are provided by the provider instead of paid wages

Forced work:

- Forced recruitment of a child (especially if the child is not working for parents)
- At home looking after younger siblings or helping in family farms or businesses, to the extent that this becomes their main and only activity
- Forced overtime work
- Forced to work on call (day and night)
- Forced to work for the employer's private home or family
 - Forced to work when sick or injured
 - Forced to perform hazardous tasks without protection
 - Children doing dangerous industrial work, such as glassmaking, construction, and carpet weaving
 - Children performing dangerous agricultural work such as being exposed to hazardous machinery and chemicals

- Children performing domestic work under conditions such as isolation, long hours, and abuse
- Forced to take drugs, alcohol, illegal substances
 - Forced to engage in illicit activities
 - Producing or selling illegal drugs
 - Involvement in gang activity
 - Involvement in illegal arms trafficking
 - Involvement in child sexual exploitation
- Forced to engage in sexual acts
 - In criminal forms of exploitation such as slavery, bonded labor, and commercial sexual exploitation involving prostitution, pornography, and sex shows
 - In 2021, about 1.7 million children were in situations of forced commercial sexual exploitation.⁷⁶
- Working and living conditions
 - Dangerous work environment
 - Lack of training, safety equipment, and/or supervision
 - Performing dangerous tasks
 - Exposure to drugs and alcohol at work
 - Lack of privacy in living conditions
 - Unsafe living conditions



Photo Credit: Lorenzoclick, 2018, Thailand

© Lorenzoclick

⁷⁶ Ibid. at p. 45.

How to Identify Forced Labor

There are several key indicators that can demonstrate that someone is a victim/survivor of forced labor, including abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats/penalties, retention of identity documents, withholding of wages, debt bondage, abusive living and/or working conditions, and excessive overtime. It should be noted that forced labor shares many indicators with human trafficking.

Abuse of vulnerability:

- Tradition, birth (birth/descent into “slave” or bonded status)
- Coercive recruitment
- Sale of the worker
- Use of excessive recruitment fees

Deception:

- Work as performed is different from the work that was promised
 - Includes things such as the nature of the work, living conditions, hours, wages, housing, job location, identification of employer, or acquisition of legal status

Restriction of movement:

- Workers are not free to enter and exit the work premises
- Movements controlled inside the workplace through the use of surveillance cameras or guards
- Workers are accompanied by agents of the employer when traveling to or from the worksite
- Workers unable to terminate their employment due to their employer paying for training or other benefits
- Workers unable to resign in accordance with legal requirements
- Workers forced to continue working so they will not forfeit unpaid wages

Isolation:

- Workers isolated in remote locations and denied contact with the outside world
- Workers may not know where they are; the work site may be far from population centers and without transportation
- Workers in populated areas are isolated behind closed doors without means of communication to prevent them from contacting their families or seeking help
- The business is informal and not registered, making it very difficult for law enforcement or other agencies to locate and monitor the business

Physical and sexual violence:

- Workers, their families, and friends may be subjected to violence.
- Forced to take drugs or alcohol
- Violence used to force a worker to perform tasks that were not part of the job as agreed
- Physical abduction or kidnapping

Intimidation and threats/penalty:⁷⁷

- Workers threatened or intimidated if they complain about conditions or try to quit
 - Threats may include threats of violence, denunciation to the authorities, loss of wages or access to housing or land, the firing of family members, worsening of working conditions, or loss of “privileges” such as the right to leave the workplace
 - Other forms of punishment such as deprivation of food, water, or sleep
 - Violence against a worker in front of other workers
 - Threats to a worker’s family members
 - Removal of rights or privileges
 - Psychological coercion through insults and undermining workers

Retention of identity documents:

- Confiscation of identity paper or travel documents
- Worker unable to access personal documents

Withholding of wages:

- Worker unable to access his or her wages
- Wages withheld to cover “expenses” due to the employer, such as food or accommodation, often at inflated prices
- Wages withheld to cover recruitment fees
- Wages withheld for long periods, forcing a worker to stay until he or she is paid

Debt bondage:

- Worker owes a debt to the employer, which is deducted from wages; the worker is unable to leave the job until the debt has been paid off
- Worker or his/her family took out a loan used to pay a recruitment fee; the debt cannot be repaid without having a job, so the worker must stay in an exploitative form of employment. High recruitment fees are often charged to trap employees in this way.
- A worker incurs debt over time for “expenses” such as an inflated cost of food and housing, which the employee is not able to repay

Abusive living and working conditions:

- Living and working conditions that workers would not freely accept
- Work performed under conditions that are degrading, or hazardous, and in violation of labor law
- Workers are subjected to substandard living conditions, such as overcrowded accommodations, unhealthy conditions, and are without any privacy

Excessive overtime:

- Workers forced to work excessive hours or days beyond the legal limits
- Workers forced to work on-call (night and day)

⁷⁷ The credibility and impact of the threats must be evaluated from the worker’s perspective, taking into account his or her individual beliefs, age, cultural background and social and economic status.

How to Identify Human Trafficking

Human trafficking indicators can be linked to the elements of trafficking offenses: act, means, and purpose. Indicators are present at each stage of the trafficking process, and it is important for labor inspectors, police officers, immigration officers, and first responders to be aware of what to look for. Human trafficking and forced labor share many indicators in common.

ACT:

Human trafficking requires one of the following acts: recruitment, transportation, transfer, harboring, or receipt of persons. Each of these acts has different indicators as detailed below:

Recruitment:

- Ads for jobs that appear too good to be true
- Charging recruitment fees, particularly high fees
- Recruiters requiring workers to pay back travel costs
- Recruiters not providing a contract or providing a different contract once a worker arrives at his or her destination

Transportation:

- A child or group of children traveling with an adult they are not related to
- A group of travelers whose travel documents and/or valuables are being held by one person who appears to be in charge
- False travel or identity documents
- A group traveling together with no common language or a limited means of communicating with each other
- Last-minute ticket purchases, including for flights
- One person speaking for a group traveling together when asked questions
- Using routes associated with trafficking
- One person in a group making all the purchase for the group, including food
- Only one person in the group having local currency
- The travelling group does not understand the local language except for the one person who speaks on their behalf
- Most members of the travelling groups are illiterate or have minimal education

Transfer:

- Giving a child or adult to an employer or exploiter
- Negotiating a sale or contracting for the work of a child or adult

Harboring:

- Accommodation for a group purchased by one person (indicating that others may not have access to money)
- Someone who frequently brings different people to a hotel for a short period of time

Receipt:

- People working on the premises who appear to have been trafficked, such that they are isolated from the local communities or they do not know where they are
- Children working on the premises in violation of child labor legislation
- Charging workers high prices for food, accommodation, or other needs

MEANS:

Human trafficking relies on means that include the threat or use of force or other forms of coercion, abduction, fraud, deception; the abuse of power or of a position of vulnerability; or the giving or receiving of payments or benefits to achieve a person's consent to be controlled by another person. Indicators of means are included below:

Threat or use of force or other forms of coercion:

- A person shows signs of fear or physical or mental abuse
- Injuries, including frequent visits to a hospital or other medical provider for injuries
- Individual unwilling to answer questions or identify his/her employer

Abduction:

- A person was physically taken against their will
- Someone reports the disappearance of a friend or family member under circumstances that appear to be involuntary

Fraud:

- A person is required to perform tasks or a job that was not included in his/her employment contract
- A person has to work for an employer other than the employer named in the contract

Deception:

- A person has been misled about their job, tasks, working conditions, employer, and/or accommodations

Abuse of power or a position of vulnerability:

- A person using the power of their position over another, such as a teacher over a student
- A person taking advantage of another's vulnerability, such as being orphaned or a refugee

Giving or receiving of payments or benefits to achieve the consent of a person having control over another person:

- Making payments or giving gifts to a parent, guardian, spouse, sibling, or any other person having control of the trafficked person

PURPOSE:

Human trafficking is perpetrated for the purpose of exploitation. Exploitation includes prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

Prostitution of others or other forms of sexual exploitation:

- Brothel or other location offering the sexual services of adults or children

Forced labor or services (refer to forced labor indicators section for a more comprehensive list):

- Workers forced to work long hours and/or not provided time off
- Workers forced to work in dangerous conditions
- Workers not provided with protective equipment
- Workers are isolated, not able to contact friends or family

Slavery or practices similar to slavery and Servitude:

- Bonded labor
- Employer appears to own the worker(s)
- Generational debt bondage, children are working to pay off the debts of their parents

Removal of organs:

- Scars that indicate a kidney has been removed



Photo Credit: Arcadiuś, 2011, Paraguay

Push and Pull Factors

Several factors can push and pull people into child labor, forced labor, and human trafficking. Push factors are circumstances that cause people to look for something that is new or different, often due to a lack of options and opportunities in their current employment or situation. Push factors include poverty, natural disasters, armed conflict and other crises, broken families and domestic violence, migration, disabilities, and discrimination. Most recently, the COVID-19 pandemic also became a push factor. It not only created a public health crisis but also exacerbated other push factors, such as poverty, broken families, and irregular migration. Pull factors are things that may lure people to different types of work. Pull factors include things such as a desire to gain new skills, see new places, and gain access to education.

Poverty: Poverty is one of the main reasons that children engage in child labor; families put children to work so that the family can benefit from the extra income. The short-term benefit of not having to pay school fees and other school-related expenses such as books and uniforms can play into this decision as well. Unfortunately, by pulling children out of school and putting children to work, poverty continues as children earn less than adults, and a lack of education often traps the children in low-paying jobs even when they are adults.

Poverty increases the vulnerability of both children and adults. Many adults may struggle to find employment in their communities due to high levels of unemployment, a lack of skilled jobs, and a heavy reliance on the informal sector. Adults need to cover expenses such as food, housing, and medical care, and those living in poverty may seize on a chance to increase their earnings and end up in a situation of human trafficking or forced labor.

Extreme poverty is an important metric of forced labor risk. The COVID-19 pandemic has exacerbated the problem. Although strict economy-wide workplace shutdowns were phased out in most countries, the ILO finds that the jobs recovery has stalled in much of the world and the World Bank indicates that extreme poverty remains far higher than the pre-pandemic trajectory.⁷⁸

Natural disasters, armed conflict, and other crises: Crises cause upheaval and increase vulnerabilities for children and adults. In many instances, schools close, leaving children with time to fill. An example is the COVID-19 pandemic, which has led to many children being out of school, and many adults losing their incomes, factors that could result in increases in child labor. The number of children living in income-poor households increased by more than 63 million in 2020 as a result of the pandemic.⁷⁹ In some instances, desperate families whose income has been disrupted during the pandemic resorted to providing their children's labor to obtain loans or to service existing ones from predatory lenders.⁸⁰ Additionally, the COVID-19 pandemic led to many school closures, leading to children entering the workforce.⁸¹ Children who leave school and begin working are less likely to return to school. Significant increases in child labor have been reported during the COVID-19 pandemic and it is estimated that an additional 8.9 million children will enter child labor by the end of 2022.⁸² About 10.4 million children have lost at least one parent to the COVID-19 pandemic, out of which 7 million have become orphans, leaving them vulnerable to labor or trafficking abuse in places where child support systems are inadequate.⁸³

78 *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage*, International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), 2022, p. 2. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf

79 *Children in Monetary Poor Households and COVID-19: Technical note*, United Nations Children's Fund and Save the Children, 2020. <https://www.unicef.org/media/69656/file/TechnicalNote-Children-living-in-monetary-poor-households-and-COVID-19.pdf>

80 *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage*, International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), 2022, p. 27. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf

81 *Child Labour: Global Estimates 2020, Trends and the Road Forward*, International Labour Organization and UNICEF, 2021, p. 55. https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_797515.pdf

82 Ibid. at p. 56.

83 *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage*, International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), 2022, p. 46. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf

Broken families and domestic violence: Children in homes with drug or alcohol abuse, domestic violence, or who are survivors of sexual assault are more likely to be sex trafficked. These children are more likely to look for work that keeps them out of their homes. Women and girls who are subjected to violence at home or who are being pressured to enter an early or forced marriage may look for employment opportunities outside of their communities. This can put them at risk for trafficking or forced labor. The COVID-19 pandemic has created a “shadow pandemic” of violence against women who are trapped in their homes with their abusers, which could lead to an increased risk of trafficking of women trying to escape.⁸⁴

Migrants: Migrants are vulnerable to child labor, forced labor, and human trafficking. Migrant children often are unable to attend school either because they are traveling with their families seasonally for work and would have to transfer schools too frequently or because they cannot access schools in a different country due to a lack of residency status or inability to speak the local language. Because of this, and the poverty of many migrant families, migrant children can end up in child labor, primarily in the informal sector. Migrant children who migrate alone are also vulnerable to child labor. Migrant adults can be pushed into forced labor and human trafficking. In 2021, 15 percent of all adults in forced labor exploitation were migrants (i.e., are subjected to forced labor in a country different from that of their birth).⁸⁵ While migrants who migrate legally can find employment in the formal sector, migrant adults who migrate illegally are often unable to access work in the formal sector because they lack residency or the needed travel documents. Additionally, illegal migrants are often unwilling to access medical or other assistance because they fear being deported. This can increase the odds of being exploited because traffickers and exploitative employers are aware of migrants’ reluctance to seek assistance from law enforcement or other authorities. The COVID-19 pandemic pushed prospective migrant workers to irregular migration pathways because normal ones were largely closed down. These desperate migrants may engage with smugglers to circumvent restrictions, increasing their risk of being trafficked.⁸⁶

Disabilities: Many schools cannot accommodate children with disabilities, leading parents to pull them from school to work. Disabled children are sometimes trafficked for forced begging. Disabled adults may struggle to find work in the formal sector and instead have to work in the informal sector, where they may find themselves in exploitative labor because of their vulnerability and limited employment options.

Discrimination: Some families that have lower social status, such as from being from an ethnic minority, indigenous group, religious minority, or a lower caste, may have more limited economic options and historical discrimination that results in fewer assets and opportunities. Given these challenges, the families are pushed into removing their children from school because they need the children to bring in extra income. In some cases, the families may be in situations of bonded labor that also cause the children to work at young ages.

Discrimination may cause adults to be in bonded labor within their communities or to look for opportunities to work in locations farther away, where they may not be subject to the same discrimination. The decision to look for work farther away may also lead to exploitation, particularly if the employers are seeking out vulnerable workers and the workers are unskilled.

Desire to gain new skills: Children and their families may feel that having a child work and gain skills on the job is more useful than attending school. Many believe that these skills will help a child gain a better job in the future. Most children who leave school early will enter unskilled positions, where they will not learn skills as valuable as they would in school or through a vocational or apprenticeship program.

84 Ibid. at p.27.

85 Ibid. at p.36.

86 Ibid. at p. 27.



Adults may see the chance to work for a different type of company or doing different work as a way to further their career. Working in a big hotel overseas might help them start a small hotel closer to home or learn how to cook a new type of food as a line cook, which could land them a good job as a chef in a restaurant.

Desire to see new places: Adults and children may be lured by the prospect of traveling to a new location or country to work. Recruiters will often talk of the opportunities in far-away places, the chance to meet new people, see new things, and have new experiences. Employers may offer to advance the travel costs, which will have to be repaid. In reality, the employee may end up trapped in their new job.

Desire to access education: People recruiting children often will lure them by promising to help them attend school, often a better school than the ones close to home. Children and their parents may believe that they will be able to stay in school, even if they have to work part time. Some children and their families may think that the opportunity presented to them would allow them to continue their education or access education that they could not otherwise, believing that this education will improve their long-term career prospects. In some instances, children are provided with the education access they are promised, but often this is not the case.

Exercise 1.2.1: Indicators Energizer

Objective:

- To help participants start thinking about indicators of child labor, forced labor, and human trafficking.

Time:

 15 minutes

Materials and Preparation:

- Note cards, at least one per participant
- Pens/pencils for all participants

Steps:

- Explain to participants the goal and process of the activity
 - 1 minute
- Have each participant write an indicator of child labor, forced labor, and/or human trafficking on their note card.
 - 4 minutes
- Tell the participants they have one minute to get up, walk around, and switch cards with at least three people. Then tell participants that each of them has received a note card that is a “tip.” Have each participant read what is on the card they have been given, and then have each participant tell the group what their card says and why they think it could be an indicator of child labor, forced labor, and/or human trafficking.
 - 10 minutes

Exercise 1.2.2: Recognizing Cases of Child Labor, Forced Labor, and Human Trafficking

Objective:

- To ensure participants have a thorough knowledge of the crimes of child labor, forced labor, and human trafficking and the international laws surrounding them.

Time:

 1 hour and 5 minutes

Materials and Preparation:

- One copy of Handout 1.2.1: Recognizing Cases of Child Labor, Forced Labor, and Human Trafficking for each participant
- Pens/pencils for all participants
- One flip chart for each group plus one for the facilitator
- One marker for each group plus one for the facilitator
- Flip chart paper prepared with a chart that is numbered 1–10 and has the categories found in Handout 1.2.1: Recognizing Cases of Child Labor, Forced Labor, and Human Trafficking (child labor, hazardous work, etc.)

Steps:

- Explain to participants the goal and process of the activity
 - 5 minutes
- Distribute Handout 1.2.1 and divide the participants into teams of four or five. Allow participants to review the handouts and work together as a team to write the answers on their copy of the handout.
 - 30 minutes
- Bring the teams back together and go through the responses as a group, asking what groups answered for each question, going question by question. The facilitator will check off each category identified by the groups for each question and then lead a discussion about how the groups made their decisions and what the correct answers are.
 - 20 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- It is important to remember that a worker can be engaged in multiple types of exploitation at the same time.
- Knowing the different categories of child labor and permitted child work will help identify whether work is permissible.
- Not all work that has poor conditions qualifies as forced labor or human trafficking. That does not mean that other violations cannot be addressed or that workers cannot be compensated.

HANDOUT 1.2.2: RECOGNIZING CASES OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

Scenario	Child Labor	Hazardous Work	WFCL	Forced Labor	Human Trafficking	Child Work	Adult Work
Dan is 20 years old and works on a construction site where he works 10 hours per day. He is still trying to pay back the cost of his flight to the country and a fee he paid a recruiter.							
Abby is 13 years old. She traveled to the capital to go to school and stay with the family, who offered to pay for her school fees. She is required to spend most of her day cleaning the house and rarely goes to school.							
John is 25 years old. He got a job at a quarry. The work is hard. He has to cut and carry heavy stones. He gets one day off per week and is paid his salary every two weeks.							
Helen is 14 years old. She works after school for two hours per day in a printing shop where she helps take orders and organizes printed materials.							
Mike is 12 years old. He begs in order to pay for food and his school fees after getting kicked out for failure to pay.							
Carlos is 16 years old. He works on a ranch where he helps herd cattle and does other tasks related to animals.							
Nadia is 24 years old. She accepted a job as a secretary but has been required to perform sexual acts for her boss's clients as well. She has been beaten when she has refused.							
James is 32 years old. He took a short-term job on a fishing boat. He has been on the boat for a year. He has not been able to leave and has not been able to access his salary.							
Mercy is 12 years old. Her mother has a job sewing clothes. Mercy's mother is only paid once she reaches her quota. Mercy often has to help her mother with sewing. She goes to school but falls asleep in class.							
Mark is 18 years old. He works in an artisanal mine. He works with chemicals but does not have any protective equipment because he cannot afford it.							

Scenario	Child Labor	Hazardous Work	WFCL	Forced Labor	Human Trafficking	Child Work	Adult Work
Jack is 13 years old. He works in an artisanal mine hoping to pay for his school fees. He is given drugs at the mine and has to work long hours to pay for his drug expenses and cannot go to school.							
Ana is 22 years old. She works on a farm using machetes to cut crops. She works long hours and cannot leave the farm to see her family; she is required to live with the other farmers.							
Darby is 11 years old. He works on a small rubber farm for about 7 hours a day. Because the farm is too far away from the nearest school, he does not go to school.							

HANDOUT 1.2.2 KEY: RECOGNIZING CASES OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

Scenario	Child Labor	Hazardous Work	WFCL	Forced Labor	Human Trafficking	Child Work	Adult Work
Dan is 20 years old and works on a construction site where he works 10 hours per day. He is still trying to pay back the cost of his flight to the country and a fee he paid a recruiter.				X	X most likely because of debt bondage		
Abby is 13 years old. She traveled to the capital to go to school and stay with the family, who offered to pay for her school fees. She is required to spend most of her day cleaning the house and rarely goes to school.	X	Depends on the tasks she performs	X	X	X		
John is 25 years old. He got a job at a quarry. The work is hard. He has to cut and carry heavy stones. He gets one day off per week and is paid his salary every two weeks.							X hard work does not mean human trafficking
Helen is 14 years old. She works after school for two hours per day in a printing shop where she helps take orders and organizes printed materials.						X	
Mike is 12 years old. He begs in order to pay for food and his school fees after getting kicked out for failure to pay.	X						
Carlos is 16 years old. He works on a ranch where he helps herd cattle and does other tasks related to animals.	X	X working with animals	X				
Nadia is 24 years old. She accepted a job as a secretary but has been required to perform sexual acts for her boss's clients as well. She has been beaten when she has refused.				X	X		
James is 32 years old. He took a short-term job on a fishing boat. He has been on the boat for a year. He has not been able to leave and has not been able to access his salary.				X	X		
Mercy is 12 years old. Her mother has a job sewing clothes. Mercy's mother is only paid once she reaches her quota. Mercy often has to help her mother with sewing. She goes to school but falls asleep in class.	X						
Mark is 18 years old. He works in an artisanal mine. He works with chemicals but does not have any protective equipment because he cannot afford it.				X	X		X safety issues but likely not forced labor; needs further investigation

Scenario	Child Labor	Hazardous Work	WFCL	Forced Labor	Human Trafficking	Child Work	Adult Work
Jack is 13 years old. He works in an artisanal mine hoping to pay for his school fees. He is given drugs at the mine and has to work long hours to pay for his drug expenses and cannot go to school.	X a 13-year-old cannot work full time	X working at artisanal mines is hazardous work for children	X	X giving drugs is a form of coercion	X forced labor is a form of trafficking. People can be trafficked without physical movement		
Ana is 22 years old. She works on a farm using machetes to cut crops. She works long hours and cannot leave the farm to see her family; she is required to live with the other farmers.				X	X		
Darby is 11 years old. He works on a small rubber farm for about 7 hours a day. Because the farm is too far away from the nearest school, he does not go to school.	X	Depends on the tasks he performs	True, if hazardous work, FL, or HT	Need more info	Need more info		

Exercise 1.2.3: Push-and-Pull Factors

Objective:

- To ensure participants understand push-and pull-factors and are able to recognize indicators of child labor, forced labor, and human trafficking.

Time:



Materials and Preparation:

- Copies of the Enforcement Training Program Case Studies 1–4
- Pens/pencils for all participants
- One flip chart for each group plus one for the facilitator
- One marker for each group plus one for the facilitator
- Flip chart paper with the following written on it:
 - What are the push-and-pull factors in the scenario?
 - Is the case child labor, forced labor, human trafficking, or more than one of these?
 - What are the indicators of child labor, forced labor, and/or human trafficking in the scenario?

Steps:

- Explain to participants the goal and process of the activity
 - 5 minutes
- Divide the participants into four groups. Provide each group with a copy of a different case study. Instruct each group to answer the three questions listed on the flip chart paper using their case study.
 - 15 minutes
- Bring the teams back together and have each group present their findings, beginning by reading the case study to the group and then answering the questions. Allow the group to discuss each case study if others have comments.
 - 20 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- There are many factors that can push or pull someone into child labor, forced labor, and human trafficking.
- Some indicators of child labor, forced labor, and human trafficking may be easier to recognize than others.
- These four case studies will be used throughout the workshop to help track the experience of victims and survivors during all stages of a child labor, forced labor, and human trafficking case. At the end of the workshop, the group will review each story and how each victim/survivor experienced the trial process.

Lesson 1.3: Distinguishing Child Labor, Forced Labor, and Human Trafficking from Other Crimes

Objective:

- Learn to distinguish between child labor, forced labor, and human trafficking; trafficking from migrant smuggling; and child labor from child work.
- Learn to recognize common myths and misconceptions about child labor, forced labor, and human trafficking so that more cases of child labor, forced labor, and human trafficking can be properly identified.

Time:

 1 hour and 45 minutes

Steps:

- Exercise 1.3.1: Myths and Facts About Child Labor, Forced Labor, and Human Trafficking
 - 15 minutes
- PowerPoint Presentation 1.3: Distinguishing Child Labor, Forced Labor, and Human Trafficking from Other Crimes
 - 30 minutes
- Exercise 1.3.1: Myths and Facts About Child Labor, Forced Labor, and Human Trafficking Recap
 - 1 hour

Supplies:

- PowerPoint Presentation 1.3: *Distinguishing Child Labor, Forced Labor, and Human Trafficking from Other Crimes*
- Projector
- Copies of Handout 1.3.1: *Myths and Facts About Child Labor, Forced Labor, and Human Trafficking*
- Pens or pencils

Distinguishing Child Labor, Forced Labor, and Human Trafficking from Each Other

Child labor, forced labor, and human trafficking may have overlapping and similar concepts, but the elements that make up the crimes are not identical. They are three separate crimes. Distinguishing between child labor, forced labor, and human trafficking is especially important when thinking about how to bring charges against suspected offenders because it can help you understand the elements of each crime and how to prove them all before the court. This can make your investigation or prosecution more likely to result in a successful conviction.

However, it is also very important to note that these crimes are not mutually exclusive. It is entirely possible that someone could be tried for more than one of the crimes at the same time due to the nature of their actions. This lesson should not prevent you from bringing multiple charges against suspected offenders. Refer to Lesson 2.7 (Charging) for more detail on multiple charges.

Interrelated definitions can make the distinctions difficult to understand, but it is easier to understand the distinction between child labor, forced labor, and human trafficking if you start by considering trafficking and what elements make up the crime. Human trafficking requires a form of exploitation, which can be a worst form of child labor (WFCL) or forced labor. Human trafficking can include child labor or forced labor, but not all child labor or forced labor is human trafficking.

Below are more detailed explanations of the distinctions between child labor, human trafficking, and forced labor and between forced labor and human trafficking.



Photo Credit: Flore de Preneuf/PROFOR, 2012, Liberia

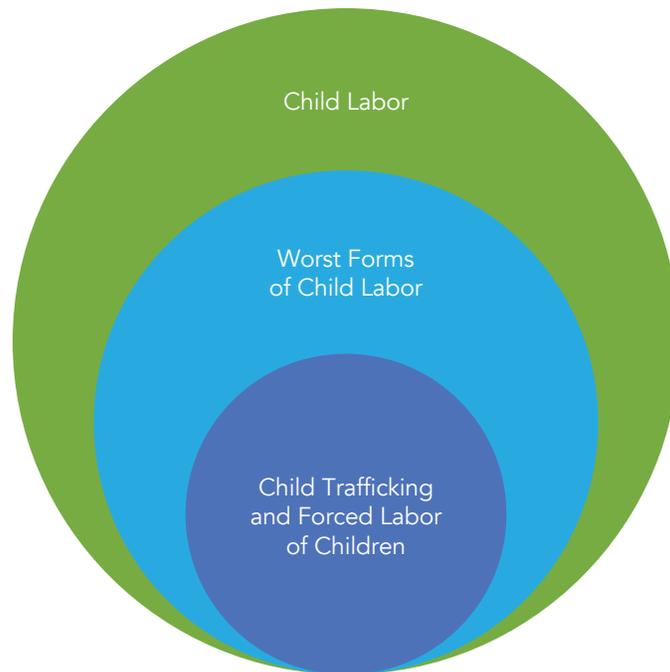
Child Labor vs. Human Trafficking and Forced Labor

Human trafficking of a child victim/survivor, or child trafficking, should first be distinguished from human trafficking. Unlike human trafficking of adults, child trafficking does not require the use of threat or use of force or any form of coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability.⁸⁷ Additionally, under the Palermo Protocol, children cannot consent to being trafficked.

Child trafficking and forced labor of children can fall under the umbrella of child trafficking. Child labor includes several different types of illegal child work, such as children working below the minimum age of employment or working more hours than legally permitted, as well as children engaged in any of the WFCL. Child trafficking and forced labor of children are WFCL.⁸⁸

For more information on child labor definitions, refer to Lesson 1.1. While all child trafficking and the forced labor of children can be considered child labor, it is important to remember that not all child labor (or WFCL) is child trafficking or child forced labor. Figure 7 below explains the relationship between child labor and child trafficking and forced labor of children.

Figure 7: Relationship between Child Labor, Child Trafficking, and Forced Labor of Children



87 Palermo Protocol on Trafficking in Persons, Article 3(c).

88 *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)*. (Entered into force November 19, 2000). International Labour Organization (ILO) Article 3(a). http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

Forced Labor vs. Human Trafficking

Forced labor and human trafficking are similar crimes that can be challenging to distinguish. Under the Palermo Protocol, forced labor is one of the acts that can constitute human trafficking.⁸⁹ Some countries have laws that include forced labor as a type of human trafficking, while others include forced labor as a separate offense. The ILO describes the difference between forced labor and human trafficking by noting that “not all forced labor is a result of human trafficking”⁹⁰ but that “almost all cases of human trafficking result in forced labor,” with organ trafficking being an exception. This is because the definition of forced labor is more expansive than human trafficking as it covers “any work or service extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁹¹ It does not require a specific act, means, and purpose as human trafficking does, and as a result, it can be easier to prove a forced labor case than a human trafficking case in countries that have forced labor as a separate offense. It is also important to note that because forced labor’s definition is broader, it can cover government-imposed forced labor, such as in Uzbekistan’s cotton sector.⁹² Additionally, it is important to remember that poor working conditions are not the same as forced labor.

Distinguishing Human Trafficking from Smuggling

It is important that victims and survivors of human trafficking are properly identified as trafficking victims/survivors and not as smuggled migrants. It is also crucial to remember that people who are voluntarily smuggled are often trafficked by either their smuggler or someone else upon arrival at their destination. Because countries have different responsibilities with regard to how they address human trafficking survivors and smuggled migrants, correct identification is crucial to ensuring survivors of human trafficking receive the necessary support and that their cases are handled properly. A trafficked person is automatically a victim and survivor of a crime and is entitled to protection and government assistance. Without understanding the distinction between smuggled migrants and survivors of trafficking, it is easy to misidentify trafficked persons as illegal migrants. Misidentification can lead to detrimental outcomes for trafficked survivors if they are deported or detained for immigration offenses instead of provided needed support and assistance, causing even more trauma. Additionally, human trafficking cannot be fully addressed if opportunities for investigating and collecting evidence are missed because of misidentified cases.

There is often confusion between human trafficking and migrant smuggling, and while there can be overlapping characteristics, they are not the same. Smuggling of migrants means “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.”⁹³ Human trafficking is somewhat similar to smuggling in that trafficking *can* involve the transfer of a person across borders. However, while smugglers transfer people for the purpose of gaining payment from the person being smuggled, traffickers transfer people for the purpose of exploiting them.

89 Palermo Protocol on Trafficking in Persons, Article 3(a). <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

90 *Forced Labour and Human Trafficking: Handbook for Labour Inspectors*. International Labour Organization (ILO), 2008, p. 5. https://www.ilo.org/global/topics/forced-labour/publications/WCMS_097835/lang--en/index.htm

91 Forced Labor Convention, Article 2(1).

92 *Findings on the Worst Forms of Child Labor—Uzbekistan*, U.S. Department of Labor, 2018. <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/uzbekistan> and Trafficking in Persons Report: Uzbekistan, United States Department of State, 2020. <https://www.state.gov/reports/2020-trafficking-in-persons-report/uzbekistan/>

93 *Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime, 2000*. (Entered into force 28 January 2004) Article 3. https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf

Smuggling and Trafficking Differ in the Following Ways:^{94, 95, 96}

- Smuggling a person means to facilitate that person's illegal crossing of a border and entry into a country that he or she chose to enter. The person's choice and consent in the process is a distinguishing feature of migrant smuggling. Although smuggling often involves dangerous conditions and mistreatment, mistreatment or harm is not a necessary element of the crime of smuggling. Therefore, the person being smuggled is not automatically a trafficking victim/survivor as a result of the migrant smuggling, but they can be a trafficking victim/survivor if there has been additional harm. In contrast, when a trafficked person is transported across international borders, the victim is intentionally forced or tricked into recruitment and transport. A person cannot consent to being trafficked. The crime also includes the necessary element of exploitation after transport. A trafficked person, unlike a smuggled person, is automatically a victim as a result of the trafficking itself.
- Smuggling is a crime against the state and the state's sovereignty. Human trafficking is a crime against the individual and their right to be free from involuntary servitude.
- Smuggling requires the illegal crossing of international borders. Trafficking does not require the crossing of international borders, although it can. Trafficking can occur completely within national borders.
- With smuggling, the smuggler uses illegal documentation or unofficial ports or points of entry. Traffickers may use either legal or illegal documents.
- The relationships between the smuggler and the migrant, and the trafficker and the victim/survivor, also differ. The smuggler and the migrant are partners in a commercial interaction with the migrant contracting with the smuggler to assist him or her across a border. The migrant enters into the arrangement willingly. The smuggler has no intention of exploiting the smuggled person after the migrant has successfully crossed the border. The relationship between a smuggler and the smuggled person is short term. In contrast, the relationship between a trafficker and a victim is rooted in exploitation and is longer in duration, often indefinite. If a trafficking victim has crossed an international border, the relationship does not end there. The intention of the trafficker is to exploit the victim in the new country. Victims of trafficking may have agreed to the illegal border crossing, but the initial consent is negated by subsequent improper means (threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, giving payments or benefits to a person in control of victim) used by traffickers, with the intent to further exploit the victim. However, this distinction is not to say a smuggled migrant cannot become a victim of trafficking if the smuggler exploits the person, sells the person and his or her debt (the smuggling fee the person smuggled owes), or forces the person to work off transportation costs through exploitation.
- The smuggler profits from the migrant's smuggling fees. The trafficker continues to control the victim after the border crossing, if there is a crossing, to continue profiting through exploiting the victim.

Key differences between smuggling and trafficking are shown in the chart below:

Figure 8: Key Differences between Smuggling and Human Trafficking

Smuggling	Trafficking
Crime against the state	Crime against an individual
Commercial relationship between smuggler and person being smuggled	Exploitative relationship between trafficker and person being trafficked
Illegal border crossing is a requirement for the crime	Illegal border crossing is not required but may have occurred
Migrant must consent to crossing a border illegally	Consent is not relevant if the trafficker used force or coercion at any point in the process

94 *Anti-Trafficking Training Material for Judges and Prosecutors Background*, International Centre for Migration Policy Development, 2006. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/icmpd_curriculum_2006_en_1.pdf

95 *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*, The International Association of Chiefs of Police, 2007. <https://www.theiacp.org/resources/document/the-crime-of-human-trafficking-a-law-enforcement-guide-to-identification-and>

96 *Investigating Human Trafficking Cases Using a Victim-centered Approach: A Trainer's Manual on Combating Trafficking in Persons for Capacity-building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago*, International Organization for Migration (IOM), 2018. <https://publications.iom.int/books/investigating-human-trafficking-cases-using-victim-centred-approach-trainers-manual-combating>

Distinguishing Child Labor from Child Work

Child labor and child work are both forms of children in employment, with the first being illegal and the second being legal. Child work encompasses legal work that children are allowed to perform in a particular jurisdiction. The types of work children are permitted to perform often include light work, and once the child has reached the minimum age for employment, full-time non-hazardous work. Child work is work that is beneficial for children, as it helps them gain skills and responsibilities while also earning income. Work performed by children cannot harm their health, safety, or morals, and in the case of light work, it cannot harm their education.

Child labor refers to illegal child employment. Child labor includes children performing light work below the minimum age for light work or engaging in full-time employment when they are under the minimum age for employment. Children of any age working more hours than permitted by law are engaged in child labor. Children engaged in any of the WFCL, including hazardous work, are also in child labor.

MYTHS AND MISCONCEPTIONS

There are many myths and misconceptions about child labor, forced labor, and human trafficking that must be corrected if governments are to address the crimes properly. Myths and misconceptions can result in the failure of criminal justice professionals to identify crimes when they occur, preventing survivors from having access to the care and assistance they need.

Child Labor Myths and Misconceptions:⁹⁷

Myth: Many people work as children, and it does not cause any harm.

Fact: Working as a child, or child work, is not the same as child labor. Jobs like doing chores around the house, after-school jobs, or babysitting are not child labor. By definition, child labor is mentally or physically dangerous and harmful to children and interferes with their ability to go to school.

Myth: Child labor is necessary to help children and their families survive extreme poverty.

Fact: Often, child labor makes situations of extreme poverty worse because children are unable to go to school and receive an education that may prepare them for a stable and better paying job. Victims of child labor may not have any opportunity to receive a basic education because they are working during school hours. Additionally, working in hazardous conditions exposes children to risks to their physical or mental health, which also affects their ability to work in the future.

Myth: Child labor is necessary for a country's economic growth and development.

Fact: Child labor is an obstacle to not an inevitable consequence of growth and development. Child labor leads to lower national income, depressed wages, increased adult unemployment, slow technological advancements, and difficulty attracting foreign investors.

Myth: All children who work are engaged in child labor.

Fact: Many children who work are engaged in legal employment, such as light work and other non-hazardous work (provided the children have reached the required minimum ages).

Myth: No child under the minimum age for employment can perform any work.

Fact: While this is true in some countries, in many countries, children are permitted to perform light work, which is part-time work that does not negatively impact their health, safety, morals, or education. Typically, light work is permitted for children who are 13 years and older, but this varies by country.

⁹⁷ *Unlucky for Some: 13 Myths About Child Labor*, World Vision Australia, 2012. <https://www.worldvision.com.au/docs/default-source/school-resources/myths-about-child-labour.pdf>

Myth: Victims of child labor only work in sweatshops and factories.

Fact: Victims of child labor work in a wide range of industries. Many victims of child labor work in agriculture and farming, while others work in the mining and construction industries.

Myth: Victims of child labor do not perform difficult tasks, so they are not really at risk.

Fact: The work that victims of child labor perform is hazardous or dangerous to their physical and/or mental health. Many victims and survivors suffer long-term health problems because of malnutrition, chemical exposure, abuse, injury, exhaustion, and psychological harm.

Myth: Survivors of child labor can easily go back to school once they are done working and have made some money.

Fact: Survivors of child labor do not often have control over when they can stop working. Even if they have made some money, it is likely not enough to save for future educational expenses and schooling. Additionally, if children have been forced into child labor from a young age, it will be difficult to reintegrate into the schooling system and catch up.

Human Trafficking and Forced Labor Myths and Misconceptions:^{98, 99}

Myth: Trafficking requires movement, so trafficking victims are foreign nationals or immigrants from other countries.

Fact: Trafficking can occur entirely within a country's borders, meaning that a person can be a victim of trafficking within his or her own country. Movement across international borders may be involved, but the legal definition of human trafficking does not require the element of international travel, transportation, or movement.

Myth: All victims of sex trafficking are women.

Fact: Men, women, boys, girls, and nonbinary individuals can all be victims of sex trafficking. Anyone can be a victim of sex trafficking, regardless of their age, gender, sexual identity or orientation, and socioeconomic status. Traffickers often choose their victims based on perceived vulnerability because traffickers look for people they can easily exploit.

Myth: If a person consents to their initial working condition and is informed of the type of labor he or she would be doing, then it is not forced labor or human trafficking.

Fact: When identifying a victim or survivor of forced labor or human trafficking, initial consent to provide labor does not negate the fact that the victim or survivor was subsequently subjected to force, fraud, or coercion to get the person to continue working against his or her will. If coercion is used for further exploitation, the person is a victim or survivor, even if he or she initially provided consent to the situation.

Myth: Victims must be physically restrained for trafficking to have occurred.

Fact: Physical restraint, bodily harm, or physical force is not an essential element of the crime of human trafficking. While physical restraint may occur, psychological control, such as through the use of threats, is sufficient to meet the elements of human trafficking.

98 *Human Trafficking: A Guide for Criminal Justice Professionals*, Wisconsin Department of Justice, 2020. <https://www.doj.state.wi.us/sites/default/files/ocvs/human%20trafficking/DOJ%20HT%20Guide%20for%20Criminal%20Justice%20Professionals%20Jan%202020.pdf>

99 *Student Toolkit*, National Human Trafficking Resource Center, 2013. <https://humantraffickinghotline.org/studenttoolkit>

Myth: Victims and survivors are quick to seek help or assistance and will self-identify as victims of a crime.

Fact: Often, victims/survivors of trafficking will not seek any help and will not consider themselves victims/survivors of a crime. This is because they lack trust in the legal and criminal justice systems, self-blame, or believe the misinformation traffickers have told them. Therefore, it is crucial for law enforcement and service providers to be able to recognize the signs of human trafficking so that survivors are identified and assisted because otherwise, they may never seek help.

Myth: Human trafficking and forced labor only occur in illegal industries.

Fact: Human trafficking can occur in both legal and illegal industries. The industry or type of work is not the criminal part of the act. Trafficking can occur in legal industries that are fully visible to the public, such as tourism, fishing, hospitality, and agriculture.

Myth: Trafficking victims who are in a foreign country are undocumented immigrants or in the country illegally.

Fact: Victims of human trafficking can be in a foreign country through either illegal or legal means. Some victims have obtained visas and have legal documents.

Myth: Victims and survivors of human trafficking and forced labor are always from areas with high poverty or are from rural villages.

Fact: While poverty may be a factor that makes the victim vulnerable in the eyes of the trafficker or exploiter, poverty alone is not a universal risk factor for human trafficking and forced labor. Trafficking victims and survivors can come from a range of socioeconomic backgrounds.



Photo Credit: Acquistbe, 1968, Bolivia

Exercise 1.3.1: Myths and Facts about Child Labor, Forced Labor, and Human Trafficking

Objective:

To identify common myths about child labor, forced labor, and human trafficking; identify sources of misconceptions; and clarify information about child labor, forced labor, and human trafficking to better understand the reality of child labor, forced labor, and human trafficking. Ideally, this exercise will be completed in two parts, as a preview to Lesson 1.3 and as a closing activity for the lesson.

Time:

 1 hour

Materials and Preparation:

- Make copies of Handout 1.3.1A: *Child Labor, Forced Labor, and Human Trafficking: True or False?* for each group.
- Before the facilitator teaches Lesson 1.3, have participants complete the “pre-lesson” portion of the handout. They will keep this handout throughout the lesson, as they will refer to it again at the end of the lesson.
- Pens or pencils

Steps:

- Explain to the participants the objectives of the exercise.
 - 5 minutes
- Ask participants if they think they personally have a good understanding of child labor, forced labor, and human trafficking and whether they think they would be able to identify common myths and misconceptions.
- Break up the group of participants into groups of two. Each group of participants should have one handout.
- Ask participants, in their groups of two, to look at the handout and take note of the “pre-lesson” and “post-lesson” columns.
- Instruct participants to discuss each statement on the handout with their partner and to write “true” or “false” in the “pre-lesson” column for each statement.
 - 10 minutes
- The facilitator should then teach Lesson 1.3 as planned.
- After the lesson, have participants, in their original pairs, go through the statements in the handout again to see if any of their responses to the questions have changed based on what they have learned in the lesson. Any changes should be marked on their response sheets.
 - 5 minutes
- Reconvene once participants have finished.
- As a group, go over the list of statements on the handout, then ask volunteers to state the correct answer for each statement and why that answer is correct. Refer back to Lesson 1.3 for an explanation of the truth behind myths, if necessary. All the statements are from the lesson.
- Ask participants to reflect on the differences between their “pre-lesson” and “post-lesson” answers and circle the answers that changed after the lesson.

- Ask participants to volunteer to share which statement their group was most surprised to learn was a myth when they had thought it was true before the lesson. Guide the discussion by asking other groups if they shared a similar initial misconception.
- Ask participants to consider why they believed certain facts to be true or false. The goal should be to help participants identify stereotypes they carry and where their biases may stem.
 - 30 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- There are many myths and misconceptions about child labor, forced labor, and human trafficking.
- Addressing common myths and sharing correct information about the reality of child labor, forced labor, and human trafficking is essential to ensure that governments address the crimes properly.
- As a result of cultural ideals and society, and even political ideologies, individuals within a certain community may have widespread misinformation about child labor, forced labor, and human trafficking.
- Myths and stereotypes take a long time to break and are often unintentionally ingrained in one's mind. Participants should not feel guilty or discouraged if they believed some myths to be true. Instead, participants should feel empowered by their new understanding, which can correct future misconceptions and encourage them to teach others in their communities.
- Myths and misconceptions can result in criminal justice professionals failing to identify crimes when they occur, thus preventing victims from accessing the care and assistance they need.

HANDOUT 1.3.1: CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING: TRUE OR FALSE?

Statement	True or False?
Trafficking requires movement across international borders.	
Even if a person consents to his or her initial working condition, he or she can still be a victim of human trafficking.	
There is a difference between working as a child and child labor.	
All trafficking victims and survivors are women.	
Victims of child labor only work in sweatshops and factories.	
Victims and survivors are often reluctant to seek assistance from law enforcement and the government.	
Child labor is necessary for families who face extreme poverty.	
A person does not have to be physically restrained to be a victim of human trafficking.	
It is easy for victimssurvivors of child labor to return to school and have a normal life.	
Human trafficking and forced labor only occur in illegal industries.	
Victims of child labor do not perform difficult tasks, so they are not really at risk.	
Boys and girls work in similar sectors.	
Child labor only occurs in the informal sector because it is unregulated.	

HANDOUT 1.3.1 KEY: CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING: TRUE OR FALSE?

Statement	True or False?
Trafficking requires movement across international borders.	False
Even if a person consents to his or her initial working condition, he or she can still be a victim of human trafficking.	True
There is a difference between working as a child and child labor.	True
All trafficking victims and survivors are women.	False
Victims of child labor only work in sweatshops and factories.	False
Victims and survivors are often reluctant to seek assistance from law enforcement and the government.	True
Child labor is necessary for families who face extreme poverty.	False
A person does not have to be physically restrained to be a victim of human trafficking.	True
It is easy for victimssurvivors of child labor to return to school and have a normal life.	False
Human trafficking and forced labor only occur in illegal industries.	False
Victims of child labor do not perform difficult tasks, so they are not really at risk.	False
Boys and girls work in similar sectors.	False
Child labor only occurs in the informal sector because it is unregulated.	False

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