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Preparatory debate on the next resolution of the Standing Committee: *Orphanage trafficking: The role of parliaments in reducing harm*

The International Labour Organization (ILO) estimates there were 49.6 million people living in conditions of modern slavery in 2021.¹ Modern slavery encompasses several practices including human trafficking, slavery, servitude and forced or compulsory labour.² As a specific subset of human and child trafficking, orphanage trafficking is being increasingly recognized internationally as an issue.

Orphanage trafficking takes place when children are recruited into orphanages for the purpose of exploitation and profit.³ It is a multifaceted issue. In countries experiencing poverty, a lack of appropriate community-based support for children and families, under-regulated residential institutions and a lack of enforceable laws to prevent child exploitation, the number of orphanages has grown as a way to care for vulnerable children. It has also been reported that, as a direct result of poverty, marginalization, a lack of support and deceptive practices by residential institutions, parents have given their children to orphanages on the promise of education, housing and healthcare.⁴

Orphanages undertaking orphanage trafficking generate profits from international donations and by allowing tourists and volunteers to visit and interact with children for a fee. However, these children are often exploited to elicit sympathy and donations. There is evidence to suggest that children in a number of these orphanages have been subject to forced labour, abuse, poor conditions, malnourishment and a lack of adequate healthcare.⁵ Children may be forced to undertake concerning activities such as interacting with visitors, performing “cultural” dances and forced begging to solicit donations.⁶ Orphanage trafficking is perpetuated through these interconnected dynamics – volunteers and donors overseas wish to support orphaned children, which drives the recruitment of children, often from their families, to orphanages as a means of profit making.

The issue of orphanage trafficking is gaining attention worldwide and is one that has been recognized in reports from the US Department of State, the Government of Sweden and the Government of Australia, as well as by a handful of academics working in this area.⁷ National governments including those in Cambodia, Myanmar and Nepal have revised child protection laws and created moratoriums on new orphanages. Haiti and Nepal have recognized “orphanage trafficking” as a crime under domestic law. However, these efforts are often undermined by continued foreign aid and donations.⁸

¹ <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

² <https://www.westminster.gov.uk/modern-slavery>

³ Kathryn E. van Doore and Rebecca Nhep, *Orphanage Trafficking and the Modern Slavery Act in Australia* (2018), 1: <https://www.e-ir.info/2018/07/13/orphanage-trafficking-and-the-modern-slavery-act-in-australia/>. Joint Standing Committee on Foreign Affairs, Defence and Trade of the Parliament of the Commonwealth of Australia, *Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia* (Canberra, 2017), 226: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Modern_Slavery/Final_report.

⁴ *Hidden in Plain Sight*, p. 226.

⁵ *Orphanage Trafficking and the Modern Slavery Act in Australia*, p. 1.

⁶ *Hidden in Plain Sight*, pp. 226-227.

⁷ *Orphanage Trafficking and the Modern Slavery Act in Australia*, p. 3.

⁸ *Hidden in Plain Sight*, pp. 245-246.

The Australian *Modern Slavery Act 2018* is the first to recognize orphanage trafficking as a form of modern slavery. Australia has also endeavoured to ensure government funding is not used to perpetuate child institutionalization or support programmes involving orphanage volunteering and has released travel advice discouraging Australians from participating in orphanage tourism.

Parliaments and parliamentarians can take a number of actions in relation to orphanage trafficking, which differ depending on whether they are “sending countries” (sending funding and volunteers) or whether they are “receiving countries” (countries who house residential care facilities that receive funding and volunteers). Actions can include strengthening national slavery and child protection legislation, strengthened regulation of residential institutions, capacity building and development work related to child protection, closely monitoring foreign aid funding, awareness raising in regard to ethical volunteering and working with international counterparts to strengthen legislation, standards and practices, both through regional forums, multilateral groups and intergovernmental organizations, and outside of these mechanisms. It is vital that sending and receiving countries develop a cooperative response to respond to orphanage trafficking.⁹

The preparatory debate on the resolution on orphanage trafficking provides an opportunity to gather Members’ perspectives on:

- Combatting orphanage trafficking and the root causes of the issue.
- Current in-country issues that enable orphanage trafficking, including a lack of community-based support for children and families and enforceable laws, and volunteer tourism.
- Appropriate legislative, policy and regulatory responses to orphanage trafficking.
- The different actions “sending” and “receiving” countries can take.
- How parliaments and parliamentarians can effectively work multilaterally on the issue.
- How more effective liaison and combined action between relevant bodies within States, and globally, can be created.

⁹ *Orphanage Trafficking and the Modern Slavery Act in Australia*, p. 4.