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## Orphanage trafficking: The role of parliaments in reducing harm

***Draft resolution submitted by the co-rapporteurs,  
Ms. L. Reynolds (Australia) and Mr. E. Bustamante (Peru)***

The 147th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the United Nations Convention on the Rights of the Child, its Optional Protocol on the sale of children, child prostitution and child pornography, and the Guidelines regarding the implementation of that Optional Protocol (CRC/C/156),
- (2) *Welcoming* United Nations General Assembly resolution 74/133 of 18 December 2019 on the rights of the child, in particular its focus on children without parental care, its call for States to progressively replace institutionalization with quality alternative care, including, inter alia, family and community-based care and its paragraph 35(t), which calls on United Nations Member States to: take “appropriate measures to protect children who are victims of trafficking and are deprived of parental care, enact and enforce legislation to prevent and combat the trafficking and exploitation of children in care facilities, support children who are victims of human trafficking in returning to their families and in receiving appropriate mental health and psychological assistance that is victim-centred and trauma-informed” and to take “appropriate measures to prevent and address the harms related to volunteering programmes in orphanages, including in the context of tourism, which can lead to trafficking and exploitation” (a phenomenon known colloquially as “voluntourism”),
- (3) *Acknowledging* recommendation D.1 of the United Nations Committee on the Rights of the Child 2021 Day of General Discussion Outcome Report, which, inter alia, calls on United Nations Member States to “adopt legislation and regulations to eliminate orphanage tourism and volunteering in orphanages, prevent incentives driving institutionalization and family separation and ensure adequate offences and penalties to prevent and enable the prosecution of violations of children’s rights in alternative care, including orphanage trafficking”,
- (4) *Highlighting* paragraph 93 of United Nations General Assembly Resolution 64/142 of 18 December 2009 on Guidelines for the Alternative Care of Children, which provides that “all alternative care settings should provide adequate protection to children from abduction, trafficking, sale and all other forms of exploitation”,
- (5) *Recalling* Article 35 of the Convention on the Rights of the Child, which requires States Parties to “take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form”, and Article 36, which requires States Parties to “protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare”,
- (6) *Acknowledging* the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in particular its Article 9.5 requiring States Parties to “adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”,

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(7) *Underlining* the guiding principles of the Convention on the Rights of the Child, i.e. the best interests of the child, non-discrimination, participation, and survival and development, that provide the framework for all actions concerning children,

(8) *Recognizing* that orphanage trafficking involves the transfer or recruitment of children into residential care for the purposes of exploitation and/or profit,

(9) *Noting* that orphanage trafficking as a form of trafficking and modern slavery is a growing international concern that must be addressed through cross-border collaboration and cooperation,

(10) *Acknowledging* the call for input by the United Nations Special Rapporteur on the sale and sexual exploitation of children for a report on *Addressing the exploitation and sexual abuse of children in the context of travel and tourism; a closer look at the phenomena of voluntourism*,

(11) *Recognizing* the necessity of a multifaceted approach to prevent and combat orphanage trafficking to protect children from such exploitation in the first place,

(12) *Concerned* that not all States currently have the necessary legal framework to combat orphanage trafficking, in particular legal provisions to criminalize it, or the budget, technical expertise or human resources to address the problem,

(13) *Also concerned* by the lack of regulation of voluntourism, in particular voluntourism activities involving children, which places children at risk of commodification in the context of for-profit activities,

(14) *Recognizing* the importance of creating awareness of the risks and indicators of orphanage trafficking and the harms associated with it among the public, particularly parents, teachers, children, community leaders, legislators and other relevant policymakers,

(15) *Highlighting* the precarious situation of the children involved in cases of orphanage trafficking and the importance of a victim-centred approach when combating the problem, as well as of child-centred rehabilitation processes,

(16) *Noting* that orphanage trafficking is a commercial act and may be driven by economic motivations,

(17) *Recognizing* how addressing orphanage trafficking can provide significant opportunities in progress towards several of the targets of the United Nations Sustainable Development Goals (SDGs) by 2030, namely:

- SDG 1.3 on social protection systems and measures
- SDG 1.a on ending poverty
- SDG 4.1 on free, equitable and quality primary and secondary education
- SDG 4.2 on quality early childhood development, care and pre-primary education
- all targets of SDG 5 on gender equality
- SDG 8.7 on the eradication of forced labour, modern slavery, human trafficking and child labour
- SDG 16.2 on ending the abuse, exploitation, trafficking and all forms of violence against and torture of children,

(18) *Also recognizing* United Nations General Assembly resolution 77/159 of 14 December 2022 on enhancing the role of parliaments in accelerating the achievement of the SDGs,

(19) *Noting* that, every year, the Office to Monitor and Combat Trafficking in Persons of the Department of State of the United States of America reports on the progress of nations in their fight against human trafficking and modern slavery and that, since 2018, reporting on orphanage trafficking has been incorporated,

(20) *Highlighting* the importance of paragraph 31 of the United Nations General Assembly resolution 74/133 of 18 December 2019 on the rights of the child, which urges States to “strengthen child welfare and child protection systems and improve care reform efforts”,

(21) *Recognizing* the European Union's decision of 9 June 2023 to expand the form of trafficking recognized in its Directive on preventing and combating trafficking in human beings and protecting its victims to include forced marriage and illegal adoption as explicit types of exploitation covered by the Directive,

(22) *Concerned* that well-meaning support for institutions through donations, child sponsorship programmes, orphanage volunteering or tourism, and faith-based missions, can lead to unnecessary family-child separation, perpetuate institutional models of care, undermine the development of more appropriate family-based care services, and create an economic incentive for orphanage trafficking,

(23) *Welcoming* the efforts of governments who have issued travel advisories discouraging orphanage tourism and volunteering,

(24) *Highlighting* that poverty, as one of the key drivers of orphanage trafficking, is exacerbated by humanitarian disasters and conflict, lack of education, inequitable social-economic structures, and gender discrimination,

1. *Condemns* all forms of orphanage trafficking and orphanage tourism, as well as orphanage volunteering where it enables orphanage trafficking;
2. *Calls on* the IPU to draft a model law for States formalizing, in the best interests of the child, a clear legislative framework to combat orphanage trafficking and tourism, where children's rights, education, voices, needs and security are at the centre of any proceedings that affect their wellbeing;
3. *Also calls on* the IPU to prepare a parliamentary guide that sets out the working mechanisms for parliaments to discuss legislation on combating orphanage trafficking and tourism, including oversight tools to monitor public policies on the protection of children from orphanage trafficking, and specific mechanisms of action that are applicable to parliaments in different regions of the world;
4. *Invites* those States that have not yet done so to consider ratifying the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
5. *Stresses* the importance of multidisciplinary and international cooperation in strategies to combat orphanage trafficking and tourism;
6. *Encourages* parliaments to implement measures that take account of the differentiated needs and experiences of children according to their age and sex, including by ensuring their participation in the development of measures pertaining to them;
7. *Emphasizes* the importance of a commitment by the private sector, civil society, charities and community to work together and with governments to stop the flow of funds and volunteers to for-profit institutions which commodify children;
8. *Urges* parliaments and parliamentarians to promote awareness among civil society, charities, community groups and families of orphanage trafficking, and thus provide protection to children;
9. *Invites* the IPU to schedule periodic meetings and workshops with the United Nations Special Rapporteur on the sale and sexual exploitation of children and other stakeholders, experts and activists, emphasizing local and regional initiatives for preventing and tackling the problem of orphanage trafficking and orphanage tourism, and other activities to allow parliaments to exchange information regarding good practices and successful experiences in combating orphanage trafficking and orphanage tourism;

10. *Urges* parliaments to take effective action to implement international commitments and bring their domestic legal and regulatory framework into full conformity with the Convention on the Rights of the Child, Guidelines for the Alternative Care for Children and the United Nations General Assembly Resolution 74/133 of 18 December 2019 on the rights of the child, including by:
  - a. Ensuring criminal laws enable the prosecution of orphanage trafficking and exploitation offences, including the unlawful removal of a child from parents or guardians and placement in a care facility for the purpose of exploitation or profit;
  - b. Criminalizing the grooming of children and of trusted persons (parents, guardians, caregivers) to facilitate both online and offline sexual exploitation especially by persons in positions of power, authority or trust;
  - c. Establishing by law extraterritorial jurisdiction for all offences of child trafficking, exploitation and grooming;
  - d. Establishing enforceable child protection regulations for the travel, volunteering and tourism industry that include a prohibition on orphanage volunteering and visits to orphanages, and regulation of other forms of voluntourism activities involving children;
  - e. Incorporating regulations on the participation of volunteers and visitors into existing child protection, child welfare and alternative care regulations, and specifically prohibiting visits to and volunteering within residential childcare facilities;
  - f. Ensuring that a child- and youth-friendly reporting mechanism is accessible to children in residential care, and to children and young people who have transitioned or aged out of care;
  - g. Establishing sufficient not-for-profit sector regulation and ensuring charitable activities comply with international child rights norms, safeguard children's best interests, and protect children from harm, abuse and rights violations;
  - h. Strengthening the implementation of child protection laws and regulations, including the monitoring and oversight of residential care facilities in cooperation with civil society, and protective measures to avoid the re-traumatization and re-victimization of child victims as a result of the investigative and judicial process.