**Addressing Tomorrow’s Slavery Today
Delta 8.7**

***Written Submission by Lumos Foundation***

**Lumos Foundation** (“Lumos”) is an international children’s charity, founded by J.K. Rowling, to end the institutionalisation of children around the world by 2050. Lumos works with international donors, governments and other partners, helping them to change policies, practice and redirect funds from orphanages to provide health, education and social services, so children can be raised in loving families in the community.

1. What can we expect from tomorrow’s slavery?

There is a silent global injustice currently affecting more than eight million children around the world, undermining our ability to achieve the global eradication of modern slavery and to create equal and inclusive societies. This urgent and growing issue is the separation of children from their families, to be placed in orphanages and other institutions.

The term ‘institution’ refers to residential facilities where an ‘institutional culture’ prevails – children are isolated from the community, have little control over their own lives or decisions that affect them. Crucially, the requirements of the organisation take precedence over the children’s individual needs. The term also refers to facilities more commonly known as ‘orphanages’, as well as children’s homes and rescue centres. Throughout this submission, the terms ‘orphanage’ and ‘institution’ are used interchangeably.

Irrespective of the intentions with which an institution is established, how it is managed, or its material conditions, it can never replace the love, support and stability that children need to form secure attachments. Under international and regional human rights treaties, every child has the right to a family. This is explicit in the UN Convention on the Rights of the Child (1989): “The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”

The true global scale of this problem is yet to be established through systematic data capture of children outside of families and longitudinal studies. There is no definitive, accurate estimation of the number of children who are separated from their families and communities, and placed in institutions. The figure of eight million is cited in a number of studies (including Pinheiro, P. World Report on Violence against Children, UNICEF, New York, 2006), but is generally considered by experts to be the tip of the iceberg.

**Orphanages are a misnomer:** The vast majority of children in orphanages are not orphans – at least 80% have a living parent. Orphanages deny children their freedom, isolate them from their families and communities, and often deny them their right to an identity.

**Orphanages are intrinsically exploitative.** Orphanages are of themselves, and as the evidence shows, harmful and exploitative. Children are at increased risk of violence, abuse and neglect by staff, officials, volunteers, and visitors. Global research has shown the same disturbing patterns, documenting gross human rights violations, including cruel, inhuman, and degrading treatment, gross negligence and avoidable death in care.[[1]](#footnote-2)

**Institutions are drivers of modern slavery.** The presence of entrenched fiscal arrangements which allow orphanages to be run for profit, combined with the lack of transparency and accountability within these facilities, has led to orphanages becoming a significant and active component of the trafficking of children out of families and their communities. This is not only for exploitation within the orphanages themselves, but also onto other forms of slavery. Intricacies of the relationship between orphanages, trafficking and modern slavery will be presented in the next section.

**There are alternatives to orphanages.** The primary drivers of institutionalisation include poverty, disability, war, natural disaster, lack of education opportunities, and social exclusion. Orphanages are never an appropriate response to any of these factors. Separating children from families and communities without addressing underlying reasons for separation runs counter to the global efforts formulated in the Sustainable Development Goals.[[2]](#footnote-3) Investing in stronger social protection systems – such as income support for vulnerable families, well established foster care and inclusive education – are sustainable working alternatives that allow individuals, families and whole communities to thrive, all whilst being less expensive than institutions.

Major slavery risk factors

Children who grow up without the care of a safe and nurturing family are some of the most vulnerable in the world. Orphanages provide the conditions within which modern slavery can continue to thrive. There are four main ways in which the issue of modern slavery interacts with institutionalisation:

**[1]** **Children are trafficked into institutions, for the purposes of exploitation.** In some cases, children are actively ‘recruited’ into orphanages, often using false promises of education and food.[[3]](#footnote-4) In some instances, the documents are doctored effectively creating ‘paper orphans’. Children may be groomed to pretend they have no family or forced to perform for volunteers and visitors. These ‘orphanages’ are profit-making ventures and exist to attract the lucrative international flows of volunteers, donations and other funding. This is trafficking in children disguised as ‘care’ for orphans. This form of exploitation is increasingly being recognised as a form of child trafficking, namely ‘orphanage trafficking’.[[4]](#footnote-5) Children may also be trafficked into orphanages for other forms of exploitation, such as sexual exploitation, child labour or domestic servitude. Additionally, a lack of basic child protection procedures in many residential institutions creates an environment that can be taken advantage of by those with harmful intentions.

**[2]** **Children are trafficked from institutions into other forms of exploitation and modern slavery.** Evidence demonstrates that traffickers target institutions as a means to access vulnerable children and recruit them into exploitation.Significant shortcomings in security, oversight and accountability in many such facilities around the world leave children vulnerable to being trafficked out into other forms of exploitation, including sexual exploitation and child labour. This has been well-documented by U.S. Trafficking in Persons Reports[[5]](#footnote-6), amongst other resources.

**[3]** **Child trafficking victims are placed into institutions.** Through ill-informed reintegration efforts, separated children or children who are identified as victims of trafficking are often placed (back) into institutions as a protection response.[[6]](#footnote-7) This can create a vicious cycle of re-trafficking.

**[4]** **Care-leavers are more vulnerable to exploitation, trafficking and other slavery practices.** Young adults leaving institutions are especially vulnerable to these risks because they have had fewer opportunities to develop the social skills and networks they need to live successfully and independently in the community.[[7]](#footnote-8)

Oncoming risk-multipliers

**Orphanage Volunteering.** The industry of volunteer tourism – or voluntourism - has seen rapid growth in recent years, with reports predicting an annual worth of $2 billion generated from the 10 million tourists seeking this type of experience.[[8]](#footnote-9) As outlined in indicator 1 of the Slavery Risk Factors above, there is a growing understanding that the flow of international volunteers and tourists into orphanages compounds the issue of child institutionalisation and acts as a driver to the unnecessary and deceptive separation of children from their families – an opportunity for traffickers to *supply* children to feed the business model. Research demonstrates that this practice is more prolific in countries where there is a significant tourist industry, with orphanages generally being set up in the main tourist areas.[[9]](#footnote-10) If the industry continues to grow with poor oversight and an acute lack of child protection measures, so too does the risk of the continued proliferation of orphanage trafficking on a global scale.

**Philanthropic giving to orphanages.** When individuals, private trusts and foundations, faith-groups and NGOs financially support orphanages, they inadvertently prop up a system which may run counter to existing government efforts to develop services to support vulnerable children and families in the community and counter to children’s best interests. For example, Lumos research traced philanthropic support to orphanages in the country exceeding $100 million in one year, which is more than 130 times the reported Haitian child protection agency’s annual budget.[[10]](#footnote-11) If this type of pattern continues in countries in the absence of effective ring-fencing of resources and re-direction of funds, then care reform becomes increasingly difficult to achieve.

**Emergency Response.** The number of orphanages and other institutions often increases following natural disaster and conflict.[[11]](#footnote-12) Whilst the immediate support of unaccompanied children is an immediate priority, evidence shows that temporary shelters frequently become permanent solutions which proliferate long after the disaster.[[12]](#footnote-13) As well as the increased vulnerabilities to traffickers, the proliferation of orphanages following displacement and disaster can act as a ‘pull factor’ to vulnerable communities, where parents give their children up in order for them to access basic services and provisions that they may not be able to provide themselves. Therefore, without robust policies in place, there is a risk that the increasing threats of mass displacement caused by growing climate change concerns and global conflict, the risk of orphanages proliferating is multiplied.

1. Today’s Anti-Slavery

Current Effective Government Strategies

There is growing anecdotal evidence and research on the relationship between orphanages and modern slavery across the world. However, among the many forms of exploitation that children suffer, this is one that is relatively unknown and certainly not one that features in the majority of anti-trafficking programmes. A number of governments however, have taken action to address orphanage trafficking, as outlined below by four key examples. These examples demonstrate actions that can be taken by both countries where institutional systems exist, and those that export support to institutions overseas.

**Australia.** The Australian Government held an inquiry into establishing a Modern Slavery Act in 2017. One area of focus for this inquiry was how Australia contributes to modern slavery through ‘orphanage trafficking’. Much evidence was heard about the role the country played with respect to overseas orphanages, via donations, voluntourism, education and the role of faith groups. The Committee listed 11 recommendations on measures to tackle the exploitation of children in orphanages overseas[[13]](#footnote-14). Following this, the Australian Modern Slavery Act passed in November 2018, with the inclusion of a reference to this form of exploitation in the explanatory memorandum of its Transparency in Supply Chains provisions. This ensures the definition of exploitation in the new Act captures ‘orphanage trafficking’ and exploitation of children in institutions - effectively retrospectively explaining that such offences should be included in any future reporting on relevant supply chain activity. This marked a world-first in recognising ‘orphanage trafficking’ as a form of modern slavery. In addition, the government launched a ‘Smart Volunteering’ campaign where they explicitly discourage any short-term, unskilled volunteering in orphanages.[[14]](#footnote-15) With mounting pressure, several travel agencies have since publicly withdrawn from offering volunteering experiences in orphanages.

**Netherlands.** In the Netherlands, a ‘white paper’ has been produced by the foremost liberal party on combating orphanage tourism.[[15]](#footnote-16) It notes that vulnerable children in poor countries are often the victims of well-intentioned travellers from the Netherlands and makes seven key recommendations, including ensuring that orphanage tourism is treated at the international level as a contribution to human trafficking, and that it is positioned as an integral part of national government policy in the coming years.

**Rwanda.** The Rwandan Government has made great strides in reforming its system of care for vulnerable children. Prior to 1994 there were 37 residential facilities housing 4,800 children, but by 1995 – in the wake of the 1994 genocide – the number of facilities rose to 77, housing 12,704 children. Work on family tracing and reunification, alongside an expansion of foster care for children who could not be reunified, meant that by April 2000, the 37 remaining centres housed fewer than 5,000 children.[[16]](#footnote-17) The passing of a landmark law on the Rights and Protection of the Child; the establishment of the National Commission for Children (NCC); and successful pilot deinstitutionalisation projects demonstrated that – with a concrete strategy, well-trained social workers and available alternative care options such as formal foster care – deinstitutionalisation was possible in Rwanda.[[17]](#footnote-18)

**Kenya.** In 2017, the Kenyan Government placed a moratorium on the construction, establishment and registration of new residential care facilities for children – referred to as Children’s Charitable Institutions (CCIs). This marks a notable step towards tackling the proliferation of institutions in the country.

Addressing gaps in policy and strategies.

**Research.** National governments should fund and/or support research into the prevalence of ‘orphanage trafficking’ as well as other intersections between orphanages and modern slavery, and the exploitation in institutions globally. This should include examining the role of nations in relation to practices that may be fuelling these harms, such as orphanage tourism / voluntourism, and philanthropic giving.

**Recognition.** The role institutions play at placing children at risk of modern slavery should be recognised and responded to in relevant guidance.‘Orphanage trafficking’ is a serious crime involving exploitation and should be formally recognised as a form of exploitation through anti-trafficking policy and legislative frameworks, as highlighted by the Australian example. The relationship between orphanages and trafficking, and the harm of institutions as providers of ‘care’ for children, needs to be addressed through a systemic and holistic approach by strengthening families, reforming care systems and the deinstitutionalisation of broader child protection systems - including divestment strategies targeting donors and volunteers.

**Redirecting resources**. Institutions are expensive. Transforming these systems is the entry point for releasing funding resources needed for much larger groups of vulnerable children. It provides the opportunity for governments and private funders to support and sustain health, education and child protection services for ten times as many children as those in institutions – whilst achieving better outcomes.

**Awareness-raising.** It is critical that attitudes towards institutional care are changed and family care is promoted as a viable, safe and necessary alternative. The harms, such as increased risk of abuse and trafficking, must be better evidenced and publicised. The harms of voluntourism in orphanages and visiting them must be addressed via public awareness campaigns, official travel advice and the banning of placement of unskilled volunteers in orphanages.

**Development of a best practice response.** When instances come to light of the four ways in which institutions and trafficking intersect, there should always be an effective safeguarding and law enforcement response to protect the individual child or children. For example, simply removing a child from the offending institution may not be enough to reduce their vulnerability to future exploitation. Solutions in this context are complex and there is little literature on how agencies should respond to such abuse to ensure a victim and child-rights focus, and to bring perpetrators to justice in individual cases. This includes examples where institutions are being used as a response to child trafficking victims and unaccompanied children. Development of best practice in this area would help frontline workers to improve their response to children, develop strong prevention strategies and ensure a community approach to anti-trafficking and de-institutionalisation of children.

**Voices of children and young adults.** It is vital in developing any effective anti-trafficking response or prevention strategy to include the views and experiences of those who have been at risk or who have experienced institutionalisation (and possibly also exploitation) in this context. Young advocates and care leavers know best what works for children and should be consulted in a meaningful way to provide input into policy reform.

**Private Sector Guidance.** National governments should implement specific guidance material to inform businesses, the public and other entities, such as faith groups, of the issue of orphanage trafficking’ and orphanage voluntourism/tourism. This should include indicators for understanding the potential impact of support for residential institutions, including through supply chains.

1. Tomorrow’s Anti-Slavery

New technologies, Methods and Partnerships

**Identification.** As mentioned in Section 1, the true scale of the problem of child institutionalisation remains unknown due to insufficient data collection methodologies and gaps in research. Common data collection methods use ‘household based’ surveys, such as Demographic and Health Surveys (DHS) and Multiple Indicator Cluster Surveys (MICS). This approach excludes by design those who live outside of households, which will include many children who have been separated from their families and are living in institutions. It is vital that the obligation under the Sustainable Development Goals (SDGs) to “leave no one behind”[[18]](#footnote-19) is met by joining efforts cross-governmentally at national levels, and internationally, to enhance data collection methodologies so that children living outside family care are systematically included. If these children continue to go ‘uncounted’ their vulnerability to modern slavery practices will continue to grow. Existing anti-slavery risk models and data gathering should be examined and ways to capture exploitation in institutions included in methodologies. There must also be increased evidence gathering, such as mapping of unregistered orphanages, volunteers and also the tracing of funds that help to sustain orphanage care.

**Everyone has a role.** A vast range of organisations and people fund, volunteer in, visit and support institutions, including multilaterals, governments, businesses, educational establishments, faith groups, philanthropists and individuals. With limited resource, stakeholders must work together to ensure that these people are educated about the harm of institutions, the risk of trafficking but also so that resource, expertise and good intentions are redirected towards new or existing services to support vulnerable children, prevent family separation and promote family reunification.

*For more information, please contact Chloe Setter, Senior Advisor: Anti-Trafficking, on* *chloe.setter@wearelumos.org*

1. United Nations General Assembly (2006) Report of the independent expert for the United Nations study on violence against children. A/61/299 p. 16. <http://www.unicef.org/violencestudy/reports/SG_violencestudy_en.pdf> ;Also see: Pashkina quoted in Holm-Hansen, J., Kristofersen, L. B and Myrvold, T. M. (eds) (2003). Orphans in Russia, NIBR –rap-port Vol 1, p 83; Berens & Nelson. The science of early adversity: is there a role for large institutions in the care of vulnerable children? The Lancet. 2015 http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/abstract  [↑](#footnote-ref-2)
2. UN Sustainable Development Goals: <https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E> [↑](#footnote-ref-3)
3. Van Doore, K. (2016). Paper orphans: Exploring child trafficking for the purposes of orphanages. The International Journal of Children’s Rights. Volume 24, Issue [↑](#footnote-ref-4)
4. Joint Standing Committee on Foreign Affairs, Defence and Trade (2017). *Hidden in Plain Sight An inquiry into establishing a Modern Slavery Act in Australia*. Parliament of the Commonwealth of Australia. [↑](#footnote-ref-5)
5. U.S Department of State. Trafficking in Persons Reports. <https://www.state.gov/j/tip/rls/tiprpt/> [↑](#footnote-ref-6)
6. See for example, Disability Rights International (2015) No Way Home: The Exploitation and Abuse of Children in Ukraine’s Orphanages. <http://www.driadvocacy.org/wpcontent/uploads/No-Way-Home-final2.pdf> [↑](#footnote-ref-7)
7. Delap, E. (2011). *Scaling Down: Reducing, Reshaping and Improving Residential Care Around the World. Positive Care Choices.* London: EveryChild. As cited in: Csaky, C. (2014). Op.cit. [↑](#footnote-ref-8)
8. Popham, G (2015) Boom in ‘Voluntourism’ Sparks Concerns Over Whether Industry is Doing Good, Reuters, 29 June 2015 <http://www.reuters.com/article/ustravel-volunteers-charities-idUSKCN0P91AX20150629> [↑](#footnote-ref-9)
9. Punaks and Feit (2014). The Paradox of Orphanage Volunteering. <https://nextgenerationnepal.org/wp-content/uploads/2017/08/The-Paradox-of-Orphanage-Volunteering.pdf> [↑](#footnote-ref-10)
10. Lumos (2017) Funding Haitian Orphanages at the Cost of Children’s Rights <https://lumos.contentfiles.net/media/documents/document/2018/01/Funding_Haiti_Orphanages_Report.pdf> [↑](#footnote-ref-11)
11. Save the Children, Indonesian ‘orphans’ on the increase as Tsunami pushes parents into poverty and children in institutions <http://reliefweb.int/sites/reliefweb.int/files/resources/A33B5EE2179FE21FC1257230004FC11A-sc-idn-27nov.pdf> [↑](#footnote-ref-12)
12. Better Care Network, et al (2013). Protect my future. Why child protection matters in the post-2015 development agenda; Doyle, J. (2010) Misguided Kindness: Making the Right Decisions for Children in Emergencies Save the Children UK [↑](#footnote-ref-13)
13. Parliament of Australia. Inquiry into Establishing a Modern Slavery Act. *8. Orphanage trafficking*. <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report/section?id=committees%2freportjnt%2f024102%2f25036> [↑](#footnote-ref-14)
14. Australian Government, Department of Foreign Affairs and Trade. <http://dfat.gov.au/people-to-people/volunteers/Pages/smart-volunteering.aspx> [↑](#footnote-ref-15)
15. <https://bettercarenetwork.org/bcn-in-action/rethink-orphanages/latest-news/better-care-network-netherlands-welcomes-the-new-white-paper-initiative-by-the-vvd-to-combat> [↑](#footnote-ref-16)
16. Better Care Network & UNICEF. (2015). *Country Care Profile: Rwanda.* <https://bettercarenetwork.org/sites/default/files/Country%20Care%20Profile%20-%20Rwanda_0.pdf> [↑](#footnote-ref-17)
17. Better Care Network & UNICEF. (2015). *An Analysis of Child-Care Reform in Three African Countries: Summary of Key Findings.* <https://bettercarenetwork.org/sites/default/files/An%20Analysis%20of%20Child-Care%20Reforms%20in%20Three%20African%20Countries%20-%20Summary%20of%20Key%20Findings_0.pdf> [↑](#footnote-ref-18)
18. <https://sustainabledevelopment.un.org/index.php?page=view&type=20000&nr=576&menu=2993> [↑](#footnote-ref-19)