Altruism driving child exploitation.

Volunteering: a pull factor in the institutionalisation of children.

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Contents

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Hope and Homes for Children aims to be a catalyst to end the institutionalisation of children globally. We work together with civil society organisations and funders, governments and in partnership with children, their families and communities to develop institution-free care systems. We achieve this by strengthening child protection mechanisms, building the capacity of local professionals, developing services to support all families and providing family-based alternatives for children who cannot remain with their own parents. We also work with governments and civil society to influence policy and legislation to protect and promote children's rights.

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Lumos is fighting for every child's right to a family by transforming care systems around the world. We are an international charity striving for a future where every child is raised in a safe, loving home, supported by family to help them thrive.

On average more than 80% of children in orphanages have a living parent, and research proves that these institutions can harm a child's growth and development. Yet there are still an estimated 5.4 million children trapped in institutions globally.

Lumos sheds light on the root causes of family separation – poverty, conflict and discrimination – and demonstrates that children can safely be united with families. By pressing governments to reform care systems, and by building global expertise and capacity with partners, we ensure no child is forgotten. Founded by author J.K. Rowling, we are lighting a path to a brighter future where all children can grow up in a safe and loving family. We believe in a family for all children.

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Preamble

The proliferation of institutions around the world has strong links to voluntourism, child trafficking and modern slavery. This submission builds on the experience of Lumos and Hope and Homes for Children's experience in driving forward care reform across a variety of contexts. Specifically, it will examine the impact of volunteering on the rights of the child, community development and a State's right to development, offering recommendations for sending and receiving countries as well as the international community.

Our understanding of voluntourism relates to short term opportunities/missions of misguided altruistic persons, as a form of civil service to people and communities in need,[1] contrary to the needs of those children and communities, contradicting their individual social, cultural and human rights, as well as their right to development.

Research has provided evidence of systems in which the owners of orphanages use intermediaries to get children who look poor to orphanages, in order to satisfy a fee-based volunteering demand, generating significant profits. Traffickers lure poverty-stricken families into giving away their children, under promises of good living conditions and education. Children are then often left in poor conditions in order to prompt foreign charity, and forced to perform activities to please foreign volunteers.[2] The link between institutions and human trafficking was recognised by the UN General Assembly in 2019[3], including in two reports of the Special Rapporteur on the sale and sexual exploitation of children in 2016[4] and 2022[5].

Orphanage tourism has proliferated in the countries receiving travellers from the *Global North* who are eager for voluntourism opportunities that provide "feel-good" experiences.[6] This form of volunteering may be in in contrast with the local cultural practices, and history of volunteering in receiving communities.[7] The white saviour complex'[8] has become a strong social currency. Through using social media platforms, to share and showcase their volunteer experiences in Lower Income Countries, volunteers can build social capital within their own communities or even become famous. The net result is that children and communities become further commodified as part of the voluntourism paradigm. Based on the case studies listed in the annex, we have seen a mushrooming[9] of institutions in countries with weak child protection systems or as a post-disaster response, often established with little oversight or statutory registration by government's who have insufficient domestic legislative safety nets to protect their own children, communities and economies from external influence. This has severe negative impact on national child protection systems, because institutions harm children, communities and create false economies in country where they operate.

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[1] Georgeou, N., 2020. Situating volunteer work and volunteering in theory and practice. *No Poverty: Encyclopaedia of the UN Sustainable Development Goals*, p.951

[2] de Boer-Buquicchio M. (2016, December 22). *Report of the special rapporteur of the human rights council on the sale of children, child prostitution and child pornography* (UN Doc A/HRC/34/55). United Nations.

[3] United Nations General Assembly (2019) Resolution on the Rights of the Child A/RES/74/133

[4] Maud de Boer-Buquicchio (2016) Report of the Special Rapporteur of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography, GA/RES/71/261

[5] Singhateh M. F. (2022) Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, A/77/140

[6] Higgins-Desbiolles, F., Scheyvens, R.A. and Bhatia, B., 2022. Decolonising tourism and development: From orphanage tourism to community empowerment in Cambodia. *Journal of Sustainable Tourism*, p.2

[7] Georgeou, N., 2010. From hōshi to borantia: Transformations of volunteering in Japan and implications for foreign policy. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 21, pp.467-480.

[8] Higgins-Desbiolles, F., Scheyvens, R.A. and Bhatia, B., 2022. Decolonising tourism and development: From orphanage tourism to community empowerment in Cambodia. Journal of Sustainable Tourism, p.5

[9] https://lumos.contentfiles.net/media/documents/document/2017/12/Haiti_Trafficking_Report_ENG_WEB_NOV16.pdf p.17

The harm of institutionalisation

Global human rights frameworks categorically recognise the harm of institutions, and the need to transform care systems to better meet the needs of children and families.[10] However, this has not led to widespread action. It is estimated that 5.4 million children still live in institutions across the world[11], exposed to a system that harms their development and systematically violates their rights[12]. The majority of these children are not 'orphans'; approximately 80% have at least one living parent.[13] Over 100 years of research from across the world demonstrates the significant harm caused to children in institutions who are deprived of stable, continuous and loving parental care and who may consequently suffer life-long harm.[14]

Violence, abuse and neglect in institutions is pervasive.[15,16] Children in orphanages are particularly at risk of violence compared to children in other settings, including verbal abuse, beatings and physical torture, sexual abuse including rape, and psychological harm including isolation, harassment and humiliating discipline. In particular, orphanage voluntourism can increase the risk of forms of sexual and labour exploitation.[17] This sometimes includes solitary confinement, physical restraints and forced medication.[18] In a recent study, over half the children in institutional care experienced physical or sexual abuse.[19] Growing up in an institution is strongly linked with negative impacts on children's development, especially their physical growth, cognition, and attention as well as socio-emotional development and mental health[20] It harms children's ability to form attachments[21] which are critical to healthy development. This is further exacerbated by the carousel of international volunteers who work for short periods of time in institutions, further harming the attachment patterns of children.[22]

[10] Hope and Homes for Children, October 2022, *Families. Not Institutions*, https://www.hopeandhomes.org/publications/families-not-institutions/

[11] Desmond, C., Watt, K., Saha, A., Huang, J. and Lu, C., 2020. Prevalence and number of children living in institutional care: global, regional, and country estimates. *The Lancet Child & Adolescent Health, 4*(5), pp.370-377.

[12] van IJzendoorn, M.H., Bakermans-Kranenburg, M.J., Duschinsky, R., Fox, N.A., Goldman, P.S., Gunnar, M.R., Johnson, D.E., Nelson, C.A., Reijman, S., Skinner, G.C. and Zeanah, C.H., 2020. Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development. *The Lancet Psychiatry, 7*(8), pp.703-720.

[13] Corinna Csáky, 'Keeping Children out of Harmful Institutions: Why We Should be Investing in Family-based Care' London: Save the Children, 2009. https://resourcecentre.savethechildren.net/node/1398/pdf/1398.pdf

[14] van IJzendoorn et al, 2020 https://doi.org/10.1016/S2215-0366(19)30399-2; Berens & Nelson, 2015 https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/fulltext; Schoenmaker et al., 2014. https://doi.org/10.1007/978-90-481-9063-8_179

[15] Paulo Sérgio Pinheiro, 'World Report on Violence against Children', United Nations Secretary General's Study on Violence against Children, 9/27, 16/53/57/58/59 (2006) https://resourcecentre.savethechildren.net/pdf/2999.pdf/

[16] Manfred Nowak, 'United Nations Global Study on Children Deprived of Liberty', United Nations, 2019, https://omnibook.com/global-study-2019/liberty/cdf5e7.xcml

[17] Guiney, T. and Mostafanezhad, M., 2015. The political economy of orphanage tourism in Cambodia. Tourist Studies, 15(2), p. 142

[18] Pinheiro, 2006 https://www.ohchr.org/EN/HRBodies/CRC/Study/Pages/StudyViolenceChildren.asp

[19] Gray, C.L., Pence, B.W., Ostermann, J., Whetten, R.A., O'Donnell, K., Thielman, N.M. and Whetten, K., 2015. Prevalence and incidence of traumatic experiences among orphans in institutional and family-based settings in 5 low-and middle-income countries: A longitudinal study. Global Health: Science and Practice, 3(3), pp.395-404.

[20] For further reading about attachment theory see: Vera Fahlberg, A child's Journey Through Placement, London: Jessica Kingsley, Publishers, 2012.

[21] van IJzendoorn, M.H., Bakermans-Kranenburg, M.J., Duschinsky, R., Fox, N.A., Goldman, P.S., Gunnar, M.R., Johnson, D.E., Nelson, C.A., Reijman, S., Skinner, G.C. and Zeanah, C.H., 2020. Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development. *The Lancet Psychiatry, 7*(8), pp.703-720.

[22] Lumos, 'Orphanage Entrepreneurs: The Trafficking of Haiti's Invisible Children', 2016. https://lumos.contentfiles.net/media/documents/document/2017/12/Haiti_Trafficking_Report_ENG_WEB_NOV16.pdf

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The 2019 UN Global Study on Children Deprived of Liberty[23] details the human rights violations in institutions for children, including deprivation of liberty and, in certain cases, torture. Children in institutions are often subject to physical, sexual and emotional abuse at the hands of peers, visitors or staff (see country case studies). Children in institutions are often excluded from the wider community, with limited contact with birth families or caregivers. This can result in children being unable to speak the local language or unfamiliar with their own cultural customs or heritage.[24]

Additionally, care leavers are more at risk of exploitation and trafficking. This is due to both the harm children experience in institutions and the lack of services to enable them to integrate into society. According to a study by the International Organisation for Migration (IOM) in Moldova, girls raised in institutions are ten times more likely to be trafficked for sexual exploitation than those who grew up in families.[25]

What is an institution?

There are numerous definitions of what an 'institution' means when referring to children. The term covers a range of residential care facilities, which in different contexts may be called 'institutions', 'orphanages', 'child care centres', 'baby homes', 'children's homes', 'children's villages', 'rescue centres', among others.[26] Based on agreed international definitions, and practical experiences of working with children who have suffered institutionalisation, we define an institution as any residential setting where children and young people are subjected to an 'institutional culture' – which is characterised by features such as depersonalisation, rigidity of routine, lack of individual support or personal treatment, residents' lack of control over their lives and over decisions affecting them, and lack of prioritisation of their individualised needs.[27] Children in institutions are often excluded from the wider community, with limited contact with birth families or care givers. Many have very little knowledge of their own cultural heritage and traditions.

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[23] https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty

[24] Gray, A.P. and Cote, W., 2019. Cultural connectedness protects mental health against the effect of historical trauma among Anishinabe young adults. *Public Health*, 176, pp.77-81.

[25] IOM. (2007). Protecting Vulnerable Children in Moldova.

[26] Hope and Homes for Children, October 2022, *Families. Not Institutions*, https://www.hopeandhomes.org/publications/families-not-institutions/

[27] 'Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care', 2009. https://bettercarenetwork.org/library/principles-of-good-care-practices/transforming-institutional-care/report-of-the-ad-hoc-expertgroup-on-thetransition-from-institutional-to-community-based-care. See also European Expert Group on the Transition from Institutional to Community-based Care, 'Common European Guidelines on the Transition from Institutional to Community Based Care', November 2012. http://enil.eu/wpcontent/uploads/2016/09/Guidelines-01-16-2013-printer.pdf

Why do children end up in institutions?[28]

- Misplaced good intentions: In spite of conclusive evidence demonstrating the damage institutions cause to children, many people, including parents and caregivers, still believe they provide a good form of care. In some cases, well-meaning people seek to volunteer in, or visit, institutions to support children, sometimes called orphanage volunteering or tourism.

- Financial drivers and the 'orphanage business model': In some resource-poor environments, institutions are private, money-making initiatives, often small scale and operating under the radar of authorities. They thrive in environments where there is a chronic lack of availability of support for vulnerable families, or where money and donations can be elicited from well-meaning tourists or donors. They are able to present themselves to parents as the sole means to providing basic care, education and life chances to their children.

- Child victims of trafficking are often placed (back) in institutions by the responsible authorities, creating a vicious cycle for trafficked children and additional risks to their peers in institutions of falling prey to trafficking.[29] As demonstrated by evidence in the United Kingdom, residential care facilities often fail to reach safety standards and expose children to the risk of being re-trafficked.[30]

- In many parts of the world, families are having to choose between their child's fundamental rights: the right to access education, and the right to a family life.

Access to education as a specific driver of institutions

Many children are placed in institutions because they cannot access quality, affordable and inclusive education in their community. This happens at all ages, from early childhood education and development through to primary, secondary and tertiary levels. Some groups of children – such as children with disabilities, girls, children in rural communities, refugees, minority ethnic or indigenous children, and children living in extreme poverty – face more challenges in accessing quality, inclusive education in their communities. It is likely that this exclusion places them at a higher risk of institutionalisation. Research by Lumos found that Residential education settings, including boarding schools, are not always or typically perceived as 'traditional' institutions. They frequently fall under the responsibility of Ministries of Education rather than the social care or child protection sectors. But they can share many of the same institutional characteristics.[31] In many instances, processes of colonisation led to this model of residential education being exported and used to educate oppressed populations and to impose colonial values and norms.[32] Canada and Australia are examples of countries in which residential schools are now recognised to have constituted a form of 'cultural genocide'.[33,34] The link between volunteering in an orphanage or teaching in a residential education setting is often blurred, for example, in certain education programmes Australian students can gain academic credit for such types volunteering,[35] further directly increasing the demand to fill orphanages and harm children.

[28] Hope and Homes for Children, October 2022, *Families. Not Institutions*, https://www.hopeandhomes.org/publications/families-not-institutions/
[29] Lumos (2021) Cycles of Exploitation: The links between children's institutional care and human trafficking
[30] Reuters (October 13, 2017) Vietnamese child trafficking victims in UK vanish from care: charities
[31] https://lumos.contentfiles.net/media/documents/document/2023/02/LEARNING_CURVES-__A_GLOBAL_THEMATIC_REVIEW_.pdf p.3
[32] https://lumos.contentfiles.net/media/documents/document/2023/02/LEARNING_CURVES-__A_GLOBAL_THEMATIC_REVIEW_.pdf p.4
[33] Truth and Reconciliation Commission of Canada (2015). Canada's Residential Schools: The Legacy: The Final Report of the Truth and Reconciliation Commission of Canada, Volume 5. https://www.jstor.org/ stable/j.ctt19rmbqj
[34] Nathan, S. (2022). Genocide in Australia. https://australian.museum/learn/first-nations/genocide-inaustralia/
[35] Van Doore, K. and Nhep, R., 2019. Orphanage trafficking, modern slavery and the Australian response. Griffith Journal of Law & Human Dignity, 7(2), p. 122.

Institution-Related Trafficking

Trafficking into institutions or orphanage trafficking

Child trafficking into institutions – also referred to as orphanage trafficking – is a form of child trafficking described as "the recruitment of children into residential care institutions for the purpose of profit and exploitation".[36] Orphanage traffickers may be driven by the desire for financial gain, which may come in part through direct donations of money and goods from tourists, volunteers, and businesses. The opportunity to exploit children for financial gain has been fuelled by the industry created to 'support' children in orphanages. Orphanage owners use tactics including deception and, in some cases, violent coercion and criminal behaviour to ensure a pipeline of children into these institutions. In some cases, 'child finders' may be sent to remote areas to persuade parents into placing their children into orphanages with a false promise of opportunities for the children and their families.[37] Orphanage trafficking often involves a process called 'paper orphaning'. In this situation, children are manufactured as orphans by virtue of false identity documents. There are numerous additional safeguarding risks that are specific to children who have been trafficked into institutions that are run for profit.

Trafficking out of institutions

Evidence shows that children living in residential institutions are more likely to go missing than children in families, and children in institutional care can be easy targets for traffickers seeking to exploit vulnerabilities for their own gain.[38] Institutions that are poorly managed enable traffickers to operate in or around the facility with impunity and there is a strong link between missing children and trafficking, meaning that children missing from institutions are at serious risk of trafficking and exploitation.[39] There is global evidence of children in institutions being groomed, coerced and deceived into leaving institutions for what many assume will be a place of safety.[40] And the institutions themselves can be complicit or directly involved in child trafficking. In these instances, institutions may benefit directly or indirectly from the commercial exploitation of resident children outside the institution.

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[36] Lumos (2021) Cycles of Exploitation: The links between children's institutional care and human trafficking

[37] The United States Trafficking in Persons Report of 2018, which devoted a special section to the topic of "child institutionalization and human trafficking", stated that: "Institutional complicity …extend[s] to the practice of recruiting children for the facility. "Child finders" travel to local villages or communities – often those affected by war, natural disaster, poverty, or societal discrimination – and promise parents education, food security, safety, and healthcare for their children. Instead of fulfilling those promises, many orphanages use the children to raise funds by forcing them to perform shows for or interact and play with potential donors to encourage more donations. Orphanages have also kept children in poor health to elicit more sympathy and money from donors."

[38] U.S. Department of State. (2019). Trafficking in Persons Report: June 2019. https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf

[39] Information collected by FRANET (Hungarian Central Statistical Office). (2013). Szociális Statisztikai Évkönyv [Yearbook of welfare and statistics, 2011]. Budapest: KSH.

[40] Lumos. (2020). [Interview with key informant]. Unpublished data: on file with Lumos. U.S. Department of State. (2018). Op. cit. 23 U.S. Department of State. (2019). Trafficking in Persons Report: June 2019. https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf U.S. Department of State. (2020). Trafficking in Persons Report: 20th Edition. https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf

Institutionalisation of child trafficking victims

Children who have been trafficked are regularly placed in institutions, either as a child protection mechanism intended to provide protection and support, or as a law enforcement response because the child isn't being treated as a victim.[41] This can occur when children who have been trafficked and forced into sexual exploitation or gangs are not recognised as victims by law enforcement and criminal justice systems. Consequently, these children are sometimes fined or placed in juvenile detention centres. The institutionalisation of victims of trafficking increases their vulnerability to future exploitation, perpetuating the intricate cycle of institutionalisation and trafficking.

Trafficking of care leavers

This form of trafficking applies to two types of care leavers: young people who 'age out' of the system, and those who run away from institutions. Although both groups of care leavers are vulnerable to various forms of exploitation linked to trafficking, there are minor situational differences. In the case of runaways, victims of trafficking can include both minors and dependent adults who are at risk of being trafficked after running away from an institution. Young adults who are too old to remain in the system include adults who are vulnerable to trafficking as they lack the support needed to re-integrate into their communities and the skillsets to gain employment.

Extract: 2022 UNODC Global Report on Trafficking in Persons
Among the other forms of exploitation, exploitative begging accounts for about one per cent of the victims globally detected in 2020. According to the case summaries collected by UNODC since 2012, victims forced into begging can be adults with physical disabilities, children exploited by their own parents in connection with harmful social practices, homeless children with no parental care, or families in extreme poverty.

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[41] https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf p. 52

Impact level

Child

The true effects of voluntourism on children in institutions is not sufficiently known, understood or researched, but it is likely to have lasting consequences well into adulthood. The previous section on 'The harm of institutionalisation' outlines the key human rights violations and impact on a child. Importantly, institutionalisation harms children's ability to form attachments[42] which are critical to healthy development. This is further exacerbated by the carousel of international volunteers who work for short periods of time in institutions, further harming the attachment patterns of children. This cycle of attachment and abandonment repeats with every volunteer that comes along, and the experience can exacerbate existing attachment disorders and expose each child to repeated patterns of emotional and psychological harm.[43]

The volunteer

Depending on their motivation, volunteers choose to visit and volunteer in institutions as a form of civil service, faith-based missions, or as a rite of passage, such as gap year projects before entering third level education or the workforce. Often, they are well-meaning people, who seek to volunteer in, or visit, institutions to support children, through misplaced good intentions, underpinned by an unconscious biased ideological worldview.[44] Such voluntourism opportunities provide "feel-good" experiences" [45] that are uniquely imbalanced in terms of the power dynamics and strongly liked to white saviourism and one that emphasises the inferior or regressive nature of the communities they visit.[46] However, visiting or volunteering in an orphanage, at a young age to a foreign country to work on initiatives with poor safeguarding infrastructure can place young adults in risky situations, including their exploitation and personal safety. This too connects to the larger gap in safeguarding measures in this form of volunteering, as a result of poor government oversight of the system on institutions; limited or no oversight of volunteers using holiday visas for long stays with children.

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[42] van IJzendoorn, M.H., Bakermans-Kranenburg, M.J., Duschinsky, R., Fox, N.A., Goldman, P.S., Gunnar, M.R., Johnson, D.E., Nelson, C.A., Reijman, S., Skinner, G.C. and Zeanah, C.H., 2020. Institutionalisation and deinstitutionalisation of children 1: a systematic and integrative review of evidence regarding effects on development. *The Lancet Psychiatry*, 7(8), pp.703-720.
[43] https://www.ethicalmissionstrips.org/orphanagevolunteering
[44] Higgins-Desbiolles, F., Scheyvens, R.A. and Bhatia, B., 2022. Decolonising tourism and development: From orphanage tourism to community empowerment in Cambodia. Journal of Sustainable Tourism, p.7
[45] Ibid p.2
[46] Ibid. p.7

National

Across the world, poverty is the most common underlying risk factor that leads to children being separated from their families and institutionalised. Children of adults who have grown up in institutions are more likely to become institutionalised themselves – reflecting the intergenerational cycle of poverty and institutionalisation.[47] Redirecting resources away from institutions towards families and community services to build the capabilities, resilience and support needed, such as integrated social and child protection systems.[48]

The proliferation of foreign owned, or foreign staffed institutions has the ability to create false economies within a country. Voluntourism and orphanage tourism have been criticised for reinforcing inequitable relationships between the *Global North* and Lower Income Countries; particularly, they often emphasise the "development" of the tourists over host community benefit.[49] [50]The draft Convention on the Right to Development contains specific measures to reinforce a state's ability to take measures to achieve sustainable development on in their own territory and an obligation not to impair a State's right to development. [51]

In some of the academic discourse this has been described as the 'white gaze' of development, which pits the *Global North* as superior and Lower Income Countries as incomplete, wanting, inferior or even regressive.[52] Similarly, Faith Based Organisations who send volunteers are often 'called to serve' orphans in distress. Voluntourism has the potential to be paternalistic and reaffirm colonial values which could negatively impact local communities. Furthermore, it may drive a westernisation/modernisation model that only benefits a small elite,[53] such as the institution director, the volunteer and the travel industry. These false economies may also lead to development dependency in tourism and may act to sustain poverty.[54] Encouraging the institutionalisation of children for the benefit of volunteers and the tourism sector, completely ignores the traditional ways to care for children, including kinship.

[47] Wall-Wieler, E., Almquist, Y., Liu, C., Vinnerljung, B. and Hjern, A., 2018. Intergenerational transmission of out-of-home care in Sweden: A population-based cohort study. *Child Abuse & Neglect*, 83, pp.42-51.

[48] See for example Delap, E. (2021a) Caring systems. Maximising synergies between care reform and child protection system strengthening. Kenya: UNICEF; UNICEF 2019, Pereira, K.C. and F. Araújo. 2022. "Integrating social protection and child protection services for better outcomes for children in the Middle East and North Africa." Research Report, No. 84. Brasília and Amman: International Policy Centre for Inclusive Growth and UNICEF Middle East and North Africa Regional Office

[49] Higgins-Desbiolles, F., Scheyvens, R.A. and Bhatia, B., 2022. Decolonising tourism and development: From orphanage tourism to community empowerment in Cambodia. *Journal of Sustainable Tourism*, p.2

[50] Wearing, S. and McGehee, N.G., 2013. Volunteer tourism: A review. Tourism management, 38, p.125

[51] https://www.ohchr.org/sites/default/files/2022-04/A_HRC_WG_2_23_2_AEV.pdf

[52] Pailey, R.N., 2020. De-centring the 'white gaze' of development. *Development and Change, 51*(3), pp.733

[53] Illich, I., 1968. To hell with good intentions. Combining service and learning: *A resource book for community and public service, 1*, pp.314-320.

[54] Higgins-Desbiolles, F., Scheyvens, R.A. and Bhatia, B., 2022. Decolonising tourism and development: From orphanage tourism to community empowerment in Cambodia. *Journal of Sustainable Tourism*, pp.1-21.

The nexus of human trafficking and voluntourism

In some of the country case studies cited, there are clear example of voluntourism creating a demand, where intermediaries or officials can recruit children by persuading the most vulnerable families to relinquish them through false promises of accessing education, better nutrition and health services in institutions.[55] In certain cases, some of the orphanages may not have existed and were brought into being purely stimulated by a for-profit-motive, motived by volunteers from the *Global North.* These institutions are referred to as 'false orphanages'*.* Often children are recruited into institutions so that the respective structures receive more funds from the government or other international donors, who are particularly interested in supporting orphaned children.[56] As a result, institutions become profit-driven businesses, and traffickers supply children to feed the business model.[57]

Trafficking into institutions can represent a form of modern slavery.[58] The Australian government has officially recognised this in its 2018 Modern Slavery Act,[59] requiring companies to take due diligence and publish annual reports on their efforts to tackle modern slavery, including trafficking into institutions, in their supply chains and operations. Some EU Member States, such as the Netherlands, are considering introducing a similar mechanism.[60] Such an extraterritorial obligation to protect and promote human rights is well established in international law, e.g. UN Convention on the Rights of the Child General Comment 16 (2013), which establishes that States Parties have an obligation to '*respect, protect and fulfil children's rights in the context of businesses' extraterritorial activities and operations*'.[61] [62] Aw wells as, The Trafficking Protocol, where international cooperation is required to combat trafficking,[63]

Based on a 2-minute internet search, we found, by way of example, for profit tourism agencies in sending countries such as *Trip Advisor*, offering dance performances at an orphanage,[64] while *GoAbroad.com* are actively seeking volunteers to work in orphanages in South Africa costing around €840 per month. [65] As evidenced in the Nepal case study at the end of this submission, anecdotal accounts suggest that 'false orphanages' often spring up in touristy areas, due to the voluntourism angle, creating incentives for domestic trafficking of children from remote regions to more touristy ones. Evidence in Haiti suggests that children are intentionally kept in poor conditions to elicit donations for foreign missionaries and tourists.[66]

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[55] United States Department of State (2018) 'Trafficking in Persons Report 2018' (Report, United States of America Department of State, 2018) 22.

[56] Tatek A (2010) 'Beyond the " orphan burden ": Understanding care for and by AIDS affected children in Africa' 4 (5) Geography Compass 460, 461

[57] Lumos (2021) Cycles of Exploitation: The links between children's institutional care and human trafficking

[58] Fenton-Glynn, C. (2021). Joseph M. Cheer, Leigh Matthews, Kathryn E. Van Doore and Karen Flanagan (eds.), Modern Day Slavery and Orphanage Tourism. The International Journal of Children's Rights, 29(2), 527-531.

[59] Van Doore, K., & Nhep, R. (2019). Orphanage trafficking, modern slavery and the Australian response. Griffith Journal of Law & Human Dignity, 7(2).

[60] Van Doore K E. (2022) Orphanage Trafficking in International Law. Cambridge University Press

[61] General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, CRC/C/GC/16

[62] https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/academia/2022-07-26/submission-sdgs-academia-Van-DooreandNhep-Annex-3.pdf p.3

[63] Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ADOPTED 15 November 2000 BY General Assembly resolution 55/25, Art 2(c).

[64] https://www.tripadvisor.com/Attraction_Review-g297390-d1647060-Reviews-Traditional_Khmer_Dance_at_ACODO_Orphanage-Siem_Reap_Siem_Reap_Province.html

[65] https://www.volunteeringsolutions.co.uk/south-africa/childcare-volunteer-program https://www.goabroad.com/providers/volunteer-for-the-visayans/programs/volunteer-child-care-facility-19144

[66] https://www.state.gov/wp-content/uploads/2019/01/282798.pdf p.22

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LUMOS

Altruism driving child exploitation
Volunteering: a pull factor in the institutionalisation of children
April 2023

In the international normative framework, child trafficking is not defined and regulated by one instrument alone. A complex set of international conventions define and provide regulatory guidance on what constitutes trafficking to States Parties, as well as aspirational guidance for non-signatory states.[67] However, it is necessary to note that the intersections of institutionalisation, exploitation and child trafficking are not yet recognised or appropriately criminalised.[68] Similarly, although the children in these centres are not producers in a traditional sense, they provide the labour (albeit largely emotional) which sustains orphanage tourism.pr Like traditional capitalist accumulation, the orphanage directors receive profits from the children's labour. [69]

Orphanage Trafficking in times of emergency and recovery

The nature of orphanages, coupled with weak government institutions and a lack of appropriate child protection safety nets, means that in times of conflict or natural disaster children who are already in institutions, or are placed there as a direct result of the emergency, are at significant risk of exploitation, trafficking and death. In Nepal, the evidence shows that both the COVID-19 and earthquake emergencies sparked an increase in efforts by orphanage traffickers to place children in institutions.[70] In the wake of the 2010 Haiti earthquake civil society organisations document a mushrooming in the number of orphanages with strong links to child trafficking.[71] Similarly, UNICEF confirmed cases of child trafficking following the 2005 tsunami in Indonesia.[72] The Independent International Commission of Inquiry on Ukraine has stated that the transfer and deportation of children which it has examined amount to war crimes, including children taken from institutions. [73]

Barriers to the eradication of voluntourism

- The is no globally recognised definition of 'institution'. (See p.6 for our definition)
- Orphanage trafficking is not explicitly identified in domestic law, in either sending or receiving countries, with the exception of Australia.
- Volunteering agencies and tour operators may couch their opportunities in different vernacular, making it difficult to track, identify and sanction this behaviour.
- Child trafficking into orphanages is often prosecuted as fraud or offences against the child, including child abuse, rather than the trafficking of children or forced labour.
- Political connections are wrongly used to minimize the gravity of the charged cases, leading to impunity.
- There has been no compensation to exploited children and their families.
- Prioritising tourism as a development objective, may continue to encourage the institutionalisation of children for the benefit of volunteers and the tourism sector.[74]
- There is a large societal gap in understanding about the harm of institutions and voluntourism, which and lead to misguided young people seeking out opportunities in institutions.[75]

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[67] Ibid. p.109

[68] Ibid. p.114

[69] Guiney, T. and Mostafanezhad, M., 2015. The political economy of orphanage tourism in Cambodia. *Tourist Studies, 15*(2), p. 143

[70] Punaks, M. and Lama, S., 2021. Orphanage trafficking and child protection in emergencies in Nepal: a comparative analysis of the 2015 earthquake and the 2020 COVID-19 pandemic. Institutionalised Children Explorations and Beyond, 8(1), p.33

[71] https://lumos.contentfiles.net/media/documents/document/2017/12/Haiti_Trafficking_Report_ENG_WEB_NOV16.pdf p.17

[72] https://reliefweb.int/report/indonesia/indonesia-unicef-confirms-tsunami-child-trafficking-case

[73] Although the deportation of children is a specific crime in international customary humanitarian law, it is important here to note the potential for rights violations connected to the institutionalisation of children. See for example, Protection of children under International Humanitarian Law, under The Fourth Geneva Convention https://www.icrc.org/.../documents/article/other/57jmat.htm And, crimes of forced deportations in international law,: https://casebook.icrc.org/a_to_z/glossary/deportation

[74] Van Doore K E. (2022) Orphanage Trafficking in International Law. Cambridge University Press

[75] Van Doore K E. (2022) Orphanage Trafficking in International Law. Cambridge University Press

Recommendations

Governments

- All Governments should develop a national policy and legislation that outlaws the practice of unskilled volunteering in children's institutions, foster homes, small group homes and community centres for vulnerable families.
- Establish explicitly in national law the crime of orphanage trafficking, along with resources for training of police and justice officials in investigation, prosecution and the protection of victims and compensation for victims and their families.
- In recognition of the harms of orphanage volunteering and its links to child exploitation, adopt a policy that prevents national volunteering agencies from providing such experiences to citizens.
- Discourage travel and tour operators from providing 'experiences' in children's institutions, foster homes, small group homes and community centres for vulnerable families.
- All Governments should issue travel advice for citizens warning against orphanage volunteering and visits. Ensure that the public is aware of the national stance against orphanage tourism.

Volunteers, tourists, agencies

- Volunteering agencies and tourism companies should stop offering trips to children's institutions. Those that currently offer such trips should consider organising ethical volunteering trips as an alternative. Wherever possible, volunteering placements should directly or indirectly support families and communities to remain together. Volunteering agencies and tourism companies should consider using their platforms to play an active role in raising awareness about the harm caused by volunteering in orphanages, highlighting the separation of families and the exploitation of children that it facilitates.
- Volunteers should not volunteer in children's institutions, foster homes, small group homes and community centres for vulnerable families. Orphanage volunteering is harmful to children and fuels a system that drives family separation.
- Volunteers should reflect on the skills they have and how they could be used most effectively to support local needs. Volunteers should approach their placement with a 'learning mindset'; remaining open to learning from the people they are working with, their culture and their unique contexts.
- Volunteers should ask the agency informed questions and only accept trips where they can ensure their participation is ethical. This will create a market demand for a more ethical volunteering industry.
- Anyone currently volunteering in an orphanage who is concerned about harmful practices to children should contact the relevant local authorities as soon as possible. Volunteers should consider ending the volunteer placement early to minimise risk to themselves and others.
- Private companies, universities and other organisations should ensure that they do not promote or engage with orphanage volunteering trips or visits. This should include an assessment of their Corporate Social Responsibility policies (or equivalent) to ensure a focus on family and community strengthening as opposed to funding children's institutions.

Private Donors

- Private funders should implement policies and guidelines clearly stating that they do not support the institutionalisation of children and underlining their commitment to care reform. In practice, these policies should ensure that funders do not support children's institutions either directly or indirectly. This includes one-off donations as well as non-financial support, such as in-kind contributions, volunteering or mission trips by members. Funders' policies and regulations should restrict the use of funds for renovating and building institutions. Moreover, guidelines should include plans to redirect current funding towards family and community-based care. Donors should ensure that guidelines are enforced and that employees do not volunteer or invest in children's institutions.
- Private donors should ensure that the projects they support are not engaged in child trafficking. Private donors are strongly encouraged to read the LUMOS Model Law and its detailed Commentary (see Annex p.19) in order to understand the risks involved for children and to put in place due diligence measures to ensure they are not supporting the trafficking of children into childcare institutions.
- Private donors should ensure that the projects they support link into a long-term vision and strategy of sustainable care transformation. As care reform is not a quick process, a longer-term commitment to the redirection of funds is essential.
- Funders with an established relationship with an institution(s) should ensure a phased approach to ceasing support. This should minimise the risk of placing the remaining children in an even more damaging situation and support a process of reform. Loss of funding can lead to poor nutrition, reduced staffing, loss of school fees, and more. Immediately withdrawing support to institutions is likely to harm children in the short term. Private funders should instead develop a divestment strategy to phase out support responsibly and redirect it based on an understanding of needs.

United Nations Treaty bodies and Human Rights Council (UPR)

- We call on the wider UN Human Rights system to use their concluding observations to recommend States Party policy changes in line with the call to action outlined in this submission.
- Specifically, we ask that the UNCRC calls on sending states to put an end to voluntourism using the principle of extraterritoriality, as laid down in General Comment 16.
- Relevant UN Treaty Bodies with a specific responsibility for children and family issues, to issue a joint position aligning the jurisprudence of the relevant committees, that brings an end to all forms of orphanage tourism, child labour, modern slavery and child trafficking.
- UNCRC, UNCRPD, CEDAW, and others to make receiving country concluding observations and UPR recommendations, requesting that UNODC, UNICEF, ILO and WHO support States Parties to develop policies and programmes to reduce and end the institutionalisation of children, child labour and child trafficking, connected to orphanage trafficking and voluntourism.

Annex 1 – Case studies on orphanage trafficking and voluntourism

Cambodia

According to a 2017 report by the Cambodian Ministry of Social Affairs, Veterans and Youth Rehabilitation, "the rapid and uncontrolled increase in the number of institutionalised children in Cambodia, traditionally a country with community-based mechanisms for the alternative care of children, has long raised the concerns of the government and child protection workers."[76] Although many stakeholders are in agreement that family care is the best place for children to develop, reliance on institutions remains a persistent challenge. The report identified 639 institutions, housing 35,374 children and young people. The majority of institutions in Cambodia are located in tourist areas. This highlights how tourists seeking to volunteer in, visit, or donate to institutions, tie up resources in institutions, rather than going to services that can help keep families together. [77]

Europe

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) has highlighted the enhanced vulnerabilities of children in institutions to trafficking in the monitoring report of the Council of Europe Convention on Action against Trafficking in Human Beings for countries such as **Albania, Bulgaria, Croatia, Romania** and the **United Kingdom**.[78]

Egypt

Mohammed el-Amin has been sentenced to three years in prison for "human trafficking" and "sexual assault" on seven minors at an orphanage he opened south of Cairo.[79]

Guatemala

Reports highlight an intersection between voluntourism and child sex tourism in Guatemala, as volunteers have unfettered access to children and criminal background checks are only occasionally done. In one study, out of 20 companies arranging voluntourism trips to Guatemala orphanages, only three conducted background checks. Some orphanages even allow volunteers to sleep in the same room as the children.[80]

Nigeria

The Director of the National Agency for the Prohibition of Trafficking in Persons (Nigeria) disclosed that about one hundred and forty children were illegally trafficked by an owner of an orphanage home for sexual exploitation, hard labour and fundraising.81 Edo State Government has disclosed plans to set up a committee to monitor and audit orphanage homes in the state, threatening to close down and prosecute orphanages operating as businesses as against their designation as charities.[82]

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[76] Ministry of Social Affairs, Veterans, and Youth Rehabilitation, 'Mapping of residential care facilities in the capital and 24 provinces of the Kingdom of Cambodia'. MoSVY, Kingdom of Cambodia, 2017, https://www.unicef.org/cambodia/reports/mapping-residential-care-facilities-capital-and-24-provinces-kingdom-cambodia

[77] Forget me Not Australia, 'Voluntourism and trafficking into orphanages" ECPAT, 2017. Forget-Me-Not-AustraliaVoluntourism-and-child-trafficking-into-orphanages-Final.pdf Joseph M. Cheer, Leigh Matthews, Kathryn E. Van Doore and Karen Flanagan (eds.), Modern Day Slavery and Orphanage Tourism,

[78] Council of Europe, Group of Experts on Action against Trafficking in Human Beings (2018) Thematic Chapter of the 6th General Report on GRETA's Activities

[79] https://www.africanews.com/2022/05/24/egyptian-tycoon-gets-3-years-in-prison-for-sexual-assault/

[80] 2 Better Care Network. (2014). Collected viewpoints on international volunteering in residential centres. Country focus: Guatemala

[81] https://guardian.ng/opinion/shocking-practice-of-orphanage-homes/

[82] https://guardian.ng/news/edo-threatens-to-shut-orphanages-operating-as-businesses/

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Nepal

At the Maya Orphanage, in Dhankuta Nepal, in 2016: It was document by local police that children were transported from one district to another and placed in vulnerable conditions. Eight children were rescued. The operator of the orphanage was prosecuted under the human trafficking and transportation act Human Trafficking and Transportation Act 2007[83]
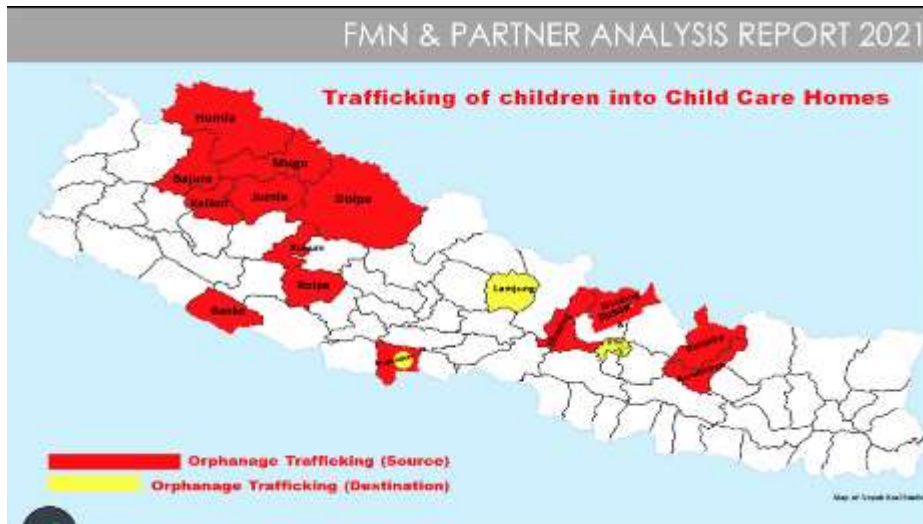

Figure 1: Panel Discussion on Child Trafficking and Alternative Care and 19th Issue release of ICB Journal, 20.03.2023, slide presentation, Anju Pun, Country Director of Forget Me Not.

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[83] Panel Discussion on Child Trafficking and Alternative Care and 19th Issue release of ICB Journal, slide presentation.

Annex 2 - Positive solutions and campaigns

There is a burgeoning number of state and non-state actors attempting to increase public awareness of the harms of orphanage tourism and institutionalisation of children. In certain campaigns, state entities, non-state actors and the private sector have worked together to directly influence the behaviour of tourists travelling to destinations that are most at risk of the human rights violations outlined in this submission. Below is a non-exhaustive list of campaigns we are aware of or have been directly involved in.

CAFO: unites more than 225 respected organizations and a global network of churches. "*Work on shared initiatives that inspire and equip Christians for effective orphan care, family preservation, adoption and foster care. We work to see the local church in every nation known as the primary answer for the needs of vulnerable children in their midst. They also undertake research, offer training and direct support to member organisations*".
https://cafo.org/

Child Safe Movement, children-are-not-tourist-attractions was probably one of the first large scale campaigns to draw attention to harms of orphanage tourism and institutionalisation of children
https://thinkchildsafe.org/children-are-not-tourist-attractions/

Faith to Action: Faith to Action offers churches, organizations, and individuals valuable resources that raise awareness about the limitations of orphanages and build support for family care through strengthening families and increasing alternative family care options. https://www.faithtoaction.org

Hope and Homes for Children/ABTA, A UK based campaign with ABTA – The Association of British Travel Agencies and the anti-slavery unit of UK Border Force to help end Orphanage Tourism.
https://www.hopeandhomes.org/orphanagetourism/ https://www.abta.com/sustainability/human-rights/orphanage-tourism

https://loveyougive.org/ is a short film developed by a global coalition of NGO partners, designed for use in schools and universities, to demonstrate first hand better solutions to supporting communities and families, other than orphanage tourism.

https://www.helpingnothelping.org/ is the voluntourism campaign from Lumos. It offers potential travellers a place to learn and share information about the harm of orphanage tourism.

Put Children First: End Orphanage Care An Irish NGO, Comhlámh and the End Orphanage Volunteering Working Group are calling on you to help end the practice of orphanage volunteering and change how children are cared for. https://comhlamh.org/volunteering-and-orphanage-care/

VSO and Better Care Network Netherlands VSO will focus on an external campaign raising awareness of responsible volunteering, working with Better Volunteering Netherlands, Better Care campaign to end international volunteering in residential care centres for children.
https://www.vsointernational.org/news/blog/join-the-fight-to-stop-orphanage-tourism

Relevant legislation, policy initiatives

Lumos' model legislation on institution-related trafficking
https://lumos.contentfiles.net/media/assets/file/LUMOS_GTR_Model_Law_A4_FINAL.pdf

- General comment EESC on Volunteering, 4.3 https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/volunteers-citizens-building-future-europe-own-initiative-opinion
- United States Department of State. (2018). Child institutionalisation and human trafficking fact sheet. https://www.state.gov/child-institutionalization-and-human-trafficking/
- The Australian Government included a specific reference to "trafficking and/or exploitation of children in orphanages" in the explanatory memorandum of the Modern Slavery Bill 2018.[84]
- FCDO Guidance on orphanage tourism and volunteering https://www.gov.uk/guidance/safer-adventure-travel-and-volunteering-overseas
- United Kingdom Modern Slavery Act Modern Slavery Act 2015, c. 30 https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted
- UK FCO Advice - https://www.gov.uk/guidance/safer-adventure-travel-and-volunteering-overseas#volunteering
- IPU Preparatory debate on the next resolution of the Standing Committee: Orphanage trafficking: The role of parliaments in reducing harm https://www.ipu.org/file/16194/download
- EU anti trafficking directive consultation 2023 - https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Fighting-human-trafficking-review-of-EU-rules_en
- UN General assembly Resolution on the Rights of the Child 2019, A/RES/74/133, para 35 (t) [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.

SDGs

- 5.2: Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual, and other types of exploitation.

- 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour

- SDG Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

- SDG Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies; and

- 16.2: End abuse, exploitation, trafficking and all forms of violence and torture against children.

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[84] https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6148_ems_9cbeaef3-b581-47cd-a162-2a8441547a3d/upload_pdf/676657.pdf;fileType=application%2Fpdf

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Other relevant international texts

- The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children, supplementing the UN Convention against Transnational Organized Crime, and four targets of the 2030 Agenda for Sustainable Development adopted;

- The 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees;

- The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

- UN Committee on the Rights of the Child (2021) Day of General Discussion Children's Rights and Alternative Care, Outcome Report

- UN General Assembly (2000) Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

- UN General Assembly (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

- UN General Assembly (2019) Resolution on the Rights of the Child A/RES/74/133

- Maud de Boer-Buquicchio (2016) Report of the Special Rapporteur of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography, GA/RES/71/261

- Singhateh M. F. (2022) Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, A/77/140

- Council of Europe (2005) Convention on Action against Trafficking in Human Beings (CETS No. 197)

- EU (2021) Strategy on Combatting Trafficking in Human Beings 2021- 2025

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