

DÓRA RIPSZÁM

# Child trafficking and child labor

## 1. Human trafficking

Directive 2011/36/EU of the European Parliament and of the Council (on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA identifies intentional crimes related to human trafficking.

These are „The recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>5</sup>

According to the directive 2011/36/EU of the European Parliament and of the Council „Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.”<sup>6</sup>

Exploitative behavior cannot be exhaustively listed, so the list in the Directive is not exhaustive. The Proposal defines the concept of exploitation with the appropriate abstraction that exploitation is the pursuit of an advantage by exploiting that position of a victim who has been placed or held in a vulnerable position.<sup>7</sup>

The essence of exploitation is to obtain income from sexual services, begging and other named activities provided by others, the amount of which exceeds, in particular, disproportionately the assistance or service provided by the perpetrator. It would also be exploitative for someone who, in order to gain profit, to determine for others to perform (tolerate) the above-mentioned activities, which entails afflicting the victim, provided that the resulting damage to interests is not offset by adequate financial compensation.<sup>8</sup>

## I. Introduction

Nowadays, one of the lucrative businesses of organized crime is kidnapping, human trafficking, which is the basis of slave labor, sexual exploitation, prostitution, human organ trafficking and other serious crimes.<sup>1</sup>

Trafficking in human beings is a cross-border problem that affects countries of origin, destination and transit. Its most important feature is that it is an extremely highly organized, rapidly spreading crime, which makes it very difficult to fight. Trafficking in human beings is one of the most serious violations of human rights, and it is therefore the duty of every state to take decisive action to prevent it and punish the perpetrators. Its main purpose is prostitution or forced labor, organized begging, illegal adoption and organ trafficking. The cause is rooted in poverty, a tradition of subordination of women and children, and a lack of respect for and protection of human rights.<sup>2</sup>

Human trafficking can be seen as a modern version of slavery. It is estimated to be the second most lucrative branch of international organized crime. According to the International Labor Organization (ILO), the profit from forced labor reaches \$ 32 billion a year.<sup>3</sup>

One of the most vulnerable groups targeted by human traffickers is children.<sup>4</sup>

<sup>1</sup> Száraz Krisztina, Kényszermunka a modern gazdaságban. (Forced labor in the modern economy) file:///C:/Users/admin/Downloads/520-Article%20Text-1777-1-10-20200819.pdf 04.10.2020.

<sup>2</sup> Emberkereskedelem.kormany.hu, Emberkereskedelem elleni küzdelem – védtelen áldozatok (Fight against trafficking in human beings – vulnerable victims) <https://emberkereskedelem.kormany.hu/akadalymentes/emberkereskedelem-elleni-kuzdelem-vedtelen-aldozatok> 21.12.2020.

<sup>3</sup> Száraz Krisztina, Kényszermunka a modern gazdaságban (Forced labor in the modern economy) file:///C:/Users/admin/Downloads/520 Article%20Text-1777-1-10-20200819.pdf 01.11.2020.

<sup>4</sup> A Bizottság Jelentése az Európai Parlamentnek és a Tanácsnak az emberkereskedelem megelőzéséről, és az ellene folytatott küzdelemről, az áldozatok védelméről szóló 2011/36/EU irányelv 20. cikkében előírtak szerinti jelentés az emberkereskedelem elleni küzdelem terén elért eredményekről (2016) [www.ipex.eu/IPEXL.WEB/dossier/files/.../082dbcc554c619](http://www.ipex.eu/IPEXL.WEB/dossier/files/.../082dbcc554c619)

fa0154c83f0dc50084.do, letöltés:2018. szeptember 10. quote: Dr. Hatvani Erzsébet – Sebhelyi Viktória – Vaskuti Gergely: Gyermekprostitúció visszaszorítása, gyermekkereskedelem, (Reducing child prostitution, child trafficking) Szociális és Gyermekvédelmi Főigazgatóság, Budapest, 2018. p. 106.

<sup>5</sup> Directive 2011/36/EU of the European Parliament and of the Council Article 2.

<sup>6</sup> Ibid.

<sup>7</sup> Zsine Ágnes, Az új Btk. és a kapcsolódó jogforrások, bírósági iránymutatások. (The new Criminal Code and related sources of law, court guidelines) Második, aktualizált kiadás. Budapest, HvgOrac Lap- és Könyvkiadó, 2016. p. 338.

<sup>8</sup> Hollán Miklós, Emberkereskedelem. A kizsákmányolás büntetendő estei

## 2. Child trafficking

According to the Council of Europe convention on action against trafficking in human beings „„Child” shall mean any person under eighteen years of age”<sup>9</sup>

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines the concept of child trafficking. „Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”<sup>10</sup>

A child, regardless of how it is recruited, removed, handed over, concealed or taken over, is considered a victim of trafficking if the purpose is exploitation.<sup>11</sup>

## II. Child labor

The Charter of Fundamental Rights of the European Union sets out certain rights that are of paramount importance to workers moving within or entering the EU, the most important of which are human dignity (Article 1), the prohibition of slavery and forced labor (Article 5), freedom to choose an occupation and the right to engage in work (Article 15), non-discrimination (Article 21), the right of access to placement services (Article 29), protection in the event of unjustified dismissal (Article 30), fair and just working conditions (Article 31), prohibition of child labor and protection of young people at work (Article 32), Consumer protection (Article 38) and the right to an effective remedy and to a fair trial (Article 47).<sup>12</sup>

According to the high-income countries often seems to hold that child labor in developing countries is nearly always a form of child abuse, in which children work in hazardous conditions in run-down factories for callous businesses. But it's not that clear. In fact, the broad term “child labor” covers a considerable diversity within and between countries in the types of activities in which children participate. Abhorrent images of children chained in factories or forced into prostitution stand out for their relative rarity. Most children are working at home, helping their family by assisting in the family business or farm and with domestic work.<sup>13</sup>

Fundamentally, child labor is a symptom of poverty. Low income and poor institutions are driving forces behind the prevalence worldwide of child labor. As a result of this, some economic events or policies can have ambiguous effects on child labor; for example, a country that experiences an increase in labor demand, perhaps because of globalization, may experience greater demand for both adult and child labor. At the same time, the greater demand for adult labor can raise family incomes in a way that tends to reduce child labor.<sup>14</sup>

According to the ILO (the International Labor Organization, a specialized organization founded in 1919 to protect the fundamental labor and social rights of workers), some 218 million children aged 5 to 17 are currently employed at work worldwide. Of these, about 152 million are victims of the exploitative practice of child labor; and almost half of them (73 million) do dangerous work. Not all forms of child labor are considered child labor. According to the internationally accepted conventions of the ILO, child labor to be eliminated is defined as an economic exploitation that endangers a child's education, health and physical, mental, spiritual and moral development. According to ILO statistics, almost half of those affected by child labor live in Africa; but there are nearly as many in Asia. Nearly half of the 152 million child labor victims are aged 5-11. 42 million (28%) aged 12-14; and 37 million (24%) aged 15-17. Life-threatening child labor practices hit 15-17-year-olds hardest, but so do many children under 12. Regarding the gender differential, we find that out of 152 million children, 88 million are boys and 64 million are girls. Thus, 58% of those involved in child labor and 62% of those affected by hazardous work are boys. From this, it may appear that boys are more affected, but this is not clear, exploitation in domestic work is contributes to the latency of the phenomenon, which mainly affects girls. Sectorally, it is mainly present in agriculture worldwide (71%), followed by services; then industry, including mining.<sup>15</sup>

## III. Connection between child trafficking and child labor

### 1. Becoming a victim

In the following environment, the worst forms of child labor would not emerge in equilibrium unless they are better remunerated than the ‘good’ forms.<sup>16</sup>

<sup>14</sup> Ibid.

<sup>15</sup> UNICEF Magyarország, Gyermekmunka elleni küzdelem. A gyermekmunkáról általában (Combating child labor. About child labor in general), <https://unicef.hu/gyermekmunka-elleni-kuzdelem> 10.01.2021.

<sup>16</sup> Sylvain E. Dessy – Stéphane Pallage, A Theory of the Worst Forms of Child Labour, *The Economic Journal*, Volume 115, Issue 500, January 2005, Pages 68–87, <https://doi.org/10.1111/j.1468-0297.2004.00960.x>.

és a büntetőjogi szabályozás határai. (Human trafficking. Criminal evenings of exploitation and the limits of criminal law.) Budapest, HvgOrac Lap- és Könyvkiadó, 2012. p. 310.

<sup>9</sup> Council of Europe convention on action against trafficking in human beings Article 4.

<sup>10</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography Article 2.

<sup>11</sup> <https://rm.coe.int/16805d41ee> 09.01.2021.

<sup>12</sup> The Charter of Fundamental Rights of the European Union (2012/C 326/02).

<sup>13</sup> Eric V. Edmonds – Nina Pavcnik, Child Labor in the Global Economy *Journal of Economic Perspectives*, Volume 19, Number 1, Winter 2005, pp. 199–220.

- The environment features household poverty, which puts pressure on children to help their family to make ends meet.
- Also parents are altruistic towards their children and make decisions on their behalf.
- The worst forms of child labor compromise the human capital prospects of children involved, for example, by reducing their learning ability in school, or by causing their endowment of human capital to depreciate.

Trafficking systems target primarily socially and economically disadvantaged families. One of the most vulnerable groups targeted by traffickers is children. In many cases, organized criminal groups choose to trafficking children because they can be easily recruited and quickly “exchanged”.<sup>17</sup>

In many cases, young girls and children are lured with false promises from their homeland, reassuring them that they will be able to support their families, but in reality, this work means only and exclusively prostituted work.<sup>18</sup>

Victims of trafficking can be anyone, but certain social groups – women, children, members of ethnic minorities, people with disabilities, children on the move (migrants), survivors of various abuses – are more vulnerable to becoming victims. Children in child protection care are particularly at risk, and the risk of prostitution is increased during authorized departures and escapes.<sup>19</sup>

Young people are potential victims of increasing pedophile violence, brutal abuse, street kidnappings, child homicides, widespread sex tourism and, last but not least, the child trafficking that serves it. Violence no longer lurks in them in the harsh outside world, it is also there in the family, within the walls of homes and in schools and educational institutions. The crisis of the traditional institution of the family is characterized by divorces, the break-up of families, the loneliness and neglect of children within the family, and the number of children with mental and behavioral problems is significantly increasing.<sup>20</sup>

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<sup>17</sup> A Bizottság Jelentése az Európai Parlamentnek és a Tanácsnak az emberkereskedeleme megelőzéséről, és az ellene folytatott küzdelemről, az áldozatok védelméről szóló 2011/36/EU irányelv 20. cikkében előírtak szerinti jelentés az emberkereskedeleme elleni küzdelem terén elért eredményekről (2016) [www.ipex.eu/IPEXL-WEB/dossier/files/.../082dbcc554c619fa0154c83f0dc50084.do](http://www.ipex.eu/IPEXL-WEB/dossier/files/.../082dbcc554c619fa0154c83f0dc50084.do), letöltés: 2018. szeptember 10. Quote: Dr. Hatvani Erzsébet – Sebhelyi Viktória – Vaskuti Gergely, Gyermekprostitúció visszaszorítása, gyermekkereskedeleme (Reducing child prostitution, child trafficking), Szociális és Gyermekvédelmi Főigazgatóság, Budapest, 2018. p. 106.

<sup>18</sup> Kállai Krisztina, Az emberkereskedeleme kiskorú áldozatait érintő kizsákmányolás sajátosságai. (Peculiarities of exploitation of minor victims of trafficking in human beings.) <http://www.kodolanyi.hu/kv/cikk/az-emberkereskedeleme-kiskoru-aldozatait-erinto-kizsakmanyolas-sajatosagjai-864> 27.10.2019.

<sup>19</sup> UNICEF Magyarország, Gyermekkereskedeleme elleni küzdelem (Combating child trafficking) <https://unicef.hu/gyermekkereskedeleme-elleni-kuzdelem> 09.01.2021.

<sup>20</sup> Gyurkó Szilvia – Virág György, A bűn és a gyermekek ábrázolása a médiában (Representation of sin and children in the media), Kriminológiai Tanulmányok 46. kötet (Editor: Virág György) OKRI, Budapest, 2009., pp. 250-276.

establish the following vulnerability factors in relation to child trafficking<sup>21</sup>

- criminalized environment
- dysfunctional family background
- children in public care
- the role of “dependence” on emotional connection

With regard to victims of child trafficking, we can talk about the following backgrounds<sup>22</sup>

- Socio-economic background of the victims
- Age of victims
- Ethnic and ethnic profile of the victims
- Gender identity of victims

People with low levels of education, little work experience, an inadequate family background and adults in public care are at risk of becoming victims. Perpetrators are constantly searching for and recruiting new victims, mostly from the simplest “source”, namely their family, living environment, whose personal and property backgrounds they know. Sometimes families sell their own child to the perpetrator. In connection with sexual exploitation, in the recruitment phase, Hungarian perpetrators rarely use violence, but rather associate their later victims with believing and pretending love relationships, so the “dependence” on the emotional relationship appears.<sup>23</sup>

The main risk factors for a child’s vulnerability are related to the child’s socioeconomic status, socialization, and social and cultural environment. Poverty, especially deep poverty, is one of the most important factors in becoming a victim. However, victimization usually stems from the combined effect of several risk factors and not solely from poverty. Children living in poverty and / or in segregated ghetto-type settlements or in segregated parts of towns and villages, as well as in public care, are more likely to be victims of child trafficking. A segregated environment, public care, and living in an orphanage create an environment in which the likelihood of a child becoming a victim is multiplied. Risk factors (e.g., child abuse, substance use, dysfunctional families, etc.) are equally found in less segregated and less impoverished environments.<sup>24</sup>

## 2. Volume of child trafficking and child labor

There is a big difference between boys and girls in

<sup>21</sup> Vidra Zsuzsanna – Baracsi Kitti – Sebhelyi Viktória, Gyermekkereskedeleme Magyarországon: Szexuális kizsákmányolás, koldultatás és zsebtolvajlásra kényszerítés (Child trafficking in Hungary: Sexual exploitation, begging and coercion), CEU, Budapest, 2015. p. 264.

<sup>22</sup> Ibid.

<sup>23</sup> Belügyminisztérium, Európai Együttműködési Főosztály, Emberkereskedeleme elleni küzdelem Magyarországon (Fight against human trafficking in Hungary) [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/thb\\_overview\\_hungary\\_hu\\_pdf.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/thb_overview_hungary_hu_pdf.pdf) 09.01.2021.

<sup>24</sup> Vidra Zsuzsanna – Baracsi Kitti – Sebhelyi Viktória, Gyermekkereskedeleme Magyarországon: Szexuális kizsákmányolás, koldultatás és zsebtolvajlásra kényszerítés (Child trafficking in Hungary: Sexual exploitation, begging and coercion), CEU, Budapest, 2015. p. 264.

the form of work. While “physical” work is done mostly with boys, housework and tasks in restaurants are done with girls. Among agricultural workers and those working in the clothing industry, we can find girls and boys alike.<sup>25</sup>

Forms of child labor can also vary by region.<sup>26</sup>

Estimates suggest that about 25 million people are subjected to “modern slavery” in the form of forced labor or human trafficking. These children, women, and men are often migrant workers who are exploited in diverse sectors, such as agriculture, mining, fishing, factory work, domestic work, and forced sex work. Although the eradication of modern slavery is among the 2030 Sustainable Development Goals, development of effective responses for assistance for victims and trafficking prevention remains elusive in this nascent field of health research. The intensified efforts against trafficking require a greater understanding of modifiable factors and the causal pathways that lead to trafficking in different contexts and for individual populations.<sup>27</sup>

No one knows the real numbers, but even conservative estimates suggest that at least 2.5 million children, women and men are lured or forced into international borders every year – and many are trafficked in their own countries – and, against their will, often subject themselves to deplorable and unfortunate in captivity to secure conditions, physical, psychological or financial threats. While transnational trafficking pays most of the attention of civil society, exploitation in the broadest sense – including child labor, forced labor, forced labor, forced prostitution, etc. – it becomes clear that exploitation affects many more people than just victims of trafficking.<sup>28</sup>

Commercial exploitation of children is a global problem for which reliable statistics are difficult to find. In the world, according to most estimates, well over a million children become a victim on the sex market each year, with one in five children being present in the labor market in some form (typically from third world countries). Approximately 170 million children work as “worst forms of child labor” by the International Labor Organization, engaging in armed struggle, being forced into prostitution or becoming a victim of pornography, being involved in crime, being trained as a drug dealer, or being employed as a “domestic worker.”<sup>29</sup>

<sup>25</sup> Reinisch Réka, A gyermekek jogai és a valóság – gyermekmunka a világban (Children’s rights and reality – child labor in the world) <https://btk.ppke.hu/uploads/articles/6414/file/reinischreka.pdf> 14.02.2021.

<sup>26</sup> Ibid.

<sup>27</sup> Ligia Kiss – Cathy Zimmerman, Human trafficking and labor exploitation: Toward identifying, implementing, and evaluating effective responses <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002740> 10.01.2021.

<sup>28</sup> Johannes Koettl, Human Trafficking, Modern Day Slavery, and Economic Exploitation [https://www.researchgate.net/profile/Johannes\\_Koettl/publication/241768755\\_Human\\_trafficking\\_modern\\_day\\_slavery\\_and\\_economic\\_exploitation/links/0c9605287ab6497485000000/Human-trafficking-modern-day-slavery-and-economic-exploitation.pdf](https://www.researchgate.net/profile/Johannes_Koettl/publication/241768755_Human_trafficking_modern_day_slavery_and_economic_exploitation/links/0c9605287ab6497485000000/Human-trafficking-modern-day-slavery-and-economic-exploitation.pdf) 10.01.2021.

<sup>29</sup> Gyurkó Szilvia, A gyermekek kereskedelmi célú szexuális kizsákmányo-

### 3. Forms of child labor

Child labor is still a common phenomenon in some countries around the world and covers many areas. Children work as factory workers, in mines, quarries, 1 in diamond mines, as an agricultural worker, helping their parents “business”, as a casual worker, or even in their own “business” such as a street food vendor or shoe polish. But it is common for children to be classified as soldiers, forced into prostitution, drug trafficking, or sold as “slaves”. Of course, these often very dangerous jobs are done for a minimal wage, if they get paid for it at all. But as long as families are forced to live in poverty as much as in underdeveloped parts of the world, it is impossible to abolish child labor.<sup>30</sup>

Worst Forms of Child Labour Convention (No. 182) Article 3 states term the worst forms of child labour comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.<sup>31</sup>

It is conservatively estimated that about forty percent of the world’s total armies, armed forces, rebel groups, and terrorist organizations<sup>32</sup> employ children for military, religious, ethnic, or other military purposes<sup>33</sup>. Although child soldiers, like other forms of child exploitation (child labor and child prostitution), occur on all continents, there is still a great deal of ignorance about the phenomenon and even some indifference on the part of the international community. The negative connotation of the child

lása-különös figyelemmel a gyermekprostitúcióra. (Commercial sexual exploitation of children – with a special focus on child prostitution.) In: OKRI: „Adás-Vétel” Konferencia a prostitúcióról [https://okri.hu/images/stories/konyvajanlo/Adasvetel\\_2011/adasvetel\\_konferenciakiadvany.pdf](https://okri.hu/images/stories/konyvajanlo/Adasvetel_2011/adasvetel_konferenciakiadvany.pdf) 27.12.2019.

<sup>30</sup> Reinisch Réka, A gyermekek jogai és a valóság – gyermekmunka a világban (Children’s rights and reality – child labor in the world) <https://btk.ppke.hu/uploads/articles/6414/file/reinischreka.pdf> 14.02.2021.

<sup>31</sup> Worst Forms of Child Labour Convention (No. 182) Article 3.

<sup>32</sup> See more on the typology of terrorism in: Dávid Tóth – Melánia Nagy, The types of terrorism – with special attention to cyber and religious terrorism. In: Jura 2019/1. pp. 413–422. Dávid Tóth, A terrorizmus típusai és a kiberterrorizmus (The types of terrorism and cyberterrorism). In: Rab Virág (Editor), XII. Országos Grastyán Konferencia előadásai. PTE Grastyán Endre Szakkollégium, 2014. pp. 286–296.

<sup>33</sup> Vid.: Nagy, Melánia, Gyermekek a terrorizmusban (Children in terrorism) =In: Németh, Katalin (Editor) Tavaszi Szél Konferencia 2019 : Nemzetközi Multidiszciplináris Konferencia : Absztraktkötet , Budapest, Magyarország : Doktoranduszok Országos Szövetsége (DOSZ) 2019. pp. 120–120.

soldier, as well as the “soft issue” nature of the topic, in many cases results in the marginalization of the issue on the part of politics.<sup>34</sup>

By recruiting child soldiers, we can learn about the new face of terrorism. The Islamic State, which owns a significant part of Syria and Iraq, gives a new interpretation to the phenomenon, as it seeks not only to strengthen its current position by involving children, but also to achieve long-term goals – the expansion of the Caliphate. Ensuring its effectiveness is only possible if the organization not only survives but also “prepares” its own future generation. The main means of doing this is to recruit children so that, after proper mental, psychological and physical training, they can organize a future, loyal and self-sacrificing army that will carry forward the ideology of the Islamic State even if the terrorist organization ceases to exist in its current form.<sup>35</sup>

According to the list established by international organizations, the sexual exploitation of children includes, in the broadest sense, the following forms of abuse<sup>36</sup>

- prostitution: the sexual exploitation of a child, usually organized through an intermediary (parent, family member, fence, etc.), for money or other consideration
- pornography: making, distributing, distributing (through any medium) video, film, photo or sound recordings of child pornography (showing sexuality for one’s own purposes)
- coercion to marriage, sale
- sex tourism
- traditions, customs, mutilation that violate the physical integrity and gender identity of children (eg clitoral excision [devadasi]).

#### 4. Intertwining with other phenomena

Nowadays, one of the lucrative businesses of organized crime<sup>37</sup> is kidnapping, human trafficking, which is the basis of slave labor, sexual exploitation, prostitution, human organ trafficking and other serious crimes.<sup>38</sup>

Human trafficking is a high-profit, but low-risk business. The huge amount of money that comes from, it allows criminal groups to gain economic,

<sup>34</sup> Sziij Dóra, Az „új” háborúk hozadéka: a gyerekkatonaság modernkori formái (The product of “new” wars: modern forms of childhood), [http://www.nemzetbiztonsag.hu/cikkek/sziij\\_dora-az\\_\\_\\_34\\_uj\\_\\_\\_34\\_haboruk\\_hozadeka\\_\\_a\\_gyerekkatonasag\\_modernkori\\_formai.pdf](http://www.nemzetbiztonsag.hu/cikkek/sziij_dora-az___34_uj___34_haboruk_hozadeka__a_gyerekkatonasag_modernkori_formai.pdf) 14.02.2021.

<sup>35</sup> Gál Csilla Emese, Elrabolt ártatlanság – az Iszlám Állam gyerekkatonái (Kidnapped innocence – child soldiers of the Islamic State) Évf. 18 szám 5 (2018) In= Magyar Rendészet.

<sup>36</sup> Gyurkó Szilvia, A gyermekek kereskedelmi célú szexuális kizsákmányolása–különös figyelemmel a gyermekprostitúcióra. (Commercial sexual exploitation of children – with a special focus on child prostitution.) In: OKRI: „Adás-Vétel” Konferencia a prostitúcióról [https://okri.hu/images/stories/konyvajanlo/Adasvetel\\_2011/adasvetel\\_konferenciakiadvany.pdf](https://okri.hu/images/stories/konyvajanlo/Adasvetel_2011/adasvetel_konferenciakiadvany.pdf) 27.12.2019.

<sup>37</sup> Vid.: Dávid Tóth – László István Gál – László Kóhalmi- Organized Crime in Hungary, *Journal of Eastern-European Criminal Law* No. 1/2015, pp. 22–28.

<sup>38</sup> Tóth Mihály – Nagy Zoltán (Editor), *Magyar büntetőjog. Különös rész.* Budapest, Osiris Kiadó, 2014. p. 112.

social or even political power and influence the way the world works.<sup>39</sup>

Human trafficking and related prostitution are one of the biggest sources of revenue for organized crime. Prostitution and human trafficking for the purpose of sexual exploitation are closely linked. Victims are treated as commodities, private property, with restrictions or outright deprivation of their fundamental rights.<sup>40</sup>

Human trafficking is not only a fundamental crime of money laundering, but can also play an important role in terrorist financing<sup>41</sup>. Money laundering<sup>42</sup> is needed to make the proceeds of other crimes a legitimate economic activity.<sup>43</sup>

One of the worst and most invisible forms of human trafficking is child trafficking for labor exploitation. This specific form of human trafficking is intertwined with other phenomena ranging from forced child labor to broader concepts like child labor and child work. The convergence of factors related to child trafficking for labor exploitation not only complicates efforts to regulate child work and criminalize forced child trafficking for labor exploitation and child labor, but it also hampers attempts to establish adequate and effective preventive measures.<sup>44</sup>

Sexual exploitation is typically an international, organized crime in which various forms of abuse appear together. The ILO has classified prostitution and child pornography as the worst forms of forced labor, with special emphasis on the fact that almost a quarter of child victims of trafficking are forced into slavery (domestic, agricultural or artisanal),

<sup>39</sup> Száraz Krisztina, Kényszermunka a modern gazdaságban (Forced labor in the modern economy) file:///C:/Users/admin/Downloads/520-Article%20Text-1777-1-10-20200819.pdf 14.02.2021.

<sup>40</sup> Kovács István, Az emberkereskedelem, valamint az ahhoz szorosan kapcsolódó prostitúciós bűncselekmények áldozatai jogainak érvényesülése, illetve azok megghiúsulása, csorbulása hazánkban (Enforcement of the rights of victims of human trafficking and closely related prostitution crimes, as well as their failure or impairment in Hungary) = *Műszaki Katonai Közlöny* 2014/1 pp. 213–230.

<sup>41</sup> Vid.: Gál István László, Új biztonságpolitikai kihívás a XXI. században: a terrorizmus finanszírozása (A new security policy challenge in the 21st century: terrorism financing) = *Szakmai szemle: A Katonai Nemzetbiztonsági Szolgálat tudományos-szakmai folyóirata* 8, 2012, pp. 5-15., Gál István László, A terrorizmus finanszírozása: Die Terrorismusfinanzierung (terrorism financing) Pécs, Magyarország: PTE Állam- és Jogtudományi Kar Gazdasági Büntetőjogi Kutatóintézet 2010., p. 63.

<sup>42</sup> Vid.: Gál István László, A pénzmosás szabályozásának régi és új irányai a nemzetközi jogban és az EU-jogban. (Old and new directions in the regulation of money laundering in international law and EU law) = *Európai jog: Az Európai Jogakadémia Folyóirata* 7 (2007), pp. 12–23., Gál István László, The Techniques of Money Laundering. In: Gál István László – Kóhalmi, László (Editor) *Emlékkönyv Losonczy István professzor halálának 25. évfordulójára*, Pécs, Magyarország: Pécsi Tudományegyetem, Állam- és Jogtudományi Kar, 2005., pp. 129–138., Gál István László – Tóth Mihály, The Fight against Money Laundering in Hungary = *Journal of money laundering control* 2 2004 pp.186–192.

<sup>43</sup> Felméry Zoltán, A súlyos és szervezett bűnözés általi fenyegetettség értékeléséről szóló Europol jelentés ismertetése (Presentation of the Europol report on the assessment of the threat posed by serious and organized crime) = *Nemzet és Biztonság* 2019/1. pp. 105–119.

<sup>44</sup> Luz María Puente Aba, Defining Child Trafficking for Labor Exploitation, Forced Child Labor, and Child Labor [https://link.springer.com/referenceworkentry/10.1007%2F978-3-319-63058-8\\_18](https://link.springer.com/referenceworkentry/10.1007%2F978-3-319-63058-8_18) 10.01.2021.

sexually assaulted, forced into slavery. mentally and physically abused.<sup>45</sup>

## IV. Hungary

There is no special victim support system for children in Hungary. Child victims are treated under the Child Protection Act and the child protection alert system is responsible for signaling in the event of a nuisance, however, the child protection system is not fully prepared to support victims of trafficking. Cases of trafficking in children remain latent, mainly because the police do not initiate proceedings until the victims report. The annual number of reported cases of child trafficking is extremely low, with only a few cases per year, and no data are available on individual forms or the ethnicity of the victims. Nevertheless, it can be stated that the majority of the victims are Roma. Criminalized environment (in a close family or community), dysfunctional family background, child abuse, parental and / or child substance use, public care, and emotional neglect are considered critical factors in becoming a victim.<sup>46</sup>

Due to the global nature of child prostitution, Hungary is also greatly affected, Hungary is not only a transit country but also an issuing country. Accurate data or even estimates regarding Hungarian statistics are extremely incomplete, so it is difficult to establish the number of child victims in any part of child trafficking.<sup>47</sup>

## V. Conclusion

Harmful forms of child labour have an economic role: by maintaining wages for child labour high enough, they allow human capital accumulation in poor countries. Until appropriate mechanisms are designed to mitigate the decline in child labour wages caused by reduced employment options for

children, a ban on harmful forms of child labour will likely prove undesirable.<sup>48</sup>

Even if Legislation against child labor could be enforced, is not the only (or even the best) way to tackle the issue. Legislation must be combined with targeted social and economic incentives (such as for schooling) together with equitable economic growth.<sup>49</sup>

Children, due to their age and development, may need special protection – and certain groups of children should also receive special attention and increased protection. These include:

- children with disabilities,
- victims of commercial sexual exploitation and trafficking in children,
- minors seeking asylum and unaccompanied children,
- children belonging to the Roma minority,
- children fleeing and missing,
- children who have dropped out of the education system and school-age children;
- children who have been victims of abuse<sup>50</sup>

The Council of Europe Convention on Action against Trafficking in Human Beings sets out the main objectives in relation to trafficking in human beings, and in particular children;<sup>51</sup>

- a) to prevent and combat trafficking in human beings, while guaranteeing gender equality
- b) to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- c) to promote international cooperation on action against trafficking in human beings.

Close cooperation is needed in the following areas to reduce child labor – and thus child trafficking<sup>52</sup>

- education
- agriculture
- “Neglected” forms of child labor
- Forced and slave labor
- Children working in the household (domestic workers)
- Children affected by war conflicts
- Prohibited activities – Migration
- Children with disabilities and other special educational needs
- Global economic and employment crisis.

<sup>45</sup> Gyurkó Szilvia, A gyermekek kereskedelmi célú szexuális kizsákmányolása–különös figyelemmel a gyermekprostitúcióra. (Commercial sexual exploitation of children – with a special focus on child prostitution.) In: OKRI: „Adás–Vétel” Konferencia a prostitúcióról [https://okri.hu/images/stories/konyvajanlo/Adasvetel\\_2011/adasvetel\\_konferenciakiadvany.pdf](https://okri.hu/images/stories/konyvajanlo/Adasvetel_2011/adasvetel_konferenciakiadvany.pdf) 27.12.2019.

<sup>46</sup> Vidra Zsuzsanna – Baracsi Kitti – Sebhelyi Viktória, Gyermekkereskedeleme Magyarországon: Szexuális kizsákmányolás, koldultatás és zsebtolvajlásra kényszerítés (Child trafficking in Hungary: Sexual exploitation, begging and coercion), CEU, Budapest, 2015. p. 264.

<sup>47</sup> Kállai Krisztina, Az emberkereskedelem kiskorú áldozatait érintő kizsákmányolás sajátosságai. (Peculiarities of exploitation of minor victims of trafficking in human beings) <http://www.kodolanyi.hu/kv/cikk/az-emberkereskedelem-kiskoruo-aldozatait-erinto-kizsakmanyolas-sajatossagai-864> 27.12.2019.

<sup>48</sup> Sylvain E. Dessy, Stéphane Pallage, A Theory of the Worst Forms of Child Labour, *The Economic Journal*, Volume 115, Issue 500, January 2005, Pages 68–87, <https://doi.org/10.1111/j.1468-0297.2004.00960.x>.

<sup>49</sup> Grootaert, Christian and Kanbur, Ravi, Child Labor: A Review (May 1995). Available at SSRN: <https://ssrn.com/abstract=620526>.

<sup>50</sup> Gyurkó Szilvia, Gyermekbarát igazságszolgáltatás (Gyermekbarát igazságszolgáltatás), Kriminológiai Tanulmányok 49., Országos Kriminológiai Intézet, Budapest, 2012, pp. 107-117.

<sup>51</sup> Council of Europe Convention on Action against Trafficking in Human Beings.

<sup>52</sup> Reinisch Réka, A gyermekek jogai és a valóság – gyermekmunka a világban (Children's rights and reality – child labor in the world) <https://btk.ppke.hu/uploads/articles/6414/file/reinischreka.pdf> 14.01.2021.