



Season 2. Episode 1: Illegal Adoption vs. Child Trafficking: Where Do We Draw the Line? | A dialogue with Dr. Eefje De Volder

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Hisham Allam

Welcome to DevelopmentAid Dialogues, I'm your host, Hisham Allam. Today we have the honor of speaking with Dr. Eefje De Volder, a leading expert in combating trafficking. Dr. Eefje is the co-founder and team member at IMPACT, a center against human trafficking and sexual violence in conflict. She's also the co-owner of Rwandan Empowerment Coffee that empowers female businesswomen who survived the genocide against the Tutsi. In this episode, we will explore the difficulties of addressing various forms of modern-day slavery. Including forced marriage and illegal adoption. We will discuss the challenges gaps and solutions to combat these harmful practices and create a fairer world. Hello, Dr. Eefje and welcome to our podcast.

Eefje De Volder

Hello. Thank you for having me.

Hisham Allam

Let's first discover the definition of what human trafficking is?

Eefje De Volder

Well, I think in general, human trafficking is about the exploitation of other people to enrich themselves. There is a certain gain and an intent to exploit a person. That is what actually is central to human trafficking. Trafficking is mostly known for sexual exploitation and its scope is actually is much broader.

So, the Palermo Protocol, the international document on human trafficking that actually is ratified by virtually all states worldwide, defines exploitation at the minimum. It says it's minimal sexual exploitation, labor exploitation, and forced organ removal. But since this is only a minimum standard, states can actually decide what else they find to be exploitation and include other forms of exploitation in their national criminal codes when criminalizing human trafficking.

So even though we have a common understanding about what trafficking is, internationally, what is criminalized nationally can actually be quite divergent. States have instead incorporated, a variety of acts that can be considered exploitation such



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as pornography, sex tourism, removal of blood cells, organ tissues, and body parts, farm labor, exploitative entertainment, forced fertilization.

It's very broad, and in the same line the EU that can also impose, legislation on the EU member state, decided in 2015 already to explicitly add forced begging and forced criminality as forms of exploitation. And last, in June 2024, it's very recent, it added actually forced surrogacy, forced marriage and illegal adoption.

I think while it is very important that we actually have an eye for all the forms of exploitation and that we fight all the forms of exploitation, the more is included, the more difficult it becomes to effectively combat the crime, because each form has a different modus operandi, different actors are involved, it requires a different approach.

You can imagine that the actors, to combat sexual exploitation are different when it comes to labor exploitation, or when it comes to organ removal when we are much more moving towards the medical field. So there needs to be some prioritization in action because capacity and sources are limited.

And then the risk is that when we add too much, it can actually dilute the focus and that might prevent an effective approach. And also, this is specifically with respect to the crimes that you singled out, so forced marriage, illegal adoption, and forced surrogacy. These are oftentimes also criminalized, in some jurisdictions at least, as separate offenses.

Then you get also legal questions like when is it an ordinary case of forced marriage or illegal adoption? And when does it become a case of human trafficking for forced marriage or illegal adoption? So, it asks us quite some brain training to see now what will change with this new legislation actually coming up.

Hisham Allam

Starting from, the forced surrogacy. How do you balance the ethical concern of commercial surrogacy with the potential for exploitation in forced surrogacy?

Eefje De Volder

Well, I think the fact that the exploitation of forced surrogacy falls under the human trafficking provision does not stand in the way of the fact that some states continue to have commercial surrogacy legalized.

So, in fact, by allowing then the situation, uh, where forced has been used to consider it as a human trafficking crime, will actually allow for quite a strong response to situation where it turns out that the women have carried and given up their baby against their will. Whether or not commercial surrogacy should be allowed or not is actually a separate question and is more, as you said, like more than a legal, a moral debate, which we also see similarly in prostitution discussions.

Actually, those are two separate considerations and, well, it can be part of the trafficking definition, regardless of how, commercial surrogacy has been considered within a specific state.



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Hisham Allam

So, what the specific legal challenges arise in regulating forced surrogacy, particularly in countries with the existing surrogacy laws?

Eefje De Volder

Yeah, I think, as indicated, there will actually be no problem, with including forced surrogacy into the trafficking definition, even if commercial surrogacy is allowed, simply because when we talk about commercial surrogacy, the circumstances are with consent. So the moment, that a state allows for commercial surrogacy, it's not a problem.

You assume that all the parties that are part of the agreement are in consent to the agreement and the woman is willingly given up the baby, for a certain payment. So, in fact, it doesn't infringe when, it's considered to be part of the trafficking definition because then it really looks at when a person is forced into a situation, where, the person should carry a baby for someone else for profit, and most likely the person who is carrying the baby is not even getting the profits. There will be a perpetrator that will, that actually forced the woman into the situation. So then, it can still be possible that these two things, exist at the same time, but well, there are also many countries where, commercial surrogacy is already criminalized and then well, it's, it doesn't create any problems either.

Hisham Allam

And most of these countries are in Africa and Asia, right?

Eefje De Volder

Um, well, not so well, I think, within the European context, I know that, for example, Ukraine, has actually allows for commercial surrogacy also to take place. I think in every region, you might find, countries that actually allow it, but there is more standing practice in some regions than others. That's true.

Hisham Allam

I would like to ask you how does forced marriage intersect with culture traditions and the practices making it difficult to identify and to address.

Eefje De Volder

I think, this is a very important question because I think this is one of the things that makes it very difficult for forced marriage to actually be combated, because of the fact that it intersects so much with cultural traditions and practices. I think it's important to raise a few points here. And, first of all, we need to also make a distinction between, arranged marriage when parents choose a partner and both of the marital candidates agree to the marriage and forced marriage when, of course, one of the two marries against their will. But of course, these are still very closely tied because you do



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see that due to culture or the traditions and practices, it might be that due to social pressure, people will actually decide to marry, but they wouldn't otherwise if they would have had a choice. And the fact that it's within a certain cultural social setting, but also the fact that it happens behind closed doors, so within families, this makes it in general quite difficult to prosecute forced marriage cases.

So, in countries where forced marriage in and of itself is criminalized as a separate offense, we see that it's very difficult to actually get successful convictions. First of all, because it's quite difficult to prove force, most of the time, as I said, it's not actual force that's being used, but more subtle ways of threat with social exclusion or social pressure.

And, even though the victim in this case does not want to be forced into the marriage. They do not want their parents to be in prison either. So, they're against the marriage, but they don't want their parents to end up in jail. That makes it actually very difficult to get sufficient proof, to get a conviction for forced marriage cases. When then forced marriage is part of the trafficking definition, so it is part of the human trafficking crime, you need to prove additional elements. You need to prove the elements of trafficking. So, you need to prove that a person has been lured into a situation of exploitation, and that can be either subtle or by actual force.

And that the intent of the person, the perpetrator, was to exploit you. There needs to be some gain. And this latter element is actually most of the time with forced marriage difficult to prove. In some jurisdictions you see that, it said that forcing someone into a marriage actually satisfies both elements. Both the luring someone into a situation of exploitation and the actual exploitation itself, but in other jurisdictions, they say, well, the forced marriage is a way of forcing someone into a situation of exploitation, but then you still need to prove an additional intent to exploit. For example, that a person has been treated as a domestic slave or needs to work in different households, et cetera.

Even there, you see that states, look at it in a different way. There is no actually legal clarity on this. And, and currently we're also working on getting more clarity about this by analyzing relevant existing legislation in many states in order to be as good as possible prepared for the new legislation coming up.

Hisham Allam

Uh, I would like to ask you about specific challenges in cases of forced marriage involving minors?

Eefje De Volder

Yeah, I think it very much also depends on where you are at, in which country you are and whether actually forced marriage is a sort of accepted cultural practice or not, because that also will determine the approach and to actually combat forced marriage or that it's something that is just an accepted practice. I think the problem really is when we're talking about minors and forced marriage that it happens behind closed doors. It happens in family structures; minors are under the supervision of their parents. Most of the time they are controlled by their family as when they go outside, they might even be accompanied by a brother or another family member.



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Making it also difficult to speak about their situation if they already know that the marriage is coming up and they might actually, still escape from the situation to talk about it at school, for example. And how can this be addressed? It might be difficult to actually get eyes behind the closed doors, but at the same time, almost any child, goes to school, not everywhere.

Well, there is a caveat there, but at least when they attend school, then school teachers and, and social workers at school, they can be sensitive to the sign. The changes in behavior of a person from a cheerful, happy child to withdrawn and depressive increased control of their movement that they see that they cannot actually talk with someone without being accompanied by a person.

These might be signs that actually something is up and that they need to get the person a site somehow in order to see what is going on. But I think in general, any form of exploitation that happens behind the closed door are the most difficult ones to identify and address.

Hisham Allam

From your point of view, what role does corruption play in facilitating illegal adoption and how can it be addressed?

Eefje De Volder

Well, I think, it's first of all important, to highlight that of course not all forms of illegal adoption will be considered human trafficking, only when there are signs of force, subtle or actual, and there is an intent to exploit, because when, when we think of an adoption where the papers might not be completely correct or the procedure has not been strictly followed. It's an illegal adoption, but it doesn't have to be exploitation because it can still be consensual, under the right circumstances for, the parents giving up the child or the orphan and the adoptive parents. But at the same time, of course, we have these procedures, in place in order to avoid a sloppy slope because the moment that the papers might not be correct or the procedures have been followed, well, the chances of exploitation and abuse are also more likely and corruption plays an important role in that, because corruption actually allows for papers and procedures to be falsified in order for adoptions to look legit.

It allows for, documents or dossiers of children in children's homes to be changed to cover up that they are, for example, not real orphans, but that their parents have been forced to give up their child, for instance. Yeah, I think it plays a very important role in facilitating illegal adoption.

And unfortunately, I think the only way of how corruption can be effectively tackled, if a specific country actually wants it to be tackled, because, well, you need to start from the top and, and ensure that each and every form of corruption at the institutional level is severely punished, and then you can really change it slowly and effectively.

But the moment that also government officials and everything is corrupted, and it's very difficult to tackle corruption in general. And that makes it also, yeah, quite a challenge to actually make changes when corruption is rampant.



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Hisham Allam

Yeah, this is clear. Uh, for ordinary people, how can they distinguish between child trafficking and illegal adoption? Are they the same?

Eefje De Volder

Um, well, I think that they are different but they can be similar. I think cases of illegal adoption when they meet the conditions of trafficking, they can be human trafficking, but not every case of illegal adoption is trafficking. It's maybe a bit more cryptic; I can show it with an example. So, there is a person, a woman giving up her baby in Ethiopia. There is an American couple coming in. There is an agency involved. All the parties agree, to the woman, giving up her child to the American family. She's really okay with it. She already has many children and she really wants to give another child's a life. But well, it's quite difficult to actually get the right procedure in a small, six end timeframe. They will speed up the process and by that, they don't follow the procedure in the correct way.

Hisham Allam

This is a life example, right? A real example.

Eefje De Volder

Yeah. Yeah. In that case, there is illegal adoption because you don't follow the procedure as it is, but it's not trafficking because when it would be trafficking, then there would be someone who actually force the woman to give up her child, maybe by actual force, but also by deceit.

It can be subtle, just to get better from the situation. And this is something we, quite often see, unfortunately, is that when we talk about orphanages, these children, in fact, aren't real orphans, so they have parents, but they're just taken away by their parents, and in their papers, it's written that they are orphans, but they in fact have parents.

Uh, the problem is that this is very difficult for adoptive parents to actually find out because if the papers are falsified, well you think that these are the right papers. So, it will not be easy to actually get it discovered at the same time. I also think that we should not put a blind eye to these situations because, well it's trade in children.

We shouldn't take prey of the fact that other people are in an economic bad situation in order to satisfy our needs. Because I think sometimes that blinds people from recognizing situations as exploitation.

Hisham Allam

This is leading me to an important question. If someone have full supply documents. What kind of challenges do the individuals adopted illegally face?



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Eefje De Volder

I know from experience now in the Netherlands, there are actually quite a few cases against the Dutch government because they actually allowed adoption from certain countries where they should have known that there was a lot of falsification of documents, et cetera. And they could have known. In general, for everyone, it is important where you're coming from, because, well, if you're adopted and you are, brought up in a different family. You might even have a different color or whatever you would know that there is a different family out there.

You want to know as much as possible where you're coming from to also understand yourself and your own identity. And the moment that you actually find out that none of it is true. Some people would actually go there and find out that they had parents or it was completely different.

Well, that is very serious. It touches upon your basic rights as a human being to know where you're coming from, and, yeah, who your parents are to the extent possible. I think it can have quite some, long term traumatic impact on the life of these children when they find out. Some of them will never find out, but because increasingly we see that these practices are, more known, you also see that more people start to think, okay, is the situation in my case, and then they will investigate and research further. So yeah, one case might also lead to another by example.

Hisham Allam

Yeah, this is really sophisticated. What do you think are the main reasons trafficking continues to happen within our economic systems? Are we really fixing the problem or just covering it up?

Eefje De Volder

Well as I said, trafficking is all about profiting over the back of others. So, as long as we have massive inequalities, trafficking will remain to exist because there will always be people who would, accept, too good to be true, proposals to go with someone and to end up in a very exploitative situation or to accept, circumstances which are exploitative, but are better for them than what they, what they are known for. I think in general trafficking praise on inequality, poverty but I also think that, well, we have a certain economic system, our capitalist system, which actually, allows trafficking and exploitation to thrive. Because, the whole economic system is based on privatization and private owners, that actually, want as much profit-making is like their main concern.

If there are fierce competition and when the cost of a product is mainly the cost of labor, well, to better market your goods, you will cut on human costs. So then abuse and exploitation also becomes more likely. So as long as there is the demand for cheap products and services, and there is a supply, we actually keep the cycle going.

We all have a role to play if we truly want to put a halt to trafficking in a meaningful way. And this is also something that I always tell my students, we should discuss everything, what you can do as part of prosecution, prevention, protection of victims. And then finally I say, yeah, but there's also a role for you as a consumer, because every time that you buy a cheap product, this comes with a certain cost.



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It's about making conscious decision and knowing what the actual cost is of the products that we have, because some products that we have actually will not even have it without some form of exploitation, like our, smartphones, our laptops, you know.

Hisham Allam

Can you explain to us how your social enterprise Rwandan Empowerment Coffee tries to break through this cycle?

Eefje De Volder

Well, I think the coffee of Bekske Rwandan Empowerment Coffee actually is a good example of how we can try to do things fairer and just. And at the same time make a difference in the lives of case, survivors of sexual violence crimes.

Actually, you see that also in the work that we do, we focus on changing legislations, improving prosecutions, what they need now is that they have certain psychological, social economic needs and that they, that need to be addressed in order for them to regain their dignity and rebuild their lives. And for us, the best way in this case was to encouraging their own entrepreneuring.

Because, well they're quite resilient, they grow crops. So why not, stimulate their entrepreneuring in order for them to become empowered and economically independent, because this is also an important way of rebuilding your life. And Rwanda happens to grow top quality coffee, specialty coffee, the top 5 percent of the world.

And many of these women already grew coffee. And since in the Netherlands, we actually love coffee, we decided to start to import coffee to the Netherlands. And, by doing that, giving the women a fair price for their coffee beans. Four times more than regular coffee brands, but also making them shareholders in the company so that they can also benefit from the profit.

And actually, the coffee business is quite interesting because it's really a male business in general and we are women doing it with women. But also, it's one of those businesses that are actually for long known for not looking after everyone in the supply chain and with our social enterprise, we wanted to show that even though it's difficult in the existing, coffee business, it is possible.

And we are actually recognized for it because, UN Action in the report in 2023 actually praised our coffee company for being the only known corporate example worldwide that directly supports and empowers survivors of conflict related sexual violence and their families in a fair way. So, in a way it might be a drop in the ocean, but I think that if there will be many more drops like us, we will have an ocean too, so.

Hisham Allam

Can you share an example of how your work with Rwandan empowerment coffee or even impact has made a big difference in the community?



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Eefje De Volder

Well, I think a very recent example is actually that because of the fact that they make more money than others do and because we try to also find different ways of getting their money general life standards better we actually set up an electricity project that ensured that people, we are working now with 75 women that they would actually have access to electricity and electricity well, it's very important because that means that also the children can study for school after six and so the life continues after the sun goes down.

I think that these are very practical changes that make a very huge impact in the lives of these women and the next thing that we're going to do is to ensure their access to water because we think that, well, electricity and water are quite some basic necessities. There are a lot of initiatives and projects that are helping people and urban areas to get access to water. You prefer to do this yourself or to kind of coordinate with other projects?

It's good to know that the coffee project didn't erupt in and of itself we already worked with survivors of conflicts related sexual violence with a partner organization in Rwanda for more than 15 years. So, this is a project that actually also came from that, but it became so successful that we made it into a separate, enterprise. We always work with the local communities, with the local organizations they implement everything and we work as much as possible also with the government initiatives so what they can do with the electricity and water, and we just supplement and we just work with, like for example, the Blue Water Foundation that's their core business to give access to water in countries and communities that do not have it.

Hisham Allam

Building on this, how important is collaboration between governments, NGOs, and businesses in fighting trafficking? Do you have an example of where this has worked well?

Eefje De Volder

I think the collaboration between all these partners is key. I think it has also been mentioned everywhere, this multi stakeholder approach. But in reality, it's very important because you need everyone and each of their unique scope and mandate in order to combat, in this case, trafficking. The government you need for the policies, the legislation, the investigations, but also to prosecute the perpetrators. The NGOs you need to provide assistance for victims, but also to monitor government performance and the implementation of policies and laws in order to keep each other sharp.

But when we talk about labor and sexual exploitation in business structures, it is very important to have businesses, as well, because otherwise, no change will be made. One of the examples that I can give is an initiative taken together with NGOs. The government and the hospitality sector, where actually in hotel chains, they train their staff on how to recognize trafficking for sexual exploitation. So, when a person is booking a room, when someone is in the room and they're cleaning the room, et cetera. What signs can they see for potential sexual exploitation? And what can they do in case there is suspicious activity in hotels? Well, and this is very important because they might be the eyes and the ears that would



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otherwise not have because of the fact that this is their day to day, work and activity. And I think, it needed some, acceptance also by the hospitality sector to accept that this happens within the sector, that's already a step to take.

But now you see that they actually have a very important role in combating it. I think it's a very good example of how we can all work together.

Hisham Allam

From your perspective, what should be the main focus in the future to ensure our efforts against trafficking are truly effective?

Eefje De Volder

When looking at all the difficulties in getting successful prosecutions, they're worldwide still fairly limited in comparison to the cases that are there, but also the problems in getting proper assistance and protection to victims, particularly also for a long term. I think that we should focus much more on preventing the crime. Really looking at, okay, how can we address the root causes of trafficking? How can we impact the push and pull factors that underlie trafficking? This whole idea of supply and demand, so this relies more on law enforcement and legislations.

Well, it is, but it's also depending on what it is exactly, because while the root causes can be addressing a socioeconomic cause that actually push people into the hands of traffickers. Then it's much more policy and maybe legislation. But at the same time where you want to address or regulate demands, this is also, more about, campaigning about consumer consciousness, like, okay, do you know what I said? Like, do you know the actual price of what you're buying and can you make a different choice, based on what you know? So, there are also initiatives which are also more policy and legislation to actually criminalize the use of services of traffic person. For example, if a person visits a sex worker and the person who visits this sex worker should have known, based on how the person looks or the circumstances of their situation, that the person is might be a victim of trafficking and they didn't report it, that they can be criminally liable themselves. These are also ways of putting also the responsibility to the end user somehow, in order to combat the crime effectively. The problem is maybe with prevention, that it's not politically the most desired approach, because you cannot really measure what you have prevented. You can also not show how well you have done. And that makes it actually quite difficult to get sufficient funds into preventive campaigns than more reactive responses to trafficking.

Hisham Allam

Yeah, this is leading to another question. How can we raise public awareness to better inform communities and potential victims about exploitation and trafficking?



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Eefje De Volder

One of the things that I do with students and also with professionals in capacity building trainings is to look into awareness campaigns and to see how effective they are. And what is a challenge is that you want persons to self-identify their situation so that you know that you might become a victim or you might recognize it, and you know what to do.

And because of the fact that it's such a complex crime, yeah, remember there are so many forms of exploitation, it's very difficult to get really an awareness raising campaign to address it in its completeness. So somehow the best solution would be to have a longer-term campaign, which is multi layered, like, showing the different forms but also with multiple ways of reaching out because, well, a remote community will be better reached with a radio commercial or a theater play.

And, um, well, in the city, it will be more, maybe a billboard, for young people, it will be more, TikTok and social media and all kinds of other outlets. So, it depends very much also on your audience. The problem is to have this type of long term multi layered approach requires a lot of money.

And you see that a lot of money is spent on like having one organization, having one campaign for one year. But what if we combine all these funds and make a campaign that actually has more long-term effect and is relevant to many more. Another thing that I always believe that is very important is that what we are very good in teaching children about mathematics and the alphabets and all these things at school, but there is almost no attention being paid to like, social behavior and social customs.

And particularly when we talk about more the sexual violence and sexual exploitation, it's very important that within basic education, from an early start, we just educate, people about norms and values, about how we behave towards each other, how we respect each other, how we appreciate differences. And I think we are too naive to think that this is a sole responsibility of parents and that, well, as a community and that can, well, the most logical placed in the school, that there is also a responsibility to build also a socially responsible community, because sometimes it starts also from certain ways of behaving. Yeah. Yes, exactly.

Hisham Allam

Even you have been deeply involved in this challenging work for a while, and progress can sometimes be slow. What keeps you motivated to continue your efforts in the field?

Eefje De Volder

Well, every time I think, does it matter what I'm doing? Will these small drops in the ocean actually make any change whatsoever? Uh, then I just think of the many situations in my career where my contribution was small, but it had a long-lasting impact on the survivor in question. So, for example, during a raid in a laundromat, we discovered some Polish laborers who lived in the workplace so they lived there and had to work at the same time. And without us coming in, they would still be living locked in their workplace next to the damping machines, in a place where the temperature was constantly high. And they were so happy for the fact that someone took their time and energy somehow to reach out.



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Another thing which had a very big impact on me was supporting a Moroccan victim of labor exploitation. He was only 27 years old. And by the time I wasn't that much older, so we could have been friends and he actually had third degree burn marks all over his body because he was not given any protective clothes while he was working with dangerous substances. He was in coma for four weeks and just after he awakened, the perpetrator even came to try to shut him down by promising he could marry his daughter to get a residence permit. So, the brutality, but only being able to support him and speak to him and slowly seeing him rebuilding his life actually for me is priceless. Or a survivor who I helped with their financial situation, they actually sat me down and thanked me. And they actually said to me that for the first time, they felt that they were worth someone's attention and someone actually listened to them, but it can also be not in the direct contact with survivors.

We have a summer school on trafficking and then a student actually reached out after many years to say that actually the summer school had made her follow her heart and to pursue a career in the anti-trafficking field. So that is also very nice. But also, the impact of the work that you do. We had a legal analysis of Dutch case law trafficking case law, labor exploitation and the inconsistencies that we actually discovered in the judgments. Actually, led our Supreme Court to overturn an acquittal in a trafficking case involving Indonesian au pairs. Because of the analysis that we did and the conclusions that we draw, we actually ensured in their case that traffickers were convicted after all, and the survivor's got justice. For me, as long as, our work actually directly impacts the lives of survivors, I think my work is worthwhile, despite the small progress that we make.

Hisham Allam

This is very touchy and courageous example for, reflecting how you are dedicated and love your work. Thank you Dr. Eefje De Volder for sharing your experiences with us today. Your work with impact and Rwandan Empowerment Coffee is truly inspiring, showcasing the power of resilience and dedication in supporting survivors and fostering sustainable change. In today's conversation, we have had the privilege of learning a lot from Dr. Eefje. Her contributions remind us of the critical work being done and the importance of continued efforts in the field.

To our listeners, stay tuned for another enlightening conversation on DevelopmentAid Dialogues. Until next time, this is your host Hisham Allam signing off. Goodbye.