



ACP OBSERVATORY ON MIGRATION
OBSERVATOIRE ACP SUR LES MIGRATIONS
OBSERVATÓRIO ACP DAS MIGRAÇÕES

Global Phenomenon, Invisible Cases: *Human Trafficking in sub-Saharan Africa, the Caribbean and the Pacific*



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Background Note

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ACP Observatory on Migration

The ACP Observatory on Migration is an initiative of the Secretariat of the African, Caribbean and Pacific (ACP) Group of States, funded by the European Union, implemented by the International Organization for Migration (IOM) in a Consortium with 15 partners and with the financial support of Switzerland, IOM, the IOM Development Fund and UNFPA. Established in 2010, the ACP Observatory is an institution designed to produce data on South–South ACP migration for migrants, civil society and policymakers and enhance research capacities in ACP countries for the improvement of the situation of migrants and the strengthening of the migration–development nexus.

The Observatory was established to facilitate the creation of a network of research institutions and experts on migration research. Activities are starting in 12 pilot countries and will be progressively extended to other interested ACP countries. The 12 pilot countries are: Angola, Cameroon, the Democratic Republic of the Congo, Haiti, Kenya, Lesotho, Nigeria, Papua New Guinea, Senegal, Timor-Leste, Trinidad and Tobago, and the United Republic of Tanzania.

The Observatory has launched research and capacity-building activities on South–South migration and development issues. Through these activities, the ACP Observatory aims to address many issues that are becoming increasingly important for the ACP Group as part of the migration–development nexus. Documents and other research outputs and capacity-building manuals can be accessed and downloaded free of charge through the Observatory’s website (www.acpmigration-obs.org). Other upcoming publications and information on the Observatory’s activities will be posted online.

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**Global Phenomenon, Invisible Cases:
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Trafficking in persons (TiP) constitutes a grave crime against the individual. The absence of comprehensive data presents a major issue, including in African, Caribbean and Pacific (ACP) countries. Many cases go unreported as victims are too afraid to testify, cannot escape exploitation, are expelled once identified or do not seek official protection. TiP from refugee camps and shelters after disasters is also of concern. Trafficking does not only occur across international boundaries, but also internally.

Most cases of trafficking in persons remain unknown: only 0.4% of all estimated victims are identified (U.S. DOS, 2010)

1. The concept and the international legal framework

Trafficking in persons is defined in the 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)*, supplementing the United Nations Convention against Transnational Organized Crime, as

'the recruitment, transportation, transfer, harbouring or receipt of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.

What are the shortcomings of this definition of trafficking in persons?

-  Does not specify if trafficking routes are internal or international;
-  Focuses primarily on prevention of crime rather than protection of human rights;
-  Limited obligations to address the rights of victims;
-  Trafficking in persons may also involve illegal crossing of borders.

What is Trafficking in Persons (TiP)?

- 1. Action:** recruitment, transportation, transfer, harbouring or receipt of persons;
- 2. Means:** use of force, deception, coercion, abuse of power, position of vulnerability and absence of informed consent;
- 3. Purpose:** Exploitation as the purpose of Trafficking in Persons.

The recruitment, transportation, harbouring or receipt of a child for the purpose of exploitation is considered TIP as well.

Ratifications of the Palermo Protocol and other relevant international instruments

Of the 79 ACP countries, 52 States signed and ratified and 19 accessed to the Palermo Protocol that entered into force in 2003 (UN, 2011). Almost all ACP countries ratified the 1930 ILO Convention No. 29 concerning Forced or Compulsory Labour, the 1957 ILO Convention No. 105 concerning the Abolition of Forced Labour and the 1999 ILO Convention No. 182 on the Prohibition and Elimination of the Worst Forms of Child Labour (UN, 2011). Trafficking and in particular child trafficking are increasingly recognized as key issues in ACP countries.¹

Importance of distinguishing between smuggling and trafficking in human beings

Smuggling of migrants and TiP are not the same. Smuggling is an organized way of irregularly entering another country and violating that State's laws, whereas trafficking constitutes a crime against an individual (IOM, 2010a). However, smuggling can result in TiP when an individual is exploited in the end.

Lack of systematized data collection & analysis

The demand-side of TiP is often forgotten

Potential loss in remittances:

20% or USD 5.6 billion to ACP countries in 2009

2. Figures and key trends in ACP countries

Data on trafficking in persons is difficult to collect due to the clandestine nature of TiP. Existing data can provide at best indications on trends yet may over- or underestimate the real scope of TiP due to methodological weaknesses or lack of representativeness. No generally accepted criteria for the identification of trafficking cases exist. Trafficked persons may not seek protection, do not want to be considered as victims or are not able to report to the authorities out of fear of reprisal from the trafficker or being deported (Gould, 2010; Laczko and Danailova-Trainor, 2009; Surtees and Craggs, 2010).

¹ Seventeen ACP States are parties to the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography of 2000 and 21 accessed to it.

🚶 **Causes** of trafficking in ACP countries can be (perceived) poverty, weak governance, armed conflict, misinformation and lack of protection from discrimination. Large family size, lack of educational opportunities and unemployment can also make a person vulnerable to TiP. The **demand** for inexpensive labour, adoption, traditional practices (e.g. early and forced marriages) and trafficking during and after conflicts act as pull factors as well, which tend to be overlooked in research and policy (UNICEF, 2005; Laczko and Danailova-Trainor, 2009).

🚶 **Costs of TiP** include **human rights infringements**, potential **negative human development outcomes** due to coercion, deception and exploitation, **lost remittances** (Laczko and Danailova-Trainor, 2009) and several billions of USD in **annual profits for traffickers**;²

🚶 **Human development can counter TiP** by addressing some of the factors of vulnerability to TiP, yet also **lead to more migration and trafficking** as people may aspire a better life abroad.

West Africa

🚶 **Trafficking in children** takes place **extensively in the region**, including internal trafficking (IOM database, 2008 and 2011);

🚶 **Nigeria** is the only ACP country among the top 10 countries of origin of international TiP worldwide (UNODC, 2006b);

🚶 **Ghana, Nigeria and Senegal are the main origin, transit and destination countries** of women and children trafficked to Europe, the Gulf States, other African countries and internally; in the case of Nigeria some were trafficked to Tajikistan, Turkey and Iraq; Ghanaian boys are trafficked internally for exploitation in the fishing industry (IOM database,* 2011).

* It is important to note that data from the IOM trafficking database is project-specific, capturing data only from victims who seek help and where IOM programmes exist. Thus the numbers and the elaboration may not be entirely representative of the local reality nor is the total population of trafficked persons at a given time known. Yet it provides useful information on the socio-economic background of victims and the trafficking process.



Boys who were trafficked internally in Ghana to work in the fishing industry
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2 USD 9.7 billion in Asia/Pacific; USD 1.3 billion in LAC and USD 158 million in sub-Saharan Africa (Belsler, 2005).

Central Africa

-  **Trafficking is often linked to West Africa** as origin or destination, as in the case of child trafficking networks (U.S. DOS, 2010), yet also to South Africa and Europe;
-  Trafficking cases from **Cameroon** were reported to Switzerland and South Africa, whereas the **DRC is a country of origin for trafficking within Central and to Southern Africa** and faces **internal trafficking** (IOM database, 2011).



A trafficked woman in a shelter in Tanzania

© IOM 2009 - MTZ0076
(Photo: Jemini Pandya)

East Africa

-  Trafficking flows in East Africa are **intra- and inter-regional**, but also directed **towards Europe and increasingly the Gulf States** (IOM database, 2011; U.S. DOS, 2010);
-  **Women from Ethiopia are trafficked through Kenya and Tanzania** to avoid Ethiopian recruitment regulations protecting their rights and are then abused as domestic workers in Lebanon (Adepoju, 2005);
-  **Girls from India and South Asia** have reportedly been trafficked to Kenya (Adepoju, 2005);
-  In recent research, **no cases of men being trafficked** from East Africa and the Horn of Africa to South Africa have been identified as such, yet the distinction between trafficking in persons and smuggling of migrants is often blurred (IOM, 2009).

Southern Africa

-  In Southern Africa, **intra-regional trafficking**, including of children, takes place from and to almost all countries (Adepoju, 2005; Bermudez Gauer, 2008; IOM database, 2011; IOM, 2003);
-  **South Africa is a main destination country for trafficking** in the region, including from other sub-Saharan African countries; but also for trafficking from Thailand, China and Eastern Europe, and faces **internal trafficking** (Adepoju, 2005; Bermudez Gauer, 2008; IOM database, 2011; IOM, 2003);
-  A study found a **high level (71%) of awareness of internal trafficking** in South Africa (Bermudez Gauer, 2008);
-  **Male refugees in South Africa** have been found to traffic women there for sexual exploitation, taking their earnings and helping them to apply for refugee status in return (IOM, 2003).

Caribbean

 The Caribbean is a region of origin, transit and destination of trafficking in women, men and children, both **intra-regionally and extra-regionally**, including from and to South and Central America, South and East Asia as well as from sub-Saharan Africa to the region (ECLAC, 2009; U.S. DOS, 2010);

 The region has also been found to be a **transit route for trafficking** towards North America (via Eastern Caribbean countries) and Europe via the European Union Overseas Departments (Gallina, 2010);

 **Internal trafficking** exists in some countries as well (Guyana and Jamaica; IOM, 2005b);

 **Children trafficked for domestic work**, including the *restaveks* in Haiti, are of particular concern (Gallina, 2010).



A border crossing between Haiti and the Dominican Republic, where TiP takes place in a nearby market

© IOM 2008 - MDO0012
(Photo: Zoe Stopak-Behr)

The Pacific

 **The Pacific region is a source, transit and destination for TiP**, including of children; from and to Asia, to the United States and U.S. overseas territories, yet more data is needed to shed light on the phenomenon (UN ESCAP, 2009; U.S. DOS, 2010);

 **Timor-Leste is a destination country of trafficking** of women and men from Asia (U.S. DOS, 2010; IOM database, 2011);

 **Papua New Guinea is an origin, destination and transit country** of trafficking in men, women and children for sexual exploitation and forced labour from and to Asian countries, yet internal trafficking is occurring in addition to the South-South trafficking flows (U.S. DOS, 2010).

Trafficking myth:

- Only TiP of women and girls
- only for sexual exploitation

Fact:

- Men and boys are trafficked as well (44%, ILO, 2005)
- Also includes other forms of economic exploitation (87% in LAC and 84% in SSA, Belser, 2005)

3. Existing national and regional frameworks

More than 80% of ACP countries fully comply or have shown efforts to comply with the TiP minimum standards (compared to 77% globally)

47 ACP countries have partial or full counter-trafficking laws in place

Innovative examples of legislations exist in all ACP regions, highlighting the political will to combat this exploitation. Of the 79 ACP countries, Mauritius and Nigeria have reached tier 1, which means that they fully comply with the minimum standards of the US Trafficking Victims Protection Act of 2000. Most are ranked in tier 2 (50, of which half are on the tier 2 watch list) and only 8 are listed under tier 3 for a lack of efforts to comply with the US standards (Haiti and Somalia are considered special cases, for 17 ACP countries not data is available; U.S. DOS, 2010). Since the entry into force of the Palermo Protocol in 2003 and until 2009, at least 23 ACP countries introduced anti-trafficking laws and some countries have developed legislation to combat child trafficking. In about 15 countries other legislation counters TiP (IOM, 2005; 2010b; UNODC, 2009; see also the [IOM Database on Migration Law](#) for national legislations).

Upon request by the UN General Assembly, the UN Office on Drugs and Crime (UNODC, 2009b) developed a [Model Law against Trafficking in Persons](#) to assist countries in revising and amending existing legislation and adopt new legislation. It can be adapted to the individual country needs to implement the provisions of the *Palermo Protocol*.

ECOWAS – ECCAS innovative example of inter-regional cooperation

In **West and Central Africa**, Nigeria and Mauritania introduced anti-trafficking legislations already in 2003. Ghana, Liberia, Niger, Senegal, Sierra Leone and the Gambia passed laws that count labour and sexual exploitation. Benin, Burkina Faso, Cameroon, Cote d'Ivoire, Gabon, Mali and Togo introduced legislation against child trafficking. In 2001, **ECOWAS** introduced the Declaration and Plan of Action to Combat Trafficking in Persons, Especially Women and Children. **ECCAS and ECOWAS** adopted a joint bi-regional Cooperation Agreement and Plan of Action to Combat Trafficking in Persons, Especially Women and Children (UNODC, 2009; IOM, 2010).

The **East African** countries Djibouti, Ethiopia, Eritrea, Kenya, Rwanda and Tanzania have specific anti-TiP legislations in place. Other countries drafted laws or are applying other legislations, for instance to fight child abduction and stealing (UNODC, 2009; Government of Kenya, 2010).

In 2008, Mozambique was the first **Southern African** country to adopt anti-trafficking legislation in the region. In Zambia, the Criminal Code includes a provision against trafficking, yet not a definition. The Prevention of Organized Crime Act (POCA) of Namibia prohibits TiP. All countries have legislations in place that combat trafficking, even in the absence of specific TiP laws. The SADC Ministers responsible for combating TiP adopted the ten-year Regional Strategic Plan of Action on Combating TiP, especially Women and Children, in May 2009 (SADC, 2009; UNODC, 2009; U.S. DOS, 2010).

Mozambique was the first Southern African country to adopt TiP legislation

In the framework of the **Africa-EU** Strategic Partnership, the Ministerial Conference on Migration and Development adopted the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, in Tripoli in 2006 (African Union, 2006).

In the **Caribbean**, Belize, the Dominican Republic, Guyana, Haiti, Jamaica and Suriname passed counter-trafficking legislations. The Cabinet of Trinidad and Tobago approved the Policy Framework laying the ground for legislation in 2010 (IOM, 2005; 2010). The Secretariat of the Organization of American States (OAS) created an Anti-Trafficking in Persons Unit offering training and assistance to Member States (UN HRC, 2010). In 2002, the Inter-American Commission of Women of the OAS adopted a Resolution 225 on Fighting TiP, Especially Women, Adolescents and Children.

A Counter-Trafficking Model Legislation, based on existing laws in Belize, Guyana and Jamaica, is also available for the Caribbean (IOM, 2008a).

Papua New Guinea & Timor-Leste recently presented draft TiP legislation

In the **Pacific**, Papua New Guinea finalized the draft Bill against *People Smuggling and TiP* and prepares to submit it to Parliament. The draft *Law to Prevent, Suppress and Punish Trafficking in Persons in Timor-Leste* is reviewed by the Inter-Agency Trafficking Working Group (IOM PNG; IOM Timor Leste). The Bali Process on People Smuggling, TiP and Related Transnational focuses *inter alia* on inter-agency responses, developing model legislation on combating TiP and training.

4. Recommendations and good practice examples

4.1 Data and research: A global issue requiring national data

Need for data & research on TiP and human development as well as re-trafficking to foster policy coherence

 Baseline information on TiP is needed from several sources for evidence-based policy approaches. **Mechanisms for data collection and information exchange need to be created or improved**, including on the experience of returnees and internal trafficking.

Good practice: IOM's Counter-Trafficking Module Database & Data Protection Principles and Guidelines (2008b)

 An example for **common criteria to identifying cases** of trafficking are the 67 indicators developed by ILO and the EU under [the Delphi approach](#) (another example: IOM and FM.I, 2009).

3 Pillars of the Palermo Protocol TiP response:
- **Prevention,**
- **Prosecution and**
- **Protection.**

 Data management on TiP touches upon issues of **data quality and comparability, the context of data collection, the representativeness of statistics, confidentiality** of information and institutional Codes of Conduct (Surtees and Craggs, 2010).

 Research and policy should avoid treating and labeling trafficked persons as 'victims' as it may overlook their own **choice and agency in the process** (IOM, 2009; Gould, 2010).

 **Information and communication technologies are changing demand and recruitment** of trafficked persons (UN HRC, 2010). Research is needed to assess these negative side-effects of the internet and develop policy-oriented recommendations.

Addressing basic needs such as providing shelter, food, clothing and medical & psychological care

4.2 Human rights - based approach to trafficking

 A **comprehensive normative and institutional structure**, based on a clear **definition of TiP** is needed. Effective enforcement is often lacking but needed to deter traffickers.

 **Protection and assistance to victims need to be prioritized.** Witness protection, such as the Guidelines by ECOWAS (2009), safety and security are important incentives to allow victims to testify. Victims should not be criminalized and be protected from stigmatization and xenophobia. Rehabilitation and social integration measures are particularly important for children who were trafficked and forced to become child soldiers (IOM, 2008; UN HRC, 2010).

 **Campaigns to register children should be devised** to reduce the risk of TiP. In cooperation with **UNICEF, the Ministry of Home Affairs of Namibia** opened offices at hospitals and created mobile units to provide birth certificates and identity documents to children (HRC, 1989; U.S. DOS, 2010).

 **Promoting regular migration channels** and promoting, respecting and fulfilling **the rights of migrant workers** can help to address the human rights and development challenges of TiP, especially in sectors where many trafficked persons are forced to work (UNODC, 2006a).

4.3 Gender

 Protection **against gender-based violence and discrimination of women and girls** is needed.

 Gender-sensitive responses also need to increase awareness on tackling the **situation of men and boys** in protection and assistance (UN HRC, 2010). As a good practice, the [SADC Protocol on Gender and Development](#) provides equal provisions for girls and boys.

Men and boys are affected by trafficking in persons as well

Perceived poverty, inequality and discrimination are key drivers of TiP

Sustainable returns are needed through monitoring and protective measures to avoid re-trafficking (Jobe, 2010)

The **'Buy Responsibly' Campaign** launched in 2009 seeks to include consumers by raising awareness on the **demand** for forced labour and exploitation

The role of the private sector in combating TiP - best practices:

- Businesses against TiP: ['End Human Trafficking Now!'](#)
- The recruitment firm Tropical Enterprises pledged against trafficking (IOM, 2009)
 - [The International Cocoa Initiative](#)

4.4 Policy coherence: Human trafficking as a human development issue

 **Measures to decrease the vulnerability to trafficking** can include measures to enhance human development, such as investment in basic social services, education campaigns in schools, vocational training and offering alternatives to parents with large families. Micro-credit schemes for parents can offer the means to protect their children. Job training for young people is of particular importance in light of high youth unemployment and the effects of the financial crises. In **Cameroon**, the Ministry of Women's Affairs specifically targets girls through an education programme in the Northern province (UNICEF, 2003).

 Poverty Reduction Strategy Papers (PRSPs) and other development tools in ACP countries, as is the case in several African countries and Haiti, can be the basis for **developing comprehensive counter-trafficking strategies at national level** that also tackle corruption

4.5 Fostering multi-stakeholder cooperation across countries

 **Cooperation between origin, transit and destination countries** needs to be fostered, such as in the Cooperation Agreement on Combating Transborder Trafficking of Children signed in 2000 between **Mali and Côte d'Ivoire** (UNICEF, 2005).

 **Multi-stakeholder engagement** should include NGOs and other civil society organizations, international organizations and the private sector. One example is the Government of **Zimbabwe**, OASIS Zimbabwe and IOM providing protection, advice and assistance, such as shelters, to trafficking victims and their families (IOM, 2009).

-  **Regional organizations**, such as the **African Union** through the [AU.COMMIT](#) campaign to implement the Ouagadougou Action Plan, or **ECOWAS**, **can play an important role** in promoting policy coherence and assisting governments in developing national legislations.
-  At the national level, task forces such as the **Nigerian National Agency for the Prohibition of Traffic in Persons (NAPTIP)**, including law enforcement, immigration and prosecution officials, is a good example of **creating inter-ministerial agencies**.
-  **Capacities of officials** working on trafficking-related issues need to be built to increase the knowledge on existing legal framework and programmes. International organizations, such as **UNICEF, UNODC, UNHCR, ILO and IOM**, offer trainings in many ACP countries.
-  **The media plays a key role** in disseminating information through campaigns, such as the MTV EXIT ('End Exploitation and Trafficking') campaign of raising awareness through concerts, TV and radio spots in Ethiopia and Timor-Leste, sponsored by the USAID and supported by IOM in Dili, Timor Leste (IOM, 2008 and 2011).

Good practice: the United Nations Global Initiative to Fight Human Trafficking ([UN.GIFT](#))

Useful tool: The *ICMPD Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*

4.6 Monitoring and evaluation

-  **Monitoring and evaluation of counter-trafficking measures** need to be assessed regarding their effectiveness and potential unintended side effects, such as stigmatization of all returning trafficked persons or migrants in general (Laczko and Danailova-Trainor, 2009).

5. Further reading and useful manuals

Manuals

Association of Southeast Asian Nations (ASEAN)

- 2010 *ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases*. ASEAN, Jakarta. http://www.artipproject.org/ic-handbook/ASEAN%20Handbook%20on%20International%20Legal%20Cooperation%20in%20TIP%20Cases_Aug2010.pdf.

International Centre for Migration Policy Development (ICMPD)

- 2010 *Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*. ICMPD, Vienna. www.icmpd.org.

International Labour Office (ILO)

- 2009 *Training manual to fight trafficking in children for labour, sexual and other forms of exploitation*, ILO, International Programme on the Elimination of Child Labour (IPEC). http://www.ilo.org/ipecc/areas/Traffickingofchildren/lang--en/WCMS_111537/index.htm.

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- 2009 *Caring for Trafficked Persons. Guidance for Health Providers*. IOM, Geneva.

Save the Children UK, UN-Inter Agency Project (UN-IAP) and IOM

- n.d. *Training Manual for Combating Trafficking in Women and Children*. Save the Children, UN-IAP and IOM. http://parolecitoyenne.org/extraits/media/trafficking_manual.pdf.

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)

- 2006 *Toolkit for implementing and monitoring the East Asia and Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children*. UNESCAP, Bangkok. http://www.unescap.org/esid/gad/Publication/2388_toolkit_csec.pdf.

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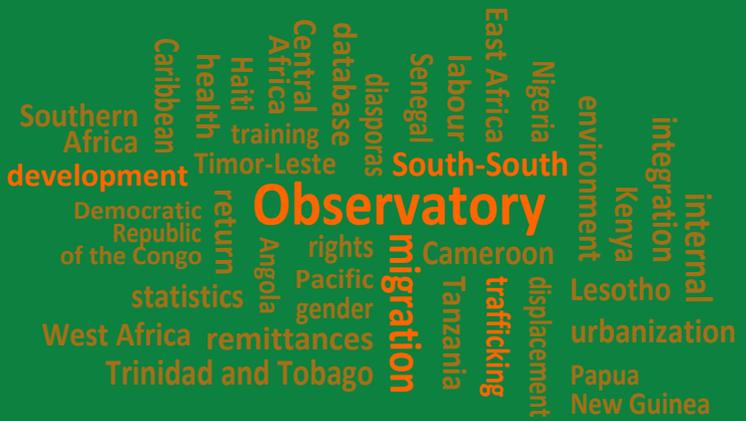
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