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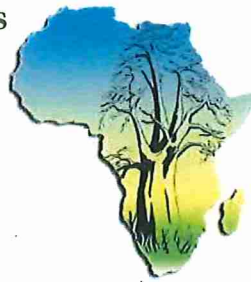
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# Effective Strategies for Countering Human Trafficking within Sub-Saharan Africa's Socio-Economic & Cultural Microcosm

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## Introduction

Human trafficking, an egregious form of involuntary servitude of women, children, and men has become a global epidemic with far reaching and damaging human rights implications, receiving a wide range of acknowledgment and responses from each African country's populations and institutions. Sexual exploitation – in particular, prostitution – is the most widely documented form of exploitation of women and children trafficked within and from Sub-Saharan Africa (SSA). Africa is a place of origin for women and children trafficked to Europe, the United States, the Middle East Gulf countries and South-East Asia. Through deception and coercion, the unsuspecting victims are trafficked overseas and forced to work as prostitutes, to their eternal detriment.

The key to combating trafficking is recognizing that the process involves both a supply side and a demand side, as well as three main factors: (1) victims, (2) users, and (3) traffickers. On a continental scale, countries

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\*The author acknowledges the research and contribution of Heather A. Blood of Igbanugo Partners/AQS in writing this article.

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across SSA have reacted to this serious problem with widely varying degrees of action and inaction. In fact, until recently the vast majority of SSA countries did not consider human trafficking a criminal and punishable offense. Luckily, with the advent of globalization, the tide has turned but human trafficking still remains a low priority for law enforcement officials. Through the ratification of initiatives such as the United Nations Anti-Trafficking Protocol (which has been ratified by 13 African countries) and the Palermo Protocols, and the creation of national laws criminalizing human trafficking, certain African countries such as Nigeria have taken real, but barely successful, steps towards addressing the issue. Yet the problematic scourge of human trafficking remains endemic in SSA, and in countries such as Burundi and Zimbabwe, little has been done to stem the flow of trafficking.

Global experts are united in the belief that human trafficking could hardly exist or survive without its twin evil of public corruption, which enables traffickers and corrupt public officials to evade justice. And no country on Earth is immune from this most unfortunate “corruption-human trafficking nexus.” Corruption is truly the “nursing mother” of human trafficking, exacerbates the brutal consequences to trafficking victims, and provides a freeway for the unfettered proliferation of the “twin scourges.” It is within the realm of weak institutions that corruption is particularly pervasive. Therefore, any efforts to develop effective solutions for human trafficking must necessarily articulate the same for public corruption. This article will explore the scope of human trafficking within SSA, the unique challenges faced by SSA countries and their governments in addressing it, and proposes solutions that may offer a clear path towards the reduction of human trafficking on the continent.

## **Background**

Africa has become the 21st century's new land of opportunities. As the missing link in the global economy, Africa now stands at the cornerstone of growth and opportunity. And, as an emerging market, the continent offers many opportunities for companies looking to expand their business. With 20% of the world's total landmass, a population of over 900 million (14% of the world's total), and a plethora of mineral resources, the continent once dubbed a "sleeping beauty" is awakening. A strong wind of socio-economic and political change is blowing across the continent. Durable and vibrant democracies are emerging and the economies of many African countries are in the process of disengaging from centuries of economic malaise. Regional integration is coming into play in building blocks of an African economic community.

Unlike the first scramble for the African continent, which was a self-serving predatory adventure for the European participants (France, Britain, Germany, Belgium and Italy), this time around it appears that the new catalyst -- the United States Government and its African Growth and Opportunity Act (AGOA)

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initiative -- is designed to benefit Africa as an economic development vehicle. Unfortunately, these opportunities ushered in by globalization and the goodwill of the United States of America have also polluted SSA's nations with a rising tide of human trafficking.

Given each country's own unique laws and stances on the issue, it can be difficult to give the concept of human trafficking a concrete definition. In the year 2000, 170 members of the United Nations ratified the Palermo Protocols, which included the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. In Article 3(a) of this protocol, human trafficking is defined as:

*"...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat of the 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 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."*

Children are treated somewhat differently than adults within this protocol. Whereas in the trafficking of an adult there must be some form of coercion, force, or deception, this rule does not apply for children. Those under the age of 18 are deemed legally incapable of giving consent for any of the above listed forms of trafficking, and therefore it is irrelevant whether force or deception are deployed. A child subjected to the above treatment is automatically considered trafficked.<sup>2</sup> Internationally, there is a zero-tolerance policy for trafficking children, which is as it should be.

Just as human trafficking can be difficult to define, it is even harder to quantify. Due to the illegal and subversive nature of human trafficking, it is vastly underreported. The U.S. Department of State estimates that between 600,000 to 800,000 people are trafficked each year across international borders. It is important to note, however, that a person does not need to be physically moved to another location to be considered "trafficked", and the actual global number of trafficked persons is probably much higher than the reported numbers. In Africa in 2015 there were 12,125 people officially recognized as being victims of human trafficking (a number much lower than the "true" number of victims). Out of the reported cases of human trafficking in Africa in 2015, there were only 719 total convictions of offenders.<sup>3</sup>

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<sup>2</sup> Bisi Olateru-Olagbegi & Anne Ikpeme, *Review of Legislation and Policies in Nigeria*, International Labour Organization, (2006).

<sup>3</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

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Most disquieting in this era of international and violent religious/political extremism is the strong possibility that human trafficking could become a mainstream source for funding terrorism. A case in point is the abominable kidnapping in 2014 of 200 young Chibok girls for ransom in North Eastern Nigeria by the terrorist group Boko Haram. In May of 2017, 82 of these kidnapped young women were returned in exchange for five Boko Haram leaders. But who is sure that ransom was not involved in their release, or will not be demanded for the release of the girls who remain in captivity. After all, it is common knowledge that some European countries do regularly pay ransom to secure release of their citizens who have been kidnapped by terrorists.

While the prevalence of human trafficking in SSA varies by state, as does each government's response to the issue, the general forms of trafficking invariably stay the same.

## Sexual Exploitation

Out of all the forms of human trafficking, sexual exploitation is by far the most common. The United Nations Office on Drugs and Crime reported that up to 79% of human trafficking globally was for sexual exploitation. In Africa between the years of 2010-2012, 53% of cases of human trafficking were expressly for sexual exploitation. Women and children make up the vast majority of victims for this type of crime, though men are among the victims as well.<sup>4</sup>

The Republic of Ghana, in its 2005 Human Trafficking Act stated that trafficking that involved sexual exploitation was, "at the minimum, induced prostitution and other forms of sexual exploitation...".<sup>5</sup> Trafficking victims in SSA who are sold as prostitutes and used for sexual exploitation are often moved across African borders, with a great many of them being smuggled into Europe. Nigerian women account for the largest group of trafficked persons in Europe brought from Africa, with an estimated 10,000 Nigerian women working as prostitutes in Italy alone.<sup>6</sup>

The nation of Djibouti provides an example of how a country may be both a source and a destination of/for trafficking victims. Djibouti serves as a midway hub for migrants from Ethiopia, Eritrea, and Somalia attempting to go to Yemen and Saudi Arabia. Many of the migrant women who travel through Djibouti, in addition to women and children already living in Djibouti's urban centers, are trafficked into prostitution and moved to Saudi Arabia. However, in 2015 when many began fleeing Yemen due to the civil war,

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<sup>4</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, United Nations, (2014).

<sup>5</sup> Parliament of the Republic of Ghana, *Human Trafficking Act, 2005*, Assembly Press, (2005).

<sup>6</sup> Bisi Olateru-Olagbegi & Anne Ikpeme, *Review of Legislation and Policies in Nigeria*, International Labour Organization, (2006).

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Djibouti became a destination point for refugees. Many of these refugees were subsequently coerced into the sex trade.<sup>7</sup>

In 2002, Bill Rau conducted a study called, “Combating Child Labor and HIV/AIDS in Sub-Saharan Africa”. In it he found that in Zambia, South Africa, and Tanzania women and girls were particularly vulnerable to forced prostitution and sexual exploitation due to the increased likelihood of these demographics experiencing poverty. This explanation can in many cases be applied to other SSA nations.<sup>8</sup> While prostitution around the world has a certain stigma attached to it, it is important to remember that trafficked individuals are victims.

## **Forced Labor and Slavery**

Forced Labor encompasses any work done that is compelled through coercion, force, threat, abuse, or deception. Common forms of forced labor in SSA include physical labor with no pay, forced begging, and domestic servitude. Men, women, and children have all been identified as victims of this type of human trafficking. Many who are held as forced laborers also experience sexual mistreatment at the hands of their abductors.<sup>9</sup> Forced labor represents the second largest form of human trafficking, accounting for approximately 37% of the trafficking that occurs across Africa.<sup>10</sup>

For example, in the African country of Senegal, it is estimated that approximately 30,000 children attending Koranic schools, known as Daaras, are forced to beg and plead for money on the streets, and return their earnings to their teachers rather than attend class and gain an education. Not only is their education interrupted, but their safety and security are violated by the same individuals who should be protecting them. In another example of forced labor, young boys are commonly forced to work in the Senegalese gold mines, while women and children victims of human trafficking are sent across national borders to work as domestic servants.

Poverty exacerbates the vulnerability of potential forced labor trafficking victims across SSA. In Cabo Verde (and other countries across Africa) children living in poverty are easy and noticeable targets for traffickers, who know to approach those who are begging and working on the streets, hoping for an

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<sup>7</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

<sup>8</sup> Bill Rau, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa, International Labour Organization - International Programme on the Elimination of Child Labour*, (2002).

<sup>9</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

<sup>10</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, United Nations, (2014).

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opportunity. The cycle of poverty leaves men, women, and children across SSA susceptible to forced labor and coercion.<sup>11</sup>

## **Child Soldiers**

In some areas of civil unrest, the recruitment of child soldiers is a truly appalling form of human trafficking. Children within this arena are forced to do a range of work for war efforts, from working as combat soldiers, to cooks, to being forced into arranged marriages with soldiers. Boys are most commonly “recruited” for combat roles, but girls are similarly trafficked for other domestic labor type work and as child brides. Girls have also been known to be recruited as soldiers.

In Somalia, there are frequent reports of militarized groups such as the pro-Galmudug militia and al-Shabaab recruiting children to be used as soldiers. Child soldiers are typically kidnapped or coerced while at school or while staying in shelters. Once “recruited” they are used in combat roles, domestic service roles, and in other militaristic operations.<sup>12</sup> This form of trafficking, specifically, puts children in the direct line of danger. It goes without saying, but children do not have the capacity nor the ability to legally or ethically become soldiers, for any cause.

## **Three-Tiered System**

The U.S. Department of State writes a yearly report that categorizes the countries of the world into a three-tiered system, representing the steps being taken by each nation to deal with the issue of human trafficking. If a country is ranked within Tier 1, they are perceived as meeting the “minimum standards” set forth by the Trafficking Victim’s Protection Act. These “minimum standards” are as follows:

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the

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<sup>11</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

<sup>12</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

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country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons. *See Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108*, as amended.

Tier 2 of this report denotes countries that have not met the minimum standards (as listed above), but are making real, tangible efforts towards this goal. The next Tier, known as the Tier 2 Watch List, includes countries where the government has not met the minimum standards, has pledged in years to come to make certain efforts towards meeting those standards, but still has seen an increase in rates of human trafficking. Lastly, the Department of State describes Tier 3 countries as those nations who are unable to meet the minimum standards they have set forth, and who have not made any tangible efforts to do so.

As of 2016, there was not a single Tier 1 country within SSA. This has grave implications for the region as a whole. Not a single SSA nation is currently meeting the minimum standards for taking steps to combat human trafficking. This should be considered when taking prior reports into consideration, and of course, hopefully this will change. For three years, until 2012, Nigeria maintained Tier 1 status before backsliding to Tier 2.<sup>13</sup> What this shows is that progress in SSA is certainly possible, but undeniably fragile.

## The People Who Traffic

Within SSA, people of all genders and ages have been trafficked. Whether it be for sexual exploitation, forced labor, or militaristic service, human trafficking touches men, women, and children alike. The same may be said about those who make a living from human trafficking. Often, the people who traffic other human beings are neighbors, friends, or even relatives. Given the cycle of poverty in many countries of SSA, it is not unusual for someone to find themselves desperate for work, and desperate for an opportunity. Traffickers take advantage of this cycle by offering employment and schooling to susceptible individuals. The Department of State Office to Monitor and Combat Trafficking in Persons had this to say about the role of family in human trafficking:

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<sup>13</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

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“Parents are often among the victims in child trafficking cases. Traffickers convince them to part with their children with false promises of schooling or prosperity. But in some cases parents may also play an active role in the trafficking of children. To combat these types of child trafficking, law enforcement must send a strong message that these practices will not be tolerated.”<sup>14</sup>

Given that trafficking victims sometimes know the individual who entrapped them, it is unsurprising that most traffickers (approximately 95%) come from the same country as their victims. In addition, in Africa and around the world, women comprise a surprisingly high proportion of traffickers. In percentages of actual convictions for human trafficking, women account for around 30%. While this percentage is still lower than that of men, it seems high given the large percentage of female victims.

In the cases of sexual exploitation and forced domestic service, the people who do the recruiting are often women who were once coerced into service themselves. Sometimes these individuals offer the victim’s family money in exchange for their services, and in other cases the victims are simply kidnapped or are offered employment. The term “employment”, in these cases, is of course just a front for the sordid type of work involved in human trafficking.

According to the UNODC, the breakdown of where victims are moved by traffickers is something like this: 37% are trafficked across national borders, but remain within the same sub-region; 34% are either not moved or remain within their national borders; 26% are moved out of the region of their original homeland (such as from Djibouti to Saudi Arabia); and 3% are moved from a nearby sub-region.<sup>15</sup>

It is also apparent in SSA that women and children from certain rural areas are vulnerable to being trafficked into urban city centers. In Nigeria, for example, children from rural areas such as Bayelsa, Ebonyi, and Kwara are trafficked into large city centers such as Lagos for domestic services.<sup>16</sup> This trend may be seen across SSA, and is another indicator that poverty and underdevelopment are directly correlated with trafficking.

### **Supply Side Versus Demand Side of the Human Trafficking Conundrum**

In the evil endeavor of human trafficking, there is a supply side as well as a demand side which facilitate one another like the right hand washing the left hand and vice versa. Trafficking victims obviously comprise the supply side of the equation, and users of victims, be it for sexual exploitation or for the purposes of

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<sup>14</sup> Ruby Andrew & Benjamin Lawrance, *Anti-Trafficking Legislation in Sub-Saharan Africa: Analyzing the Role of Coercion and Parental Responsibility*, University of Nebraska - Lincoln, (2012).

<sup>15</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, United Nations, (2014).

<sup>16</sup> Bisi Olateru-Olagbegi & Anne Ikpeme, *Review of Legislation and Policies in Nigeria*, International Labour Organization, (2006).



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cheap domestic/agricultural/factory type labor constitute or make up the demand side. It is well settled that the supply of vulnerable human beings is influenced by socio-economic, cultural, political, and natural factors. Amongst the most poignant factors that create vulnerabilities on the supply side in African countries are poverty, fragile rule of law, lack of economic opportunities (access to education and jobs), domestic violence, an abundance of predators, political oppression/suppression, civil war, growing restrictions on ways to legally immigrate around the globe, globalization and increased sophistication of transnational crime/criminal organizations, poor governance and weak institutions, and the catch-all dubbed public corruption.

On the demand side, the United Nations points to three categories of sex/labor related trafficking: (1) employer demand of cheap labor; (2) consumer demands in the sex industry and household domestic work; and (3) third-party enabling by recruiters, agents, and transporters who knowingly participate in the process<sup>17</sup>. Demand for sex trafficking within Africa is generated by domestic and foreign-born consumers who travel to Africa and frequently purchase sex acts. Also, brothel owners, corrupt public officials, and secondary support services to the sex industry including hotels, restaurants, and transportation companies exacerbate the problem. The relatively recent advocacy and/or calls to focus on the demand side of the human trafficking equation, as opposed to attacking the problem from only the supply side is evidenced by the resolutions at the 49<sup>th</sup> Session of the Commission on the Status of Women (CSW) on March 11<sup>th</sup>, 2005 entitled, “Eliminating Demand for Trafficked Women and Girls for all Forms of Exploitation.”

In Africa, large sporting events, such as the African Cup of Nations present a financial field day for human traffickers of sex workers. For instance, during the World Cup in soccer, which was hosted by South Africa in 2010, countless prostitutes and sex workers (both trafficked and willing or independent “practitioners”) from all over Africa, Europe, Asia and elsewhere virtually descended on South Africa to cash in on the well-advertised event. It is even reported that free condoms were provided by the government of South Africa to prevent the spread of HIV/AIDS. Many of these prostitutes were trafficked in for the event in a well-organized fashion - indicative of international criminal enterprises’ modus operandi - and placed in strategic locations and hotels based on their ability to earn. No doubt the government of South Africa looked the other way, and made the entry of sex-workers into the country much easier than normal to boost the economic benefit and party atmosphere of the games, especially for users of prostitutes<sup>18</sup>.

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<sup>17</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

<sup>18</sup> Skoch, Iva. *World Cup Welcome: A Billion Condoms and 40,000 Sex Workers*. PRI. (2010)

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## The International Legal and Regulatory Framework Against Trafficking

From the late 1990's, anti-trafficking agencies in Africa, including domestic and regional NGOs, pressed upon African nations to take legislative action to combat human trafficking. Responsive to this advocacy, the U.S. Department of State applied political pressure to help reverse the free flow of human trafficking on the continent. So, the U.S. government has played a crucial role in fostering international cooperation to influence legislative remedies on the part of African countries to prevent trafficking in women and children. At the forefront of this endeavor is the U.S. State Department Office to Monitor and Combat Trafficking in Persons (OMCTP). By 2010 the vast majority of SSA countries had promulgated new legislation to combat and outlaw trafficking in women and children<sup>19</sup>. Most of these laws were the result of lobbying by international anti-trafficking organizations and activists.

Noteworthy and structured efforts at the international and continental levels include:

- The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Conventions Against Transnational Organized Crime;
- The UN Global Plan of Action to Combat Trafficking in Persons;
- The African Union Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children;
- The African Union Commission Initiative Against Trafficking Campaign (AU.COMMIT)
- The ECOWAS Declaration on the Fight Against Trafficking in Persons;
- The ECOWAS Initial Plan of Action against Trafficking in Persons
- The joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, Especially Women and Children; and
- The Southern African Development Community (SADC) Regional Plan of Action on Trafficking in Persons

In addition, a number of NGOs have taken steps to help victims and reduce rates of trafficking in SSA. Such NGOs include:

- Amnesty International;
- The Foundation Against Trafficking in Women;

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<sup>19</sup> US State Department, Trafficking in Persons Report 2009, 51

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- The Global Alliance Against Trafficking in Women (GAATW);
  - Global Survival Network (GSN);
  - Human Rights Law Group;
  - Human Rights Watch;
  - The International Union for Human Rights; and
  - Save the Children.

Lastly, many intergovernmental organizations have created initiatives to deal directly with the issue in SSA, such as:

- The United Nations Office on Drugs and Crime has proposed a “Global Program against Trafficking in Human Beings,” and is charged with investigating trafficking and illegal migration. Other branches of the UN deal with human trafficking through their on-site development work. These agencies include the United Nations Children’s Fund (UNICEF), the United Nations Development Program (UNDP), the UN Center for International Crime Prevention, and the United Nations High Commissioner for Refugees (UNHCR).
- The European Union (EU) developed a campaign to spread information on the trafficking of children in Benin, and has financed collaborative efforts in Benin, Burkina Faso, Cameroon, Cote D’Ivoire, Gabon, Mali, and Togo to prevent and fight against the trafficking of children.
- The International Organization for Migration (IOM) collects data on trends in migration throughout Africa, and conducts specific research on human trafficking. The distribution of this data has been used to help with anti-trafficking campaigns, such as their work in West Africa returning trafficked children to their homes.
- The International Police Organization (INTERPOL) investigates, produces papers and conducts conferences and cooperative efforts meant to tackle the issue of human rights abuses, including trafficking.

At the country level, Nigeria is said to be the leading nation in the fight against human trafficking on the African continent. It was the first African country to enact anti-trafficking legislation in 2003 and to establish a dedicated anti-trafficking agency, the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP). It also has the highest, but still quite unimpressive, number of successful prosecutions in this regard.

South Africa, one of Africa's most socio-economically advanced countries, has introduced several measures to combat human trafficking such as the Prevention and Combating of Trafficking in Persons Act No. 7,

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which was passed in 2013. Similarly, the Sexual Offences and Related Matters Act 32 of 2007, also provides several offences pertaining to the trafficking of persons for sexual purposes.

Regrettably, even with these relatively recent efforts, the levels of human trafficking remain quite high and are moving in the wrong direction in many African countries. A country like South Africa, despite its strong human rights constitutional provisions was estimated to have had 106,000 enslaved people according to the 2014 Global Slavery Index whilst Nigeria and the Democratic Republic of Congo had estimated 834,200 and 762,900 victims of modern slavery respectively.<sup>20</sup>

## **Challenges to the Reduction of Human Trafficking in Sub-Saharan Africa**

The challenges to addressing this multi-tiered, horrendous problem in SSA are many. SSA constitutes a sizeable landmass with a diverse group of nations, all with governments that have (or in some cases have not) taken concrete steps towards eradicating or reducing rates of human trafficking within and across their borders. But the socio-economic reasons for its existence, prevalence and continued proliferation pull very strongly in favor of the traffickers. The global sex trade flourishes due to customers' demands rooted in sex tourism, the voracious and immoral sexual appetite of foreign sex tourists, and ultimately the power of the purse and control of the purse strings by users of trafficking victims.

For instance, there is a thriving market for trafficking African women to Europe for sexual purposes, fostered by international organized criminal enterprises. Since trafficking is economically driven, the poor economy of the vast majority of African states, economic impoverishment of would-be victims, the sexual promiscuity introduced into traditional African society by Western civilization, low risk and lucrative nature of the business for traffickers, unprecedented supply of poor and vulnerable women from African society, shrinking economic opportunities for African women culturally relegated to low or second-class status, poverty in rural communities, unemployment in cities engendered by unstructured urbanization, and general economic hardships due to unfair distribution of wealth are all complicit in exacerbating the evils of human trafficking in SSA.

Cultural norms and traditions are known to play a crucial role in defining societies. But regrettably, some cultural practices are frequently used to justify crude practices, including human trafficking, which is akin to modern day slavery. Most affluent or well-off households in SSA usually enjoy the benefit of having a multitude of "servants", usually from their villages and/or other rural areas. Often, "servants" are distant

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<sup>20</sup> Global Slavery index (2014)

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relatives or members of the extended family of the perpetrators or purveyors. While the host families may feed them three square meals a day, and in some instances permit some elementary education, the so-called “servants” are treated very poorly or slave like. This cultural phenomenon must stop as it is a despicable practice that is offensive as it violates the basic human rights of the victims, who are mostly children.

African societies are beginning to recognize this type of child-domestic, involuntary servitude as heartless, and even criminal, because it afflicts the children with an injustice by preventing them from gaining an education, robs them of their childhood and dignity, and prevents them from residing in a normal environment. Regional efforts to prosecute and prevent human trafficking will most likely accelerate the decline of this type of harmful cultural practice, that must no longer be condoned in the name of culture and tradition.

Aside from issues of uniformity of law, addressing human trafficking may also be difficult due to public perceptions of the issue, as well as governmental perceptions of immigrants. One of the largest misconceptions around human trafficking (particularly sexual exploitation) is that the general public often equates it with prostitution. Back in the 1990s Italy began to deport trafficked Nigerian women back to their home country. What the public perceived, however, was an influx of prostitutes, thus coloring the issue of human trafficking for many Nigerians in an unflattering light for the victims. These sorts of misconceptions are common across SSA, leading to worsened circumstances for victims, and the public’s ignorance towards other forms of human trafficking.<sup>21</sup>

Governmental perceptions of human trafficking in SSA are also problematic. The linkage of sexual exploitation to prostitution has lead several governments, such as The Gambia, to ban prostitution, thus often inflicting criminal punishments on the victims. In addition, it is common for government workers to confuse cases of human trafficking with illegal migration. This often results in worsened situations for the victims, potential legal troubles, and denies them the help and support they so desperately need. This can in effect be seen through government’s low rates of investigation and conviction of traffickers. In Swaziland, not a single trafficker has been convicted since 2010 when they established an anti-trafficking act.<sup>22</sup>

Corruption in law enforcement as it pertains to human trafficking does not always take a side role. In Kenya in 2016, three police officers were arrested for trafficking women to South Africa. Corruption occurs at all levels of the justice system in SSA, and therefore human traffickers are far less likely to be convicted of

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<sup>21</sup> Bisi Olateru-Olagbegi & Anne Ikpeme, *Review of Legislation and Policies in Nigeria*, International Labour Organization, (2006).

<sup>22</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

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their crime.<sup>23</sup> Any proposed solutions to deal with human trafficking must address the significant role that corruption in government and law enforcement plays. Efforts to punish the perpetrators ultimately rests upon the judiciary of each country, which are also afflicted with high levels of corruption.

Corruption in SSA directly exacerbates the issue of human trafficking at all levels. Corruption within the police forces allows trafficking rings to continue unabated, corruption in investigations halts efforts to convict traffickers before they are brought to trial, and corruption in the judicial system allows traffickers to completely evade justice. The most destructive force that can infect a state and militate against respect for the rule of law is judicial corruption. It is clearly a cancer in Africa's nation-states that desecrates the principle of the rule of law and systematically destroys the fabric of decent society and good governance. Judicial corruption is the "queen mother" and the most sordid of all corrupt behavior inflicted on the good people of Africa. The tentacles of corruption in the judiciary branch of most countries in SSA run far, wide, and deep. African judges must no longer ignore their constitutional obligations to the populace they serve, which often comes with perilous consequences. Simply stated, convictions related to trafficking in SSA are rare.

Therefore, traffickers face little to no risk that they will ever be held accountable for their criminal infractions. The number of criminal trafficking prosecutions per year is quite infinitesimal compared to the most conservative estimates of the prevalence of trafficking. Corruption is a potent enabler of the impunity associated with human trafficking, which helps to render national and international efforts ineffective. In this regard, public corruption is a chief culprit because corrupt officials can effectively obstruct the detection, investigation, prosecution, and punishment of traffickers. The fact that corruption is a very "serious problem," in forty of Sub-Saharan Africa's 46 nation states was confirmed recently by TI, which also lamented that there has been no improvement in powerhouses like Nigeria and South Africa.<sup>24</sup>

Easily identifiable methods of facilitating trafficking by public officials include ignoring signs of trafficking; refusal to officially enter trafficking complaints by victims and family members; providing advanced notification of scheduled law enforcement operations; obstructing investigations and prosecutions; and ameliorating punishments such as seizure of unlawfully earned wealth and/or large reductions in prison sentences.

## **Proposed Solutions**

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<sup>23</sup> International Bar Association, Human Trafficking and Public Corruption, International Bar Association, (2016).

<sup>24</sup> "No Progress on African corruption' says watchdog," BBC News, January 26, 2016

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The time has come for the African Union to formally declare a continent wide, “war on human trafficking,” akin to the U.S. declaration of “war on drugs” in the early 1980’s or the global, “war on terror” in recent years. Additionally, the U.S. Department of State has put forth the 3P Paradigm, that emphasizes countering human trafficking through prosecution, protection, and prevention. It proposes that governments enact laws that make all forms of human trafficking illegal, and prosecute violators to the fullest extent of the law. Secondly, it puts forward the idea that victims of human trafficking should be provided with all the help and protection they need to move on with their lives in the most dignified and fulfilling way possible. Third it states that people should be informed about the dangers of human trafficking to prevent it from occurring in the first place.<sup>25</sup>

In line with the first P: Prosecution, countries across SSA must adopt anti-human trafficking laws (if they have not done so), and work to make these laws identical at all levels of government. One of Nigeria’s biggest issues with convicting criminals on charges of human trafficking has been its disparate laws. In the North, the Penal Code is the law of the land, while in the South they follow the Criminal Code. While the Criminal Code does not specifically define human trafficking, certain portions of it make prostitution and slavery illegal. The Penal Code specifically outlaws the trafficking of women into Nigeria, but says nothing of trafficking Nigerians out of the country. Nigeria provides an excellent example of how the disparate laws on human trafficking within each country makes convictions more difficult. The consolidation and streamlining of these laws would do much towards reducing trafficking rates.<sup>26</sup>

Once a victim has escaped from trafficking, they often face the stigma of being labelled a prostitute, the embarrassment of being questioned and investigated by the government, and an uncertain future. Governments within SSA are encouraged to develop programs to help reintegrate trafficking victims back into society. In 2015, officials in Malawi identified 197 victims of trafficking, but with few procedures for identifying and protecting victims, that number is most likely tragically low. In addition to having few measures for identifying victims, Malawi largely relies on non-governmental organizations to provide care for victims who have been identified. Programs and services for victims are few and underfunded, and those that do exist are overwhelmed. Increasing funding for women and children’s shelters, and enacting procedures to identify victims of trafficking are two of the most important steps governments in SSA should take.<sup>27</sup> One positive piece of legislation has been the Ouagadougou Action Plan (enacted in 2006 by the EU

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<sup>25</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

<sup>26</sup> Bisi Olateru-Olagbegi & Anne Ikpeme, *Review of Legislation and Policies in Nigeria*, International Labour Organization, (2006).

<sup>27</sup> The UN Special Rapporteur, *Summary of Regional and Sub-Regional Structures and Initiatives to Counter Trafficking in Persons*, The UN Special Rapporteur, (2010).

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and certain African states), which aims to address the protection of victims by setting certain minimum standards for the reintegration of victims into society, particularly by avoiding criminalizing the individual who had been trafficked.<sup>28</sup>

It is said that knowledge is power, and this is especially true when discussing human trafficking. Informing the African public about the dangers and facts of human trafficking through anti-trafficking awareness campaigns is a clear step towards reducing its prevalence. This is a two-pronged approach: firstly, inform those most at risk (women and children living in poverty) about the tactics used to recruit individuals into human trafficking, and secondly, properly training law enforcement officials on how to recognize, avoid, and report corruption. Within the prevention portion of the paradigm, should be the encouragement of government registration and identification cards for at risk groups, such as poor women and children and stateless groups (such as certain Nubians in Kenya).<sup>29</sup> Individuals without identification or who remain for all intents and purposes unknown to the state make for prime targets for traffickers. Their status makes their movement between countries simple and easy to hide, which enables these trafficking victims to fly under the radar.

The 3P paradigm gives the countries of SSA a set of goals through which to reduce their rates of human trafficking, and the tier system allows each country to see where improvements must be made. In SSA, each country faces unique challenges towards addressing human trafficking within its borders. However, by ratifying the UN Anti-Trafficking Protocol, compliance with the Palermo Protocols, and creating comprehensive human trafficking laws as well as public awareness, African countries may begin to reduce rates of this highly significant contagion.

In addition to following the 3P Paradigm, countries in SSA should consider taking the following steps to help eradicate or drastically reduce their rates of human trafficking:

- It is quite obvious at this juncture in the war against human trafficking that a wholly supply-side approach to defeating the scourge is inadequate. The financial gains to traffickers and their collaborators is simply insurmountable, especially with the low risk of arrest, successful prosecution, or serious punishment. Therefore, a strong and decisive pivot to attacking the problem from the demand-side will be a much more effective approach. Simply put, if you lower demand it

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<sup>28</sup> U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, *Trafficking in Persons Report: June 2016*, U.S. Department of State Publication Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, (2016).

<sup>29</sup> Emma Batha, *Factbox: Stateless Groups Around the World*, Reuters, (2011).



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will impact the supply of victims due to a reduction in financial gains. In simplistic terms, it is all about money, so if no one is buying no one will be selling, so to speak.

- Countries in SSA can benefit from becoming familiar with and working closely with international legal mechanisms such as the U.S. Foreign Corrupt Practices Act (FCPA) and the U.K. Bribery Act (UKBA) which are able to take legal action against international businesses that engage in corruption and have money that flows through British and United States hubs. This will go a long way in discouraging the international users of trafficking victims that have ties to the U.S. or U.K., whether their dirty deeds are committed in Africa, Europe, or the United States. The threat of punitive measures doled out by the United States and United Kingdom may be a strong deterrent to businesses with ties to human trafficking, or whose employees or business associates use trafficking victims.
- The use of aggressive investigative techniques such as authorized wire taps, undercover informants, and well-orchestrated sting operations to track down those who compromise the justice system is essential. When the members of law enforcement and the judiciary know of the use of these aggressive techniques, they are less likely to indulge in corruption as frequently, as they never know who is listening in and who is sitting in front of them seeking to have them compromise their integrity.
- An area where many states have faltered has been in the punishment of those guilty of committing human trafficking, particularly officials and individuals in positions of power. Stiff punishment is necessary for deterrence, and should therefore be traumatic and life-changing for those who commit the offense. Charging and punishing corrupt officials will set a precedent for the same to happen to others in power, and will work to deter government and law enforcement officials from accepting bribes and turning a blind eye to the pandemic. In addition, these individuals should be publicly shamed through popular media and/or public reports that name names. Any corruption related legal protections that are currently in place and protect those in power from prosecution should be effectively wiped out or cleaned out of the justice system.
- Building up the socio-economic status of judges and judicial personnel is crucial. This is by far the most important justice sector corruption reduction factor. The theme echoed in this factor is that judiciary careers are poorly regarded in many African countries, which is reflected by the associated low salaries and poor working conditions. This makes it difficult for judges to maintain a sense of professional dignity, and the general perception is that judges who do not respect themselves as professionals are less likely to resist the temptations of corruption. Respectable remuneration is a necessary element to reducing petty corruption among judges because unless they are able to meet the basic needs of their families, they are vulnerable.

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- Corruption in government and law enforcement allows and even encourages human trafficking. By increasing the public's awareness of this connection, government and law enforcement officials may feel pressured to be accountable to their citizens. A very effective measure for dealing with corruption in law enforcement is to give police and judicial officials greater wages, decreasing the need for them to accept bribes. This increased pay will make employees protective of their jobs, and could be designed to be results based, thereby expanding effectiveness and efficiency.
  - The creation of anti-corruption agencies have also proven effective in the fight against corruption. Special anti-corruption prosecutors and police with special prosecutorial powers manned by professional and well-trained personnel, who are imbued with integrity and are themselves supremely incorruptible should be deployed.
  - Improving the investigative capacity of law enforcement such as prosecutors and the police is an indispensable factor in the "war on human trafficking." Since criminal laws are investigated and prosecuted by the police and prosecutors, respectively, improving their investigative capacities helps in discouraging corruption in the justice system. States should increase the capacity of their law enforcement agencies and specific task forces charged with fighting corruption and trafficking to do their work. One important step towards this goal would be bettering cooperation between agencies through file sharing, fostering an atmosphere of cooperation, joint trainings, and encouraging the belief in a common goal. Anti-corruption and human trafficking agencies should be working together closely.
  - SSA states should not only ensure that legislation on human trafficking is the same across the board, but they should integrate their human trafficking policies with their anti-corruption legislation. Corruption and human trafficking go hand in hand, and in dealing with one you must deal with the other. Within these laws should be protections for victims, so harmful deportations do not occur and the victims themselves are not persecuted or prosecuted (as prostitutes for example).
  - Not only should anti-corruption and human trafficking policies be integrated, but they should be continually monitored and evaluated for maximum efficiency. Complacency has encouraged human trafficking, and as the saying goes, assume that a zebra never changes its stripes. Review Boards should be put in place, and those hired to work on anti-corruption and human trafficking task forces should be put through extreme vetting before employment. Oversight committees and management should continually be on the lookout for areas at risk for corruption and monitor them closely, conduct random inspections of their units, correctly use the technology at their disposal, and rotate officer's shifts to decrease the likelihood and effectiveness of unholy alliances between officers and traffickers.

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- Improving the system's component targeting efficient administration of justice will be quite helpful. Programs to improve transparent and efficient administration utilizing automation for purposes of improvements in case tracking and management always reduces the incidence of corruption through transparency. Cases assigned to judges through an impartial system that protects against "judge shopping" is paramount, as they protect the integrity of the system. This usually reduces the problems of inadequate record keeping and poor procedures that promote a lack of accountability, corruption, and partiality in the legal system. Law enforcement officials, lawyers, medical professionals, immigration officials, border guards, and others in industries likely to cross paths with trafficked individuals should be well-trained on how to identify and respond to victims of trafficking. They should be made aware of services for victims of trafficking, and should work closely with them to ensure an easy transition for survivors.
  - States should be strategic with their resources, and allocate time and funds to the areas at greatest risk for human trafficking. While these vulnerable sectors are likely to vary by country, they are often easy to identify. In identifying high risk areas, such as border crossings where the chances of bribery occurring are steep, states can correctly allocate funds where they are needed most.
  - Law enforcement and government agencies should encourage ethical and professional conduct in the workplace through the signing of ethical contracts and encouraging "whistle blowing" with significant monetary rewards for those who see something out of place and speak up. These individuals must receive substantial rewards, particularly in cases that lead to convictions. Discrete mechanisms through which employees can safely report unethical behavior and be well compensated for the information are key.
  - The media should be encouraged to report on corruption in government, and should be protected from excessive and potentially corrupt anti-defamation laws that could shut them down.
  - African states should make a concentrated effort to issue birth certificates and identification cards to citizens, particularly for transient groups that are prime targets for trafficking.
  - African nations should partner with international organizations and anti-trafficking alliances to ensure support for anti-corruption and anti-human trafficking measures. Through these alliances, international and local actors should target the assets of human traffickers, as the pocketbooks of corrupt officials and offenders are their most vulnerable spot.
  - Another important area of cooperation for African countries is in border security and developing effective extradition policies to help streamline the prosecution of offenders.
  - Real numbers and data on human trafficking are difficult to come by, given the nature of the beast. By increasing funding for research on human trafficking and working across national boundaries to share information, SSA may be better able to understand the grand scope of the scourge and be

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more incentivized to deal with the problem. Once better data is collected, public awareness campaigns and data dissemination to the correct agencies can ensure that the research is available to those who need it and are best able to use it. Public awareness campaigns should be universal, but particularly aimed at high risk sectors such as orphanages, homeless shelters, schools (including institutions of higher learning), and community events.

- African states should create and enforce business licensing guidelines that require licenses to be prominently displayed, background checks to be conducted on new hires, and reports given to the government on the number of individuals employed. Government labor agencies should regularly check that businesses have up-to-date licenses and should impose steep fines on businesses found to be unlicensed or whose licenses have expired. Labor laws should dissuade informal employment, and should reward businesses that follow the rules with tax incentives.
- Many individuals are coerced into trafficking because they do not see a viable economic alternative. African countries should therefore provide free or low cost educational and vocational programs that give the young and the poor another choice or pathway out of poverty and penury. Individuals in these programs should be emphatically made aware of the risk of human trafficking.
- SSA countries should promote responsible consumerism and inform buyers of products that are typically produced through human trafficking, such as knockoffs of designer clothing and monetized sexual relations. In this regard, public awareness campaigns should inform potential customers of prostitutes (particularly in high risk areas such as tourist destinations) of the high correlation between prostitution and human trafficking, and how indulging in such dirty and immoral deeds could ruin them financially, bring them disrepute and may well land them in jail.

## Conclusion

The problem of human trafficking within SSA is very real, and deserving of a concerted continental effort and/or global attention to the extent of formally declaring a “war on human trafficking,” by the African Union. With corruption, negative perceptions of the immigrant experience, data unavailability and little education provided on human trafficking, there is much work to be done before change can occur. Through increasing government accountability, ratifying the United Nations Anti-Trafficking Protocol and the Palermo Protocols, cracking down on corruption in all levels of government and the judicial system, providing services to victims, and educating the African public, SSA can transform the way it perceives and manages the scourge of human trafficking. The scope of human trafficking within SSA is difficult to quantify, but impossible to ignore. Steps must be taken now to end human trafficking, and return to its victims their most basic human rights.