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Launch of the Innocenti Insight:
Trafficking in Human Beings,
especially Women and Children, in Africa
EMBARGO: 23 April 2004 at 10am GMT

Information Summary

Trafficking in human beings is increasingly understood as a major and worldwide human rights violation and development issue. The new UNICEF Innocenti Research Centre Insight reveals the growing acknowledgment of the problem in Africa and calls for effective action against it, targeted programs and strategies, and cooperation between African countries on this issue.

"Courageous leadership is needed from governments, who are primarily accountable for ensuring that child trafficking is criminalized and children are effectively protected from this form of exploitation. No country is free from the trade in human beings, and efforts to stop it must be both regional and global in nature." UNICEF Executive Director Carol Bellamy says.

According to article 3 of the UN Protocol to Prevent, Suppress and Punish trafficking in persons, Especially Women and Children, the so called "Palermo Protocol", trafficking in human beings means the recruitment, transportation, transfer, harboring or receipt of persons, by fraudulent means, 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

In the same Protocol a specific definition applies to children saying that "trafficking in children" shall mean the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation, even if this does not involve any fraudulent means.

UNICEF's action in this area is regulated according to article 35 of the Convention on the Rights of the Child which urges States Parties to take "all appropriate measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form".

Trafficking in Human Beings in Africa, Especially Women and Children

The *Trafficking in Human Beings, especially Women and Children in Africa* Insight, developed by the Innocenti Research Centre under the sponsorship of the Swedish and Italian governments, was designed to inform the process leading to the adoption of the *Action Plan against Trafficking in Human Beings* developed in the framework of the planned EU/Africa Summit. Designed as an advocacy tool for institutional targets, the study is part of the child trafficking research that UNICEF Innocenti Research Centre began with the publication *Child Trafficking in West Africa, Policy Responses*.

Covering 53 African countries, the publication provides analyses at regional and sub regional levels. It updates and extends the information of the previous West African study which focused on only 8 countries and, in addition to the analysis of the policy responses and normative framework considered in the previous study, it looks at the root causes, at both demand and supply sides, and at flows patterns.

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The study's concluding observations reveal the complexity of the phenomenon across Africa and its sub-regions, and the increasing acknowledgment of the problem that is leading African governments to engage in important steps to combat trafficking. Nevertheless, the Insight suggests, insufficient attention is paid to its trans-national and cross-regional dimensions, often complicated by ineffective normative frameworks and law enforcement.

UNICEF Innocenti Research Centre is currently continuing its trafficking research by focusing on trafficking in Europe.

Patterns

Trafficking is acknowledged as a problem by at least half of African countries. The perception varies according to region: in Western and Central Africa the percentage is higher than elsewhere in Africa and reaches 70% of countries. In North Africa information on trafficking is scarce, as is the level of awareness, both hampered by the strong reluctance of society to acknowledge its existence. In the whole of Africa only 7% of the respondents to Innocenti Research Centre questionnaires perceive trafficking not to be a problem. Child trafficking is perceived to be more severe than trafficking in women.

The study emphasizes the existence of vast knowledge gaps and the need for sound data and rigorous analysis (none of the active players in the fight against child trafficking in the region has produced serious data or statistics). Despite such limits, several qualitative researches focusing on a certain country or on a certain sector of economic activity are being carried out in West and Central Africa Region by UNICEF Country Offices, UN Organizations and other partners.

Origin and Destination: the Trafficking Flows

The Insight analyses trafficking flows within, from and to Africa and draws attention to their complexity. Trafficking occurs both within and outside Africa. The Insight reveals that 89% of countries are affected by trafficking flows to and from other countries within Africa; in 34% of African countries trafficking is also directed to Europe and in 26% flows are directed to Middle East and Arab states. In 79% of countries, trafficking occurs intensively also within national borders. Within Africa there is no clear-cut distinction between countries of origin and countries of destination with 58% of countries experiencing flows in both directions.

Trafficking has mainly a sub-regional pattern and in 91% of reported cases trafficking occurs between countries of the same sub-region. In Southern and Eastern Africa trafficking generally occurs from the poor East to the wealthier South; in Western and Central Africa patterns are more complex and are not unidirectional toward one or more particular destinations. Trafficking is a dynamic process and context can rapidly change the pattern of flows, as for example recent developments in Ivory Coast show.

Root Causes

The Insight stresses the complexity and risks related to generalizations when analyzing the root-causes of trafficking. Each country's own situation and interrelation with the regional and wider international context have strong influences on the risk of trafficking in human beings.

Analyses and reports often recognize poverty as the most visible cause for trafficking, but poverty is only one part of the picture. Poverty exacerbates an already desperate situation for many women and children. Trafficking occurs when the child's protective environment collapses. This includes armed conflict, economic hardship, patterns of instability, oppression and discrimination. Populations are forced to flee across or within national borders and refugee and displaced women and children may be particularly exposed to

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trafficking, violence, sexual exploitation and harmful working conditions. Traditional practices, early marriage and lack of birth registration may exacerbate the problem.

Economic and social changes are altering marketing traditions and labor requirements. Access to global markets and information resources can raise unrealistic or unattainable expectations about living standards. Young women may be tempted to seek their fortunes and children may be lured by promises of better education and better jobs abroad, making them susceptible to traffickers.

Recently, the links between poverty, violence and trafficking have been compounded by the effects of HIV/AIDS. Women and girls trafficked for prostitution are among the most vulnerable groups exposed to HIV infection. Children orphaned by HIV/AIDS are also vulnerable to trafficking.

There is a need to build a protective environment for the children: education opportunities for children especially girls living in poor areas; economic and employment opportunities for households in at-risk areas; legislation and law enforcement preventing and punishing trafficking; government commitments to fulfilling protection rights; and running information campaigns to foster public debate.

The Demand for Trafficked Persons

In addition to the root causes ('pushing factors') the Insight highlights the important role played by a multi-faceted demand that in most cases is not thoroughly analyzed. Sexual and economic exploitation, including domestic and agricultural work, are the most important 'pull factors' creating demand for trafficked persons. In addition to that, the Innocenti Research Centre study identifies new important pulling factors such as early marriage and the conflict-related demand for child soldiers. The links between trafficking and demand related to adoption must be investigated further. There is also anecdotal information on trafficking of organs, but still little research exists. In some cases trafficking in body parts is linked to traditional 'mutti killings'. These practices are murders committed by persons to obtain organs of children to be used in rituals of witchcraft and magic.

Policy Responses

While there have been many anti-trafficking initiatives carried out by African governments at regional and national levels, much more needs to be done.

The *African Charter on the Rights and Welfare of the Child* (1990) represents probably the first official commitment of governments of the African Union Organization to combat trafficking, playing a monitoring role and providing relevant policy guidance. At a regional level, a stepping stone of an anti-trafficking process is the *Libreville 2000 Common Platform for Action* which calls, inter alia, on international organizations to coordinate activities to support the development and implementation of national policies against child trafficking, to collect, disseminate and share information among countries and institutions, as well as to establish a monitoring system. Another fundamental step in the same direction is the 2001 *ECOWAS Declaration and Plan of Action*.

These initiatives and the developments within the context of NEPAD (*New Partnership for Africa's Development*) give grounds for encouragement regarding anti-trafficking efforts and show increasing awareness by the African governments of the size of the problem of trafficking in human beings.

African governments are drawing greater attention to the trans-national and regional dimension of the phenomenon and consequently increasing consideration is being given to inter-country legal harmonization, to cooperation agreements and to extra-territorial laws to prosecute nationals who have committed crimes in other countries. Inter-country cooperation is used as a fundamental instrument against trans-national

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trafficking crime. Some bilateral agreements have been signed between African countries, particularly in West Africa, as well as between them and European countries of destination.

In the whole of Africa, one out of four countries is implementing a national project targeting trafficking in human beings. The most comprehensive programs, such as those for development and implementation of national plans for action against trafficking, can be found in Western and Central Africa. Unfortunately, some of these national plans lack effective implementation.

The causes and effects of trafficking need effective responses addressing both supply and demand sides. Unilateral approaches (repression, prevention or protection) may result in achieving very little. The efforts against trafficking involve multiple stakeholders at different institutional and community levels (from ministries to civil society to children themselves). This whole range of actors must be involved in creating a comprehensive protective environment. This cooperation is however challenged by governments' institutional asymmetry in which different ministries lead activities on child trafficking in different manners in different countries.

Children will only be free from trafficking when they live in a protective environment which shields them from this unconscionable violation of their rights. A protective environment is about living in *safety and dignity*. It's about being in school, having strong laws that punish those who exploit children, having a government which is truly committed to fighting trafficking, having a community which is aware of the risks which children face, having a media which can raise awareness of a certain issue, having police/law-enforcement free from corruption and having a strong monitoring system in place to identify those children who are at risk of trafficking.

Normative Framework

A growing number of African countries (15 as of 7 April 2004) have ratified the *Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, providing a common definition of trafficking (entered into force on 25th December 2003), and other major international instruments such as the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (17 as of 7 April 2004). However, in Africa there is still a low level of ratification status of the main international instruments and difficulties still remain regarding a commonly agreed definition of trafficking, in accordance with international standards.

In the absence of comprehensive legislation specifically dealing with trafficking, most states in Africa tackle aspects of it by means of existing laws criminalizing 1) prostitution; 2) child exploitation, abduction, abandonment and mistreatment of children;; 3) right to personal integrity (slavery, torture, unlawful detention); 4) child labor and employment regulations; 5) immigration.

The growing government commitment to combat trafficking must be supported by effective law enforcement, which is often challenged by ineffective legislation, a low level of knowledge of the issue, scarce resources available to law enforcers, and by corruption.

States are increasingly recognizing the need to work on law reform and most ratifying countries have started the process of harmonization of their national legislations with particular attention to the importance of a human rights approach and acknowledging that criminal law and human rights standards play a complementary role in the fight against trafficking. In South Africa for instance, the South African Law Reform Commission is leading an interesting law reform process that with the participation of civil society is developing legislation for the criminalization of trafficking in human beings. Experience in South Africa and Ethiopia has demonstrated how criminal law and human rights standards play a complementary role and that targeting organized crime and related activities needs to go hand in hand with the promotion of public

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awareness and expectations to ensure strong judicial systems, effective law enforcement, prevention and victim protection and reintegration.

The human rights approach draws attention to the obligation of the State, whether of origin, transit or destination, to take preventive action against trafficking as a human rights violation, to protect victims, especially children, and to act in the best interest of the child. It also draws attention to the structural dimensions of trafficking and to the underlying inequalities and discrimination that facilitate its prevalence among the particularly vulnerable groups of children and women by allowing these categories to be properly acknowledged and empowered.

Trafficking as a Development Issue

Child protection abuses such as child trafficking have effects on child development and on the society's potential for development. Until children have a safety net that protects them from abuse in all its forms and they live in a protective environment, any progress made globally on the Millennium Development Goals will be undermined.

Trafficking in human beings has a structural significance in African society with extensive implications on social, economic and organizational levels. It is facilitated by prevailing poverty, lack of education and of investment in basic social services. Trafficking also represents a significant factor compromising development of the poorest countries and of the most vulnerable groups, increasing the waste of human resources, and contributing to the enlargement of criminal organizations' capacities.

The influence of trafficking on the regional and national development is mirrored by the number of UN development assistance programs (such as CCA, UNDAF, PRSP, etc) and national development plans that increasingly allocate resources to the implementation of specific actions against trafficking and for child protection.

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