NATO STRATEGIC DIRECTION SOUTH HUB

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Local Solutions to Combatting Human Trafficking and Human Smuggling in Africa

NSD-S Hub, *Via Madonna del Pantano, Lago Patria - Italy 80014*

www.thesouthernhub.org

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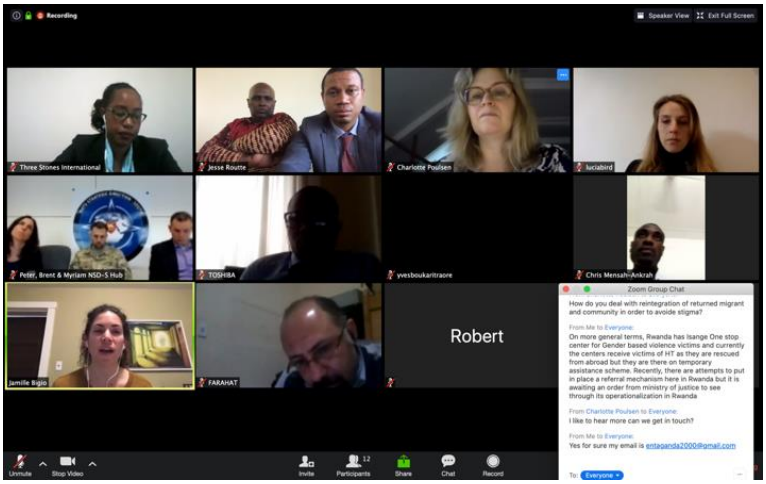
EXECUTIVE SUMMARY

"In some conflict contexts certain armed groups target civilians and traffic them into labour or combatant roles, enhancing insecurity (e.g. Nigeria and Boko Haram, Somalia and Al-shabaab, CAR)". -Survey respondent

On February 11, 2020 NATO's Strategic Direction – South Hub (NSD-S Hub), in collaboration with Three Stones International (TSI), facilitated a webinar dialogue on the condition of trafficking in persons (TIP) and human smuggling in Africa. This live webinar, in conjunction with a secondary data review, and an online survey supported the NSD-S Hub's research agenda regarding the promotion of political and economic stability in Africa. The webinar panelists were subject matter experts in the fields of human trafficking, smuggling, migration, and human rights. Additionally, data was collected via surveys from an additional 20 subject matter experts from 13 different African countries, which provided the NSD-S Hub with well-informed insight into the realities of TIP and human smuggling in Africa.



Through the webinar dialogue, the NSD-S Hub learned from global experts how TIP and human smuggling are exacerbated by a number of modern challenges, including significant conflict on the continent.

Increasingly, TIP in Africa is becoming both a domestic and intra-regional problem. This is generally contrary to the popular concept that victims of TIP are largely sent off continent and end up victims in foreign countries.

Human smuggling is significant in Africa, and Libya, in particular, is widely seen as one of the most prolific countries for human smuggling to destinations off of the continent, with victims and perpetrators largely trying to find a pathway into Europe.

Panelists and survey respondents were honored and pleased to be part of the learning event, and all in attendance valued the networking opportunity and ability to inform NATO decision making related to its role in combating TIP and human smuggling.

INTRODUCTION

Human trafficking is a serious issue in Africa. It is a major region of origin for victims, who are trafficked into other parts of the world such as Western Europe and the Middle East. Domestic or intra-regional trafficking are also common in certain areas, particularly in Sub-Saharan Africa. To support the NSD-S Hub research on the topic, a live video conference, in conjunction with a secondary data review and a qualitative survey, were instrumental in understanding the region's human smuggling and human trafficking dynamics to identify which areas could benefit from NATO's contribution and assistance. Nine African countries participated in the live online dialogue. The panelists were subject matter experts in the fields of human trafficking, smuggling, migration, and human rights. Further surveys collected data from an additional 20 subject matter experts from 13 different African countries provided the NSD-S Hub with well-informed insight to the TIP and human smuggling in Africa.

WEBINAR PROCESS

Preparation for the webinar included identifying and inviting appropriate panelists who represent civil society in Africa, as well as regional and global experts on human trafficking and human smuggling based in the Middle East, US and Europe. The webinar attracted a great deal of interest due to the topic as well as an opportunity to engage directly with NATO, not to mention as an opportunity to interact with professionals from around the world. The exuberance continued during and after the webinar, as panelists immediately took advantage of the networking opportunity to share information and contacts for future collaboration.

Prior to the live webinar, panelists and other experts were asked to complete an online survey to inform analysis and support Three Stones to generate the most appropriate prompts for the webinar. Based on initial findings from the survey, panelists were asked to consider the following during the webinar itself:

- In your work, what are regional issues and concerns, related to human trafficking and smuggling, that impact stability in your region/ area of interest?
- What are the drivers?
- What industries and/or economic interests are linked to trafficking in persons and insecurity/conflict in Africa?
- What is being put into place to combat human trafficking/smuggling and are these measures working?

Based on pre-webinar conversations between panelists and the moderator, on the day of the webinar, the panel discussion focused on the following key issues:

- Causes of human trafficking and smuggling
- Legal and policy framework for Combating Trafficking in Persons (CTIP) at the domestic and regional levels.
- Regional challenges and successes in CTIP including regional coordination
- Methods used by traffickers, especially digital trickery
- Role of civil society in CTIP
- Specific contexts and needs of TIP and Human smuggling.

After the webinar, Three Stones aggregated data collected from the surveys and analyzed those alongside the discussions held during the webinar. This report presents those concepts and insights collectively.

TRAFFICKING IN PERSONS AND HUMAN SMUGGLING IN AFRICA, AN OVERVIEW

Human trafficking and human smuggling are not the same phenomenon, and must be addressed with separate consideration. Although the terms are often confused, the smuggling of migrants is not the same as human trafficking. According to the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air,[1] migrant smuggling is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident".[2] An element of exploitation is required in trafficking but not in smuggling. Smuggling must be consensual and it must be transnational. Human trafficking, on the other hand, may occur within a country's territory, and in Africa, often does so.

HUMAN TRAFFICKING DEFINED

The Trafficking Victims Protection Act of 2000, as amended (TVPA), defines "severe forms of trafficking in persons" as in sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. A victim need not be physically transported from one location to another for the crime to fall within this definition.

In practice, it may be hard to establish the boundary between smuggling and trafficking,[3] as elements of exploitation and abuse may emerge during transit or at destination, even in the presence of initial consensus on the part of the migrant. Smuggling and

[1] https://www.unodc.org/documents/southeastasiaandpacific/2011/04/som-indonesia/convention_smug_eng.pdf
[2] UNODC (2002) https://www.unodc.org/documents/southeastasiaandpacific/2011/04/som-indonesia/convention_smug_eng.pdf
[3] As confirmed by multiple survey respondents and our webinar panelists.

trafficking may occur on the same routes and smuggling can lead to trafficking, making it difficult to discern one from the other. It is also important to note that human trafficking generally is a crime against an individual, whereas smuggling is a crime against the state.[4]

Prevalence of human trafficking is difficult to measure; however, the US Department of State's 2019 annual trafficking in persons (TIP) report identified 24,407 victims of TIP in Sub-Saharan Africa in 2018 alone. Since the 2012 inception of the TIP report the USDOS has identified 111,007 victims of TIP in the region. This is the second highest region for TIP victimization in the world, constituting approximately one quarter of all TIP cases worldwide.[5] A large number of those victimized in Sub-Saharan Africa are women and children who are subsequently exploited in a variety of sectors such as agricultural and domestic work, prostitution and even military (e.g. child soldiers).

TIP in Africa is increasingly a domestic phenomenon. A number of international organizations have estimated that traffickers exploit a majority of human trafficking victims without moving them from one country to another. For example, the International Labour Organization (ILO) estimated that traffickers exploit 77 percent of all victims in the victims' countries of residence, this is particularly true for Sub-Saharan Africa.[6] Likewise, United Nations Office on Drugs and Crime (UNODC) reported in 2018 that, for the first time ever, a majority of victims had been identified in their countries of citizenship, stating: "While transnational trafficking networks are still prevalent and must be responded to through international cooperation, national justice measures, strategies and priorities should acknowledge the increasingly national nature of the trafficking problem".[7] The same UNODC report also found that the clear majority of traffickers were citizens of the countries where they were convicted.

Criminal traffickers were usually male, but sub-Saharan Africa stood out from other regions because of the large number of female offenders.[8] Globally, most countries reported more male offenders than female, but Mauritius reported more prosecutions of women than men. In Ivory Coast, nearly half of those convicted of trafficking were female, while in Kenya and South Africa, men and women were convicted in equal numbers.

[4] ICAT (2016). http://icat.network/sites/default/files/publications/documents/UNODC-IB-01-draft4.pdf

[5] The US DOS TIP Report (2019) identified 24,407 individual victims of TIP in Subsahran Africa,

[6] According to the Africa Center for Strategic Studies, 99% of victims detected in West Africa are trafficked within their own country or region, 83% in North Africa, 90% in East Africa and 62% in Southern Africa.

[7] UNODC, Global Report on Trafficking in Persons 2018 (United Nations publication, Sales No. E.19.IV.2).

[8] The US DOS TIP Report (2019).

DISCUSSION AND KEY INSIGHTS

The perennial economic instability and structural violence in Africa has significantly impacted the growth of labor migration and displacement of citizens among African countries. Poverty, in most countries in Africa, increases vulnerability to sexual exploitation and child trafficking. In countries where poverty is high there is often a decay in public institutions, rural-urban migration, change in family size, low education, inherently exploitative sex industries, corruption, and poor governance. Additionally, traditional norms sometimes create inequity among children, limited expectation of economic opportunities and harmful gender norms at the community level.

Moreover, although countries condemn and punish human trafficking/smuggling through specific penal codes and international treaties, it remains that applicability of domestic laws, widespread corruption and collusion between traffickers and some authorities, lack of relevant public bodies of skills and means to combat the crimes, limited resources and technical expertise are among major challenges to address these phenomena.

The webinar and survey conducted by NSD-S Hub and Three Stones revealed a number of compelling thematic areas of discussion regarding TIP and human smuggling. The section below highlights data and significant insights discussed by panelists and survey respondents.

ECONOMIC DRIVERS

"They tell you straight off, 'if this [job] doesn't work out, I'll find my way to ISIS'"
Panelist, on the role that unemployment plays on driving conflict

The Africa Centre for Strategic Studies has reported that human trafficking is a US$13.1 billion annual enterprise in Africa.[9] $8.9 billion comes from sexual exploitation. Panelists and survey respondents both discussed the correlation between economy and TIP and human smuggling. Poorly governed labor migration can bring risks and challenges, including for sustainable development and decent work, in countries of origin, transit and destination, especially for low-wage workers. These risks can include insecurity and informality, brain drain, displacement, increased risk of child labor, debt bondage, forced labor, trafficking in persons, safety and health hazards and other decent work deficits. In some cases, some of these risks have lethal consequences. Racism, xenophobia and discrimination, misperceptions and misinformation add to the overall fragility challenges migrant workers can encounter during their labor migration experience.

[9] www.africancenter.org

For many, climate change was noted as an exacerbating influence on the drivers to economic migration and vulnerability to TIP. This is especially true in Eastern and Southern Africa where environmental change and disasters are prevalent and increasing, and are influencing human movement and displacement. Inclement weather has deteriorated the predictable agriculture cycle in many African countries. Unprepared to adapt to climate change, many farming families have experienced significant reduction in crop production, thereby undercutting their agricultural earnings at the household and community level, and increasing poverty rates among farmers and pastoralists. This is especially difficult for rural areas where employment options are limited or non-existent. To cope, farming families seek migration to destinations where economic opportunities exist, to cites, other agriculture centers, or foreign countries. In this situation migrants are often willing to travel without adequate protection (ie. passports, formal ID, work with formal brokers or employers). Traffickers use this as an opportunity to prey on those most in need.

Further, destabilized normal trade development between countries has decreased opportunities in the formal sector. Migrants in search of employment across borders then rely on informal and unregulated economic sectors. The lack of legal protection and oversight further increases migrant vulnerability to traffickers and particularly increases human smuggling as migrants seek smugglers that can facilitate illegal entry into foreign countries.

Leading sectors for economic migration include agriculture, extractive industries (i.e. artisanal mining, oil), domestic labor, commercial sex work, and especially for men, construction and other forms of manual labor.

GOVERNANCE

The African Union's Agenda 2063 places broad measures on African countries to better govern domestic and regional associations and development goals, including harmonization of legislation on the ILO's for migrant workers' International Labor Standards with specific provisions TIP and human smuggling.[10] To date, AU member states have demonstrated weak interest and ability to comply with the ILO standards. Of the AU's 55 member states, only 11 countries have ratified ILO convention number 97, which outlines basic recommendations for improved migration and employment dynamics, and only eight states have ratified the supplemental provisions for migrant workers outlined in ILO Convention 143.

[10] Specifically Migration for Employment Convention (revised), 1949 (No. 97); Migration for Employment Recommendation (revised), 1949 (No. 86); Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143); and Migrant Workers Recommendation, 1975 (No. 151).

In 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime (UNTOC), marked an important transition into the modern movement against human trafficking. The Palermo Protocol uses "trafficking in persons" as an umbrella term that covers a wide variety of offenses, such as maintaining someone in forced labor or recruiting someone for compelled commercial sexual exploitation. It also provided a much-needed foundation on which governments could build policies that criminalize human trafficking and stop traffickers, protect victims and prevent victimization, and promote cooperation among countries. Each year, the US Department of State, in its TIP report, places every country in the world onto one of four tiers, as mandated by the Trafficking Victims Protection Act (a comprehensive US law). This placement is based not on the size of the country's problem but on the extent of governments' efforts to meet the TVPA's minimum standards for the elimination of human trafficking, which are generally consistent with the Palermo Protocol. In 2019, as in all other year's past, Africa was the only continent without a Tier 1 (best rank) country. Africa had the highest number of Tier 3 (worst rank) countries in the world and it is the only continent with countries under the "special case" category, given, mostly to failed states with high levels of human trafficking.

The effectiveness of governance, policy and legislative frameworks vary across African countries, and the US DOS TIP report demonstrates that most countries are still fundamentally ill equipped to prevent and prosecute TIP, human smuggling, and to provide basic services to victims. While most countries have some form of human trafficking legislation, traffickers flourish as they take advantage of endemic corruption, weak or unskilled law enforcement, and fractured judicial systems to conduct criminal activities and/or illegal services such as commercial sexual exploitation, debt bondage and transit though porous borders.

CONFLICT AND INSTABILITY

Conflict and instability were identified by survey respondents and panelists as a key driver to human trafficking and human smuggling. There are currently 12 African countries experiencing armed conflict. It is estimated that the current conflicts have displaced more than 25 million people. Those fleeing conflict are at increased risk for exploitative migration and human trafficking. Further, African conflict often impresses children into militia and paramilitary units. The United States DOS, by law, tracks child soldier recruitment and retainment and ranks countries under the Child Soldiers Prevention Act (CSPA) List. Currently, the Democratic Republic of Congo, Somalia, Mali, Sudan, and South Sudan are all sanctioned under the CSPA List. That constitutes half of all countries sanctioned on the list.[11]

[11] Other countries are as follows: Iran, Afghanistan, Yemen, Iraq, Burma.

Terrorists use abduction and trickery as recruitment methods. In recruiting victims, terrorists and traffickers use personal contacts, including family members and friends, and social media such as Facebook, internet dating sites, and advertisements, to lure potential victims with false promises of money, misleading job offers, or other fraudulent opportunities.

TIP and Human smuggling is a source of funding for armed groups and terrorists. As noted above, the TIP industry is estimated to generate approximately 13 billion USD annually in Africa, and at least some of this is going towards financing of armed conflict. This leads to destabilization of states and communities by armed groups, which drives displacement, and hence vulnerable migration, TIP and smuggling. Additionally, TIP and human smuggling corridors are protected by armed groups, essentially providing safe passage for traffickers and smugglers, at a cost.

While armed groups and terrorists are notably engaged in TIP and human smuggling, they are not alone, and panelists suggested that formal militaries and peace keeping units in Africa are engaged in similar behavior, albeit to a lesser extent. However, empirical evidence on this subject is difficult to come by, so measuring the scale of the offense is difficult to determine.

WOMEN AND YOUTH

For many years, the prevailing narrative on human trafficking was that women are the primary victims. In the last decade, research has demonstrated that this is fundamentally inaccurate. In Africa, human trafficking and smuggling affect both men and women at almost an equal rate. In Africa, boys under the age of 18 are nearly twice as likely to be victims of human trafficking than girls.[12] Regionally, women in West Africa are significantly more likely to be victims of trafficking than men. In other regions in Africa, this is not the case.

Women are more likely to be forced into commercial sexual exploitation or compelled domestic work. Additionally, women are more likely to be forced into sexual exploitation when they are working or migrating legally. Women are particularly vulnerable to this when they are smuggled transnationally.

Young people are also particularly vulnerable to sexual exploitation. This is particularly true for boys under the age of 13 and girls of all ages. Some estimates state that as many as forty percent of girls in Africa are compelled to marry before they turn 18, with that number being even higher in some countries, like Nigeria and Chad. Forced marriage is, a cultural norm, leaving girls susceptible to domestic and sexual violence as well as serious health risks. Poverty and a lack of education perpetuate its cultural acceptance, making it harder for police to identify and help victims.

[12] IOM (2019) https://publications.iom.int/system/files/pdf/wmr_2020_en_chapter1_004.pdf

Psychological damage (depression, nightmare, trauma, anxiety) are common among all victims of trafficking. Unfortunately, many do not receive mental health services or care in their home countries.

HOME-GROWN SOLUTIONS

A key purpose of the learning event was to provide NATO with an opportunity to speak directly with experts from a variety of African countries to learn from their experiences in the field. To that end, one of the most interesting and robust topics of discussion was on "homegrown solutions", or the key approaches that African countries are taking to combat TIP and human smuggling.

Panelists and survey respondents provided several interesting insights into the various regional and national approaches to combating TIP and human smuggling. While some countries were lauded for their national approaches, others were given less favorable remarks. In Uganda, for example, widespread repression against activists of all sectors has limited the country's ability to allow civil society to advocate for stronger legislation and more appropriate service provision to victims.[13]

In West Africa, a panelist noted that there was a push for improved legislation some years ago, but that the measures are now outdated as they focused on porous borders and there are now a high number of domestic trafficking cases in the region.

In Libya, the government is fundamentally unable to control the criminal networks that run the trafficking and smuggling operations. The Libyan judicial system is not fully functional and courts in major cities throughout the country have not been operational since 2014. With the lack of protection and prosecutorial authority, in specific areas some Libyans have organized vigilante groups to prevent human traffickers and smugglers from infiltrating their communities. For example, in Zuwara, "the local community decided to turn away from smuggling of migrants, and ran smugglers out of the town, enforcing the prohibition on smuggling activities for years. This was enabled by a close-knit community and ethnic ties" (survey respondent).

In Togo, the government recently made efforts to prosecute and convict more traffickers, identify more victims, and increase funding for awareness-raising activities. Unlike Uganda, the government made a concerted effort to collaborate and coordinate service delivery with civil society to improve care for victims and sensitization of the populations at the community level. The country operationalized the National Commission for the Reception and Social

[13] Of note, Uganda is one of six African countries that is not a signatory to the Palermo Protocol.

Reintegration of Child Victims of Trafficking in Togo (CNARSEVT). The commission is responsible for coordinating the care of child victims of trafficking, supervising the reintegration of child victims and centralizing information and data on child victims. Together with civil society, the government rolled out a free hotline, and national awareness campaign, with higher penetration in vulnerable areas. They also created new victim reception centers throughout the country.

Other countries have also demonstrated successful cooperation with civil society. For example, in Burkina Faso, the government worked closely with civil society organizations, regional and international organizations to fight against trafficking in persons and smuggling. Civil society advocated for and worked with parliamentarians to amend the legal framework regarding TIP and human smuggling. The government has followed up on its legislative commitments. For instance, when children are intercepted by the police, they are given back to their parents and the government provides some assistance for their social reintegration. Traffickers and their accomplices are sent to prison when they are caught by the police. This is, effectively, basic rule of law, but it is a required element in the fight against human trafficking and smuggling. It is also significant because of the government's openness and commitment to working with civil society. In Burkina Faso, the government is organizing seasonal CTIP workshops with INGOs and the civil society to sensitize communities in local languages.

Rwanda takes a comprehensive approach to TIP prevention, and recently created a multi-agency coordination mechanism bringing together, judicial, security, and other state actors to lead the country's coordinated efforts to combat TIP and human smuggling. Awareness raising campaigns take place during public gatherings such as monthly village meetings and a month-long series of interventions organized by Ministries of Justice and Gender take place every year with media involvement (typically radio). Further, digitalization of Rwandan identity cards was rolled out in the last two years to avoid counterfeit travel documents. The country now uses biometric passports and regional travel passes.

Also in Rwanda, security forces are cross trained in victim identification and handling. Rwanda rolled out a national approach to victim services via its "One Stop Center" model where victims are assisted after a traumatic experience of human trafficking, gender-based violence and other crimes. The centers have temporary shelter, health facilities, psychological counselling staff, and police officers trained in victim protection. In a show of how serious Rwanda's commitment to CTIP, Rwanda has even conducted rescue operations for victims stuck in Middle East countries.

CONCLUSIONS AND RECOMMENDATIONS

While trafficking in persons and human smuggling have standard but separate definitions that reflect the difference in phenomena, in practice, the two are often confused with one another and incorrectly used as interchangeable terms. These crimes have separate defining elements. The victims of each deserve individual consideration based on the nature of their victimization and crimes endured. Further, the perpetrators of these crimes deserve to be dealt with separately under domestic and international law. Unfortunately, many African countries do not specifically distinguish between the two crimes under their respective legislative frameworks. The result is that both smugglers and traffickers fall into a legal grey area when caught, and are either tried for crimes of a lesser offence, i.e. a smuggler being fined for crossing a border at an informal crossing site, or are not tried at all.

Continued networking with the experts that participated in the panel discussion, can help NATO improve its policy, procedures, training materials, and methods for CTIP and human smuggling. Further, NATO can help civil society organisations learn to better utilise security organs in the fight against human trafficking and human smuggling. Additionally, influencing and encouraging political leaders and regional heads (using expert knowledge/evidence) to take action, as well as to help connect African civil society organisations with NATO's partners in Europe and North America, will help create more meaningful international cooperation opportunites and approaches, to combat all forms of human trafficking.

RECOMMENDATIONS

Review NATO's Policy on Combating Trafficking in Human Beings and related guidance on training. NATO's policy[14] and guidance[15] on human trafficking were written and ratified in 2004. Since that time much has been learned about combating trafficking in persons and the role that peacekeepers play in preventing TIP in all its forms. While the primary elements of the policy may still hold true, NATO should now consider developing a more comprehensive CTIP strategy, in order to guide its operational decision-making processes and activities.

Establish a formal policy on human smuggling. NATO may choose to incorporate its official policy on human smuggling into the existing TIP policy, however, given that these are separate crimes with their own unique dynamics and players, it is better to have a separate policy specific to human smuggling. NATO could also consider creating a more comprehensive strategy to reflect lessons learned from existing operations, especially Operation Sea Guardian,

[14] https://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm
[15] https://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic-app2.htm

but also from the support to EU Operation Sophia and from the Mission in the Aegean Sea where NATO is conducting reconnaissance, monitoring and surveillance of illegal crossings.

Coordinate a new curriculum with the NATO School Oberammergau (NSO). For several years, the NSO collaborated with the UNODC to conduct training on TIP. It appears that this training opportunity now no longer exists, although a 6-hour online training course entitled 'Combating Trafficking in Human Beings' is now available. The NSD-S Hub can consult with the NSO to understand to what degree it currently offers training on CTIP, human smuggling, and gender and related topics, however, NATO could also try to assess what CTIP, human smuggling and gender dynamics training is integrated into other curricula. This benchmarking activity would assist the Hub to recommend new curricula and new partners to implement training, if required.

Organize Capacity Building (technical assistance) Forums. NATO could organise workshops or seminars to build capacity for local civil society organisations, as well as for political and administrative authorities that are mandated to intervene in human trafficking and smuggling. Using expertise from the key experts, researchers and practitioners, NATO can help provide these groups with skills and tools to prevent/combat future human trafficking by:

- Educating people as a way to prevention;
- Early detection and assessing organised crime markets;
- Victim protection and psycho-social counselling, or referral where needed and community reintegration;
- Prosecution, by making proper documentation of victims and collecting evidence;
- Assessing cross border patterns/trends in human trafficking and links with smuggling;

As the humanitarian aspect of both Human Smuggling and Human Trafficking could follow under the overall umbrella of the Human Security approach, NATO should promote other stakeholders (e.g. UN) joining the forums. Additionally, the eventuality to use the "Human Security approach" as a theme to be included in the Partnership cooperation plans with NATO partner in the South, should be also considered.