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Migrant Smuggling & Human Trafficking in Africa

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The African Experience

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Outline of this presentation

- Definitions
- Trafficking vs Smuggling
- Trafficking in Persons
- Migrant Smuggling
- Recommendations



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Trafficking in Persons Definition

From the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children:

- a) “Trafficking in persons” shall mean **the recruitment, transportation, transfer, harbouring or receipt of persons,**
- b) by MEANS of the **threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person** having control over another person,
- c) for the PURPOSE of **exploitation**. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;



Trafficking in Persons Definition

continued...

- The **consent** of a victim of trafficking in persons to the intended **exploitation** set forth in subparagraph (c) of this article shall be irrelevant where any of the **means** set forth in subparagraph (b) have been used;
- The recruitment, transportation, harbouring or receipt of a **child** for the purposes of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- “Child” shall mean any persons under 18 years of age



Root causes of TiP include: **Poverty**, lack of employment opportunity and access to education, social and political conflict, social and cultural practices, gender discrimination and lack of information



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Smuggling Definition

The accepted international definition is found in the **Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime.**

a) “Smuggling of migrants” shall mean 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 a permanent resident;



b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;



Smuggling versus Trafficking

TRAFFICKING

Legal, illegal or no border crossing

Legal or illegal documents

Documents often taken

Coercion

Repeated exploitation, restricted movement

Commodity: an Individual

Crime against Individual

SMUGGLING

Illegal border crossing

Illegal (forged or stolen) documents

Migrants consent and often initiate

Exploitation may occur during journey

Commodity: a service, border crossing & movement

Crime against State

**Profitable
Business
Involving
Human
Beings &
Criminal
Networks**

Human Trafficking in Africa

Human Trafficking occurs all over Africa

Internal: Internal trafficking is wide spread in Africa and believed to exist in one form or another in all countries

Regional: Trafficking takes place between neighbouring countries all over Africa (e.g. from all East African countries into Kenya)

International: IOM assists again and again victims who have been trafficked from Africa to Europe, the Gulf States, the Middle East or Northern America and from Asia and Europe to South Africa

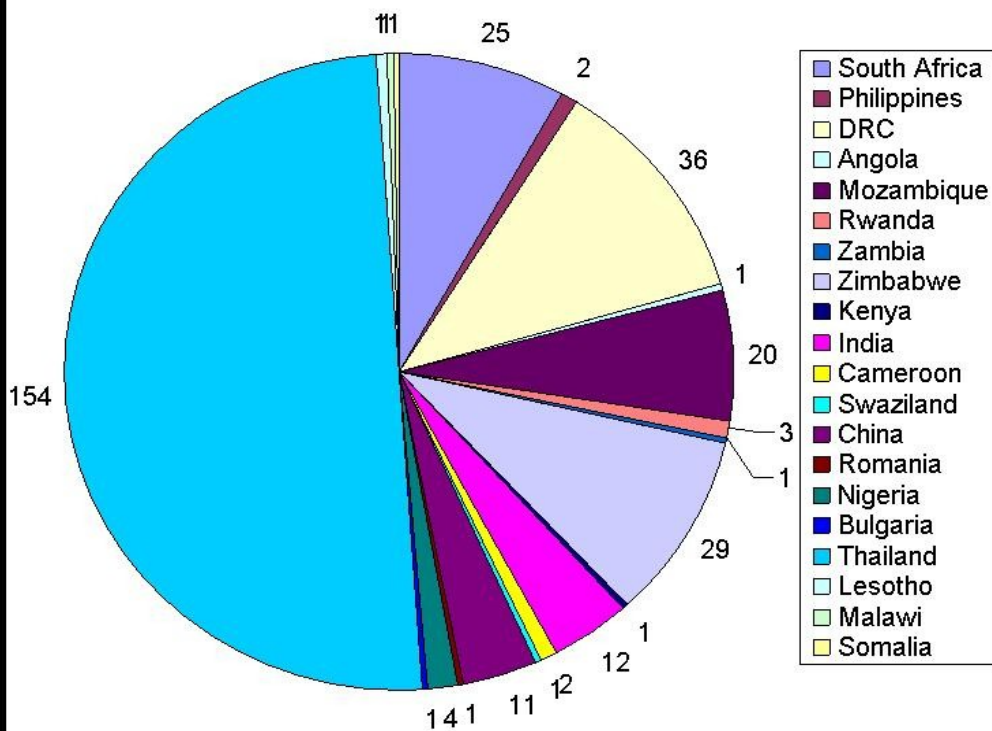
Most countries in Africa are **source, transit and destination** for TiP



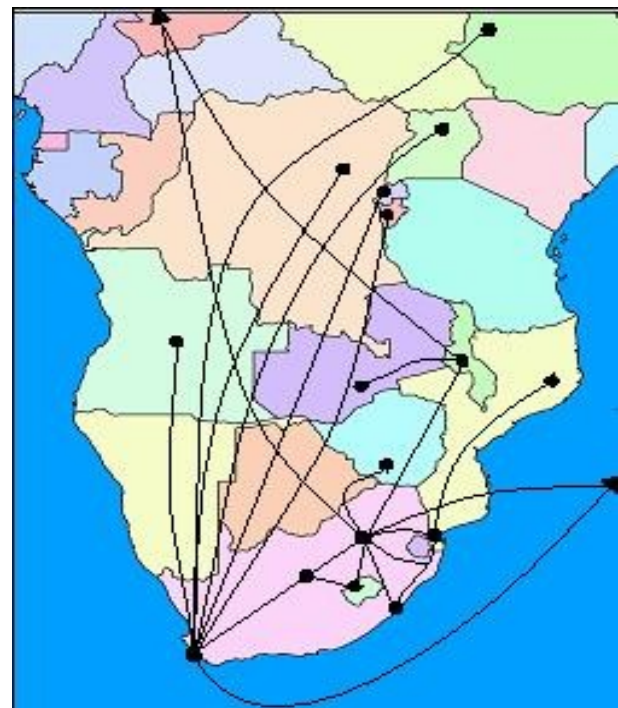
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Example of South Africa

307 Victims assisted Jan 2004 - Jan 2010



South Africans are being trafficked to other countries, traffickers use the country as a transit and destination and there are victims recruited from other regions of Africa and the world such as eastern Europe and Asia, primarily Thailand, and brought into South Africa.



Victims of internal trafficking are recruited from informal settlements and rural areas. Victims often end up in the country's major cities such as Cape Town, Johannesburg, Durban, Pretoria, Bloemfontein, Port Elizabeth, and mining regions like Rustenburg.

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Exploitation

- **Domestic servitude** (highly common all over Africa and towards destinations outside the continent; may be internal, regional or international trafficking)
 - **Sexual exploitation** (streets, bars, brothels, massage parlors)
 - **Forced labor** (agriculture, fishery, construction, mines, bars, hotel)
 - **Street begging or peddling** (often controlled by local gangs)
 - **Forced and under aged marriage**
 - **Forced military service** (including child soldiers)
 - **Organ removal** (for organ transplant or witchcraft)
- Victims have to endure **physical, emotional and mental abuse** and repeated **violations of human rights**, they receive little or no pay, no freedom of movement and no medical care
- **Consequences** for the individual can include depression, trauma, serious illness, stigmatization and discrimination after release, and death



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Victims of Trafficking

- Victims are predominantly women and children: Orphans, girls and boys, unemployed, uneducated and educated
- IOM also collected information and assisted some men usually trafficked for forced labour
- Many victims come from rural areas
- Transportation is by land, sea, air or by foot
- Borders crossed legally or through irregular means and mostly lead to illegal status in the country of destination
- Usage of safe houses/transit houses close to the border (particularly in RSA)
- Hazardous journey, sexual exploitation en route, risk of death or serious diseases, physical and emotional abuse
- Victims kept in brothels, private houses, mining compounds, farms and bars
- In some cases drugs play an important role in keeping victims under control
- Victims threatened with witchcraft (WA), death or being reported to the police
- Victims are often treated as criminals by authorities
- Difficult reintegration and ongoing stigmatization upon return



Examples from the regions

- In **East Africa**, there is a high prevalence of (internal and cross-border) human trafficking for domestic work. Women and girls are being trafficked from all East African countries to Europe, the Middle East, Gulf States and North America for this purpose.
- UNICEF estimates that 100,000 children in **Senegal**, most of whom are talibes – students attending Koranic schools – are forced to beg, and that in Dakar alone there are 8,000 of these children begging in the streets (G/TiP report 2010). 200 -300,000 children yearly in West Africa fall victim to sexual or economic exploitation and 41% of children work (according to ILO).
- A typical profile of an international VoT in **South Africa** is a female person between the age of 16 – 31 from Thailand or China, who was promised work in a beauty salon and ends up to be forced into prostitution.
- Wealthy men from the Gulf reportedly travel to **Egypt** to purchase ‘temporary’ or ‘summer marriages’ with Egyptian females, including girls who are under the age of 18; these arrangements are often facilitated by the females’ parents and marriage brokers and are a form of commercial sexual exploitation of children. (G/TiP report 2010)
- The most important destination for **Nigerian** trafficking victims is Italy, where there may be as many as 10,000 Nigerian prostitutes. The trafficking network is controlled by women ‘madams’ that might have been themselves victims of trafficking from Nigeria in the past.



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Traffickers

- Traffickers transport their victims for the sole purpose of **personal gain**, often either to make large amounts of money from their exploitation or to obtain free services or labor
- Human Trafficking is one of the most **lucrative** crimes (such as drugs or weapon trafficking)
- It is often low cost and involves **few risks** for traffickers (lack of legislation, corruption, lack of law enforcement)
- **Victims can be repeatedly exploited or sold**



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Trafficker Profiles per Region

South Africa: Organized crime is present in the region, stretching from the Russian mafia, Chinese triads, West African criminal networks, and middle-level Thai syndicates, amongst others. However, relatives, clan members, and friends are as frequently noted to take part in the trafficking as organised crime. Traffickers are often also involved in other criminal activities (smuggling drugs, etc). However, smaller criminal structures are very common.

East Africa: Most trafficking is facilitated by family members and friends, bogus recruitment agencies (particularly for trafficking to the Gulf and middle east) business men, women (madams), retired prostitutes, peers and religious acquaintances. Long distance truck drivers often facilitate the trafficking. While the groups can often be defined as 'organized crime groups', they are not very big..

Western Africa: Family members, marabouts (teachers in Koranic schools) through system of 'confiage' (giving parental responsibility to third person), 'madams' in the case of Nigerian trafficked prostitutes in Europe

North Africa: Traffickers are mostly marriage brokers, relatives, friends, match makers, parents, 'begging master', pimps, international prostitution networks and recruitment agencies



Law & Prosecution

- **Palermo protocol**: 43 countries in Africa have signed/ratified/acceded/accepted.
- **Ouagadougou Action Plan** to Combat Trafficking in Human Beings, Especially Women and Child was endorsed by the AU Council in January 2007 in Addis Ababa
 - IOM in collaboration with AU Commission, ECOWAS and UNODC jointly organized a continental workshop on the operationalization of the Action Plan in March 2010 in Nigeria
- Counter Trafficking **legislation** exists in (not exhaustive):
 - Zambia, Mozambique, Swaziland, Tanzania and Mauritius
 - Kenya, Tanzania, Uganda, Djibouti
 - All ECOWAS countries
 - Egypt, Morocco, Mauretania

However the challenge in the implementation.
- **Prosecution** in most countries is still extremely weak and not many cases have been prosecuted so far:
 - Positive example: In 2009, **the Government of Nigeria convicted 25 trafficking offenders and provided care for 1109 victims.**



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IOM's Counter Trafficking work

Prevention, Protection, Prosecution and Partnerships

IOM implements national and regional counter trafficking projects in all regions of Africa, including activities such as:

- Research
- Legislation (review and drafting)
- Policy (National Plan of Action)
- Capacity Building (police, service providers, media etc.)
- Awareness Raising and Public Information
- Direct Assistance to Victims
- Cooperation and Coordination on national and regional levels
- Creation of alternatives → link to livelihood activities

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**BEWARE OF
SLAVERY AND EXPLOITATION**

Education? Marriage?
Employment? Better Life?

Don't Become a Victim
Children and adults may be offered opportunities for education or other promises (work, marriage, etc.) by friends and relatives but end up exploited; working long hours with little or no pay or sexually and physically abused. This is human trafficking.

Already a Victim or know a Victim?
Contact a police station near you.
If the victim is a child call 116 or contact a Children's Office or member of the Area Advisory Council. You can also contact NCHADS on 020 2133630 or 0738 016591.

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Migrant Smuggling

- Smuggling via land, sea or air is a very lucrative business in Africa.
- The journey is mostly initiated by the migrant who pays the smuggler upfront for the journey, but normally continues paying bribes and 'fees' throughout the journey to border officials or additional smuggling middle men.
- The journey can be very dangerous with high level of exploitation and abuse en route, deaths at sea or on land.
- Root causes for smuggling are poverty, lack of employment opportunities, political and social conflict, family expectations as well as lack of alternative legal ways of migration (similar to trafficking).
- In many cases of smuggling to Europe, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labour. Employers of irregular migrants sometimes withhold payment or travel documents.
- It is extremely costly for states to return irregular migrants (in some cases leading to lengthy detention, e.g. case of Ethiopians in Tanzania)
- **Stronger criminalization of the illegal migrant than of the smugglers**



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Mixed Migration through the Gulf of Aden

- Ethiopians and Somali irregular migrants and refugees travel through Puntland, Djibouti across the Gulf of Aden to Yemen
- In 2010, 32,364 migrants are known to have arrived in Yemen from the Horn of Africa aboard 677 smuggling boats fleeing situations of conflict, instability, drought and poverty.
- There are hundreds known incidences of deaths and even more unknown ones.
- Smugglers are organised in loose smuggling networks of Somali nationals
- Migrants travel on to Saudi Arabia, Oman, Yemen, Syria, Jordan and Turkey and sometimes from there onwards to Europe

UNHCR
The UN Refugee Agency

Horn of Africa: Smuggling Routes to Yemen

March 2008

UNHCR Somalia

www.unhcr.org
Email: unhcr@unhcr.org





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East Africa to South Africa Route



- Ethiopians and Somali travel via the refugee camps and Nairobi in Kenya through Tanzania, Malawi or Mozambique into South Africa.
- Routes can change on very short notice, since smugglers constantly assess the situation (weather, road checks, officials on duty) and have the flexibility to adapt to new circumstances.
- Main part of the journey is done over land with typical crossing into Tanzania by boat. Some few migrants can afford forged documents and fly to South Africa.
- Nairobi is a hub for irregular migration (also for transit from Afghanistan or Pakistan to Europe) and offers opportunities to easily access forged documents



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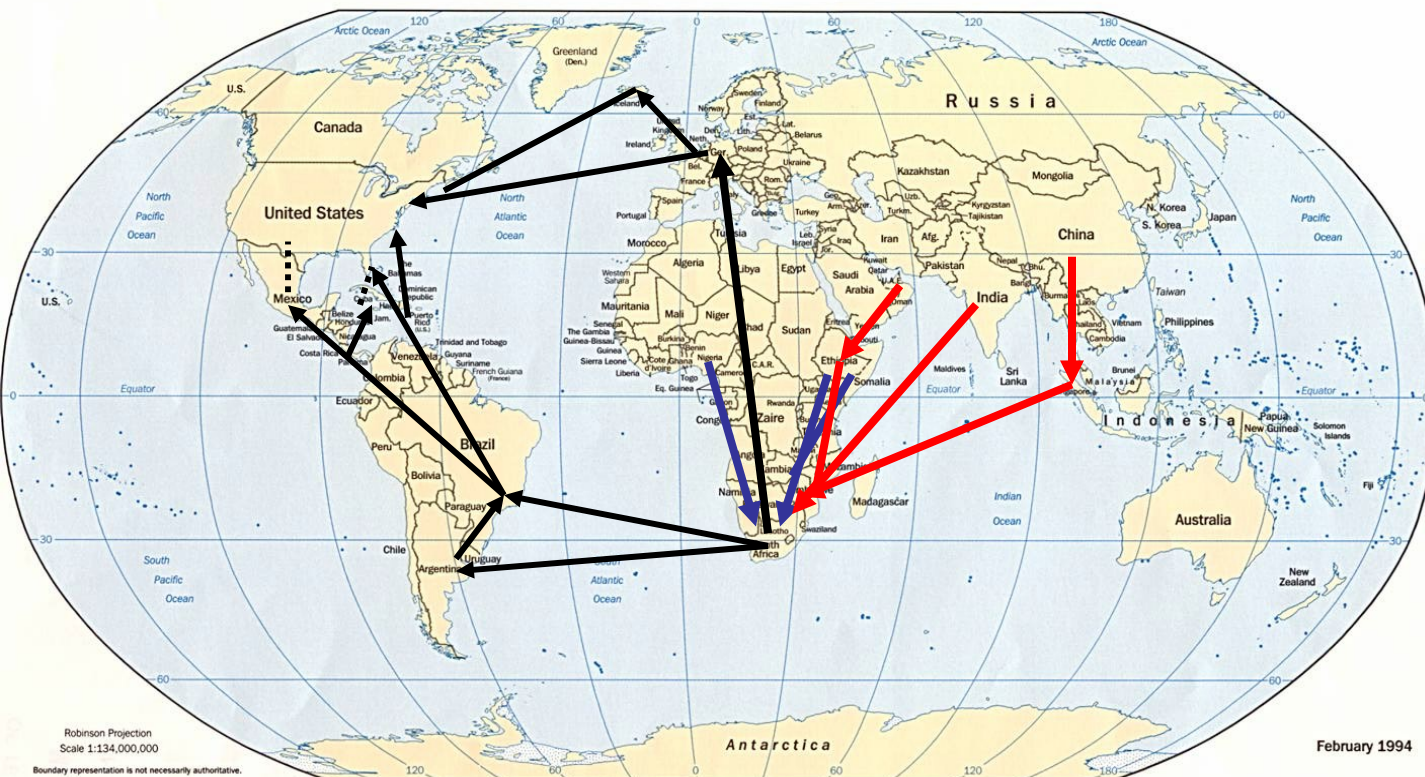
East Africa to South Africa

- Research showed that the vast majority of irregular migrants and asylum seekers taking this route to South Africa are male in the age between 16-40.
- Estimates are that 17,000 to 20,000 Somalis and Ethiopians arrive illegally to South Africa every year (asylum seekers and economic migrants)
- Many move on to Europe, North America and Australia. Some return to Kenya after a few years
- Smuggling is conducted by organised criminal groups in a flexible chain structure with smuggling 'managers' at different nodes of the journey
- Smugglers are predominately male, aged 18-40 and often work hand in hand with robbers and thieves, operating merely with a mobile phone and a list of contacts.
- The senior smugglers are usually of the same nationality as the migrants, i.e. Somali or Ethiopians
- Basic fees charged to migrants are an average of 1,700-2000 USD at departure
- Significant sub-economy within smuggling: Another level of payment and outgoings in the form of repeated robberies, bribes at borders and to prison authorities etc.



South Africa

- South Africa is a stepping stone for America, Europe and Australia
- Refugee and asylum policies allow regularization of status once in the country
- Document forgery is very sophisticated in South Africa and smugglers can meet irregular migrants in the transit area at the airport
- South Africa offers great infrastructure (banking, internet etc.) to conduct criminal business



- It is estimated that the smuggling business to Europe and North America via South Africa generates 40 mil USD annually



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West Africa Routes



Three Primary Land Routes:

1. Through Niger towards Libya and Algeria.
2. From Niger and Mali toward Algeria and Mauritania.
3. From Senegal and Mauritania via land crossings through Sahara Desert into Morocco.

Three Primary Sea Routes:

1. Nouadhibou (international seaport) in Mauritania transit hub for sub-Saharan migrants to the Canaries
2. Senegal (Dakar, Saint Louis, and emerging new route: Mbour in Senegal) to Mauritania (Nouadhibou) for sea crossings towards Canaries
3. Cape Verde – to Canaries

→ **THEN** To Italy, Spain and Spanish Islands in the Pacific by boat or air

Source of Map: http://www.rfi.fr/actufr/pages/001/page_146.asp



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Transiting the Sahel to the Maghreb and to Europe

- Sub-Saharan Africans (mainly from West and the Horn of Africa) are the largest category of irregular boat migrants.
- However, more sub-Saharan Africans live in North Africa than in Europe
- Migration from several countries (to Europe) largely follows language affiliations. For instance, two-thirds to three-quarters of migrants from Benin, Chad, Gabon, and Mali live in France. Ghana and Senegal are exceptions to this general rule.
- Libya is an important destination country (estimated 2 million irregular migrants live in Libya)
- Since the start of joint Libyan-Italian sea patrols and successful interception of smuggling boats, smuggling on the Libya-Italy route has reduced by 90%
- Increasing border controls have rather led to the swift diversion of migration routes and an increase in the risks, costs, and suffering of the migrants involved
- The vast majority of migrants move on their own initiative. Smugglers tend to be former nomads, fishermen, and immigrants who operate relatively small and loose networks. These smugglers often cooperate with local police, border officials, and intermediaries.



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IOM's Response to Migrant Smuggling

- Research and data collection
- Capacity Building of Governments on Migration Management, Migrants' Rights and Protection
- Awareness Campaigns on Risks of Irregular Migration and Legal Migration Opportunities
- Assisted Voluntary Return and Reintegration of Stranded and Irregular Migrants
- Support to Regional Consultative Processes and development of harmonized policies and practices
- Assistance to source communities in form of livelihood activities in order to create local alternatives to irregular migration



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Recommendation and Gaps

- Need for more research and sustainable data collection systems
- Support to governments in data collection and data analysis
- Capacity Building of governments in migration management, counter human trafficking and migrants' rights (incl. the decriminalization of irregular migrants)
- Support to national legislative processes as well as the enforcement
- Support to cross regional cooperation and harmonization processes
- Continue assisting migrants' voluntary return and Protection to trafficking victims
- Create long term alternatives to irregular migration – livelihoods, poverty eradication strategies..



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Thank You!

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