Draft Report

of

The Evaluation of the Implementation Status of The African Union's

Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children (2006) in Africa.

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Key Abbreviations and Acronyms

ACMPD	African Common Position on Migration and Development
AMU	Arab Maghreb Union
AU	African Union
AU.COMMIT	AU Commission Initiative against Trafficking Campaign"
AUC	African Union Commission
AUC-DSA	AU Commission, Department of Social Affairs
AU-HOAI	AU-Horn of Africa initiative
CEDAW	UN Convention on the Elimination of all forms of Discrimination against Women
COMESA	Common Market for Eastern and Southern Africa
CRC	UN Convention on the Rights of the Child
CSO	Civil Society Organizations
DRC	Democratic Republic of the Congo
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EUTF	EU Emergency Trust Fund
GAMM	Global Approach to Migration and Mobility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
GLO.ACT	Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants
HDI	Human Development Index
HRC	Human Rights Council
IDP	Internally Displaced Persons
IGAD	Inter-governmental Authority on Development
IOM	International Organization for Migration
ISLA	Institute for Strategic Litigation in Africa
MDAs	Ministries Departments and Agencies
MDGs	Millennium Development Goals
MME	Migration, Mobility and Employment
MONTRASEC	Monitoring Trafficking in human beings and Sexual Exploitation of Children
MPFA	Migration Policy Framework for Africa
NAP	National Action Plan
NSCOs	Networks of Civil Society Organizations
NTF	National Task Force
OAP	Ouagadougou Action Plan
OAU	Organization of African Union

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Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons; especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
RECs	Regional Economic Communities
SADC	South African Development Community
SDGs	Sustainable Development Goals
TVPA	Trafficking Victims Protection Act
UAE	United Arab Emirates
UNCTOC	United Nations Convention on Transnational and Organized Crime
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNODC	United National Office of Drugs and Crime
US-TIP Report	the US Department of State Trafficking in Persons Annual Report
WOTCLEF	Women Trafficking and Child Labor Eradication Foundation
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Executive Summary

The Ouagadougou Plan of Action to Combat Trafficking in Human Beings, especially Women and Children (2006) (the Ouagadougou Plan of Action) was adopted in Tripoli in November 2006 by the AU-EU Ministerial Conference on Migration and Development, the Action Plan is part of four major migration policies.[1] In 2009, the AU Launched the AU Commission Initiative against Trafficking (AU COMMIT) Campaign[2] under the department of social affairs to build on and accelerate implementation of the Action Plan.

The Action Plan takes a holistic human rights approach, recognizes the interplay of broader socio-economic and cultural phenomena in human trafficking and requires action by AU and EU member states in 4 key areas: protection, prevention, prosecution and partnership. Implementation would require strengthening cooperation, scaling up best practices and development of special mechanisms and systems to address the scope of the phenomenon, whilst ensuring the special recognition of the rights of women and children, whilst ensuring victim protection.

In Africa, historical migratory routes are becoming more dangerous for potential migrants with the rise in political, environmental and economic pressures pushing more vulnerable groups outwards. Emerging trends in trafficking in human beings across Africa, for example the Libya migrant situation, brought the overlap between trafficking in persons and migrant smuggling into sharper relief. The situation climaxed with the exposure by the UN in 2010 of African migrants being kidnapped for ransom by their smugglers, bought and sold as slaves or having their organs removed. By 2016, with collapse of state institutions in parts of North Africa and the Middle East, for example Libya, incidents of irregular migration and increasingly horrific abuses faced by vulnerable migrants began to take centre-stage in international news.[3] At the same time, long recognized forms of trafficking such as child trafficking, trafficking for domestic servitude, forced labour and sexual exploitation continued to proliferate within and beyond the continent.

12 years after its adoption, it is not clear to what extent the Ouagadougou Plan of Action has contributed to efforts to address human trafficking within the region. Meanwhile, the last 5 years saw a rise in the movement of refugees and migrants globally; and within these movements are children, women and men who are easily vulnerable to trafficking and smuggling. These developments evoked the need to assess responses to trafficking in persons in Africa against the backdrop of the Ouagadougou Action Plan, which exists as the region-wide framework to combat trafficking.

The aim was to assess the effectiveness of the Ouagadougou Plan of Action in assisting Member States to combat trafficking in human beings and to identify areas requiring further intervention of the African Union. Particularly, the evaluation sought to establish the progress, challenges, gaps in implementing the Ouagadougou Plan of Action and opportunities for improvement. The evaluation components had addressed this by

1 Migration Policy Framework for Africa; African Common Position on Migration and Development; Joint AU-EU Declaration on Migration and Development; and the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children
2 See: https://www.unodc.org/unodc/en/frontpage/2009/June/au-starts-campaign-against-human-trafficking.html
3 See: https://www.aljazeera.com/indepth/features/2017/04/happening-libya-today-170418083223563.html

capturing results in the areas of protection, prevention, prosecution and partnerships as it related to anti-trafficking efforts in the continent.

The evaluation was conducted in the months of September to December 2018 amongst selected member states of the African Union (AU) and RECs by the African Union Commission supported by a team of consultants. It involved a series of activities consistent with its pre-designed work-stream that involved an inception meeting and development of an inception report, desk review of literature, fact finding field visits in nine African countries (purposively selected to reflect the diversity of trafficking trends in the sub-regions in Africa), a writers' workshop/debriefing meeting, complemented by a questionnaire administered via an online tool on Member States and RECs.

The following were key findings of the evaluation exercise:

i. Trafficking in person (TIP) in the continent is a key migration challenge and is a main cross border crime concerning many AU Member States in the continent just like it is at the global level.

ii. There are glaring gaps in the implementation of the 2006 Ouagadougou Plan of Action in the continent that among others include the following:

- ✓ While the Plan of Action provides clear recommendations for actions to be undertaken by Member States and RECs, it falls short of articulating measurable results, with indicators and timelines for their achievement within a broader timeframe.
- ✓ That the Plan of Action Ouagadougou Plan of Action has no regional level framework or structure for its oversight or implementation.
- ✓ That the awareness of the Ouagadougou Plan of Action is low amongst Member States and RECs across the continent.
- ✓ Direct implementation of the Ouagadougou Plan of Action amongst Member States was not evident, rather related national action plans were utilized against the backdrop of the UNCTOC and the Palermo Protocol and other regional and international frameworks

iii. That since the Ouagadougou Plan of Action was adopted 12 years ago, human trafficking has evolved, with increasing social, economic, environmental and political pressures on the continent juxtaposed with increasingly restrictive migration regimes abroad pushing vulnerable migrants into the arms of international criminal networks who facilitate human trafficking and smuggling.

iv. That responses to the phenomenon fail to effectively integrate human trafficking within the migration-development discourse and often adopt a

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stronger criminal justice and security approach; hence ignoring human rights concerns. Despite the high incidents being recorded, limited data and research on emerging trends and dynamics of the phenomenon creates challenges with adequately addressing the magnitude of the problem.

The report makes the following policy prescriptions and conclusions:

i. There is need to revise and strengthen the 2006 Ouagadougou Plan of Action address the above gaps so that we have a new policy document that reflects the emerging trends and address missed opportunities in the original plan. The revised document should further ensure that there are actionable commitments by Member States based on the 4Ps to enable Member States effectively address the crime.

ii. There is need to urgently address the issue of smuggling of persons and Modern day slavery in the continent by providing relevant continental policy and or legal framework to complement the existing policy document on Trafficking in Persons.

iii. There is urgent need to streamline various trafficking of persons dialogue frameworks within the continent that include African Union Horn of Africa Initiatives (AUHOAI), Khartoum Process and Rabat Process to ensure effective coordination of this issue in the continent and minimise duplication of activities and roles.

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Chapter 1: Introduction and Background to the Study

1.1 Introduction

While migration within and beyond the continent has remained a reality through history, it has also increased in prominence in international economic management and trade relations in the present century (Adepoju, 2008). Following a number of policy statements and agreements on the issues, such as the Abuja Treaty on the Free Movement of Persons (1991)[4] by 2001, the AU (called the Organization of African Unity at the time) in recognizing the challenges of irregular migration, trafficking, brain drain and migrant rights as well as HIV/AIDS and related issues facing Africa, decided[5] to amongst other things, develop a strategic framework for migration policy in Africa. The policy was envisioned to contribute to addressing the challenges posed by migration and to ensure the integration of migration and related issues into the national and regional agenda for security, stability, development and co-operation.

Through subsequent events[6], African Countries continued to affirm their commitment to address border problems that threaten peace and security, to strengthen mechanisms for the protection of refugees and to combat trafficking (AUC, 2017).Prior to the AU decision of 2001, in November 2000, the UN General Assembly had adopted the UN Convention against Transnational and Organized Crime with two complimenting Protocols; on migrant smuggling and on trafficking in persons (the Palermo Protocol). The Palermo Protocol provided the first internationally agreed definition of trafficking in persons as "*the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs*" (Article 3).

The Protocol gained global acceptance with 81 signatures within its first year (Hyland, 2001) and gave the impetus for governments around the world to identify and differentiate trafficking in persons from other phenomena and develop responses to it. As the issue of trafficking in persons gained more prominence in the late 1990s and early 2000s in Africa, Regional Economic Communities (RECs) within the AU developed initiatives to fight trafficking. These include the Libreville Common Platform of Action of the Sub-regional Consultation of the Development of Strategies to Fight Child Trafficking for Exploitative Labor Purposes in West and Central Africa (2000)[7], the Declaration of Action against Trafficking of the Economic Community of West African States (ECOWAS) (2001)[8] which

4 It encourages OAU Member States to adopt employment policies that allow the free movement of persons within the African Economic Community through the establishment and strengthening of labour exchanges that ensure optimal redistribution of skilled manpower.
5 Decision CM/Dec 614 (LXXIV), made during its Council of Ministers' 74th Ordinary Session (Lusaka, Zambia, July 2001)
6 Technical workshop on the conference on security, stability, development and co-operation (CSSDCA) – monitoring and evaluation process, Abuja, Nigeria, June 2003
7 https://www.unicef.org/media/newsnotes/platform.pdf
8 https://www.unodc.org/pdf/crime/trafficking/Declarationr_CEDEAO.pdf

led to the ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)[9], outlining the most urgent actions against trafficking in persons to be taken by ECOWAS member States, with a focus on criminal justice responses.

In 2006, ECOWAS and the Economic Community of Central African States (ECCAS) agreed to a bi-regional Plan of Action to Combat Trafficking in Persons, especially Women and Children, 2006-2008 (2006)[10] adopted together with a declaration and a multilateral cooperation agreement in response to the trafficking flows between the two sub regions and is aimed at the establishment of joint objectives for the protection of women and children against trafficking in West and Central Africa, focusing on the legal framework and on policy development. (UNODC 2009). The SADC 10 Year Strategic Plan of Action to Combat Trafficking in Persons, especially Women and Children (2009)[11].

The Ouagadougou Action Plan[12] was adopted by AU Ministers of Foreign Affairs, Ministers Responsible for Migration, and Ministers Responsible for Development from Africa in Tripoli, Libya from 22-23 November 2006 (AU-COMMIT, 2010). In January 2007, the AU via an Executive Council Decision, endorsed the Action Plan. The Ouagadougou Plan of Action is described as a ***declaration of the will and joint intent of the African Union and the European Union and their Member States to enhance their efforts to fight trafficking*** (AU-COMMIT, 2010). The Ouagadougou Plan of Action bolsters implementation of the Palermo Protocol[13] (requiring in its core principles, which special attention be given to it in implementation) amongst other regional and international human rights commitments to prevent and combat trafficking in human beings in Africa.

The Action Plan is further founded on principles such as respect for human rights and centrality of victim protection in all interventions, the empowerment of women and girls and gender mainstreaming in all anti-trafficking measures, the best interests of the child as recognised in existing international conventions, and the need to address social, economic, governance and conflict-related factors[14] which drive demand for trafficking.

It forms part of four major migration policies, which were all adopted within the same year by the AU. The other policies are the Migration Policy Framework for Africa (MPFA), June 2006, the African Common Position on Migration and Development (ACMPD), June 2006 and the Joint AU-EU Declaration on Migration and Development, November 2006. Whilst these policies created opportunities to address the phenomenon of trafficking in persons within broader contextual frameworks,[15] and therefore, complement each other in their

9 https://www.unodc.org/pdf/crime/trafficking/Minimum_Plano_CEDEAO.pdf
10 http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc
11 https://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf

13 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; supplementing the UN Convention on Transnational and Organized Crime (2000)
14 Such as: Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies under stress as well as non-inclusive societies, corruption, lack of education and human rights violations including discrimination, increased demand for sex trade and sex tourism.
15 For example, the ACMPD required actions at national, continental and international levels to legislate against trafficking in persons, punish offenders and reduce the risks in irregular migration through more flexible visa procedures which would serve to ease the movement of persons.

spirit and intent, they do not however, reference the Ouagadougou Plan of Action as it was the latest in time to be adopted.

1.2 Background to the Evaluation of the Plan of Action

Occurring within and beyond national borders, trafficking in persons is a crime against humanity and remains a global concern. Across continents around the world, citizens from various countries are forced against their will into slavery or slavery-like practices, sexual exploitation and abuse, forced labour, domestic servitude and the removal of organs; all to the profit of their traffickers. Africa bears a huge share of the burden of trafficking in human beings. Daily, women, men, boys and girls across Africa are being robbed of their dignity, exploited and sometimes killed for the benefit of others.

State governments bear the primary responsibility of confronting the scourge of trafficking in persons, either by preventing its occurrence or ensuring adequate responses punish offenders and provide protection and redress for victims if it occurs. In response to the global threat of trafficking in human beings, the African Union (AU), in playing its coordination role of addressing multifaceted social, economic and political problems in Africa developed a plan of action to combat trafficking in human beings. The Ouagadougou Plan of Action to Combat Trafficking in Human Beings, especially Women and Children was adopted by the Ministerial Conference on Migration and Development in Tripoli, November 2006.

The Ouagadougou Plan of Action to Combat Trafficking in Human Beings, especially Women and Children (2006) (the Ouagadougou Action Plan) bolsters implementation of the Palermo Protocol[16] amongst other regional and international human rights commitments to prevent and combat trafficking in human beings in Africa. Adopted in Tripoli in November 2006 by the AU-EU Ministerial Conference on Migration and Development, the Action Plan is part of four major migration policies in Africa.[17] In 2009, the AU Launched the AU Commission Initiative against Trafficking (AU COMMIT) Campaign[18] under the Department of Social Affairs to build on and accelerate implementation of the Action Plan.

The Action Plan takes a holistic human rights approach, recognizes the interplay of broader socio-economic and cultural phenomena in trafficking in human beings and requires action by AU and EU member states in 4 key areas: protection, prevention, prosecution and partnership. Implementation would require strengthening cooperation, scaling up best practices and development of special mechanisms and systems to

Following on the AU example, the ECOWAS Common Approach on Migration (2008) states under its principle 3 that "Combating trafficking in human beings is a moral and humanitarian imperative" and requires actions like dialogues between ECOWAS, host and transit countries as well as stronger migration management to address the issue.

16 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; supplementing the UN Convention on Transnational and Organized Crime (2000)

17 Migration Policy Framework for Africa; African Common Position on Migration and Development; Joint AU-EU Declaration on Migration and Development; and the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children

18 See: https://www.unodc.org/unodc/en/frontpage/2009/June/au-starts-campaign-against-human-trafficking.html

address the scope of the phenomenon, whilst ensuring the special recognition of the rights of women and children and ensuring victim protection. It became the expectations of the Union that all member states of the African Union will implement the Plan of Action by adopting its provisions in their anti-trafficking interventions at regional and national level. The Ouagadougou Plan of Action to Combat Trafficking in Human Beings, especially Women and Children therefore could only remain relevant where the member states of the Organization of African Union are implementing it.

Over a decade after its adoption, there has never been any efforts to assess its effectiveness and implementation status with the AU Member States or RECs. It is this gap that has necessitated the need to undertake the evaluation exercise of this Plan of Action to assess its effectiveness in addressing the crime in the continent based on the four thematic areas as agreed by Member States in Ouagadougou in 2006. The aim is to further to determine its value and relevance in the continued fight against trafficking in human beings within African based on the current existing dynamics and trends.

1.3 Problem Statement

The Ouagadougou Plan of Action was designed to develop best practices and mechanisms to prevent trafficking in human beings in the continent. Adopting a human rights-based approach, the Action Plan incorporates protection and prosecution measures to ensure that victims of trafficking in human beings are protected and that their traffickers are prosecuted. The plan also calls for stronger partnerships and coordination within the continent and with the EU in developing effective responses to the phenomenon.

Under 12 years after its adoption, it is not clear to what extent the 2006 Ouagadougou Plan of Action has contributed to efforts to address trafficking of persons in the continent and beyond the region. In the intervening years since adoption of the Ouagadougou Action Plan, the African Union (AU) “has paid special attention to migration from different perspectives, putting the topic at the centre stage of regional as well as sub-regional development” (AUC 2017), the same cannot be said for trafficking in human beings specifically.

There are various political dialogue in the continent to address trafficking in persons including the AUHOAI, Khartoum process and Rabat process that all seek to address trafficking in person in the continent. It is worth noting that none of these dialogue framework involving some AU Member States makes reference and or has utilised the 2006 Ouagadougou Plan of Action as their guide policy document. There are incidents where duplicity of activities among the above frameworks hence leading to uncoordinated efforts in addressing the issues in the continent. Additionally, not all AU member States are involved in the above initiatives and dialogue frameworks leading to lack of sustainability and political interest of all Member States in the commitment. There is need therefore for a strong continental policy framework on TIP with clear actionable commitments based on the principles of 4Ps to support Member States in addressing this problem in the continent.

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Further, with the existence of a comprehensive framework for combating trafficking in the continent, such as the Ouagadougou Plan of Action, reports of trafficking in persons continue to emerge with new trends fuelled by changing socio political dynamic; indicating an evolution in patterns and modalities of traffickers. Over the past few years, conflicts in the region, economic and environmental pressures intensified, pushing vulnerable migrants into increasingly exploitative and abusive conditions along the East and North African migratory routes.

It is against this backdrop that the African Union Commission undertook this evaluation to find out the extent to which Member States and RECs have applied the Plan of Action to address trafficking in persons within their national and regional borders. The evaluation aspires to identify existing gaps and further determine the opportunities to strengthen robust continental policy document that can be used by Member States and RECs to address this international crime.

1.4 Purpose of Evaluation of the Plan Action

It is evident that despite the numerous initiatives and political dialogue frameworks including the AUHOAI, the Khartoum Process and Rabat Process, there is still evidence of increased incidence of trafficking in person in most parts of the continent particularly in the Horn of Africa, Southern and Western Africa. The recent media reports of trafficking in person in Libya and the irregular movements of migrants towards the Mediterranean Sea to Europe in particular; and other parts of the world is clear indication of the magnitude of this issue in the continent.

It is against this backdrop that the African Union Commission embarked on the evaluation of the Ouagadougou Plan of Action to Combat Trafficking in Human Beings, especially Women and Children (2006) to assess its implementation status in order to determine its effectiveness in assisting Member States to combat trafficking in human beings.

1.5 Objectives of the Evaluation of the Plan of Action

Consistent with the above purpose, the evaluation exercise was designed to achieve the following objectives:

i. Assess the implementation status of the Ouagadougou Plan of Action and determine its effectiveness in assisting Member States to combat human trafficking.
ii. Identify the gaps and opportunities during the implementation of the Action Plan in the African Continent;

Specifically, the evaluation is meant to achieve the following:

i. Ascertain the level of awareness of the Action Plan within AU Member States and RECs and the level of its implementation both at the national regional borders.

ii. Determine Country level achievements in prevention of trafficking and the contributions to meeting the Action Plan goals/areas of focus; identifying key challenges, gaps and opportunities.

iii. Ascertain any Good practices in anti-trafficking interventions linked to the Action Plan in both AU Member States and RECs for purposes of peer sharing.

1.6 Methodological Approach and Analysis

This evaluation adopted a retrospective evaluative approach and a "results-based management" orientation, according to the latest trends of cooperation expressed in the Paris Declaration on Aid Effectiveness to Development (2005) and it's Action Plan Accra (2008)[19], in terms of ownership, alignment, harmonization, managing for results and mutual accountability. The evaluation adopted a mix of qualitative and qualitative survey methods. In the first instance, the qualitative survey utilised content analysis of literature from web-based sources, documents and materials relating to the Ouagadougou Plan of Action development and efforts towards its operationalization as provided by the AUC and government officials in selected countries.

The evaluation also undertook a desk review by reviewing Reports from NGOs, UN organizations, published reports, news articles, and academic studies. Some of the key documents reviewed included:

i. Regional and national migration and anti-trafficking policies and legislations;
ii. Existing national and regional anti-trafficking policies and action plans;
iii. National trafficking profiles through the US Department of State TIP in Persons Annual Report;
iv. Databases on anti-trafficking legislative and other responses
v. Reports and studies on trafficking in persons in Africa, RECs and Member States;
vi. Existing evaluation and assessment reports on migration and anti-trafficking policy and practice in the RECs; and
vii. Regional and International Treaties and Protocols

Further, Key Informant Interviews (KII) were conducted during country visits with identified stakeholders and partners; starting with relevant programme staff of the AUC responsible for overseeing the operationalization of the Action Plan, AUC-GIZ project managers, other recommended AU and UN officials, representatives of selected Member States (national and local institutions as relevant), NGOs, representatives of RECs amongst others. The KIIs were executed with a pre-designed survey tool in the form of semi-structured discussion guides[20] to seek views and perspectives of survey participants on how the Ouagadougou Plan of Action has been used in the design and implementation of regional and national level initiatives to combat trafficking in persons, as well as its effectiveness as a region-wide framework for action.

The qualitative method and tools helped to facilitate a reflective process about the present realities of trafficking in human beings in Africa, the extent to which Member States and

19 http://www.oecd.org/dac/effectiveness/34428351.pdf
20 See Annex 6

RECs have applied the Ouagadougou Plan of Action in their national and regional anti-trafficking and migration plans and policies; as well as how the Action plan influences implementation of these frameworks.

Nine Member States of the AU (Cameroon, Djibouti, Ethiopia, Ghana, Kenya, Nigeria, Senegal, Uganda and Zimbabwe) [21] were visited over a ten-day period. A central justification for the selection of these nine Member States was to reflect a balance in the geographical spread of the continent, prevalence of trafficking, strategic position as source, transit or destination country and strategic migration/trafficking linkages to other countries, the prospects for good practices and the ease of visa and travel protocols for the consultants within the limited time available for executing the evaluation.

Key informants[22] interviewed during the country visits included the following:

i. Representatives from the AU Commission
ii. Government officials of 4 countries (Cameroon, Ghana, Kenya and Uganda)
iii. 1 representative of REC: IGAD in Djibouti
iv. Representatives of NGOs, INGOs, UN Agencies, Intergovernmental Organizations

An online survey was also undertaken and a number of respondents were targeted to respond to it. The Survey had two structured questionnaires focusing on assessing familiarity with the Ouagadougou Action Plan, extent of effectiveness of implementing its recommended actions, gaps and challenges and key recommendations were administered to all the AU Member States and RECs in both soft copies and hard copies. Unlike the KIIs which focused on the selected nine Member States, the questionnaires were sent to all 55 (fifty five) AU Member States and the 8 RECs.

Generally, the adopted methodology was constructive and aimed at collecting recommendations and lessons learned; participatory, appreciating diverse voices; joint, in a horizontal relationship and towards a common vision; wide, in making an extensive review of the strategic approach of the Ouagadougou Plan of Action.

The evaluation also adopted a *logical framework* as a methodological reference structure, four standard evaluative criteria (relevance, efficiency, effectiveness and sustainability). This was to help in analysing the results gathered in four main criteria:

i. Design level; relevance of the Action plan to the trafficking situation at the time of adoption. The coherence explores how it aligned with pre-existing frameworks and policies in the African continent and internationally.
ii. Process level; Efficiency for harmonization and appropriating the member state responses to trafficking in persons, to the Ouagadougou Plan of Action. Awareness of the action of the action plan, application and referencing of its standards in National level action plan is assessed.

21 Annexes 2 and 3 provide lists of key informants interviewed by country and RECs and respondents to the online questionnaire
22 See Annex 3

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iii. Results level; the effectiveness of the action plan is assessed to determine what has changed in the member states as a result of the adoption and appropriation of the Action Plan. Can any of the results from member states results of responses to trafficking be attributed to the Ouagadougou Plan of Action.

iv. Sustainability; what are the gaps and opportunities for growth identifiable from the time of adoption of the action plan to the period of this assessment. What opportunities are arising as a result of the changes in society and emerging trends on human trafficking. How does it contribute to the sustainability of the Action Plan.

1.7 Scope of Evaluation of the Plan of Action

The evaluation exercise was limited to a period between November 2006 and December 2018.The latter being the year of adoption of the Ouagadougou Plan of Action while the former being the period in which this evaluation is executed. Determining its boundaries, this exercise focused on evaluating the level of adoption and implementation of the Ouagadougou Plan of Action within national and regional migration governance structure in the African Union Member states and RECs.

The evaluation was also limited to the Trafficking of Persons as opposed to evaluating the Smuggling in Persons as well. This is because the Plan of Action is only focussing on Trafficking of persons.

1.8 Limitations of the Evaluation of the Plan of Action

There are various limitation of the evaluation exercise that included limited time to undertake the evaluation exercise across all AU Member States and RECs. This was attributed to administrative challenges in the execution of this project. The evaluation was therefore conducted under a tight schedule in order to ensure that the report can be ready and be subjected to AU validation process as per the regulations.

There were also challenges in the data collection process in the selected Member States and RECs. There were delays experienced in facilitating meetings with government officials in selected Member States and evaluation consultants. This therefore has overall impact on the validity of the data received in this exercise.

While a desk review of literature from the partners and web-based sources are utilized in generating data for the intervention profiling of all African Union member states, in line with resources available for the evaluation, fact-finding was limited to only 9 Member States of the AU namely; Cameroon, Djibouti, Ethiopia, Ghana, Kenya, Nigeria, Senegal, Uganda and Zimbabwe. In total, 52 key informants were reached through the country visits, whilst the online survey reached 7 countries and 3 RECs.

However in order to mitigate data collection challenge, , the Commission sent out hard copies of the questionnaires to all the 55 AU Member States and 8 RECs in all the languages via their local embassies in Addis to ensure all Member States participate in

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the evaluation. Again, the responses response to the questionnaires as well which made getting reliable data for use in the evaluation exercise a challenge as well.

Further, the secrecy surrounding trafficking-related offences, uncertainty in global events, and imbalance in government capacity, efforts and structures and unique geographical categorizations implies that data on the magnitude of trafficking or changes in trends are often estimates. In the light of the above, the effort to accurately determine the extent of change that has happened in terms of trafficking magnitude, either in general or because of the Action Plan remains a challenge.

Lastly, the fact that institutional knowledge within government institutions may have changed several times over the years, as a result of changes in administration since adoption of the Action Plan also implies that there may not be concrete knowledge on the origins and purpose of the Action Plan or of how its existence has impacted on anti-trafficking interventions over the past 12 years.

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Chapter 2: Situation Analysis of Trafficking In Person in Africa

2.1 Situation Analysis of Trafficking in Persons in Africa

Like so many other parts of the world today, Africa is confronted with the phenomenon of trafficking in human beings sometimes also referred as Trafficking in Persons (TIP). Trafficking in persons in Africa follows historical migration routes to and from countries within the region and beyond. In the past decade, economic challenges, increase in conflicts in the region, climate change, multiple and widening inequality and discrimination, the rise in conservatism in politics and religion, amongst other factors have led to increased emigration from the region; further impacting on the closely related risks of trafficking in human beings and smuggling.

Responses to trafficking in persons in Africa vary from regional, inter-continental and sub-regional frameworks for action to national law reforms and direct interventions in prevention, protection, prosecution and rehabilitation. Africa remains a top priority country for Europe on migration issues, and the intersection of trafficking with migration has led governments in both regions to increase commitment to joint efforts to address the phenomenon through broader preventative actions, more innovative strategies to intercept and prosecute traffickers with stronger legal protections for victims.

Current and credible data on the magnitude of trafficking in persons globally is largely lacking. What exists is often pieced together from institutional reports, the media and extrapolations of figures based on migration trends and detected trafficking cases. For example, the ILO's estimates of 24.9million victims trapped in modern slavery as of 2017, (with Africa accounting for 23% of that figure at 5.7million people)[23] and of trafficking in human beings generating $150.2billion in illegal profits as of 2014.[24] The bi-annual global reports of the UNODC[25] on trafficking in persons and the annual US TIP Reports[26] are sources that provide some glimpses into the scale of the problem of trafficking globally with some key information on Africa.

Whilst trafficking in persons is driven by varying factors, the phenomenon is often linked to the human ambition to migrate from a habitual locality in search of better socio-economic conditions elsewhere. A 2015 UNDOC report[27], presents a familiar story of two young women, who were deceived by traffickers to leave Nigeria in the hope that they would achieve better living conditions abroad. They ended up being taken to a remote village in Northern Cote D'Ivoire where they were exploited in sex work for several years,

23 Global estimates of modern slavery: Forced labor and forced marriage International Labor Office (ILO), Geneva, 2017; at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf

24 Profits and poverty: the economics of forced labor / International Labor Office. - Geneva: ILO, 2014; https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf

25 The UNODC's Global Reports on Trafficking in Persons (2012, 2014, and 2016) were mandated by the General Assembly through the 2010 United Nations Global Plan of Action to Combat Trafficking in Persons. It covers 136 countries and provides an overview of patterns and flows of trafficking in persons at global, regional and national levels, based primarily on detected trafficking cases and date the UNODC has been systematically collecting on trafficking in persons for more than a decade. Trend information is presented for a broad range of indicators. See: http://www.unodc.org/unodc/en/data-and-analysis/glotip.html; accessed on 14.09.2018

26 The United States Department of State Office to Monitor and Combat Trafficking in Persons "Trafficking in Persons Report,"

27 http://www.unodc.org/unodc/en/frontpage/2015/January/tackling-human-trafficking-in-west-africa_-unodc-and-the-story-of-anna-and-precious.html; accessed on 14.09.2018

until they were rescued by the UNODC. This story could be typical of many people who end up in trafficked situations all over Africa and beyond. Since documentation of the phenomenon of trafficking in human beings started, Africa has been implicated as major source of migrants towards other continents. Trafficking (and migration) within countries, interregional and beyond the continent often flows from poorer to perceived richer destinations or opportunities. Since 2005, the EU's migration and asylum policy has had Africa at the top of its agenda and under its global approach to migration and mobility (GAMM) regional partnership with Africa through the Africa-EU Partnership is one of the EU's top priorities. According to the 2016 UNODC report, Africa is a significant destination for intraregional trafficking and a major origin for trans-regional trafficking.

As the flow of migrants continues within countries in Africa and outwards, responses to trafficking in persons cannot be delinked from efforts to address migration and human smuggling. The so-called push and pull factors which create or increase vulnerability to trafficking are in fact, the same or similar factors which influence the desire to migrate voluntarily or force the decision in many instances. For example, the quest for better livelihood opportunities. Increasingly, restrictive migration regimes limit regular mobility pathways within and beyond the region for potential migrants. In some instances, migrants (depending on their profiles) have no direct access to preferred destinations or no legal avenues for entry into other territories. This forces many migrants to seek help from smugglers to facilitate their movement and avoid rigid controls and detection or causes many others to fall prey to traffickers. Sometimes, a potential migrant can seek the services of smugglers and end up being trafficked (AU, 2017).

In addition, irregular migration is increasingly being viewed through the prism of national security, which might lead to a generalization that all refugees and migrants are a potential security threat. For example, Kenya's plans to build a wall on the border between Kenya and Somalia (as well as directives ordering all urban refugees to refugee camps, mass arrests of refugees and irregular migrants and threats to close Dadaab refugee camp) are expressions of securitization of migration (RMMS, 2015). Another dimension to the links between irregular migration and security is the impact of terrorist activities on vulnerable populations. In Nigeria for example, the activities of Boko Haram and ISIS-West Africa in North Eastern Nigeria has led to exposure of abuses of vulnerable populations by both state and non-state actors.

The US TIP report, 2018 continues to highlight, as in previous years, widespread sexual exploitation—including sex trafficking committed by Cameroonian and Nigerian government officials and security forces across the region, including in informal IDP camps. On the other hand, the terrorist groups continued to recruit, abduct, and use child soldiers as cooks, spies, messengers, bodyguards, armed combatants, and increasingly as suicide bombers in attacks in Nigeria, Cameroon, and Chad. They also continue to abduct women and girls and subject them to domestic servitude, forced labour, forced marriages, sexual slavery or as suicide bombers. The victims of these abuses by Boko Haram and ISIS-WA (including children) face the added risk of penalization (being arrested, interrogated, detained and even used to gather intelligence as combatants/terrorists) by government authorities (USDS, 2018).

Economic and social inequalities are recognized as some of the key push factors for migration and trafficking in persons. Anti-trafficking responses must therefore, be grounded in the social, economic, environmental and political realities of countries in the region. The UNDP's HDI index for instances places 32 (59%) of the 54 African countries at the bottom of the human development rankings; below 150 (UNDP, 2017). With most of the countries at the lower end of the development spectrum being source transit and destination countries for trafficking in persons, the correlation between the human development rankings of African countries and their status as countries impacted by trafficking need to be closely examined in relation to the countries, they interact with in the trafficking continuum to develop appropriate responses. Already, the MPFA (2006) had encouraged Member States to integrate Migration and Development policies, particularly Poverty Reduction Strategy Papers (PRSP) in their National Development Plans and to develop national plans of action aimed at comprehensive approaches to migration and development to contribute to the achievement of the Millennium Development Goals (MDGs) (AUC, 2017).

The Sustainable Development Goal (SDG)s which encapsulates the global commitments of governments to address poverty, recognizes the centrality of migration as a key feature of the 21st century, to achieving sustainable human development. 11 out of the 17 SDG goals therefore, contain targets[28] and indicators which are relevant to migration or mobility, thereby committing the global community to focus on some of the drivers of migration. This will be integral for Africa as it aims to harness the potentials of migration for development, whilst addressing the negative drivers and outcomes, such as trafficking in persons within and beyond the continent. In the same vein, the AU's Agenda 2063, as an overarching framework for development in Africa, recognizes that development cannot be achieved without the free movement of people, and therefore proposes the introduction of a single passport for Africa with the aim of abolishing visa requirements for all African citizens in all African countries by 2018, improving intra-African trade and to ease the movement of domestic goods between Member States (AUC, 2017).

2.2 Trends and Patterns of Trafficking in Persons in Africa

Virtually, no countries in Africa are immune from trafficking.[29] The 2018 US TIP report has flagged all African countries as being source, transit or destination countries, or a combination of all three. African children, men and women are trafficked within their countries, to other countries in the region and/or beyond the continent into situations of forced labour, sexual exploitation, domestic servitude, as soldiers (including child soldiers), for forced begging, slavery or slavery-like practices (including forced marriages) and the removal of organs.

According to UNODC data[30] shows, that the most prevalent forms of exploitation in trafficking in Africa is for forced labour. The report further found that, *"Although domestic trafficking is most prevalent, there is significant trafficking between neighbouring*

28 Target 10.7 (which appears under Goal 10 to reduce inequality within and among countries) specifically, requires countries to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies,

29 Allais, Carol. (2006). An Overview of Trafficking in human beings in Sub-Saharan Africa, at: https://www.researchgate.net/publication/237769872 [accessed Sep 16 2018].

30 Op. cit footnote 1; at pages 5 and 46

countries, and also between countries in the region that do not share a border. In West Africa, for instance, victims from Benin, Burkina Faso, Cameroon, Mali and Niger were detected in neighbouring Nigeria, where victims from other West African countries, such as Côte d'Ivoire and Togo were also found. At the same time, Nigerian victims were detected or repatriated from the very same countries, revealing criss-crossing patterns of trafficking in persons across borders, probably related to ethno-linguistic and/or tribal ties, and influenced by rural-urban and economic activity factors (as for domestic trafficking)."[31]

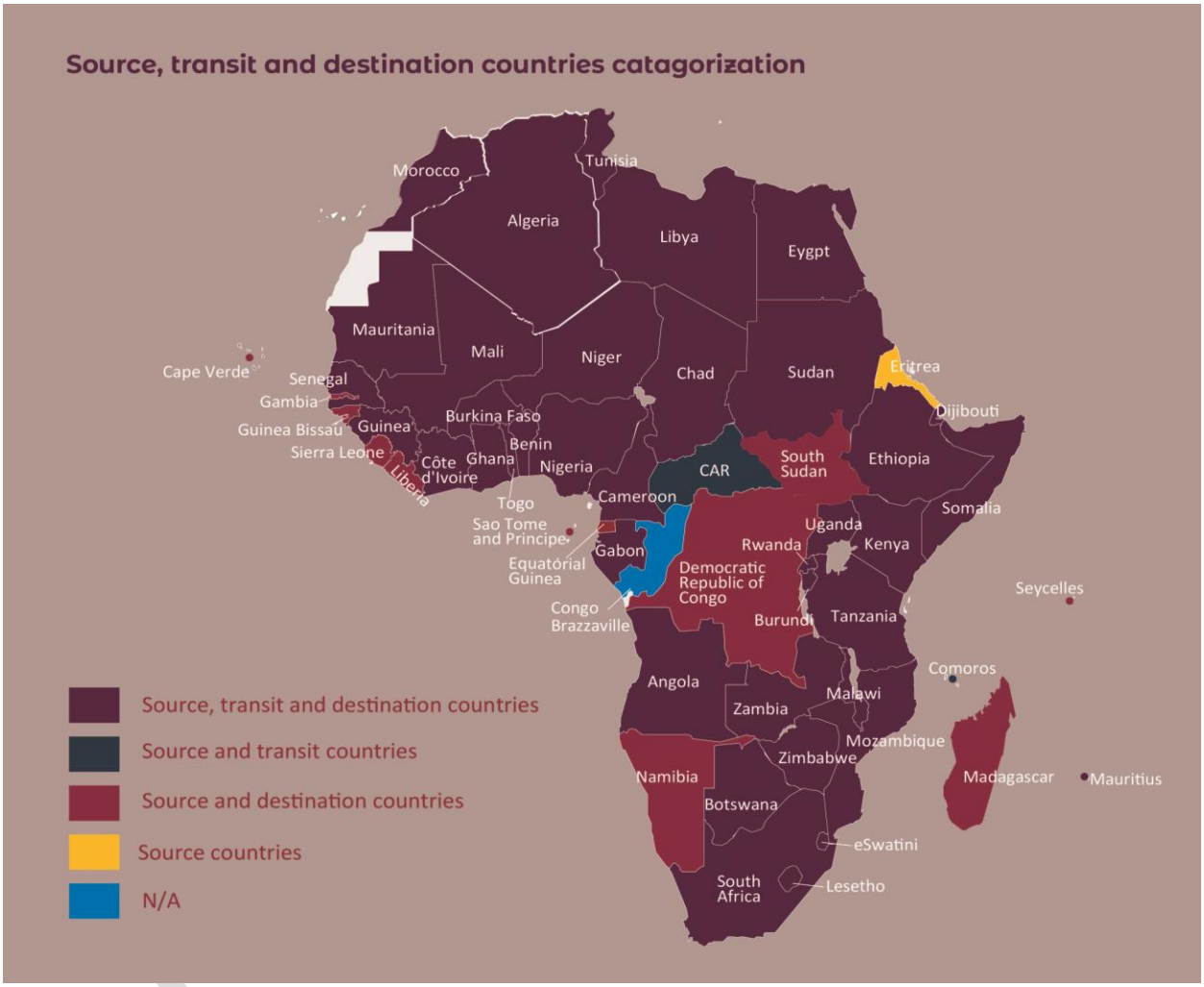

Figure 1: Showing trafficking in person situation in Africa

The UNODC position is borne out by the survey responses which placed forced labour and internal child trafficking as the major forms of trafficking relevant to the Continent, followed by sexual exploitation. According to victims of trafficking from sub-Saharan Africa were detected in 69 countries (in Africa, the Middle East and Western and Southern Europe, South-East Asia and the Americas) within the period of 2012 to 2014. These formed the highest number of countries where victims from other regions had been

31 Ibid, at page 115

detected during the reporting period, indicating that trafficking flow from Africa had a global reach; and had overtaken trafficking from East Asia as the most diffused outbound regional flow during the period.

Majority of the detected trafficking victims documented by the UNODC in Sub-Saharan Africa were children (64%)[32]; with a seeming correlation between a countries' level of development and the age of detected trafficking victims. Accordingly, least developed countries had larger shares of children amongst the detected victims. Furthermore, majority of the child victims in in Sub-Saharan Africa were boys (39%). This according to the UNODC could be connected to the large shares of trafficking for forced labour, child soldiers (in conflict areas) and begging reported in the region.[33] Women made up 24% of victims in sub-Saharan Africa, whilst (9%) were men trafficked mainly for forced labour and to a lesser extent for other forms of exploitation like begging, crimes and sexual exploitation.[34]

According to UNODC, *"Among the types of forced labour, trafficking for domestic servitude was frequently reported. This form of trafficking affects children of both genders. … Similar situations are reported throughout West Africa, as well as in the Congo and the Great Lakes area. Trafficking of children for exploitation in the fishing industry has been documented by different actors in many Sub-Saharan countries, from West Africa to the Great Lakes, and on the African islands. Trafficking for exploitation in agriculture has been reported by various national and international authorities, including exploitation in the cocoa and cotton plantations of West Africa. Trafficking in the mining sector and exploitation of children in quarries has also been widely reported. In several conflict and post-conflict countries, United Nations peacekeeping operations, such as MONUSCO in the Democratic Republic of the Congo, have reported the exploitation of children for use as porters, cooks and sex slaves."*[35]

The report by UNODC[36] notes that women and girls represent 70% of detected trafficking victims. Unlike other regions where majority of the traffickers are male, in Africa traffickers are equally balanced (50- 50) as men and women. However, more men were convicted of trafficking and related crimes that women (60% male and 40% female) as of 2016. [37]

An increase in migratory trends will correlate to an increase in the vulnerabilities that lie within migration. According to the UNODC,[38] the last 5 years saw a rise in the movement of refugees and migrants globally; and within these movements are children, women and men who are easily vulnerable to trafficking and smuggling.[39] The overlap between trafficking in persons and migrant smuggling therefore, cannot be overlooked in the African context. The vulnerability of migrants to exploitation along migratory routes has

32 A consistent pattern since 2003, according to UNODC.
33 Ibid at page 11
34 Ibid at page 24
35 Ibid, at page 113
36 http://www.unodc.org/unodc/en/frontpage/2014/November/trafficking-in-children-on-the-increase--according-to-latest-unodc-report.html; accessed on 15.09.2018
37 Ibid at pages 33; 35
38 The UNODC refers to this movement of refugees and migrants, "the largest seen since World War II". See: http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf; accessed on 15.09.2018
39 Ibid; preface

been well documented in the region. However, in 2010, the UN High Commission for Refugees brought to light the phenomenon of migrants being kidnapped for ransom by their smugglers in North Africa.[40] This phenomenon intensified over the years, now includes kidnap for removal and sale of organs and has been highlighted by the 2016 UNODC Global report.[41]

Figure 2 showing correlation between the HDI status of African countries and status as source/transit or destination

The economic pressures created by conflict, breakdown of law and order and abandonment of the rule of law often exacerbates long-standing inequalities and throws pre-existing human rights situations into sharp relief. Conflict not only creates an enabling environment for human rights abuses to occur, but also contributes to the vulnerability to trafficking in human beings when people are displaced or forced to flee their homes and communities in desperate circumstances. The UN has through several Security Council Resolutions addressed some of the specific vulnerabilities in Africa, such as recruitment of men, women and children as combatants, to provide labour services and as sex slaves

40 See: UKBA (2011) Eritrea Country of Origin Information (COI) Report, at page 111; available at http://www.refworld.org/pdfid/4dabf33c2.pdf; accessed on 14.09.2018
41 Op. cit footnote 10; at page 62

in armed conflicts in countries like the Central African Republic, the Democratic Republic of the Congo, Sudan and South Sudan after documenting thousands of children trapped in exploitative conditions in these conflicts.[42] Nigeria has been implicated in the recruitment of child soldiers by the terrorist group, Boko Haram.

In 2017, Libya was implicated in news reports showing Africans are being trafficked, exploited and openly sold as slaves.[43] The US TIP Report for 2018 placed 6 African countries (Democratic Republic of the Congo, Mali, Niger, Nigeria, Somalia and South Sudan) out of 11 countries on its list for the Child Soldiers Protection Act (CSPA).[44]

The US 2018 TIP Report mirrors findings by Adebajo (2005)[45] and Carol (2006)[46] on trafficking trends and flows in the region, but also shows emerging trends. Due to challenges with data however, comprehensive sub-regional analysis is not available so broad overviews of sub-regional features of trafficking in persons is provided with specific focus on the countries chosen for site visits in this evaluation.

In terms of perceptions by key actors and stakeholders as to change in trafficking trends in the region, all noted that due to challenges with data and information management, the trends could not be adjudged to have reduced. However, reporting of incidents had increased over the past ten years. Factors that were highlighted as responsible for the increased reporting include: ratification by member states of international instruments on human trafficking, emergence of more national legislations domesticating international obligations that arise from the international treaties, availability of funding from international organizations, pressure from civil society organization working on the ground, including community leaders, through advocacy campaigns, social media ad engaging with legislators and increased political will to address human trafficking.

2.3 Responses to Trafficking in Persons in Africa

The so-called push and pull factors for trafficking have been comprehensively documented over time. They include factors personal to the trafficked victim, such as poverty, social inequalities and discrimination on grounds such as gender, but also external factors such as conflicts, humanitarian crises, health epidemics weak legislative environment and law enforcement, demand for cheap labour and globalization, which creates or increases access to communication, (mis)information and perceptions of better opportunities abroad. This means that to effectively stem the flow of trafficking, countries must address the phenomenon from a preventative perspective, tackling causes such as income inequalities, corruption, insecurities, human rights abuses and conflicts amongst other factors. On the other hand, responses where trafficking has occurred must adopt a

42 Ibid at page 64

43 https://www.globalslaveryindex.org/2018/findings/global-findings/ ; accessed on 14.09.2018

44 The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457) and came into effect on June 21, 2009. The CSPA requires publication in the annual Trafficking in Persons Report of a list of foreign governments identified during the previous year as having governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the act (to mean: any person under 18years who has been involuntarily, or under 15 years who has been involuntarily recruited into, or who participates directly in hostilities in governmental armed forces; and any person under 18 years who has been recruited or used in hostilities by non-governmental armed forces).

45 Adepoju, A. 2005. Review of research and data on trafficking in human beings in sub-Saharan Africa in Data and research on trafficking in human beings: A global survey. Geneva: International Organization for Migration.

46 Allais, Carol. (2006). Op. cit.

human rights-based approach, which ensures prosecution of offenders, non-victimisation nor criminalization of victims, empowerment of victims to seek civil redress, sustainable reintegration and prevention of recurrence.

The adoption of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), complimenting the United Nations Convention against Transnational Organized Crime, in 2000 was a major milestone in addressing trafficking in persons. The Protocol launched the era of dedicated attention to trafficking in persons amongst governments of the world, some of whom had previously not acknowledged the phenomenon as a crime or lacked the appropriate and specific mechanisms to deal with it – including legislations, policies and programmes for protection, prosecution and prevention; and dedicated government structures to address the unique natures of the problem.[47] As of 2018, four African countries (Comoros, Democratic Republic of Congo, South Sudan and Uganda) are not yet States Parties to the Palermo Protocol.

Coming hot on the heels of the Palermo Protocol, the US State Department Trafficking in Persons Report monitors and documents annually, the efforts countries around the world are making to address trafficking in human beings and places countries in a tier ranking (Tiers 1, 2, 2 watch list and 3)[48] based on their compliance with standards outlined in the US Trafficking Victims Protection Act (TVPA) of 2000[49]. The report is perceived as a persuasive incentive for action in the areas of legislation criminalizing trafficking, prosecution of offenders, prevention efforts and protection of trafficked persons, but also a source of data on anti-trafficking efforts globally.[50]

Whilst the Palermo Protocol is primarily a criminal justice framework, calling for the criminalization of all acts of trafficking in human beings, it is weak in terms of language providing for prevention and victim protection.[51] This limitation is remedied by the presence of other human rights frameworks such as the Universal Declaration of Human Rights, the UN Convention on the Elimination of all forms of Discrimination against Women, the UN Convention on the rights of the Child and the Beijing Declaration and Platform for Action on Women's Empowerment, the African Charter on Human and People's Rights (1981), the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2002), The African Charter on the Rights and Welfare of the Child (1990) and the African Common Position on Migration and Development (2006). Against this background, a holistic framework of response to trafficking in human

47 Adepoju, A. 2005. Op. cit.

48 2018 saw no African country make it to the Tier 1 status; 22 countries (Benin, Botswana, Burkina Faso, Cabo Verde, Cameroon, Cote D'Ivoire, Djibouti, Egypt, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Morocco, Mozambique, Namibia, Rwanda, Tanzania, Tunisia, Uganda, Zambia) are ranked on Tier 2; 20 countries (Algeria, Angola, Central African Republic, Chad, Eswatini, The Gambia, Guinea, Guinea-Bissau, Liberia, Madagascar, Mali, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Togo and Zimbabwe) are on Tier 2 Watch list; 9 countries (Burundi, Comoros, Congo, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Gabon, Mauritania and South Sudan) are on Tier 3 and 2 countries (Somalia and Libya) have 'special status'.

49 See: https://www.state.gov/j/tip/laws/index.htm; accessed on 16.09.2018

50 Andrew, Ruby and Lawrence, Benjamin N., "Anti-Trafficking Legislation in Sub-Saharan Africa: Analyzing the Role of Coercion and Parental Responsibility" (2012). Fourth Annual Interdisciplinary Conference on Trafficking in human beings, 2012. 17. http://digitalcommons.unl.edu/humtrafconf4/17

51 Hyland, Kelly E. "The Impact of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children." Human Rights Brief 8, no. 2 (2001): 30-31, 38.

beings has arisen and paved the way for actions by government primarily, and civil society organizations to address the phenomenon and provide support to victims.

In Africa, government responses to trafficking in persons have involved the adoption of legislation, establishment of special government agencies or units and in some cases, an overlap between government and CSO efforts to provide reintegration care and support to victims. The presence of anti-trafficking legislation helps to criminalize trafficking and related crimes but could also offer significant protections to trafficked persons and serve as a preventative deterrent. To date 49 countries in Africa have anti-trafficking legislations.

In terms of investigations, prosecution and convictions, the available figures are somewhat conflicting. Whilst the UNODC ranks Africa behind other regions, with 400 convictions -mostly in West Africa- between 2012 and 2014; and only few countries recording more than 10 convictions per year as of 2016, the US TIP Report 2018 records 3,420 convictions between 2011 and 2017 in sub-Saharan Africa. According to the UNODC, conviction rates is impacted by capacity and resources in the criminal justice system, but also has a direct correlation to the presence of anti-trafficking legislation, the nature of actions criminalized as trafficking and the length of existence of the legislation.[52] The US TIP Report 2018, noted that as of 2017, sub-Saharan Africa had recorded 1,733 investigations, 454 convictions and identified 24,138 victims.[53]

2.4 Continental Good Practices in the prevention of TIP in Africa

The AU has been instrumental in facilitating dialogue at the sub-regional level through the Khartoum Process54 of which the Ouagadougou Plan of Action is a key guiding framework. Established to foster, “continuous dialogue for enhanced cooperation on migration and mobility, identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants and giving new impetus to the regional collaboration between countries of origin, transit and destination regarding the migration routes in the continent.

Countries like Cameroon, Ghana, Nigeria and Uganda have adopted a multi-sectorial approach that encompasses different government departments. In Cameroon, the Ministry of the Economy, Planning and Regional Development (MINEPAT[55]) which allocates budgets has a special unit on migration and data sits on the Inter-ministerial Committee against trafficking. In Nigeria, the inter-ministerial committee on trafficking helps to develop national policies on trafficking, including the first draft of a Protocol for Identification, Safe Return, and Rehabilitation of Trafficked Persons. In Kenya, an Advisory Committee under the Ministry of Labor and Social Protection is the governing body for counter-trafficking efforts and brings together representatives from diverse government ministries and agencies with responsibilities for counter-trafficking. The

52 Ibid at page 52 and 117

53 US TIP Report, 2018 at page 55

54 Also known as the EU-Horn of Africa Migration Route Initiative was launched in 2014, in Khartoum, Sudan, in response to the rise of human trafficking and smuggling of migrants in the region. It involves so called ‘core countries’ Egypt, Eritrea, Ethiopia and Sudan and neighbouring countries: Djibouti, Kenya, Somalia and South Sudan. AU-HOAi also partners with Libya, Tunisia, Norway, Italy, Malta, Switzerland, Saudi Arabia and Yemen as well as IOs such as IOM, UNHCR, IGAD and other RECs, Interpol, UNODC, and the League of Arab States.

55 Ministere de l'Economie, de la Planification et de l'Amenagement du Territoire,

Committee interfaces with NGOs and its members are also represented on the National Coordination Mechanism for Migration.[56]

Uganda has developed a bilateral agreement with the government of Saudi Arabia to curb labor trafficking by providing a safe avenue for labor migration. Cameroon is in the process of negotiating a similar agreement with Belgium. This form of arrangement would also be beneficial between Africa and European countries, as it would foster greater cooperation between origin and destination countries. There are also examples in cooperation that can be replicated. For example, in 2015, Angolan and Kenyan government worked together in launching investigation of an alleged trafficking network involving 11 Kenyan victims and a Kenyan-based construction company in Luanda. Between 2016 and 2017, Zimbabwe and Kuwait cooperated to repatriate and refer to care 121 female trafficking victims and repatriated five victims from Sudan. Nigeria has a long history of bi-lateral and multi-lateral cooperation agreements within the region and with countries such as Benin, Italy, Netherlands, Spain, Switzerland and the UK to share technical expertise in trafficking detection, investigation, interceptions and prosecutions.

In Kenya, under the Employment Agencies Regulations Act, to be accredited under the Directorate of Employment of the Ministry of Labor (MOL) private employment agencies are required to meet stringent conditions including provision of specific documentation and provide evidence of a minimum share capital of 5million Kenyan Shillings. For agencies wishing to engage in foreign recruitment, they are required additionally to execute a 1.5million Kenyan Shillings bond set aside by the MOL for compensating victims in the event of breach of the conditions of recruitment or any violations they suffer in a foreign country. Additionally, private recruitment agents are required to inform potential Kenyan employees about their prospective wages, visa fees, airfare, and medical examinations, and any administrative costs imposed on the employee should not exceed one month's salary. Contracts deemed credible would be signed in the presence of a MOL officer, and applicants were required to register with the Kenyan embassy in the host country.

The Kenyan National Crime Research Centre[57] conducts research into the causes of crime and modes of prevention and disseminates findings and recommendations to Government Agencies concerned with the administration of criminal justice. In 2015, the Centre conducted research to examine the prevalence of human trafficking in Kenya with a view to informing prevention, control and mitigation measures by agencies in the criminal justice system.[58] The research found that trafficking in persons in Kenya is mostly organized and transnational in nature. The Centre has developed an online App through which citizens can report any crime, including human trafficking in real time. Ghana and Uganda have developed central repository systems to capture data on human trafficking. These initiatives are important efforts in prevention, investigation and prosecution of trafficking in persons.

56 based at the Department of Immigration Services in the Ministry of Interior and Coordination of National Government
57 http://crimeresearch.go.ke/ is one of only two such centers in Africa. The second is based in South Africa and is privately owned.
58 Unpublished. http://crimeresearch.go.ke/wp-content/uploads/2018/05/Human-Trafficking-in-Kenya.pdf

On cross-regional cooperation, *ECOWAS and* ECCAS have established a joint bi-regional Plan of Action to Combat Trafficking in Persons, especially Women and Children. Also, Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo have put in place a multilateral agreement against human trafficking. These are practices that could be supported under the Ouagadougou Plan of Action for other regions areas like the East African Community (EAC) and others who have not yet articulated action plans to address human trafficking.

2.5 Human Trafficking, Religious Extremism and Security

The Human Trafficking and security nexus are continually emerging as an intersection that must not be ignored in the light of the potentials it has for tipping African countries into conflict and violence. It is evident that in all forms of trafficking of persons, the victims do suffer but the potentials for such sufferings to spread and touch every element of societies can be appreciated through the lens of security studies. According to U.S. Department of Justice Trial Attorney Dan E. Stigall, "the international community is confronted with an increasing level of transnational crime in which criminal conduct in one country has an impact in another or even several others.

Drug trafficking, human trafficking, computer crimes, terrorism, and a host of other crimes can involve actors operating outside the borders of a country which might have a significant interest in stemming the activity in question and prosecuting the perpetrator" (Stigall. 2013). Thus, the question on what the security implications of human trafficking are and how can they can be addressed is potent. It is also pertinent to consider that a purely securitized approach to phenomena such as terrorism can often ignore or directly abuse the rights of victims and 'civilians' caught in the cross-fire between government law enforcement agents and criminals.

In Nigeria for example, the activities of Boko Haram and ISIS-West Africa in North Eastern Nigeria has led to exposure of abuses of vulnerable populations by both state and non-state actors. The US TIP report, 2018 continues to highlight, as in previous years, widespread sexual exploitation—including sex trafficking committed by Cameroonian and Nigerian government officials and security forces across the region, including in informal IDP camps. On the other hand, the terrorist groups continued to recruit, abduct, and use child soldiers as cooks, spies, messengers, bodyguards, armed combatants, and increasingly as suicide bombers in attacks in Nigeria, Cameroon, and Chad.

They also continue to abduct women and girls and subject them to domestic servitude, forced labour, forced marriages, sexual slavery or as suicide bombers. The US TIP Report found that, "*Although the anti-trafficking law prohibited the penalization of trafficking victims for unlawful acts committed as a result of being subjected to trafficking, multiple credible international organizations reported the government continued to arrest and in some cases inappropriately detain for prolonged periods, reportedly for screening and perceived intelligence value, women and children removed from or allegedly*

associated with Boko Haram and ISIS-WA, including women and girls who had been forcibly married to or sexually enslaved by the insurgents; authorities did not screen for trafficking."

The overlap between trafficking in persons, religious extremism and security is an immediate challenge, but also a trend with the potential to escalate over time and create difficulties with prevention and suppression of the trend, but more importantly, impact negatively on the protection of the rights of victims.

2.6 Revisiting Gender Considerations and Human Trafficking

UNODC in their latest report[59] highlight the representation of women and girls detected in the population of trafficking victims in Africa as 70 per cent. This disaggregated data is consistent with the application of gender considerations in global anti-trafficking responses. Organisations in considering gender in human trafficking have taken into consideration the specific vulnerabilities of women and children more than men (including boys). Consistently, the Ouagadougou Plan of Action is primarily positioned to offer special recognition to the rights of women and children.

This attention though justifiable because of the unique status and conditions (social, cultural, economic and political) of women and children in Africa, which require special recognition and legal protection of their rights; and the notoriety at the time of the adoption of the action plan of various forms of sexual exploitation and abuse of women and children. However, distinctions between the needs of women and children and their heterogeneity across strata, identities, cultures and locations, are not clearly made in order to adequately tailor responses. Furthermore, the fact that anti-trafficking responses focus heavily on the vulnerabilities of women and girls than men and boys, does not mean that they give full reflection to the needs, concerns and voices of women and girls in their intervention. Hence women and girls are treated as passive beneficiaries of care and support and not as active agents in diverse forms of migration, whether as victims or as perpetrators.

It is now evident that annually, men, women and children (girls and boys) in their thousands continue to fall into the hands of traffickers, within and outside of their individual countries. Persons of all gender are exploited, sold for sex or forced into very hard labour, caught in mines as slaves, trapped in debt bondage to their traffickers and may remain victims and virtual prisoners all their lives. But the gender considerations in global anti-trafficking response are observed to be less inclusive of men and their growing needs for attention. Male trafficking victims are emerging the least understood group of trafficked persons with less specific provisions for responses tailored to their care and recovery. Data on trafficking are very imprecise, thus obtaining a definite amount of the number of adult migrant workers is almost impossible.

This implies that while estimates of women who are victims are easily accessible, the male victims especially caught in labour trafficking remain poorly accounted for. This

59 http://www.unodc.org/unodc/en/frontpage/2014/November/trafficking-in-children-on-the-increase--according-to-latest-unodc-report.html; accessed on 15.09.2018

could be attributable to the fact that numerical trafficking estimates are difficult, but also the fact that higher emphasis remains placed on sexual exploitation as against trafficking for forced labour, where men are more likely to have presence. Observably, an increasing share of men has been found to make up a significant proportion of victims of trafficking in Africa and other regions.

As the world economy continues to experience shifts and changes, chances are that globalisation, among other forces, will increasingly cause demands for labour migration, the propensity of organised criminal networks to try to meet demands cannot be dismissed, thus the pressure on male trafficking for cheap labour will increase. With limited tailored responses for them, men will remain falling through the cracks. The need to include men in gender considerations of anti-trafficking responses is therefore imperative. Addressing the concerns raised by male trafficking could lead to competing demands for the requisite resources commonly used for women and children, but the value of having a gender consideration to anti-trafficking response that is inclusive is immeasurable.

2.7 Technology, Financial Flows and Human Trafficking

Human traffickers in their practice are known to be dynamic, adaptable, and opportunistic and like other forms of criminal activities, they are known to take advantage of every emerging trend, lapses in security and capacity of law enforcement and the vulnerability of people, to advance their exploitation agenda. The development of the internet, advent of new technologies like social media and the growing opportunities for social interactions across time and distance they create, makes a good case in point.

Through discussions held with different key actors in the process of this study, an emerging concern is centered on the use of social media for recruitment of potential victims of trafficking. In Nigeria, attention is drawn to the use of the Facebook technology by traffickers who advertise promising work opportunities in Europe to attract unsuspecting victims who are in dire need of a livelihood and may not be aware of the exploitative nature of the adverts.

There is need therefore to critically examine the nexus between human trafficking and the changing global technological landscape; especially the inroads to Africa through cheaper and more accessible telecommunications. In so doing, attention may be given not only to its utilization for recruitment of unsuspecting victims, but in extension the examination may begin to focus in general on how technology facilitates trafficking processes and how technology is being utilized for managing, manipulating and disguising the proceeds of human trafficking.

Human trafficking or Trafficking in Persons is known to have negative socio-economic impact in virtually every region of the world, but it is also known to benefit the traffickers as it generates huge profits to the tune of tens of billions of dollars for criminals each year. Just as it remains a challenge to make a numerical trafficking estimate, it becomes even more difficult to measure funds brought in by trafficking. It is even more difficult to track it funding routes. Bearing in mind the decentralized, transnational, fluid, flexible and nonhierarchical structure, inherent in trafficking rings, which is not naturally typical of other

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criminal rings, the complexity of the financial flow emerging from them poses a challenge for tracking.

IGAD and IOM in the interview discussions highlight the grey areas that emerge in attempts to combat trafficking through monitoring financial flows and remittances at local and international levels. There is an information drought and very limited extensive investigations that focus on the direction of money flows. The role of technology in addressing such investigations cannot be underestimated.

In all forms of human trafficking, people are exploited, and the consequences touch every element of a society, posing a threat not just to the person/s trafficked and the affected countries, but also to global human security. Although traffickers could be judged to be apolitical, non-ideological and primarily profit driven, being that traffickers are non-state actors and criminal agents, the potentials for funds flowing from human trafficking to be used for other global criminal activities cannot be dismissed. More frightening is the fact that where ignored, human trafficking though making up a relatively small portion of revenue can be a lucrative source of funding for terrorism.

In concluding this section, attention is drawn to the fact that the above trends, amongst others, highlight the fact that human trafficking not only represents an obvious threat to individuals but immediately and potentially poses a threat to the African countries involved and further to the world at large. This reality should encourage interest and political will to be more innovative in addressing the phenomenon. Bearing in mind that security matters which require the allocation of scarce resources and attention, must also consider the human rights of victims in its efforts. Advancing the use of technology globally to monitor and track proceeds of human trafficking is also a commendable approach.

2.8 Emphasis on Root Causes of Migration

Although the Ouagadougou Plan of Action recognizes poverty as one of the drivers of human trafficking, it does not emphasize this in to the key elements of operationalization of the Action Plan. There is need to place strong emphasis on poverty eradication and building of sustainable Africa economies in line with the Sustainable Development Goals (SDGs) and the AU's Agenda 20163. Also supporting innovation and entrepreneurship, the acquisition of relevant skills, and training institutions that respond to Africa's labor market needs is key in retaining the African young work force that is vulnerable to trafficking.

Another situation that increases vulnerability is conflict, which the action plan should take in consideration by recognizing that countries in conflict are not well situated to stop human trafficking since it is sometimes intertwined with people fleeing after displacement. These countries therefore may require specific urgent interventions to stop and prevent new conflicts for example in Congo, Central African Republic, Somalia and South Sudan among others.

Social inequality caused by unequal distribution of resources and corruption is another contributor to vulnerability of communities. For example, in Uganda, human trafficking involving children from the Karamoja region who are transported to urban centers for

purposes of begging for their families happen because of combination of factors that include systematic marginalization, inability of the nomadic community to adapt and be resilient in the face of global warming and changing environment that is not conducive to pastoralism way of life. Decentralized management of national resources and services is one of the keys was of bridging the inequality gap between societies.

In this regard, the revised Ouagadougou Plan of Action should move beyond superficial preventive measures and place emphasis on addressing the social and economic challenges which serve as key push factors for migration and the vulnerability to trafficking inherent therein.

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CHAPTER 3: Findings of the Evaluation of the Ouagadougou Plan of Action

3.1 Assessing the Effectiveness of the Ouagadougou Plan of Action

While the Plan of Action is not a legally binding agreement, it however requires Member States to commit in taking specific measures to address trafficking in human beings especially on women and children in Africa. It also recommends actions by NGOs, CSOs and bi-lateral, regional and international partners in four key areas: protection, prevention, prosecution and partnerships (See Annex 2). Implementation of the Action Plan would require strengthening cooperation, scaling up best practices and development of special mechanisms and systems to address the scope of the phenomenon, whilst ensuring the special recognition of the rights of women and children and ensuring victim protection.

Assessing the Ouagadougou Plan of Action against the analytical framework of this evaluation required the consideration of three issues: 1) where responsibilities lie for the actions recommended in the plan; 2) whether the key actors in anti-trafficking in the region are aware of and derive inspiration from the Action Plan in their work; and 3) what oversight structures or mechanisms were instituted by the AU and member states for implementation of the action plan.

To respond to the above issues, the Ouagadougou Plan of Action is principally an agreement between Member States of the AU, reinforced by an Executive Council decision. In this vein, implementation of the Action Plan should be driven by Member States. On the second issue, to effectively implement the actions required by Member States, they should be aware of the Action Plan and their obligations thereunder. Finally, an oversight structure or mechanism for implementation of the Action Plan will monitor state level actions, provide awareness raising and capacity building support and be a repository for reporting on the Action Plan with feedback to the AU Executive Council for further decisions and action as needed. However, the Action Plan does not articulate such a structure or mechanism.

The evaluation therefore revealed that that while the Action Plan provided a clear recommendations for areas of action to combat the crime; it fell short of stating how such actions should be implemented, how often they should be monitored, who/which unit within the AUC is responsible for support and oversight of the Action Plan implementation and who/which unit within the Member States, institutions would be responsible for interface with the AU/AUC in implementation.

The Action Plan furthermore, does not also articulate measurable results, with indicators and timelines for their achievement within a broader timeframe. All in all, it could be said that whilst the Action Plan was a comprehensive agreement for addressing trafficking in humans in its time, given the operational realities required for its implementation, it was incomplete in its formulation.

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3.2 Findings of the Study

The following are key findings of the study:

i. Trafficking in person (TIP) in the continent is a key migration issue and is a main cross border crime concerning many AU Member States in the continent just like it is at the global level.

ii. There are glaring gaps in the implementation of the 2006 Ouagadougou Plan of Action in the continent that among others include the following:

- ✓ While the Plan of Action provides clear recommendations for actions to be undertaken by Member States and RECs, it falls short of articulating measurable results, with indicators and timelines for their achievement within a broader timeframe.
- ✓ That the Plan of Action Ouagadougou Plan of Action has no regional level framework or structure for its oversight or implementation.
- ✓ That the awareness of the Ouagadougou Plan of Action is low amongst Member States and RECs across the continent.
- ✓ Direct implementation of the Ouagadougou Plan of Action amongst Member States was not evident, rather related national action plans were utilized against the backdrop of the UNCTOC and the Palermo Protocol and other regional and international frameworks

iii. That since the Ouagadougou Plan of Action was adopted 12 years ago, human trafficking has evolved, with increasing social, economic, environmental and political pressures on the continent juxtaposed with increasingly restrictive migration regimes abroad pushing vulnerable migrants into the arms of international criminal networks who facilitate human trafficking and smuggling.

I. Implementation by AU Member States

About thirty eight (38) which accounts for 70% of the 54 African countries are source, transit and destination countries for trafficking in persons[60].The impact of underdevelopment, conflicts, environmental degradation and influences of globalization continue to serve as push and pull factors for migration. About thirty two (32) which accounts to 59% of the 54 African countries at the bottom of the human development rankings; below 150 (UNDP, 2017). Driven by regional level policies and international actors (such as UN agencies[61] and bi-lateral donors), a number of specific responses (ratification of the Palermo Protocol, enactment of anti-trafficking legislation, prevention

60 US Department of State Trafficking in Persons Report, 2018 @ https://www.state.gov/j/tip/rls/tiprpt/2018/

61 For example, the UN Global Campaign https://www.unodc.org/unodc/en/frontpage/2010/September/un-launches-global-plan-of-action-against-human-trafficking.html

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and awareness raising efforts, national action plans, bi-lateral cooperation agreements, existence of multi-sectorial and multi-level coordination mechanisms) have been recorded.

The Ouagadougou Action Plan, though not a binding agreement requires member states (in collaboration with NGOs, CSOs and bi-lateral, regional and international partners) to take specific measures to address trafficking in human beings in general, and women and children specifically through 55 actions in four key areas: protection, prevention, prosecution and partnerships. However, the Action Plan has overlaps and similarities with the Palermo Protocol which has had more popularity and assimilation in member states. All the countries interviewed during the country visits and 4 of the survey responses indicated the Palermo Protocol as the main framework against which they implemented anti-trafficking efforts.

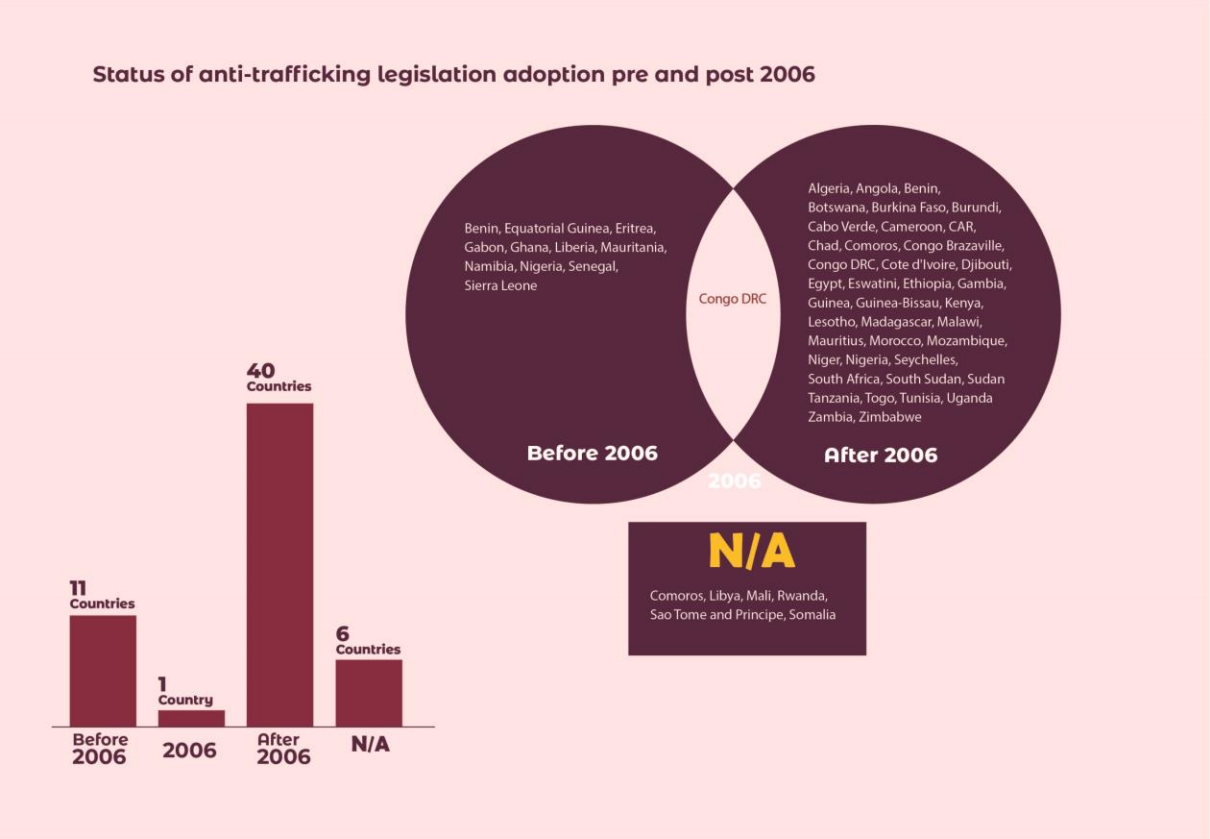

Figure 3 Status of anti-trafficking legislation adoption since 2006

The study revealed that the awareness of the Ouagadougou Plan of Action in all the countries visited or persons interviewed through questionnaires was very limited. Significant efforts however to address trafficking in persons are happening amongst AU member states and Regional Economic Communities, (RECs)but no clear link can be made between them and the Ouagadougou Plan of Action in terms of attribution. The

level of implementation of the international instruments on trafficking in persons was also found to be low despite the campaign of the Plan of Action to encourage Member States to do so.

Through interviews conducted during the country visits, state officials revealed that the Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC, 2017) for example, was developed as one of the government responses to the case of 121 women victims who were returned from Kuwait in 2016. In another example, the Maputo Consensus was developed to address potential child trafficking in the 2010 world cup hosted by South Africa.

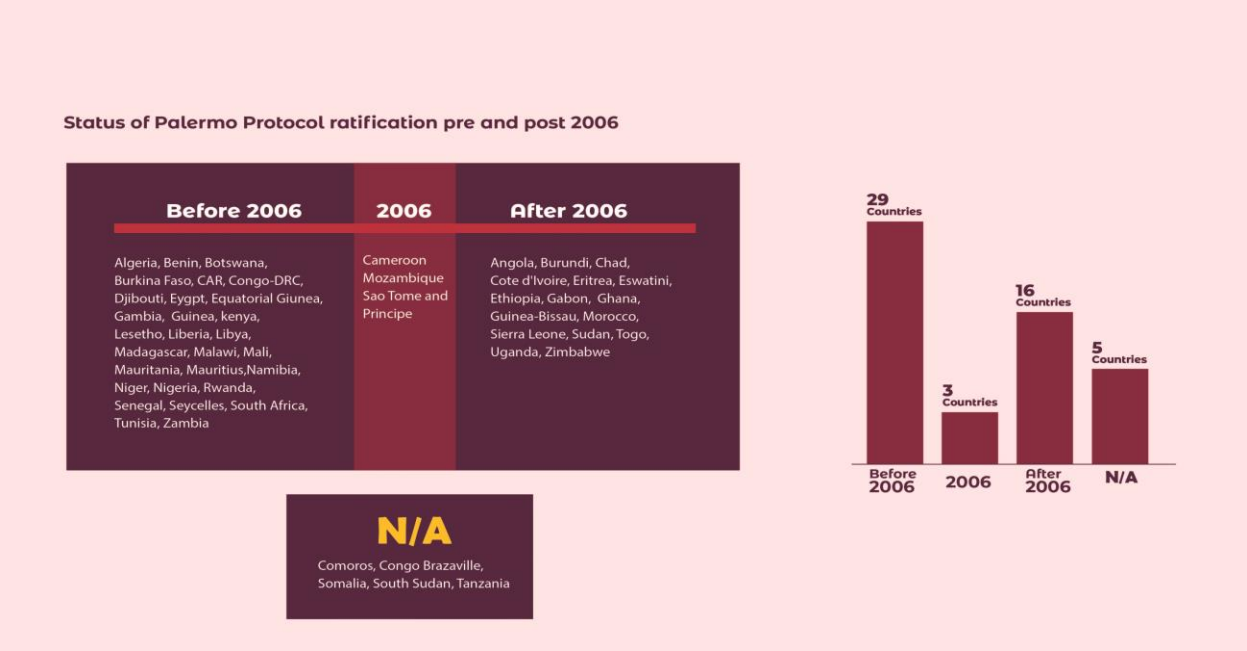

Figure 4: Showing the status of Palermo Protocol ratification in Africa

Survey participants also noted that there has been increased reporting on incidents of trafficking in persons by private citizens and civil society organizations. This type of reporting assists those working on trafficking in persons to clarify the many ways in which trafficking in persons manifests and to formulate their strategies for intervention. The increased reporting has also informed state response in that they are able to identify vulnerable groups, the majority of whom are women.

Specifically, the following are key findings of the evaluation on the status of the implementation of the Plan of Action based on the 4 (four) thematic areas of the 2006 Plan of Action as endorsed by Member States:

a) Prevention and Awareness Raising

The study found out that there are some level of education, life-skills, awareness raising, mass media campaigns, trainings for law enforcement and counseling in relation to trafficking in persons is conducted mostly by governments with a frequency of generally

not more than once a year. From the survey, about 75% (3/4) of the respondents recorded that the country provides employment/livelihood opportunities for youth; particularly for young women at risk and all countries claimed to promote empowerment of girls and women in national policies, with most of them having put in place policies in the last 10 years.

It was also found out that some countries are taking specific measures to promote the rights of the child and protect children from trafficking including, traffic evaluation, development and implementation of law on children and policies e.g. National Action Plans for Orphans and Vulnerable Children Phase 111 (2016-2020) in Zimbabwe, restricting the travel of minors without parents or authorized guardian, protection from violence and exploitation, re-integration services, establishing centers for the streets children and access to education, healthcare and wellbeing. In most countries birth registration and identity documents are universally accessible to all citizens in the country before 2006. Not all countries have established rehabilitation centers to assist victims, especially women and children to ensure their safety or protection and facilitate their recovery and social reintegration. Most rehabilitation centers have been established majorly by other organizations rather than governments. Few rehabilitation centers have their services available to adult male victims of trafficking.

Countries efforts to reduce the demand for exploitative services and the impact include through legislative provisions, awareness in the media, sensitization, increased monitoring, punitive measures for child labor and exploitation, cooperation with other states and discouraging forced marriages. However, efforts to eliminate harmful customs, traditional practices and counter cultural stereotypes, which can lead to TIP are not directly linked to counter-trafficking efforts as required by Ouagadougou Action Plan.

Some countries have commissioned further research, including on the extent, forms and root causes of TIP. Sometimes NGOs have conducted the research on TIP, it is however not clear how often these researches are done. Some countries have gone further and commissioned research on the extent, forms and root causes of TIP. E.g. Zimbabwe Trafficking Persons Report - Country Narrative, Kenya through the National Crime Research Centre (2015) and Sierra Leone in partnership with IOM. Some countries collect and exchange information on the means and methods used by traffickers. This information is mostly collected by governments and share through Inter-agency (law enforcement, service providers, policy makers) coordination mechanisms.

b) Victim Protection and Assistance

There was evidence based in responses that Most countries are taking measures in line with the Ouagadougou Action Plan, for example; identifying victims and providing them with appropriate assistance and protection, considering special vulnerabilities, rights and needs, encouraging victims to testify in the investigation and prosecution of cases of trafficking in human beings, giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings (in particular regarding children), providing victims of trafficking with short- and long-term, appropriate, psychological medical and social assistance to promote their full recovery.

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It was also noted that Member States policies and programs are informed by international human rights standards on child rights, women's rights, child labor and TIP (the UNCTOC, CEDAW, the CRC, the African Charter on Human and Peoples Rights and its Maputo Protocol and the African Charter on the Rights and Welfare of the Child) but not the Ouagadougou Action Plan. Some countries have special protocol/s or guiding framework/s (e.g. victim identification protocol) for key actors and stakeholders in the Zimbabwe Trafficking in Persons National Plan of Action 2016.

c) Legislation, Policy Development and Law Enforcement

There was evidence based on the survey that most countries in Africa have adopted specific anti-trafficking laws.There was also evidence that majority of the African countries have ratified the UNCTOC and the Palermo Protocol and an equal number of countries have adopted anti-trafficking laws, there is limited information on the level of implementation of other legislation and policy related measures required by the Ouagadougou Action Plan.

There was also evidence that most countries have established Anti- Trafficking in human beings Taskforces that are assigned the duty of coordinating efforts to combat trafficking in human beings has been a step in the right direction as it has created a platform where key representatives from different government ministries can discuss measures and approaches of addressing trafficking in human beings cases. Through these taskforces, action plans have been developed to respond to the existing trafficking in human beings situation (AUC, 2017; 37-38)." For example, Djibouti has an action plan from 2014 – 2020 that aims to strengthen the legislative framework to combat trafficking in human beings , protect and assist trafficking in human beings victims and establish a national referral mechanism between law enforcement officials and social service providers (US Department of Labour, Report on the Worst Forms of Child Labour, Djibouti, 2015)."

Legislation in different countries provide for effective prosecution of those suspected of involvement in TIP and deterrent penalties for those found guilty. Most countries do not have provisions for confiscation of instruments and proceeds of trafficking and related offences, however some countries like South Sudan this happens as discretion of court. Some countries like South Sudan and Zimbabwe provide legal measures, which provide victims of trafficking with the possibility of obtaining compensation for damage suffered. Generally, country legislations severely punish traffickers and make provisions for the protection of victims. A few like Sierra Leone indicated that the punishments were not so severe.

Almost all countries surveyed have a National Action Plan, which comprehensively outlines all necessary measures to combat TIP. Most respondents indicated that they have a multi-disciplinary National Task Forces (NTF) on TIP which formulate and implement National Action Plans and report to appropriate regional and international bodies on the progress of the implementation of the National Action Plans. The NTFs include relevant ministries, agencies, INGOs, NGOs and civil society as appropriate to formulate policy. Different Ministries head the NTF including, for example, the Ministry of Home Affairs for Zimbabwe, Ministry of Interior within Custom Immigration Department for South Sudan, Ministry of Social Welfare Gender and Children's Affairs for Sierra

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Leone and the Ministry of Labor and Social Affairs in Kenya. Others have instead Inter-Ministerial Committees, for example, Cameroon and Zimbabwe. However, it appears that the NTFs do not report to the appropriate regional and international bodies on the progress of the implementation of the National Action Plans.

The study found out that in general terms, trafficking in persons is not included in the countries' national poverty reduction strategies and allocated the necessary budget. There are however issues relevant to trafficking in persons that have been mainstreamed into some countries' broader migration management framework e.g. labor migration policy and directorate of Border Police.

Some countries have special units, within existing law enforcement structures, with a specific mandate to develop and effectively target operational activities to combat TIP with national focal points, for example, Immigration Police, Custom Police, Border Police Forces, Civil Protection Unit and Police Anti Trafficking Units. Direct channels of communication between competent authorities, agencies and services, including special units and focal points are fairly good as they use referrals, Interpol, custom and migration agencies and joint border patrols trained in the prevention of trafficking in human beings.

d) Co-operation and Coordination

Most countries surveyed have enhanced multi-disciplinary co-ordination and co-operation at the national level to ensure an integrated approach to victims of trafficking, considering the specific needs of adult and children victims in the past 10 years through Inter-ministerial committees and putting policies in place. They report enhanced exchange of documentation of experiences and lessons learned regarding recovery, repatriation and reintegration through; Inter-ministerial committees, sharing at high level platforms, signing bi-lateral agreements and signing extradition agreements. Mechanisms exist in some countries for co-operation between governments, UN, IGOs, NGOs and relevant CSOs to strengthen overall capacity to assist and empower victims, including supporting educational measures and/or work opportunities. Most countries engage more in sub-regional cooperation on counter-trafficking efforts, like IGAD, ECOWAS and SADC, than at the regional levels.

There was evidence that Bi-lateral agreements are also evolving in the region in relation to evolving trafficking dynamics. For example, Uganda has developed a bilateral agreement with the government of Saudi Arabia to curb labor trafficking by providing a safe avenue for labor migration. Cameroon is in the process of negotiating a similar agreement with Belgium. This form of arrangement would also be beneficial between Africa and European countries, as it would foster greater cooperation between origin and destination countries.

There are also examples in cooperation that can be replicated. For example, in 2015, Angolan and Kenyan government worked together in launching investigation of an alleged trafficking network involving 11 Kenyan victims and a Kenyan-based construction company in Luanda. Between 2016 and 2017, Zimbabwe and Kuwait cooperated to repatriate and refer to care 121 female trafficking victims and repatriated five victims from Sudan. Nigeria has a long history of bi-lateral and multi-lateral cooperation agreements

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within the region and with countries such as Benin, Italy, Netherlands, Spain, Switzerland and the UK to share technical expertise in trafficking detection, investigation, interceptions and prosecutions.

In conclusion, direct implementation of the Ouagadougou Plan of Action amongst Member States was not evident, rather related national action plans were utilized against the backdrop of the UNCTOC and the Palermo Protocol and other regional and international frameworks. Therefore, no clear link can be made between milestones achieved by Member States in their anti-trafficking responses and the 2006 Ouagadougou Action Plan.

II. Implementation by the AU Commission

Whilst the Ouagadougou Plan of Action does not mention a role for regional economic communities (RECs), it calls for Member States to take regional level actions such as: appoint focal points for information management, enhanced coordination and cooperation, development of action plans, establishment of specialised units, and regional mechanisms to follow up on implementation of the Action Plan), the AU Commission through its Department of Social Affairs (DSA) made efforts to galvanize implementation of the Action Plan in Africa in its early years through work with the regional economic communities.

In January 2007 the African Union adopted the Executive Council Decision EX.CL/Dec.324 (X) which endorsed the Ouagadougou Plan of Action and called upon the Chairperson of the AUC in collaboration with IOM and other partners to: a) advocate for the implementation of the Action Plan and b) assist Member States with the development and implementation of sound migration policies aimed at addressing trafficking in human beings, especially women and children. In that decision, the Chairperson of the AUC is to report periodically on the implementation of the Ouagadougou Action Plan. The decision also called for the "International Community" to continue to assist towards the attainment of the objectives contained in the Ouagadougou Action Plan. The Sixth African Development Forum, in November 2008, jointly organised by the UN Economic Commission for Africa, African Development Bank, and the African Union, again reiterated the need for the prompt popularisation and implementation of the Ouagadougou Action Plan. Similarly, the Africa-EU Strategic Partnership (Lisbon Action Plan, 2008) particularly the Africa-EU Partnership on Migration, Mobility and Employment, called for more action to combat trafficking in persons.

Against the above background, the DSA of the AU Commission in partnership with the UN/AU Social and Human Development Cluster (SHD) launched the "AU Commission Initiative against Trafficking (AU.COMMIT) Campaign" in June 2009 at the AU Commission in Addis Ababa. The Campaign was to promote implementation of the Ouagadougou Plan of Action by AU Member States, the Regional Economic Communities (RECs) and Civil Society Organisations. The campaign also aimed at consolidating the achievements of the AU Commission, the RECs, Member States and partner organisations while encouraging all actors to utilise the Ouagadougou Plan of Action as a reference to develop and reform their policies, laws and interventions on trafficking in human beings, especially women and children. The Campaign further sought

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to promote actions and activities that the DSA would carry out during the period 2009-2012, within the framework of the Strategic Plan of the AU Commission for 2009-2012.

The AU.COMMIT Campaign attempted to reach all countries within the sub-regional communities of the continent through workshops on "Operationalization of 2007 Ouagadougou Action Plan". Per available sources cited in the table below, only four regions were reached with the workshops. After the launch of the AU-Commit Campaign, from 2011 onwards, direct action by the AU Commission towards supporting the operationalization of the Ouagadougou Plan of Action fizzled out.

III. Implementation of the Plan of Action by the RECs

Generally speaking, the study found out that all 3 RECs sampled in the survey implementing the 2006 Ouagadougou Plan of Action to some extent as they developed migration policies and other actions at regional level, often referring to the Action Plan. These references may be attributed to the awareness created of the Action Plan by the AU.COMMIT launch workshops in 2010 and 2011 which involved all the RECs. Based on the evaluation, the following are implementation findings by AU RECs that were surveyed:

a) Implementation of the Plan of Action by ECOWAS

Immediately following the adoption of the Palermo Protocol and the global impetus for action to address trafficking it created, ECOWAS adopted the "ECOWAS Declaration on the Fight against Trafficking in Persons (2001)" and the "ECOWAS Initial Plan of Action against Trafficking in Persons (2002- 2003)". These were followed by a Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa (2005) and subsequently, the Joint ECOWAS/ECCAS Plan of Action on Trafficking in Persons, especially women and children in West and Central Africa (2006-2009) bringing together efforts and strengthening cooperation by both sub-regions to combat trafficking in persons. To the extent that all these policies and action plans predated the Ouagadougou Plan of Action in time, it cannot be said to have influenced them.

However, a second-generation ECOWAS Plan of Action against Trafficking in Persons (2008-2011) was followed in 2010 by the Strategic Plan of Action for the Combat of Trafficking in Persons in West Africa for 2010-2013 which has four main priorities: institutional, policy and legal frameworks for combating trafficking in persons and for child protection; development of methodologies and approaches in measuring and ensuring sustainable progress in the combat of trafficking in persons and child protection; cooperation between Member States and stake-holding agencies to strengthen capacities for effective combat of trafficking in persons; and ensuring adequate public sensitization on the subjects of trafficking in persons and child protection. The extent to which these efforts are influenced by the Ouagadougou Plan of Action is not known.

b) Implementation of the Plan of Action by IGAD

The IGAD Regional Policy Framework for Migration (RPFM), adopted in July 2012 in line with the AU MPFA, references the Ouagadougou Action Plan. Among its recommended strategies for addressing trafficking in human beings, the RPFM requires IGAD to, "adopt and oversee implementation" of the Ouagadougou Action plan, "ensuring its enforcement by all Member States." In 2015, IGAD has developed a Migration Action Plan (2015-2020)

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to operationalize the RPFM and tracks progress on its implementation through the IGAD Regional Consultative Process (RCP) on migration and the IGAD Regional Migration Coordination Committee (RMCC) (IOM-IGAD, 2015).

The operationalization of the Plan of Action in IGAD gave rise to the birth of a political dialogue process to address TIP in the region. In 2014, the AU facilitated the AU-Horn of Africa initiative (AU-HOAI) which brings together more than 15 states, including countries from the IGAD region, neighbouring countries such as Egypt and partner countries from the EU and the Arab gulf. The initiative was launched at a Ministerial meeting in October 2014 to provide a forum for debate and information sharing, including discussion on good practices to address trafficking in Person sand smuggling of migrants. The initiative aims to tackle trafficking in persons and smuggling from the Horn of Africa to different destinations, mainly movements into Europe, the Middle East and Southern Africa. The AU-HOAI Strategy and Plan of Action references the Ouagadougou Plan of Action and has specific provisions addressing prevention, protection and prosecution.

Further, taking cue of the AU-Horn of African Initiative is the Khartoum Process which involves most of the IGAD Member States. The study found out that the Ouagadougou Plan of Action has provided a key guiding framework for the Khartoum Process which was established in 2014 to foster, “Continuous dialogue for enhanced cooperation on migration and mobility, identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants and giving new impetus to the regional collaboration between countries of origin, transit and destination regarding the migration route between the Horn of Africa and Europe.”

In implementing its focus of fighting trafficking in Persons and people smuggling, the dialogue further seeks to harmonize the existing initiatives led by the AU and the EU (including the MPFA, the Ouagadougou Plan of Action and the AU.COMMIT) on the twin phenomena. In furtherance thereof, the priorities of the dialogue are aligned to the some of the actions recommended in the Ouagadougou Action Plan.

c) Implementation of the Plan of Action by SADC

The SADC 10 Year Strategic Plan of Action to Combat Trafficking in Persons, especially Women and Children (2009) is the only current policy within the continent addressing trafficking in persons. Coming after the Ouagadougou Action Plan, the SADC Plan declared the regional bloc’s intent to focus attention and dedicate efforts to addressing trafficking in persons across southern Africa. The SADC Plan has 8 strategic priorities, which majorly mirrors some of the recommended actions of the Ouagadougou Action Plan. They include: legislation and policy measures, capacity building and skills enhancement, prevention and public awareness raising, victim support and witness protection as well as coordination and regional protection.

The 2016 baseline report , which assesses implementation of the SADC Plan in the region, references the body of AU Charters and Protocols which form the Legislative framework for human rights protection (including protection from trafficking in persons), the UNCTOC and the Palermo Protocol and the Ouagadougou Plan of Action (amongst other regional and international human rights policy and legal documents) as inspirations

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and guiding frameworks for the adoption of the Plan and state level actions in the sub-region.

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Chapter 4: Other Key findings of the Evaluation of the 2006 Plan of Action

4.1 Gaps in Implementation of the Ouagadougou Plan of Action

The gaps observed in implementation of the Ouagadougou Plan of Action are mostly in terms of lack of awareness, limitations in the content, the need for alignment with current realities and lack of a concrete structure for its operationalization. However, Member States are implementing elements similar to what is contained in the Ouagadougou Action Plan, and this is what provided the reference in which the gaps and opportunities regarding the action plan were evaluated. Regarding the overwhelming lack of engagement with the Ouagadougou Plan of Action by Member States in general, the consultants have made some recommendations that AU-EU could adopt in positioning the future of the Ouagadougou Action Plan. See the recommendations section of this report.

The following are main gaps and issues identified during the evaluation exercise of the implementation of the Plan of Action:

a) Knowledge of the Action Plan by Member States

Most of the States are vaguely aware of the Ouagadougou Plan of Action or completely unaware of it. From the interviews conducted during the country visits and the online survey; reaching 61 people in total, only 9 persons indicated knowledge of the Ouagadougou Action Plan. Most UN and government officials had heard of it through AU meetings but had never applied it.

It was interesting to note that one person had heard of it at a conference, another whilst conducting online research and the other through the request for interviews during the country visit. Granted that only 9 countries were visited during the survey and only 4 countries responded fully to the online questionnaire, Uganda however appeared to be an outlier. Apart from Uganda none of the AU member states have made a direct reference to the Ouagadougou Plan of Action in their National Action Plans.[62] Whilst low awareness of the Ouagadougou Plan of Action may be accounted for due to passage of time (over 12 years) and the possible administrative and personnel changes that could have occurred within government institutions within the period, it could also be explained by lack of follow up by the AU Commission to popularize the Plan.

b) Monitoring and reporting framework (lack of)

This gap arises from the nature of the Ouagadougou Plan of Action itself. The Action Plan provides clear recommendations for action but has no regional level framework or structure for its oversight or implementation. The Action Plan furthermore, does not also articulate measurable results, with indicators and timelines for their achievement within a broader timeframe. All in all, it could be said that whilst the Action Plan was a comprehensive agreement for addressing trafficking in humans in its time, given the operational realities required for its implementation, it was incomplete in its formulation.

62 National Action Plan for Prevention of Trafficking in Persons in Uganda 2015 can be accessed at http://www.mia.go.ug/sites/default/files/PTIP-National%20Action%20Plan%20revised1.pdf

Whilst government officials reported interaction with the AUC on migration issues in general, neither government officials nor CSOs interviewed acknowledged engaging with the AU directly on anti-trafficking measures. This conveys the impression that the anti-trafficking work of the AUC ended with the launch of the AU.COMMIT Campaign and the "Operationalization Workshops" in 2010 and 2011.

The study found out that in general, States have put in place mechanisms to bolster anti-trafficking initiatives including putting in place National Action Plans, Multi-disciplinary Taskforces, collaborating with different actors, creating awareness and enacting laws and policies to curb human trafficking. However, these mechanism may not necessarily be attributable to the Ouagadougou Plan of Action as indicated earlier. This then makes it challenging to attribute anti-trafficking milestones of the States to the Ouagadougou Action Plan.

The study also revealed that AU Member States determine their human trafficking implementation progress based on the US Department of State Trafficking in Persons (TIP) Reporting mechanism and other Human Rights Council (HRC) reporting regimes. This situation points to an opportunity and possibly the need for the development of a monitoring and reporting mechanism that is specific to the Ouagadougou Action Plan. A monitoring and reporting mechanism will point out areas of improvement and recognize best practices by States regarding the Ouagadougou Plan of Action. A model for uniform reporting against indicators derived from the Ouagadougou Plan of Action can be developed.

c) Lack of Funding Facility (establishment of)

The study found out that resources to address trafficking in persons is limited. More often, Member States dedicate funding to criminal law enforcement efforts, rather than victim protection and prevention. Most of the AU Member States surveyed, expressed financial constrains especially in the establishment of rehabilitation centers for victims of human trafficking with concerns that victims who are not well reintegrated tend to be re-trafficked.

d) Holistic approach to Human Trafficking and Migration

The nexus between trafficking in persons and smuggling is now more understood than when the Ouagadougou Plan of Action was developed. The Action Plan was narrow in its focus to trafficking in persons. Whilst this had the benefit of precision in definition and more targeted action, it misses the broader realities that create or increase vulnerability and further risks denial/abuse of specific rights of trafficked persons as victims of crime if they are misidentified. Furthermore, the substance of the four elements of the Ouagadougou Action Plan; Prevention, Protection, Prosecution and Cooperation give more prominence to the source perspective (Africa) of human trafficking and ignores the destination perspective.

e) Lack of Research and Information Bank

The study found out that during its 12 years existence of the Plan of Action there has been a lot of changes in the discourse of migration and, the issue of emerging trends in human trafficking. The study found out that Data to measure trends of trafficking in persons and responses is scarce, with weak capacity for collation and management was

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missing in the Action Plan. Further, there is very limited Africa-wide research on emerging trends in trafficking in persons, the changing dynamics, and modalities of traffickers and effectiveness of responses. Conceptual clarity on trafficking and related phenomenon as well as capacities to develop appropriate responses to the trafficking phenomenon by key actors remain weak.

The study also found out that there was no holistic and all-inclusive research methodology to collate data and the latest information and trends in human trafficking phenomenon. The Plan did not keep abreast with the new tactics of traffickers since traffickers have learned to adapt their business to respond to changes in law.

f) Role of Civil Society Organizations in prevention of TIP in Africa

The study found out that Most AU Member States surveyed expressed the invaluable support received from civil society organizations in their efforts to combat human trafficking. They are instrumental in creating awareness, rehabilitation and care of survivors of human trafficking, research, reporting traffickers and offering technical support in the formulation of legislation and policy against human trafficking. Some like Challenging Heights[63] in Ghana, HAART[64] in Kenya, Emmanuel Development Association[65] in Ethiopia and Rahab[66] in Uganda are community based so they are closer to the community and able to reach communities easier than government agencies. Others like Free the Slaves[67] are spread across different countries in Africa and therefore able to systematically coordinate human trafficking prevention efforts across countries especially where cross boarder organized human trafficking cartels operate.

The study also revealed that it is easier for civil society organizations to mobilize resources quicker than government agencies, were less bureaucratic and were able to respond and intervene urgently. Others like the Human Trafficking Institute have collaborated with the government of Uganda by seconding a Special Counsel to the Director of Public Prosecutions (ODPP) to offer support on cases of human trafficking.[68] In the revised Ouagadougou Plan of Action therefore it would be paramount to recognize the role of civil society organizations as an important pillar in the fight against human trafficking in Africa. One of the indicators and action points of the revised Ouagadougou Plan of Action could be the presence of organized coordination between government and civil society organizations characterized by sort of written agreements.

g) The role of Gender in the Prevention of TIP

Trafficking for the purposes of forced labor and child trafficking are top two forms documented in Africa with the former affecting women, men, girls and boys. Trafficking for sexual exploitation is the third ranked form occurring mostly in outward migration from the region and affects mostly women and girls. Despite this, male victims of human trafficking are usually ignored in the process of reintegration and rehabilitation. This is

63 Read about Challenging Heights at http://challengingheights.org
64 Read about HAART at https://haartkenya.org/
65 Read about Emmanuel Development Association at http://www.edaethiopia.org/
66 Read about Rahab at https://rahabuganda.org
67 Read about Free the Slaves at https://www.freetheslaves.net
68https://www.traffickinginstitute.org/human-rights-lawyer-becomes-institutes-first-embedded-expert-in-uganda/

evident by the lack of shelters in most States that can respond to both men and women victims of human trafficking.

The study also revealed that most AU Member States and RECs surveyed have rehabilitation and victim protection programs and shelters that are specific to women, children or both. Male victims receive little or no support in the process of reintegration and hence most of them become vulnerable to re-trafficking. Gender should properly be mainstreamed in the revised Ouagadougou Plan of Action to reflect the differences between the vulnerabilities faced by both male and female victims of trafficking and provide adequate responses that needs their unique needs and concerns. Of paramount utility to this effort will be requirement for gender analysis, proper disaggregation of data and consultations of the different groups to inform all efforts.

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Chapter 5: Conclusion, Recommendations and Way Forward

5.1 Conclusion

From the study, it is clear that anti-trafficking response should be situated within the broader migration and development discourses with more concrete actions towards prevention, addressing social and economic inequalities. Further, the nexus between human trafficking, religion and security should inform a next-generation Action Plan and or new Policy or legal instrument. Gender considerations have been made to highlight the danger of alienating male victims in the strategic responses to protection victims, but also that more strategic gender analysis should inform all responses. The influence of technology in not just in facilitating trafficking processes but also in its utilization for managing, manipulating and disguising the proceeds of human trafficking is pertinent. Proposals on the potential for use of technology to support the monitoring and tracking of proceeds of human trafficking has also been highlighted.

As trafficking in persons has emerged as a main transnational illegal trade in this generation, culminating in a profitable business that poses minimum risk for the traffickers there is need for innovative and proactive responses to prevent, create awareness and protect victims of this crime from exploitation. Impacting on all countries across the world that serve as source transit or destination points, the rising relevance of trafficking in persons in Africa is evident in an increase in responses such as ratification of international legal instruments, development of regional and national policies, and legislations and efforts to improve law enforcement to address the phenomenon.

5.2 Recommendations

Based on the above findings, the following are general recommendations based on the evaluation:

A. <u>Recommendations to the AU Member States</u>

1. ***Develop a continental Policy or legal document on the prevention of TIP in the continent that reflect current dynamics, enhance commitment by AU Member States and RECs on the prevention of Trafficking in persons in Africa.***

    i. Consider ***revising the 2006 Ouagadougou Plan of Action*** address current dynamics and challenges of TIP in the continent. This may include the following:

        - ✓ Expansion of strategic policy areas to include new areas like the role of technology and information systems in the prevention of TIP, inclusion of the role of non-state actors including the civil society; among others in the new policy document.
        - ✓ Reflect unique internal migration perspectives of Africa and the more prevalent forms of trafficking: forced labour and child trafficking.

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- ✓ Re-enforce the human rights obligations of Member States to their citizens while they are outside of their territories as migrants or victims of human trafficking.

- ✓ Provide a clear implementation, coordination and follow up mechanism with clear roles of the RECs in the implementation and follow up cycle of the new policy document on TIP

- ✓ Recognize the role of civil society organizations, media and other non-state actors, through strengthened coordination with governments, characterized by written agreements and government funding to areas where they are more strategic than government.

ii. Develop as soon as possible, ***continental policy or legal document(s)*** for the prevention of Trafficking in Person and also smuggling in Human Beings to address the lack of a continental policy or legal document (s) to address these crimes in the continent. This will enhance AU Member States and RECs commitment to jointly fight and address this crime in the continent. The new Plan of Action envisaged above may complement the operationalization of these instruments.

2. ***Develop and Support Data sharing and Research mechanism in the RECs and among AU Member States in the continent to promote evidence based policy formulation on TIP****:*

i. Support the establishment of an African Migratory Observatory Centre with a clear focus on disseminating data and research on the prevention of Trafficking in person in Africa.

ii. Promote as far as possible closer collaboration between the national statistics offices and the national focal offices on TIP to ensure TIP data is mainstreamed in national censuses and surveys.

iii. Establish capacity building mechanism to national focal offices in charge of the prevention of the TIP to collect and utilize accurate and disaggregated data as a basis for national policy formulation.

3. ***Establish a Coordination, collaboration and follow up framework between the AU Member States, RECs and AU Commission on Trafficking of Persons in the continent****:*

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i. Establish and support a continental dialogue and campaign process that includes all AU Member States and RECs to monitor and follow up on the implementation of the new policy document and other relevant initiatives on TIP in the continent.

ii. Provide a clear role of the AU Commission and the RECs with necessary technical and financial support to enhance collaboration, coordination and follow up of TIP issues with AU Member States and RECs in the continent.

iii. Establish a mechanism to share good practices on the prevention of TIP among Member States and RECs in the continent.

iv. Support the establishment and operationalization of Regional Initiatives and dialogue processes on TIP including the AU Horn of Africa Initiative and Khartoum process to ensure harmonization with continental policy initiatives, complementarity and sharing of best practices among RECs and Member States.

v. Ensure a common approach in the collaboration and engagement between AU Member States and other international partners and regions on issues of Trafficking of persons.

4. Create ***a capacity building fund*** to support Member States in the existing and future initiatives in the prevention of Trafficking in Persons and Smuggling in Human beings in the continent; including continental political dialogue and campaign mechanism.

5. Consider realigning the new document on TIP to ***complement and operationalize the provisions of the Global Compact on Safe, orderly and regular Migration*** and the Revised 2018 Migration Policy Framework for African, among other relevant AU Migration Policy Documents and Position Papers.

B. Recommendations to the RECs

6. Develop ***regional Policy documents and Plan of Actions*** to prevent Trafficking and Smuggling of persons in respective regions to ensure a harmonized approach at national, regional and continental levels.

7. Develop ***regional Research and data sharing mechanism*** at regional and national levels to promote evidence based policy formulation. These regional centers should complement and work in consultations with continental observatory and research centers in Mali, Morocco and proposed Khartoum one.

8. Establish and support ***regional consultations and dialogue framework*** and or initiatives on the prevention of Trafficking in Persons and Smuggling in Human

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Beings, taking cue of the existing AU Horn of Africa Initiative (AUHOAI) and the good practices therein.

5.3 Way Forward

This study has exposed both policy and operational gaps in terms of continental and regional responses to address trafficking in persons in the continent. There is an urgent need for AU Member States and RECs to provide a solid policy and legal framework to prevent and address the Trafficking in Persons and Smuggling of Human beings including Modern Day slavery in the continent. Continuous dialogue and collaboration among AU Member States and RECs to address this crime is also critical. The existing duplication of efforts in interventions of trafficking and smuggling in persons has to be addressed for a more sustainable solutions including developing a return and reintegration policy guideline for use by Member States to support its returning migrants.

Improved data sharing, including intelligence sharing can also go a long way in identifying potential routes and illegal networks used by criminals to perpetuate this crime. AU Member States should not only strive to build the capacity of its Law enforcement Agencies to detect and prevent this crime but also establish protection sensitive rescue centers, especially for vulnerable groups, including women and children to ensure they are adequately supported. Further, enhance border management, including investing in modern border management Information system will also go a long way in detecting these criminal networks before they depart to their destinations.

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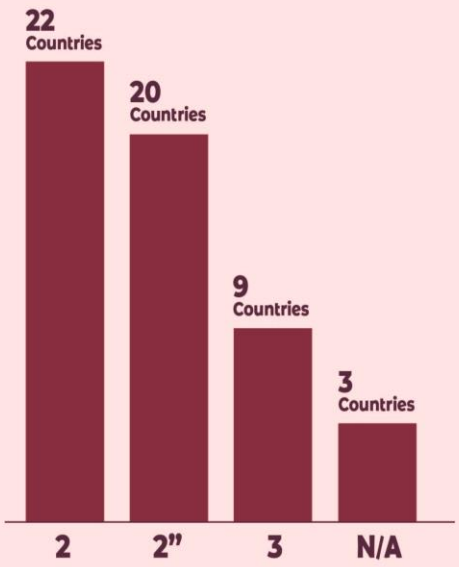
ANNEXES

Annex 1: Overview of Member States Performance against Ouagadougou Plan of Action Framework

Trafficking tier status of African countries
(US TIP Tier 2018)

2	Benin, Botswana, Burkina Faso, Cape Verde, Cameroon, Cote d'Ivoire, Djibouti,Eygpt, Ethiopia, Ghana, Kenya, Lesetho, Malawi, Mauritius, Morocco, Mozambique, Namibia, Rwanda,Tanzania, Tunizia, Uganda, Zambia
2"	Algeria, Angola, CAR, Chad, Eswatini, Gambia, Guinea, Guinea Bissau, Liberia, Madagascar, Mali, Niger, Nigeria, Senegal, Seycelles, Sierra leone, South Africa, Sudan,Togo, Zimbabwe
3	Burundi, Comoros, Congo Brazaville, Congo DRC, Equatorial Guinea, Ertirea, Gabon, Mauritania, South Sudan
N/A	Lybia, Sao Tome and Principe, Somalia



Annex 2: Key Informants by Country

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11.	Mr. Valerie	MINEPAT	Diplomate	
12.	Mr. Ko	Ministry of Empowerment and Family Affairs	Director of Family Affairs	
Djibouti				
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Annex 3: Online Survey Respondents by REC and Country

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Annex 5: List of Definitions

Border control	A State's regulation of the entry and departure of persons to and from its territory, in exercise of its sovereignty, whether this is conducted at the physical border or outside of the territory in an embassy or consulate
Child labour	Any work performed by a child which deprives him or her of his or her childhood, potential, and dignity, is detrimental to his or her health, education, physical, mental, spiritual, moral or social development.
Child trafficking	The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, even if this does not involve 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. *(Art. 3(c), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000).*
Country of destination	The country that is a destination for migratory flows (regular or irregular)
Country of origin	The country that is a source of migratory flows
Country of transit	The country through which migratory flows (regular or irregular) move.
Exploitation	The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).
Forced or compulsory labour	All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily
Forced migration	A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or manmade causes
Immigration	A process by which non-nationals move into a country for the purpose of settlement.
Internal migration	A movement of people from one area of a country to another area of the same country for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin
Internally displaced persons	Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situation of generalized violence, violations of human rights or natural or manmade disasters, and who have not crossed an internationally recognized border.
Irregular migration	Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration.
Labour migration	Movement of persons from one state to another, or within their own country of residence, for the purpose of employment.
Servitude	State of a person deprived of liberty and subservient to another person.

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Sexual exploitation	Any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another
Slavery	The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised (Art. 1, Slavery Convention, 1926 as amended by 1953 Protocol). Slavery is identified by an element of ownership or control over another's life, coercion and the restriction of movement and by the fact that someone is not free to leave or to change employer (e.g., traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes).
Smuggled person/migrant	A migrant who is enabled, through providing financial or material benefit to another person, to gain illegal entry into a State of which he or she is not a national or a permanent resident.
Smuggler (of migrants)	An intermediary who moves a person by agreement with that person, in order to transport him/her in an unauthorized manner across an internationally recognized state border. See also smuggling
Smuggling	"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"
Trafficker (human)	An intermediary who is involved in the movement of person in order to obtain an economic or other profit by means of deception, physical or psychological coercion for the purpose of exploitation. The intent ab initio on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.
Trafficking in persons	"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" *(Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000).*

Source: IOM Glossary and the Palermo Protocol

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Annex 6: Data Collection Tools

Key Informants Interview Guide

Questions for Government:

1. **Introductory questions**
    a. Country
    b. Organization
    c. Position in your organization?
    d. Your involvement/role in implementing anti-TIP/Smuggling interventions overall in your country?
    e. Were you involved in the development of the O-PoA?
    f. If yes, what is your involvement/role in implementing the O-PoA?
    g. Are you aware of who or which M/D/A in your country was involved in the development and adoption of the O-PoA?
    h. Are you aware if CSOs (women's groups?) were involved in development of the O-PoA?

2. **General Questions on Anti-TIP Interventions and the O-PoA**
    a. Which M/D/A in your country is responsible for anti-trafficking prevention/response? How do they coordinate?
    b. Which are key anti-trafficking prevention/response activities in your country? By priority?
    c. Does your country have a migration policy? Please share?
    d. Do you have periodic country reports on anti-trafficking interventions? How periodic are the reports? Do you submit these to the AU?
    e. How has the trafficking trends in your country changed in the past 10 years?
    f. What factors would you say are responsible for this change? Policy? Legislation? Programmes? Other external factors?
    g. Where is the repository of migration/trafficking data in your country?

3. **Assessment of Implementation**
    a. Which aspects of the O-PoA have you implemented? Any report? Weblinks, new articles to share?
    b. What are your key achievements under the O-PoA?
    c. What were the key gaps in implementing the O-PoA in your country?
    d. Which are the key opportunities that have arisen for implementing the O-PoA in your country?
    e. Which areas of the O-PoA were the most challenging to implement and why?
    f. What were the key lessons learnt from implementing the O-PoA in your country?
    g. What are the key thrusts of the Ouagadougou PoA that are relevant to your country? Any areas that you find irrelevant?
    h. How does the O-PoA intersect with other frameworks for trafficking in your country?
    i. Do you think the O-PoA has contributed in your country efforts towards combating trafficking/smuggling? If yes, in what ways?

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j. Is there a specific section/entity/officer responsible for interacting with the AU on migration/trafficking? What is their function in this regard? Can we meet them?
k. Is there a specific responsibility for the O-PoA in your country?
l. Do you think there is need to continue with the O-PoA?
m. What would you change or strengthen in the O-PoA?
n. What would be your 3 key recommendations for stronger implementation of the O-PoA?

4. **Whole of Systems Approach/ Recommendations**
   a. What does a victim/migrant-centered migration/anti-trafficking response mean in your work?
   b. Are there any other anti-trafficking frameworks, legislations, PoAs that complement the O-PoA in your country?
   c. How does the O-PoA align with or is impacted by your national development index?
   d. Which other non-migration or trafficking related MDAs in your country do you interact/coordinate with on anti-trafficking interventions and their roles?
   e. Where does funding for your anti-trafficking interventions come from largely? National Budget? Donors? Private Sector?
   f. Which are the key resource (time, human, money, capacity) requirements for implementing anti-trafficking interventions in your country? By year? By priority?
   g. Any external influences on your anti-trafficking efforts? E.g. the US TiP report? In what ways?
   h. In what ways has the AU-EU Migration Policy impacted on your migration/anti-TIP work?
   i. What kind of support do you expect from (or relationship do you recommend between your country and ...) the AU/EU in your migration/anti-TIP work?

Questions for CSOs:

1. **Introductory questions**
   a. Country
   b. Organization
   c. Position in your organization?
   d. Your involvement/role in implementing anti-TIP/Smuggling interventions overall in your country?
   e. How has the trafficking trends in your country changed in the past 10 years?
   f. What factors would you say are responsible for this change? Policy? Legislation? Programmes? Other external factors?
   g. Where is the repository of migration/trafficking data in your country?
   h. Do you think the O-PoA has contributed in your country efforts towards combating trafficking/smuggling? If yes, in what ways?
   i. Please provide at least 3 recommendations for stronger actions to combat trafficking in persons by the African Union?

Online Questionnaire for Member States

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« Evaluation of the Ouagadougou Plan of Action to Combat Trafficking in Human Beings, especially Women and Children (2006) »	
Country:	
Name of official providing information:	
Position:	
Contact Telephone Number	
Contact Email	
Date of Completion:	

A. General Information on Trafficking Situation and Responses

1. What is/are the major trafficking issue/s facing the country? ***(Rank your responses** by typing a number in the boxes; **with 1 being the most important challenge, 2 being the second most important challenge, etc)***	a. ☐ Forced labor b. ☐ Child trafficking c. ☐ Sexual exploitation d. ☐ Domestic servitude e. ☐ Forced recruitment as soldiers (including child soldiers) f. ☐ Forced begging g. ☐ Slavery or slavery-like practices h. ☐ Forced marriages i. ☐ Removal of organs j. ☐ Other (Please specify) …… ☐

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	k. None
2. What is/are the position of the country in relation to trafficking flows? ***Please select all that apply by inserting an X in the box***	l. ☐ Origin m. ☐ Transit n. ☐ Destination o. ☐ None of the above
3. Please mention in order of priority, the main legal document/s (national, regional and international that guide your anti-trafficking work.	1. …… 2. …… . 3. …… . 4. …… . 5. …… …
4. Please mention in order of priority, the main policy document/s (national, regional and international that guide your anti-trafficking work.	1. …… 2. …… . 3. …… . 4. …… . 5. …… …
5. How have the trends relating to trafficking in persons changed in the country in the past 10 years?	p. ☐ Reduced q. ☐ Increased r. ☐ No change

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Please choose only the option that applies	
Please explain your choice above; including factors responsible for the change. For example: • **Policy,** • **Legislation,** • **Programmes,** • **Improved social, economic, political or environmental situation** • **other factors …**	…… ……. …… ……. …… ……. …… …….
6. Do you know of the Ouagadougou Plan of Action?	s. ☐ Yes t. ☐ No
If "YES" above, how did you come to know about the Action Plan? ***Please choose all the options that apply***	u. ☐ Through the government v. ☐ Through the REC for my sub-region w. ☐ Through the AU x. ☐ Through this evaluation questionnaire y. ☐ Other (Please specify) ……
Please explain your choice/s above	…… ……. …… ……. …… …….

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	…… …….
B. Implementation of the Ouagadougou Action Plan	
Strategic Measures I: Prevention and Awareness Raising	
1. **Does the country conduct education, training; life-skills, awareness raising and counselling in relation to trafficking in persons?**	• ☐ No • ☐ Yes
If "YES", who conducts them?	a. ☐ The Government b. ☐ NGOs/INGOs c. ☐ The UN d. ☐ Consultants/Outsourced e. ☐ All of the above f. ☐ Other (Please specify) ……
If "Yes", how frequently are the above conducted?	a. ☐ Every year b. ☐ Every two years c. ☐ Every three years d. ☐ Every four years e. ☐ Every five years f. ☐ Infrequently g. ☐ Not sure

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2. **Does the country provide Employment/livelihood opportunities for youth; particularly for young women at risk**	• ☐ No • ☐ Yes (Please explain your choice above; including limitations to provision of the same) …… …… …… ……
3. **Does the country promote empowerment of girls and women in national policies?**	• ☐ No • ☐ Yes
If "YES", please list the policies and their year/s of adoption.	a. …….. b. ……. c. ……
4. **Does the country take specific measures to promote the rights of the child and protect children from trafficking?**	• ☐ No • ☐ Yes
If "YES", please list the specific measures that are taken to promote the rights of the child and protect children from trafficking	a. …….. b. …….. c. ……
If "NO", please provide the reason(s) why.	a. ……..…… b. …….. c. ……
5. **Does the country engage in mass media and information**	a. ☐ Every year

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campaigns to raise awareness about trafficking? **If** YES, **please select frequency.** **If** NO, **please leave blank**	b. Every two years c. ☐ Every three years d. ☐ Every four years e. ☐ Every five years f. ☐ Infrequently g. ☐ Not sure
6. **Does the country conduct training and capacity building; particularly of Police authorities on combating TIP?**	• ☐ No • ☐ Yes
If "YES", who conducts them?	a. ☐ The Government b. ☐ NGOs/INGOs c. ☐ The UN d. ☐ Consultants/Outsourced e. ☐ All of the above f. ☐ Other (Please specify) ……
7. **Are birth registration and identity documents universally accessible to all citizens in the country?**	• ☐ No • ☐ Yes

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If "YES" when did the above documents become accessible to all citizens?	a. Before 2006; state year …….. b. After 2006; state year ……..
8. **Have the economic and living conditions of families and extended families improved since 2006?**	• ☐ No • ☐ Yes
If "YES" please state reasons for the improvement. **If "NO" please state reasons for the decline.**	a. …… b. …….. c. ……
9. **Does the country mobilize families, NGOs, local communities, other CSOs and businesses to combat TIP and promote best practices?** **If** YES, **please select frequency.** **If** NO, **please leave blank**	a. ☐ Every year b. ☐ Every two years c. ☐ Every three years d. ☐ Every four years e. ☐ Every five years f. ☐ Infrequently g. ☐ Not sure
10. **Has the country established rehabilitation centers to assist victims, especially women and children to ensure their safety, protection and facilitate their recovery and social reintegration?**	• ☐ No • ☐ Yes
If "YES" when were the above rehabilitation centers for victims established?	a. Before 2006; state year …….. b. After 2006; state year ……..

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If "YES" above, which entities are responsible for establishment/management of rehabilitation centers for victims? ***Please choose all the options that apply***	a. ☐ The Government b. ☐ NGOs/INGOs c ☐ Other (Please specify) ……
If "YES" above, please list the services that are available to assist victims, especially women and children to ensure their safety, protection and facilitate their recovery and social reintegration.	a. …… b. …….. c. …… d. …… e. ……
If "YES" above, are rehabilitation centers and theirs services that are available to adult male victims of trafficking?	• ☐ No • ☐ Yes Explain your choice above ……..
11. **Please describe the country's efforts to reduce the demand for exploitative services and the impact.**	a. …… b. …….. c. ……
12. **Please describe the country's efforts to eliminate harmful customs, traditional practices and counter cultural stereotypes, which can lead to TIP and the impact.**	a. …… b. …….. c. ……
13. **Does the country commission further research, including on the extent, forms and root causes of TIP?**	• ☐ No • ☐ Yes

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If "YES", who commissions the research?	a. ☐ The Government b. ☐ NGOs/INGOs c. ☐ The UN d. ☐ Consultants/Outsourced d. ☐ All the above e. ☐ Other (Please specify) ……
If "Yes" How frequently is the research conducted?	a. ☐ Every year b. ☐ Every two years c. ☐ Every three years d. ☐ Every four years e. ☐ Every five years f. ☐ Infrequently g. ☐ Not sure
If "YES" above, please provide copies/sources for the research, including web-based sources	…… ….. …… …..
14. **Does the country collect and exchange information on the means and methods used by traffickers?**	• ☐ No • ☐ Yes

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If "YES", who collects the above information?	a. ☐ The Government b. ☐ NGOs/INGOs c. ☐ The UN d. ☐ Consultants/Outsourced e. ☐ All the above ☐ Other (Please specify) ……
If "YES", with who and how is the above information shared?	a. ☐ Inter-agency (law enforcement, service providers, policy makers) b. ☐ With the public c. ☐ With NGOs/INGOs d. ☐ With the UN e. ☐ With bi-lateral partners f. ☐ All the above ☐ Other (Please specify) ……

15. **Please describe the limitations the country is facing in Prevention and Awareness raising in line with the Ouagadougou Action Plan's strategic measures.**

a) **……**

……

b) **……**

……

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c) …… …… d) …… ……	
Strategic Measures II: Victim Protection and Assistance	
1. Which international human rights standards on child rights, women's rights, child labor and TIP form the basis for policies, programs and other measures for victim protection and assistance in the country? ***Please choose all the standards which apply***	• The Universal Declaration of Human Rights (1948); • The UN Convention on the Elimination of all Forms of Discrimination against Women • (1979); • The Beijing Declaration and Platform of Action (1995); • The UN Convention on the Rights of the Child (1989); • The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000); • The Declaration of the World Summit for Children (1990); • ILO Convention on worst form of child labor (1999); • A World Fit for Children- UN General Assembly Special Session on Children (2002) • The Constitutive Act of the African Union (2002); • The African Charter on Human and Peoples Rights (1981) and its Protocol relating to the • Rights of Women (2002) • The African Charter on the Rights and Welfare of the Child (1990); • The African Common Position on Children (Declaration and Plan of Action 2001); • The African Common Position on Migration and Development (2006); • The Treaty on the European Union (1992) • The European Convention on Human Rights (1950) • The Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002)

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	• The EU Council Framework Decision on combating trafficking in human beings (2002); • The EU Plan of best practices, standards and procedures for combating and preventing trafficking in human beings (2005); • The EU Strategy for Africa (2005);
2. Which of these measures is the country taking in relation to victim protection and assistance? ***Please choose only the measures which apply and which can be proven by documentation.***	a. Identify victims and provide them with appropriate assistance and protection, considering special vulnerabilities, rights and needs. b. Pay particularly attention to rural and urban divide in order to provide the most appropriate measures for protection and assistance to victims of trafficking, especially children and their families. c. Provide victims with information on their legal and other rights in the country of destination as well as the country of origin in case of repatriation. d. Encourage victims to testify in the investigation and prosecution of cases of trafficking in human beings, by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular regarding children. e. Specific measures to avoid criminalization of victims of trafficking, as well as stigmatization and the risk of re-victimization. f. Provide victims of trafficking with short- and long-term, appropriate, psychological medical and social assistance to promote their full recovery. g. Adopt legislative or other appropriate measures that permit victims of trafficking to remain in their territory, temporarily or permanently, and consider humanitarian and compassionate factors. h. Special measures to address the plight of children-headed households, especially girls. i. Promote an HIV/AIDS sensitive approach and protect the dignity and human rights of victims of

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	HIV/AIDS, taking the special needs of children into account.
3. Does the country have special protocol/s or guiding framework/s (e.g. victim identification protocol) for key actors and stakeholders on the measures listed in question 2 above**?** ***If "YES" please state the title of the document and the year it was adopted.*** ***If "NO" please skip this question.***	a. Title of document ……..; year of adoption …….. b. Title of document ……..; year of adoption …….. c. Title of document ……..; year of adoption ……..
4. Does the country measure compliance with the measures listed in question 2 above**?**	☐ Yes ☐ No
If "YES" above, please describe how the country measures compliance.	…… …… …… ……
Please describe the limitations the country is facing in addressing Victim Protection and Assistance in line with the Ouagadougou Action Plan's strategic measures. **a. ……** **b. ……** **c. ……** **d. ……**	

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Strategic Measures III: Legislation, Policy Development and Law Enforcement	
I. Legislative Framework	
1. What is the status of the country in relation to the UNCTOC and the Palermo Protocol?	a. ☐ Signed, date: …… b. ☐ Ratified, date: …… c. ☐ Fully implemented, how: ……..
2. Which other relevant regional and international legal instruments has the country signed, ratified or adopted? ***Please list them and state the dates of signature, ratification and implementation*.**	d. Title/name and date …….. e. Title/name and date …….. f. Title/name and date …….. g. Title/name and date ……..
3. What legislations, policies and programs has the country adopted or reviewed to implement the UNCTOC, the Palermo Protocol and other relevant regional and international legal instruments?	• Title/name and date …….. • Title/name and date …….. • Title/name and date …….. • Title/name and date ……..
4. Does the country's legal and institutional framework comprehensively cover all aspects of trafficking in human beings in line with UNCTOC and the Palermo Protocol?	5. ☐ Yes 6. ☐ No
If "YES" above, please quote which section of which legislation.	…… …… ……
5. Is the crime of trafficking precisely defined in the country's national law in line with UNCTOC and the Palermo Protocol, and are all practices	• ☐ Yes • ☐ No

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covered by the definition of trafficking also criminalized?	
If "YES" above, please indicate which of the listed practices are criminalized in the country's legal framework.	z. ☐ Forced labor aa☐ Child trafficking bb☐ Sexual exploitation cc☐ Domestic servitude dd☐ Forced recruitment as soldiers (including child soldiers) ee☐ Forced begging ff. ☐ Slavery or slavery-like practices gg☐ Forced marriages hh☐ Removal of organs ii. ☐ Other (Please specify) …… jj. ☐ None
6. Does the country's legislation provide for administrative, civil or criminal liability of legal persons or their representatives for trafficking offences in addition to the liability of natural persons?	☐ Yes ☐ No
7. Please describe the measures the country is taking to combat criminal organizations involved in TIP	h. …… i. …… j. …… k. ……
7. Does the country's legislation provide for effective prosecution	☐ Yes

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of those suspected of involvement in TIP and deterrent penalties for those found guilty?	☐ No
If "YES" above, please quote which section of which legislation.	…… …… …..
8. Does the country's legislation make provisions for confiscation of instruments and proceeds of trafficking and related offences?	☐ Yes ☐ No
If "YES" above, please quote which section of which legislation.	…… …… …..
9. Does the country provide legal measures which would provide victims of trafficking the possibility of obtaining compensation for damage suffered?	☐ Yes ☐ No
If "YES" above, please quote which section of which legislation.	…… …… …..
10. Does the country's legislation severely punish traffickers/ offenders and make provisions for the protection of victims?	☐ Yes ☐ No

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If "YES" above, please quote which section of which legislation.	…… …… ……
11. Does the country have a policy for the protection and support of victims of trafficking; including protection from harm by traffickers, criminal networks and pimps?	• ☐ Yes • ☐ No
If "Yes" when was the policy adopted?	a. Before 2006; state year …….. b. After 2006; state year ……..
12. Does our country's laws and administrative practices provide information to victims about the status of relevant criminal and other legal proceedings, and that the status of these proceedings are considered prior to any repatriation of the victim?	• ☐ Yes • ☐ No
If "YES" above, please quote which section of which legislation.	…… …… …..
13. Does the country encourage victims of trafficking to testify in the investigation and prosecution of cases of trafficking in persons by giving due consideration to the safety and security of victims?	• ☐ Yes • ☐ No
If "YES" above, please describe the measures in place to encourage victims to testify and how they are protected thereof.	…… …… …..

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II. Policy Development	
1. Does the country gather and analyse data on TIP, including on the means and methods used, on the situation, magnitude, nature, and economics of trafficking, particularly of women and children ... using advanced systems and methodologies for data collection and information exchange?	l. ☐ Yes m. ☐ No
If "YES", who collects the above information?	f. ☐ The Government g. ☐ NGOs/INGOs h. ☐ The UN i. ☐ Consultants/Outsourced j. ☐ All the above n. ☐ Other (Please specify) .....
If "YES", with who and how is the above information shared?	g. ☐ Inter-agency (law enforcement, service providers, policy makers) h. ☐ With the public i. ☐ With NGOs/INGOs j. ☐ With the UN k. ☐ With bi-lateral partners l. ☐ All the above

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	o. ☐ Other (Please specify) ……
2. Does the country have a National Action Plan, which comprehensively outlines all necessary measures to combat TIP?	p.
If "Yes" when was the National Action Plan adopted?	q. Before 2006; state year …….. r. After 2006; state year ……..
3. Does the country have a multi-disciplinary National Task Forces (NTF) on TIP, to: **s. Formulate and implement National Action Plans?** **t. Report to appropriate regional and international bodies on the progress of the implementation of the National Action Plans** ***NTFs to include: relevant ministries and agencies to formulate policy, IGOs, NGOs and civil society, as appropriate.***	u. ☐ Yes v. ☐ No
If "Yes" which Ministry/Agency/Government Official heads the NTF?	……
If "Yes" please list all the Ministries/Agencies/Units, INGOs, NGOs, Civil Society and other stakeholders who are members of the National Task force	a. …… b. …….. c. …… d. …… e. …… f. …….. g. …… h. ……

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	i. …… j. ……
If "Yes" is the NTF established by a Statute?	a. ☐ Yes b. ☐ No
If "Yes" how often does the NTF meet?	a. ☐ Weekly b. ☐ Once in two weeks c. ☐ Monthly d. ☐ Quarterly e. ☐ Infrequently f. ☐ Other (Please specify) ……
If "Yes" does the National Task Force have a Plan of Action?	w. ☐ Yes x. ☐ No
If "Yes" how often does the NTF report appropriate regional and international bodies on the progress of the implementation of the National Action Plans?	☐ Every year ☐ Every two years ☐ Never reported ☐ No idea ☐ Other (Please specify) ……

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If the country does not have a National Task Force, which Ministry/Agency/Unit is the focal point for anti-trafficking issues?	a. ☐ ……. b. ☐ There is no focal point for anti-trafficking issues.
4. Is TIP included in the country's national poverty reduction strategy and allocated the necessary budget for combating this crime?	☐ Yes ☐ No
5. **Are issues relevant to trafficking in persons, mainstreamed into the country's broader migration management framework?**	☐ Yes ☐ No If yes, please state the title of the framework ……
III. Law Enforcement	
1. **Does the country have special units, within existing law enforcement structures, with a specific mandate to develop and effectively target operational activities to combat TIP; with national focal points?**	y. ☐ Yes z. ☐ No
If "Yes" please provide the name/s of the unit/law enforcement structure.	a. …… b. …… c. …… d. ……

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2. **Does the country have direct channels of communication between competent authorities, agencies and services, including special units and focal points?**	aa☐ Yes bb☐ No
If "YES" please describe what mechanisms is in place to foster the direct channels of communication, who is involved and how it functions?	…… …… …… …… ……
3. **Does the country have joint border patrols trained in the prevention of trafficking in human beings?**	☐ Yes ☐ No
If "YES" please explain the composition of the joint border patrols and how they function?	…… …… …… …… ……
4. **Does the country have laws for the extradition of the traffickers /offenders?**	☐ Yes ☐ No
If "Yes" when was the law enacted?	cc. Before 2006; state year …….. dd. After 2006; state year ……..
If "YES" above, please quote which section of which legislation.	…… …….. ……..

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5. **Does the country have/participate in joint investigation units?**	☐ Yes ☐ No
If "YES" please explain the composition of the joint border patrols and how they function?	…… …… …… …… ……
6. **Does the country provide and strengthen training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the prevention of trafficking in human beings?** ***The training should focus on: methods for prevention, prosecution, victim's rights protection (including protecting victims from traffickers), and encourage co-operation with NGOs and civil society.***	☐ Yes ☐ No
If "YES", who conducts them?	g. ☐ The Government h. ☐ NGOs/INGOs i. ☐ The UN j. ☐ Consultants/Outsourced k. ☐ All of the above l. ☐ Other (Please specify) ……

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If "Yes", how frequently are the above conducted?	h. ☐ Every year i. ☐ Every two years j. ☐ Every three years k. ☐ Every four years l. ☐ Every five years m. ☐ Infrequently n. ☐ Not sure

Please describe the limitations the country is facing in development and implementing Legislations, Policy and Law Enforcement efforts in line with the Ouagadougou Action Plan's strategic measures.

7. **……**

8. **……**

9. **……**

10. **……**

Strategic Measures IV: Cooperation and Coordination	
1. Please describe how the country has enhanced multi-disciplinary co-ordination and co-operation at the national level, to ensure an integrated approach to victims of trafficking, considering the specific needs	…… …… …… …… ……

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of adult and children victims in the past 10 years?	
2. Please describe how the country has enhanced exchange of documentation of experiences and lessons learned regarding recovery, repatriation and reintegration, to develop and provide appropriate short- and long-term assistance to the victims of trafficking in the past 10 years?	…… …… …… …… ……
3. Does the country have a mechanism for co-operation between governments, UN, IGOs, NGOs and relevant CSOs to strengthen overall capacity to assist and empower victims, including by educational measures and/or work opportunities?	ee☐ Yes ff. ☐ No
If "Yes" please list all the Ministries/Agencies/Units, UN, INGOs, NGOs, Civil Society and other stakeholders who are members of the cooperation mechanism	k. …… l. …….. m. …… n. …… o. …… p. …….. q. …… r. …… s. …… t. ……
If "Yes" how often does the cooperation mechanism meet?	g. ☐ Weekly h. ☐ Once in two weeks i. ☐ Monthly

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	j. ☐ Quarterly k. ☐ Infrequently l. ☐ Other (Please specify) ……
If "Yes" which government entity does the coordination mechanism report to?	…… …….. …… ……
4. Does the country's national focal points collect, analyze and distribute information on trafficking in human beings, and co-ordinate efforts to prevent trafficking.	gg☐ Yes hh☐ No Please explain ……
5. What nature of co-operation (on all aspects of trafficking in human beings, including prevention, investigation, prosecution and protection of and assistance to victims, fully reflecting the important role of inter-governmental organizations, NGOs and civil society) is the country engaged in? **Please select all the options that apply**	ii. ☐ Bilateral jj. ☐ Regional kk☐ Sub-regional ll. ☐ None

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If the country is engaged in bilateral cooperation on the above, please explain the nature of cooperation and the impact on anti-trafficking efforts in the country.	…… …… …… …… ……
If the country is engaged in regional cooperation on the above, please explain the nature of cooperation and the impact on anti-trafficking efforts in the country.	…… …… …… …… ……
If the country is engaged in Sub-regional cooperation on the above, please explain the nature of cooperation and the impact on anti-trafficking efforts in the country.	…… …… …… …… ……

Please describe any limitations the country is facing in fostering and sustaining Cooperation and Coordination in line with the Ouagadougou Action Plan's strategic measures.

11. ……

……

12. ……

……

13. ……

……

14. ……

……

C. Conclusions and Recommendations

1. As a regional level framework for action against TIP, is the	a. ☐ Yes

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Ouagadougou Action Plan sufficient to address the phenomenon?	b. ☐ No Please explain …… …… . …… .
If "YES" above, list in order of priority, three ways to strengthen the Ouagadougou Action Plan as a regional level framework for action against TIP.	a. …… b. …… … c. …… ….
If "NO" above, list in order of priority, three gaps in the Ouagadougou Action Plan that make it insufficient as a regional level framework for action against TIP.	a. …… b. …… … c. …… ….
2. Please provide at least 3 recommendations for stronger actions to combat trafficking in persons by the African Union?	a. …… b. …… … c. …… ….

Online Questionnaire for RECs

« Evalutaion of the Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children (2006) »

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Name of Regional Economic Community	
Name of official providing information:	
Position:	
Contact Telephone Number	
Contact Email	
Date of Completion:	

D. General Information on Trafficking Situation and Responses

14. What is/are the major trafficking issue/s-challenge/s facing the Region? ***(Rank your responses** by typing a number in the boxes; **with 1 being the most important challenge, 2 being the second most important challenge, etc)***	kk. ☐ Forced labor ll. ☐ Child trafficking mm. ☐ Sexual exploitation nn. ☐ Domestic servitude oo. ☐ Forced recruitment as soldiers (including child soldiers) pp. ☐ Forced begging qq. ☐ Slavery or slavery-like practices rr. ☐ Forced marriages ss. ☐ Removal of organs tt. ☐ Other (Please specify) …… uu. ☐ None
15. How have the trends relating to trafficking in persons changed in your region in the past 10 years? ***Please choose only the option that applies***	☐ Reduced ☐ Increased

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	☐ No change
Please explain your choice above; including factors responsible for the change. For example: • **Policy,** • **Legislation,** • **Programmes,** • **Improved social, economic, political or environmental situation** • other factors …	…… …… …… …… …… …… …… ……
16. What are the major challenges relating to addressing trafficking in persons in your REC? **Please list**	a. …… …… b. …… …… c. …… …… d. …… …… e. …… ……
17. What support does the REC provide to Member States in the area of addressing trafficking in persons? **(Please list areas of support)**	a. …… …… b. …… …… c. …… …… d. …… …… e. …… ……
18. Do you know of the Ouagadougou Plan of Action?	☐ Yes

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	☐ No
If "YES" above, how did you come to know about the Action Plan? ***Please choose all the options that apply***	a. ☐ Through the governments of the region b. ☐ Through the AU c. ☐ Through this evaluation questionnaire d. ☐ Other (Please specify) ……
E. Implementation of the Ouagadougou Action Plan	
1. Does the REC have an Action Plan or Protocol relevant to trafficking in persons?	☐ Yes ☐ No If yes, please state the title. ……
2. If YES above, when was the regional Acton Plan or Protocol relevant to trafficking in persons adopted?	• Before 2006; state year …….. • After 2006; state year ……..
3. If YES above, is the regional Action Plan or Protocol relevant to trafficking in persons, integrated into a broader migration management framework?	☐ Yes ☐ No

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	If yes, please state the title of the framework ……
4. If the REC has an Action Plan or Protocol relevant to trafficking in persons, what steps have been (or are being) taken by the REC to align it with the Ouagadougou Action Plan in the areas of: • **Prevention and Awareness Raising** • **Victim Protection and Assistance** • **Legislative Framework, Policy Development and Law Enforcement** • **Co-operation and Coordination**	a. …… …… b. …… ……..…… c. …… ……
ii. If the REC does not have an Action Plan or Protocol relevant to trafficking in persons, have any steps been taken by the REC to implement the Ouagadougou Action Plan?	☐ Yes ☐ No Please explain …… …..
iii. Are you aware of the AU.COMMIT Campaign and its launch in your REC?	☐ Yes ☐ No
iv. If YES above, following the launch of the AU.COMMIT Campaign in your region, what support has the REC provided to member states to implement the Ouagadougou Action Plan?	a. …… …… b. …… ……..…… c. …… ……
v. If NO to no. 5 above, what support does the REC provide to members	a. …… ……

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around anti-trafficking responses in general	b. …… ……..… c. …… ……
What are the limitations to implementation of the Ouagadougou Action plan at the level of the REC? a. ……..…… …….. b. ……..…… …….. c. …… …… d. …… ……...	
C. Cooperation and Coordination	
1. Does the REC have a department or unit that is dedicated to addressing trafficking in persons?	m☐ Yes nn☐ No
(i) If "YES" please provide the name of the department/unit.	e. ……..…… ……
2. Does the REC have more than 1 department with anti-trafficking responsibilities?	a.☐ Yes b. ☐ No

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(i) If "YES" please indicate how often the departments meet to discuss anti-trafficking issues.	m. ☐ Weekly n. ☐ Once in two weeks o. ☐ Monthly p. ☐ Quarterly q. ☐ Once a year r. ☐ Infrequently s. ☐ Other (Please specify)……
3. Does the REC have a regional coordinating forum/mechanism for coordination of all anti-trafficking efforts; including efforts to prevent trafficking? ***A forum/mechanism that brings together Governments/Agencies and other stakeholders to discuss and address trafficking issues***	☐ Yes ☐ No
(i) If "YES" is the regional coordinating forum/mechanism established by a Statute?	c. ☐ Yes d. ☐ No
(ii) If "YES" how often does the regional coordinating forum/mechanism meet?	a. ☐ Monthly b. ☐ Quarterly c. ☐ Once a year d. ☐ Infrequently e. ☐ Other (specify)……

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4. Does the REC have a specialized department or unit or focal point that collects, analyze and distribute information on trafficking in human beings?	☐ Yes ☐ No
If "YES", with who and how is the above information shared?	m. ☐ With member states n. ☐ With the AU o. ☐ With NGOs/INGOs p. ☐ With the UN q. ☐ With bi-lateral partners r. ☐ All the above ☐ Other (Please specify) …….
If "YES" above, please provide copies/sources for the information, including web-based sources	…… …….. …… …….
5. Does the REC facilitate collaborative efforts between governments, international, inter-governmental and nongovernmental organizations to mobilize resources to combat trafficking in human beings?	☐ Yes ☐ No
If "YES" above, please explain the nature of collaboration and the impact on anti-trafficking efforts in the region.	…… …… …… ……

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	…… ……
6. Does the region have a mechanism in collaboration with governments, international, inter-governmental and non-governmental organizations and the civil society to follow- up on implementation of the Ouagadougou Action Plan?	☐ Yes ☐ No
7. Does the REC have a special department/unit/focal point to liaise with the AU on anti-trafficking issues?	☐ Yes ☐ No
If "Yes" please provide the name/s of the department/unit/focal point.	f. …… …… g. …… …….. h. …… …….. i. …… ……
8. In what ways can the REC and AU enhance coordination to implement relevant regional and international anti-trafficking policies/protocols? **a……** **b……**	

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c…… ……	
d…… …… ***Continue on a separate sheet if necessary.***	
D. Conclusions and Recommendations	
3. As a regional level framework for action against TIP, is the Ouagadougou Action Plan sufficient to address the phenomenon?	c. ☐ Yes d. ☐ No Please explain …… …… ……
If "YES" above, list in order of priority, three ways to strengthen the Ouagadougou Action Plan as a regional level framework for action against TIP.	d. …… …… e. …… …… g. …… ……
If "NO" above, list in order of priority, three gaps in the Ouagadougou Action Plan that make it insufficient as a regional level framework for action against TIP.	d. …… …… e. …… …… f. …… ……

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4. Please provide at least 3 recommendations for stronger actions to combat trafficking in persons by the African Union?	d. …… …… e. …… ……..…… f. …… ……

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