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The Human Being as a Commodity: Responding to the Trafficking and Trading of Persons in West Africa

Sarah Okaebea Danso

RECOMMENDATIONS:

- Increase efforts to have all member states formulating national laws prohibiting all forms of human trafficking and also ensuring the harmonization and domestication of regional and international frameworks.
- Strengthen judicial systems and stringently enforce anti-trafficking laws with swift prosecutions and commensurate sentences to deter traffickers.
- Tighten border controls through effective border security management strategies and acquisition of surveillance equipment.
- Enhance institutional, national and regional capacities by providing targeted anti-trafficking trainings for law enforcement officers, judiciaries and persons in related anti-trafficking positions.
- Create appropriate multi-agency collaboration and coordination processes and systems between security agencies and units within the sub-region.
- Carry out comprehensive and supportive sensitization programmes for groups vulnerable to trafficking

Introduction

When one thinks of commodities, humans usually would not enter the discussion unless one was looking back to the slave trade era. Yet today, it is not off target to discuss humans as commodities. This is unfortunately so because the demand and market for “slaves” still persist, albeit in a modernized form. Persons across the globe are clandestinely “traded” as you would a sack of maize or smuggled goods. They are deceived, trapped and forcefully exploited in what is

regarded as modern-day slavery or human trafficking.¹

Virtually every region of the world is affected by the contemptible business of human trafficking, with countries serving as origin (source), transit or destination (OTD) states or a combination for trafficked persons. It is estimated that at any given

¹ The differences between human trafficking and migrant smuggling are the elements of: (1) consent (consensual agreement vs. fraudulent deceit or coercion); (2) transnationality (cross-border vs. internal/external border); (3) exploitation (contractual vs. supposed agreement) and (4) source of profit (one-time as opposed to continual profit).

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time there are about 29 million slaves or trafficking victims globally, the majority being women and girls.² The United Nations Protocol defines human trafficking 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 or servitude or the removal of organs.³

Because of its clandestine, low-cost/low-risk yet high-returns nature, the “industry” is one of the most lucrative and fastest-growing global crimes, with burgeoning demand for humans.⁴ Human trafficking rakes in an estimated \$32 billion per annum;⁵ profits are often dependent on the source country, destination, age, gender, and “use” of the trafficked person. An African child taken to the United States, for instance, might net a trafficker \$10,000 - \$20,000.⁶ The trafficking in persons (TIP) from Africa to Europe alone has a turnover in excess of \$300 million per annum.⁷ Most of the

people engaged in the trafficking business are also often part of other organized crime networks needing its lucrative returns to sustain other crimes such as illegal narcotics and arms trade.

Despite the severity of the problem and the risk it poses, West Africa’s responses are often inadequate. This Policy Brief examines the trafficking and commoditization of humans in West Africa, focusing on its nature, risk and fueling factors. It further highlights various responses of the Economic Community of West African States (ECOWAS) and its Member States to this cancer. This brief finally addresses some challenges in this regard and concludes with recommendations to bridge identified gaps.

Human Trafficking in West Africa

The problem of human trafficking in West Africa is shown in the fact that all 15 states fall under either or all three OTD classifications (origin, transit, destination) in the trafficking supply chain. Victims are recruited or abducted in an originating country often characterized by poverty, unemployment or conflict; they are transferred through transit countries often marked by lax institutions, weak legislation, corruption and porous borders; and then exploited in destination countries with booming sex industries and a demand for cheap labour.

Human trafficking in the sub-region is either internal, involving the movement of persons within a country’s borders; or is external – directed within the region or towards Western Europe and the United States of America. On the global scale, most West African states generally act as source countries, with Sahel states such as Niger and Mali often serving as transit states, while Gulf of Guinea states such as Nigeria, Côte d’Ivoire and Ghana often serve as OTDs. Recruited from rural Nigeria, women and children are for instance trafficked to countries like South Africa, Gabon, Cameroon, Equatorial Guinea, Ghana, Benin, Niger, Burkina Faso and the Gambia for forced labor and prostitution. At the same time, children from Benin,

² UN Office on Drugs and Crime (UNODC) 2013 Report.

³ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Transnational Crimes Convention (2000), also known as the Palermo Protocol

⁴ Pratt, A. N. (2004). Human trafficking: The nadir of an unholy trinity. *European Security* 13 (1), pp. 55-71.

⁵ International Labor Organization, (2007). Forced Labor Statistics Factsheet, 2007.

⁶ Fitzgibbon, K. (2003). Modern-day slavery? The scope of trafficking in persons in Africa. *African Security Review*. 12 (1).

⁷ UNODC Report (July 2006).

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Togo and Ghana, for example, are forced to work in Nigeria.⁸

Victims are also used as drug couriers. For example, from Cape Verde, people are trafficked to Brazil and other European countries as drug couriers.⁹ While trafficking for sexual exploitation is a common practice within the region, people are generally trafficked for economic exploitation. Benin, Burkina Faso, Guinea-Bissau, Guinea, Ghana, Mali, Nigeria, and Togo are cited as major source countries for child labour sent to urban and agricultural sites in Equatorial Guinea, Côte d'Ivoire, Gabon, Nigeria, and Senegal.¹⁰

Risk Factors

The persistence of human trafficking in West Africa can be ascribed to a number of factors and conditions that make the sub-region a perfect “harvest field” for humans. In a region considered as one of the poorest and least stable on Earth,¹¹ it comes as no surprise that poverty often emerges as a major contributory factor for human trafficking. Most West African states grapple with harsh socio-economic conditions and vulnerabilities that often predispose people to trafficking. The promise of better living conditions elsewhere, coupled with the high profits of human trafficking often promote the industry as an option to break out of poverty.¹²

Another contributory factor is related to certain cultural and spiritual practices in West African societies, some of which place women and children in positions of vulnerability, marginalization and discrimination. The practice of entrusting children

to the custody of “external” individuals in urban communities, a system that has been corrupted and exploited over the years, is a good case in point. In some cases, spiritual rituals (i.e. juju/voodoo) requiring human parts can also contribute to the crime.¹³ In environments where such practices hold sway, most victims are often trapped and afraid to collaborate with authorities even when rescued.

Aggravating West Africa’s human trafficking problem are also factors of deficient institutions and an absence of effective national anti-trafficking laws and policies. Usually in such states, conviction rates are low because of inadequate punitive measures, if any at all, for the trafficker, thus encouraging impunity.¹⁴ There is also limited assistance for victims, often leading to under-reporting and reluctance to report.

Additional factors reinforcing trafficking in the region include the porosity of borders; weak border security management mechanisms; logistical constraints; limited capacity of customs and immigration agencies to police the borders; demand for cheap labour in the sub-region; poor data on human trafficking; corruption; involvement of international organized crime groups; bad governance; the lack of political commitment and budgetary resources.

West Africa’s Responses to Human Trafficking in the region

In seeking to address human trafficking, ECOWAS and its member states have over the years initiated various policies, arrangements and activities aimed at prevention, providing support to victims and strengthening the judiciary. Other interventions are aimed at awareness creation and inter-agency and international collaboration between member states.

⁸ Sawadogo, W. R. (2012). The challenges of transnational human trafficking in West Africa. *African Studies Quarterly* 13 (1).

⁹ US Department of State. (2013). *Trafficking in Persons Report* (June 2013),.

¹⁰ Sawadogo, *op. cit.*

¹¹ United Nations Office on Drugs and Crime (UNODC) (July 2009). *Transnational Trafficking and the Rule of Law in West Africa: A threat assessment.*

¹² Sawadogo, *op. cit.*

¹³ Carling J. (2006). *Migration, Human Smuggling and Trafficking from Nigeria to Europe*. Geneva: International Organisation for Migration.

¹⁴ UN IRIN, 26 July 2002.

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ECOWAS adopted and coordinated a number of framework documents that obliged member states to take stronger stance on criminalizing human trafficking by signing, ratifying and applying at domestic level international instruments such as the 2000 Palermo Protocol. In 2001, a Declaration on the Fight against TIP was adopted. Subsequently, the Initial Plan of Action against TIP (2002-03) was extended until 2011, and the Joint Regional Plan of Action to Combat TIP, especially Women and Children (2006 -2008) with its Central African counterpart (ECCAS)¹⁵ were adopted. ECOWAS in 2005 also set up a counter-TIP unit within its Commission. A policy on the Protection and Assistance to Victims of Trafficking was also adopted in 2009.

At the national level, member states – for example, Ghana, Benin and Nigeria – in adherence to the ECOWAS request for improvement of legislative mechanisms governing the prosecution of traffickers, have passed laws that criminalize human trafficking. As part of governmental efforts, states such as Nigeria, Gambia and Ghana have also established specific anti-trafficking bodies or units.¹⁶

The adoption of the 4-P paradigm of Prevention, Prosecution, Protection and Partnership as an intervention mechanism in the sub-region has also been instrumental. Prevention aims at identifying potentially vulnerable groups and embarking on sustained sensitization of these groups to traffickers' ploys. Prosecution is about punishing those contravening the provisions of the laws prohibiting TIP. Protection is about providing supportive and protective services such as psychosocial assistance, shelter, advice, reintegration and vocational training for rescued victims. Partnership underscores the necessity of coordinating the efforts of governmental and non-governmental agencies and organizations in the

fight against trafficking. In this regard, some West African authorities have established joint border control initiatives, case in points being Benin and Burkina Faso, and Mali and Burkina Faso.

Challenges

Despite the commendable strides being made within the sub-region to curb human trafficking, major challenges persist.

- Prosecutions of offenders are not swift and convictions minimal. Many apprehended offenders are either not prosecuted or are given sentences not commensurate with their crimes. In Togo, for instance, six persons arrested for human trafficking were each sentenced to less than a year's imprisonment.¹⁷ In Ghana, of the 482 victims identified in 2010, only six prosecutions were initiated, resulting in only four offenders convicted.¹⁸
- The region's porous borders pose a great challenge to conducting effective surveillance and halting traffickers. Human and logistical resources are insufficient to effectively patrol these vast borders.
- The lack of constant and effective communication and coordination between security agencies in the various member states also contributes to their inability to control trafficking. Part of this problem stems from language barriers, which often limit communication between security personnel stationed at the borders and in some cases between victims and security personnel.¹⁹
- The limited capacity of officials to fully appreciate the dynamics of the trafficking crime as well as their vigilance and ability to profile persons crossing the borders is also a problem.

¹⁵ Economic Community of Central African States.

¹⁶ Trafficking in Persons Report (June 2013). Department of State, United States of America.

¹⁷ UNODC 2009

¹⁸ Trafficking in Persons Report (June 2013). Department of State, United States of America.

¹⁹ ECOWAS comprises eight French-speaking countries, five English-speaking; and two Portuguese-speaking countries.

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Recommendations and Conclusion

Human trafficking is a harsh reality plaguing West Africa and no single strategy or state can succeed on its own in fighting it. Combating or preempting the canker requires a comprehensive and multi-faceted approach, and a combination of methods, resources and sharing of ideas amongst all states at the national, regional, and international levels. In addressing some of the challenges and risk factors identified, member states can explore the following:

- Increase efforts to get all member states to formulate national laws prohibiting all forms of human trafficking, and also ensure the harmonization and domestic application of regional and international frameworks;
- Strengthen judicial systems and stringently enforce anti-trafficking laws with swift prosecutions and commensurable sentences to deter traffickers;
- Tighten border controls through effective border security management strategies and acquisition of surveillance equipment;
- Enhance institutional, national and regional capacities by providing targeted anti-trafficking training for law enforcement officers, the judiciary and other persons in related anti-trafficking positions;
- Create appropriate multi-agency collaboration and coordination processes and systems between security agencies and units within the sub-region (i.e. joint investigations and border patrols, and the sharing of intelligence and security information);
- Ensure that specific anti-trafficking units constantly update and share their data to ensure effective communication, accountability and responsibility. Personnel must also acquire language proficiency training;
- Ensure the provision of adequate resources for specialized units to boost efficiency and also consider increasing personnel assigned to border posts;
- Finally, because poverty seems to be a catalyst for the burgeoning industry of human

trafficking, addressing it through the prioritization and promotion of poverty reduction programmes for susceptible people may be a good starting point in the war against trafficking. Additionally, comprehensive and supportive sensitization programmes for vulnerable traffic-prone groups would also be vital.

Research indicates that statistics and much of what is known about human trafficking today in the region and globally represents just the tip of the iceberg and is therefore not a true representation of the reality. Thus, while identifying real and potential factors that fuel human trafficking such as those outlined in this paper, and taking the necessary steps to address them are commendable, it is imperative that the lacuna in knowledge, statistics and research on the crime be filled for interventions to become more effective.

About the Author

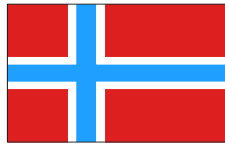
Sarah Okaebee Danso is a Research Assistant with the Faculty of Research and Academic Affairs at the Kofi Annan International Peacekeeping Training Centre (KAIPTC), Ghana. She works with the Regional Small Arms and Light Weapons Programme. Sarah holds an MA in International Affairs (African Studies option) from Ohio University, Athens, USA (2010) and a BFA degree (Graphic Design option) from the Kwame Nkrumah University of Science and Technology, Kumasi, Ghana (2005). Her research interests include issues related to small arms and light weapons proliferation, stockpile management, electoral violence, and youth and conflict, particularly in West Africa.

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