HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

IN THE CONTEXT OF MIXED MIGRATION FLOWS: State of play in the IGAD Region

BACKGROUND PAPER

Sixth IGAD Regional Consultative Process on Migration (IGAD RCP) – October 2015

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The International Organization for Migration (IOM) has prepared this background paper for the sixth meeting of the IGAD[1] Regional Consultative Process (IGAD RCP) focusing on human trafficking and smuggling of migrants in the context of mixed migration flows in the IGAD Region. The content for this paper is organized in four parts: Part 1 provides a general overview of the regional context with regard to mixed migration flows and human trafficking in particular; Part 2 provides a summary on IGAD countries, their challenges and response; Part 3 discusses key migration issues in the region; and Part 4 provides recommendations on trafficking and smuggling of migrants based on the IGAD Regional Migration Policy Framework[2]. Country profiles on Djibouti, Ethiopia, Kenya, South Sudan, Somalia, Sudan and Uganda are annexed to the report.

1 IGAD is comprised of member states Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. Eritrea's membership is currently suspended.
2 Official IGAD policy document adopted by the council of ministers in July 2012.

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PART 1: NATURE OF MIGRATION FLOWS IN THE IGAD REGION

PART 1: Nature of migration flows in the IGAD region

The IGAD Region is characterized by complex migration dynamics with a long history of intra-regional and inter-regional population movements through both regular and irregular channels. There are three primary irregular routes in the region: 1) The Northern route through Sudan, Libya, and Egypt into Europe; 2) The Eastern route through Djibouti, Northern Somalia, and Yemen to the Kingdom of Saudi Arabia (KSA) and other Gulf countries – significant flows from Yemen to the IGAD region have also been taking place since March 2015 due to the current crisis in Yemen; and 3) The Southern route through Kenya, Tanzania, Zambia, and Malawi towards South Africa. Countries along these routes may be characterized as countries of origin, transit and/or destination for migrants from IGAD member states.

Migration in and from the IGAD region has been fueled by various political, socio-economic and environmental factors. Some migrants use irregular migration channels to flee political unrest, persecution, and conflict, while others leave situations of extreme resource scarcity, including environmental change, drought, crop failure, food insecurity and severe poverty, among others. There are also reports of people using regular channels for migration, but ending up in exploitative situations and/or being subjected to abuse, abduction and extortion during their journey or at their final destination.

Mixed migration flows in the region are composed of persons with different profiles and varying levels of vulnerabilities. These include migrant workers (both regular and irregular), refugees,[3] smuggled migrants, trafficked persons, unaccompanied children, environmental migrants, stranded migrants, victims of exploitation and abuse, asylum seekers, and family members seeking to reunite with their families. They are all entitled to the protection of their rights according to international norms and standards.

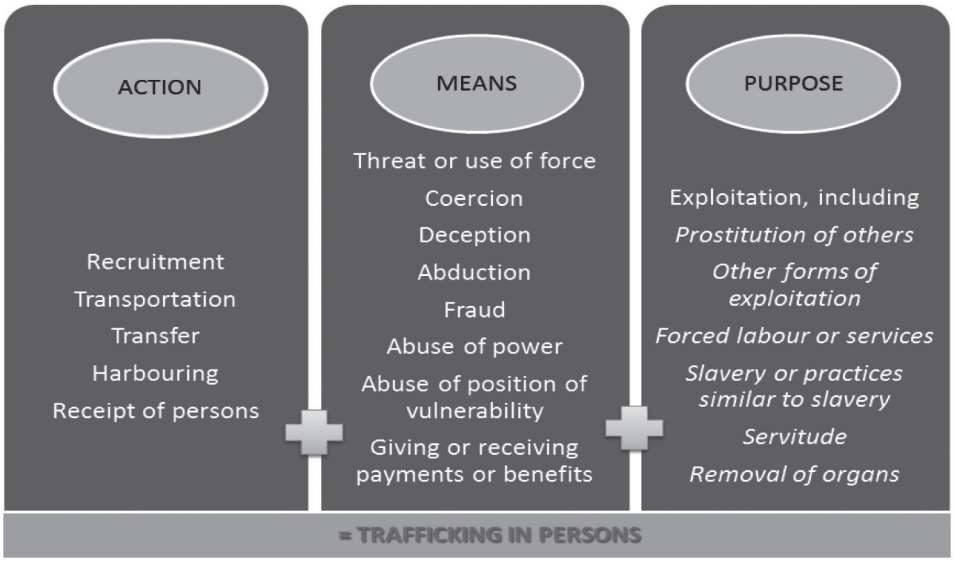
A. Human trafficking in the IGAD region

Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Trafficking in Persons 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

3 The IGAD region is host to the largest number of refugees in Africa with more than 700,000 in Ethiopia and 500,000 in Kenya alone. (UNHCR country factsheets on Kenya and Ethiopia, July-August 2015) To a lesser extent, countries like South Sudan - home to more than 200,000 refugees – also experience similar burden. This extreme vulnerability due to forced displacement is a contributing factor to the phenomenon of irregular migration including human trafficking and smuggling.

The three elements of the definition is illustrated below in Figure 1.

Figure 1: Trafficking in Persons



In the region, victims of human trafficking are exploited in a range of industries including agriculture, construction, domestic work, entertainment, forestry, fishing, mining, and textiles. Victims of trafficking are often subjected to various forms of exploitation, including forced prostitution; sexual exploitation; forced marriages; engagement of children in armed conflicts and militia groups; forced begging; and forced labour on farms, mines and construction sites.[4]

People may be exploited when they move across international borders or within their own countries. Although there are many factors that make people vulnerable to human trafficking, groups who are particularly at risk include undocumented migrants and unaccompanied children.[5] Factors such as poverty, protracted conflict, unemployment, gender inequality and the lack of access to education opportunities and resources are also factors that may increase vulnerability to human trafficking. States are obliged to protect victims as part of their international obligations under the Trafficking in Persons Protocol and other international instruments, including international human rights conventions, and regional commitments.[6]

4 IOM Guidelines for Assisting Victims of Human Trafficking in the East Africa Region.

5 Special protection regimes pertain to children, including those spelled out in the UN Convention on the Right of the Child (CRC). The Trafficking Protocol establishes in Art. 3 that the recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.

6 For the IGAD region, relevant regional commitments include the African Charter on Human and peoples' right (1981), Khartoum Declaration on AU-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants (2014), the IGAD Regional Migration Policy Framework (2012), etc.

B. Difference between trafficking and smuggling

When trafficking involves the crossing of international borders, it can be confused with other crimes, such as migrant smuggling. However, it is important to note that trafficking and smuggling under international law are two distinct crimes with different legal elements and characteristics. According to Article 3 of the *Protocol against the Smuggling of Migrants by Land, Sea and Air, s*muggling of migrants means the procurement, in order to obtain *financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or permanent resident.*

Figure 2: Key differences between trafficking and smuggling

	TRAFFICKING	SMUGGLING
1. How money is made (territory)	Exploitation of victim in destination country	Helping people cross borders illegally, and also the procurement of illegal residence
2. Consent (agreement)	Potential victim agrees to travel on basis of false information	Client agrees to travel with full information about journey, destination and costs
3. Relationships ▪ **Trafficker-Victim** ▪ **Smuggler-Client**	Trafficker-Victim Relationship continues in country of destination	Smuggler-Client. There is generally a commercial relationship between smuggler and migrant, which ends after illegal border crossing achieved and fee paid

Illegal entry is defined in Article 3(b) of the Smuggling of Migrants Protocol as 'crossing borders without complying with the necessary requirements for legal entry into the receiving State'. For example, this would include entering a country without a valid visa or entering a country with fraudulent documents. The element of 'financial or other material benefit' has been interpreted broadly. For example, a benefit may include non-financial inducements (e.g. an advantage, privilege, sexual or other services) arising from the smuggling of migrants.

In practice, it may be difficult to distinguish between trafficked and smuggled persons. Not all smuggled migrants become victims of trafficking or abuse. However, smuggled migrants are highly vulnerable to falling victim to trafficking or other forms of exploitation during their journey or once they arrive

in the country of destination. She or he may have contracted an individual or a group to assist in their illegal movement in exchange for a financial payment. However, the smuggled migrant might be compelled (e.g. debt bondage, extortion, use of force, forced labour) to continue this relationship to pay off large transportation costs.

Offenders may commit both crimes in the course of a single operation, smuggling some members of a group while trafficking others. While one should of course be mindful of the negative effects of being smuggled on the migrants themselves, the biggest threat posed by smuggling comes from the strengthening of organized crime syndicates and their increased ability to circumvent governance systems. Smuggling is principally a crime against the state, with smuggling networks continuing to grow, and becoming far more extensive and organized than previously the case. Evidence suggests that profits from trafficking and smuggling are increasingly used to finance sophisticated transnational organized crime and terrorist networks, which require intelligence-led law enforcement approaches aimed to dismantle the smuggling networks and bring perpetrators to justice.

PART 2: SUMMARY OF KEY CHALLENGES AND RESPONSE ON HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

Part 2: Summary of key challenges and response on human trafficking and smuggling of migrants

Good practices in the IGAD region[7] have targeted the work of smuggling networks while allowing for the identification of vulnerable people within mixed migration movements, including victims of trafficking and victims of exploitation and/ or abuse. The following table provides a summary on key challenges and government response for each IGAD member state. Country profiles providing further information are annexed. Part 2 concludes with a listing and description of key agreements and frameworks in the region to address human trafficking and smuggling of migrants.

A. Summary table on key challenges and government response

Country	Key challenges	Government response
DJIBOUTI	• High numbers of irregular migrants from Ethiopia and refugees from Yemen • Significant numbers of other foreign nationals arriving by sea • Pressure on limited government resources to provide humanitarian assistance • Limited resources at borders, in particular at sea and land borders to handle large scale migration flows.	• Convention against Transnational Organized Crime and related protocols signed • Law on combatting trafficking • National Action Plan address trafficking and smuggling • Bilateral MOU with Ethiopia • Registration of migrants and particularly refugees from Yemen

7 According to UNODC, there is an estimate that 25,000–30,000 people were victims of trafficking in the region between 2009 and 2013.

ETHIOPIA	• Ethiopia is a source and, to a lesser extent, destination and transit country for men, women, and children subjected to forced labor and sex trafficking. Migrants are smuggled and trafficked through the country via three major routes in the east, north and south.	• Ratification of a variety of international instruments that provide for protection of migrants and trafficking victims, which are also part of the country's fundamental law • Ongoing review of labour migration management practices • Ban on private agency recruitment of Ethiopian labour in Gulf countries since 2013 due to reported human rights abuses • Developed and endorsed national action plans related to counter-trafficking and overall protection of migrants • Creation of National Anti-Trafficking Council and Taskforce to address trafficking at national, regional, zonal and district levels with focus on prevention, prosecution, and protection. • Bilateral MOUs signed with numerous countries on labour migration and repatriation assistance
KENYA	• Long and porous borders plus the political and socio-economic context in the region make Kenya a hub for human trafficking and smuggling of migrants • Both internal and cross-border trafficking in the region, as well as to Europe • Two main routes of human trafficking and migrant smuggling are the north-eastern Kenya (Garissa) transit route and the Busia and Malaba border. • An additional route is the one crossing the Kenya- Ethiopia border, which has been identified as a weak target by traffickers in the region.	• Accession to the UN Protocol to Prevent Suppress and Punish Trafficking in Persons and development and enactment of domestic anti-trafficking legislation, including Counter-Trafficking in Persons' Act 2010. • NPA (May 2015) address trafficking, as does other Acts, including the Children Act 2007 and the Victim Protection Act 2014. • In past year identification of Kenyan trafficked persons abroad, their successful rescue and return due to cooperation by multiple Kenyan agencies..

SUDAN	• Source, transit and destination country for men, women and children who are victims of human trafficking • Increase in migrant smuggling since the recent crisis in Yemen • Tightening of Sudan-Egypt border has resulted in migrants traveling (both smuggled and trafficked) through Sudan's northern border with Libya.	• Acceded to the Palermo Protocol in 2014 • Enacted an anti-trafficking law and established the inter-ministerial National Committee to Combat Trafficking to coordinate all activities on human trafficking. • A Joint Partners Strategy with the UN and IOM to address trafficking and smuggling (2015-2017) was endorsed by the Government. • Increased capacity resulting in greater numbers of trafficking victims rescued and assisted. • Greater levels of engagement on trainings and workshops with partners to strengthen and build capacity.
SOMALIA	• Violent conflict and humanitarian crises remain push factors for outward migration causing asylum seekers and refugees to flee their homes. • Somaliland and Puntland regions in Somalia are origin, destination and transit zones for mixed migration flows in the IGAD region. Somaliland is a transit point for movements to the port of Bossaso in Puntland. • Puntland serves as a transit point for migrants mostly from Ethiopia and South Somalia who seek to cross the Gulf of Aden from the port of Bossaso into Yemen. • Since the start of conflict in Yemen, more than 9,000 refugees, returnees and other groups of migrants have arrived in Somaliland and more than 19,000 in Puntland. • Limited border management capacities and resources, with a number of PoE requiring infrastructure enhancements, training and capacity building.	• The pre-1991 penal code (applicable at the federal and regional levels) outlaws forced labor and other forms of trafficking in persons. • The Constitution, which remains provisional until the holding of a national referendum for a permanent version, prohibits slavery, servitude, trafficking, forced labor, the use of children in armed conflict, and all forms of prostitution. • The Puntland Counter-Trafficking Board led by the Ministry of Security and Disarmament, Demobilization and Reintegration (DDR) was formed. • Social mobilization and Information campaigns have been undertaken in Somalia through radio programmes, production of posters and social mobilization to create awareness on human trafficking, its risks and dangers.

SOUTH SUDAN	• A source, transit and destination country for migrants from East and IGAD region • South Sudan hosts thousands of labour migrants from east and IGAD region, while serving as a source country for people affected by forced displacement • South Sudan is also a transit and destination country mostly for Eritreans, Ethiopians and Somalis. • An evaluation of the overall migration management regime of the country and 16 border assessments carried out by IOM indicated that South Sudan would benefit from additional infrastructure, equipment, training, policies, processes and coordination	• As Africa's youngest nation (2011), South Sudan is yet to sign and ratify the international instruments on human trafficking and migrant smuggling. • Legislative and policy frameworks on human trafficking and migrant smuggling are not in place yet. • However there are provisions in the penal code and the Immigration Act, which could be used to criminalize traffickers and smugglers. • Border management infrastructure has been installed in different locations, tools have been developed to create institutional capacity in addressing human trafficking and smuggling of migrants and capacity building trainings have been conducted for thousands of law enforcement in migration and border management related topics.

UGANDA	• A country of origin, transit and destination for victims of trafficking, both domestic and transnational. • Inadequate border infrastructure and porosity make Uganda's borders vulnerable to all kinds of irregular and illegal cross border activities, including the smuggling of migrants, trafficking in persons, and human trafficking. Smuggling of humans was seen as an issue in the Arua Region. • Victims of Trafficking (VoTs) include women, men, girls and boys, however girls and women are the majority. • Developmental issues such as youth unemployment, poverty, burden of big families and orphans remain predominant challenges in Uganda as well as the scope to raise awareness for existing legal migration channels. • Based on cases assisted by IOM, the main destination countries for Ugandans trafficked abroad include Kuwait, Malaysia, Oman, United Arab Emirates, China, Thailand, Qatar, Iraq, India, and Saudi Arabia. • A comprehensive border and Migration Management Assessment (BMMA) undertaken with the support of IOM in 2014 recommended the development of relevant legislation to include strengthened provisions to fight cross border crime, i.e. to penalize the act of migrant smuggling.	• Enactment of the Prevention of Trafficking in Persons Act in 2009, which provides for a broader definition of human trafficking than the provision of the Palermo protocol. • The Employment Regulation (2005) have provisions related to labour migration, as does the National Action Plan, draft guidelines on Recruitment of Migrant Workers developed by The Ministry of Gender labour and Social Development (MGLSD), and Bilateral Labour Agreement (BLA) signed with Kingdom of Saudi Arabia in July 2015. • Uganda adopted a multi-stakeholder approach to combat trafficking through a national task force and a coordination office under the Ministry of Internal Affairs. The task force brings together relevant Government ministries/agencies, civil society and IOM as an observer. It has developed a national awareness raising strategy and through support from various actors, there has been continuous public awareness raising on human trafficking. • Uganda has signed but has not yet ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air. Since 2013, the GoU has been able to prosecute and convict 6 offenders under the Anti-Trafficking law. • The Ministry for Gender Labour and Social Development (MGLSD) collaborated with IOM to strengthen its Externalization of Labour Programme through the development of guidelines for recruitment of migrant workers and a job-matching database.

B. Regional policies and frameworks

The following regional policies and frameworks are of particular relevance for the IGAD region:

- ***IGAD Regional Migration Policy Framework and IGAD Migration Action Plan***

IGAD has been the first Regional Economic Community (REC) to develop a Regional Migration Policy Framework (RMPF) in line with the Migration Policy Framework for Africa adopted in Banjul in 2006[8]. The policy framework, adopted in July 2012 by the Council of Ministers, highlights that "*irregular migration is becoming increasingly common in IGAD and between IGAD Member States and the Member States of neighboring RECs as well as across the Red Sea to the Middle East to which some IGAD Member States have long historical links*".[9] The Policy Framework identifies nine key thematic migration issues, including human trafficking and smuggling of migrants, and outlines two sets of recommendations for Member States to curb the phenomena of human trafficking and smuggling of migrants in the IGAD Region.

The IGAD Migration Action Plan (2015-2020) has been developed to operationalize the IGAD RMPF. The MAP established strategic priorities, action areas and list of activities to be performed by IGAD Member States.

The IGAD Regional Consultative Process (RCP) on migration as well as the IGAD Regional Migration Coordination Committee (RMCC) both serve as platforms and frameworks where progress in implementation of the RMPF and the MAP is discussed and followed up, specifically also on the strategic recommendations relating to human trafficking and migration smuggling.

- ***Ouagadougou action plan to combat trafficking in persons especially women and children***

African and European Union member states adopted the Ouagadougou Action Plan in November 2006. In January 2007, the African Union adopted the Executive Council Decision endorsing the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children. The OAP provides specific measures and recommendations to address trafficking in human beings in general, and women and children in particular.

8 AU Banjul Decision EX.CL/Dec.304 (IX)

9 IGAD Regional Migration Policy Framework, Section 6 on irregular migration, p.31

- ***The African Union Horn of Africa Initiative against human trafficking and smuggling of migrants (AU-HOAI)***

The AU-HOAI is an African Union-led initiative that brings together more than 15 states[10], including Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, and Sudan from the IGAD region. Other neighboring countries such as Egypt also play a prominent role in the process. 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 human trafficking and smuggling of migrants. The initiative aims to tackle human trafficking and smuggling from the HoA to different destinations, mainly movements into Europe, the Middle East and Southern Africa (ref. Part 1 and the 3 routes of irregular migration). The AU-HOAI Strategy and Plan of Action has been adopted with specific provisions in terms of prevention, protection and prosecution.

- ***The EU-Horn of Africa Migration Route Initiative (Khartoum Process)***

This Initiative, also known as the Khartoum Process, is an inter-regional platform between European countries and African States in the Horn of Africa[11] . The process was launched at a Ministerial meeting in Rome, Italy in November 2014 with the overall objective of addressing human trafficking and smuggling of migrants from the HoA into Europe.

- ***Regional Committee on Mixed Migration***

The Regional Committee on Mixed Migration is an IOM initiative and was created by the Governments of Djibouti, Ethiopia, Puntland, Somaliland and Yemen at the conclusion of a Regional Consultation on mixed migration held in Djibouti 1-2 December 2010. The overall objective of this committee is enhancing collaboration to address and manage Mixed Migration flows in the region. The committee has held regular Annual meetings since 2010.

10 As per the Terms of Reference of the process, the AU-HOAI is composed of: a)Core countries: Egypt, Eritrea, Ethiopia, and Sudan; b) Neighboring countries: Djibouti, Kenya, Somalia, South Sudan; c) Invited partner countries: Italy, Libya, Malta, Norway, Saudi Arabia, Switzerland, Tunisia and Yemen ; and d) Partner organizations: EC, INTERPOL, IOM, UNHCR, UNODC.

11 The members of the Khartoum process as listed in the Rome declaration are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kenya, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Somalia, South Sudan, Spain, Sudan, Sweden, Tunisia and United Kingdom

PART 3: ANALYSIS ON KEY MIGRATION ISSUES IN THE IGAD REGION

Part 3: Analysis on key migration issues in the IGAD Region

A. **Identification of vulnerable migrants**

Mixed migration flows include different groups of migrants moving for different reasons: migrant workers (both regular and irregular), smuggled migrants, trafficked persons, unaccompanied children, environmental migrants, stranded migrants, pregnant women, victims of exploitation and abuse, as well as refugees. Effective identification of vulnerable migrants enables governments to fulfill their obligations to provide assistance, support and protection. Failure to identify vulnerable migrants on the part of the state results in the inability of vulnerable migrants to access the assistance and support to which they are entitled. Effective identification of vulnerable migrants also enables authorities, in the event of trafficking and smuggling cases, to gain access to evidence and bring the offenders to justice for the serious crimes they have committed. Victim identification is an essential component of responding to serious crimes.

Victims of trafficking rarely identify themselves as victims, including as in many cases they have become dependent on their traffickers and/or may fear threats and reprisals. In the IGAD region, there are further many cases where trafficking and smuggling is linked to cultural practices. Raising awareness in and through communities on the crimes of trafficking and smuggling is an important instrument to contribute toward better identification of vulnerable migrants.

Identification of victims of trafficking and vulnerable migrants remains a key challenge globally and for the IGAD region. There is need to have protection-sensitive and victim-centered processes, procedures and systems, with the aim of effectively responding to the protection needs of vulnerable migrants in region. A good practice for states is to develop standard screening forms and specific indicators for exploitation that are sufficiently detailed to allow first responders, in many cases law enforcement officials, to identify vulnerable migrants early on and refer the to appropriate channels.

B. **Secondary movement of refugees**

Irregular secondary movements describe the phenomenon of asylum seekers and refugees who move in an irregular fashion from a country where they have already applied for asylum or been granted refugee status. The causes

of secondary movements are manifold and may include a lack of durable solutions, limited capacity to host refugees and provide effective protection for protracted periods of time, as well as lack of access to legal migration opportunities.[12]

The increasing link between irregular migration and secondary movements, coupled with the scale of human rights violations suffered by both trafficked and smuggled migrants along the migratory routes, has become of increasing concern to refugee host governments. There are reports of "missing" refugees and asylum seekers from camps (especially unaccompanied children), and increasing reports that refugee camps are becoming a target for human traffickers and smugglers.

In the IGAD region, it is reported that most of the Eritreans refugees who attempt the crossing into Sudan cross the Mediterranean transit through refugee camps in Northern Ethiopia. It has been reported that Eritrean refugees either leave the camps voluntarily or get lured and abducted. They eventually face very dire situations in Sudan and Egypt's Sinai Peninsula. Some incidents of trafficking of refugees from and within Uganda have also been documented.

C. Nexus between irregular migration and labour migration

As stipulated earlier in the paper, human trafficking and smuggling in persons are forms of irregular migration as they relate to "movement that takes place outside the regulatory norms of the sending, transit and receiving countries."[13]

Labour migration is defined as movement of persons from one state to another, or within their own country of residence, for the purpose of employment. In the IGAD region, as in other regions of the world, labour migration is a key component in understanding irregular movements. The motivation for many smuggled migrants is to improve their family's life through employment in another country. Trafficked persons often have similar motivations and are often deceived by traffickers into exploitative situations.

With the growing phenomenon of increasingly restrictive visa regulations in many destinations country along with the growing demand for unskilled labour, possible channels for regular labour migration are less accessible, and irregular channels often become the only viable means to migrate. For migration flows from the IGAD region to Gulf countries, regulated labour migra-

12 Lisbon Expert Roundtable, available at (https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP5), 2002

13 IOM Glossary on Migration

tion movements take place through assigned entities, but often monitoring mechanisms are not stringent and private recruitment agencies, intermediaries and employers may take advantage of this gap and deceive potential labor migrants into exploitative employment. One example are private employment agencies that had been legally registered and licensed for some time in Ethiopia, but were involved in human trafficking cases, as reported in an ILO study[14]. A key response to better safeguard the rights of migrant workers and to counter the work of transnational trafficking and smuggling networks include establishing more regular channels for migration and establishing bilateral labour migration agreements.

D. The need for enhanced regional cooperation and information-sharing to address trafficking in persons and migrant smuggling

Trafficking in persons and migrant smuggling are highly profitable businesses in which criminals are currently at low risk of detection and punishment. Benefiting from situations of protracted conflict in some countries and lack of livelihood opportunities in the region, the crimes are increasingly attractive, and transnational criminal networks are becoming increasingly organized. Youth employment is one of the factors that contribute to this challenge.

Smugglers and traffickers operating in the IGAD region have shown flexibility in changing routes and methods in response to changed border controls and circumstances, and this is often at the expense of the safety of migrants. Migrant smugglers and traffickers alike undermine the capacity of States to control their borders and safeguard their own sovereignty.

There is need to find out more about the modalities and ways that smuggling and trafficking networks in the region operate. To adequately address and reduce the crimes, it would be important for states and other key stakeholders to work together, including to share data and criminal intelligence. Regional partnership approaches that combines dimensions of prevention, protection and prosecution have proven most successful to target smugglers and traffickers who conduct criminal activities across multiple countries while protecting vulnerable migrants.

14 ILO, Trafficking in Persons Overseas for Labour Purposes: The Case of Ethiopian Domestic Workers, 2011

E. Combatting smuggling and organized crime

The biggest threat posed by smuggling comes from the strengthening of transnational organized crime syndicates and their increased ability to circumvent governance systems, in particular when gaps in legal provision, border management structure and capacities of border guards, affect the effectiveness of the border guard migration management operations.

For a number of countries in the region smuggling of migrants is not recognized as a criminal act, this prevents taking adequate measures to prosecute the perpetrators and denies necessary protection for smuggled migrants who might cooperate with law enforcement in legal proceedings taken against the smugglers. An intelligence-led control would enable resources to be deployed to maximum effect in preventing and prosecuting crimes such as trafficking in persons, illegal migrant routes, smuggling of migrants and terrorist activity, while ensuring the genuine traveler is processed with minimum delay.

PART 4: IGAD POLICY FRAMEWORK RECOMMENDATIONS ON HUMAN TRAFFICKING AND MIGRANT SMUGGLING

Part 4: IGAD Policy Framework recommendations on human trafficking and migrant smuggling

The following recommendations are found in the IGAD Policy Framework:

A. Recommended strategies to address Human Trafficking

1. Strengthen national policy, structures and laws in order to establish a co-coordinated and integrated approach at national level by incorporating pertinent international instruments: the United Nations Convention Against Transnational Organized Crime and its Trafficking Protocol (2000); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol Against the Smuggling of Migrants by Land, Sea and Air; and Convention182 of the ILO on the Worst Forms of Child Labour.

2. Member States of IGAD to be encouraged to adopt all international instruments that sanction the trafficking in narcotic drugs and psychotropic substances as addressed in: (i) the 1961 United Nations Single Convention on Narcotic Drugs; (ii) the 1971 United Nations Convention on Psychotropic Substances; and (iii) the 1988 United Nations Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

3. Development of common regional counter-measures, based on a spirit of solidarity among IGAD Member States and with a focus on the human rights of trafficked victims, including harmonization of immigration laws; strengthened and modernized border management; co-operation and co-ordination between concerned ministries, particularly State security agencies; greater efforts to dismantle international organized criminal syndicates; signing of bilateral and multilateral agreements; and prosecuting traffickers and others involved in such activities.

4. Reinforcement of information gathering systems relating to trafficking to facilitate dissemination of information on the changing nature of trafficking routes and, the establishment of databases on convicted traffickers and on missing persons who are presumed to be victims of trafficking.

5. Increasing of awareness on the dangers inherent in irregular migration from countries of origin through transit countries to countries of destination, providing opportunities for the citizens of the three sets of countries to report suspected cases and to make informed choices.

6. Pursuit and development of preventive action through intensive information campaigns in the country of origin, the country of transit and the country of destination.

7. Urge IGAD Member States to condemn in very strong terms sexual tourism and prostitution in countries of destination thereby discouraging trafficking in women and children as well as pedophiles in the countries of origin.

8. Extending adequate protection and assistance to victims of trafficking, including establishing reception centres, return and reintegration assistance such as settling grants, skills training and employment counselling as well as access to health care and psycho-social counselling, including voluntary testing and counselling for communicable diseases, particular HIV/AIDS and other sexually-transmitted diseases.

9. Strengthening law-enforcement measures to curb the activities of traffickers, imposing stiffer penalties for perpetrators.

10. IGAD should adopt and oversee implementation of the "Ouagadougou Action Plan to Combat Trafficking in Human Being, Especially Women and Children", ensuring its enforcement by all Member States.

B. Recommended strategies to address Smuggling of Migrants

1. Strengthen national policy, structures and laws to establish co-coordinated and integrated approaches at national level through, among others, incorporating and harmonizing into national legislation the United Nations Convention against Trans-national Organized Crime and its two additional Protocols (2000): (a) the Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children and (b) the Protocol against the Smuggling of Migrants by Land, Sea and Air.

2. Develop common regional counter-measures that incorporate considerations to encourage more legal channels and orderly migration, dismantle international organized criminal syndicates, prosecute smugglers and others involved in such activities while, at the same time providing humane treatment for smuggled migrants.

3. Strengthen the IGAD-RCP and dialogue on irregular migration to promote greater policy coherence at the national, IGAD and IGAD-neighboring REC levels.

4. Reinforce and encourage joint cross-border patrols between IGAD Member States and between the latter and Member States of neighboring RECs.

5. Adopt comprehensive information collation systems on smuggling to facilitate the tracking and dissemination of information on the trends, patterns and changing nature of smuggling routes as well as the establishment of databases. These are meant to treat smuggled migrants as victims of a crime rather than criminals, affording them protection and assistance (including, inter alia, privacy; information on proceedings; physical and psychological recovery; provisions for safety; measures to avoid immediate deportation; and safe repatriation).

6. Focus attention on discouragement and eventual elimination of child smuggling in individual and between IGAD Member States as well as between the latter and Member States of neighboring RECs.

7. Create awareness on the legal channels for migration to counter illegal migration.

Annex 1: Overview on Djibouti

A. Key challenges

Some 146,000 irregular migrants from Oromo, Amhara and Tigray communities in Ethiopia transit through Djibouti every year as they attempt to go to Yemen and other Gulf countries in search of better economic opportunities. The average number of daily arrivals – mainly from Ethiopia to Djibouti -- is estimated to be 400. Of these migrants, adult males comprise approximately 35 percent, adult females 18 percent, male children 27 percent, and female children 19 percent.[15] New phenomena are the feminization of irregular migration and increasing numbers of children.

Despite the ongoing conflict in Yemen, irregular arrivals from the IGAD region through Obock in Djibouti have continued. According to UNHCR[16], since the beginning of January 2015, over 58,000 people arrived along the Arabian and Red Sea coasts of Yemen, with 88 deaths at sea. 5,032 new arrivals (524 Somalis and 4,508 Ethiopians, of whom 699 female) were recorded along the Arabian Sea coast of Yemen between 28th September and 6th October 2015.

The migratory journey through Djibouti constitutes a threat to human life and human dignity due to unsafe means of transportation and exposure to extreme climates. Limited government resources are challenged to provide support to migrants' humanitarian needs, as well as support residents of those communities impacted by migration flows. Residents of host communities in the Obock and Tadjourah regions in particular are affected by irregular movements, including as there are scarce water resources and as they are impacted by health issues.

B. Government response

1. Legislative and policy frameworks

The Government of Djibouti signed and ratified the Convention against Transnational Organized Crime and its related protocols (Palermo protocols) in 2005: namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Government has also signed and ratified numerous international instruments on human rights.[17]

15 These figures are based on IOM Djibouti estimates.

16 YEMEN SITUATION UNHCR REGIONAL UPDATE #26, 28 September – 6 October 2015

17 These include The Convention on the Rights of the Child (1990); The International Covenant on Economic, Social and Cultural Rights (2002); The International Covenant on Civil and Political Rights (2002); and The United Nations Convention against Torture (2002); and The International Convention on the Elimination of All Forms of Racial Discrimination (2007).

Djibouti adopted a law on combatting human trafficking, which was enacted and came into force on 27 December 2007.[18] The Government enacted a law setting the conditions of entry and stay in the Republic of Djibouti on 22 December 2015. The Government also adopted a law on the fight against terrorism and other crimes in 2011, which provides provisions against human trafficking.[19] Further, the country's Constitution (15 September 1992), the Djiboutian Penal Code, and the Djiboutian Labour Code (26 January 2006) include provisions related to the fight against human trafficking and smuggling as well as the protection of victims.

The country's National Plan of Action (2014-2020) contains the following dispositions and objectives:

- Establishment of an inter-ministerial committee mandated to coordinate the combat against human trafficking in Djibouti in partnership with other line ministries and international organizations (2014).
- Proposition to establish a regional executive secretariat in order to improve the efficiency of anti-trafficking and smuggling measures and decisions.
- To reinforce bilateral and multilateral cooperation to fight human trafficking, smuggling of migrants and to enable a better management of migratory flows.
- To protect and assists victims of trafficking.
- To build the capacity of instances fighting human trafficking and improve performance indicators of law enforcement bodies.
- To sensitize and reenergize initiatives aiming at preventing human trafficking on the Djiboutian territory.
- To protect victims of trafficking and smuggling in a more efficient manner.
- To strengthen partnership with international organizations in providing direct assistance to victims.

2. Bilateral MOUs and regional coordination

The government of Djibouti is part of various regional consultations and processes addressing the issue of human trafficking and smuggling of migrants.

18 Known as Loi n°210/AN/07/5ème relative à la Lutte Contre le Trafic des Etres Humains.
19 Known as Loi n°111/AN/11/6ème relative à la lutte contre le terrorisme et autres infractions graves.

At the bilateral level, the Government of Djibouti signed a Memorandum of Understanding with the Government of Ethiopia in November 2009 to collaborate on irregular movements related to human trafficking and smuggling of migrants. The agreement contains provisions for judicial cooperation and regular discussion on the matter[20].

3. Registration of migrants

Since the beginning of the Yemen conflict in March 2015, the Government registered more than 25,000 arrivals from Yemen. These include Yemeni nationals as well as Djiboutian returnees and third country nationals. These migrants were either documented or undocumented, either present legally or illegally in Yemen, and with or without their government's diplomatic representation in Djibouti. The Government of Djibouti has worked closely with IOM and other partners to assist more than 3,700 migrants with documentation, onward transportation to country of origin/destination, and provide health assistance, accommodation, food and WASH services.

4. Border Management

A new border post of Lowyaddo was recently opened, the national police of Djibouti and authorities in Somaliland called for the regional interconnection of border posts in order for regional immigration authorities to be able to exchange information and to be able to identify individuals.

20 [1] RMMS, Protecting Women on the Move: Mixed migration drivers, trends and protection gaps in Djibouti, 2015

Annex 2: Overview on Ethiopia

A. Key challenges

Ethiopia is a major source of irregular migration in the IGAD region . In spite of a number of initiatives by the Government and other stakeholders, irregular migration remains a challenge for the country. Migrants are smuggled and trafficked in significant numbers through three different routes:

- **The Eastern route** via Djibouti (Obock), Somaliland, Puntland (Bosaso) and Yemen into Saudi Arabia, Gulf Countries and the Middle East. Although it is difficult to establish the exact number of migrants transiting through the Eastern route, there is an estimate that it is the preferred route for Ethiopian migrants. Between 2006 and 2013 more than half a million migrants mainly from Somalia and Ethiopia have been reported to have been smuggled into Yemen through this route.[21]
- **The Northern route** transits through Sudan, Egypt, and Libya onward into Europe through crossing of the Mediterranean Sea. A large number of Ethiopian as well as Somali and Eritrean nationals (also transiting through refugee camps in Ethiopia) use this route in an attempt to go to Europe.
- **The Southern route** transits through Kenya, Tanzania and other African countries onward to South Africa. Exact figures are unknown but there are number of cases of Ethiopian migrants apprehended and imprisoned in various transit countries such as Malawi, Tanzania, etc.

Ethiopia is a source and, to a lesser extent, destination and transit country for men, women, and children subjected to forced labor and sex trafficking. Trafficking in persons primarily occurs on the Eastern and Northern migration routes while fewer cases have been reported on the Southern route.

B. Government response

1. Legislative and policy frameworks

The Government has ratified a variety of international instruments that provide for protection of migrants and victims of trafficking which are recognized as part of the country's fundamental law according to the Constitution (art 9-4).

21 http://www.regionalmms.org/fileadmin/content/rmms_publications/Abused___Abducted_RMMS.pdf

A new Proclamation to "Provide for the Prevention and Suppression of Trafficking in persons and Smuggling of Migrants" (No. 909/2015) was developed and endorsed by the Ethiopian Parliament in August 2015. This Proclamation has revised the legal definition of trafficking in persons and smuggling of migrants while providing for much harsher sanctions for the perpetrators of these crimes in order to strengthen the existing penal code (including fines of up to 500,000 birr and the death penalty in cases where victims suffer severe injury or death). The law also provides immunity to victims of trafficking and proposes the formation of a national committee led by Ethiopia's deputy prime minister to coordinate anti-trafficking activities.

The Government is also currently reviewing the Employment Exchange Services Proclamation (Proc. No. 632/2009) with the view to fill existing gaps and ensure strengthened labor migration management in the country. The revised proclamation is expected to stress greater oversight of private employment agencies and the placement of labor attachés in Ethiopian embassies among other expected amendments. The Parliament is expected to officially endorse this new legislation in the near future.

2. Ban on overseas recruitment due to human rights abuse

In response to the growing incidents of abuse and human rights violations on Ethiopian labour migrants in Gulf countries, the Government of Ethiopia has placed a ban on all overseas recruitment by private overseas employment agencies since October 2013. The ban is meant to halt the unlawful practices by overseas employment agencies, which have intensified human trafficking and resulted in human rights violations, labor abuse, physical and psychological damage of citizens.

The Government of Ethiopia has developed and endorsed national action plans directly and indirectly related to counter-trafficking and overall protection of migrants. These include:

- The Criminal Justice Policy (2011/12);
- The National Human Rights Action Plan (2013-2015);

- The National Plan of Action to Combat Trafficking in Persons (2015/6-2020/1)[22]. The National Anti-Human trafficking Taskforce (currently chaired by the Office of the Prime Minister) has further developed it into an implementation plan starting during the 2007/8 Ethiopian Fiscal year.

3. Bilateral MOUs signed

The Government of Ethiopia is conducting consultations to facilitate the signing/reviewing of bilateral labor agreements with major destination countries, mainly Saudi Arabia, Lebanon and the United Arab Emirates. These agreements aim at ensuring the protection of Ethiopian migrant workers in these destinations. The recent effort of the government to sign a domestic workers' recruitment agreement to protect the rights of Ethiopian domestic workers in Saudi Arabia is one good example. The agreement, when signed, is expected to improve the lives of migrant domestic works with regard to ensuring their rights.

4. Creation of National Anti-Trafficking Council and Taskforce to address trafficking

The Government of Ethiopia has established a National Anti-Trafficking Council and Taskforce, which have been cascaded down at regional, zonal and district level. The council has the mandate to coordinate counter trafficking and irregular migration prevention activities and enables a more efficient implementation and monitoring of prevention, protection and prosecution activities. The Council and Taskforce are headed by the Office of the Deputy Prime Minister at federal level and by the Presidents of the Regional States at regional level.

Prevention: The Government of Ethiopia is placing significant emphasis on the prevention facet of counter-trafficking, particularly through regional and national awareness raising campaigns. In 2014, the taskforce collaborated with IOM to launch a community conversation on human trafficking and irregular migration that was conducted in 325 target localities with the partici-

22 IOM supported the Government of Ethiopia (GOE) to develop a five-year strategic national plan of action to combat trafficking in persons in the country

pation of local communities and government officials.

Protection: Direct assistance to internal or transnational victims of trafficking is often provided through civil society and international organizations. The dependence of these organizations on project funding for continued operation usually limits assistance to temporary services like provision of food and water, medical assistance, temporary accommodation and onward transportation to their home. IOM, in collaboration with the Government, has been providing different types of reintegration services to identified victims of trafficking as well as other vulnerable returnees.

A Network of Victim Assistance Service Providers (NoVASP) has been in place since 2013 with the aim to provide a platform for NGOs, IOs and IGOs to share experiences, identify gaps in service provision and create a systematic communication among service providers. In 2015, the Ethiopian Ministry of Labor and Social Affairs initiated a National Referral Mechanism (NRM) for Victims of Trafficking and vulnerable migrants in collaboration with IOM. The mechanism includes key stakeholders such as service providers drawn from government and civil society, law enforcement and airport authorities as well as relevant international organizations. Through a joint effort between the Government of Ethiopia and IOM, Emergency Migrant Response Centers (EMRCs) have been established on the main migration routes and next to border areas (Ethiopia-Djibouti and Ethiopia-Sudan borders) in order to provide lifesaving assistance to vulnerable (intercepted or abandoned) migrants. Since its establishment in August 2012, Mille EMRC (Afar Regional State), has contributed to saving the lives of many Ethiopian migrants. More than 6,400 of them have been provided with emergency assistance (food, water, shelter) as well as onward transportation to their respective places of origin.

The Government of Ethiopia is making efforts in reintegrating some 163,000 returnees from Saudi Arabia[23] in coordination with civil society and relevant international organizations.

23 The crackdown on irregular migration by the Kingdom of Saudi Arabia (KSA) in November 2013 led to the expulsion of thousands of vulnerable migrants from KSA affecting countries of origin such as Ethiopia. The crisis also affected numerous countries in the region and beyond.

Prosecution: The Ethiopian Federal Police reported to have investigated 99 suspected trafficking cases in 2015 and prosecuted 93 cases involving 118 defendants. Additional cases are still ongoing in court.

IOM is working with the Ethiopian Police University College (EPUC) to enhance the capacity of law enforcement to properly investigate and prosecute traffickers and smugglers through a training program for which a victim-centered investigation manual was developed and validated. Trainings have been conducted for the Regional Police University College and police investigators from five Regional States of Ethiopia including the Addis Ababa City Administration.

Annex 3: Overview on Kenya

A. Key challenges

Kenya has been identified as a source, transit, and destination country for victims of trafficking in the US Trafficking in Persons Report. Long and porous borders and the political and socio-economic insecurity in neighboring countries strongly contribute to make Kenya a hub for human trafficking.

In 2008, IOM documented that internal trafficking occurs within Kenya mainly for purposes of domestic labour and sexual exploitation, while international or cross-border trafficking occurs for purposes of forced labour, domestic servitude, and sexual exploitation. While the profiles of the victims vary, common push factors include unemployment and perceptions of better opportunities abroad. Most victims were lured by false promises of a good job, higher salary, or improved educational opportunities. The demand for female victims is boosted in the region by the growing sex tourism industry, and forced child labour is prevalent in rural areas on plantations, and in the fishing and mining industries.

While some identified victims are trafficked internally or regionally, others are trafficked to destinations such as Europe, North America, and the Middle East. The first Migration Profile for Kenya launched in 2015 shows that the two main routes of human trafficking are the north-eastern Kenya (Garissa) transit route for trafficked victims bound for Nairobi, Mombasa and beyond, and the Busia and Malaba border with evidence of human trafficking by Ugandans. An additional route is the one crossing the Kenya- Ethiopia border, which has been identified as a weak target by traffickers in the region. Trafficked persons mostly from Ethiopia are transported into Kenya through Moyale onward to Marsabit- Laisamis and Archer's Post in Samburu. This is before proceeding to Isiolo with onward destinations of Nairobi, South Africa, Namibia and Western Europe among other regions.

B. Government response

1. Legislative and policy frameworks

The legislative framework against human trafficking has evolved in Kenya and includes the accession to the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children and the development and eventual enactment of domestic anti-trafficking legislation.

The Counter Trafficking in Persons' Act 2010 entered into effect in October 2012. The Act defines the offence of Trafficking in Persons as *"the act of recruitment, transportation, transfers, harbouring or receiving another person for the purpose of exploitation by means of threat or use of force, coercion, abduction, deception, abuse of power and finally giving or receiving benefits to obtain the consent of victims of trafficking or persons having control over victims of Trafficking in persons".* The Act makes provisions for trafficking in persons and related offences, trial of offenders and remedies for victims of trafficking in persons, the establishment of a Counter-Trafficking in Persons Advisory Committee and a National Assistance Fund for Victims of Trafficking. Although the anti-trafficking legislation has been adopted, it is still facing challenges in implementation.

Similarly, the National Plan of Action (NPA) has been reviewed and adopted in May 2015. Efforts are underway to acquire funding to the National Assistance Trust Fund, which would ensure compensation and support to victims of trafficking.

Some trafficking offences can also be prosecuted under other relevant existing legislative instruments:

- The Sexual Offences Act 2006: criminalizes trafficking for sexual exploitation and makes it an offence to traffic into, within and out of Kenya (the maximum of sentence is 10 years imprisonment), forced detention for prostitution and the commercial exploitation of children;
- The Children Act 2007: provides protection of children from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person;
- The Employment Act 2007: criminalizes child labour and also trafficking for purposes of labour;
- Victim Protection Act 2014: improves support to victims of crime, including provision of a place of safety, food, medical treatment, psycho-social care and police protection. It also establishes a fund to assist victims.

2. Victim identification and assistance

In the past year, the Ministry of Foreign Affairs (MFA) Department of Diaspora Affairs and the Special Investigations Division of the Kenya Police Services joined hands in identifying trafficked persons abroad and facilitating their safe return home and referral to IOM for assistance. In 2014, the Kenya Police Services conducted a successful rescue of women trafficked to Kenya for labour and sexual exploitation. Together, these partners were able to identify, rescue, and assist nearly 80 victims of trafficking in 2014 and 2015.These activities also led to disruption of an international trafficking ring operating between Nepal and East Africa.

The Government of Kenya nominated members to the Counter-Trafficking in Persons Advisory Committee, and the body launched the National Plan of Action in May 2015. The members of the Board of Trustees of the National Assistance Trust Fund for Victims of Trafficking in Persons have not yet been designated and funding has not yet been allocated.

Annex 4: Overview on Sudan

A. Key challenges

Sudan is a source, transit, and destination country for men, women, and children who are victims of human trafficking.[24] Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries and to forced sex trafficking in Europe. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers face conditions indicative of forced labor. Sudanese children are also used in forced begging and street vending in those destinations.

Although there is a marked improvement in the situation of trafficking since 2012, with the number of verified cases of trafficking reported in 2014 reaching 113 compared to 338 in 2012 and 100 in 2013, Sudan continues to experience challenges related to human trafficking, kidnapping and smuggling.

With the recent crisis in Yemen, Sudan has witnessed an increase in migrant smuggling and to some extent trafficking into and through Sudan. The tightening of security at the Sudan-Egypt border has also resulted in many migrants travelling (smuggled and trafficked) through Sudan's northern border with Libya.

B. Government response

1. Legislative and policy frameworks

Sudan acceded to the Palermo Protocol against trafficking in humans, especially women and children in 2014. The Government enacted an anti-trafficking law and established the inter-ministerial National Committee to Combat Trafficking (NCCT) the same year. Sudan is now in the process of drafting its national strategy and action plan to combat human trafficking. In May 2015, the Government endorsed the Joint Partners Strategy[25] to 'Address Trafficking, Kidnapping and Smuggling in Persons' (2015-2017).

The government also rescued and assisted an increased number of trafficking victims and smuggled migrants and made efforts to bring traffickers to justice[26]. However, law enforcement, protection, or prevention measures to address human trafficking remain largely ad hoc.

24 US Department of State –Trafficking in Persons Report (July 2015)

25 Including the UN and IOM

26 Since the anti-trafficking law came into force, of the 48 cases initially filed under the anti-trafficking act only 9 proceeded as cases of trafficking while the other 39 were treated as other criminal acts.

2. Efforts on prosecution and protection

As stated above, the government established the NCCT, which is mandated by law to deal with and coordinate all activities on human trafficking and smuggling of migrants. The government also selected a group of prosecutors to deal with cases of trafficking. Acknowledging the need to build its capacity in investigating, prosecuting cases of trafficking and protecting victims of trafficking, the Government of Sudan expanded its engagement with different stakeholders on trainings and workshops as well as other technical assistance[27].

A counter-trafficking unit within the Police has been in place for some years at state levels and is mandated to deal with cases of trafficking specifically. Senior officers in the unit have practical experience in dealing with cases of trafficking due to previous experiences in Kassala State, which had an anti-trafficking state law for several years.

The government has also established reception desks in the east of the country at the border with Eritrea. Officials at these desks provide assistance to migrants who are suspected victims of trafficking or who have been subjected to exploitation and abuse. They are identified and referred to service providers.

After the cases of trafficking and kidnapping of refugees and migrants in the East of Sudan came to light in 2012-2013, the police's capacity was enhanced to patrol the area, with the support of international agencies. This work helped to further establish community policing systems.

27 In September 2051, IOM conducted a serious of training and workshops on trafficking with the investigating officers from the police, lawyers and psychosocial workers dealing with victims of trafficking.

Annex 5: Overview on Somalia

A. Key challenges

Given the security situation in the country, the Federal Government of Somalia (FGS) continues to have limited influence outside Mogadishu and faces capacity constraints in various areas. Violent conflict and humanitarian crises remain push factors for outward migration causing asylum seekers and refugees to flee their homes. Somaliland and Puntland regions in Somalia are origin, destination and transit zones for mixed migration flows in the IGAD region. Somaliland is a transit point for movements to the port of Bossaso in Puntland, north to Djibouti as well as across the Sahara desert passing through Ethiopia, Sudan, and Libya before crossing the Mediterranean Sea. Puntland serves as a transit point for migrants mostly from Ethiopia and South Somalia who seek to cross the Gulf of Aden from the port of Bossaso into Yemen.

Somalia is also affected by the effect of the ongoing conflict in Yemen; since the outbreak of the conflict, more than 9,000 refugees, returnees and other groups of migrants have arrived in Somaliland and more than 19,000 in Puntland.[28]

B. Government response

1. *Legislative and policy frameworks*

The pre-1991 penal code (applicable at the federal and regional levels) outlaws forced labor and other forms of trafficking in persons[29]. The constitution, which remains provisional until the holding of a national referendum for a permanent version, prohibits slavery, servitude, trafficking, forced labor, the use of children in armed conflict, and all forms of prostitution. The Somali National Police has retained responsibility for investigating and enforcing such laws.

28 Figures as of October 11th , 2015 – Regional Mixed Migration Secretariat, Monthly summary for September 2015

29 Article 455 prohibits and penalizes slavery, prescribing penalties of five to 20 years' imprisonment. Article 464 prohibits forced labor, prescribing penalties of six months' to five years' imprisonment. Article 457 prohibits the transferring, disposing, taking possession, or holding of a person, and prescribes penalties of three to 12 years' imprisonment. Article 408(1) prohibits compelled prostitution of a person through violence or threats, prescribing penalties of two to six years' imprisonment,

2. *Organization, awareness raising and capacity building*

In xxx, the Puntland Counter-Trafficking Board led by the Ministry of Security and Disarmament, Demobilization and Reintegration (DDR) was formed. Strategic priorities and a response plan are currently under developed for Puntland to guide implementation and response of actors involved in addressing trafficking.

Social mobilization and Information campaigns are undertaken in Somalia through radio programmes, production of posters and social mobilization to create awareness on human trafficking, its risks and dangers. Further, a referral process for victims of human trafficking has been developed in Puntland and training sessions have been provided for the counter-trafficking board and civil society organizations involved in the process.

3. *Border Management*

Somalia due to its expansive land, air and sea borders remain relatively porous, requiring the expansion of existing Border Management Information Systems. The installation of Border Management information systems across the country has ensured a total of 492,882 Migrants travelling through Somalia annually are processed through this system at the ports of entry, putting into place measures to enhance Somalia's security through immigration and border management trainings of the immigration officers in immigration processes.

Annex 6: Overview on South Sudan

A. Key challenges

South Sudan is a source, transit and destination country for migrants from East and IGAD region.[30]. As one of the youngest nations in Africa, South Sudan inherited a border and migration management regime that needs to be strengthened. An evaluation of the overall migration management regime of the country and 16 border assessments carried out by IOM indicated that South Sudan would benefit from additional infrastructure, equipment, training, policies, processes and coordination. These challenges continue to significantly affect the country's capacity to promote humane and orderly migration and pose a threat to human trafficking and migrant smuggling.

South Sudan hosts thousands of labour migrants from IGAD region. Most of these migrants enter the country irregularly, other over stay their visa and become irregular. Extensive business and livelihoods opportunity make the country attractive for different types of migrants. As much as it is a source country for people affected by forced displacement it is also a transit and destination country mostly for Eritreans, Ethiopians and Somalis.

B. Government response

1. Legislative and policy frameworks

South Sudan is yet to sign and ratify the international instruments on human trafficking and migrant smuggling. Legislative and policy frameworks on human trafficking and migrant smuggling are not in place yet. However there are provisions in the penal code[31] and the immigration act, which could be used to criminalize traffickers and smugglers. The absence of a policy framework also makes protection of victims and prevention activities challenging. The government is faced with serious challenges in promoting the rule of law, human rights and other basic and fundamental principles as well as the implementation of existing statutory laws including the penal code.

However, South Sudan is yet to sign and ratify the international instruments on human trafficking and migrant smuggling. Legislative and policy frame-

30 US Department of State –Trafficking in Persons Report (July 2015)

31 Article 282 prescribes stringent punishment of up to 7 years imprisonment for the sale of a person across international borders. Article 278 prescribed up to seven years imprisonment for abduction and Article 279 prescribes the same punishment for the transfer of control over a person. Article 276 criminalizes buying and selling a child from the purpose of prostitution and prescribes a punishment of up to 14 years imprisonment.

works on human trafficking and migrant smuggling are not in place yet. However there are provisions in the penal code[32] and the immigration act, which could be used to criminalize traffickers and smugglers.

2. Strengthening of migration management capacity

In close collaboration with the Government of South Sudan over the past years, IOM has carried out a broad assessment on its overall migration management capacity. In response to the identified gaps, border management infrastructure has been installed in different locations, tools have been developed to create institutional capacity in addressing human trafficking and smuggling of migrants, and capacity building trainings have been conducted for thousands of law enforcement in migration and border management-related topics.

32 Article 282 prescribes stringent punishment of up to 7 years imprisonment for the sale of a person across international borders. Article 278 prescribed up to seven years imprisonment for abduction and Article 279 prescribes the same punishment for the transfer of control over a person. Article 276 criminalizes buying and selling a child from the purpose of prostitution and prescribes a punishment of up to 14 years imprisonment.

Annex 7: Overview on Uganda

A. Key challenges

Uganda is a country of origin, transit and destination for victims of trafficking (VoTs) both domestic and transnational. Cases of internal trafficking involves children for purposes of sexual exploitation through forced prostitution and child sex, exploitative labour including domestic work, street hawking, forced street begging and farm labour.

Victims trafficked abroad are mostly lured by promises of well-paying jobs but end up in exploitative labour and or sexual exploitation. Based on cases assisted by IOM, the main destination countries for Ugandans trafficked abroad include Kuwait, Malaysia, Oman, United Arab Emirates, China, Thailand, Qatar, Iraq, India, and Saudi Arabia. VoTs include women, men, girls and boys. However, 66% of the identified victims trafficked abroad in 2014 and 2015 represent women and girls. Developmental issues such as youth unemployment, poverty, burden of big families and orphans remain predominant challenges in Uganda as well as the scope to raise awareness for existing legal migration channels.

B. Government response

1. Legislative and policy frameworks

In 2009, the Government of Uganda (GoU) enacted the Prevention of Trafficking in Persons Act. The definition of human trafficking under this legislation is broader than the provision of the Palermo protocol. The forms of exploitation provided for under the Act include sexual exploitation; forced marriage; child marriage; forced labour; harmful child labour; use of a child in armed conflict; use of a person in illegal activities; debt bondage; slavery or practices similar to slavery or servitude; human sacrifice and the removal of organs or body parts for sale or for purposes of witchcraft, harmful rituals or practices.

In addition, the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations (2005) has provisions related to labour migration.

Key Policy frameworks related to countering human trafficking include:

- National Action Plan for counter trafficking which was endorsed this year. The plan sets Uganda's priorities for the next 5 years.
- Draft Guidelines on Recruitment of Migrant Workers developed by The Ministry of Gender labour and Social Development (MGLSD).
- Bilateral Labour Agreement (BLA) signed with Kingdom of Saudi Arabia in July 2015.

2. Operational response on prevention, protection and prosecution

Prevention:

The Government of Uganda (GoU) has undertaken significant steps in trying to address human trafficking. Uganda adopted a multi-stakeholder approach to combat trafficking through a national task force and a coordination office under the Ministry of Internal Affairs. The task force brings together relevant Government ministries/ agencies, civil society and IOM as an observer. It has developed a national awareness raising strategy and through support from various actors, there has been continuous public awareness raising on human trafficking.

Protection:

Numerous capacity building trainings have been conducted for relevant stakeholders on issues related to victim protection and child trafficking in collaboration with partners such as IOM. Direct assistance to victims of trafficking (both Internal and international) have been provided to some 250 persons between 2011 and 2015. The scheme includes return and reintegration packages.

Prosecution:

Since 2013, the GoU has been able to prosecute and convict 6 offenders under the Anti-Trafficking law.

3. Efforts on labour migration

The Ministry for Gender Labour and Social Development (MGLSD) collaborated with IOM to strengthen its Externalization of Labour Programme through the development of guidelines for recruitment of migrant workers and a job-matching database.

HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

IN THE CONTEXT OF MIXED MIGRATION FLOWS:

State of play in the IGAD Region

BACKGROUND PAPER

Sixth IGAD Regional Consultative Process on Migration (IGAD RCP) – October 2015

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