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Searching for Best Practices to Counter Human Trafficking in Africa: A Focus on Women and Children

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Abstract

This report contributes to the ongoing discussions on the concept of Best Practices (BP) as applied in the campaign against human trafficking, with particular emphasis on women and children in Africa. Rather than providing exact answers to the questions of what constitutes ‘best’ and how that can be assessed and identified in the campaign against human trafficking, the report offers some analytical tools that may be helpful to scrutinise the use of the concept. The wide range of policy issues underlying the problem and the complexity of coordinating action over diverse areas (such as migration management, crime control, labour standards, poverty reduction and particular needs of communities at risk) oblige analysts and proponents of BP to clarify their perspectives and potential conflicting goals in anti-trafficking policy.

As any other complex phenomenon, human trafficking may be accessible to engaged actors through a variety of lenses. Important as it is, existing knowledge about human trafficking remains fragmented. Discerning the fragments and placing them in an interconnected whole is a challenge for international cooperation in the attempts to ensure the human rights protection of trafficked persons and their families. To this effect, the report uses Peter Haas’ concept of ‘*epistemic community*’ defined as a network or group of knowledge-based specialists with an authoritative claim to policy-relevant knowledge in the domain of their expertise. Members of such a community hold a common set of beliefs on problem causation, validation of means of intervention and evaluation, as well as a common policy endeavour. The report identifies key actors, including international organisations and bilateral agencies engaged in the struggle against human trafficking, and discusses their roles as channels of ideas and practices. It traces the main areas of relevant expertise – human rights protection, migration and crime control – and shows how beliefs about causative aspects as well as valid intervention are translated into action on sites. The report then presents the findings obtained from ten organisations in Africa engaged in the campaign against the trafficking of women and children who shared their experiences on BP through the questionnaire method. Their own definitions of BP are highlighted and discussed in conjunction with their identification of strength and weakness.

The main point at issue arisen from our findings is the impossibility of dislodging a BP from the ideological and political framing of human trafficking as a societal problem. *Epistemic communities* tend to be self-maintaining and to produce practices that reflect the values they hold. At times these practices can be distant from what trafficked persons consider as their experience of human rights abuse. Given that the violations of rights are context-bound, more could be done by institutions to promote egalitarian practices in knowledge-building and sharing. Dialogues on different findings, interpretation and evaluation of practices may help to reduce the risks of dependency on a particular standpoint adopted by a given knowledge-network or group of specialists. Analysts and practitioners can contribute to a reflexive interpretation of the reality of human trafficking and to context-sensitive intervention if they can channel the narratives as well as insights of trafficked persons as ‘knowing subjects’ into scholarly knowledge and the policy field.

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*'Any thought, any idea, any theory,
is simply a way of seeing,
a way of viewing an object
from a particular vantage point.
It may be useful,
but that usefulness
is dependent upon particular circumstances –
the time, the place, the conditions
to which it is applied.
If our thoughts are taken to be final,
to include all possibilities,
to be exact representations of reality,
then eventually we run up against conditions
where they become irrelevant.
If we hold on to them
in spite of their irrelevance,
we are forced either to ignore the facts
or to apply some sort of force to make them fit.
In either case,
fragmentation is the result'.*

(Bohen Xi)

Acronyms

AI: Amnesty International

APDF: Association pour le Progrès et la Défense des Droits des Femmes Maliennes

ASI: Anti-Slavery International

AWEG: African Women Empowerment Guild

BP: Best Practice(s)

CATW: Coalition Against Trafficking in Women

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CRC: United Nations Convention on the Rights of the Child

DNA: Deoxyribonucleic acid strand

ECOSOC: Economic and Social Council

ECOWAS: Economic Community of West African States

ECPAT: End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes

FDI: Foreign Direct Investment

GAATW: Global Alliance Against Trafficking in Women

GPAT: Global Programme Against Trafficking in Human Beings

GATS: General Agreement on Trade in Services

GPI: Girls Power Initiative

HIV/AIDS: Human Immune-Deficiency Virus/Acquired Immune Deficiency Syndrome

HRW: Human Rights Watch

IGA: Income-generation Activity

ILO: International Labour Organization

IOM: International Organisation for Migration

IPEC: International Programme on the Elimination of Child Labour

MRC or Migrant Rights Convention also known as International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

NGO: Non-governmental Organization

OHCHR: Office of the Human Commissioner for Human Rights

ONG-ESAM: Enfants Solidaires d’Afrique et du Monde

OSCE: Organization for Security and Cooperation in Europe

RAPCAN: Resources Aimed at the Prevention of Child Abuse and Neglect

TDH: Terre des Hommes-Germany

Trafficking Protocol: Abbreviation for the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

UAE: United Arab Emirates

UN: United Nations

UN CHS: United Nations Centre for Human Settlements

UNCRC: United Nations Convention of the Rights of the Child

UNDP: United Nations Development Programme

UNESCO: United Nations Educational, Scientific, and Cultural Organization

UNHCR: United Nations High Commission for Refugees

UNICEF: United Nations Children’s Fund

UNICRI: United Nations Interregional Crime and Justice Research Institute

UNIFEM: United Nations Fund for Women

UNODC: United Nations Office on Drugs and Crime

USAID: United States Agency for International Development

WAO-Afrique: World Association for Orphans

WOCON: Women’s Consortium of Nigeria

WTO: World Trade Organization

1

Introduction

An age-old practice found in nearly all human societies,¹ the trade in human beings has become widespread and complex, with an increasing order of magnitude since the end of the Cold War. Now officially coined as human trafficking, this trade has become transnational and affects every continent on the globe. Global connectivity has produced diversified patterns of transnational mobility through networks that operate at different degrees of organisation and complexity. This makes the links between migration, trafficking and smuggling very context-bound and poses a considerable challenge to scholarly analysis.

Although addressing human trafficking has become a political priority for many governments, many aspects of the phenomenon remain poorly understood. Available information about the magnitude of the problem is limited. Laczko and Gramegna (2003) note the growing consensus on the existing difficulty in measuring and monitoring trafficking given the wide range of actions and outcomes covered by the term (including recruitment, transportation, harbouring, transfer and receipt).² In general, the existing body of knowledge about human trafficking serves to raise public consciousness about the issue, but remains insufficient to lend support to a more comprehensive action programme for addressing different dimensions of the problem.

The struggle against human trafficking requires a different approach from that of trafficked goods – such as drugs and small arms – despite the similar condition of illicitness. As in the case of the trafficking of goods, the trafficking of human beings involves a number of key aspects, such as: certain degrees of weakness in the state

¹ Besides the transatlantic slave route, many internal forms and trends of trade in humans are also known to have existed in different regions of the world.

² Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children includes all these actions and outcomes in the definition of trafficking. It also includes 'exploitation' particularly 'exploitation of the prostitution of others', sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

apparatus of the countries which send, serve as transit, and receive; large tax-free profits; the use of violence and threat to deter denouncement and prosecution. However, unlike illicit goods, human trafficking involves a process of exploitation – from debt dependency to enslavement – to ensure continued income from the same trafficked persons.³ Traffickers objectify persons under their control, place them to work without payment, subject them to repeated sale, and may murder them or force them to take deadly options to destroy evidence (Truong, 2003a). Governments and civil society – seeking to free trafficked persons from enslavement or servitude and to prosecute traffickers – must deal with human beings placed in a wide range of difficult situations which may transform their perception and manipulate their coping and surviving in ways that may enhance rather than reduce dependency.

Current policy for counteracting human trafficking falls into three categories: (a) prevention and deterrence, (b) law enforcement and prosecution of traffickers, (c) protection of trafficked persons, ‘rehabilitation’⁴ and assistance in social reintegration. However, these official actions unfortunately face many problems of circumvention such as fragmented evidence, judicial disharmony within and between national legislative systems, weak social institutions with logistic problems and inadequate professional capability to lend support to trafficked persons. Such circumvention indirectly serves to boost the impunity of perpetrators and maintain the opportunity for re-trafficking.

A proliferation of funds and resources now exists for raising public awareness, legal reforms and developing new practices of human rights protection. The diverse manifestation of forms of human trafficking – particularly those with transnational links – tends to defy the authority of science in migration and affiliated analytical tools (Castles and Miller, 1998). Where theory is in the making rather than ready made, engaged organisations tend to turn to social learning to develop their practices. Social

³ Throughout this report we refer to those trafficked as ‘trafficked persons’, ‘trafficked children’ or ‘trafficked women’ rather than ‘victims’ or ‘victims of trafficking.’ Wood (1985) forcefully argues that the labels used about certain ‘categories of persons’ reflect the power relations between the namer and the named. We therefore chose a less disempowering term in this report and avoid use of the term ‘victim’ even though the majority of the literature still uses the term. It is used in this report only in direct quotes or as official titles and statements.

⁴ We use the term ‘rehabilitation’ here to refer to medical and psychological assistance for trafficked persons’ recovery from abuse and related illnesses. It does not carry the meaning of moral ‘rehabilitation’, an issue still subject to inconclusive debates (Truong, 2003b).

learning emphasises the merit of hands-on experiments or direct trial-and-error as well as the power of concrete examples of intervention in creating lasting effects on knowing what constitute success or failure. The preference for immediate action shaped by learning from actions taken in practice is driven by the concern for efficient use of time, money, and other resources. The documentation of practices and projects that have been perceived to deliver the desired outcome may be regarded as part of the process of inductive codification of new norms of intervention.

Considering the complexity of the problem and the context of our research – being without the benefit of field research and observation of practices in action,⁵ it is both impossible and unethical to make pronouncements on the impact of a particular practice, let alone to name any of them as ‘best practices’. Our emphasis is on an understanding of the cognitive functioning of particular epistemic communities engaged in the struggle against human trafficking in order to appreciate the specific choices made (for action) in their context. The challenge in the search for technical and analytical tools to make the concept of ‘best practice’ useful lies in the unpacking of the social and political world in which it is embedded, and in so doing to contribute to a resolution of tension and create bridges between different epistemic communities.

Given the current status of knowledge on human trafficking and the risk of erroneous claims, our aim is to direct the reader towards the need for public dialogues on diversity to be undertaken in the spirit of epistemic egalitarianism. Epistemic egalitarianism, we suggest, begins with the acknowledgement that each perspective has its own merits. Building and sharing a body of knowledge should be a democratic endeavour, continually generated and regenerated through what Sandra Harding calls ‘fruitful coalitions and respectful dialogues’ between different perspectives (2000: 257). In the field of human trafficking, epistemic egalitarianism should foster such dialogues between policy-making bodies, engaged grass-roots organisations and scholars to address the congruence of forces behind the phenomenon in the interest of human rights protection. This means including also ‘people living with human trafficking’ (as trafficked persons, returnees and their families) to take part as ‘knowing subjects’ on

⁵ Communication and data collection was limited to questionnaires sent by email and occasional contact with the respondents by telephone.

how best to protect their rights.⁶ Such dialogues can be built on experiences of inclusion already taking place in several countries, notably the participation by returnees in the formulation of intervention at micro level.⁷ Their narratives and insights should be channelled into the policy field and scholarly interpretative works. This may help to foster a shared understanding of the problem and a collective support that does not take for granted some standardised definition of human trafficking, but is capable of responding to diversity of needs and ‘situated’ rights of trafficked persons and their families.

1.1 A Focus on Women and Children

Social structures mediate human mobility. Inevitably, the experience of being trafficked or mobile through exploitative means varies according to the persons’ social position and identity as regards class, gender, age, religious affinity and citizenship. Known patterns of illicit human mobility suggest that women and children are most vulnerable to human trafficking, although a large number of trafficked men and boys have been found. From the perspective of gender and age, Radhika Coomaraswamy – the United Nations Special Rapporteur on Violence Against Women – notes the following:

“... the lack of rights afforded to women serves as the primary causative factor at the root of both women’s migration and trafficking in women. The failure of existing economic, political and social structures to provide equal and just opportunities for women to work has contributed to the feminisation of poverty, which in turn has led to the feminisation of migration, as women leave their homes in search of viable economic options. Further, political instability, militarism, civil unrest, internal armed conflict and natural disasters also exacerbate women’s vulnerabilities and may result in an increase in trafficking”.⁸

⁶ Lessons on participation can be drawn from the struggle against HIV/AIDS. For example, in the combat against the HIV/AIDS pandemic, the Thai Government has adopted a participatory approach which includes persons living with the disease as active members of policy panels. Such persons can share their knowledge about their needs, and how social treatment of carriers of the virus and their families can contribute to spread of the disease or its reduction.

⁷ For example, in the last decade civic organisations in the Philippines working with entertainers who returned from Japan with their children have managed to build a platform of dialogue with municipalities in the Philippines as well as in Japan to build support systems to prevent re-trafficking. Through these dialogues, dignity, a sense of belonging and the ability to secure a sustainable livelihood for the future of the children have emerged as the key challenges for micro-level intervention. Some returnees have emerged as leading advocates against exploitative migration (Truong’s field notes from interview with returnees in Manila in 2003, facilitated by Carmelita Nuqui, Director of Development Action for Women Network).

⁸ The quote is taken from page 4 of the report. The complete report of the UN Special Rapporteur can be accessed from the website of the UN Economic and Social Council (ECOSOC) at <http://www.unhcr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.2000.68.En?Opendocument>.

She adds that the phenomenon of trafficking in children needs child-specific remedies which take into account gender-specific features. Dottridge (2004:19) endorses this view and further proposes that child-focused action should try to minimise their specific vulnerabilities, enhance their capacity to assess risk and articulate worries, and pay attention to gender and age differentials.

Sub-articles (c)⁹ and (d)¹⁰ under Article 3 in the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organised Crime (also abbreviated as the Trafficking Protocol) gives specific attention to the trafficking of children. The article places special onus on parents not to abuse their position of authority or the vulnerability of children in their care.

1.2 The Research Process, Data Collection and Analysis

Our interest in this research project stems from our long-standing practical and theoretical engagement with issues on the margins that have become a new epicentre of a global social crisis in the last decade.¹¹ Aware of the complexity of issues underlying the constellation of practices framed as human trafficking, we see the merit in bringing to the fore the significance of appreciating reality from the standpoint of those whose daily lives are most affected by policy choices. We view policy as a deployment of different fields of social energy guided by a variety of knowledge frameworks and interests, capable of cooperation, competition and conflict. Those unrepresented by the guiding frameworks tend to carry the social burdens of errors in decision-making without having an avenue for criticising the beliefs upheld by policy-makers; nor for exacting a response to their requests for change.

Extant avenues to assert alternative beliefs such as the World Bank's 'Voices of the Poor' or the World Social Forum are inaccessible to those stranded in different frameworks of legislation without effective citizenship, as are trafficked persons. We therefore see our task as contributing to an avenue through which the rights and dignity

⁹ Sub article (c) says "The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose 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"

¹⁰ Sub article (d) says "'Child' shall mean any person under eighteen years of age."

¹¹ Including refugees, internally displaced persons, migrant workers, commercial sex workers and mail-order brides.

of trafficked persons can be addressed from the standpoint of their location, so as to give socially grounded meanings to human rights protection as a policy objective. We concur with Kardam (2004) that emerging global regimes of rights and social equality need new methods of scrutiny at the point of application of standards and principles. We regard the transformation of policy practices – from the control and discipline of the social body to a process of dignity enhancement for those stripped of their rights – as a key objective in this scrutiny.

Lack of resource deprives us of an opportunity to observe first-hand the application of best practices in the anti-human trafficking campaign in Africa. We rely on the diversity of routes of knowledge on the Internet and databases of various organisations. Aware of the fact that the diffusion of information also means the spread of misinformation, we supplement the knowledge provided on websites with a thorough review of publications and reports of meetings that offer additional insights on organisations in Africa engaged in the anti-human trafficking campaign. Our research focus has evolved through the data-gathering process. Our attempt to create a framework for the analysis of best practices was vexed with major questions regarding norms and values, leading to the decision to provide an analytical lens through a social learning approach.

Analysis of the political, legal, social and cultural aspects of trafficking of women and children in Africa in Chapter 2 reveals tensions between international regulatory frameworks and the diversity of practices of human mobility. In Chapter 3 we introduce Haas' concept of epistemic community to trace how a BP flows directly from a particular framework of knowledge, values and norms a particular community adopts. A number of selected practices in Africa by participating organisations in this research are illustrated in Chapter 4. The chapter discusses their profiles, strengths and weaknesses, as well as the way they understand causation in trafficking and the replicability of their practices. Their own narratives serve to accentuate the key areas requiring further reflection. We note that communities of practitioners in Africa share an awareness about the significance of bridging and synchronizing the three levels of intervention (prevention, prosecution and protection), but this awareness at times remains detached from actual action owing to the lack of resources and institutional capabilities. Chapter 5 concludes with a discussion on the use of the concept of BP in

the policy field of human trafficking for the future. Rather than treating this as a separate entity, our evolving understanding has shaped our belief that such practice may best be treated as part of a broader process of transformation of a web of social relationships. Depending on the context, some relations are stronger than others in causing human trafficking. BP cannot be adopted as a 'one-size-fit-all' instrument, but requires context-specific knowledge. Society must be able to ensure a minimal level of security for individuals, families and communities to resist human trafficking without fear and anxiety about the consequences of their choices, be they socio-economic, cultural or political. The general enhancement of their capabilities and entitlements and an increasing responsiveness among institutions can contribute to confidence-building among communities at risk. Successful community participation in prevention activities, cooperation in the prosecution of perpetrators, recovery as well as social re-integration of returnees depend on the trust generated between all concerned.

2

Human Mobility and Human Trafficking in Africa: Diversity in Practice and Tension in Regulatory Frameworks



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Like a coin contemporary regulation of human mobility has two faces. The prohibitive face addresses human trafficking, and the enabling face the principle of free movement of people. Both faces are strongly related to issues of identity and citizenship. In the African context control over human mobility through identity control is a fairly recent phenomenon, affiliated with colonialism and the creation of the modern state. In previous times borders – such as they existed at all – were fluid and permeable. Recent concern about human trafficking in the region and attempts to produce a precise definition of human trafficking as an emerging form of human mobility – often labelled

as the ‘New Slavery’ – have provoked much controversy owing to the diversity of perspectives through which the subject may be viewed (Save the Children-Sweden, 2003:14).

Existing perspectives on human trafficking manifest the tension between two key sets of concerns: the sovereignty and interests of nation-states as discrete units in international relations; and the violations of the human rights of persons in a particular process of migration labelled as ‘human trafficking’. In the absence of adequate explanations for the phenomenon of human trafficking being but one form of human mobility, policy tends to lurch inconsistently in different directions – often suppressing the voices of those affected.

Six perspectives on sex trafficking and related actions

- A moral problem that leads to intervention for the abolition or prohibition of prostitution or commercial sex
- A problem of organised crime that leads to legislative reforms, policing and penalising criminal networks
- A migration problem that leads to border controls (passport and identification papers)
- A public order problem that leads to awareness campaigns, publicity about risks, and changing cultural practices
- A labour problem that leads to intervention such as improving working conditions, abolishing child labour or labour monitoring systems
- A human rights problem, or a gender issue, that leads to intervention to address violence against women and children.

(Wijers and Lap Chew, 1997)

This chapter illustrates how different concerns and priorities for combating human trafficking in Africa – particularly involving women and children – have yet to find harmony in several dimensions. Most notable are the specific social and cultural milieus in which human trafficking is embedded and the current tension in the regulatory frameworks concerning human mobility more generally.

2.1 Trends and Patterns of Human Trafficking in Africa

2.1.1 West and Central Africa

The manifestation of human trafficking became visible to policy makers in the 1990s. Its deeper roots are being revealed in the process of intervention to counter the problem. In general, intervention measures share the following objectives:

- to define the different forms of abuse faced by women and children in the process of trafficking for labour exploitation,
- to locate the corresponding perpetrators or complicit agents,

- to devise specific policy instruments to counteract the problem,
- to establish new forms of cooperation between different agencies involved in this area.

In West and Central Africa the different perceptions of human trafficking combined with different socio-economic and political situations in the various countries have created a mixture of policy responses (UNICEF, 2002: 7). Guided by knowledge derived from action-oriented research initiated by a number of international governmental and non-governmental organisations,¹² responses have included a variety of measures. These are directed at: raising awareness among families, communities, local chiefs, government ministers and law enforcers; legislative changes to protect trafficked persons and prosecute traffickers; providing training for border patrol police and social workers, and providing direct support to trafficked persons and their families. Direct support has covered interception, rescue and socio-economic reintegration often using micro-credit as an instrument to alternative livelihood and economic self-sufficiency.

In the process of implementing anti-trafficking practices, the significance of the social and cultural milieus conducive to human trafficking and re-trafficking emerged as a new subject requiring analytical attention. This analysis covers a variety of social structures such as gender, sexuality, age and ethnicity, as well as intra-household dynamics and attitudes of communities. The first wave of trafficking in adult women from West Africa to Western Europe began in the 1980s and continued through the 1990s (Truong, 2003c). This was followed by the trafficking of minors involving both males and females (IOM, 2002). Where children are concerned, the specificities of their vulnerability deriving from local contexts (such as belonging to marginal ethnic groups, subservient castes, or dysfunctional families affected by war or disaster) have contributed to the creation of child-specific demand for wide-ranging types of work (ILO-IPEC, 2002:29). Children are trafficked into a variety of exploitative situations including commercial sex, domestic service, armed conflict, service industries like bars and restaurants; or into hazardous forms of work in factories, mines, agriculture and fishing, construction; also begging (ILO-IPEC, 2002). Exploitation of trafficked children can be progressive. Those trafficked to work in factories, domestic service or

¹² UNICEF, ILO-IPEC, UNODC; inter-governmental organisations such as IOM, and non-governmental organisations such as Anti-Slavery International (ASI), Terre des Hommes (TDH), Save the Children.

restaurants, may subsequently be forced into prostitution. Those trafficked for prostitution may be subject to re-sale more than once.

The vulnerability of women and children to re-trafficking is due to a number of factors such as the forms of intra-household decision-making¹³ and tacit ‘tolerance’ of trafficking mechanisms among the wider public, but also to the mishandling of trafficked persons driven by social and cultural values that carry stigmatising effects. Reports have revealed many cases wherein the children and women who have been intercepted and/or later returned to their communities do not stay in their communities for long, being subject to re-trafficking (Dottridge, 2004:84).

ILO-IPEC (2001)¹⁴ offers a detailed picture of the context, patterns and backgrounds of families and communities which have facilitated trafficking in West and Central Africa. It identifies three key clusters of factors, as follows:

(1) *socio-cultural factors* such as the social acceptability of putting children to work, traditions of migrations that are centuries old in Africa, illiteracy or low education levels, preparations for marriage (sometimes having to engage in domestic work to pay for dowry),

(2) *economic factors* such as the imbalance between rural and urban wealth levels and a desire to escape poverty,

(3) *juridical and political factors* such as absence of legislation and the ignorance of parents and trafficked persons of their rights under the law, or mistrust of the law and open borders.

The traditional system of educating children to be independent and to initiate them to the world of work has been a recurring theme addressed by a variety of organisations. The tradition of ‘placing’, ‘placement’, ‘confiding’, or ‘socialisation’ has been variously portrayed as happening only during school holidays and for a variety of purposes – such as to acquire social and life skills, to pay off debts, to prepare for marriage, or to prove that children can live independently. ILO report (2001) also notes that these children nonetheless end up doing household chores, selling in the market, helping in the agricultural farms or in the mines.

¹³ Best understood as in Sen’s (1990) definition of gender cooperative conflict and the surrounding debate (Kandiyoti, 1998).

¹⁴ International Labour Office- IPEC, (2001) *Combating Trafficking in Children for Labour Exploitation in West and Central Africa: Synthesis Report based on Studies in Benin, Burkina Faso, Cameroon, Côte d’Ivoire, Gabon, Ghana, Mali, Nigeria and Togo*, Geneva.

The social construct of ‘placement’ of children in the world of work *per pro* migration, as being a tradition, remains a contested domain. National governments maintain a distinction between child placement and the traditional seasonal migration which has linked West and Central Africa for generations. Anti-Slavery International (2003:1) notes that this traditional system of educating children by initiating them into work has been distorted into a commercial transaction which in turn has led to the trafficking of children from villages to the urban areas, and between countries within West and Central Africa. Recognising the placing of children to live and work with relatives in better-off households as long-standing practice, some analysts have noted that cross-border trafficking has increased significantly in the 1980’s and by the 1990’s from impoverished areas to the relatively well-off areas of Gabon, Southwest Nigeria and southern Côte d’Ivoire, where there has been an increased demand for child labour (Dottridge 2002: 39).

Dottridge (2002) records some gender-specific patterns of child trafficking with girls being placed in prostitution and other gender-based forms of work such as domestic service and street vending, where only some get paid and most do not. He also notes some gender-specific traditional practices that contribute to the aggravation of the trafficking situation of young women. For instance norms of kinship instil a custom which requires young women to have a wedding trousseau and to leave their family and community when they get married. Gender-bias in investment in education tends to keep girls at home to help in the household chores, giving preference to the education of boys. Inheritance rules for land tend to exclude women and girls. Taken together, these gender-specific practices tend to marginalise women and girls in the community and render them vulnerable to risky ‘work-placement’ abroad.

Dottridge (2002) emphasises that in many parents’ cognitive frame, ‘placing’ their children does not constitute the act of ‘selling’; it is sending them away in the hope that they will be better off in wealthier cities or countries. In many cases the ‘consent’ of parents, and sometimes of the children, has been obtained before the designated child goes with the trafficker who may be a relative or a person who has gained the ‘trust’ of the parents and family to take care of the needs of the child. On some occasions there is no choice other than to ‘trust’ this person to take care of the child.

As regards trafficking routes, Anti-Slavery International’s (ASI) 1999 report suggests that the trafficking routes reflect the routes used by the populations themselves. These have formed intricate regional intersections which are flexible, depending on

border control activity and labour market demands.¹⁵ The ASI report in 2000 presented findings of another research project based on interviews with 884 people, including children who had been trafficked. They noted that many of the families interviewed had more than one child living abroad and that a significant number of parents acknowledged the reason for being prepared to turn over their children to traffickers was their inability to earn enough to cover the needs of the family. Of the 281 children interviewed in Benin, ASI reports that 75 percent said they would go at their parents' request – a significant revelation on parents' influence and truncated cognition about human trafficking as a whole process.

2.1.2. Southern Africa

Less information is accessible about the incidence, trends and routes of trafficking of women and children in Southern Africa. Molo Songololo (2000) has produced one of the few in-depth reports on the internal trafficking of children in South Africa for the purposes of commercial sexual exploitation. The findings show that girl children are primary targets and boys secondary. Parents, local gangs, and brothel owners are active in the recruitment of children into the sex work. Molo Songololo (2000) delineates the primary causal factors that give rise to the increase of in-country trafficking. Among these are the poor economic situation among those trafficked, the breakdown in extended and nuclear families – often accompanied by changes in cultural attitudes and practices, and the high demand for sex with children.

With regards to cross-border trafficking, two reports prepared by ASI in 1991 and 1992¹⁶ have documented trafficking from Mozambique to South Africa. An IOM report (2003) has documented the trafficking of refugees from Angola and the Great Lakes region – sometimes from further north – to South Africa, with some additional

¹⁵ Benin, Burkina Faso, Ghana, Mali, Nigeria and Togo, to the Congo, Côte d'Ivoire, Equatorial Guinea, and Gabon. In Togo, inbound migratory flows come principally from Ghana, Benin and Nigeria and outbound flow is to Gabon, Côte d'Ivoire, Nigeria and Europe. From Togo children are trafficked to Gabon, Nigeria, the Côte d'Ivoire, and Burkina Faso for use as domestic servants, market traders, beggar and prostitutes. A majority of the children trafficked are girls. From Benin children are trafficked to Gabon to be used as domestic servants. From Mali they are trafficked to the Côte d'Ivoire to work on agricultural plantations and in mines. There are also many cases of trafficking for work to Europe.

¹⁶ The two ASI reports were cited in the IOM report on trafficking in South Africa and are as follows: the 1991 publication by Vines, A. 'Mozambique: Slaves and the Snake of Fire' and the 1992 report by McKibbin, S. 'Slavery of Mozambican Refugees in South Africa'.

references to child trafficking from Lesotho, Mozambique and Malawi to South Africa.

The reports also note incidences of inter-continental trafficking of young women to South Africa – from Russia, Eastern Europe, Thailand, China and Taiwan, involving crime syndicates based Mozambique, Eastern Europe and Thailand. The IOM 2003 report specifies that although information is scarce the evidence suggests that trafficking between Europe and Southern Africa – documented for at least the past century – is persistent and widening. South Africa also emerges from these reports as a source and transit country as well as being a major destination.

2.2 Political and Legal Framework

Since 1996 West and Central African governments, individually and collectively, have made significant efforts to reform the judiciary to address human trafficking. The Libreville Common Platform of Action of the Sub-regional Consultation of the Development of Strategies to Fight Child Trafficking for Exploitative Labour Purposes in West and Central Africa was signed in 2000 by 21 countries in West and Central Africa, supported by UNICEF and ILO with the cooperation of the government of Gabon. This was followed by the Declaration of Action Against Trafficking adopted by the Economic Community of West African States (ECOWAS)¹⁷ and the endorsement of ECOWAS Plan of Action¹⁸ in Dakar in 2001 by 15 member-states. This Common Platform of Action identifies the main characteristics and causes of child trafficking, and specifies government commitment in several areas. These are: advocacy and sensitisation campaigns; setting up appropriate legal and institutional mechanisms to address child trafficking; improving care received by trafficked children; monitoring the incidence of trafficking through collecting data and improved research; improving inter-governmental and inter-ministerial cooperation.

The ECOWAS Plan of Action specified key initial actions to be undertaken by signatory states for the years 2002-2003. The Plan covers several crucial areas: 1)

¹⁷ ECOWAS is a regional group of 16 West African countries founded in 1975. It is also referred to as 'CEDEAO', for Communauté Economique des Etats de l'Afrique de l'Ouest.

¹⁸ The Declaration and the Plan of Action were both signed in 2001 during a ministerial meeting of 15 ECOWAS States in Dakar, Senegal. The meeting was organised by ECOWAS states and the United Nations Office for Drug Control and Crime Prevention. The 15 ECOWAS States were Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

legislation and ratification of the relevant international and regional covenants; 2) inter-state collaboration in collecting and exchanging information on trafficking incidence and trends, and in training personnel – including special police units, border police, judges and other law enforcers; 3) prevention of future trafficking through intensive awareness campaigns; 4) monitoring of the implementation of the plan of action.

More recently, in January 2002, high level ministers from West and Central African States met again in Yamoussoukro, Côte d'Ivoire during the 'First Specialised Meeting on Child Trafficking and Exploitation in West and Central Africa' to exchange information and review the national strategies.¹⁹ In March 2002 representatives from West and Central African States met in Libreville, Gabon to discuss the feasibility of adopting a sub-regional convention on trafficking. At this meeting organised by UNICEF and ILO, the representatives mapped out the phases towards the ratification of a sub-regional convention against trafficking including continuing technical cooperation in 2003, and agreed on ratification by the end of 2004.²⁰

There are variations in the incorporation of these international and regional agreements into domestic law. Within West Africa, active changes in legislation have been observed in Togo, Mali, Cameroon, Benin (which enacted legislation in 1995 regulating travel of children under the age of 14) and Burkina Faso. In Burkina Faso, for instance, in May 2003 the national assembly adopted a law defining child trafficking and punishing traffickers by imprisonment or a fine.²¹ Togo does not have an anti-trafficking law but uses other parallel laws to prosecute traffickers. Several countries have entered bilateral agreements. In 1996 an agreement was signed between Ghana, Togo, Benin and Nigeria to address trafficking.²² Mali has established a national commission focussing on child trafficking between Mali and the Côte d'Ivoire. Togo and Benin have signed an agreement for cooperation in the rehabilitation of trafficked children.²³ Encouraging as they are, domestic laws and bilateral agreements remain inadequate to respond to the complexities of trafficking. Lack of coordination, and

¹⁹ Organised by Interpol and the government of Côte d'Ivoire, as reported in 'irinnews.org', a website of the UN Office for the Coordination of Humanitarian Affairs.

²⁰ As reported in Irin news:

http://www.irinnews.org/report.asp?ReportID=26560&SelectRegion=West_Africa ("Central Africa and West Africa Region to establish child trafficking legislation in 2004")

²¹ Prior to this law, apprehended traffickers were able to go unpunished because of inadequate legislation (according to a report by the Network Against Human Trafficking in West Africa.)

²² ILO-IPEC Synthesis Report (2001:39)

²³ *ibid.*

national and regional budgetary commitments, may well put implementation of these well-intended plans in jeopardy.

With the exception of South Africa, there is a noticeable absence of domestic anti-trafficking legislation in Southern Africa countries. Most countries in Southern Africa use the framework of illegal immigration – which tends to criminalise the trafficked person rather than the trafficker. In South Africa national legislation contains several pieces that may be applied to the prosecution of traffickers, though they are not specific to human trafficking. Examples of these separate pieces of legislation are the Sexual Offences Bill, the Children’s Bill, the Child Care Act and certain clauses in the Criminal Act. The prevalent unwillingness to draft legislation that deals specifically with trafficking is slowly changing.²⁴ A draft of the Human Trafficking Legislation is now on the table and being discussed.²⁵ South Africa is in the process of reforming national laws to bring the legal system in line the United Nations Convention against Transnational Organised Crime in 2000 and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

To recapitulate, current perspectives on the trafficking of women and children in Africa exhibit some tension at various levels. A key tension lies between human rights norms and the definition of ‘tradition’. The failure to integrate human rights norms to protect trafficked persons is due to the absence of a definition of human trafficking in judicial systems in many countries combined with structural weakness of the judiciary. This weakness is regarded as an outcome of ‘missing ingredients’ such as: political will, resources and awareness among law enforcers (border police, magistrates, local chiefs and others). Notwithstanding the merit of the concern for this failure, it is important to point out that the discussion on ‘traditions’ has not fully unearthed their dynamic nature. A tradition – such as the ‘placement’ of children – can be subject to alteration by exogenous forces which commercialise it and turn it into child trafficking. The issue at stake is not only what kind of legal label should be placed on this practice, but also adequate understanding of exogenous forces that can help neutralise them. Public debates and political contestation about human trafficking should be about ways to connect cultural factors with other structural issues regarding human mobility.

²⁴ Communication with RAPCAN in South Africa, filed with authors.

²⁵ “Draft Interim Human Trafficking Legislation”, a discussion paper containing the draft legislation submitted to the authors by RAPCAN in South Africa.

Driven as it is by both supply and demand, human trafficking has gradually acquired a combination of local and global characteristics that resemble commodity chains with different nodal points involving different actors with a varying degree of power and authority (Truong, 2003c). Therefore, the ‘realities’ that are being shaped and formed need to be subject to cross-cultural and historical comparisons in order to sharpen analytical tools and interpretation. Too previous a pronouncement of root causes with limited validation can be counter-productive. For example, pronouncements about ‘traditions of migration’ and ‘traditions of placing children’ being the causes of greater incidence of trafficking can obliterate labour market dynamics and policy neglect of the social domain in an era of global competition. Furthermore, a strong focus on traditions as a root cause can lead to the practice of blaming the trafficked person rather than promoting needed structural changes.²⁶ In addition to the required deep understanding of the social, political, economic, and cultural milieu, more questioning is necessary by which to ascertain the source(s) of this understanding and to discover exactly which ‘understanding’ becomes the ‘received’ knowledge that influences policy processes.

2.3 The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children

The strong call for the adoption of an internationally recognised definition of human trafficking in the late 1990’s sought to consolidate the diverse ways of understanding it. Since the adoption of a definition of trafficking from the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organised Crime in 2000, the discussion on human trafficking has been made easier, but not without controversy.

²⁶ For example, Stillwaggon (2003) conducted in-depth research on the literature and metaphors used in regard to African behaviour which seem to increase the incidence of AIDS in Africa. She notes that earlier research set the tone for later policy decisions. By systematically uncovering textual messages that became ingrained among policy makers, she showed how the social construction of these behaviours influenced policy agendas and ultimately held back other ways to address the AIDS situation.

The definition is contained in Article 3 of the Protocol:

- (a) “*Trafficking in persons*” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. 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;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose 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;
- (d) “Child” shall mean any person under eighteen years of age.

The Protocol provides an internationally binding definition. It aims to eliminate differences between national legal systems and to set standards for domestic law to address organised crime. Bound as it is by social and cultural contexts the interpretation of crime and penalty has been subject to many queries. Particular concern about the interpretation of crime – in the context of those who give non-commercial help to would-be migrants crossing national borders for reasons of political safety perhaps destroying ethical norms of human solidarity – has led to a differentiation between ‘human smuggling’ and ‘human trafficking’²⁷. As Nadig (2002) points out, only human smuggling in the context of offering the service of undocumented or falsely documented entry against payment would be liable to penalty.

Practices of human trafficking are embedded in social relations and are therefore diverse. It is difficult to generalise interpretations based on fragmented evidence. As illustrated earlier, a number of international non-governmental organisations have noted peculiarities of human trafficking in Africa that do not entirely fit the international definition.²⁸ The definition bases itself on the ‘model’ of transnational trafficking, often attributed to the presence of large networks of organised crime. Trafficking in Africa is through small, family-related networks and does not always take place across national borders. Terms such as ‘trafficking’, ‘abduction’ and ‘sale of children’ all have different meanings, depending on the particularity of contexts. Even the term consenting party is controversial as regards the involvement of the parents and sometimes the children in

²⁷ A few examples include ideological commitment, friendship or compassion.

²⁸ A few examples are Anti-Slavery International, Terre des Hommes, and Human Rights Watch.

the decision-making process.²⁹ A criminalisation approach may have to impose penalty on entire communities.

A more positive perspective is the broad definition adopted by ILO-IPEC that allows for its application in a wider variety of situations. In a 2001 report ILO-IPEC states the following:³⁰

“[i]n some respects, the variations found in the definition of trafficking in international instruments and frameworks are both inevitable and legitimate, and in no way represent confusion or disagreement. Each international instrument relates to the place the organisation of reference occupies in the international multilateral structure — be it a crime-focused or rights-focused body. As a result, what might at first seem an uneven handling of trafficking issues across organisations is actually more a question of approach and context than a difference of intent.”

ILO-IPEC sees the merit in maintaining some flexibility in the use of the concept of ‘trafficking’ to accommodate institutional objectives and contextual requirements. A wide definition permits the practical accommodation of the specific objectives of the different, yet complementary, international instruments.

2.4 Other International Conventions

Other international organisations have formed an understanding of ‘trafficking’ and its related situations by combining the definition in the Trafficking Protocol with other related agreements and conventions. Among these are the UN Convention on the Rights of the Child of 1989 (UN CRC), the ILO Worst Forms of Child Labour Convention of 1999 (No. 182), the ILO Forced Labour Convention of 1930 (No. 29) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1949. Additional international frameworks that can be used to supplement the Trafficking Protocol include the General Agreement on Trade in Services (GATS) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (also called the UN Migrant Rights Convention).

²⁹ There are also concerns about the lack of definition of the terms ‘exploitation of the prostitution of others’ and ‘coercion’, see reports cited at the end by Save the Children-Sweden (2004) and UNICEF (2003).

³⁰ Boonpala and Kane (2001).

Using ILO Convention 182 as a reference point, Article 3 of the convention clearly indicates the inclusion of trafficking of children in the areas of concern.³¹

“For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – adopted in 1979 by the UN General Assembly and often described as an international bill of rights for women – defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. By 20 October 2004, 179 countries had ratified or acceded to the convention (with 98 signatures). Discrimination against women is defined as:³²

“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Pertinent to trafficking of women and children the convention calls on states to take appropriate measures against all forms of trafficking in women. It also affirms the reproductive rights of women as well as their rights to acquire and change or retain their nationality and the nationality of their children.

The UN Convention on the Right of the Child (UN CRC) is the most universally accepted human rights convention with the most number of ratifications by member states – with 192 countries being party to the convention. This convention recognises the human rights of children and the standards to which all governments must aspire in realising these rights. By ratifying the convention national governments commit themselves to protecting and ensuring children's rights. It elaborates the basic human rights which *all children everywhere* are entitled to, which are: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation;

³¹ <http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm#top>

³² <http://www.un.org/womenwatch/daw/cedaw/>

and to full participation in family, cultural and social life. It includes the child's human right not to be trafficked or exploited.

There are two Optional Protocols to the convention that have been adopted to strengthen the provisions of the Convention in specific areas, being: the involvement of children in armed conflict and on the sale of children (entered into force in February 2002); child prostitution and child pornography (entered into force in January 2002).

2.5 Governance Frameworks for the Movement of People

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and Mode 4 of the General Agreement on Trade in Services are frameworks governing the movement of people. The issues they individually cover, and the relative strength and status they enjoy as international legal instruments, reflect the current patterns of polarisation in international political economy.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families manifests the belief in the principle of indivisibility of rights (civil political, socio-economic and cultural). It took more than 12 years for the convention to come into force on July 2003 after reaching the minimum required ratification of 20 countries in addition to the ten countries which had signed the convention. By 5 October 2004 there was a total of 27 ratifications and 15 signatures by UN member states. Of these, 11 ratifications and 7 signatures are from African countries.³³ The countries ratifying this Convention are low-income countries and home to some 4.5 million migrants (2.6 per cent of the world total migrant population). Major migrant-receiving countries located in wealthy regions – such as Western Europe and North America – have not ratified the Convention, even though they host the majority of migrant workers (nearly 100 million out of a total of 175).³⁴ Other important receiving countries – India, Japan, Singapore, Malaysia, Australia, the Gulf States – have not ratified the Convention either.

³³ <http://www.december18.net/web/general/page>.

³⁴ Statistics are from the UNESCO Information Kit on the UN Convention on Migrants Rights. See also the websites of December 18 and Migrants Rights International for more information on the convention.

Irrespective of the form of migration – whether ‘regular’ or ‘irregular’, the Convention recognises that migrants are entitled to a minimum set of rights which includes humane living and working conditions, education and health services, legal equality including correct procedures, and the freedom from sexual abuse. The Convention also specifies that migrants have the right to return to their country of origin and participate in the political procedures of their home country. The Convention accepts that even undocumented migrants are entitled to basic protection and recognition of their rights as human beings. Although countries that have ratified and signed the Convention are primarily sending countries, some are also transit and receiving countries. Signatories must treat migrants according to the principles of the Convention, irrespective of their documented or undocumented status. Articles 10 and 11 make provision for the prevention of, and the imposition of penalties on, human trafficking.³⁵

As Taran points out (2000: 30) ‘the fundamental challenge for the extension of human rights to migrants is the sharpening contention between basing an overall international approach to migration on a framework of control versus establishing a migration management framework in which human rights is a fundamental basis’. As he notes (2000: 36), the tension between global competition and the protection of migrants is tending to shift migration issues into a framework of migration management. States may still use their discrete sovereign power to refuse to extend human rights provisions to undocumented migrants – especially socio-economic rights.

Less *ad hoc* preferences – with discriminatory consequences – may be found in the other regulatory framework that touches on the ‘free movement of natural persons’, notably Mode 4 of the General Agreement on Trade in Services (GATS).³⁶ Mode 4 defines the supplier in technical terms as a ‘natural person’ – as opposed to a ‘juridical person’ such as a business firm. In principle, although Mode 4 covers all skill levels, the commitments of labour-importing countries have largely been restricted to the

³⁵ Mr. Bertrand Ramcharan, the then Acting High Commissioner for Human Rights, noted in his speech marking its entry into force: “the Convention will assist in securing a protective international mechanism of the human rights of migrants, including those in irregular situations. If States manage migratory flows in a manner that is respectful of human rights of migrants, a climate of non-confrontation and a feeling of security will grow in society. By defining migrant workers and their basic rights, the Convention seeks to play a role in preventing and eliminating the exploitation of all migrant workers and members of their families throughout the entire migration process. In particular, it seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and to discourage their employment in an irregular or undocumented situation.” (<http://www.migrantsrights.org>)

³⁶ 39 African countries are members of the WTO; many of which have ‘Least Developed Country’ status.

highly skilled corporate sector (e.g. intra-corporate transferees, business visitors, consultants, or contract-suppliers) (Young and Hoppe, 2003).³⁷

Mode 4 has raised considerable debate among high-income and lower-income countries about the implications for labour migration, immigration policy and border controls. High-income countries are concerned that full liberalisation of Mode 4 will facilitate permanent migration and unauthorised migration or open the borders to a ‘flood’ of unskilled and semi-skilled migrants.³⁸ Lower-income countries are concerned that Mode 4 will facilitate ‘brain drain’ or, in reverse, a flood of highly paid consultants into their countries.³⁹ The application of Mode 4 so far fails to address the hierarchy of labour relations in the service sector, leaving migrant workers in the lower skill strata more vulnerable to the risks of irregular forms of mobility where they are subject to the unruly practices of those who organise it. Providers of services in domestic care and in ‘houses of pleasures’ are without protection.

2.6 Concluding Remarks

Judicial reforms in West and Central Africa have produced new legal resources to enhance human rights protection for trafficked persons. The emphasis on problems caused by the supply side appears one-sided. Overemphasis of the supply side can obliterate the dynamics on the demand side that have been brought to light by a number of grass-roots organisations.

More generally, the current framing of human trafficking for policy choices has tended to fragment the totality of human mobility as a process. This fragmentation has led to much tension around policy issues of public order, economic competition, efficiency and human vulnerability. Those concerned for public order purport that cross-border human trafficking reflects the weakening of states and local systems of governance. By contrast, those concerned with human vulnerability see the state as a key actor driven by plural interests and currently being stranded between three poles –

³⁷ Mode 4 was initially conceived by the experts as an instrument for trade liberalisation, primarily concerned with service provision linked to foreign direct investment (FDI). Negotiations have eventually covered other sectors not necessarily dominated by FDI – such as education, health, tourism, and information technology.

³⁸ For example, as Young and Hoppe (2003) point out, the German position stresses that labour is not a commodity like any others and thus not negotiable under similar terms; labour has to be negotiated in the context of social rights and social protection.

³⁹ Sands, Oonagh (2004) taken from Migration Policy Institute, Migration Information Source, at <http://www.migrationinformation.org/Feature/display.cfm?id=231>

crime control, human rights protection, and economic efficiency – in an era of global competition. To avoid human rights from being overridden by other interests it is important that those three regulatory regimes concerning human mobility are treated as three dimensions of an interconnected whole. A migration management framework is now emerging as a new approach for protecting both the interests of states and the protection of the human rights of the migrants included in the frameworks of policy negotiation. The fate of those excluded from such frameworks remains in the hands of the Palermo Convention and its Trafficking Protocol.

3

Epistemic Communities and Best Practices: With a Hammer in One's Hand, Everything Appears as a Nail



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This chapter enters the terrain of social epistemology and traces the ways international organisations have differently woven their perspectives on human trafficking along specific themes, notably human rights, migration, and crime. Far from being exhaustive in scope and depth, our attempt is but a first step towards locating areas in which a shared understanding of the problem be gradually fostered. Our data consist of ideas expressed in policy documents and information materials from the websites of a number of governmental, inter-governmental, and non-governmental organisations active in the global struggle against human trafficking.

We begin with a conceptual discussion, emphasising the need to come to terms with the normative assumptions underpinning BP and the socio-political terrain of application. We then contrast a selected number of approaches adopted by a number of epistemic communities and illustrate how similarities and differences are translated in policy agendas. We present some examples of BP to highlight diverse norms of assessment and the need for a more egalitarian approach to knowledge construction and standards of evaluation.

3.1 The Concept of Best Practice and Social Epistemology

Referring to the UN Centre for Human Settlements (UNCHS) database on Best Practices, Øyen (2002:16) tells how the concept supplies practical ways of partnership between communities, governments and the private sector to improve governance, eradicate poverty, provide access to shelter, land and basic services, protect the environment and support economic development. Defined by the international development community as an attempt to integrate internationally agreed norms in the discourses and ways of functioning of state and non-state actors,⁴⁰ the concept and its introduction as a tool for the design of development intervention signify a shift of emphasis regarding learning – from learning being receiving-from- above to a form of horizontal learning: experimenting and accumulating knowledge through engaging with the daily experiences *in situ*. Such a shift carries significant epistemological implications requiring attention.

Behind every practice and its dissemination exists a relationship between two or more knowledge systems that may not necessarily share the same beliefs and values.⁴¹ Attempts to promote a horizontal form of learning need to consider the context of social action and participating individuals or collective entities as ‘knowing and practising subjects’. Given that actions are guided by worldviews and values which shape

⁴⁰ Non-state actors include organisations in civil societies as well as private enterprises.

⁴¹ Truong’s field work in Vietnam in Tuyen Quang Province in 1999 revealed the problem of non-permeability of agricultural knowledge in extension activities. For some time, ethnic minorities in the highlands continued to plant three corn seeds even though they were using High-Yielding varieties (HYV). In their traditional local knowledge, planting three seeds is a matter of security – assuming that at least one of them will grow. Because extension workers believed that household heads – the men – who received the training would transmit the knowledge on HYV to their wives who planted them, no effort was made to monitor men’s practices after they left their training sessions at the research centre. After discovering the problem, extension workers organised training sessions in the field directly with those who farm (including women) to alter their belief on the necessity of this specific security practice when using the HYV seeds. This example shows that knowledge from research centres cannot be applied unless the knowledge behind quotidian practices of local users is also addressed.

motivation and behaviour, applying what is designated as BP does not occur on a neutral terrain, but on one where different values systems and motivation may blend, compete or clash with one another.⁴² A horizontal form of learning therefore requires an extension of the view of epistemology (as the veracity of claimed knowledge) beyond the confines of the academia, laboratories and research centres to accommodate the politics of knowledge in daily life.

Institutions and rules governing a particular policy domain and sites of implementation mediate BP. Neither the administrative characteristics nor the internal culture of implementing organisations can be ignored (Kabeer, 2001). The negotiation of administrative procedures and the validation of the ‘known’ as well as the status of the ‘knower’ in daily functioning play an important role in shaping practices. For example, despite their endorsement of UN CRC, institutions catering to the needs of asylum-seeking minors who migrate independently must administer their activities in ways that abide by governments’ principles and regulations. Research findings show that a criterion for ‘return’ adopted by some countries in Western Europe has shaped practices which defy the objective of UN CRC. The policy involves the classification of some countries in transition, from a situation of conflict to one of post-conflict, as being ‘safe for return’ – verifiable by the existence of orphanages or relief agencies. Asylum-seeking minors from countries classified as ‘safe for return’ may apprehend their personal ‘safety’ differently from the norms of safety recommended by the above administrative criterion, yet cannot be assisted by civic organisations to claim their right to protection by the host state. Minors who are unable to validate their knowledge about their insecure conditions in their country of origin often disappear to unknown destinations, without the knowledge of institutions who act as their guardian (Schutte, 2003).

Assessing BP therefore cannot stop at the level of mere techniques and tools shown to perform effectively. Such an exercise should consider the links between a technique of doing things with its implicit worldview (including its inherent norms of validity) as part of the consideration on what may be categorised as ‘best’. BP in

⁴² Truong (1999) suggests that if we place knowledge in a matrix of everyday activities, what emerges is a network of different knowledge systems from which people choose (consciously or unconsciously) to guide their action. The co-existence between western medicine and other ways of curing illness in Asian societies is a case in point. Each way is derived from a particular vision of the body – as a body mass or as networks of energy-flow governed by specific nodal meridian points. Each system helps solve a specific range of problems, but neither can solve all problems.

international cooperation seeking to enhance the human rights protection of trafficked persons involves several dimensions of contesting knowledge – including the administrative dimension of a policy and the means of validating outcomes, the socio-anthropological dimension of social entities designated as target groups and the interpretation of their needs. It is therefore important to find ways to resolve administrative tension as well as to bridge the gaps of knowledge that exist within an epistemic community (e.g. child-focussed) and between two or more such communities (crime-focussed or poverty-focussed).

3.2 Epistemic Communities, Risks and Deference

Epistemic Communities

“An epistemic community is a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area. Although an epistemic community may consist of professionals from a variety of disciplines and backgrounds, they have (1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; (2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible policy actions and desired outcomes; (3) shared notions of validity - that is, intersubjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and (4) a common policy enterprise - that is, a set of common practices associated with a set of problems to which their professional competence is directed, presumably out of the conviction that human welfare can be enhanced as a consequence.”

(Peter Haas, 1992:3)

To trace the formation of communities of ‘knowers’ and their social interaction with policy-making bodies and with each other the concept of epistemic communities appears useful. Haas (1992) defines epistemic communities and their role in problem-solving in the context of international cooperation in terms of commonality of beliefs, notions of validity and policy enterprises. They are carriers of scientific knowledge into the policy field: ‘channels through which new ideas circulate from societies to governments as well as from country to country’ (Haas, 1992a: 27). Because of the knowledge they have, epistemic communities are able to penetrate government departments and make their ideas part of policy. Epistemic communities operate only in fields of policy where science is significant. In the field of human rights, for example, Haas believes that there is no epistemic community.⁴³

Haas’ perspective is useful for locating and defining the social formation of discourse and practices against human trafficking and the affiliated societal agents, but

⁴³ <http://globetrotter.berkeley.edu/people/Haas/haas-con3.html>

his usage of the term epistemic community requires some revision for a number of reasons. Both human rights legislation and the study of its implementation constitute a body of scientific knowledge in the humanities and the social science. Amartya Sen (2004: 354-356) suggests that human rights may be seen as ‘pronouncements in social ethics, sustainable by open public reasoning. They may or may not be reflected in a legal framework through specific “human rights legislation”, but there are also other ways of implementing human rights (including public recognition, agitation and monitoring)’. All these activities are mediated through a variety of forms of local knowledge and institutions. Hence their analysis requires a view on epistemology that can address the politics of everyday knowledge.

Organisations such as Anti-Slavery International, Coalition Against the Trafficking in Women (CATW), Global Alliance Against Trafficking in Women (GAATW), Human Rights Watch (HRW), Amnesty International (AI) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) have been active in laying the ground work for governments’ acceptance of human trafficking as a global reality. Although the concern for the protection of the rights of trafficked persons is shared, tension may be noted with regard to the relative emphasis each organisation accords to causal relationship (gender, class or ethnicity) and how they view the process of recovery. Public policy circles tend to view some organisations as more ‘politically’ correct than others and therefore are more inclined to defer knowledge authority to them.⁴⁴

Buchanan (2004) offers the concepts of epistemic deference and risks in moral action. He coins the term ‘epistemic deference’ to mean the reliance on certain persons and institutions as knowledge authorities. Epistemic deference is inevitable because individuals and institutions depend on each other for information and knowledge to guide their action. Epistemic deference can be a risky venture, in the sense that all institutions and persons are capable of being a source of error, or of holding partial beliefs while aspiring for holistic representation. Democratizing the claims to know, and ensuring participatory methods in horizontal learning processes, should serve to

⁴⁴ For example CATW derives its influence from its abolitionist position shared by many governments. By contrast GAATW resists repressive measures and seeks modification in the process of recovery that can be seen as sanctioning sex work, and thus their approach seen as controversial.

minimize both the partiality of accounts of reality and the risks of transferring such accounts into action.⁴⁵ We cannot ignore the purpose of cautious deference.

3.3 Epistemic Communities and The Human Trafficking Policy Agenda

The United Nations and its specialised agencies have played a leading role in encouraging efforts to foster collaboration between different epistemic communities to implement international conventions protecting the rights of trafficked persons. Bound as they are by their mandates, internal culture, networks of like-minded professionals and partners, UN organisations tend to display policy profiles that manifest differences of emphasis and representation of the social worlds of human trafficking.⁴⁶ Within the United Nations system there are differences of perspective, policy agenda and cooperation with the non-state sector. UN specialised agencies are channels through which new ideas circulate from country to country and shape local practices. In this sense, these agencies also act as epistemic communities apart from being policy-making bodies.

In this study, we focus our analysis on a couple of agencies, keeping in mind that the groups included in this section are not all inclusive.⁴⁷ The following section illustrates how the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF) address the human rights of trafficked persons including children. We contrast different approaches to migration adopted by the ILO, the International Organisation for Migration (IOM) and the United Nations Educational,

⁴⁵ As market principles increasingly extend over the field of policy research, unless certain conditions are ensured such rules may reduce rather than enhance the effectiveness of liberal institutions in mitigating epistemic risks. Buchanan proposes four such conditions: 1) tolerance and encouragement of free exchange of information and ideas; 2) creation and sustenance of an epistemic division of labour; 3) constraining epistemic reliance on experts by (a) merit-based competition for expert status and (b) appropriate limits on epistemic deference imposed by a broadly-based critical attitude of epistemic egalitarianism; 4) producing, preserving and transmitting the most practically important non-erroneous beliefs (Buchanan, 2004: 101).

⁴⁶ In the middle of 2004 the United Nations Office of Drugs and Crime put together a compendium of the activities of various international organisations addressing human trafficking and organised a meeting among these groups to discuss the areas of collaboration and gaps in coordination.

⁴⁷ Among the other actors fighting human trafficking are national governments, the Office of the High Commissioner for Human Rights (OHCHR), Organisation for Security and Cooperation in Europe (OSCE), United Nations Development Programme (UNDP), United Nations Interregional Crime and Justice Research Institute (UNICRI), United Nations Development Fund for Women (UNIFEM), and the United Nations High Commissioner for Refugees (UNHCR).

Scientific and Cultural Organisation (UNESCO) to highlight key areas of policy tension in need of resolution. An observation on crime control at international level engineered by the Department of United States of America (US State Department) on the one hand and the United Nations Office on Drugs and Crime (UNODC) on the other hand is also included.

3.3.1 Human Rights

The human rights theme is the central concern of all epistemic communities working on human trafficking. Two frames for human rights issues can be discerned. One uses the definition of human trafficking by the Trafficking Protocol for trafficked persons, and the other follows the lines of socio-economic rights – taking the identification of poverty, gender, vulnerability and ethnic identity as causal factors.

The International Labour Organisation (ILO) whose original mandate is to protect the rights of organised labour, has extended this mandate in the last decade to cover the rights of women, children and indigenous labourers in the informal sector. Its mandate is to ‘promote social justice as the foundation of international peace, specifically by articulating and supervising fundamental human rights in the world of work.’⁴⁸ Throughout its standards-related work, the ILO has dealt with the issue of human trafficking in relation to forced labour, to the abuse of migrant workers – particularly where certain sections of society such as women or indigenous peoples are affected – and to its being one of the worst forms of child labour.⁴⁹

The ILO International Programme on the Elimination of Child Labour (ILO-IPEC) was created in 1992 to address specifically issues of child labour and child trafficking. ILO-IPEC conducts action-research on child trafficking. The knowledge is used to support the efforts of governments, workers’ and employers’ organisations and civil society in the prevention of trafficking, in the rescue, repatriation and restoration of the rights of trafficked persons.

Prior to the entry into force of the ILO Convention 182 in 1999 on the Worst Forms of Child Labour, ILO had been addressing child trafficking in the context of migrant workers in the framework of the ILO Convention 29 on Forced Labour. ILO

⁴⁸ <http://www.ilo.org>

⁴⁹ Coordination and cooperation with United Nations Children’s Fund (UNICEF), International Organization for Migration (IOM), and United Nations Office for Drugs and Crime (UNODC) in certain projects.

Convention 182 views child trafficking as a practice similar to slavery, subject to elimination. Today there are 150 ratifications for this convention, 47 of which are from Africa – the fastest pace of ratification since ILO was founded in 1919. The UN Convention of the Rights of the Child (UNCRC) also guides ILO work.

ILO-IPEC's mandate intersects with that of the United Nations Children's Fund (UNICEF) whose approach to children's rights extends beyond the world of work to cover the entire social universe of childhood. Recent reports by the UNICEF Innocenti Centre covers trafficking of women and children in over fifty African countries⁵⁰. The Centre hosts a child trafficking research hub, dedicated to data collection, knowledge transfer and the development of methodologies related to research on child trafficking.⁵¹

UNICEF recognises child trafficking as a global problem and draws its standpoint from the UNCRC. It views trafficking of children as a fundamental violation of children's rights. It recognises the links between child trafficking with a wide range of problems such as criminal activity and corruption, birth registration, child labour, discrimination, armed conflict, juvenile justice and gender-based practices such as early marriage. Thus, UNICEF accords greater emphasis on the link between children's rights, the social worlds of childhood and development.

Both organisations accept poverty and human vulnerability as root causes of trafficking. They also share a particular attention to poverty reduction and children education. Whereas UNICEF emphasises education as training for children's life skills, and monitoring of the rates of school dropout and abuses at the local level, ILO-IPEC emphasises the provision of quality education, skills training and job creation, being more concerned as it is with issues of the labour market than issues of childhood in school systems. UNICEF lobbies for child-focussed poverty reduction interventions and governments' commitment to education.

All UN agencies cooperate in lobbying for the strengthening of legislation and law enforcement to protect the rights of trafficked persons. UNICEF appears more concerned with 'the recovery and reintegration of trafficked persons', whereas ILO-

⁵⁰ Reports include "Child Trafficking in West Africa: Policy Responses" (2002) and "Trafficking in Human beings, Especially Women and Children in Africa" (2003-2004).

⁵¹ Innocenti Child Trafficking Research Hub: <http://www.childtrafficking.org>; UNICEF Innocenti Research Centre website: <http://www.unicef-icdc.org>.

IPEC exhibit a more pronounced profile on the rescue, repatriation, and restoration of the rights, of trafficked persons, the prosecution of offenders through the strengthening of the judiciary and police. Action at the sub regional level reinforces its in-country programmes, as the organisation believes that concerted action is needed in both sending and receiving countries to stop child trafficking that occurs across borders.

In comparison it is fair to say that both UNICEF and ILO have extended or adjusted their mandates to address human trafficking as a sociological problem in order to enhance the protection of the rights of trafficked persons through legal measures. Adhering to its original mandate, ILO derives its approach to human trafficking from the norms, values and standards of the world of work, now extended to cover the rights of vulnerable groups in exploitative work conditions – including women and children. Similarly, UNICEF derives its child trafficking approach from the sociology of childhood and the conditions for its development and therefore appears to have given emphasis to the Convention on the Rights of the Child more holistically. The world of childhood in the purview of UNICEF covers an array of cultural practices and a variety of institutions such as family, school, places of incarceration and militia. Diverse sites of social power undermining children’s rights – other than the workplace – constitute its key areas of concern. Consequently, at the risk of over simplification, we may observe that UNICEF is more embedded in the cultural rights of children as a social group, whereas ILO maintains its focus on socio-economic rights of children as a vulnerable group.

3.3.2 Migration

From the standpoint of the world of work the ILO posits the belief that ‘legal labour migration channels contribute to both reducing trafficking in children and women and the smuggling of migrants’ (ILO, 2002:12-13). A combination of migration policy with the labour market framework – supported by standards-based labour and human rights – constitutes the core of its activities on undocumented migrant workers. Its ‘Special Action Programme to Combat Forced Labour’ addresses issues of forced labour (in relation to irregular migration and human trafficking) in consultation with representatives of workers’ organisations and academic resource persons.

ILO considers a global strategy for the protection of migrant workers led by trade unions as an important goal. It promotes the ratification of Conventions 97 and

143 on migrant workers, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In a number of industrialised countries ILO cooperates with unions which have opened their membership to undocumented migrant workers, and with those who work closely with the '*sans papiers*' movement to provide assistance to undocumented workers to achieve a legal status (ILO, 2003).

By contrast, the International Organization for Migration (IOM) is required – *per pro* its mandate – to protect 'humane and orderly migration from the perspective of 'migration management'.⁵² The organisation has played a leading role of intellectual leadership on migration studies. Based on the explicit definition of various terms such as recruitment and deception and in line with the Trafficking Protocol, IOM identifies the technical differences between trafficking and smuggling. Owing to the complexity of human trafficking requiring concerted action by different organisations, IOM specifies the existence of 'a variety of bodies that seek to address it, including governments, NGOs, police and migration authorities. Each will define the problem from the perspective of its own mandate.'⁵³

IOM has integrated concerns for the protection of migrants through its efforts to address trafficking (research and direct assistance) and to conduct information campaigns about the risks of unauthorised migration (Taran, 2000). The IOM webpage maps out its policies and specifies the different ways of understanding migration and human trafficking.⁵⁴ Human trafficking is framed as an issue of concern since 'it poses a migration management problem to governments of sending countries as well as transit and receiving countries, because orderly migration and several types of national legislation, including migration legislation, are violated.' This approach to human trafficking hinges on the concept of public order and lack thereof.

The organisation policy objectives inevitably bear conflicting interests. On the one hand it seeks to protect trafficked migrants and would-be trafficked migrants from abuse. On the other hand, it also considers human trafficking a violation of the

⁵² See www.iom.int/en/who/main_policies_trafficking.shtml.

⁵³ *ibid.*

⁵⁴ These ways of understanding include the contexts of (1) gender, (2) economics, (3) development - poverty induced, (4) health, (5) human rights, (6) state sovereignty, (7) migration.

principle of sovereignty, hence is ready to consider the state as a victim of unruly practices of migrants. Tension emerging from application of policy principles reflects the practical difficulty of applying norms used to categorise migrants, and raises doubt about the possibility of migration management in a situation of shifting international norms.⁵⁵ Human rights organisations such as Human Rights Watch and Amnesty International – and others – have criticised IOM for its greater focus on ‘orderly migration’ and ‘voluntary return’ of trafficked people, asylum seekers, and refugees rather than protecting the human rights of trafficked persons, refugees and displaced people.⁵⁶

The International Migration Programme of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) has the central objective to promote the respect for the human rights of migrants, and to contribute to peaceful integration of migrants in society.⁵⁷ To fulfil this general goal the programme seeks to achieve five objectives, as follows: (1) increase the protection of human rights of migrants, (2) improve national policies to handle the impact of migration on society, (3) promote the value and respect of cultural diversity in multicultural societies, (4) contribute to the global fight against human trafficking and (5) strengthen the capacity, sustainability and effectiveness of diaspora networks. UNESCO activities also include promoting the ratification of the UN Convention on the Rights of Migrant Workers and Members of their Families.

Since 1996, UNESCO has been engaged in the fight against human trafficking, first in South-East Asia⁵⁸ and more recently in Africa⁵⁹ in its field of competence, namely education, science and culture.⁶⁰ UNESCO also focus on strengthening research capacities by developing mapping and databases on trafficking numbers (UNESCO Trafficking Statistics Project), leading research and commissioning studies on structural vulnerability factors leading to human trafficking in pilot countries. It also promotes

⁵⁵ Refugees no longer fully benefit from the 1951 Refugee Convention and its 1967 Protocol since the concept of ‘voluntary repatriation’ was brought into practice since 1983. Asylum seekers have no international legal protection. Only trafficked persons are protected by the Trafficking Protocol.

⁵⁶ See for example the Human Rights Watch report “IOM and Human Rights Protection on the Field: Current Concerns” a document submitted during the 86th Session of the IOM Governing Council on November 2003, also available on the HRW website.

⁵⁷ See the UNESCO website or <http://www.unesco.org/migration>

⁵⁸ UNESCO Bangkok Office Trafficking Project: <http://www.unescobkk.org/culture/trafficking> UNESCO is the lead UN interagency project on Human Trafficking in the Greater Mekong region.

⁵⁹ UNESCO Project to Fight Human Trafficking in Africa: <http://www.unesco.org/shs/humantrafficking>

⁶⁰ UNESCO is also the only UN specialised agency with a mandate on minorities under the Universal Declaration on Cultural Diversity.

culturally appropriate awareness-raising among local communities and develops training of policy-makers, community leaders and the media to better fight the phenomenon.

UNESCO collects Best Practices in addressing human trafficking based on the view that ‘carefully documented case histories can be a source of information and inspiration to policy makers on how to design creative, successful sustainable solutions to the management of migration.’⁶¹ UNESCO shares with others the recognition of the destructive role of global human trafficking, but does not conflate migration with crime. It endorses an enabling approach to migration management and views issues of international migration from the perspective of cultural diversity; thereby enabling migrants to exercise their rights and enabling governments to design creative solutions. A positive role is attached to diaspora networks in fostering pluralism, and a cooperative role to the state. Implicitly the state is viewed as a flexible and permeable entity, and migrants as cultural assets rather than economic burdens.

3.3.3. Crime

Approaching human trafficking as a crime is most strongly manifested in the activities of the United Nations Office on Drugs and Crime (UNODC). UNODC sees its mission to ‘bring to the foreground the involvement of organised criminal groups in human trafficking and to promote the development of effective criminal justice-related responses’.⁶² UNODC specifically looks at smuggling routes, methods of trafficking, and other mechanisms of exploitation and abuse. Its programmes have the dual perspective of victim and law-enforcement but are not gender or age-specific.⁶³ UNODC identifies its comparative advantages as: 1) being the key actor behind the formulation of the Trafficking Protocol in the context of transnational organised crime, (2) providing a criminal-justice perspective which recognises that in most cases

⁶¹ See UNESCO website and Bendixsen, Synnøve and Paul de Guchteneire “Best Practices in Immigration Services Planning”, UNESCO, Section for International Migration and Multicultural Policies, taken from UNESCO website, and project documents.

⁶² See www.unodc.org and www.unodc.org/unodc/en/trafficking_comparative_advantages.html.

⁶³ UNODC was the host of the UN Global Programme Against Trafficking in Human Beings (GPAT) designed in 1999 in collaboration with the UN Interregional Crime and Justice Research Institute (UNICRI).

organised crime is active in the recruitment, transfer and exploitation of persons, (3) taking a global or transnational perspective in investigating the criminal components of trafficking.

In a similar vein, the government of the United States of America passed the ‘Victims of Trafficking and Violence Protection Act’ in 2000. The US State Department views this piece of legislation as

‘an act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.’⁶⁴

A key rider to the act is a three-tiered ranking system adopted in the annual report produced since 2001, as an attempt to ‘encourage’ governments around the world to fall in line. This system reviews governments’ compliance with a set of minimum criteria set by the US State Department for the application of the Victims of Trafficking and Violence Protection Act on a global scale. Tier 1 means full compliance; Tiers 2 and 3 infer different degrees of ‘deviancy’. As pointed out by Chapkis (2003:934) only one person – a four-year old boy – had qualified for a T-visa (granted to victims and witnesses by the Act) during the first two years after its introduction.⁶⁵

Since 2004 the Tier placements have been linked to penalties and sanctions that the United States can declare. Countries in Tier 3 risk facing US opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions, specifically the International Monetary Fund and multilateral development banks such as the World Bank; but the Act specifies that ‘all or part of the Act’s sanctions can be waived upon a determination by the President that the provision of such assistance to the government would promote the purposes of the Act or is otherwise in the national interest of the United States. The Act also states that its sanctions shall be waived when necessary to avoid significant adverse effects on vulnerable populations, including women and children’.⁶⁶

⁶⁴<http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm>

⁶⁵ A T-visa is a permit for temporary stay of the trafficked person in the receiving country for a “period of reflection”. Often there are strings attached to this visa, including consent from the trafficked person to cooperate with police and intelligence networks in tracing and prosecuting smuggling networks. See for example Chapkis (2003:932).

⁶⁶ One possible reason for the State Department to consider a waiver is whether a country has been placed on Tier 3 for the first time that year. Sanctions would not apply if the Department finds that after the report comes out and before the imposition of sanctions, a government no longer qualifies for Tier 3, i.e. it has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance; see <http://www.state.gov/documents/organization/34158.pdf>

3.4 Epistemic Communities and Plural Notions of ‘Best Practices’: Some Examples

The rapid increase in the number of actors involved in child trafficking and their contrasting approaches only add to the complexity of evaluating actions and their outcomes (UNICEF, 2002:7). It is impossible to find a common parameter to assign the status ‘best’ to a practice: parameters appear to be context-based and organisation-dependent. For instance, Anti-Slavery International⁶⁷ looks at what is ‘best’ in terms of effective protection of the human rights of trafficked persons from the point of view of administration of justice and enforcement of the law. It puts forward a set of recommendations for the protection of trafficked persons’ rights based on a comparison of practices in ten countries.

Save the Children-Sweden (2003:14) looks at human trafficking as a problem with two kinds of tension. One is between governments’ obligations to protect and promote human rights and their desire to restrict irregular forms of migration (often regarded as a matter of state sovereignty). The other stems from the conflation of trafficking and prostitution, which often leads to an exclusive focus on sex trafficking. On sex trafficking, Save the Children-Sweden chooses the perspective of a demand-led problem, and therefore would support the view that the best practice to curtail demand is the imposition of penalty on the clients, as well as the procurer and the employer – as in Swedish prostitution law.

UNDP has an anti-trafficking manual – funded by United States Agency for International Development (USAID) – covering thirteen countries in South-eastern Europe entitled ‘Best Practice: Law Enforcement Manual for Fighting Against Trafficking in Human Beings’. Launched in Vienna in December 2003, as part of its Comprehensive Anti-Trafficking Training Strategy for South Eastern Europe⁶⁸ and bearing a distinct ‘deterrence’ perspective, the manual is primarily for law enforcers responsible for the investigation of ‘criminal’ elements of trafficking – police, border officials, immigration officers. The section on best practices includes specialist guidance on the treatment of trafficked persons, intelligence gathering, international judicial cooperation, joint pro-active operations and specialist pro-active investigative

⁶⁷ Anti-Slavery International (2003) ‘Human Traffic, Human Rights: Redefining Victim Protection’.

⁶⁸ See http://www.undp.ro/governance/law_enforcement.php

techniques. The manual seems far removed from the world of community organisers and grassroots workers engaged with ‘persons living with human trafficking’.⁶⁹

A major part of the US State Department annual report on human trafficking also singles out a few practices as best. Its descriptions of effective low-cost sustainable BP around the world are of mixed practices with different objectives. For example, campaigns which address child labour such as ‘Red Card Against Child Labour’⁷⁰ in Africa are bracketed with those addressing the worst forms of child labour (child prostitution) – such as ‘Discouraging Sex Tourism’⁷¹ in Brazil and ‘Public Awareness Campaign’ in Mozambique. And actions which address prostitution and children affected by war and conflict situations such as the ‘Listening to Exploited Children’ radio programme in Sierra Leone⁷² are also categorised as ones which address child trafficking. The criteria for judging a practice as ‘best’ are far from clear, aside from the initial suggestion that they are low-cost and sustainable. For instance, one practice of interception in Colombia, cited as best entails immigration and police officers in civilian clothes approaching ‘potential’ subjects of trafficking or people who look like they might be trafficked and asking them questions, giving advice and recommending that they do not travel.⁷³ The object of control appears to have shifted here from controlling traffickers to curtailing people’s civil liberty.

An innovative but costly practice, which effectively identifies and rescues the children trafficked from South Asia to serve as camel jockeys on the racetracks in the United Arab Emirates (UAE), involves a random DNA testing of alleged parents and children whose ‘looks’ are questionable. Most of these children are trafficked through the use of false documents from their home countries attesting to higher ages, and false parents who accompany the children to UAE. Since January 2003 authorities in UAE have DNA-tested 446 children and exposed 65 false claims of parenthood by traffickers

⁶⁹ The term ‘persons living with human trafficking’ used here refers to those in detention without trial, or returnees shunned by their family and communities.

⁷⁰ This was an Africa-wide campaign against child labour during the African Nations Football Cup Tournament. Fans travelling to watch the games were given ‘red cards’ to show their support to stop child labour. There was also a large component of television and radio broadcasts as well as public service announcements about the hazards of child labour.

⁷¹ The government of Brazil enlists the support of hotels and tourism establishments to discourage child prostitution on their premises.

⁷² Radio programme in Sierra Leone focussing on helping children affected by war and conflict recover from psychological and emotional traumas.

⁷³ The report described the practice as follows: “The Government of Colombia has sent officials to the airports to identify and talk with likely trafficking victims as they are sitting and waiting to fly out. In many cases they have succeeded in educating women about the dangers of traffickers and many potential victims elected not to leave.” <http://www.state.gov/documents/organization/34158.pdf>

bringing these children into the country. During 2003 the practice succeeded in identifying over 250 children from Bangladesh and Pakistan (who were returned to their countries) and arresting many of their traffickers for prosecution. Other countries in the Gulf are adopting the DNA testing of child camel jockeys and their purported parents.⁷⁴

The Centre for Crime Prevention under the UNODC is also preparing a manual or a Toolkit on promising practices by government agencies, international organisations and NGOs, focussing on four sectors: legislative reform, strengthening criminal justice responses, trafficked persons' protection and support, and international cooperation. It closely associates trafficking with illegal migration and prostitution or commercial sexual exploitation.⁷⁵

Practices based on the principle of crime control generally exhibit more state intrusion in civil society and direct control of the social body. Pre-emptive actions to protect the integrity of national borders are also prominent. Although preventive measures that address poverty as a root cause appear as a major concern in the policy agenda, actual commitment reveals the wide discrepancy between words and deeds, as also transpired through voices from the field to be illustrated in the next chapter.

3.5 Concluding Remarks

Our review of the profile of epistemic communities active in the global struggle against human trafficking reveals a way of functioning which does not entirely fit the original meaning of the concept. In its original meaning an epistemic community carries scientific knowledge into policy making, and hence seeks to affect outcomes. In human trafficking such communities appear more bound or obstructed by the 'realist' politics of sovereignty and interests of nation-states. The knowledge generated by the humanities and social sciences does not yet seem to have made major impacts on policy decisions. Evidence produced on human trafficking is now subject to query from a methodological point of view. Processes of epistemic deference in policy choices are not transparent at many levels, and therefore the risks of making inappropriate judgement cannot be overstated. Socially meaningful ends such as human rights protection are currently being pulled in different directions by the disparate interpretations depending on which humans, which location and which interest.

⁷⁴ <http://www.state.gov/documents/organization/34158.pdf>

⁷⁵ http://www.unodc.org/unodc/en/trafficking_programme_outline.html

Contending epistemological dispositions on human trafficking are closely linked with how international migration is explained in the contemporary context of globalisation. Despite the shared position that accepts human trafficking as an assault on human dignity and endorses the protection of the human rights of those trafficked, substantive differences regarding practical approaches are prevalent. There is no consensus on the objectives of BP nor is there a common understanding of causation. What is 'best', for whom, and under what specified conditions remains contested. The choice of a particular BP cannot be isolated from the shared causal beliefs, policy agenda, and notions of validity of a particular epistemic community choosing it. The concept of BP may merely serve as a heuristic device to raise questions about the relationship between different forms of social knowledge, power and policy.

It is important for organisations to clarify for themselves the epistemic dispositions they adopt in order to shed light on differences with others so as to set transparent parameters for negotiation of interests in ways which contribute to an enhancement of rights of trafficked persons. Without such a clarification, evaluative norms guiding the search for best practices cannot be freed from vested interests. Professional evaluators for instance might look for sustainability, reliability, and cost-effectiveness in a practice. Law enforcers will mainly consider how much a practice helps reduce crime. Immigration officials will likely pick out practices which enforce border rules. Trafficked persons in search of a secure life space might see a BP as one which safely allows for migration free from abuse, which upholds norms of human dignity and which promotes equal treatment under the law. Citizens of low-income countries in search of work opportunities categorised as unskilled and informal work – who are much in demand in higher-income countries but generally barred from entry – might see as 'best' those which allow them the same rights for mobility as the ones applicable to other categories of labour.

4

Bridging the Gaps and Weaving New Realities: Responses from the Field



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In this chapter we contrast the self-assessment and observations by ten non-governmental organisations in addressing human trafficking in Africa.⁷⁶ Our data-gathering procedures involved several steps. The first questionnaire, structured along standard guidelines⁷⁷ for best practices, was sent to more than 200 email addresses of organisations in Western and Southern Africa to gather information on the technical and

⁷⁶ Nine of the organisations are operating in West Africa (Bénin, Mali, Togo, Senegal, Burkina Faso, Nigeria) and one is based in South Africa.

⁷⁷ Covering aims, goals, sustainability, replicability and efficiency of the organisation.

organisational aspects.⁷⁸ Several databases on BP in different contexts were reviewed to draw useful insights for comparison with the relevant literature on BP when applied to the anti-trafficking campaign in West and Central Africa. A second questionnaire was sent to those organisations which agreed to share their experiences, asking fewer but qualitative questions focussing on the organisations' understanding of the context and of possible solutions.

The responses from the field show that some organisations did not isolate a particular practice or a particular project from the sum total of activities and strategies of the organisation as a whole. Other organisations were able to describe a particular practice or project and isolate its effects. Our discussion therefore seeks to accentuate how perspectives and practices are interwoven with an organisation's activities. The responses also show a keen awareness of the significance of evidence-based intervention, of the maintenance of a database and of a participatory approach which involves children, youth, their families and the communities. Poverty, fractured communities and hegemonic masculinity are regarded as key causative aspects regarding the trafficking of women and children. Causative aspects on the supply side are noted and monitored but not analysed. Organisations also convey a sense of despair regarding their ability to redress poverty, and a certain degree of scepticism concerning the political will and ability of national governments so to do. In the following sections we introduce the participating organisations and their activities; then we proceed to discussing their expressed need to bridge existing gaps and to find common points.

4.1 Organisations and Their Activities

4.1.1 Enfants Solidaires d'Afrique et du Monde (ONG-ESAM) (Regional and national level NGO based in Benin)

ONG-ESAM operates in Benin and aims to eradicate child abuse and trans-border recruitment of children as domestic workers. Its target groups are: children in domestic work, communities at risk and/or affected by trafficking, trafficked persons and their parents. Most efforts are concentrated on advocating the adoption of a code of

⁷⁸ A link for the questionnaire was placed on the UNESCO website for wider access to other organisations. [http://portal.unesco.org/shs/en/ev.php-Follow-up telephone calls sought to encourage submission of the questionnaire.URL_ID=5073&URL_DO=DO_TOPIC&URL_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-Follow-up+telephone+calls+sought+to+encourage+submission+of+the+questionnaire.URL_ID=5073&URL_DO=DO_TOPIC&URL_SECTION=201.html)

conduct among employers on the treatment of child domestic workers. It also involves the media and other NGOs.

The organisation provides capacity-building for NGOs and conducts research on child trafficking. The organisation's activities and strategies include the withdrawal of children from abusive situations, their reintegration into school or professional training, sensitisation of households and communities, and data-collection by which to identify the best ways to redress trafficking. In addition the organisation provides alternative sources of income for those engaged in trafficking, and facilitates meetings between employers and children which focus on the promotion of a code of conduct for employers of child domestic workers.

The strengths of the practice include the use of computers to maintain a database on children in domestic work and the participation of children in the programmes. There is also strong networking with sub-regional, regional and global groups. Given that the demand for action increases, the organisation finds itself unable to fully respond owing to high communication costs and limited resources. There are blurred lines between the two categories of children: those in domestic work and those trafficked.

The potential for replicating this practice is high; sharing experiences with the various networks has taken place. A similar project has been set up at the sub-regional level. ESAM has partners at the global level (ECPAT,⁷⁹ Global March Against Child Labour and Anti-Slavery International) and can share information as well as experience within the network. ESAM is the coordinator of the Comité de Liaison des Organisations Sociales de Défense des Droits de L'Enfant (CLOSE), a network of 30 NGOs and professionals.

4.1.2 ONG-Stratégies et Développement (National NGO in Benin)

ONG-Stratégies et Développement sees trafficking as being related to the fear of HIV/AIDS and recognises that selling children is an abuse of human rights. It sees the problem as stemming from ignorance and complicity within the community. Its aim is to reduce the incidence of trafficking and sexual exploitation of children, by training youth educators⁸⁰ and, through them, increasing awareness of parents and children

⁷⁹ ECPAT is a network of organisations and individuals which in 2004 covers 64 countries.

⁸⁰ In the current programme the organisation expects to train 30 youth educators

about human rights. It is forming strategies for the psychosocial education of young persons.

ONG-Stratégies et Développement's platform is human rights education, which has been extended to cover issues of child trafficking. Such issues are integrated in its educational campaigns at the community level, using a participatory approach which includes the children. Action on trafficking converges with activities in other areas such as HIV/AIDS, delinquency and illiteracy. Information, education and communication activities include the use of radio and formation of groups of working children. The organisation cites its participatory approach and its multi-professional perspective as being effective, and mentions plans to make this approach regional. There is no direct support for trafficked persons and the organisation is not able to address economic issues or unemployment.

4.1.3 World Association for Orphans (WAO-Afrique) (National NGO in Togo)

WAO-Afrique has identified one root cause of trafficking as the disintegration of social and cultural institutions that support children. Using a child-centred approach, it aims to encourage the participation of trafficked children in the design for and planning of rehabilitation and reintegration activities. The organisation conducted research in 1997 on human trafficking in Togo, with follow-up research in 2000-2001 on deeper causes of human trafficking, school dropouts, and illiteracy based on testimonies from 500 trafficked children. These reports have provided information for more comprehensive planning of interventions by NGOs and international organisations working on human trafficking in West Africa. The organisation also produced a training manual, and organised meetings with members of Togo's National Assembly to lobby for the recognition of children as actors in legislative change and for government support to bring children back to school.

The target groups of WAO-Afrique span different levels. Activities and strategies are multiple and wide-ranging. The organisation sets up reception centres for children and conducts education programmes, gives training on human rights and offers legal assistance. The organisation has initiated income generation projects, and provides credit facilities, legal rights education and literacy classes for parents. It also assists in acquiring birth certificates for children.

At both community and national level the organisation works with associations of truck drivers, conducts sensitisation programmes, debates with and lobbies decision-makers. It works with ministries on the interpretation of legal texts and suggests alternatives. By involving the communities both in and across the borders WAO-Afrique hopes to have an impact on policy changes and new legislation.

The organisation cites its main problems as: high costs to assist children in the reception centre and in the process of reintegration; difficulties in collecting repayment for the credit from the parents; difficulties in disengaging children from the houses of abuse; unclear legal instruments by which to punish offenders; children misidentifying parents; the lack of qualified magistrates and border police and of support for these. The practice benefits much from the use of a participatory approach and the sharing of experiences between young people. Other organisations in Togo are already trying to replicate the practice.

4.1.4 Association pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF) (National NGO in Mali)

APDF sees the demand for prostitution as a major cause of the trafficking of women. By involving the private sector (hotels, bars, restaurants, and travel agencies) through information, awareness campaigns and advocacy, the organisation hopes to influence the private sector to cut back on hosting prostitution for economic gains. Some expected results include the creation of a network between CATW (Coalition Against the Trafficking of Women)⁸¹ and the private sector, and a framework for consultation and action between national coalitions and beneficiaries.

Given that government action to redress the situation neither targets the private sector, nor addresses women's issues, APDF's reaching out to actors in the private sector (particularly those segments that might have a traditional interest in commercial sexual service) is a novelty. The organisation sees its practice as having potential for replication if the same problems are identified in another area. It recognises that different social, cultural, judicial, and political contexts will make replication difficult.

APDF's exclusionary focus on the abolition of prostitution rather than addressing human trafficking as a broader problem constitutes an important shortcoming; it also lacks the professional ability to take up issues requiring legal

⁸¹ For more information on this organisation, see <http://www.catwinternational.org/index.php>.

reforms. These are left to other networks. APDF seeks to influence policy changes through liaison with national coalitions (national meetings of the CATW) and links global networks (also *per pro* CATW).

4.1.5 Women's Consortium of Nigeria (WOCON) (National NGO in Nigeria)

WOCON sees trafficking as being related to the ignorance of the community and government's failure to address it. The government is held accountable for the lack of attention paid to awareness and education campaigns in the community; also the lack of measures to address poverty. The organisation acknowledges the diversity of the root causes of trafficking, shaped by a combination of socio-economic and political factors – including geographical location as well as historical processes.

WOCON aims to eliminate child labour in Nigerian society by withdrawing children from prostitution and domestic work. The overall objective is specifically related to trafficking. It conducts a 6-month sensitisation programme in a rural community through openair 'outreaches', slogans, town criers, musical bands, radio spots and radio jingles. It reaches out to children, communities, parents, the wider community, traditional rulers and chiefs, law enforcers, transport workers, government officials in ministries. In conjunction with the sensitisation campaign a consultative forum was established. This consultative forum agreed to a 'social contract' that specified the responsibilities of the community to stop the trafficking within that community. A task force committee was set up within the community to monitor the incidence of human trafficking.

WOCON recognises that the short duration of the sensitisation programme is insufficient to change awareness or behaviour. Poverty and the lack of education also aggravate trafficking. WOCON calls on the government to provide more micro-credit funds and more schools generally.

The strength of WOCON lies on the use of research findings for planning and targeting; and its use of a participatory approach where the communities themselves monitor the social contract and work with various sectors (government ministries, transport workers, police and the media). Weaknesses include the inability to provide direct support to trafficked persons. Additionally, although WOCON has identified poverty as a root cause of trafficking, it is unable to address the poverty situation. And no training could be given to the task force committee responsible for monitoring the

incidence of trafficking. The practice has already been replicated in another border town in Nigeria through ECPAT International, and through the help of UNICEF in another Nigerian town where children were found in illegal quarries.

4.1.6 Girls' Power Initiative (GPI) (National NGO in Nigeria)

GPI recognises comprehensive education in sexuality for children as crucial for their empowerment and the prevention of trafficking. It aims to find out why girls are more vulnerable to trafficking than boys, and to reduce the incidence of trafficking of girls. GPI activities focus on female children and their parents with some attention to lobbying policy makers and mobilising the media. The activities and strategies include: the provision of comprehensive education in sexuality to female children and adolescents; public awareness campaigns; research, and operation of a Gender Development Institute. GPI engages in collaborative work with the Ministry of Education and other NGOs, lobbying government ministries to include such education in school curricula. Additional GPI centres in two states in the Niger Delta have been created. The girls are regarded as catalysts of change within their own community. One result of the practice is the publication of a book that documents how girls are susceptible to trafficking and contains recommendations for change. The activities of GPI have been adapted by IOM in the training of teachers in Edo State.

Some hostility towards the training and awareness that the girls receive has arisen – from some parents and those who profit from the trafficking. Also GPI cites its limited reach and its inability to address the poverty situation in the community as major issues of concern.

4.1.7 African Women Empowerment Guild (AWEG) (National NGO in Nigeria)

AWEG accepts that trafficking occurs to 'feed' the sex trade. It believes that women are trafficked also because of their 'compassionate disposition' towards their family and their desire to fend for family members at all costs. Trafficking results from poverty, economic deprivation, and greed. The practice aims to empower women by helping them acquire skills (personally and professionally) to open up opportunities for themselves. Target groups are girls trafficked from Nigeria to Italy as well as returnees from other areas, their families and communities. AWEG has a number of activities

including adult literacy projects, promotion of abstinence among adolescents and information campaigns among adolescents on the risks of being caught up in trafficking.

AWEG works along the lines of women's human rights violation, according to which the trafficking of women is considered as one among the many forms of gender discrimination.⁸² The organisation propagates this message through information campaigns, such as the publication of 'A Letter to my Daughter'⁸³ aimed at raising the awareness of the general public.

As an organisation AWEG is unable to address the poverty situation of trafficked persons. AWEG has noted that the Edo State Law against Prostitution and Trafficking criminalises the prostitute along with the traffickers. The criminalisation of prostitution has had adverse effects, such as when trafficked girls feel stigmatised upon return, and do not frequent the shelters and the skills-training centres run by the organisation. Many of the returnees manage to leave again. Similar guilds have not yet been set up elsewhere.

4.1.8 Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN) (National NGO in South Africa)

RAPCAN recognises that trafficking happens because it stems from a culture of child abuse and exploitation. The organisation holds the belief that ending child abuse will help stop child trafficking. It seeks to prevent and address different patterns of child abuse. The target groups include children, youth, community, parents, associations of truck drivers, government ministries.

RAPCAN's key activities include training programmes, legislative changes, curriculum changes and direct support for child witnesses. Training programmes on the prevention of sexual abuse, reproductive health, and human rights are organised for adults and children. The organisation disseminates informative materials related to HIV/AIDS, lobbies and conducts advocacy campaigns among policy makers as part of its work towards changes in legislation and society's treatment of children.

⁸²Other examples are the funeral rites a wife has to go through upon the death of her husband, fetish rituals and religious oaths.

⁸³Used as anti-trafficking campaign material, this is a hypothetical mother's letter to a daughter highlighting the tricks of traffickers, the risks of early pregnancy and HIV/AIDS. It aims to build self-esteem in young women and hope for the future.

A child witness programme is organised to help children who have decided to give testimony – providing counselling and support as the child goes through the court procedures. Work with the Ministry of Education seeks to influence curriculum changes to include issues of child abuse. RAPCAN runs a well-maintained resource centre with materials on child abuse and regularly produces resource materials for educational purposes.

RAPCAN's strength is its focus on legislative change, based on the recognition that such change will challenge current patterns of child abuse and will lead to societal changes. Trafficking is treated as both cause and result of child abuse.

4.1.9 Save the Children-Sweden (Regional Programme, based in Senegal)

Save the Children-Sweden has supported substantive research on child trafficking. Its action programmes have benefited from the information obtained. The organisation maintains a database of information on trafficking in the region. The data suggests that children are targets of trafficking for many reasons. Apart from socio-economic reasons such as extreme vulnerability (poverty and illiteracy) in communities, there are gender-specific reasons linked with kinship practices.⁸⁴ State-related issues – such as the permeability of borders, the corruption of officials and the extremely high number of children who have no registration of their birth – are also seen as contributing to the incidence of trafficking. Save the Children-Sweden has also noted a marked alteration in the manual labour market arising from the pressure on planters to lower the cost of production. Employers no longer hesitate to look for cheap labour beyond their borders given the drop in prices in primary commodities in recent years.

The organisation builds its practices on three pillars: 1) strengthening the capacities of all sectors to address trafficking; 2) advocacy for legislation changes; 3) support for trafficked persons who return – assisting rehabilitation and reintegration. One basic objective is to attempt to mitigate the abject conditions the children are in under their trafficked status. The efforts towards this end include: advocacy; the training of personnel and trainers; apprenticeships for children; micro-credit facilities for the affected families and families at risk. The target groups of Save the Children-Sweden include individuals, the community, NGOs, networks of child-focussed NGOs.

⁸⁴ Young girls of marrying age have to prepare their marriage trousseau by starting work at an early age.

At the grassroots level the organisation helps set up village vigilance committees, provides social workers and psychologists who offer direct assistance to individuals through reunification programmes or placement of returned children with host families. The organisation conducts training courses for stakeholders including municipal workers, law enforcers, NGO workers and social workers. It functions within a regional network of NGOs whose personnel facilitates exchanges between children across borders. Action is hindered by insufficient capacity – such as social centres to host trafficked children – and the lack of specialists in the field. The lack of knowledge of national and legal instruments among communities and weak coordination between countries also pose problems for the process of reintegration.

The strength of the practice is its clear rights-based participatory approach, its multi-pronged and multi-dimensional character. Adequate funding permits the practice to be comprehensive. But the practice is limited in its outreach: micro-credit facilities can be extended only to those directly affected by human trafficking. The political will of governments is required both for changing conditions of extreme poverty in the communities and resolving open or latent political and ethnic conflicts which aggravate the problem; as well as reforming the socio-cultural traditions which perpetuate it all.

Save the Children-Sweden is a member of a regional working group which brings together the principal actors in the region: UNICEF, ILO, UNODC, ECOWAS and others. Being part of a network, Save the Children benefits from the sharing of experiences and can support attempts to replicate the practice in other areas. The organisation works both with the NGO sector as well as with agents of the state to build professional capacity in a variety of areas – research, advocacy, social mobilisation and support to trafficked children.

4.1.10 Terre des Hommes-Germany (TDH) (Regional Coordination Office based in Burkina Faso)

TDH's target groups are primarily NGOs and local organisations already working on issues of the trafficking of children, covering three countries: Burkina Faso, Gambia and Mali. TDH-Germany conducts research on the context of trafficking, assists in the development of local communication plans, sports competitions, and mobilisation of community leaders and local organisations. The focus of TDH-Germany

is to bring these organisations together into a network that can coordinate and cooperate with each other.

Technically and financially it supports activities such as awareness-raising, conscientisation and advocacy, and care for trafficked children brought in by the different associations. The work of TDH-Germany is linked with the ILO. Its activities include mobilising grassroots communities, awareness campaigns, income generation, education activities, radio broadcasts, popular theatre and support for children's school expenses. There is no direct support given to trafficked persons and their families.

TDH works with state services such as social action and security services. In cases of interception and rescue of trafficked children the organisation involves the communities concerned. Communities choose among themselves who will be members of the vigilance committees. TDH's partners include also the media that uses local languages – such as the women's radio created and operated by women in Banfora in Burkina Faso. TDH-Germany publishes an information bulletin (about the anti-trafficking campaign) distributed to associations and partners. TDH considers one of its shortcomings to be the difficulty of working synergetically within a network; and the absence of funds specifically for repatriating trafficked children is another shortfall. TDH recognises the difficulty of addressing economic reintegration of trafficked children and their families as well as the difficulty of addressing the overall poverty situation in the regions from which the children originate.

4.2 Bridging Gaps and Finding Common Points

The responses from the organisations reveal a profound understanding of the context and processes of human trafficking in Africa.⁸⁵ Occasional discrepancies are found between the understanding shared by these organisations as members of an epistemic community and the way this understanding finds its way into practice at different levels of intervention. A reverse formulation of this statement appears also true: what is being done in practice to resolve a particular dimension of the problem is not always reflected in the explanatory discussions on root causes and policy choices.

⁸⁵ Direct quotes in boxes are responses to the distributed questionnaires.

4.2.1 Trafficking in Women and Children: a By-product of Social Inequality

Previous research tended to focus on the processes of trafficking and the conditions in which the women and children find themselves rather than the causes at deeper levels (structural, institutional, culture and agency). In recent years a deeper understanding has been developed regarding the conditions in the community and the different supply and demand factors influencing the occurrence of human trafficking. In many instances research has found that community members, parents, women or children still engage in trafficking *in spite of* understanding the risks involved. Often the vulnerability of children to trafficking is an outcome of broader societal neglect.

RAPCAN: “The context (South African) which renders children vulnerable to trafficking also renders them vulnerable to abuse and neglect more broadly. In fact, in South Africa, I will argue that, in many instances, children are trafficked as part of a broader vulnerability to abuse and neglect.” (RAPCAN response to questionnaire.)

Nevertheless explanations for the continuity and agency of women, children and families of trafficked persons remain inadequate. The tendency is to place the onus on the trafficked persons. ILO-IPEC (2002:19) notes,

“Women and girls may themselves take the initiative to migrate in the hope of earning a decent income, escaping a miserable life, or supporting a family back home. In such cases, they are sometimes aware that they are going to work in commercial sex, considering this to be an acceptable short-term remedy to a desperate need to earn a living. They very rarely, however, are aware of the nature of the demands that will be made upon them, the conditions in which they are likely to be held, or the possible long-term repercussions of the activity (including reproductive illnesses and social exclusion).”

ONG-Stratégies et Développement: “Generally, boy victims of trafficking are used in coffee and cocoa plantations and in the gravel quarries. The girls, by contrast, are used in domestic work, peddling in the markets or they are victims of commercial sexual exploitation. All of these situations show the degree of disrespect for human rights in general and the rights of children in particular.” (ONG-Stratégies et Développement response to questionnaire.)

RAPCAN: “... there is limited recognition of even women, and still less of children, as human beings with rights in their own right.” (RAPCAN response to questionnaire.)

WOCON: “... the community attributes the incidence of child trafficking and child labour to the lack of primary and secondary schools.” (WOCON response to questionnaire.)

GPI: “teaching the girl child that she has a voice, to use the voice both for herself and others in a society where girls are not meant to be heard.” (GPI response to questionnaire.)

Concerning global inequality, most of the analysis of human trafficking tends to be one-sided, concentrating on the supply side only. A number of organisations (ILO-

IPEC, UNIFEM, UNICEF, and Save the Children) have acknowledged that trafficking is perpetuated by both the supply and demand sides. Trafficking will continue to happen as long as there is a demand for cheap labour, domestic workers, undocumented workers, and undocumented commercial sex workers. Simultaneous intervention to address supply and demand appears imperative.⁸⁶

SC-Sweden: “There is a combination of causes. The most common are: ignorance (parents and children ignore the risks of trafficking), they are illiterate for the most part and live in conditions of extreme poverty. In addition, most people in West Africa have a long tradition of migration. **Since the drop in prices in primary commodities, there is a very strong demand** in the manual labour market to lower the cost of production for planters and other employers of children who constitute this manual labour that is exploitable and obedient and the employers no longer hesitate to look for them beyond their own borders. (Emphasis in original) (SC-Sweden response to questionnaire)

4.2.2 Choices of Intervention Measures

Intervention measures are dependent on many factors other than an understanding of the situation. A UNICEF report (2002:15) notes:

“[t]here is a need for prevention approaches that go beyond awareness-raising to focus on development. There are, for example, no poverty reduction schemes to combat child trafficking in the sub-region other than micro credit schemes in Cameroon and Togo. The costs of awareness-raising activities may be lower than the costs of programmes for poverty reduction. They may be easier to manage and have an immediate impact, while poverty reduction schemes need long-term commitment and maintenance. However, the absence of systematic poverty eradication strategies and the lack of sustained efforts within prevention activities undermine the impact of the entire prevention arsenal.”

Although poverty is consistently cited as a root cause at the level of policy rhetoric, it is not consistently addressed at the grassroots levels, where income generation activities (IGA) and micro-credit is not always available. In some cases IGAs are made available to trafficked persons and their families but only after trafficking has occurred and in the context of economic reintegration with the community.

AWEG: “While increased campaigns and alternative wealth creation awareness are sought for vulnerable members of the community, the general high level of poverty in the population continues to predispose young women in poor families to trafficking. Government must intensify efforts to alleviate poverty in population while raising the value of the Nigerian currency (Naria) against foreign currency.” (AWEG response to questionnaire)

RAPCAN: “A major contributing factor is poverty. In South Africa, around 14 million children live in deep poverty with inadequate access to basic requirements for survival. Under these circumstances, children are vulnerable to being ‘sold’ and trafficked for purposes of sexual exploitation, or domestic and agricultural labour. Their parents are also frequently ‘conned’ into thinking that they are sending their child off to a better life with more opportunities.” (RAPCAN response to questionnaire)

⁸⁶ A good study on the demand side of the problem was done by Save the Children-Sweden published in 2004, entitled ‘Trafficking - a demand-led problem?’ See References for complete citation.

AWEG: “[the root causes of trafficking are] poverty, greed, unstable economy, unemployment, success stories as told by the trafficked, lack of awareness on the part of those to be trafficked.” (AWEG response to the questionnaire.)

Many organisations have stated that their inability to address the poverty situation in the community is a direct outcome of their institutional weakness, lack of resources, lack of capacity or mandate. Addressing the demand side appears to be similarly out of the reach of many organisations. Clearer links between poverty reduction mechanisms and other human trafficking prevention strategies must be established. A common policy platform for all actors engaged in counter-trafficking efforts at the community level needs to be fostered so as to combine poverty-reduction goals with other goals that will ensure socially meaningful options for returnees and their families.

WOCON: “The lack of capacity to provide alternative means of livelihood such as strengthening the existing cooperative ventures and providing micro-credit for the communities to alleviate acute poverty is also a weakness.” (WOCON response to the questionnaire)

WOCON: “If the economic conditions of the people are enhanced then they will be less vulnerable to traffickers. Opportunities for income generating ventures for the populace especially through developing available business or cooperative ventures in the community will aid sustainability.” (WOCON response to the questionnaire)

ESAM: “Social efficiency or the capacity to adapt to a social context of this project now depends on the initiatives taken by the communities themselves to decrease the traffic of children in their context but it is under constraints because of the various small budgets of the project. The increasing demand that cannot be covered might become a risk of demobilisation.” (ESAM response to the questionnaire)

Awareness programmes without providing alternatives for the community members are unlikely to help bring about change. A number of assumptions behind sensitisation and awareness-raising programmes need to be brought into the open and subject to further inquiry. Mere awareness programmes can indeed contribute to gender discrimination by demonising the image of the migrating woman and controlling women’s mobility more generally. Communities may be aware of the risks of unauthorised migration but may simply continue to engage in the activity with greater awareness of the risks. Dottridge (2004:11) suggests:

“The most effective campaigns to prevent children from being trafficked are based on a thorough understanding of the factors which children and their parents (or others) take into account when considering whether (and when) to leave home. Top down prevention campaigns, which simply impose a message that ‘migration is dangerous because of the risk of falling into the hands of traffickers’ seem much less likely to be effective”.

The UNICEF report (2002:13) on trafficking in West and Central Africa notes that:

“there are wide variations between the awareness-raising campaigns promoted ... and their overall impact in the region is limited by the lack of comprehensive national strategies on trafficking. They often target government officials or public opinion leaders, and rarely penetrate into rural areas or the marginalized communities at risk. Information remains sporadic, mainly journalistic and does little to educate families and children.”

In many cases the primary target group of beneficiaries consists exclusively of either children or women. Men, women and children are rarely addressed at the same time. Simultaneously addressing the trafficking of women, children and men can be a complex intervention, as particular needs and contexts must be accounted for. However, exclusionary practices in the definition of target groups such as children only or women only, can obliterate the suffering of those others – including boys and men.

The causes and processes of trafficking of women and children are intertwined with wider practices within a community. Involving the whole community to foster an understanding on human trafficking in general and how it may have different consequences based on gender, age and ethnicity may build a common will to fight it. The delimitation of the ‘girl child’ as a target group based on the legal definition (under 18 years of age) is not always helpful as it does not always correspond to the sociological definitions of childhood in many communities.

GPI: “Every activity revolves around the girl child and they are the group leaders and class monitors in all GPI groups and school outreaches”. (GPI response to the questionnaire)

A focus on research on ‘best practices’ as a search for effective solutions should not deflect (or sidetrack) attention from the issues which cause the problem, or locating the key reasons why children and women migrate, why families and parents allow their children to be sent to far off places to work; why women, in spite of understanding the risks of working in commercial sex, still engage in it; why women and girls, in spite of ‘awareness programmes’, still knowingly go with a middleman into another country/area.

RAPCAN: “A second important root cause, related also to the context which makes children vulnerable to abuse and neglect more generally is the deeply patriarchal ethos which pervades South African society. Rigid social constructions of masculinity and femininity and a profoundly conservative ethos relegates women and children to positions of being ‘owned’ (and therefore disposable at the whim of the ‘owner’) and there is limited recognition of even women, and still less of children, as human beings with rights in their own right. There is a sense of entitlement around sex and sexual activity - almost as though that’s what women and children are there for, and they shouldn’t complain about it.” (RAPCAN response to the questionnaire)

RAPCAN: "... the disempowerment already experienced by the majority of our population through that history is exacerbated by poverty which denies opportunities to assume the socially prescribed roles of bread-winner and head of the household." (RAPCAN response to the questionnaire)

4.2.3 Networking

The experiences of WAO-Afrique, Save the Children-Sweden and TDH-Germany show that it is possible to have intervention at different levels: international, regional, national and grassroots, by cooperating through networks, even if the diversity of actors involved presents its own challenges. Networking seems to be generally good in West Africa but not immediately observable in South Africa.

SC-Sweden: "SC is a member of the regional working group for the combat against trafficking which includes agencies from UN as well as international NGOs without forgetting the presence of the main group which is the children and young workers' movement.... but because of the diversity of actors, the coordination of activities is sometimes difficult." (SC-Sweden response to questionnaire)

APDF: "Creation of a framework for partnership and collaboration between those mentioned and national coalitions". (APDF response to questionnaire)

SC-Sweden: seeing BP in the context of information sharing between practitioners "this project insists on the exchange and capitalisation of experience.... a project that promotes best practices and takes into account good and bad experiences of other practices." (SC-Sweden response to questionnaire)

Many of the practices are dependent on funding from external sources. Sometimes sustained funding is not available until the practice becomes self-sustaining, which can place innovative action in jeopardy. More sensitivity among funding agencies on the multi-causal nature of the problem and more awareness in communities about the priorities of different funding agencies would be useful in planning for action in ways which creates synergy within a given area.

ESAM: "There is an increasing demand for action by the community. A deeper sensitization has made clear to the communities that only priority actions can be financed by the project, and that other actions of equal importance or usefulness to combat trafficking will be supported by other projects with matching funds." (ESAM response to questionnaire)

Many of the practices recognise the use of a participatory approach as an asset. But the learning to be gained from those affected by human trafficking, and the encouragement of their participation at decision-making levels, are not always being reflected in the common policy agenda of the epistemic communities operating at the global level.

WOCON: "The strength of the project is in the active involvement of the community dwellers in identifying the causes and finding solutions to the prevention of trafficking following the sensitization campaigns." (WOCON response to the questionnaire)

GPI: “GPI girls are themselves catalysts and continue to act in the wider society to stem spread of trafficking and other vices”. (GPI response to the questionnaire)

SC-Sweden: “The participatory approach is at the core of the project, the victims and the communities are involved in all phases of the project. This allows for an ownership of the project by the beneficiaries. This is a project to encourage work in synergy with all the actors which avoids the duplication of action and useless competition.” (SC-Sweden response to the questionnaire)

ESAM: “one of the strong points ... the participation of children in the implementation process and in the work of the project.” (ESAM response to the questionnaire)

APDF: “Diversifying and expanding the base of actors in the struggle, beyond traditional actors which could provide an opportunity to do something about demand and a means to dismantle networks of trafficking and sexual exploitation.” (APDF response to the questionnaire)

ONG Stratégies et Développement: “Strengths of the project: the youth are motivated to involve themselves in the struggle against trafficking.” (ONG Stratégies et Développement response to the questionnaire)

The need for intervention to address prevention, protection and prosecution simultaneously is articulated at the level of debates. It is not always possible to meet this need owing to a shortfall in resources, institutional capacities and networking in some areas.

RAPCAN: “On the highest levels, we need a statutory framework which protects and promotes the rights of vulnerable groups. We need policies which implement these laws which are inter-sectoral, rights-based and properly resourced. South Africa is currently developing specific legislation dealing with trafficking in persons, and the issue is also raised in the Sexual Offences and Children’s Bills that are currently in ‘tabled’ in this country.... Then we need massive training and awareness raising to sensitise officials and other role-players about the issues, about children’s vulnerability, about the rights of children and people in general so that those who encounter children through various ‘systems’ (e.g. criminal justice, social services, health, education, etc.) are appropriately trained and equipped to deal with trafficking. For example, currently, foreign children suspected of being trafficked have no legislative protection, and are commonly repatriated to just across the border of their countries of origin - where they are picked up by the traffickers and brought straight back in!” (RAPCAN response to the questionnaire)

SC-Sweden: “Most of the states in the region have no capacity and means to face the phenomenon although they might have the good will to do so. Their actions are limited to the repression and even efficiency is not high because the borders are not controlled one hundred percent, the services are not well-equipped, all the procedures are too long and there is corruption.” (SC-Sweden response to the questionnaire)

Some practices have already been replicated. It is not always clear how the particular context where the practice was replicated has been studied, or how the practice has been adapted to suit the new context, but several organisations are clear about what factors are important for successful replication of a practice.

APDF: “The necessary conditions for a transfer of successful practices are: taking into account the socio-cultural realities of the host country, the political conditions, the level of conscientisation of the population related to the project/problem to be transferred, and also engagement of the political and administrative authorities and the disposition of the partners to press the issue.” (APDF response to the questionnaire)

ESAM: “The practices of this project can be applied in other regions of the world if one meets the social realities of the regions; moreover, the will for change has to be present at the level of the communities.... The involvement and the participation of the population, a good identification of the problem that is real for the community as it is lived, for which the transfer is meant.” (ESAM response to the questionnaire)

SC-Sweden: [What is needed for replication] are “Flexibility and using the lessons learned about what was successful as well as what was not successful. After all a participatory approach allows to rectify the course once a problem emerges.” (SC-Sweden response to the questionnaire)

WOCON: “being insufficiently familiar with the people in the community, and the failure of an organisation intending to execute a project to gain cultural acceptance, may pose obstacles to the replication of the practice in the community.” (WOCON response to the questionnaire)

SC-Sweden: [Replication would fail] “if one doesn’t take into account the local context and especially if the transfer is made with rigidity and without flexibility, ” (SC-Sweden response to the questionnaire)

4.3 Concluding Remarks

Searching for ‘best practices’ to address trafficking of women and children in Africa has led to the following observations. The arenas of action are both social and political. Anti-trafficking organisations and the practices they adopt are bearers of beliefs derived from their moral and cognitive visions. From the institutional standpoint – even if an organisation recognises that the problem of trafficking has multiple roots, makes sure that the planned interventions are ‘multi-pronged’ and ‘multi-level’, and employs participatory measures – it cannot address the occurrence of human trafficking at all levels. Practical responses need to be scrutinised regarding the discrepancy between field analysis and choice of intervention. Responses from the field suggest that more can be done to learn from NGOs’ experiences in order to improve interpretations of human trafficking at the policy level. Furthermore, policy agendas of funding agencies could benefit from more openness rather than closure to negotiations with organisations active *in situ*.

5

Conclusion

The diversity of forms of human mobility in the contemporary context of global connectivity requires an analytical approach which can explain why tendencies of gender, class, generation and ethnicity as constituents of social structures and human agency have converged to produce what is known as human trafficking. Without adequate explanation, policy tends to lurch in different directions. Reactions premised on human rights concerns have contributed to new international, regional and national legislative frameworks that oppose abusive and exploitative practices in migration. A key concern remains the wide landscape of policy issues underlying the problem, and how policy approaches – in diverse areas such as migration management, crime control, labour standards, poverty reduction and particular needs of communities at risk – can be coordinated to curtail practices of human trafficking and ensure human rights protection.

In West Africa existing knowledge on specific features of the trafficking of children and women shows a close interaction between the cultural domain and the changing social, political and economic relations. Sector-specific patterns of trafficking exhibit an interface between local, regional and global forces. Trafficking linked with export-oriented agriculture and commercial services in tourism appear more sensitive of global forces, whereas trafficking linked with domestic services tends to be react to national and regional forces. Actors in West Africa have taken steps to build regional networks of knowledge and action to address the context-specific dimensions of the problem. Like-minded organisations have formed alliances through creating and maintaining a data-base by which to share knowledge.

However, deprived of resources and constrained by considerations of funding agencies, the choices of interventions by these organisations are not always determined by what they know. Thus, for example, whereas unsustainable livelihoods may be known to actors on the spot as a key causal issue, criteria for funding tend to shape activities along the lines of awareness-raising, human rights education and changing

cultural practices. The few anti-poverty projects are directed at trafficked persons and only in the context of economic reintegration in the community – and without due attention to the significance of the sense of belonging and dignity.

Being a multi-causal problem, human trafficking cannot be addressed by one practice. Likewise no single organisation is capable of ‘solving’ all affiliated problems, nor should it enforce one vision of the problem as global. A combination of practices capable of creating synergetic effects and consolidating policy goals among engaged actors is sorely needed. Finding Best Practices to counter human trafficking begins with the recognition that such practices are elements in a broader process of social transformation. They are initiatives to transform a complex web of social relationships – specifically those that are causal related to human trafficking. Social contexts in which the causes of trafficking are progressive and cumulative pose a considerable challenge in determining priorities and boundaries of action.

From the perspective of prevention, endorsing a human development approach to ensure the security of livelihood and dignity of identity helps individuals, families and communities to resist risky migration. When people’s capabilities and entitlements are enhanced – and when institutions of governance become responsive to their social conditions, voices and anxieties – migration options become less attractive. From the perspective of direct assistance and recovery, more sensitivity should be accorded to the experiences of trafficked persons and returnees. A more contextual understanding of their rights and the practical implications of their well being is called for.

Regarding the knowledge base on human trafficking, a resolution of the contention between knowledge networks should be sought. Despite the consensus on key components of human trafficking (poverty, gender discrimination, disorderly migration and organized crime) there is no agreement on the causal relationships between them. Statistical information on international migration does not show trends in human trafficking. Narratives and testimonies of trafficked persons and returnees help us understand the qualitative dimension of the problem but cannot offer insights on its magnitude, scope or structure. When common sense and/or received wisdom from historical experience fails, and gaps of knowledge of the current situation render policy choices vulnerable to errors, it is inevitable that governments should rely on a consortium of experts who cooperate with each other to maintain a certain level of effectiveness in human rights protection. A plurality of foci of authoritative knowledge offers diverse and potentially richer interpretation as well as fuller representation.

To benefit trafficked persons it is important to treat the formation of causative elements of the problem as a two way process. One process involves the learning from data and experience gathered from communities, including trafficked persons themselves. Such data base can be updated and maintained by local organisations. The other concerns the learning from data gathered on structural processes affecting national, regional and global conditions that might cause specific population groups to be vulnerable to practices of trafficking, or might create new routes and destinations. Such a two-way process may foster a holistic approach capable of integrating different dimensions of human trafficking and bringing innovative ideas into the human trafficking policy field. International cooperation can play an important role in promoting this process.

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<http://www.antislavery.org/archive/other/networktraffickingchildrenwafrica2003.htm>

<http://www.antislavery.org/homepage/resources/humantraff/Hum%20Traff%20Hum%20Rights,%20redef%20vic%20protec%20final%20full.pdf>
<http://www.antislavery.org/archive/other/trafficking-benin-synopsis.htm>
<http://www.antislavery.org/archive/other/trafficking-children-wafrica.htm>
http://www.irinnews.org/report.asp?ReportID=19693&SelectRegion=West_Africa
<http://www.unicef-icdc.org/publications/pdf/insight7.pdf>

<http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=ZA1Z032>

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http://www.unicri.it/nigeria_website.htm
http://www.irinnews.org/report.asp?ReportID=43754&SelectRegion=Southern_Africa
<http://usinfo.state.gov/products/pubs/traffick/>
<http://www.globalmarch.org/worstformsreport/world/benin.html>

On best practices

<http://www.bestpractices.org/>
http://www.ecpat.net/eng/CSEC/good_practices/index.asp
<http://www.state.gov/g/tip/rls/tiprpt/2004/33186.htm>
<http://www.unesco.org/most/bphome.htm>
<http://www.unesco.org/most/welcome.htm>
http://portal.unesco.org/shs/en/ev.php-URL_ID=1211&URL_DO=DO_TOPIC&URL_SECTION=201.html
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http://www.advocacy.net/cpage_view/nigtraffick_girlsforsale_6_25.html
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<http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
http://www.wildaf-ao.org/fr/mb_geria.htm
<http://www.enda.sn/eja/anglais/index.htm>
<http://www.enda.sn/eja/anglais/endafris/enda%20jai.htm>
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<http://www.yesweb.org/alliance/members.html?membertype=org&RegionID=1>

Others

<http://usinfo.state.gov/products/pubs/traffick/> (US State Dept, US Information)
http://www.irinnews.org/report.asp?ReportID=26560&SelectRegion=West_Africa
(IRIN News. Org)
<http://nahtiwa.virtualactivism.net/countryreports.htm> (Network against human trafficking in West Africa)
Oonagh, Sands (2004) 'Temporary Movement of Labor Fuels GATS Debate', Migration Information Source, website of the Migration Policy Institute at
<http://www.migrationinformation.org/Feature/display.cfm?id=231>
<http://www.yesweb.org/alliance/members.html?membertype=org&RegionID=1>
<http://www.cracnig.org/index.htm>

ANNEX 1 English Version Questionnaire 1

Questionnaire I

Thank you very much for taking the time to fill in this questionnaire. Please feel free to input your answers directly onto this form and use additional sheets/space whenever necessary.

To organisations that do not have direct counter-trafficking interventions but have other programmes that address abuses against women and children, we request that you fill in the organisational details (this page only), so that we can include this information in our data base of network organisations working on related issues.

To respondents with counter-trafficking projects or interventions or projects that could possibly be part of the 'best practices' report of UNESCO, please fill in all parts of the questionnaire. Whenever needed, feel free to use additional space or paper. Please return this questionnaire via email or post **on or before April 16, 2004**.

If possible, please inform us by email that you have responded by post. Thank you very much for your cooperation!

We request also that this questionnaire and our letter be forwarded to those who you think should receive it. We would appreciate it very much if you can help us spread this questionnaire to more organisations.

Organisation Name:

Name of the Responsible for the Project:

Function:

Email Address (if available):

Street or P.O Box:

City/Town:

Postal Code:

Country:

Telephone:

Name of the Organisation responsible for the project:

Email Address (if available)

(If different from the above address, please fill in):

Street or P.O. Box

City/Town:

Postal Code:

Country:

Telephone:

Project Title (if applicable): (If the title does not explain what the project, programme, method, or approach is about; please add a subtitle that does):

1. Project Profile

1.1 Project Type (governmental, non-governmental, municipal, etc.):

1.2 Staffing of the project:

1.3 Setting:

1.3.1. What is the geographic setting of the project? (country, region, geographic scope of project, etc.?)

1.3.2. Did the practice originate within the community? If not, where did it originate?

1.4. What is the working language?

1.5. Period

1.5.1. When did the project start (dd/mm/yy)?

1.5.2. Is the project concluded? If yes, when did it finish? Why?

1.6. Budget

(If possible or applicable, please indicate the total budget for the best practice)

1.6.1. Total budget:

1.6.2. Funding sources:

1.6.3. Period of funding:

2. Description of the project

2.1. Level of intervention/Key theme:

a) **direct support to victims and their families**

b) **community level**

c) **organisations responsible for the handling of human trafficking**

d) **others (please specify)**

2.2. Please state the main objectives of the project.

2.3. Summary of the practice

2.3.1. Strategy

2.3.2. Activities

2.3.3. Results

2.4. Stakeholders

2.4.1. Target group(s):

2.4.2. Who are the main initiators and actors?

2.4.3. How and with what function are stakeholders and beneficiaries represented in the practice?

2.4.4. Please give an indication of the number of stakeholders and beneficiaries involved.

2.5. Who are the partners at the community, national and international level in this project, if any? What is the form of cooperation?

3. Strengths and weaknesses of the project

3.1. Briefly describe what you consider the strengths of the project/practice.

3.2. Please assess the possible weaknesses and negative effects or impacts of the projects/practice, and the risks it entails:

3.3. The practice's success

3.3.1. Why would you consider this as a successful or 'Best Practice'? Please provide quantitative and qualitative evidence that supports your argument.

3.3.2. Does the target group regard it as a 'good practice'? How?

3.3.3. Do professionals working in the practice regard it as a 'good practice'? How?

3.4. Is there a linkage between research and policy-making in the practice? If so, how?

3.5. Is the practice demonstrating innovation in addressing social challenges? If so, how?

3.6. Sustainability: (Which aspects of sustainability does the practice involve? How, why?)

economic aspects (please cite examples)

social aspects (please cite examples)

cultural aspects (please cite examples)

other aspects, such as political aspects, etc. (please cite examples)

3.7. Efficiency

a) *appropriateness*: Do the project activities address an objective that can be clearly related to policy or government failure? If so, how?

b) *superiority*: Is the project more effective than other instruments that might achieve the same goals? If so, how?

c) *systemic efficiency*: Does the project interact with other activities in the same domain for the creation of synergy? If so, how?

d) *own-efficiency*: Is the project cost-effective in achieving its specific objectives? If so, how? If not, please state clearly the main reasons for which long-term support might be needed.

e) *adaptive efficiency*: To what extent do the results from mid-term and end-evaluations in the past feedback into the design of ongoing and future activities?

4. Problems encountered

4.1 What kinds of problems were encountered?

4.2. How were these problems tackled and/or resolved?

4.3. How could the practice be developed or improved?

5. Possibilities for replication

5.1. What is the potential for applying all or parts of the initiative to other regions and social areas?

5.2. What specific conditions or obstacles make it difficult to replicate or transfer the practice elsewhere?

5.3. What conditions would you consider essential for successful replication?

5.4. Are there any unresolved issues?

5.5. Has the practice been replicated elsewhere (as far as you know)? Where? By whom?

6. Other remarks.

Name of person who completed this questionnaire:

Position:

Date:

Thank you very much for your cooperation and participation!

ANNEX 2 English Version Questionnaire 2

The following are only the basic questions asked in the second round of the study. Additional questions specific to the organisation, to complete the information needed on the organisation were also asked in this phase of the study.

1. What do you think are the root causes of child (and women) trafficking?
2. How do you see change happening? How can/will trafficking be resolved? If you prefer you can answer the question in the context of the area where you are operating.
3. No one organisation or practice can address all the parts of the complex problem of trafficking. What part does (the organisation) play, and how can the other aspects of the problem be addressed?

ANNEX 3 Contact Addresses of the Participating Organisations

1. Enfants Solidaires d'Afrique et du Monde (ONG-ESAM)
(Regional and national level NGO, based in Benin)
Contact Person : Erick Fanou-Ako, Chargé de Programmes
Email Address : esam@firstnet1.com or esam@firstnet.bj
Complete Address : 08 BP 0049 TRI Postal Cotonou, Cotonou, Littoral 00229, Benin
Telephone and Fax : (229) 305 237, (229) 313 877, (229) 303 837

2. ONG-Stratégies et Développement
(National NGO, based in Benin)
Contact Person : Comahoue Sewa, Chargé de Projet
Email Address : dansoube@yahoo.fr or developpement_strat@yahoo.fr
Complete Address : 01 BP 5360, Cotonou, Benin
Telephone and Fax : (229) 980 236 or (229) 903 298
Website : www.stratdev.fr.st

3. World Association for Orphans (WAO-Afrique)
(National NGO, based in Togo)
Contact Person : Odette Houédakor, Chargé de Programmes
Email Address : wao.afrique@bibway.com or waoafrique@hotmail.com
Complete Address : Adidogomé, rue des Frères Franciscains, BP 80242, Lomé, Togo
Telephone and Fax : (228) 225 89 90 or (228) 225 22 49

4. Association pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF)
(National NGO, based in Mali)
Contact Person : Fatoumata Siré Diakite, Présidente and Directrice Exécutive Régionale
Email address : apdf@datatech.toolnet.org
Complete Address : Immeuble Djiré Hamdallaye ACI 2000 Avenue Cheick Zayed
BP E 787, Bamako, Mali
Telephone and Fax : (223) 229 1028

5. Women's Consortium of Nigeria (WOCON)
(National NGO, based in Nigeria)
Contact Person : Bisi Olateru-Olagbegi, Executive Director
Email Address : wocon95@yahoo.com
Complete Address : 2nd floor, 13 Okesuna street, Off Igbosere Rd. PO Box 54627
Ikoyi, Lagos, Nigeria
Telephone and Fax : 234-1-2635300, 234-1-2635331

6. Girls' Power Initiative (GPI)
(National NGO, based in Nigeria)
Contact Person : Grace Osakue, Coordinator for Edo/Delta States
Email Address : gosakue@gpinigeria.org or gpibenin@gpinigeria.org
Complete Address : 2 Hudson Lane, Off 95 Akpakpava Street, P. O. Box 7400, Benin
City, 300001, Nigeria
Telephone and Fax : (234) 52 255 162

7. African Women Empowerment Guild (AWEG)

(National NGO, based in Nigeria)

Contact Person : Dr. Nosa I. Aladeselu, President

Email Address : aweg95@yahoo.com or nosaaladeselu@yahoo.co.uk

Complete Address : 29 Airport Road (YWCA Building), PO Box 8083, Benin City, Nigeria

Telephone and Fax : (234 52) 256 555, (234 52) 258 644, (234 52) 252 186

8. Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)

(National NGO, based in South Africa)

Contact Person : Carol Bower, Executive Director

Email Address : carolb1@iafrica.com

Complete Address :

Telephone and Fax : (27) 21 712 2330 or (27) 21 712 2365

Website: www.rapcan.org.za

9. Save the Children-Sweden

(Regional Programme, based in Senegal)

Contact Person : Elkane Mooh, Conseiller Régional/ Regional Advisor

Email Address : elkane.mooh@scswa.org, scs@sentoo.sn and moohel@hotmail.com

Complete Address : Save the Children Suède, Bureau régional pour l'Afrique de l'Ouest
Point E, Rue 6xC, BP 25 934 Dakar- Fann, Sénégal

Telephone and Fax : (221) 869 18 00, (221) 864 4463

or Save the Children Sweden

SE 107 88 Stockholm, Sweden

Torsgaten 4

Tel + 46 8 698 90 00

Website: www.rb.se

10. Terre des Hommes-Germany (TDH)

(Regional coordination office based in Burkina Faso)

Contact person: Sié Offi SOME

Email Address : tdha@fasonet.bf

Complete Address : 01 BP 768 Bobo-Dioulasso 01, Burkina Faso

Telephone and Fax : (226) 97 3103 and (226) 97 3104

Or the international office at

International Federation Terre des Hommes

31 Chemin Frank-Thomas - CH-1223 Cologny/Geneva, Switzerland

Contact Person: Eylah Kadjjar-Hamouda, Coordinator IFTDH

Telephone: (41) 22 736 33 72 Fax: (41) 22 736 15 10

E-mail : intl-rel@iftdh.org

Website : www.terredeshommes.org