

## WORKSHOP ON HUMAN TRAFFICKING IN EASTERN AND SOUTHERN AFRICA



22<sup>nd</sup> JULY 2019 – 26<sup>th</sup> JULY 2019

SERENA BEACH RESORT & SPA, MOMBASA – KENYA

The Konrad Adenauer Stiftung's Rule of Law Programme for Sub-Saharan Africa in conjunction with the National Human Rights Institutions (NHRIs) in Eastern and Southern Africa conducted a workshop on Human Trafficking in Eastern and Southern Africa from 22<sup>nd</sup> to 26<sup>th</sup> July 2019. The workshop had representatives from Kenya, Uganda, Rwanda, South Africa, Zimbabwe, Malawi, Eswatini, Namibia, Botswana, Lesotho, Mauritius, Madagascar and DRC. Also present were human trafficking experts from UNODC, HAART-Kenya, European Court of Human Rights, University of Pretoria and University of Stellenbosch

The workshop started with a special presentation given by Adv. Ameha Mekonnen on the human rights situation in Ethiopia. He gave a brief overview of the history of human rights in Ethiopia and the current reform process. In his conclusion, he stressed the importance of the current reforms for Ethiopia, the region and the sub region. For this reason, the international community should support the reforms for its own sake.

On Tuesday, 23<sup>rd</sup> July 2019, the workshop was officially opened with remarks from Dr. Arne Wulff, Director, KAS Rule of Law Program for Sub-Saharan Africa and continued with a presentation given by Ms. Simona Schreier, Programme Manager, Trafficking in Persons and Smuggling of Migrants, Transnational Organised Crime Programme, UNODC, who gave an overview of human trafficking. She



summarised the latest trends in human trafficking that have been observed in the UN Global Report on Trafficking in Persons 2018 and examined the international legal framework on human trafficking focusing on the definition of human trafficking according to international law and stressing the importance of distinguishing human trafficking from smuggling.

Other experts who also gave their presentations include, Prof. Annika Rudman, Stellenbosch University, South Africa, on state obligations and the protection of the rights of victims of human trafficking under the Maputo Protocol. In her presentation, she stated that under the Maputo Protocol, States have obligations to take active steps to combat human trafficking. Consequently, states can be sued in the African Court of Human and Peoples' Rights if they fail to fulfil this obligation.

Jakob Christensen, Programme Manager - Awareness against Human Trafficking (HAART), gave a presentation on "***Resolving Human trafficking in Africa from a practitioner's perspective***". He gave an overview of the measures taken by HAART in Kenya with regards to victim protection, prosecution and crime prevention. He explained that after a victim is rescued from an exploitive situation he or she needs various services, like housing and psychological support. He stressed that returning victims to their home is often not enough, as they are faced with the stigma from the community, often making victims return to the exploitive situation. He also emphasised the importance of educational measures to raise awareness at the local level.

Also present was Justice Angelika Nußberger, Vice President, European Court of Human Rights (ECHR),



who gave a presentation on human trafficking in Europe. She gave an overview of the legal framework applied by the ECHR where she noted that the areas of scope of the court only covers slavery/servitude and forced or compulsory labour and when cases of human trafficking are brought before this court it interprets this provision and in the light of all international treaties and the present day conditions. Consequently, human trafficking is also prohibited under the convention because of its exploitative nature, close surveillance of the activities of

victims and the use of violence or threats against the victims. She also pointed out that states can be held liable before the court if they fail to take concrete actions and that having legislation is not enough to fulfil their legal obligation.

The representatives from the Eastern and Southern African countries gave a report on human trafficking in their respective countries highlighting the current situation in their specific countries including the legal and policy framework in place, the practice, and the measures they have put in place to combat trafficking. From the country reports it was noted that all the countries present were battling with

human trafficking menace either the country being country of origin, transit and/or destination. While all countries except the Democratic Republic of Congo have a conclusive anti-trafficking legislation in place, the implementation of the legislation is lacking due to, inter alia, a lack of awareness of officials and the general public, lack of political will, corruption and lack of resources. Additionally, the countries observed lack of reliable data making it difficult to assess the scope of the issue and the prosecution, protection and prevention efforts.

The participants were split in two groups where they were supposed to discuss the common regional challenges, opportunities and remedial measures that should be taken to address human trafficking.

One group focused on identifying the minimum legal standards for an effective legal framework, the prevalent weaknesses in the existing legal frameworks in the two regions and proposing ways in which NHRIs can contribute towards the strengthening of the legal frameworks in place. The second group identified the most important anti-trafficking mechanisms in the region stating the common challenges affecting these mechanisms and proposed ways in which NHRIs can engage with various key actors in the fight against human trafficking in order to enhance the success of various mechanisms both at national and regional levels.

The workshop came to a conclusion with presentations from the group discussions on their findings. The participants formulated, inter alia, the following viable practical recommendations for further work of the NHRIs:

- Strengthen the mandate to include human trafficking as a human rights violation and prioritise human trafficking in their work
- Play a better coordinating role and promote better research and information systems
- Focus on victim protection
- Raise awareness within communities, e.g. by partnering with the media or NGOs
- Provide training on human trafficking to government officials, members of parliament, police officers, immigration officers, prosecutors, investigators, judicial officers and the public in general
- Support the processes of harmonisation of the existing legislations locally as well as regionally
- Install standardised data collection mechanism to ensure the collection of reliable data in all parts of a country and the regions
- Provide guidance on the implementation of anti-trafficking laws
- Advise on any proposed legislation to ensure human rights tenets are upheld and respected
- Trigger a review on insufficient laws

