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## **Trafficking in Africa with a focus on the demand for women for sexual exploitation**

Equality Now is an international human rights organization working for the protection and promotion of the rights of women and girls worldwide. Equality Now's membership network is comprised of more than 30,000 individuals and organizations in 160 countries. Issues of concern to Equality Now include trafficking of women and girls, rape, domestic violence, reproductive rights, female genital mutilation, denial of equal access to economic opportunity and political participation, and all other forms of violence and discrimination against women and girls.

The main engine of Equality Now's campaign work is the Women's Action Network, which mobilizes public pressure to help protect lives, promote justice and end discriminatory laws and practices. Equality Now has been working to promote an end to sex trafficking in particular by addressing commercial sexual exploitation and the demand for prostitution which fuel sex trafficking. Current Women's Actions related to trafficking include ending the demand for prostitution by U.S. military soldiers and personnel through a Defense Department zero-tolerance policy on patronizing a prostitute, shutting down sex tour companies through application of U.S. federal and state law and advocating for enforcement of the law banning the practice of *trokosi* and the release of *trokosi*, or sex slaves, in Ghana.

Equality Now was involved in discussions relating to the definition of trafficking, both in domestic legislation in the United States and in international law through the United Nations' Protocol to Prevent, Suppress and Punish

Trafficking in Persons, especially women and children (also known as the Palermo Protocol).(1) Equality Now worked for a definition of sex trafficking to (i) include as traffickers all those who profit from the recruitment, transport and sale of women into prostitution; and (ii) include as trafficking victims entitled to rights and protections any women who are recruited, transported and sold into prostitution, regardless of their “consent”.

At the African regional level, Equality Now has been actively involved in coordinating the work of a coalition of NGOs contributing to the drafting and promoting the ratification of the African Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women. Article 4(2)(g) of the Protocol states, “States Parties shall take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk”. The UN Protocol and eventually the African Protocol on Women’s Rights, whose focus is on all aspects of women’s lives, are two important legal tools in the fight to end trafficking in persons.

This paper will provide a very brief overview of the global picture of trafficking of women and girls for sexual exploitation and will then focus on sex trafficking in the African context. Some of the particular issues in Africa, which contribute to sex trafficking, and the legislative and policy attempts to combat the problem will then be considered. This paper will not go into detail about trafficking routes, which can be found in the UNICEF study mentioned below. Finally, some recommendations for African governments who are interested in bringing an end to sexual servitude will be made.

Trafficking statistics are available from a wide range of sources, including governments, international agencies, and NGOs. These sources often provide different information on the numbers of persons trafficked globally each year, but because of its covert and underground nature, trafficking is likely to be a significantly underreported crime. The United Nations estimates that, “700,000 to 2 million women are trafficked across international borders annually. Adding domestic trafficking would bring the

total much higher, to perhaps 4 million persons per year". (1) The U.S. government believes that the majority of victims are trafficked into commercial sexual exploitation. (1) The ILO estimates that 98% of victims of forced commercial sexual exploitation are women and girls. (10) Trafficking is a lucrative business in the billions of dollars, and it is no coincidence that the Palermo Protocol is attached to the UN Convention on Transnational Organized Crime.

Traffickers procure their victims in many ways. Some girls are abducted. Some are deceived by offers of legitimate work in another country. Some are sold by their own poverty-stricken parents and others are lured by trusted friends or respected community members or are themselves driven by poverty into the lure of traffickers who prey on their desperation. Regardless of how they are propelled into the multi-billion dollar industry of sexual exploitation -whether through force, deception, coercion or simply through desperate poverty- these women and girls suffer unimaginable human rights violations; enslavement, beatings, rapes resulting in post-traumatic stress disorder, severe depression, damage to reproductive systems and sexually transmitted diseases, as commodities of the trade in human beings by third-party profiteers.

Just as the global statistics on trafficking are difficult to gather and verify, so are statistics on trafficking in Africa both internal and cross-border. It is a serious problem, however, and one that African governments and civil society are just beginning to tackle.

The UNICEF Innocenti Insight research centre in Italy published a comprehensive study, *Trafficking in Human Beings, Especially Women and Children, in Africa*, in 2003. The study found that, "Sexual exploitation –in particular, prostitution– is the most widely documented form of exploitation for women and children trafficked within and from Africa. The internal demand for such practice is high in Africa and is present in many countries. It has been exacerbated also by a demand from foreigners, including in holiday resorts, as reported in Malawi in relation to children sexually exploited by European

tourists, or sent to Europe as sex slaves”. (1) As the study notes, the users, “johns” or patronizers of sex trafficking victims are “an engine in the machinery of exploitation” (1) and more attention must be paid to their role in the cycle of exploitation. Sex tourism, HIV/AIDS, poverty, geo-political conflict and gangs are some of the contributing factors to sex trafficking in Africa explored further here.

Sex tourism to Africa is a growing problem and sex tourists from European countries such as the UK, the Netherlands, Sweden, Norway and Belgium, sexually exploit women and children in widespread destinations as the Gambia, Kenya, Malawi and Morocco. Some travel tours in Germany are alleged to use advertisement such as “Plenty of safari, sun and sex” to attract tourists to Kenya. The Gambian government, to give one positive example, has responded by distributing pamphlets at the airport warning visitors not to sexually exploit children. Businesses have also been encouraged by the government to sign on to a code of conduct to stop child sex tourism (1). Sex tourism, unfortunately, is not unique to Africa and Equality Now has seen sex tour companies operating to Asia, Eastern Europe and Latin America. Equality Now is greatly concerned that advances in information technology, travel and tourism infrastructure will lead to the growth of organized sex tourism to Africa if action is not quickly taken to prevent this.

Another contributing factor in Africa to the demand for women and girls is the specter of HIV/AIDS. According to the UNICEF study, “there is a growing demand by older men for young, virgin brides in times of high risk of HIV/AIDS infection. This practice is reported in extended families in western Kenya, Zimbabwe and parts of Ghana. In these countries, girls as young as eight are selected as child brides to ensure their ‘purity’”. (1) Forced or early marriage is a human rights violation in of itself, and not just a benign “traditional practice”, which has far reaching consequences.

Poverty is an enormous “push” factor in human trafficking and results in supplying the demand for sexual exploitation as well as domestic labor. In some cases, parents traffick their own children, sometimes unwittingly. In

West and Central Africa, for example, it is customary among some peoples to send children away for education and work with relatives. Unfortunately, this may result in the child being held in servitude. (1) In other cases, women are simply looking to provide for their families or escape abusive husbands and fall into the hands of traffickers who take advantage of their desperation.

Conflict gives rise to sexual exploitation and trafficking on many levels. First, by the combatants directly involved in the conflict and second by UN peacekeepers and humanitarian workers post-conflict. There have been many shameful reports of exploitation of girls in exchange of food for sex by UN soldiers in the Democratic Republic of Congo (DRC), for example. According to an NGO in the DRC there is rampant and widespread sexual exploitation of girls and young women in the Congo and the impunity of law enforcement to combat it. Establishments known as "welcome home" (maison d'accueil) in which men openly house dozens or more girls, some as young as 12, for purposes of prostitution are active in Bukavu among other locations. Many of these girls are internal refugees from the war or former child soldiers. While boys are given arms when taken as soldiers, girls are uniformly given to officers and other army personnel as sex slaves. (1) This is not unique to Africa but there are an estimated 3.3 million refugees and 12.7 million internally displaced persons in Africa who are most vulnerable to trafficking. (1)

Another phenomenon that needs to be mentioned is the role of gangs. To give an example, in South Africa some 30 gangs are said to compete in drug dealing and child prostitution in the streets of Cape Town. Girls of ages 12 to 17 fall into the hands of these gangs mostly through abduction or are given away by their poor families to gang leaders in exchange for debt relief and protection. Girls who eventually managed to escape spoke of scores of violence inflicted on them by gang leaders to tame and keep them in the gang life. (1)

Of the 44 African States (of a total of 53 African Union member States) surveyed by the U.S. State Department in 2004, 11 countries had specific anti-trafficking legislation and 10 had pending legislation. The focus of

national laws on trafficking, where they exist, vary from just protecting children (Burkina Faso and Gabon to name just two) to narrowly defining trafficking to omit forced labor (Ethiopia) to comprehensive legislation in Equatorial Guinea, for example. Educating the public about the law is an important component to enforcement. Employees of the Ministry of Justice in Gabon working with women jurists, for instance, have publicized the new anti-trafficking law through a series of “town hall” meetings in Libreville. (1)

Regionally, the Economic Community of West African States (ECOWAS) developed an “Initial Plan of Action against Trafficking in Persons (2003-2003)”. (1) It calls on member states to ratify and implement various national and international treaties relevant to human trafficking and establish a National Task Force on Trafficking in Persons. It also calls on States to protect trafficking victims through measures such as legal compensation, residency, shelter, counseling, witness protection etc. States are also obliged to deny entry to traffickers. States are also tasked to work with NGOs to raise public awareness, particularly among those who may be most vulnerable and work together to collect, exchange and analyze data on trafficking in persons. Training is to be provided to relevant officials on the prevention of trafficking with a particular focus on travel and identity documents. The Plan of Action details who will carry out each step and when. According to the UN Office on Drugs and Crime Website, an assessment of national legislation on trafficking is being carried out to support the implementation of the ECOWAS Plan of Action. (1) Following the formation of the action-plan, a ministerial meeting held in Yamoussoukro (Coted’ivoire) in January 2002 to review strategies and share information also brought on board Central African States to address child trafficking and exploitation. This led to a further meeting in Gabon two months later whereby plans for adopting a sub-regional convention on trafficking and technical cooperation and its ratification by 2004 was deliberated upon. (1)

At inter-continental level, African and Asian States are collaborating under the African Asian Legal Consultation Organization (AALCO) to combat trafficking in women and children. At the annual 44<sup>th</sup> Session of AALCO held

in Nairobi 27 June to 1 July 2005, member states approved a proposal to draft a model legislation to combat trafficking with a view to strengthening collaboration among member states. Fourteen out of the 53 member states of the African Union (Ghana, Sierra Leone, Kenya, Nigeria, Mauritius, Tanzania, Gambia, Botswana, Libya, Somalia, Uganda, Senegal, Sudan and South Africa) belong to AALCO and would benefit from such collaboration. (1)

At least 27 of the 53 African Union member States have ratified or acceded to the UN Protocol and another eight have signed it. (1) The Protocol came into force in December 2003. It will be most useful, of course, when all States have ratified it. If a source country has made a commitment to implementing the Protocol then a destination country must make the same commitment for the Protocol to be most effective.

There are many challenges for governments and civil society in bringing an end to this modern form of slavery. In addition to the lack of implementation of laws on trafficking, Equality Now has been concerned with the role of the Internet in perpetuating sex trafficking, whether through sex tourism, "mail-order bride" companies or hard-core sites such as Slavefarm.com, which we believe trafficks in women. This Website proclaims, "A full Slavefarm membership will give you access to both the world's largest collection of amateur BDSM/Bondage material and all the material we make with our own slave sluts. We take requests so let us know how you would like to see the slaves trained". Recently, there was an offer to sell women from Ghana and Thailand to men in Norway, Denmark, Sweden, France, Italy, Spain, England, Netherlands, Germany and Thailand. The seller said that women would be sold for a fixed price. He said that the girls he could get were poor and desperate and therefore were willing to become a "perverted man's slave, toy, and housekeeper." The seller provided an e-mail address where a purchaser could state his preference of a woman from Ghana or Thailand, her age and the type of sex that would be expected of her. The seller then promised to procure the woman, send photos of her for review by the prospective purchaser and then sign the selected woman to a "slave

contract". The seller promised to provide the necessary paperwork to get her into the destination country.

This ad clearly describes trafficking for the purposes of sexual exploitation and warranted a full investigation by federal authorities in the United States where the Slavefarm Website is hosted. Equality Now has not succeeded in getting the U.S. Department of Justice to prosecute or shut down SlaveFarm. Perhaps they would take notice if the head of state of a government whose citizen appeared to be in danger of being trafficked through Slavefarm complained and asked the U.S., a self-recognized leader in the fight to end trafficking, to take action.

Equality Now has also focused its efforts on shutting down sex tour companies, such as Big Apple Oriental Tours and Video Travel (also known as the Ultimate Asian Sex Tour) that send customers from the U.S. to Asia. The Internet, however, has made it easier to gather information and create individual sex tour itineraries to anywhere in the world. The worldsexguide.com Website, for example, includes a discussion list where sex tourists can provide each other with information about the hot spots to visit for buying sex all over the world, including Africa.

In March 1998, working with local non-governmental organizations, Equality Now launched a campaign calling for the banning of the practice of *trokosi* in which virgin girls are given to village priests as a way of appeasing the gods for crimes committed by relatives. Once given to the priest, a girl becomes his property and is made to carry out domestic chores and after the onset of menstruation, the bondage also involves sexual servitude. In late 1998, Ghana passed a law prohibiting the practice and according to reports, many girls were released. Unfortunately, girls and women are reported to still be in bondage as *trokosi* and one group is even exerting pressure to prevent enforcement of the law.

A recent report from UNESCO entitled *Search for Best Practices to Counter Human Trafficking in Africa*, details ten other local initiatives to combat trafficking. In general, these initiatives respond strategically to a very

specific problem associated with trafficking in their particular community according to the capacity of the organization. Some deal with prevention, a code of conduct for employers on the treatment of domestic workers or youth education for instance, while others deal with repatriation and reintegration of trafficking victims. Poverty and gender inequality were identified as root causes of trafficking by these organizations and they felt more could be done by their governments. (1)

Some governments are taking unilateral and multi-lateral steps to address human trafficking. Nigeria, for example, is improving the capacity of its National Agency for the Prohibition of Trafficking in Persons as well as cooperating with other countries such as Benin, Niger, Saudi Arabia and Italy, which are source or destination countries. (1) Although Rwanda had no law specifically prohibiting trafficking in persons in 2004, the government ran campaigns condemning those who solicit prostitutes. (1)

At the regional level, we have already seen some progress by ECOWAS to address the problem in their "Initial Plan of Action Against Trafficking in Persons. The Southern Africa Development Community (SADC) region is also beginning to address the issue through ratifying the Palermo Protocol and taking steps at the national level. South Africa which is a trafficking hub has been particularly pro-active in drafting anti-trafficking legislation and establishing a national inter-sectoral task force. (1) International agencies such as the International Organization for Migration (IOM) are assisting in the African response to this global human rights issue.

It is not enough to have legislation against trafficking in persons. It is also critical to look at the demand for trafficked persons nationally, regionally and internationally and how stemming that demand is something that must be achieved if trafficking is to be ended whether in the African context or globally.

In 1999, Sweden passed an innovative law criminalizing the buying of sex but not the selling of sex, thereby recognizing that women in prostitution are prey to exploitation and that "johns" are the real perpetrators. The penalty

for anyone who pays for sex is a fine or up to six months in jail. (1) Just over six years later, the number of women in prostitution in Sweden has dropped dramatically and the recruitment of new women into prostitution, including those trafficked from other countries, has also declined significantly. (1) The number of men who buy sexual services has likewise declined. Sweden is no longer an attractive market to traffickers, pimps or exploiters. The Swedish law represents a principled and effective alternative, one that gives human rights to the prostituted while moving toward abolishing the buying and selling of women for sex.

Further ratification and implementation of the UN Protocol and final ratifications and implementation of the African Protocol on Women's Rights when it is expected to come into force by the end of this year, by all African Union members is vital in creating a common framework and understanding of what is at stake, the protection of human rights and lives, regardless of the specific circumstances of each State. Simultaneously, abolishing *de jure* and *de facto* discriminatory laws against women and girls at the national level will necessarily enhance their status at all levels of society and render them less vulnerable to trafficking. Economic development is also key to preventing trafficking in persons. To this end, reforming land laws to guarantee co-ownership rights of properties and safeguarding against denial of women's land inheritance is critical to empowering women and severing the linkage between poverty and trafficking of women for sexual exploitation.