The Modern Trend of Human Trafficking in Africa and the Role of the African Union (AU)

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Abstract:

This paper examines the role of the African Union, (AU) in combatting human trafficking. The paper will utilize a mixed methodology to examine the response of AU on the effects of human trafficking in Africa, using both qualitative analysis and a case study of some African countries and their anti-trafficking mechanisms. This method has been selected to incorporate both a broad-reaching evaluation of mechanisms within the AU region directed at combating human trafficking and a detail-focused perspective of how these mechanisms have affected trafficking patterns throughout AU member states. To comprehensively evaluate the effectiveness of AU in combating human trafficking in Africa, the qualitative analysis used in this paper is based on the various editions of US Department of State's Trafficking in Persons Reports. These reports evaluate both the realities of human trafficking within a nation as well as governmental and judicial response to trafficking issues.

Keyword: **Human Trafficking, Human Security, trafficking Patterns**

1. Introduction

 Human Trafficking ranks amongst the most prevailing transnational crime issues in Africa and the world at large. In summary, despite the lack of a clear definition for human trafficking, human trafficking is often cast in the mould of a modern form of international slave trade with an objective of profit. Despite the illegality of slave trade globally, there seem to be more slaves today than at any point in human history. This transnational crime has been theoretically linked with international migration by the international community of practitioners and scholars. The core of global migration activities is founded on the search for employment and self-fulfilment rendering many a society vulnerable to the business of transnational crime of human trafficking. The situation in Africa has been entrenched due to the proliferation of undocumented migration, leaving African migrants susceptible to the schemes of traffickers. Gallagher& Holmes (2008).

Trafficking in persons (TIP) otherwise known as Human Trafficking, is a human security challenge and according to International Labour Organization statistics, there are about 20.9 million victims of TIP (Polaris 2015). Africa has a significant population of communities vulnerable to human trafficking and though some African countries have legal instruments and mechanism in dealing with human trafficking, most have failed to arrest this human security issue due to the non-practical nature of law enforcement mechanisms. Although the popular destinations of trafficked persons in Europe are fast evolving into the source and transit of human trafficking, the demand for trafficking of persons in Africa has not reduced significantly.

The United Nations Organization on Drugs and Crime (UNODC, 2009), report that victims of trafficking in Europe is estimated at 250,000 annually and has Central Europe and Balkans as the main source of trafficking for onward transfer to Western and Southern Europe. Additionally, non-European victims from Africa, East Asia and South America are found in crucial parts of Europe. This means, possibly, domestic trafficking is still a thriving transnational crime.

Human trafficking policy should have strong links to migration and trafficking issues in Africa because, popular destinations of trafficked persons from Africa are destined to quite a number of European countries. In examining, the European Union human trafficking policy, the EU has adopted the Council and the European Parliament directive in the fight against trafficking of persons. Mechanisms and legal instruments have thus, been set up; the EU strategy towards the

fight against human trafficking 2012-2016 in June 2012 (Eurostat, 2013). In the context of Africa, The Africa Union, a regional body comprising 55 countries on the African continent; founded to promote bilateral relations amongst African states over the years have recognized the impact human trafficking has had on the continent. The AU has therefore, developed measures that could be taken to stop this transnational crime. Africa is one of the regions with the strongest presence of human trafficking activities. The perennial economic instability and structural violence in Africa has significantly impacted the growth of labour exploration. On the other hand, poverty in most countries in Africa has made many people vulnerable to sexual exploitation and child trafficking.

Equally, the European Union, **(EU)** continues to face the threat of human trafficking and unlike the AU, EU's policies to arrest the situation seem to be more effective than the AU. According to the United States, in 2012, human trafficking levels in EU states reached an all-time low of 675,000-800,000 victims, which is 2.6% of the 27million victims in the world. According to (Conway, 2013), the low levels of human trafficking in EU suggests that, it is important to know that the condition of human trafficking and the institutional methodology or approach that was used to reduce the number. It is therefore, important to examine why the EU was successful in arresting human trafficking in Europe. Knowledge gained will be useful for the AU to improve its mechanisms. Also, though the AU has failed in combatting human trafficking, states like Nigeria and South Africa have demonstrated in the ability through effective mechanisms to arrest the problem and the paper will derive some lesson from the Nigerian case study for use by the AU.

The continuous worrying developments in human trafficking in Africa has fallen on the continent's regional organization, the AU. Though the AU by practice has dedicated more resources to the economic prosperity and to transnational issues like conflicts and terrorism than to issues of human security and human right, the organization has increasingly been involved in a discourse that includes human trafficking. This paper will thus, focus on the relationship between human trafficking and transnational migration on the continent of Africa through an examination of international and AU protocols and legal instruments. Also, the paper will present a case study of Nigeria which will explore the current trends in trafficking and migration trends. This paper

will thus present the landscape of human trafficking within Africa and the effectiveness of the AU in combating this complex problem.

Method of Analysis

This paper will deploy a mixed methodology to analyse the effect of AU on human trafficking in Africa, using qualitative analysis and a case study. This method was chosen as a design to incorporate both a broad reaching evaluation of mechanisms within the AU region, directed at combating human trafficking and as such, a detail-focused perspective of how these mechanisms have had an impact on modern trafficking patterns throughout AU member states. To assess the effectiveness of the AU in combating human trafficking in Africa, the analysis was based on the US Department of State's Trafficking in Persons Reports. These reports evaluate the dynamics and issues of human trafficking within a nation's response to issues of trafficking.

The Human Trafficking report deployed a structure of three *"P" s* and three *"R" s* to examine countries on their responses to human trafficking. The three P's represent *"Prevention, Prosecution, and Protection"*. Prevention are techniques used by a government to detect possible victims of trafficking and successfully prevent recruitment for human trafficking. Prosecution is the ability of victims to file against exploiters, as well as the effectiveness of government when it had to prosecute cases of human trafficking. Protection encompasses dealing with safety of trafficked persons after they have been identified. A government must thus provide adequate resources and security to these trafficking victims. (Lee, 2013).

The human trafficking report of the United States is based on categorization of three tiers to portray the existent status quo of human trafficking within the countries in Africa and elsewhere. Tier 1 category spells out that though human trafficking may be present in a nation, the government and judicial system may have taken appropriate steps in preventing future trafficking, to prosecute traffickers and to protect victims of human trafficking as well as complying with the Trafficking Victims' Protection Act (TVPA.) Tier 2 indicates that, though a state may have significant issues of trafficking problems and does not fully comply with TVPA standards, the government must demonstrate significant effort in complying with this standard to reduce the severity of human trafficking. Tier Watch list, a sub-category, indicates that a country possesses significant human trafficking problem, however, does not comply with the standards of TVPA. There is significant number of victims of severe forms of trafficking which is a demonstrative of failure to provide evidence of increasing anti-trafficking efforts. Nevertheless, Tier 2 watch list indicates that a nation has made significant efforts in complying with the least minimum standards that is required of TVPA. Tier 3, the lowest tier is categorized by substantial presence of human trafficking within a country and failure of the government to comply with

TVPA standards and little effort by the government in meeting these standards. (US Department of State, 2012).

Definition of Trafficking in Persons/ Human Trafficking

The most encompassing and universal definition of human trafficking or trafficking in persons, was drafted on 15 November 2000; is the United Nations' Protocol to Prevent, Supress and Punish Trafficking in Persons, especially Women and Children (hereafter referred to as the TIP Protocol). It reads in part:

"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… 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. (United Nations, *Treaty Series*, 2000)

From a state security perspective, human trafficking is not a major security threat. However, it comprises a grave threat to the human security of individuals and a major humanitarian issue across the world. In reference to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, a supplement of United Nations Convention against Transnational Organized Crime, will be used as the standard definition for this paper. Trafficking in persons is defined as follows:

"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. (United Nations, *Treaty Series*, 2000).

There are three necessary elements in order for a situation to be categorized as trafficking: action, means and purpose. Different protocol exists for children under 18, where only action and purpose serve as prerequisites to constitute trafficking. Migrant smuggling as defined by the Migrant Smuggling Protocol is understood to mean:

"The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or permanent resident; and…Enabling a person who is not a national or permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining, through any illegal means. (United Nations, *Treaty Series*, 2000).

In spite of varied legal definitions, there is always the difficulty to distinguish between trafficked individuals and migrant smuggling. For example, a person may with an intention of moving illegally, end up being perceived as one involved in trafficking on arriving at his or her destination. The legal definition of trafficking itself is very complex as the element of exploitation is difficult to ascertain. In many instances, human trafficking is jumbled with related but distinct forms of illegal immigration and human smuggling. Human trafficking is often confused with the related but distinct issues of illegal immigration and human smuggling. A simple way to structure these terms is a visualization of three concentric circles. (Giguere, 2013).
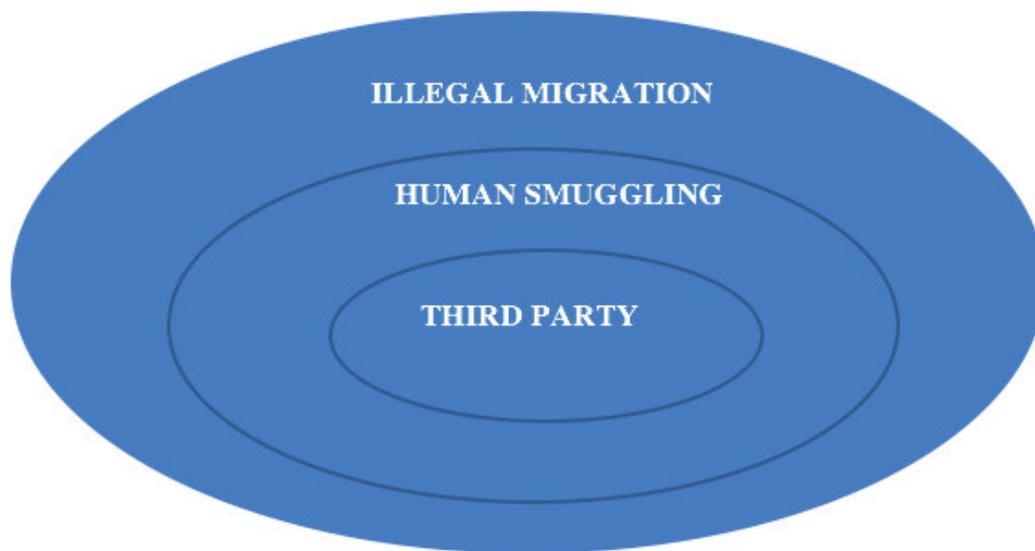
In this circle, illegal migration is the biggest circle or broadest category; it includes border-crossing that violates the immigration laws of any given state. This may range from incidences such as labour trafficking on a large scale or an individual or family sneaking across the borders in the pursuit of economic opportunity. The second circle is human smuggling which is a subset of the biggest circle. The third, which is invariably a subset of all the three, introduces a third party into the equation, but does not imply any relation between the smuggler and the smuggled; the person who is being smuggled may be in it by force or through coercion and free will. (Giguere, 2013).

Trafficking issues or kinds are however, rarely cut out from the other. Issues of trafficking have their own peculiarities often embedded in the spectrum of another human trafficking type or kind. For instance, a case involving a victim recruited from his country of abode with the promise of a good paying job than that of his job in his home country. It turns out the job does not materialize or as well as advertised pay are much less than as indicated. A situation of this kind is where human smuggling transits to trafficking due to the deceptive practices of the recruiter. Also, other instances occur through coercion by means of imprisonment or the

confiscation of travelling documents. In some instances, victims are threatened to be reported to authorities as illegal immigrants if they attempt at escaping. Threat takes the forms of violence to them or their family. In most instances, the victim is held hostage on debts due to the inflated costs often charged by the trafficker. The Arab States of Kuwait, and Saudi Arabia amongst others are notable States where issues of migration turned trafficking occurs. (Giguere, 2013).

Evaluating Trends and Patterns of Human Trafficking in Africa

It is often a challenge getting reliable data collection due to the complex nature of trafficking. This is due to un-documentation of workers and immigrants. Reliable statistics on trafficking in African countries is generally difficult to calculate since victims are rarely discovered and reported to government institutions. Also, research on this issue has conceptual challenges. This is primarily due to the challenge of having a universal definition of human trafficking within the AU region. Organizations like the United Nations (UN), US Department of Justice, the US Department of State and other NGOS have played key roles on data of trafficked populations. This shed new light on the realities of this problem.

Key Determinants of Trafficking in Africa

Notwithstanding the presence of constitutional laws, domestic laws and domestication of international laws, the promulgation of the child's right act in 2003 serves as a good source of income, producing approximately 10 billion dollars a year (Hassan, 2012), the gain in it is much with few loses and that attracted a lot of people part taking in it. There have been various push factors responsible for human trafficking in Nigeria and Ghana; high trafficking zones in Africa. These include; cheap prostitutes, decay in public institutions, rural-urban migration, change in family size, low education, corruption and poor governance. Also included are traditional norms that have created inequity among children, lack of economic opportunities and depreciation of national currencies. In addition, the effects of the crisis globally, have contributed significantly to the vulnerability of individuals. (UNICEF, 2007; United State Department of State, 2005; Kazeem, 2009; Konstantopoulos et al, 2013; UNICEF, 2006; Carling, 2006; Makinde, 2015; Adesina, 2014). In other related works, pertaining child trafficking, Hasan (2012) and Carling (2006) explained that, due to the change in the lives of people in; lack of job opportunities, communication, social unrest, technological advancement and loss of hope have been pinpointed as push factors contributing to human trafficking. Makinde (2015) asserts that the rate of infertility in our society and the profit accrued by international and local adoption of babies have also promoted child trafficking Sarpong et al. (2017).

Kazeem (2009) asserts that in many instances, the result of trafficking includes; domestic servitude, organized begging, enslavement, commercial labour, prostitution and pornography and their inability to make report issues of this nature and its health implications on them makes them vulnerable. Konstantopoulos et al. (2013), which compels them not to report incidences to the appropriate authorities. Similarly, Adepoju (2005) explained that in Africa, children are trafficked mainly for domestic labour in their home countries or overseas. These determine the

level of restrictions people face thus predisposing them to abusive circumstances termed "restricted opportunity theories" by Adesina (2014).

Routes and Destinations

Due to the porous nature of African borders and the lack of proper security and identity systems, human traffickers are chancing on the existent lacuna, to pervade continuous actions of human trafficking. For instance, Nigeria a hot spot of human trafficking activities, is a place where traffickers are taking advantage of lack of effective documentation, security and identity systems. Visas are acquired through illegal means or through falsification of documents often in collaboration with immigration officials Carling (2006) (Salihu and Ajio 2009; Carling,2006) reveals that some are by road via the Sahara Desert for onward smuggling by ships to European destinations. Lapses in border security and ineffective identification systems in Ghana and Nigeria have availed to traffickers, many hidden recruitment points for trafficking activities. In rural areas where there is poverty and lack of education, children are often recruited from rural zones to urban areas. Adesina (2014) reports that most incidence of trafficking within a country are done from rural to urban.For instance, from AkwaIbom and Osun to Lagos and Abeokuta. The central zones remain Kaduna Kano and Abuja. Also included are Edo from the Niger Delta region and Lagos in the South West of Nigeria. The final destination of trafficked individuals, for instance the African child is dependent on the purpose of their exploitation. Nonetheless, in the case of most female victims, Italy is the preferred target from Nigeria. As such, individuals who were unable to reach Europe often found themselves stranded in North Africa Carling (2006). In relation to Nigeria as a trafficking point, Okujuwon, (2008) explained, that the estimation by Italian authorities indicates a figure of about 10,000 Nigerian prostitutes in Italy. States like Austria, Spain, Lebanon, Germany and Saudi Arabia are some of the destinations outside the AU zone. Within the AU zone are Togo, Cote D'Ivoire South Africa, Cameroun and Gabon (Carling, 2006) Internally, within Nigeria trafficked people are often left in the south (Carling 2006; Adesina, 2014).

Trafficking routes often include all neighbouring countries particularly bordering states. In the case of Ghana, border countries include; Burkina Faso and Cote D'Ivoire and to a large extent Nigeria, In the case of Nigeria states like Cameroun, Benin Chad and Niger are also destinations of trafficked persons. (Okejuwon, 2008), argued that, the route between Nigeria and Chad, a route he termed "Triangle of Shame" due to the existing norms of slavery in this region.

Actors and Players in The African Trafficking Industry

According to Adesina (2014), actors in the African trafficking industry are a group of people who in certain cases, are supported by prominent national figures within a government or outside of it. Actors and players include; recruiters, those who sell, and individuals responsible for the transportation and receiving of individuals. Also included are immigration workers who aid this

group of people making up the trafficking industry with paper work, as well as pimps and brothel owners. Equally elemental in this trade mechanism are health practitioners who provide some protections and specialized services to victims (Makinde et al., (2015).

Barriers to Reporting

There are challenges regarding the reporting of trafficking by victims' due to fear of traffickers. This can be attributed to models of indoctrination used by traffickers to instil fear and control of victims. In the same vain, shame and the lack of trust and fear of state authorities in host countries are reason trafficked persons have failed to report to the appropriate authorities Konstantopoulos et al. (2013). For instance, girls used as production hubs in the business of child trafficking, do not report to appropriate authorities for fear of stigmatization and illegality surrounding the conception of their babies used for the business of child trafficking. (Makinde et al. (2015). Human trafficking is a serious human security challenge that requires the full participation of appropriate State authorities in arresting it. Examining human trafficking as a security issue presents the opportunity for pre-emptive and humanitarian mechanisms in arresting the issue from its root.

Human Trafficking as a Security Issue

In addressing the issue of human trafficking, it is important to examine it within the lens of security. In Acarhya's UNESCO Report in promoting human security in Africa, he argues that, the concept of human security could be a basis for regional cooperation especially amongst AU States. This will invariably include transnational crimes like human trafficking. Wuiling (2006). In order to do this, it will be necessary, to resort to localization of the concept within existing security concepts and approaches of the AU. The terminology "human security" was presented by the UN for the first time in the 1994 Human Development Report. The need for a human security approach was founded on global citizen's inability to find personal security in state centred security approach primarily based on realism or Westphalia thought. This was founded on the State's inability to guarantee the entire spectre of security and human rights to her citizens. Human security presented an alternative to security deploying a bottom-up type for security rather than a top-down security approach which became a need to ensure the security of citizens of a State.

There are four key words that often characterize human security; It is universal, interdependent, people-centred and proactive in nature. The United Nations Development Program (UNDP), by explaining the need for the individual to be at the centre of human security provided a new dimension to security to compensate for the failure of state centric security approach, which did not provide enough to ensure the security of an individual. The UNDP defines human security as a form of security approach which is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and other social opportunities- and whether they live in conflict or in peace'. UNDP (1994).

The 1994 UNDP report brought up seven definite elements of human security: (1) economic security (assured basic income); (2) food security (physical and economic access to food); (3) health security (relative freedom from disease and infection); (4) environmental security (access to water, clean air); (5) personal security (security from physical violence and threats); (6) community security (cultural identity); and (7) political security (protection of basic human rights and freedoms). The UNDP's 1994 definition of human security is still the most widely used terminology in the conception of this school of thought. Lodgaad (2000). Human security since its inception has rivalled traditional concepts of security. This is because, it conceptually gives a clear path for the protection and security of the individual rather than the state and its sovereignty. Though conceptually, human security drifts away from post -Westphalia security thought, it is equally in synchronization with the state security approach as the state is primarily responsible for providing the necessary power, tool, and legal mechanisms needed to ensure the security of individuals. The role played by the state in ensuring human security is achieved where the line between human security and state-centric security can be distinguished. The Orthodox state-centric security has its focus on the protection of the state from external threats through military force. This often happens in an event where there is infringement on the sovereignty of the State. This grants the legitimacy to use coercion or military force. In this realm, the state is the referent object of security. However, in human security, citizens or human beings are the referent object of security. However, the human security paradigm is not conceptually vast from other theories of security. The debate in that, each context meaning is accorded to threat, the means to human security. Also, there is the school which focuses on the freedom from fear, or the threat of violence in one dimension and on the other dimension, its focus on freedom from want or threats from underdevelopment.

Human security concentrates on the physical security and the protection of its basic liberties. Nonetheless, the two; physical security and protection of liberties are not enough conditions to propel an individual to prosper and develop. Economic needs are equally important and has to be met for the growth and development of the individual. There is therefore, the need for attention to be paid for the broader social and economic environment and the effect it poses on the overall welfare of an individual. Having the above in mind, possibly, the biggest difference between state-centric and human security is the latter's belief that human security is not the only reference point or object of security, but can equally be subjects of security if given the need push or grounds for empowerment to be able to do so. This means that, individuals are capable of providing their own security and this is an aspect of human security that is needed in the fight against trafficking in persons Ker (2000).

There are different interpretations from the two schools of security; however, human security per the conceptual elements of human security will serve as a useful framework of which human trafficking can be viewed. It is easy to detect an integration of both schools, the freedom from fear in the view that, victims are often coerced through violence, while the freedom from want is always detected in poverty that creates an environment where human trafficking thrives in these countries. Crucially, humans as referent objects; as asserted in human security thought, is important as States have usually framed human trafficking through the lens of State security. The state centric approach often understates the problem of human security, hence there is the lack of appropriate measures to arrest the issue of trafficking in persons. By framing human trafficking

through the lens of human security and placing people's security at the forefront, the discourse becomes very relevant at a national and regional level in a localized manner that deals with daily challenges of the lives of people.

An Integrated Human Security Based Framework

Human Security will seek to understand the causes of internal and external migration that possibly leads to trafficking process. It also seeks to understand the environment and choices that were made in the process of trafficking individuals. Most national policies lay emphasis on the legislative angle to control and prosecute culpable individuals involved in trafficking. Human trafficking on the other hand, concentrates on prevention, as the most critical pillar in the anti-trafficking policy. It therefore seeks to address the structural sources of vulnerability which leads to trafficking. Human security equally recognizes the issue of context and agency on the side of the victim

The human security approach appreciates the forces of supply and demand as sides that are strongly intertwined and argues that, policies and measures that are designed must arrest trafficking in persons of both origin and destination countries, as well as elements of supply and demand particularly in cases like voluntary sex trade where the supply component; sex workers by law are the culprits. There is the need for a comprehensive strategy of human and state centred security approach in addressing supply and demand sides of trafficking. Secondly, it would need to address the law enforcement responses to migration and human trafficking

Working to address the causes of vulnerability that leads to trafficking is just as important as dealing with the demand in countries. Countries affected by trafficking, should pass social policies to effectively address issues of unemployment, poverty alleviation and discrimination as well as access to education and vocational training are needed. It is of need to identify and study vulnerable groups for example individuals from abusive families, single mothers and children and adolescent who work on the streets of which female empowerment programs can be rolled out for them. In Ghana and Nigeria for instance, only the supply component of sex trafficking is dealt with, while neglecting the demand side of it. A human security approach will take into cognisance a pre-emptive approach and rehabilitation approach dealing with social economic and psychological components of sex trafficking and prostitutions as the consequence of broken communities and individuals.

For instance, the story is told of sex workers in Ghana of both Ghanaian and Nigerian heritage. Sandra, a twenty-year old lady who does sex work on full time basis was spotted with a mark on her forehead signalling a history of abuse. Sandra was well properly covered with a red hoodie that made her recognition almost impossible. The motive behind her dressing was indicative of the societal frown of sex work in the Ghanaian environment. Quoting from what Sandra said "They don't know the reason why I come for street". The nature of dealing with only the supply side of trafficking for instance is that, it neglects a human preemptive approach which scientifically seeks to explore the root causes of the choice of sex work as a trade, and their

onward rehabilitation and reintegration into society. It also disregards ill-treatment mated out to individuals that are involved in sex trafficking. For instance, customers resorted to physical abuse of sex workers when they refused to pay for their services. There are a number of push factors that have contributed to the choice of trade by sex workers. Lack of access to conventional means of earning a living; the absence of legitimate opportunities in education in rural areas; Inadequate access to migration/ job opportunities and the lack of awareness of the risk of migration, especially compared to women; the disruption of support systems that are natural and human created catastrophes and migration policies which are sex-selective often due to laws that have been instituted as measures of protection to limit the legal migration of women disruption of support systems due to natural and human created catastrophes; and traditional community attitudes and practices, which tolerate violence against women. There are examples of European states that have embraced and utilized a human security centred approach in combating human trafficking. This can be replicated by AU states. For example, the Swedish Model should be reviewed in the context of Africa and adopted. In 1999, Sweden began a journey on a human security centred approach by prosecuting customers, pimps and brothel owners as well. By 2001, the implementation of this new policy shift saw a sharp decrease by 50% in female prostitution and 75% in the number of particularly men purchasing sex Miller (2006). Another position or policy the AU should consider is the approach by the Nordic-Baltic task force where there is bilateral force between Scandinavian countries; Sweden, Finland, Denmark, Norway and that of the Baltic countries of Latvia, Lithuania and Estonia, this has resulted in a sharp decline in trafficking.

Doku (2013), argues that International cooperation among States and helping Member States respond to these unbearable threats, could be achieved through constant international information exchange/International cooperation. In destined countries, there is also a strong need for social policies that fight discrimination against and allows for the integration of migrants in the local society. Only by addressing the fears of the people through education campaigns about the benefits that migrants bring to the respective communities and states, will a change in attitude and migration policy be possible. From the perspective of immigration of individuals to Europe, the Euro zone has adopted a human security centred approach in arresting the situation of human trafficking. As part of the approach it is crucial that member states secure constant labour force; however, it's their interests to ensure the security and stability of origin countries. Open labour and migration policies allows migrants the opportunity to gain income that ensure the survival and security of their families back home. In the same breadth, cooperative development programs with origin countries will eventually stabilize migratory flows and hence reduce trafficking. Reducing incomes accrued by trafficking networks will also serve as an incentive to dissuade and destabilize their economic base to corrupt political structure of States. This EU approach could be adopted by the AU.

Having highlighted on the need for a human security centred approach by the AU. There is the need to integrate these ideas with the existing legal framework or state centric approach framework to have an integrated system that will tackle human trafficking from the angle of the individuals involved and the AU as a regional body. But before that, the article will review the state of AU and its mechanisms in place in dealing with issues of trafficking.

AU and Human Trafficking

Background: AU as a Regional and International Actor

The **African Union** (AU) formerly known as the **Organization of African Unity** between the years (1963-2002) is an intergovernmental organization that was set up in 2002 with an objective to promote unity and solidarity amongst African states to foster economic development and to promote international cooperation. The headquarters of the AU is in Addis Ababa, Ethiopia. Britannica (2017). The AU was formed with a mission of African integration for Africa to take its rightful place in the global economy. It also sought to address political, economic and social problems currently faced by member States. The AU succeeded the OAU which failed due to a plethora of reasons EACLT (2012). The AU was formed on the need for a common vision of an economically and politically united Africa on the need to build partnerships between its governments and other segments of civil society, in particular women, the youth and the private sector. The AU focuses on the promotion of peace, security and stability on the continent as prerequisite for the implementation of the development and integration of the agenda of the Union.

Human trafficking violates the human rights of individuals particularly those coerced into the act of forced labour due to ignorance, age and economic vulnerability. The African Charter of Human and Peoples Rights is human rights security instrument that can be enforced in arresting human trafficking in Africa.

African Charter on Human and Peoples Rights

The African Charter on Human and Peoples Rights also known as the Banjul Charter is an International Human Rights Instrument which, was legislated to promote and protect basic human rights and freedom on the African continent. The African Commission on Human and Peoples' Rights which was set up in Banjul in 1987 sees to the interpretation of the Charter. In 1998, a protocol to the Charter was subsequently adopted and came to effect on 25TH January 2005. States comprising the now defunct OAU titled the convention on African Charter on Human and Peoples' Rights; *Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a »preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights;*

In considering the Charter of the OAU, which indicates; freedom, justice, equality and dignity as essential objectives for the achievement of legitimate aspirations of the African people. Reiterating the pledge made by member states made in Article 2 of the said Charter combat all forms of colonialism in Africa and to coordinate and intensify co-operation and efforts with the grand objective of achieving a better life for the people of Africa and to promote International

cooperation by recognizing the Charter of the United Nations and the Universal Declaration of Human Rights; by recognizing the virtues and values of African civilization which will inspire and characterize the concept of human and peoples' rights. Knowing and appreciating fundamental human rights stem from the attributes of human beings by justifying their national and international protection and on one hand the reality and respect of people's rights should as a matter of principle guarantee human rights. African Charter on Human Rights (2005).

Anti-Trafficking Legal Framework in Africa

International Instruments

Quite a number of African countries do not have specific legislation on anti-trafficking in their laws. Nonetheless, with the proliferation of human trafficking globally, especially with regards to cases related to women and children, internationally, has contributed significantly to the combating of trafficking in Africa. The protocol to prevent, suppress and punish human trafficking offenders, especially those culpable of trafficking women and children, a supplement to the United Nations Convention against Transnational Organized Crime (hereafter the Palermo Protocol) was geared into full force on December 25, 2003. This was after the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. As of June 1, 2005, Senegal, Mali, Nigeria, Mauritius, Burkina Faso Benin and Gambia ratified the Palermo protocol, Togo, Guinea-Bissau and Sierra Leone are yet to ratify the Palermo Protocol, however, they have signed. It is on record that Cote D'Ivoire has nether signed or ratified this protocol. Amongst East African countries, both Kenya and Uganda have ratified the Palermo Protocol; Tanzania has signed the Protocol but is yet to ratify it while Ethiopia has not signed the protocol. Niass (2010).

The Palermo Protocol provided a definition and a guideline for law reform in Africa. All countries in Africa have ratified the 1989 UN Convention on the Rights of the child (CRC). The Protocol to the CRC on sale of children, child pornography, child prostitution offers a wide definition of 'sale of children' that captures and covers many constituent of child trafficking ILO convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), which recognizes child trafficking as the worst form of child labour. By June 1, 2005 most West African countries ratified the convention except Guinea Bissau and Sierra Leone. East Africa countries, Sudan, Tanzania, Ethiopia Kenya and Uganda ratified the ILO Convention Niass (2010).

Sub Regional Effort in Combating Trafficking

At the sub-regional level, there was an adoption of A Declaration and a Plan of Action against Trafficking in Persons (2002-2003) by the Economic Community of West African States (ECOWAS) during a Summit held in Dakar in December 2001. The Plan of Action called for speedy signature and ratification of both Trafficking Protocol and the Protocol of the CRC. It

detailed specific measures that included criminalization of trafficking in persons and the creation of an ECOWAS Coordination Unit to liaise with National Task Forces, protection and the support of victims, cooperation between border control agencies, awareness raising and data collection by ECOWAS countries. Due to dominance of child trafficking amongst other trafficking issues in West Africa, the then OAU's (Now AU) African Charter on the Rights and Welfare of the Child which was adopted in 1990, deals with child trafficking in the context of exploitation and adoption. Article 24, deals with adoption, which requires governments to take all appropriate measure in ensuring that in inter-city adoption, placement often does not result in trafficking or inadequate financial gain for those who try to adopt a child. Again, Article 29 requires the need for governments to prevent children from being victims of the sales, trafficking and the abduction and prevention of the use of children in all forms of begging.

Perception of human trafficking and the degree of commitment of the government efforts in combating trafficking is dependent on the country of origin, transit or destination. For instance, countries of origin seem to have a greater awareness of trafficking, while countries of transit are prone to perceiving trafficking as a non-national issue. Countries of destination exhibit more difference towards the problems. Nonetheless, the media's effort and attention of the upsurge in trafficking in the region and the work of some international organizations have catalysed the reaction of the government to this human security issue. Again, in East Africa, there is an absence of anti-trafficking law. Criminal laws have no specific provision in dealing with issues of trafficking in Eastern Countries. The only provision available for the prosecution of traffickers is under the Penal Code in these countries. For example, in Uganda, Article 125 criminalizes the women procurement for prostitution. Again, Article 126 criminalizes the procurement of women for unlawful sexual intercourse by the issuing of threats, intimidation, deception or the administering of drugs. There is also the illegal detainment of another person for immoral purposes or prostitution. Slavery is prohibited under the Penal Code. The illegal detention of another person for immoral purposes or prostitution is also considered a crime. Slavery is prohibited under the Penal Code. (Kraemer, 2013).

Law enforcement

Trafficking related legislation is absenting in some countries in Africa which, makes the persecution of traffickers impossible and therefore provides protection for the victims of trafficking. There is a low level of knowledge on issues and legislation, there is also limited resources for use by law enforcement agencies and the poor dissemination of information amongst countries that are few and thus hamper anti-trafficking interventions. There are countries that are aware of the problems and are therefore considering ratification of some international conventions. However, the process is very slow. Also, there is corruption within judicial and law enforcement agencies that have hampered law enforcement on trafficking. Local officials have hindered the process of combating trafficking of persons due to corruption and business ties with trafficking networks. The situation has made it difficult for people to be trustful of law enforcers. Trafficked victims find it difficult to come forward to present evidence against traffickers. Also, those who have escaped find it difficult to return to their home countries due to fear of repatriation; as they fear rejection by family and stigmatization by the

society or communities they originally belong to. The situation renders them highly vulnerable to the subject of being re-trafficked. In addition, due to the lack of legal identification documents, the process of identifying their nationalities is impeded. Despite the legal minimum age for employment, a substantial number of minors working under different hazardous conditions go rather unpunished due to the inadequacy of the law or the lack of policy for implementation. These issues in law enforcement have hindered the effect of policy initiatives.

The Ouagadougou Action Plan, 2006

In re-affirming their commitments to Africa, the European Union, EU among others have birthed out a strategy. The following relevant regional and international legal instruments have been proposed; The Beijing Declaration and Platform of Action (1995); The UN convention on the Rights of the Child(1989); The Universal Declaration of Human Rights (1948) The UN Convention on the Elimination of all forms of Discrimination against Women (1979); The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons The Declaration of the World Summit for Children (1990); -ILO Convention on worst form of child labour (1999); A World Fit for Children- UN General Assembly Special Session on Children (2002), The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000).

Being mindful and having regard for:

The African Common Position on Children (Declaration and Plan of Action 2001); The African Charter on the Rights and Welfare of the Child (1990); The Treaty on the European Union (1992). The Constitutive Act of the African Union (2002); The African Charter on Human and Peoples Rights (1981) and its Protocol relating to the Rights of Women (2002), The African Common Position on Migration and Development (2006); The Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002); The Treaty on the European Union (1992)); - The EU Plan of best practices, standards and procedures for combating and preventing trafficking in human beings (2005), The European Convention on Human Rights (1950), The EU Council Framework Decision on combating trafficking in human beings (2002); Concern for women and children and recognizing their need to occupy unique and privileged positions in the society and their entitlement to all rights and the legal protection in conditions of freedom security and dignity. With the concern that, women and children should remain critical in particular in Africa due to the socio-economic situation and harmful traditional practices. Equally, concern should be shown towards the alarming rate of sex tourism and other sexual exploitation and the abuse of women and children.

There should be a conscious effort targeted at preventing and trafficking in persons especially that of women and children and this will require a comprehensive regional and international

approach which involves countries of origin, transit and destination and thus includes measure to prevent trafficking, prosecution of traffickers and protection of victims of trafficking including their basic human rights; Determined and convinced of the need to reinforce the UN Convention against Transnational Organized Crime with an international framework between Europe and Africa for prevention, suppression and the punishment of trafficking in persons especially, women and children will be of need in prevention and combating crime Ouagadougou Action Plan (2006).

The Determination to deal through an effective cooperation, with the different kinds of trafficking in persons especially in women and children; Have resolved therefore to adopt the following Action Plan:

General Principles

Trafficking of persons, within and between states; is a plague which States and regional bodies are determined to address

- Systems, procedures and measures to combat trafficking in human beings should be modelled on the respect for human rights including the protection of victims and thus, must not adversely affect the rights of victims of trafficking. There is the need for the United Nations Protocol to address trafficking with special attention to suppress and punish trafficking in persons, particularly women and children. Recognizing the need for the best interest of the child through as stipulated in existing international conventions shall be considered at paramount times.
- Empowerment of girls and women through national policies is a crucial to arresting the issue of human trafficking. Gendered perspective should be explored and applied in the adoption and implementation of procedures in combating human trafficking.
- Poverty and vulnerability, armed conflicts, economic inequality, poor governance, the absence of education and human rights violation have increased the demand for sex trade and sex tourism amongst other issues regarding trafficking.

1. **Prevention and Awareness**

Also, states should embark on education, training, counselling and awareness raising as a key to preventive measures in the combat of human trafficking

- States must endeavour to provide employment opportunities for women who due to their vulnerabilities are prone to being trafficked especially in regions marked as trafficking zones
- There is the need for the provision of employment of women and girls through national policies
- Specific mechanisms and procedures must be adopted to promote the rights of child from trafficking

- Awareness raising of trafficking in human beings through engagement of the mass media and information campaigns.
- Training of officials in relevant or key positions in the police service of African countries through capacity building to combat trafficking in human beings.
- Measure must be taken to improve the registration of births and identity documents
- Measure must be taken to improve the economic and living conditions of families and extended families
- There must be mobilization of families, NGOs, local communities and various members of civil societies and business in combating trafficking in human beings and also to promote best practices
- Rehabilitation centres to assist victims of human trafficking, especially women and children in ensuring their safety, protection and the facilitation of their recovery and social integration
- Measures must be taken to reduce the demand for trafficked human beings.
- Measure must be taken to eliminate traditional practices and counter cultural stereotypes that culminate into the trafficking of human beings
- There must be a commission for research and information which will include the forms and root causes of trafficking
- The collection and exchange of information on the mechanisms used by traffickers. (Ouagadougou Action Plan, 2006).

1. **Victim Protection and Assistance**

States should;

- Policies should be based on programmes and other measures for the protection of victims and also assistance on international human rights instruments which includes rights of the child and of women, child labour, forced labour and human trafficking
- The need to identify trafficking of victims in order to provide them with the needed assistance and protection taking into account their vulnerabilities, rights and needs.
- To detect the most appropriate measures to ensure the protection and assistance of victims of trafficking, especially for children, their families whiles taken into account the rural and urban divide
- Victims of trafficking must be encouraged to testify in the investigation and prosecution of cases of human trafficking by according them the needed consideration of the safety and security of victims at all stages preceding legal proceeding and in particular with regards to children.
- The need to adopt measures to avoid the criminalization of victims of trafficking as well as stigmatization and the risk of re-victimization
- Efforts must be made at providing victims of trafficking with short and long term, social assistance, appropriate and psychological assistance to ensure full recovery of victims.
- The adoption of legislative or other appropriate measures must be permitted by victims of trafficking to consider in their territory, temporarily or permanently and thus present the needed consideration due to humanitarian and compassionate factors.
- Special initiative and measure must be considered in addressing the plight of children-headed household's particularly girls.

- Encourage or promote a sensitive approach to protect the dignity and human rights of victims of HIV/AIDS (Ouagadougou Action Plan, 2006).

Legislative Framework, Policy Development and Law Enforcement Legislative Framework

The UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children must be signed, ratified and fully implemented to protect Women and Children particularly in supplementing the Convention as well as other relevant regional and international legal instruments. Policies and programmes, legislation and programmes must be adopted, reviewed, as appropriate as mentioned in Convention and Protocol and other relevant regional and international legal instruments. Measures must be taken to combat criminal organizations that are involved in human trafficking.

- To ensure an effective prosecution of individuals suspected to be involved in trafficking of persons and penalties given to deter those found culpable of the crime of trafficking.
- There is the need to introduce a comprehensive legislative and institutional framework that covers the different angles and aspects related to trafficking in human beings in accordance with the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- A national legislation must be adopted in accordance with regional and international legal instruments   so that crime of trafficking is precisely captured and defined in national law thereby ensuring that all practices are covered by the definition of trafficking are also criminalized
- Legislation for administrative, civil or criminal liability of legal persons must be considered for legislation for representatives for trafficking offences in addition to the liability of natural persons.
- There must be legislative provisions for the confiscation of instruments and proceeds of trafficking that have related offences
- Legal measures must be considered that will provide victims of trafficking the possibility of obtaining compensation for damage suffered.

- Legal provisions must be provided to severely punish traffickers for the protection of victims
- Policies must be adopted for the protection and support of victims of trafficking and the protection from criminal networks and pimps

- Policies must be adopted for the protection and support of victims of trafficking and protection from harm by traffickers, criminal networks and pimps

- Laws and administrative practices must provide information to victims about the status of relevant criminal and other legal proceeding and the status needed for the proceeding that are considered prior to any repatriation of the victim

- Victims of trafficking must be encouraged to testify in the investigation and prosecution of cases that involve trafficking in persons that give due consideration to the safety and security of victims as well as witnesses at all stages of legal proceedings, particularly with regard to children

- Legislation must be provided to prevent recruitment and use of children in armed conflicts, demobilization of combatants below the age of eighteen and the development of programmes for the rehabilitation and social integration

1. **Policy development**

There is the need for states to initiate or expand efforts in gathering and analysing data on trafficking in human beings. This include, the means and methods that are used, the magnitude, nature, the situation as well as the economics of human trafficking in human beings particularly that of women and children. Systematic research and the use of effective methodologies for the collection of data and the exchange of information should be used advanced.

- A National Action Plan must be considered. One that outlines all measures used in the combat of human trafficking
- There is the need for the multi-disciplinary National Task Force on trafficking in human beings, to be considered for the formation and implementation of National Action Plans. The National Task Force should bring the relevant ministries and agencies that are needed to formulate policy and to take action against human trafficking and the regard to involve Inter-Governmental Organizations, non- Governmental Organizations and other representatives of civil society
- National Task Forces must also monitor and report through respective governments that are appropriate regional and international bodies on the development of implementation of the National Action Plans
- Human Trafficking must be included in human beings in the poverty reduction strategies at national level and the need to allocate the necessary budget for combating this crime (Ouagadougou Action Plan, 2006)

1. **Law Enforcement**

States should:

- Consider the creation of special units that are within the law enforcement structures with specific mandate for the development and for effective targeting of operational activities for the combating of trafficking in human beings as well as the establishment of focal points

- The establishment of direct channels of communication that are between competent authorities, agencies and services including special units and focal points, must be considered in the establishment of direct channels of communication
- There is the need for the establishment of joint investigation units in the enactment of laws for the extradition of traffickers.
- The provision and strengthening of training for law enforcement personnel, customs and immigration officials, prosecutors and judges and other relevant officials in the prevention of trafficking of human beings. Focus of training should be on methods used in the prevention of trafficking, prosecuting the traffickers and the protection of rights of victims from traffickers, Training must be encouraged for co-operation with non-governmental organizations and other elements of civil society.

1. **Co-operation and co-ordination**

States should improve multi-disciplinary co-ordination and co-operation between national and regional levels in ensuring an integrated approach to victims of trafficking which will mean taking account specific needs of adult and children victims.

- Also, the enhancement and exchange of documentation of experiences and lessons that are learned regarding recovery, repatriation and reintegration for the development and provision of appropriate short and long-term assistance of victims of trafficking. (Ouagadougou Action Plan, 2006).

Contemporary Challenges of the AU

There are challenges faced by the AU in ensuring protocols and human rights mechanisms and instruments are effectively and fully implemented to ensure human rights like human trafficking are combated. This is due to colonial and economic challenges there is one spectrum. Boosting intra-Africa trade".

Case Study of Nigeria

On reviewing the AU mechanism relating to human rights and trafficking issues, it is crucial to observe the reality in the AU region with regards to trafficking and observe the progress of these nations in combating human trafficking per AU and international standards. A case study of Nigeria on incidences of migration and human trafficking. The Nigerian case study will present an overview of migratory and trafficking patterns and an assessment of the government's response to migration and trafficking issues, a critical evaluation on the effect of AU in the promotion of human rights and anti-trafficking progression within these nations. The Nigeria model, will thus be presented as a model for the protection of migrant workers from human trafficking, based on the efforts of the State and government in combating human trafficking.

Best Practices: The Nigeria Trafficking Pattern

It is difficult to approximate the number of trafficking cases in Nigeria. This is a major cause for the State, government and a number of non-governmental organizations (NGOs) in the country. The government of Nigeria has noticed and determine the state of human trafficking and as such has taken legal and institutional steps by establishing institutions to arrest the human rights issue of trafficking and to support trafficking in Nigeria. Majority of female victims of trafficking are from the state of Edo to the south-western parts of Nigeria. Substantially, quite a number of Nigerian NGOs are based in Benin City the capital of Edo State are addressing the problem of trafficking and NAPTIP as a zonal office in the city.

The United Nations Office on Drug office and Crime (UNODC) has reported that, the real state and magnitude of trafficking in Nigeria is difficult to measure. Due to the lack of a standard definition for the various factors such as the accepted norm of placing children with relatives or with other families within and beyond Nigeria, it is difficult to find out the hidden economies of which children work. There are several reasons that spell out the lack of reliable and accurate data. First, is the absence of anti-trafficking legislation in some States in Nigeria, a stringent position of victims, parents and other stakeholders to report the experiences to the authorities and also the slowness of government agencies in responding to the problem. NGO, governmental, international, law enforcement and immigration generated statistics, are sparingly linked to the source of data collection or population and population size of sampled data. (Danish Immigration Service, 2008).

In reference to the U.S Department of State, there are no governments or NGO that have estimated the magnitude of trafficking in Nigeria. Victims that have been rescued by NAPTIP are predominantly indigenes of Edo Akwa and Ibom States. Trafficked victims are often trafficked to Europe, African countries and the Middle East. Girls and women are often trafficked to forced sex work in Norway, Belgium, Italy, Spain, Benin, Niger, Cote D'Ivoire and Netherlands. Danish Immigration Service (2008). In 2006, The United Nations Office on Drugs and Crime (UNODC), reported that 94% of Nigerian Women trafficked to Europe for the purposes of commercial sexual exploitation in Europe are from Borno Delta, Edo and Kano states.

Governmental Responses

The government of Nigeria has taken some steps in combating human trafficking in Nigeria. A comprehensive legal and social program has been institutionalized. The governmental agency responsible for this is; National Agency for the Prohibition of Traffic in Persons and other related matter. Nigeria has become a good example for best practices in the AU region in combating human trafficking.

Legal and Prosecution Department

The legal and prosecution department is responsible for persecuting culpable individuals of the crime of human trafficking.

Counselling and Rehabilitation Department

There is a Counselling and Rehabilitation Department that has received well over 299 victims as of 2007, which is three years of its establishment. As of 2007. 58 of those who have been rehabilitated, 241 victims were still in wait for rehabilitation. It was also stressed that NAPTIP will be greatly affected if there is a cut in supply of funds and equipment for the reintegration program to take place.

Investigation and Monitoring Department

It was explained by one Barrister Abiodun (NAPTIP Benin Zonal Office) in 2007, which is three years after the establishment NAPTIP, that the investigation and monitoring department has received 10 cases. It is to be noted that in July 2007 the Benin Zonal Office received a huge number of victims of human trafficking. In total, there were 62 victims in a container intercepted in Ekhiadolor in Benin City. The number of victims therefore, became a challenge that was able to accommodate, cloth and feed them. One, De Cataldo of International Organization of Migration, that NAPTIP is the country's focal point in the fight against human trafficking. Danish Immigration Service (2008).

Anti-human Trafficking Units

According to the U.S. Department of State, the NPF Anti-Trafficking Task Force was established in 2005, and 22 units have been staffed in states with the worst trafficking problems. However, officials complained of inadequate resources, citing insufficient funding to support investigative fieldwork. Since 2004 NAPTIP has led the establishment of state-level anti-trafficking committees that consist of immigration officials, civil society organizations, law enforcement agents, and federal ministries in 22 states. Oguejiofor (NAPTIP Abuja Headquarters) explained that there are state-level anti-child trafficking committees in 26 states, while the following 10 states are yet to establish anti-child trafficking committees: Kaduna, Osun, Zamfara, Gombe, Jigawa, Bauchi, Plateau, Ekiti, Enugu and Nasarawa states. Olateru-Olagbegi (WOCON) explained that from early 1996 WOCON cooperated with Interpol on trafficking issues. However, in 1998 when the head of Interpol in Nigeria left her office and re-joined NPF's anti-human trafficking units that were instituted within NPF and NIS. WOCON collaborated with both these anti-human trafficking units. When the Nigerian law against trafficking was approved by parliament in 2003 and NAPTIP was created in 2004, this agency set up its own investigation and prosecution unit. WOCON still cooperates with all three units but the normal procedure by the anti-human-trafficking units of the NIS and the NPF is that these units refer their trafficking

cases to NAPTIP's National Investigation Task Force (NITF) unit for further investigation and prosecution and in the end NAPTIP is responsible for investigation and prosecution in all cases concerning human trafficking. Altogether NAPTIP has six zonal offices in Nigeria, and in areas where NAPTIP is not present, one of the two anti-human trafficking units will be referred to.

Rev. Sister Florence (COSUDOW) explained that the Anti-Human Trafficking Police Unit does not wear uniforms as they are dressed as civilians. Furthermore, this unit is equipped with support from Italy and the unit has offices, supplies and vehicles. The Anti-Human-Trafficking Unit investigates cases of trafficking and hand over the cases for prosecution by NAPTIP. Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) explained that a special unit within the NPF called the anti-human trafficking unit assists NAPTIP in the initial part of investigation, but that NPF unit then refers the cases to NAPTIP. Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) agreed that the anti-human trafficking unit of NPF is much less marred by corruption than the rest of NPF. The anti-human trafficking unit is also responsible for most cases that are prosecuted at the court of first instance. (Danish Immigration Service, 2008).

Lessons for the AU Community

In the case of the AU community, enforcement of laws and the rehabilitation of victims of trafficking is either absent or ineffective. The Nigerian case study presents a good example for the AU to learn and incorporate into mechanisms that they have put in place. The Nigerian case study demonstrates an effective localized law enforcement unit to fit the situation or social dynamic of a particular state, town or community. Nigeria has set herself apart from other AU States and thus serves as a good example for the AU in combating human trafficking.

Analysis

AU as an Anti-Trafficking Agent

In combatting human trafficking in Africa, it is apparent that the organization takes significant steps but, has successful in enforcing or implementing genuine human rights throughout its member States. As evidenced by the case study, the AU lacks the necessary enforcement mechanisms to implement anti-trafficking strategies across the borders of African states. Again, states like Libya have continuously violated the AU human rights regulations in their response to human trafficking and treatment of migrant labourers. The AU's inability to enforce and implement anti-trafficking standards is based on two reasons.

Firstly, it is due to the organization's stance on anti-intervention. This is based on a firm stance on state sovereignty. African states operate first and foremost with their domestic laws and statutes as a result; AU standards are consistently placed behind national interests. The AU, traditionally has a high regard for highly independent nation States that work loosely together in

a socio-economic community. Nonetheless, the issue of enforcing human trafficking laws is continually hampered by the AU's efforts due to its regard for national sovereignty. Human trafficking therefore combines trans-regional issue of migration as well as the incorporation of human rights discourse. Therefore, for effective regional intervention there is the need for assessment at both governmental and societal levels. The inability to observe, report and combat human trafficking in AU States, will mean AU declarations are only optimistic goals rather achievable goals.

Another obstacle the AU faces is the implementation of anti-trafficking protocols that lack incentives for change in the region's wealthiest nations. Inter-regional migration has impacted the economies of some African countries. Business owners and entrepreneurs have benefited from the use of relatively cheaper migrant labour and this has promoted the overall growth of their home economies. In Nigeria, for instance, the sex industry has indirectly contributed millions of dollars to the nation's GDP. Inter-regional migration has also had economic benefits of poor nations as monies that have been earned abroad are sent back home to national economies. Nonetheless, human trafficking has negatively influenced these positive migration benefits for poor nations due to the exploitation of migrant labourers, who are unable. Low incomes experience an economic upsurge to oppose trafficking, rich nations, on the hand, have had little economic incentive to radically deal with issues of migration and labour to arrest the situation of human trafficking.

AU as a Human Rights Actor

Steps have been taken by the AU regarding issues of human rights despite the largely lack of success of human rights discourse in the region. The AU has failed to demonstrate the ability to deal with issues of human rights as continuously, there have been infringements perpetrated by African governments and individual regional actors. There is the need to appreciate that, traditionally, the emphasis of AU 's regional efforts are less concentrated on human right issues and social justice. There are significant steps, however, by the AU in leading regional efforts in human rights issues through declaration and regional protocols. The 2012 AU Human Rights Declaration is a significant step by the AU in its campaign for human rights, however the 2012 AU Human Rights Declaration have been far from a success. The declaration is not representative of increasing human rights ideals throughout Africa and the provision of a definitive example of the AU's commitment to human rights promotion. Though human rights efforts have merely been an optimistic lacking tangibility in its approach, the use of rights discourse in AU proceedings is an indicator of a nation's ability to encourage human rights standards in Africa.

Recommendations

To effectively deal with human migration and human trafficking issues in the foreseeable future, there is the need for the AU to reframe this problem in a manner that deals with incentives for nations that are willing to address issues of trafficking. The AU can

accomplish this through transnational criminal nature of human trafficking. The AU has approached trafficking issues through a complex approach comprising criminal justice and human rights. There should be emphasis on human trafficking as a transnational issue. There should be mechanisms or states must be willing to waive sovereignty to allow regional access regarding issues of transnational crimes issues. Border security and transnational crime issues should receive adequate funding and socio-economic benefit for African states willing to respond to human rights for the elimination of human trafficking. In the long term, the AU should continue to use the language of human rights for greater regional anti-trafficking advocacy. The persistent use of this language throughout AU zone has provided the needed legitimacy needed for human rights as an incentive for social change. The use of human rights rhetoric in AU literature and activities is likely to gradually entrench or institutionalize it as a regional standard. Employers of migrant labourers must be enlightened on human right principles or standards. Also, the implementation of these standards must make it a common place in some countries. Migrant labourers must also be enlightened to the rubric of human rights language for better understanding and for protection of their rights in foreign lands. Internal adoption processes must be entrenched and well-structured to meet international adoption processes that are in accordance to human rights and protocols. The absence of observation of basic human rights, the core of human trafficking issues will be subjected to changes in political attention and public support. By changing the core values of bonded labour and human trafficking in the AU zone, the African region can truly create a change in this perennial transnational crime.

Conclusion

This paper has presented a summary of human trafficking issues in the AU zone and the mechanisms and instruments that have been put in place to combat this issue and promote human rights. Through analysis of the existing AU declarations and protocols and the evaluation of the two case studies, it has been concluded that AU has not had a strong impact on the effect of reducing the seriousness of human trafficking. Failure has largely been as a result of state sovereignty practices and the lack of the right incentives beyond human rights assertions or positions for AU nations to change their migratory and trafficking practices. That notwithstanding, the examination also concludes that the continuous increase of human rights rhetoric throughout the AU must be commended and may lead to the needed legitimacy for human rights discourse. Also, In the short term, this paper recommends that, human trafficking should be viewed through the lens of regional security and transnational crime. The persistent use of human rights language is needed to promote long term legitimization by the AU by adopting the three "Ps" and "R" s of the US Department of State's Trafficking in Persons Report (TIP) procedures.

References

Adepoju, A. (2005) 'Review of Research and Data on Human Trafficking in Sub-Saharan Africa'. International Migration, Vol. 43 (1/2), Blackwell publishing limited. Retrieved from: http://onlinelibrary.wiley.com/doi/10.1111/j.0020-7985.2005.00313.x/epdf (Accessed: on 27th June 2017).

Adesina, O.S. (2014) 'Modern day slavery: poverty and child trafficking in Nigeria' African Identities, 12(2), pp. 165-179. Retrieved
from: http://www.tandfonline.com/doi/pdf/10.1080/14725843.2014.881278 (Accessed : 27th June, 2017).

African Charter on Human and Peoples' Rights (1981) Retrieved on June, 22, 2017 from: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

African Union(2006) The African Common Position on Migration and Development . Retrieved from June 16, 2017
from: http://www.un.org/en/africa/osaa/pdf/au/cap_migrationanddev_2006.pdf

African Union (1981) The African Charter on Human and Peoples Rights. Retrieved from June,17, 2017 from: http://www.achpr.org/instruments/achpr/

African Union(1990) The African Charter on the Rights and Welfare of the Child . Retrieved on June, 22, 2017
from: https://www.unicef.org/esaro/African_Charter_articles_in_full.pdf

African Union (2002) The Constitutive Act of the African Union. Retrieved on June, 18, 2017
from: http://www1.uneca.org/Portals/ngm/Documents/Conventions%20and%20Resolutions/constitution.pdf

AU[Def.] (2017). Retrieved June 26, 2017,
from **https://www.britannica.com/topic/African-Union**

Carling, J. (2006) Migration, Human Smuggling and Trafficking from Nigeria to Europe, Geneva, and international

organizationformigrationRetrievedfrom:http://www.diversite.be/diversiteit/files/File/MH_TEH/documentatie/mrs23[1].pdf (Accessed: 21ˢᵗJune, 2017

Conway, M(2013)'Human Trafficking and European Integration'. (Wisconsin: University of Wisconsin-Madison)

Danish Immigration Service, (2008). Protection of victims of Trafficking in Nigeria Report from Danish Immigration Service's fact-finding mission to Lagos, Benin City and Abuja, Nigeria. Retrieved on May, 23, 2017
from: http://www.refworld.org/pdfid/485f6b882.pdf

Davies, J (2002) 'The Role of Migration Policy in Creating and Sustaining Trafficking Harm', paper presented at the European Conference on Preventing and Combating Trafficking in Human Beings: A Global Challenge for the 21st Century, Brussels 18-20 September. 2002. Retrieved on June, 20, 2017
from: http://www.desk.c.u-tokyo.ac.jp/download/es_6_Ionesucu.pdf

East Africa Centre for Law and Justice (2017) Retrieved on June, 26 ,2017 **http://eaclj.org/general/24-general-east-africa/103-the-au-mission-goals-organs-and-objectives.html**

European Court of Human Rights (1950) The European Convention on Human Rights. Retrieved on June, 27, 2017
from: http://www.echr.coe.int/Documents/Convention_ENG.pdf

European Union (1992). Treaty on European Union. Retrieved on June, 19, 2017
from: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf

European Union (1992) .The Treaty on the European Union . Retrieved on June 28, 2017 from: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf

European Union (2002) *Brussels Declaration on Preventing and Combating Trafficking in Human Beings*. Retrieved on June 28, 2017 from: http://www.refworld.org/docid/4693ac222.html

Eurostat (2013) 'Trafficking in Human Beings'. Luxembourg: European Union Retrieved on June 25, 2017 from http: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking_in_human_beings_-_dghome-eurostat_en_1.pdf

Gallagher, A &Holmes(2008) 'Developing an Effective Criminal Justice Response to Human Trafficking Lessons From the Front Line.' International Criminal Justice Review Vol. 18 No.3 (U.S: Georgia State University)

Hassan,M.(2012).'Curbing the menace of human trafficking'. PM News Retrieved from: http://www.pmnewsnigeria.com/2012/02/23/curbing-the-menace-of-human-trafficking-mamudhassan/ (Accessed: 27th June, 2017).

ILO Convention on worst form of child labour (1999); Worst Forms of Child Labour Convention, 1999 (No. 182).

Retrieved on June 25, 2017 from: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf

Ionescu, M (1998) A Human Security Approach to Anti-trafficking Policies in the EU: Tackling the Structural Sources of Vulnerability. Retrieved on June, 26, 2017 from http://www.desk.c.u-tokyo.ac.jp/download/es_6_Ionesucu.pdf

Journal of European Union(2005) The EU Plan of best practices, standards and procedures for combating and preventing trafficking inhuman beings . Retrieved on June 18, 2017 from: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_on_combating_human_trafficking_en_1.pdf

Kazeem, F.A (2009). 'The challenges of prostitution and female trafficking in Africa: An African ethno feminist perspective'. The journal of pan African studies: vol. 3 (1): Pp 201-211. - Retrieved on June, 27, 2017 from: http://www.researchgate.net/profile/Fayemi_Ademola_Kazeem2/publication/23

8102992_The_Challenges_of_Prostitution_and_Female_Trafficking_in_Africa_An_ African_Ethico- _Feminist_Perspective/links/00b7d52d7a52368640000000.pdf

Kerr, P (2000) "Human Security," in Allan Collins (ed) Contemporary SecurityStudies, Oxford University Press, 92-107.

Kramer, J (2013). 'Anti-Human Trafficking Legislation In Tanzania and 6 Countries Around the World'. Avon Global Center forWomen and Justice Cornell Law School. Retrieved on June, 21,
2007: http://ww3.lawschool.cornell.edu/AvonResources/MemorandumTraffickingInP ersons.pdf

Konstantopoulos, W.M., Ahn, R., Alpert, E.J., Cafferty, E., McGahan, A., Williams, T.P., Castor, J.P., Wolferstan, N., Purcell, G., and Burke, T.F. (2013) 'An international Comparative Public Health Analysis of Sex Trafficking of Women and Girls in Eight Cities: Achieving a more effective Health Sector Response' Journal of Urban Health: Bulletin of the New York Academy of Medicine, Vol 90 (6), pp.1198- 1199.

Lee, K (2013) 'The Effect of ASEAN on Human Trafficking in Southeast Asia' Retrieved on June, 26 2017
from: http://auislandora.wrlc.org/islandora/object/1213capstones%3A238/datastream/ PDF/view

Makinde, O.A. (2015) 'Infant Trafficking and Baby Factories: A new tale of child trafficking in Nigeria' Child Abuse Review, 24(5),pp.242 Retrieved
at: http://onlinelibrary.wiley.com/doi/10.1002/car.2420/abstract;jsessionid=FE76C456 2F9ACA58526D71 C5366B454E.f04t02?userIsAuthenticated=false&deniedAccessC ustomisedMessage (Accessed: 27th June, 2017)

Miller, J,R 'Slave Trade: Combating Human Trafficking', Harvard International Review 27(4), 2006, pp. 70-73, p.71

OHCHR (2010). 'Study on trafficking in persons in West Africa: an analysis of the legal and political framework for the protection of victims. Retrieved on June, 20 2017

from http://www.ohchr.org/Documents/Issues/Trafficking/Dakar_Saddikh_Niass_en.pdf.

Olujuwon, T. (2008) 'Combating Trafficking in Person: A Case Study of Nigeria', European Journal of Scientific Research, 24 (1), p. 23-32. Retrieved from June, 27, 2017
on http://www.researchgate.net/profile/Tola_Olujuwon/publication/242147278_Combating_Trafficking_in_Person_A_Case_Study_of_Nigeria/links/551cf5fe0cf2fe6cbf79381e.pdf

Polaris.(2014) Project. Statement on U.S. House Anti Trafficking Legislation . Retrieved on June, 24, 2017 from: http://www.polarisproject.org/media-center/newsand-press/press-releases/1011-statement-on-ushouse-anti-trafficking-legislation

Protocol relating to the Rights of Women (2002).OAU/AU Treaties, Conventions, Protocols & Charters. Retrieved from Jun3, 18, 2017
from: https://www.au.int/web/en/treaties

Salihu, S. and Ajio, D.K (2009) Child Exploitation in the 21st Century. Jos University press, Joss

The African Common Position on Children (Declaration and Plan of Action 2001). Call for Accelerated Action on the Implementation of the Plan of Action towards Africa fit for children. Retrieved on June 22, 2017
from: http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/Africa%20Fit%20for%20Children%20-%20English.pdf

The Beijing Declaration and Platform of Action (1995). A summary of the fourth world conference on women: 4-15 September 1995. retrieved on June 25, 2017
from: http://enb.iisd.org/download/pdf/enb1421e.pdf

The EU Council Framework Decision on combating trafficking in human beings (2002) Council Framework Decision of 19 July 2002 on combating trafficking in human beings. Retrieved on June 25, 2017 from: https://ec.europa.eu/anti-trafficking/legislation-and-case-law-eu-legislation-criminal-law/council-framework-decision-19-july-2002_en

The EU Strategy for Africa (2005) Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children As adopted by the Ministerial Conference on Migration and Development. Retrieved on June,26,2017f rom: http://ec.europa.eu/development/body/tmp_docs/2006/Action_plan_OUAGADO UGOU.pdf

The Universal Declaration of Human Rights (1948).Universal declaration of Human Rights. Retrieved on June 25 2017 from: http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

The UN Convention on the Rights of the Child (1989). A summary of the rights under the convention on the rights of the Child. Retrieved on June 25 ,2017 from: https://www.unicef.org/crc/files/rights_overview.pdf

The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000). A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Retrieved on June 25, 2017 from: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18

The UN convention on the elimination of all forms of discrimination against women (1979).Convention on the elimination of all forms of discrimination against women. Retrieved on June, 25 2017 from: http://www.ohchr.org/documents/professionalinterest/cedaw.pdf

The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000). A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Retrieved on June, 23, 2017 from: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18

US Department of State(2010) Trafficking In Persons Report 2010. Retrieved on June, 23, 2017 from: https://www.state.gov/j/tip/rls/tiprpt/2010/

US Department of State.(2011) Trafficking in Persons 2011.Retrieved on June, 24, 2017 from: https://www.state.gov/j/tip/rls/tiprpt/2011/

 US Department of State (2012).Trafficking in Persons 2012. Retrieved on June, 23, 2017: https://www.state.gov/j/tip/rls/tiprpt/2012/

United Nations Office on Drugs and   Crime (2009) **Global Report on Trafficking in Persons 2009..** Retrieved on June, 23, 2017
from: https://www.unodc.org/unodc/en/data-and-analysis/glotip_2009.html

United Nations Development Programme (1994). Human Development Report 1994. Retrieved from June, 24, 2017 on: http://hdr.undp.org/en/content/human-development-report-1994

United Nations International Children Education Fund (2007) Retrieved on June, 23, 2017 from: https://www.unicef.org/publications/index_44268.html

 United State Department of State (2005) Retrieved from June, 24, 2017
on https://www.state.gov/j/drl/rls/hrrpt/2005/

.*United*Nations, *TreatySeries*(2000).Retrievedfrom:https://treaties.un.org/pages/View Details.aspx?src=IND&mtdsg_no=IV-4&chapter=4&lang=en

UNICEF (1990) The Declaration of the World Summit for Children (1990):World Declaration on the Survival, Protection and Development of Children. Retrieved on June 22, 2017 from: https://www.unicef.org/wsc/declare.htm

UN General Assembly Special Session on Children (2002). A World fit for Children. Retrieved on June, 25 ,2017
from: https://www.unicef.org/specialsession/docs_new/documents/wffc-en.pdf