

Human Trafficking: African Perspective

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JURIST Guest Columnist [Tseliso Thipanyane](#), of the Columbia University Law School and the Safer South Africa Foundation, discusses human trafficking and slavery issues in Africa and the causes ...



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More than two hundred years since the abolition of the Trans-Atlantic slave trade on March 25, 1807, a trade that saw millions of African people taken away from their homes and families to work under brutal conditions far away from their homes and loved ones; millions of African people continue to be enslaved in their own countries, in the African continent and in many parts of the world as modern slaves to enrich the new slave masters. The majority of these victims are women and children.

The pursuit of wealth and associated power and influence and the huge profits made from slavery and that sustained the trade for decades in the sixteenth to nineteenth century continue to spur human trafficking in the twenty-first century. Huge illegal profits are made out of modern slavery. The International Labour Organization (ILO) estimates that over [US\\$150 billion](#) in illicit profits is made by the private economy annually by those who trade human beings today and that around \$99 billion of this amount is attributed to commercial sexual exploitation. Over 21 million people are victims of forced labour and 4.5 million of these are victims of forced sexual exploitation according to the ILO. The [2014 Global Slavery Index](#) of the Walk Free Foundation on the other estimates that 35.8 million people are currently held in modern slavery.

Several African countries, such as Mauritania, the Democratic Republic of Congo (DRC) and Sudan are some of the world's leading countries where modern slavery is rife. African countries made 15 of the top twenty countries in the world engaged in modern day slavery according to the 2014 Global Slavery Index report. Mauritania tops the list with the highest estimated number of enslaved people per capita, 150,000 in a population of 3.8 million, while Nigeria and the Democratic Republic of Congo are in the list of top ten countries with the largest estimated numbers of enslaved persons, a list that includes India, China, Pakistan and Russia.

In response to slavery, one of the most egregious forms of human rights violations indeed, the [1948 Universal Declaration of Human Rights](#) provides that "no one shall be held in slavery or servitude" and that "slavery and the slave trade shall be prohibited in all their forms." This was followed by the adoption of various instruments in an attempt to rally the global community against slavery and its impact. These include the [UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#) (1949), the [UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons](#) (2000) and various International Labour Organizations' instruments such as the [Forced Labour Convention, 1930 \(No.29\)](#).

There is also the [2010 UN Global Plan of Action to Combat Trafficking in Persons](#) [PDF], a [General Assembly resolution](#) (A/RES/64/293), calling for global, regional and sub-regional efforts and cooperation in the prevention of trafficking, protection of victims of trafficking and the prosecution of crimes of trafficking. The UN Office of Drugs and Crime (UNODC) established in 1997, is the lead UN agency to address human trafficking and is also the guardian of related international instruments in this regard.

In the African context, the [1981 African Charter on Human and Peoples' Rights](#) prohibits slavery and human trafficking. The Charter is beefed up by the [African Charter on the Rights and Welfare of the African Child](#) and [Protocol of the Rights of Women](#), which makes specific provisions on the protection of women and children against slavery. The [Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children](#) [PDF], adopted by the African Union in November 2006, reaffirms international instruments on human trafficking and encourages African states to adopt legislative, administrative and institutional measures to combat trafficking in human beings. These measures include the formulation and implementation of national action plans and regional actions plans by African states to provide for comprehensive and coordinated interventions.

There are also [sub-regional efforts](#) [PDF] to combat human trafficking such as the ECOWAS (Economic Organization of West African States) Initial Plan of Action against Trafficking in Persons (2002-2003), the joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children (2006-2009) and the SADC (Southern African Development Community) Regional Plan of Action on Trafficking in Persons (2009-2019).

At the country level, Nigeria is said to be the leading nation in the fight against human trafficking in the African continent. It was the [first African country](#) [PDF] to enact an anti-trafficking legislation in 2003 and to establish a dedicated anti-trafficking agency, the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP). It also has the highest number of successful prosecutions in this regard.

South Africa, one of Africa's leading countries, which is also a country of origin, transit and destination in relation to internal and external trafficking due to its wealth and economic position, has introduced several measures to combat human trafficking in response to its international treaty obligations and increasing number of people in modern slavery. In this regard, the [Prevention and Combating of Trafficking in Persons Act No. 7](#) [PDF], was passed in 2013. The [Sexual Offences and Related Matters Act 32 of 2007](#) [PDF], also provides several offences pertaining to the trafficking of persons for sexual purposes and the sexual exploitation of children specifically.

Notwithstanding international, regional and national measures to combat human trafficking, the levels of human trafficking remain high in many African countries. A country like South Africa, despite its strong human rights based constitution and constitutional bodies like the South African Human Rights Commission and the Commission for Gender Equality (which can play important preventive and protection roles), was estimated to have had 106,000 enslaved people according to the 2014 Global Slavery Index whilst Nigeria and the Democratic Republic of Congo had estimated 834,200 and 762,900 victims of modern slavery respectively.

Thousands of African women from West Africa are annually trafficked to Western Europe for forced commercial sex work according to the [UNDOC](#). Nigeria is said to be the largest single source of trafficked women in Europe and the Middle East, with an estimated 10,000 Nigerian sex workers in Italy, many of them victims of trafficking.

The late adoption of laws in most Sub-Saharan African countries to combat human trafficking, the weaknesses of these laws and their inadequate implementation constitute a major challenge in the African continent. South Africa's law on trafficking was only introduced in parliament in 2010 and took three years before it was enacted in 2003 and has yet to come into operation.

The ineffectiveness of criminal justice systems and related institutions in combating human trafficking has also resulted in very few successful prosecutions and conviction of traffickers. The 2014 Global Report on Trafficking in Persons of the UN Offices on Drugs and Crime indicates that "only 4 in 10 countries reported having 10 or more yearly convictions, with nearly 15 percent having no convictions at all." The Sub-Saharan African region only had 574 human trafficking prosecutions and 341 convictions in 2013 according to the [US 2014 Trafficking in Persons Report](#) [PDF].

The high levels of poverty, unemployment, corruption and armed conflicts coupled with low levels of education and awareness and lack of effective and good governance, contribute to the prevailing challenges of human trafficking in the African continent and undermine efforts taken to combat this phenomenon. The numerous conflicts in the continent, the new scramble for its mineral resources and the ever increasing illicit trade in drugs constitute a major threat for children and women trafficked into these areas as child soldiers and sex slaves. Many victims of trafficking also tend to move from poor areas to affluent ones and many are lured by promises of a better life.

Concerted and extensive efforts are required to effectively fight human trafficking in Africa and in Sub-Saharan Africa in particular. The global nature of the phenomenon also requires greater global efforts and collaboration. Ending human trafficking and modern slavery and addressing the plight and misery of its victims, especially women and children, is a collective responsibility. African cannot endure another form of slavery after the devastating impacts of the [transatlantic slavery](#).

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