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Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: 011-551 770 Fax: 011-551 7844
web site: www.africa-union.org

**TECHNICAL WORKSHOP OF THE SENIOR OFFICIALS OF AU
MEMBER STATES AND RECs**

**TO VALIDATE THE DRAFT POLICIES ON THE PREVENTION OF
TRAFFICKING IN PERSONS (TIP) AND PREVENTION OF SMUGGLING
IN MIGRANTS (SOM) IN AFRICA**

6th – 8th OCTOBER 2021

ZANZIBAR, TANZANIA

I. INTRODUCTION

1. The senior officials meeting of the African Union Member States and RECs to validate the draft policies on the Prevention of Trafficking in Persons (TIP) and Prevention of Smuggling in Migrants (SOM) in Africa, was held in Zanzibar, Tanzania from the 6th-8th of October 2021.
2. The meeting aimed to provide Member States, RECs, and selected experts an opportunity to provide inputs and validation of the draft policies on the prevention of trafficking in persons and Smuggling of Migrants in Africa to improve the contents and basic structure of the documents in preparations for the submissions of the same to the upcoming STC on Migration, Refugees and IDPs to be held in November 2021 for validation and adoption.
3. The main objectives were to: seek technical inputs in the draft policy documents to enrich them further; validation of the draft policy documents in preparations for the upcoming STC on Migration, Refugees and IDPs and to share expertise and experience based on best practice and expertise available.

II. ATTENDANCE

4. The meeting was attended by the following AU Member States: Algeria, Cameroon, Democratic Republic of Congo, Côte d'Ivoire, Equatorial Guinea, Egypt, Ethiopia, Gambia, Ghana, Lesotho, Liberia, Libya, Mali, Mauritania, Namibia, e, Niger, Republic of Congo, Rwanda, Sierra-Leone, South Sudan, South Africa, Tanzania, Togo Tunisia, and Zimbabwe
5. The following Regional Economic Communities (RECs) were also present: Arab Maghreb Union (UMA)
6. In attendance also were the following Partners: Delegation from the International Organization for Migration (IOM), International Committee of the Red Cross (ICRC).
7. Present also were civil society organizations and the academia which included the Kabarak University and the American University Cairo.

III. OPENING SESSION

8. The meeting was officially opened by **Hon Dr. Khalid Salum Mohd**, *Minister of State in the Second Vice President's Office, Policy, Coordination and House of Representative, Zanzibar*. He thanked all Member States, Regional Economic Communities (RECS), UN agencies and other stakeholders in attendance and noted the important role Member States and partners have in the review and validation of the draft policy documents on TIP and SOM in Africa. He highlighted the notable steps taken on the Ouagadougou Action Plan in its transformation into a policy document. He noted the negative intra-African migration phenomenon that overshadowed the benefits and opportunities of regular migration movements on the continent. He

underscored the importance of the workshop as an opportunity for AU Member States and other stakeholders to: provide technical expertise required for the refining of the draft policies; share experiences and offer capacity building. He concluded by urging all partners to support Member States once policies are adopted.

9. **Mr Sabelo Mbokazi**, *Head of Labor, Employment and Migration, Department of Social Development, Sports and Culture, African Union Commission* in his welcoming remarks thanked acknowledged and welcomed the Member States, Regional Economic Communities (RECS), UN agencies and other stakeholders represented in the meeting. He referenced statistics that showcased illicit activities which had peaked. He confirmed that 80% of migration was happening within the continent. He noted the need for Member States to work together in a global arena to combat TIP and SOM as part of the African Union vision for a peaceful and integrated Africa. He further reiterated the need for Member States to implement policy efficiently i.e., doing things within the realm of a human rights context and effectively. He echoed the need for policy adoption by Member States while assisting to make a difference among vulnerable groups (migrants and smuggled persons) through the four PS, namely: the prevention of TIP; protection of SOM; prosecution of the actors engaged in TIP; and the fostering of partnerships.
10. **Mr Qasim Sufi**, *IOM Country Representative, Tanzania*, commended the commitment by the AU Member States on the efforts demonstrated in the development of the Ouagadougou action plan. He noted that the IOM recognizes the importance of dialogue among AU Member States in a bid to share best practice. He highlighted the impact of COVID-19 pandemic on all Member States and shed light on the pandemic as a driver for TIP.

IV. SESSION DELIBERATIONS, OUTCOME AND KEY RECOMMENDATIONS

SESSION I: CHAPTER ONE: BACKGROUND, RATIONALE FOR THE DEVELOPMENT OF THE POLICY DRAFT

11. The Commission presented a brief overview of the TIP draft policy demonstrating its intent to provide a harmonized policy approach in the prevention of TIP in the continent. The presentation focused on the structural root causes of TIP in Africa, with the aim of sensitizing Member States to proactively address them for sustainable prevention of crime in the continent. The document provided policy recommendations to AU Member States and RECs by identifying 12 strategies with clear actionable commitments, if implemented by Member States and RECs, and will provide a sustainable, harmonized approach in the prevention of TIP in the continent.
12. The Commission acknowledged the foundational role the validated of the 2006 Ouagadougou Plan of Action played, upon which the draft policy on the prevention of TIP was developed.
13. Further discussions drew attention to the call for Member States to combat TIP in the continent and the need for investment of the collection of verifiable data and research; and to embrace technology and information systems as a preventative mechanism.

14. On the scope of trafficking, the draft policy highlighted the inclusion of internal trafficking in addition to the cross-border trafficking narrative at national, regional, and continental platforms to be captured throughout the text.
15. The Member States validated the first chapter subject to the proposed content amendments proposed by the Member States.
16. The following recommendations were made:
 - i. Structural changes to be made such as: the glossary to be moved to the back page and an introductory section to be included in the chapter.
 - ii. Data on migration movement to be updated to 2020/2021 depending on availability
 - iii. Data on the Gulf States to be included to allow Member States to engage them in the implementation phase
 - iv. Data on women and children to be include to aid with advocacy and monitoring by civil society

SESSION II: CHAPTER TWO: SITUATIONAL ANALYSIS OF TIP IN AFRICA

16. The IOM representative presented chapter two of the draft policy on TIP. The situational analysis of TIP Africa, highlighting the trends, patterns and flows of TIPs at a global, continental, and regional level.
17. The discussions addressed the link between TIPs and other forms of modern slavery
18. The discussion deliberated on the term modern slavery and its connotations for certain regions.
19. The following recommendations were made:
 - i. The draft policy to utilise the term forms of violation in place of modern slavery and migratory movement instead of migratory flows.
 - ii. Where possible the draft to utilise national data sources rather than international.
 - iii. A section on COVID:19 to be included to keep the document relevant and up to date.
 - iv. The quote from the Global Slavery Index was requested to be removed.

SESSION III: CHAPTER THREE: DRIVERS AND ROOT CAUSES OF TRAFFICKING IN PERSON IN AFRICA

20. The session discussed socio-economic, political and governance issues and their interrelatedness drawing attention to root causes which differ from one region to another depending on the specificities and uniqueness but identified main drivers and root causes of TIP in Africa.
21. The deliberations reiterated the need for the inclusion of poverty as a root cause of TIP in Africa.

22. The discussions echoed the need for the recognition of gender discrimination as the gender dimensions of trafficking in persons were considered.
23. Member States were urged to share best practices from their countries as well as examples of policies that have worked to combat TIP in Africa.
24. The discussions urged for the inclusion of legislation in the draft policy as a strategy to combat TIP. A lack of legislation was noted as one of the drivers of TIP in the continent.
25. The meeting discussed the need to revise the pull and push factors to indicate the causes and drivers at each stage in the TIP.
26. The following recommendations were made:
 - i. An introductory section to be included to introduce the chapter before the causes are listed.
 - ii. The chapter rearranged to cover the main causes and drivers and create a subsection on gender and children as these were not drivers.
 - iii. The chapter to be divided into two sections. One of the sections would capture the main causes while the other would cater for general/other causes.

SESSION IV: CHAPTER FOUR: STRATEGIC FRAMEWORK FOR COMBATING TIP IN AFRICA

27. The session discussed key strategies recommended to Member States and RECs to combat TIP in Africa.
28. The session deliberated on the need for Member States and RECs to strengthen the rule of law, particularly the law enforcement, prosecution and intelligence sharing and operational frameworks at national, regional, and continental levels.
29. The discussion recorded, the need for Member States and RECs to develop measures to support victims and survivors of TIP in a bid to help them recover from their experiences, by sustaining them with durable solutions which include ensuring their protection as witnesses as they support the State in the prosecution and judicial processes of the perpetrators.
30. The discussions highlighted the need to identify and dismantle criminal networks that perpetuate TIP activities at national, continental, and international levels, with specific focus on working to disrupt the supply chain of TIP at all levels.
31. The following recommendations were proposed:
 - i. The language in the policy should be less prescriptive and phrased as recommendations throughout the document.
 - ii. The need for compulsory elementary education with an emphasis on the girl child.
 - iii. The enhancement of law enforcement, prosecution, and intelligence sharing frameworks to prevent TIP in the continent.

- iv. Legislators/parliamentarians to be included to support the drafting of legislation for use by enforcement agents.
- v. Incorporate groups such as sex workers in the policy
- vi. Include civil society as one of the stakeholders.
- vii. Fragility lens to be included in the chapter and the role terrorism plays in ungovernable states.

SESSION V: CHAPTER FIVE: IMPLEMENTATION, REPORTING AND REVIEW OF THE TIP POLICY

32. The session emphasized the need for Member States, RECs, and other stakeholders to support the implementation of this policy at all levels including at the highest political levels at national, regional, and continental decision-making levels. It also noted that adequate resources with clear action plans should be put in place at national and regional levels, based on the continental plans, to ensure a harmonized approach.
33. The session urged Member States and RECs to undertake measures that ensure the implementation of the policy at existing national and regional levels.
34. The session noted that the policy would be reviewed after every 5 years at the continental level to respond to the changing situation of TIP in the continent. It also noted that further review periods at the national levels would be left to the discretion of the Member States.
35. The discussions highlighted the need to establish a clear coordination framework with clear responsibilities of all relevant actors at all levels, guided by the action plans to ensure coordination and coherence in the implementation and reporting process. It also noted the need for Member States to share the already set coordination frameworks that are in use in their countries e.g., Tanzania which has in place the Trafficking in Persons Act, 2008 and Cote d'Ivoire which has legal mechanisms in place.
36. The discussion recorded a divided opinion among experts on the need to establish a TIP support fund at a continental level and called for the STC to provide vision and decide on the way forward.
37. The following recommendations were proposed:
 - i. The need for a regional policy on TIP to mainstream the implementation of this policy with existing national and regional policies on migration.
 - ii. Establishment of a TIP support Fund at the continental levels to support Member States, RECs and the AU Commission and other relevant partners, to support the implementation of the policy.
 - iii. The review the implementation of this policy by Member States on a national level, as a mechanism to assess the impact of the document as guided by global best practice of the GCM.

SESSION VI: CHAPTER ONE: BACKGROUND, JUSTIFICATION AND RATIONALE

- 38.** The session defined TIP and SOM and noted the following key differences between the two terms.
- a) Transnational nature: TIP is internal (domestic), transnational, legal or illegal entry into a country while SOM always involves the crossing of a border.
 - b) Means: TIP involves the use of deception, force, coercion but SOM involves no element of distortion on the part of the free will of the smuggled.
 - c) Purpose: In TIP, the relationship between the trafficker and the victim is continuous and doesn't end without serious consequences while in SOM, the relationship between the smuggler and the smuggled person ceases at the point when illegal entry has been achieved.
- 39.** The discussion recorded that 80% of migration is within the continent with 70% of these migrants being youths (15-40 years). It further noted the increase in the independent migration of women within Africa was slowly changing the structure and dynamics of migration in Africa.
- 40.** The session deliberated on the need for data to support SOM statistics but noted that the unavailability of this data was due to the clandestine nature of the phenomenon. It outlined that the RECs should be the starting point, when engaging the MS in the combat of SOM.
- 41.** The discussions noted the role of families especially those in the diaspora in the procurement of migrant smuggling services for their kin, who they depend on to help send back remittances to the larger families back home.
- 42.** The session highlighted that what originally starts out as SOM might sometimes end up in TIP especially when payment contracts are breached, and the smuggler needs to recoup their fees.
- 43.** The following recommendations were proposed:
- i. A need for Member States to rely on adopted legal and policy initiatives and instruments in response to migrant smuggling.
 - ii. Criminalization of the SOM broadly defined in the UN Smuggling Protocol, which requires that the intent of the smuggler must be to reap "financial or material benefit".
 - iii. Provision of a solid policy and legal framework that will prevent and counter the TIP and SOM in the continent.
 - iv. It was recommended that Member States base their implementation of policy on Agenda 2030 SDGs, the GCM, the MPFA and African Union's Agenda 2063.
 - v. A section on children and their journeys should also be documented and added into the policy, borrowing from the documentation on women and their journeys.
 - vi. There is a need for data collection at the continental level to support national level coordination.
 - vii. There is a need for the regularization of private recruitment agencies in a bid to support the RECs on policy implementation.

SESSION VII: CHAPTER TWO: ANALYSIS OF THE PREVENTION OF SMUGGLING IN AFRICA

- 44.** The session discussed the cross-cutting issues that need to be addressed for the continental policy on the prevention and combating of migrant smuggling to meaningfully contribute to the desired outcome of significant reduction in cases of smuggling of migrants.
- 45.** The discussions addressed the alignment of national migration policy with the MPFA, the Free Movement of Persons protocol in Africa, knowledge and research, capacity building, monitoring and evaluation as well as migration dialogue platforms.
- 46.** The session deliberated on the need for capacity building to be extended beyond the Member States to the RECs, the AU organs and institutions- AUC, ACHPR, ACERWC and especially the migration institutions in Sudan, Morocco, and Mali.
- 47.** The meeting noted that research, data collection, analysis, and information sharing, in compliance with the right to privacy and data protection are all critical to the development of evidence-based policies.
- 48.** The discussion recorded the need for the continental policy to combat smuggling of migrants, to supplement the MPFA and to have its successful implementation anchored within the context of MPFA and gender responsive national migration policies of AU Member States.
- 49.** The discussions highlighted the need to reference the Protocol on the African Continental Free Trade Area (AfCTA) as an implementation roadmap that takes cognizance of the variable geometry in terms of level of free movement in different regions of the continent.
- 50.** The discussions addressed, the significant role that International Human Right bodies can play in filling the human rights deficits in the Palermo Protocol and the implementation of the proposed continental policy framework on combating the smuggling of migrants
- 51.** The session highlighted causes such as corruption and harassment that lead people (including those of the same RECs) to procure the services of smugglers.
- 52.** The following recommendations were proposed:
 - i. There is a need to put in place mechanisms that ensure smooth migration on a regional and continental level.
 - ii. A need to include internally displaced persons in the dialogue that pushes for the free movement of people on the continent.
 - iii. There is a need for the AU and the ACERWC to monitor the implementation of laws, policies, strategies, and programmes of AU Member States, to continue to hold them accountable on the human right violation of migrants and to provide them with appropriate reporting guidance.

SESSION VIII: CHAPTER THREE: STRATEGIC FRAMEWORK FOR THE PREVENTING OF SOM IN AFRICA

- 53.** The meeting discussed six pillars and strategies that will ensure a balanced and integrated response to migrant smuggling namely: prevention, prosecution, protection, national coordination cooperation, international cooperation, and border governance.
- 54.** The discussions noted the efforts of the Joint Labour Migration Program which provided for skills portability, noticeable steps in gender mainstreaming, facilitation of e-visas and supporting the EAC and Sahel regions on their technical programs.
- 55.** The following recommendations were proposed:
- i. There is a need to provide budgetary support to all established institutions in a bid to encourage the delivery of services.
 - ii. Provide protection to the migrant rather than to criminalize the migrant.
 - iii. Investment on the continent to increase incomes and avoid the exploitation of the youth by terrorist groups.
 - iv. Member States should strengthen human resources to work on porous borders where smugglers and the smuggled transit through.

SESSION IX: IMPLEMENTATION, REPORTING AND REVIEW OF THE SOM POLICY

- 56.** The Commission drew attention to the existence of the AU-Technical Assistance Facility on Migration Governance (AU-TAF) as an already established facility that could support MS/RECS in strengthening their migration governance regimes, including combating TiP and SoM.
- 57.** The AU-TAF provides MS/RECs with technical assistance in the following areas:
- i. Conducting situational analyses on migration and formulating migration profiles.
 - ii. Establishing national and regional mechanisms for managing and coordinating migration.
 - iii. Formulating and evaluating migration policies.
 - iv. Mainstreaming migration policies into national and regional development plans.
 - v. Experience sharing among MS/RECs through exchange visits.
- 58.** The meeting noted the existence of newly established African Centre for the Study and Research on Migration and African Migration Observatory, two specialized agencies of the AU will conduct research and generate data for evidence-based policy respectively.
- 59.** The following recommendations were proposed:
- i. There is a need to build the capacity of MS/RECs in the area of migration.
 - ii. Migration policies at national and regional level should be mainstreamed.
 - iii. An overarching policy that covers all aspects of migration should be developed

V. CLOSING REMARKS

60. In his closing remarks, **Mr. Sabelo Mbokazi**, *Head of Labor, Employment and Migration, Department of Social Development, Sports and Culture, AUC* thanked all delegates and participants for their engagement during the three-day validation workshop. He noted the forum as having afforded delegates the opportunity for deliberation, collaboration, and cooperation in an effort to validate the draft documents on TIP and SOM in the continent. He emphasized the Commission's continued commitment to support Member States on the implementation of the meeting's resolutions and recommendations and noted that the Commission would be open to receiving more inputs from Member States. He concluded his remarks by thanking the Government of Tanzania for successfully hosting the technical workshop of Senior Officials of AU Member States and RECs to validate the draft policies on the prevention of TIP and SOM in Africa.
61. In his official closing remarks, **H.E. Christopher D Kadio**, *the Permanent Secretary, Ministry of Home Affairs, Tanzania* thanked the AU Member states, AUC, CSOs, Academic experts, IOM, and all other stakeholders for their support. He thanked the AUC for working with the Government of Tanzania to host this important meeting that brought together experts and non-state actors working in the TIP and SOM space in the continent. He thanked the delegates for their attendance (physically and online), enthusiasm and active participation during the forum. He noted the contributions made by the delegates to validate the draft policies on the prevention of TIP and SOM in Africa, as well as appreciated the recommendations made during the meeting. He concluded by reiterating the role of Member States and experts to inform the participation of their principal governments in the validation and implementation of the recommendations of the forum and continued collaboration with member states and other stakeholders to promote the prevention of TIP and SOM in the continent.