

## I. Introduction

The Department of Social Affairs (DSA) of the African Union Commission (AUC) in its 2009-2012 Strategic Plan and 2008 Programme of Activities has provided several initiatives with regard to the popularization and implementation of the AU policies on migration and development. Ouagadougou Plan of Action on Trafficking in Human Beings Especially Women and Children (the Ouagadougou Action Plan) is one of these policy documents. The AU Commission Initiative against Trafficking (AU.COMMIT) Campaign is part of the overall Programme of Activities of DSA on Migration and Development for 2009-2012.

The Campaign will also take into account the UN.GIFT programme to fight trafficking in persons, the recommendations of the recent Sixth African Development Forum (ADF) jointly organized by UN-Economic Commission for Africa, African Development Bank, and the African Union which call for the popularization and implementation of the Ouagadougou Action Plan, and the Africa-EU Strategic Partnership (Lisbon Action Plan) particularly the Africa-EU Partnership on Migration, Mobility and Employment.

In the Ouagadougou Action Plan, trafficking in human beings, within and between states, is unequivocally characterized as a “scourge” to human beings. Trafficking is the coercion of a human being to servitude for purpose of some kind of exploitation through deception, force or the threat of use of force. For this reason, under international law, trafficking in human beings is categorized as a form of slavery, and therefore a violation of fundamental human rights and customary international law. Hence, as one of the *jus cogens* norms (absolute freedom from slavery) under international law, states have non-derogable obligation to respect and ensure respect freedom from slavery and any form of trafficking. In this regard, the Migration Policy Framework for Africa reads as follows:

*The core element of trafficking is the fact that the victim is deprived of her/his will and is forced into slavery-like conditions or involuntary servitude. It is thus imperative to improve the identification of victims of trafficking, to treat them as victims of a crime rather than criminals, and to afford them protection and assistance (including, inter alia, privacy; information on proceedings; physical and psychological recovery; provisions for safety; measures to avoid immediate deportation; and safe repatriation).*

## **Consolidating Existing Initiatives**

In this context, AU.COMMIT Campaign to Combat Trafficking aims at consolidating the achievement of the AU Commission activities so far and other global, regional and national initiatives that are already being implemented.

Moreover, since the end of the 1990s and early 2000s, Regional Economic Communities (RECs) of the AU have developed some form of initiative to fight trafficking. To name few: the Libreville Common Platform of Action of the Sub-regional Consultation of the Development of Strategies to Fight Child Trafficking for Exploitative Labour Purposes in West and Central Africa, the Declaration of Action against Trafficking of the Economic Community of West African States (ECOWAS), and the ECOWAS and Economic Community of Central African States (ECCAS) Joint Action Plan; The Maputo Consensus and Plan of Action to prevent and respond to trafficking, SADC and facilitate by the Southern Africa Network against Trafficking and Abuse of Children (SANTAC). Moreover, recently, other Regional Consultative Processes on Migration (RCPM) in Southern African Development Community and Inter-Governmental Authority on Development (IGAD) have also served as forum for developing a common approach to combat trafficking. In addition to these, many Member States of AU such as Togo, Mali, Cameroon, Benin, Burkina Faso, Ethiopia, Mozambique and South Africa have reformed their criminal laws and established joint inter-ministerial taskforces in charge of combating trafficking in persons. In some cases, South-Africa/Mozambique MOU (Memorandum of Understanding) for extradition of perpetrators have been developed and implemented.

It also consolidates initiatives at global level such as the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) programme and the Blue Heart Campaign. AU.COMMIT is a consolidation of all these efforts towards more synergized and coordinated initiatives to combat trafficking in Africa.

## **AU.COMMIT Focus on Women and Children**

The Ouagadougou Action Plan is a reaffirmation of the international instruments and provides specific measures and recommendations to tackle trafficking in human beings with a particular emphasis on women and children from Africa. Reason being that women and children occupy unique and privileged positions in any society and are entitled to all rights and require legal protection in conditions of freedom, dignity and security. In this regard, the Migration Policy Framework for Africa states that child trafficking presents particular challenges in Africa, and special requirements should be considered to ensure protection and assistance to child victims/survivors of trafficking. Due to the socio-economic situation and harmful cultural traditional practices, it also justifies as to why there is a special focus on the situation of women and children which remain critical, in particular in Africa. The increasing phenomenon of sex tourism and other sexual exploitation and abuse of women and children is also taken seriously in this plan of action.

## **II. Background**

The African Union (AU) through its Ouagadougou Action Plan, the Migration Policy Framework for Africa (MPFA) and the African Common Position on Migration and Development (Commonly referred as the African Common Position), and the Joint Africa-EU Declaration on Migration and Development (commonly referred as the Tripoli Joint Declaration) emphasized on the need for greater capacity building, policy formulation, and awareness creation in the area of migration management including in combating trafficking in human beings.

The Ouagadougou Action Plan was adopted by Ministers of Foreign Affairs, Ministers Responsible for Migration, and Ministers Responsible for Development from Africa and EU Member States, and the African Union (AU) as well as European Union (EU) Commissioners and representatives of international organizations gathered in Tripoli, The Great Socialist People's Libyan Arab Jamahiriya from 22-23 November 2006.

The Ouagadougou Action Plan is a declaration of the will and joint intent of the African Union and the European Union and their Member States to enhance their efforts to fight trafficking. It provides specific recommendations to be implemented by the Regional Economic Communities (RECs) and Member States based on the legal and political basis at regional, continental and global level. It further upholds and reinforces the international and regional legal instruments on human rights particularly the conventions on trafficking in person, elimination of discrimination of women, and protection of the rights of the child. These include:

1. The Universal Declaration of Human Rights (1948);
2. The UN Convention on the Elimination of all Forms of Discrimination against Women (1979);
3. The UN Convention on the Rights of the Child (1989);
4. The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000);
5. The Constitutive Act of the African Union (2002);
6. The African Charter on Human and Peoples Rights (1981) and its Protocol relating to the Rights of Women (2002);
7. The African Charter on the Rights and Welfare of the Child (1990);
8. ILO Convention on Worst Forms of Child Labour (1999);

And it reinforces declarations including:

9. The Beijing Declaration and Platform of Action (1995);
10. The Declaration of the World Summit for Children (1990);

11. A World Fit for Children- UN General Assembly Special Session on Children (2002);
12. The African Common Position on Children (Declaration and Plan of Action 2001); and
13. The Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children (2008-2012)

Moreover, the Ouagadougou Action Plan also considers other AU policies on migration and development namely: the African Common Position and the MPFA. From EU side, it takes into account the Treaty on the European Union (1992), the European Convention on Human Rights (1950), the Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002), the EU Council Framework Decision on combating trafficking in human beings (2002), and the EU Plan of best practices, standards and procedures for combating and preventing trafficking in human beings (2005) as well as the Africa-EU Strategic Partnership of 2008.

### **III. Objectives, Strategies and Activities of the AU.COMMIT Campaign**

The AU.COMMIT Campaign stands for the African Union Commission Initiatives against Trafficking Campaign to Combat Trafficking in Human Beings. It seeks to promote actions and activities that the Department of Social Affairs (DSA) of the AU Commission would like to carry out during the period 2009-2012 within the framework of the Strategic Plan of the AU Commission for 2009-2012.

#### **Strategies and Activities**

##### **The Three P Strategies**

The Ouagadougou Action Plan specifically proposes a three-pronged strategy:

- 1) Prevention of trafficking;
- 2) Protection of victims of trafficking; and
- 3) Prosecution of those involved in the crime of trafficking and related forms of abuse

In line with these three strategies, the AU.COMMIT Campaign has a total of 5 strategic actions/activities with a total budget of 600,000 USD to be implemented over the next four years 2009-2012 in three phases which will reinforce each other, namely:

2009-2010	The AU. COMMIT Campaign on Prevention of, and, Response to Trafficking;
2010 -2011	The AU.COMMIT Campaign on Protection of Victims of Trafficking;

2011-2012            The AU. COMMIT Campaign on Prosecution of Criminals involved in Trafficking and Related Crimes.

## **Activities**

### **A. LAUNCHING the AU.COMMIT CAMPAIGN**

#### **General Objectives**

The general objective of the launch of AU.COMMIT Campaign is to set the pace for the fight against trafficking in human beings as a priority on the development agenda of the continent. The launch will also put an AU publicity stamp on the different initiatives being carried out towards the elimination of trafficking in human beings. Moreover, the launch will set the tone for the different stages of AU.COMMIT Campaign and the activities provided in the Programme so that Member States and Regional Economic Communities will put trafficking at the top of national agenda. It also helps to inform policy makers and enforcement officials of Member States about the Ouagadougou Action Plan.

#### **Specific Objectives**

Apart from the above general objectives, the launch will be used to inform the public about AU.COMMIT and the AU's determination to tackle the problem in collaboration with RECs, Member States and partners. The AU will also use this to call the Media and CSOs to popularize and advocate for the implementation of the Ouagadougou Action Plan. This will be followed by launches within each of the AU regions as well as in AU Member States.

**Justification:**            To raise awareness on and advocate for urgent and increased action within the framework of the implementation of the Ouagadougou Action Plan

### **B. THE AU. COMMIT CAMPAIGN ON PREVENTION OF TRAFFICKING 2009-2010**

The AU.COMMIT Campaign on Prevention aims at advocating for an adoption of UN Conventions, the Ouagadougou Action Plan, and implementation of the provisions of these documents by developing similar initiatives at RECs and Member States' level. This will be an information campaign on revising and strengthening legislation, training and capacity building, and developing information campaigns targeting vulnerable groups. The prevention campaign has to be Knowledge Based Advocacy. Hence, a rapid research on status of

trafficking in Africa will be conducted by a consultant. This research will include an identification of origins, transits and destinations, national legal measures, and data on trafficking from secondary sources. It will identify the determinants of trafficking from, and in, Africa with an aim of mapping trafficking in Africa in order to precisely determine the push and pull factors in routes of specific regions and to specific destinations. This research will also help AU, RECs and MS in designing national legislative and policy reforms and revision on trafficking in persons. The research will form an information dissemination strategy of the AU.COMMIT Campaign. The report could be presented in the Labour and Social Affairs Commission of AU. For these activities, concept notes are attached with this document.

Through the launch of the AU.COMMIT Campaign to combat of Trafficking, calls will be made by the Chairperson of the African Union Commission and Commissioner for Social Affairs of the AU Commission for addressing the root causes of trafficking in human beings especially women and children. This call will be for interventions on the root causes of both the supply and demand side of trafficking in persons. Socio-economic development and poverty reduction, employment creation for vulnerable groups particularly women; and awareness rising on the rights of children will be recommended as key interventions on the supply side. These interventions are the *soft tools* for prevention of trafficking in persons. Through these soft tools, the AU.COMMIT Campaign aims at encouraging RECs and Member States to initiate and undertaken reform in their information campaign and policy frameworks to include measures against the trafficking in person with and aim of curbing the supply side.

On the demand side, on the other hand, the call for varied kinds of interventions mainly using *hard tools* including criminal prosecution those involved in trafficking in persons, and disruption of their networks. Moreover, addressing the pull factors for trafficking in human beings particularly women and children for labour and sexual exploitation should be dealt with using legal provisions to ban sex truisms and sexual and labour exploitations and stiffer penalties on child labour.

## **Activities**

The AU.COMMIT Campaign on Prevention of Trafficking will have two main activities:

### **1. Awareness Raising and Capacity Development Workshop**

**Justification:** To follow-up the launch of AU.COMMIT Campaign and raise awareness of the media, CSOs, RECs and Member States to put trafficking at the top of the national agenda and inform policy makers and enforcement officials about the

Ouagadougou Action Plan, while identifying mechanisms to monitor its implementation.

## **2. Rapid Mapping Research of Trafficking in Persons in Africa: Evidence Based Advocacy**

**Justification:** To ensure that the AU.COMMIT Campaign is evidence based.

### **C. THE AU.COMMIT CAMPAIGN ON PROTECTION OF VICTIMS/SURVIVORS OF TRAFFICKING 2010-2011**

The AU.COMMIT Campaign on Protection aims at the implementation of the recommendations of the Ouagadougou Action Plan on the protection of victims of trafficking particularly children and women. The protection should be guided by the consideration of the vulnerability and reduced agency of children and women, harmful cultural traditional practices, and increasing sex tourism and industry. The Ouagadougou Action Plan calls for effective national actions, regional and global coordination and cooperation to prevent and combat trafficking in human beings. Similarly, it requires a comprehensive regional and international approach involving countries of origin, transit, and destination that include measures to prevent such trafficking, punish traffickers and to protect the victims of trafficking, including protection of their human rights.

AU.COMMIT Campaign on Protection of Victims of Trafficking will encourage RECS and Member States to initiate and undertaken reform in their legislative and policy frameworks to include measures that protect victims of trafficking and offer provisions of humanitarian and legal assistance, and the return and reintegration of victims of trafficking. Hence, in this phase, AU Commission will strongly call for reforms of laws of Member States to provide protection to victims of trafficking. It will also design activities jointly with RECs. In all the events of the AU.COMMIT Campaign on Protection, a call will be made for victim centred human rights approach to the treatment of victims/survivors of trafficking.

#### **Activities:**

#### **Conference on the Protection of Victims/Survivors of Trafficking**

**Justification:** To encourage the Member States to revise their criminal code, reform their criminal justice system and harmonise their legal and policy documents to include protection and provisions for victims of trafficking in persons

#### **D. THE AU.COMMIT CAMPAIGN ON PROSECUTION OF CRIMINALS INVOLVED IN TRAFFICKING: 2011-2012**

The AU.COMMIT Campaign on Prosecution aims at encouraging RECs and Member States to initiate and undertaken reform in their legislative and policy frameworks to include measures against persons involved in trafficking in person with an aim of prosecuting the criminals involved in the networks of trafficking both on the supply and demand side of trafficking. It will call for revised criminal laws with stiffer penalties. It also focuses on both the supply side through strict prosecution and stiffer penalty for those involved in trafficking. Disruption of networks of traffickers through cooperation of enforcement officials will be another focus of this phase.

On the demand side, the AU.COMMIT Campaign on Prosecution will encourage AU organs, RECs and Member States to deal with the shortage of labour force and increasing sex industry in the developed countries through multilateral and bilateral agreements for labour migration, prosecution and disruption of trafficking networks in destination countries.

##### **Activities:**

##### **1. Conference on Prosecution of Traffickers for Judicial and Enforcement Officials**

**Justification:** To encourage the Member States to reform their judicial and criminal justice system, revise their legal and policy documents, and their interpretation to include strict prosecution and stiffer penalty for criminals involved in the crime of trafficking in human beings

#### **IV. Implementation Plan**

##### **1. Inter-Departmental Coordination Group**

In implementing the AU.COMMIT Campaign, the DSA needs to work in coordination with AU departments such as Communication Unit, Legal Counsel, Civil Society Division, Gender Directorate, Conference Services, , and AU organs such as the AU Court of Justice and Human Rights and Pan-African Parliament, African Commission on Human and People's Rights, African Committee of Experts on the Rights and Welfare of the Child. For this reason, the DSA should establish the AU.COMMIT Partners to combat trafficking. The AU.COMMIT Partners shall be composed of all departments with mandate related to trafficking in persons and will be chaired by the DSA.



## **2. Implementation Phases**

The AU.COMMIT Campaign provides a phased approach to implement this programme to combat trafficking in Africa.

### **Phase I:** *Launching the AU.COMMIT Campaign 2009-2010 and the AU.COMMIT Campaign on Prevention*

This will involve the liaison offices of the RECs, Permanent Representatives Council (PRC), relevant authorities in the Ethiopian Government, development partners, the diplomatic corps, international development organizations, INTERPOL (Addis Ababa), NGOs, the press and media outlets. This phase will set the tone for more aggressive and concrete advocacy aiming at the implementation of the Ouagadougou Action Plan. This will be followed by *AU.COMMIT Campaign on Prevention* through popularisation workshop of the Ouagadougou Action Plan to RECs, Member States, and AU organs.

### **Phase II:** *AU.COMMIT Campaign on Protection 2010-2011*

During this campaign phase, advocacy activities will be undertaken to encourage Member States to reform their laws and policies to provide protection to victims of trafficking.

### **Phase III.** *AU.COMMIT Campaign on Prosecution 2011-2012*

*AU.COMMIT Campaign on Prosecution* will strengthen the campaign by involving enforcement and judicial bodies of Member States to ensure prosecution and penalty of traffickers.

## **V. Participation**

- Member States, RECs, CSOs, and private sector collaborators
- AU Commission departments/directorates including; Political Affairs, Peace and Security, Women and Gender Directorate, Divisions of Social Affairs, Economic Affairs, and Legal Counsel etc
- AU organs such as the African Court of Human and People's Rights ,the African Commission on Human and People's Rights, the African Committee on the Rights and Welfare of the Child, the Permanent Representatives – Committee(PRC) and Pan African Parliament.
- *Civil society (regional and sub-regional networks; Faith based organisations; private sector; development partners, including United Nations agencies;*

*bilateral donors; the Media; Academic institutions; children, young people and women themselves.*

## **VI Cooperation with Partners**

Partners will include the International Organization for Migration (IOM), United Nations Office for Drugs and Crime (UNODC), United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR), International Labour Organization (ILO), and UN Economic Commission for Africa (UNECA), EU Delegation to African Union, and US Delegation to the African Union. The partners will form AU.COMMIT Partners.

**For each activity, a draft detailed concept note has also been developed.**