FMM West Africa
Support Free Movement of Persons & Migration in West Africa

Counter Trafficking

ECOWAS Plans of Action
Assessing the Impact

Funded by the EU
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EXECUTIVE SUMMARY

This report seeks to assess the impact of the ECOWAS plans of action on trafficking in persons over the past decade and, on the basis of this assessment, to make recommendations for a new plan of action on the subject. The impact assessment was conducted at the request of the ECOWAS Secretariat and its Trafficking in Persons (TIP) Unit, within the framework of a project financed by the European Union, and managed by the International Organization for Migration (IOM) with the International Labour Organization (ILO) and International Centre for Migration Policy Development (ICMPD) as implementing partners, for a five-year programme of assistance to ECOWAS on Support for Free Movement of Persons and Migration in West Africa.

The assessment was expected to cover in particular the period between 2006 and 2012, after the ECOWAS TIP Unit was established at the ECOWAS Abuja Secretariat. However, some attention is also given to the earlier period when the ECOWAS Initial Plan of Action (2002-2003) was adopted by West African leaders in 2001, and to the context in which it was adopted. This was a time when international attention was heavily focused on problems of TIP, following the adoption by the United Nations of its Protocol on TIP in December 2000, and when significant donor support was made available for action against TIP worldwide, with a strong focus in West Africa on child trafficking.

The assessment is based mainly on desk work, on a review of materials made available by the ECOWAS TIP Unit and other informed sources, complemented by brief visits to Abuja and Dakar. A questionnaire was distributed by the ECOWAS TIP Unit to its TIP Focal Points in its Member States. There were only four written responses, though several present or former Focal Points were contacted by telephone or in person. The assessment also makes extensive reference to the Annual Reports produced by these Focal Points, particularly for 2011-2012.

There are three main TIP plans of action to assess, complemented by other ECOWAS instruments such as a 2006 Multilateral Agreement on Regional Cooperation to Combat TIP in West Africa (Abuja, 6 July 2006); and a 2009 Regional Policy on Protection and Assistance to Victims of TIP in West Africa (Accra, 3 April 2009). The specific TIP action plans are the 2002-2003 initial plan, the 2006-2009 ECOWAS/ECCAS plan, and the 2008-2011 ECOWAS plan (which essentially repeats the commitments of the initial plan, though with a different timeframe).

The plans have been ambitious, particularly the 2006-2009 ECOWAS/ECCAS plan with its large number of 69 separate commitments in different strategic areas. Each of the plans covers the strategic areas of: legal framework and policy development; protection and support of victims; prevention and awareness raising; collection, exchange and analysis of information; specialization and training; travel and identification documents; and monitoring and evaluation.

As the plans have been ambitious, the timeframes have generally not been met, and it is only now that some of the most urgent commitments in the initial plan are being implemented in certain Member States. But comments from several Focal Points suggest that the ECOWAS plans of action on TIP have played a significant role in building the political will for key law and policy measures. They have also given the ECOWAS region a sense of ownership over its anti-TIP policies and programmes, creating Focal Points, providing regular reporting on achievements and outstanding challenges, and facilitating the exchange of information.

Critically important was the creation of the ECOWAS TIP Unit, which became operational after 2005. It has played an important role of coordination, and its system of Focal Points and Annual Reports has allowed for very useful monitoring and needs assessment. This has promoted a network of influential stakeholders on different Ministries and other agencies throughout the ECOWAS region. The EU project under which this impact assessment has been conducted should now be seen as a new source for
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ECOWAS and its TIP Unit, and a renewed strengthening of the capacity of this Unit will be essential to the success of a future plan of action.

Looking forward, a number of challenges need to be met. The funding environment is less favourable than at the beginning of the century, as many donors have moved on to other priorities. There is a latent tension between those actors who see trafficking as a problem affecting children alone in West Africa (and who are increasingly placing their focus on child protection and mobility); and those who seek an integrated approach against the trafficking of adults and children. Research by both international and national bodies has now identified some new TIP trends in the West African region, such as the trafficking of adult women, and trafficking for domestic work. The influence of international organizations such as UNICEF, UNODC, ILO and IOM is also very apparent. They can pursue their own strategic approaches, independent of the ECOWAS framework, and they can have access to far more resources than the anti-TIP agencies and actors of the ECOWAS Member States. The challenge is therefore to devise a new plan with a strong vision, with a clear set of attainable and relevant objectives, which can also be a useful frame of reference for influential international as well as regional and national organizations, and which may encourage them to contributing their own resources and expertise. The vital importance of resource mobilization, to give practical effect to a future plan of action, cannot be overestimated.

To this effect, this assessment recommends a rather different approach than that taken in the earlier plans to a future plan of action. It needs to take stock of achievements to date, the emerging challenges, and the most pressing needs of Member States. But rather than set out a large number of commitments for more or less immediate implementation, many of them difficult to carry out with the existing level of human and material resources, it is proposed to have a different structure. Consistent with other regional examples, a future plan of action should be for a five year period, more time than was the case for the earlier ECOWAS plans of action. And for each of these five years. It should address a specific thematic priority, identifying relevant actions and success indicators. While it would be the responsibility of the ECOWAS Member States to identify the exact priorities and target groups, this assessment sets out some tentative ideas for a basic model. It could have a focus on the law and policy framework in the first year, as an urgent priority and a prerequisite for effective action in other anti-TIP areas, and also law enforcement. It could be followed in turn for subsequent years of the plan of action by: data collection and analysis; coordination mechanisms; specialization and training; and, in the final year, both protection of victims, and monitoring and evaluation.

Careful thought also needs to be given to the reporting and monitoring mechanisms for a new plan of action. The Annual Reports now need to be more analytical, clearly identifying the new policy and practical measures that have been adopted over the reporting period, learning lessons and identifying gaps, and setting out the specific requirements for technical advice and assistance from the ECOWAS Secretariat itself, and from other relevant sources of regional and international financer and cooperation. And it would be highly useful to have a publicly available synthesis report for the reporting period, drawing on the Annual Reports, and translated into the three languages of English, French and Portuguese. Not only would this play an important role in sharing information across the ECOWAS region, between the Focal Points and other relevant anti-TIP actors in different Ministries and Agencies. It could also be the principal source of reporting progress on anti-TIP action in the region, targeted at a global audience.

It is suggested that such an approach could make a future plan of action more realistic, of higher visibility, could provide a framework for engaging international organizations with resources and relevant anti-TIP expertise in meeting its commitments, and could also play a strategically useful role in national and international resource mobilization.
INTRODUCTION

It is over a decade ago, in 2001, that ECOWAS first began systematically to address the problems of trafficking in persons (hence, TIP) in the West African region. Its Initial Plan of Action against TIP covered the two years between 2002-2003. It was adopted fairly soon after the adoption by the United Nations General Assembly, in December 2000, of the “Trafficking Protocol”, supplementing the United Nations Convention against Transnational Organized Crime, which eventually entered into force in 2003. The initial ECOWAS plan can therefore be considered a timely initiative by its Member States to take on board the commitments of the UN Protocol, and adapt them to the specific needs and requirements of the West African region.

In the years since then, there has been a range of different ECOWAS initiatives, either specifically on the subject of TIP, or of relevance to action against TIP. There have been two further regional action plans against TIP, adopted either by ECOWAS alone or in conjunction with African partners. A comprehensive Joint ECCAS/ECOWAS Plan of Action against TIP, Especially Women and Children in West Africa, covers the 2006-2009 period. More recently, ECOWAS adopted its Plan of Action against Trafficking in Persons (2008-2011).

There have been several other important initiatives. The Ouagadougou Action Plan on TIP was adopted by the African Union in 2006. In July 2006 the leaders of the ECCAS and ECOWAS Member States, “disturbed by the growth of trafficking in these regions” adopted a Multilateral Cooperation Agreement to Combat Trafficking in Persons (especially Women and Children) in West and Central Africa. In Accra in April 2009, ECOWAS adopted its Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa. Furthermore, guidelines have been elaborated for protection, support and assistance to witnesses. Mention should also be made of the ECOWAS Common Approach on Migration, adopted at the 33rd. Ordinary Session of the Heads of State and Government in Ouagadougou in January 2008. The ECOWAS Policy on Child Protection covers the concerns of child trafficking. And in 2013 ECOWAS adopted, in cooperation with the International Labour Organization, its Regional Action Plan for the Elimination of Child Labour, Especially the Worst Forms. This latter instrument is of perhaps particular relevance to action against TIP, given that so much of the focus in the West African region has been on the trafficking of children.

The overall impact of these manifold initiatives has never been assessed on a systematic basis. The ECOWAS Commission established in 2005 a Unit to combat trafficking in persons (hence, TIP Unit), to spearhead and coordinate activities against TIP within its structure. The unit has played an important role since its inception in assessing the compliance of national TIP legislation with the UN Protocol; in helping to develop national plans of action and task forces; and in broad capacity building and training programmes. It also monitors the implementation of the action plans by ECOWAS Member States, through its requirement for an annual report by each of the 15 states. A key role is played in this regard by the TIP focal points in each Member State, who have overall responsibility for preparing these annual reports, and who have met on an annual basis (with one exception in 2013) to report on their country performance and to share their experience. In recent years, the ECOWAS TIP Unit has also engaged in a process of peer review with Member States, leading to summary synthesis reports which highlight the TIP situation in the region and provide insights for further programme activities.

The present impact assessment is conducted, at the specific request of the ECOWAS TIP Unit, within the framework of a five-year EU funded project on Support for Free Movement of Persons and Migration in West Africa. The project is managed by IOM, with the International Centre for Migration Policy Development (ICMPD) and ILO as implementing partners. It has the overall objective of maximizing the development potential of free movement of persons and migration in West Africa, by supporting the effective implementation of the ECOWAS Free Movement of Persons’ Protocols and the ECOWAS Common Approach on Migration. One component of the project is on counter-trafficking, seeking to strengthen both the capacities of the ECOWAS Commission in the area of counter-trafficking, and counter-trafficking monitoring mechanisms. As part of this component, the project will support the
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The ECOWAS Commission is conducting an impact assessment and preparing a new Plan of Action on Combating TIP. This will include:

- Conducting an impact assessment of the implementation of the ECOWAS counter-trafficking policy and Member States initiatives, focusing on the period of implementation of the previous Plans of Action (2006-2011);
- providing technical support to the ECOWAS Commission for the elaboration of a new Plan of Action; and (iii) Organizing a validation workshop with the Member States to validate the results of the impact assessment and the updated Action Plan.

Thus the main objective of this impact assessment is to learn some key lessons from the past experience, of the adoption and implementation of the various action plans and policies in the TIP area, in order to formulate recommendations for future initiatives. The report is structured as follows.

The next section explains the terms of reference and scope of the assignment, and the methodology adopted. The third section discusses what appear to be the main issues and challenges of addressing TIP in the West African region, in the light of specific cultural and socio-economic characteristics and migration patterns. It also seeks to examine how approaches to TIP may have changed over time during the decade under consideration, as the knowledge base has improved, and the ECOWAS Member States may have learned some lessons from the earlier experience.

The next two sections turn to the ECOWAS action plans on TIP and related matters themselves. First, an attempt is made to place the various ECOWAS initiatives in their historical and political context of the past decade. As will be argued, there was very strong international donor interest in funding West African and Africa-wide action against TIP in the years after 2000. Donor policies and priorities appear to have shifted somewhat in more recent years, and these trends can have some impact on the way in which regional and national action plans in the West African region are structured. The specific provisions of the various action plans on TIP are then reviewed in more detail, by reference to the main strategic areas of activity that permeate each of the action plans.

The following two sections seek to assess the impact of the various action plans in each of the 15 ECOWAS Member States. Section 6, based mainly on the 2011-2012 annual reports prepared by the Focal Points in the Member States, seeks to summarize the main achievements in the different strategic areas covered by the action plans, as well as some of the outstanding challenges. Section 7 is deliberately structured more as a qualitative than a quantitative assessment. Based on a small number of written responses to a questionnaire, and also on semi-structured verbal interviews with TIP Focal Points in the ECOWAS Member States, it focuses on the following three questions. Which aspects of the regional plans have added most value to national activities against TIP in the West African region? How useful and effective have been the reporting and information-sharing mechanisms of the ECOWAS Secretariat been, as a basis for assessing impact? And what should now be the major priorities for a new regional TIP plan of action?

A final section first attempts an overall assessment of the main achievements and gaps, and then seeks to identify priorities for a new regional TIP plan of action. This covers both substantive priorities, in the light of emerging TIP trends in the West African region, and a proposed structure and time for a new plan of action. Suggestions are also made for monitoring, reporting and evaluation mechanisms, in order to ensure that the implementation of a new plan of action can henceforth be assessed as rigorously as possible.
SCOPE, METHODOLOGY AND ACTIVITIES UNDERTAKEN

Terms of reference

The consultant was required to conduct an in-depth analysis of the level of implementation of the ECOWAS Action Plans and Policies and of Member States’ initiatives for the 2006-2012 period including:

- Gather all existing material on actions implemented during the period 2006-2012 ion the framework of existing policies and frameworks (ECOWAS Plan of Action of 2002-2003 extended to 2011, Joint ECOWAS-ECCAS Plan of Action 2006-2009, ECOWAS Policy for Assistance and Protection to Victims of Trafficking, 2009 etc.) by both the ECOWAS Commission and Members States.
- Gather all existing material on activities launched and implemented in the area of counter-trafficking by ECOWAS Member States for the period 2006-2012.
- Gather from all relevant partners active in the area of counter-trafficking all available data on activities carried out by Member States during the period 2006-2012.
- Conduct an impact analysis by analyzing thoroughly all information gathered, with a view to categorizing the information and understanding achievements and gaps in the policy and plan implementation.
- Identify areas where additional information is needed, and draft specific recommendations for fact-finding visits in some selected Member States.
- Draft recommendations for the elaboration of a new Plan of Action to be presented to the ECOWAS TIP Unit.
- Produce a report synthesizing findings and present it to the ECOWAS TIP Unit for comments. The report should address achievements, gaps and impact of the policies analyzed.
- Include all comments and consolidate in a final version to be presented to all project partners.

Scope of the impact assessment

The TORs indicate that the main emphasis should be on the period since 2006. This is the year when the comprehensive ECOWAS-ECCAS Plan of Action, covering the four years between 2006-2009, came into effect. It is also the time when the TIP Unit in the ECOWAS Secretariat became operational. It is therefore understood that the main focus of the impact assessment should be on the relevance, impact and implementation of the two most recent plans of action (2006-2009, and 2008-2011); and on the role played by the ECOWAS TIP Unit in supporting and monitoring the implementation of these two plans of action.

Nevertheless, this consultant feels that it would be impossible to conduct a full and adequate assessment without also considering the earlier period, when the initial 2002-2003 Plan of Action was adopted. It was the 2001 meeting of ECOWAS Heads of State, and the consequent drafting of the initial plan of action, that really set the stage for determining counter-trafficking priorities over the following decade. One can see the strong influence of the UN Trafficking Protocol, and also of some of the inter-governmental organizations most active in the counter-trafficking area in the contents and structure of this initial plan of action. As explained by an informant who acted as a consultant to UNODC during this period, UNODC played the most prominent role. Moreover, while the strategic areas of activity against TIP were clearly identified in the initial plan of action, it has taken a long time for some of the ECOWAS Member States to implement these initial commitments (including those on basic law and policy frameworks, the establishment of national task forces on TIP, national plans of action, and units for the coordination of efforts to combat TIP).

In conducting the impact assessment, the consultant also had to decide on the broad scope of the analysis. One form of impact assessment is to “tick boxes”, judging whether or to what extent the individual Member States have implemented specific commitments of the plans of action. This would
be a sizeable task itself, given that there are no less than 69 separate commitments in the 2006-2009 plan of action, and 31 commitments in the 2008-2011 plan of action.

Another form of impact assessment is to review impact of regional instruments and initiatives of national plans, processes and measures of Member States in the ECOWAS region. This is always a difficult exercise, because there can be many external influences on the policies and programmes of individual countries, particularly when they depend on external financial support. Major multilateral and bilateral donors have included the European Union itself, the United States and France, among others. Prominent inter-governmental organizations with regional or national projects and programmes in the ECOWAS region have included the United Nations Office on Drugs and Crime (UNODC), UNICEF, the International Labour Organization (ILO) and IOM itself, as well as a number of international NGOs. It was important to ask, first: to what extent these organizations may have used the ECOWAS plans and policies as a framework for their own activities; second and conversely, what influence these international organizations may have had on the formulation of the regional ECOWAS plans and policies, as well as on the plans and policies of the individual ECOWAS Member States; and third, whether the basic strategic approaches of these international organizations may have changed over time. As will be seen in later sections, key questions include: the linkage between child trafficking and broader concerns of child and social protection; the extent to which counter-trafficking policies and programmes should address the concerns of vulnerable adults, as well as children and adolescents; and the linkages between specifically counter-trafficking policies and broader concerns of migration and free movement.

It was decided to have both a “broad” and a “narrow” or “detail-based” approach to the scope of the impact assessment. The broader approach draws on this consultant’s extensive international experience with counter-trafficking policies in different parts of the world over the past decade. This gave an opportunity to compare the trends in West African strategic visions and approaches with those in other regions. Though it can be difficult to measure progress on these issues over time, it was considered essential to take this broader approach to the impact assessment, in view of the strategic policy challenges that are now facing the ECOWAS countries. For these reasons, the next section of this report discusses conceptual issues and challenges.

As for the “narrower” or more “detail-based” aspects of the assessment, this report does not seek to be judgmental or critical of individual ECOWAS countries. It is obvious that some countries (a clear example being Nigeria) have had a longer history of counter-trafficking policies, the best endowed administrative structures, the greatest allocation of financial resources, and have also been able to draw on lessons of national practices to influence the formulation of regional policies and programmes. Others are weaker states with far less resources. Moreover, the political context also varies considerably, and has influenced the TIP concerns that governments have had to confront. There have been countries emerging from a lengthy history of conflict, and countries which are now experiencing new social and inter-cultural tensions.

In this context, rather than proceed country-by-country in the impact assessment, it was decided to structure the assessment around the main strategic areas that are covered in each of the action plans. These are:

- Legal framework and policy development
- Protection and support of victims
- Prevention and awareness raising
- Collection, exchange and analysis of information
- Specialization and training
- Travel and identification documents

While the plans appear not to address this subject specifically, attention has also been given in the analysis to coordination mechanisms, both between the different government agencies, and between government and civil society.
Methodology and Activities Undertaken

The consultancy involved 40 days of professional work between mid-January and early April 2014. In view of the time and budgetary limitations, the assessment consisted primarily of desk research at the consultant’s home base in London. An initial visit was made to Abuja between 27-31 January 2014, the main aim of which was to meet with relevant project staff of the IOM itself, of the ILO and ICMPD as implementing partners for the EU project, and with the Head and other staff of the ECOWAS TIP Unit in Abuja. Efforts were made during this visit to gather as much material as possible, particularly the annual reports of Member States to the ECOWAS TIP Unit, and the reports of the annual meetings of the focal points.

A brief questionnaire with explanatory background information was then prepared in the three languages for the ECOWAS TIP focal points in the different Member States. Though calling if possible for written responses, a further purpose of the questionnaire was to prepare the ground for follow-up verbal interviews with the different focal points. This was considered important, in order to gather the perceptions of the different focal points as to the value added of the ECOWAS action plans and policies to anti-trafficking policies and programmes in the different ECOWAS countries.

A three day visit to Dakar, Senegal, was made between 3-6 March 2014. The main purpose was to meet with the regional offices and experts of international organizations (IOM, UNICEF, UNODC, ILO and UNHCR), as each of these has been involved at different stages in either the formulation of the ECOWAS plans of action, or implementation of certain activities and projects by reference to these. The meetings with these organizations at regional level proved invaluable, for understanding changes over time in their strategic approaches to counter-trafficking in West Africa. In visiting Senegal, it was also considered important to include the perspective of a Francophone ECOWAS country, through meetings with government officials, NGOs and other civil society groups. Extensive interviews were held with the present and former TIP Focal Points for Senegal.

In the absence of first-hand information that might have been gathered through field research and visits to the individual countries, the main challenge has been to organize the impact assessment on the basis of very limited materials. The main information provided to the consultant by the ECOWAS TIP Secretariat has been the three sets of annual reports prepared by the ECOWAS Member States for the 2009-2011 period, together with the brief reports of three annual meetings of the TIP Focal Points. These provide some basis for assessment, though the reports rarely provide the in-depth or analytical information which might facilitate a real understanding of the impact over time of the ECOWAS plans of action or other initiatives and policies at the national level.

To compensate for the information gap, the consultant first made a concerted effort, mainly through web searches, to gather and analyse all available information concerning anti-trafficking policies in programmes in the individual ECOWAS countries. These efforts in fact unearthed a substantial amount of material. Much of this involved reporting on the regional or multi-country projects of inter-governmental organizations or NGOs. Significantly, the largest part of available information covered the period between approximately 2001-2008, when these organizations first began to implement well-financed anti-trafficking projects in the West Africa region. Rather less information has been available for the 2008-2013 period. At the same time, there seems to be a substantial and growing information base concerning the broader issues of child protection and child mobility.

TRAFFICKING IN PERSONS IN WEST AFRICA: CONCEPTUAL ISSUES AND CHALLENGES

There has been much debate, concerning the meaning and concept of TIP in West Africa, and also concerning the issues that should be accorded most priority. For this kind of report, there is no need to
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discuss in great detail the numbers affected, or the trafficking routes of flows. These have been covered extensively in the global and regional reports of UNODC, ILO and UNICEF, among others. Over the past several years, the annual Trafficking in Persons reports of the US Department of State have also summarized the main features of human trafficking in each African country - for example assessing whether they are origin, transit or destination countries for victims of human trafficking; whether the victims tend to be children, women and men; and what are the sectors in which the victims are trafficked for either sexual or labour exploitation. The US reports also assess the performance of each Member State in the three areas of prosecution, protection and prevention.

Patterns and forms of TIP

An attempt to summarize the main forms of TIP in the West African region was made in the background paper prepared for the 2001 Expert Meeting, that prepared the technical ground for the adoption of the 2001 ECOWAS Declaration and Initial Plan of Action. It distinguished between two main types of trafficking in the sub-region: trafficking in children mainly for domestic work and farm labour across and within national borders; and trafficking in women for sexual exploitation mainly outside of the sub-region. The paper observes generally that, like many parts of the world, the sub-region has experienced “a dramatic expansion in the traffic in persons in the last thirty years”. The involvement of organized crime has driven this growth. The movement of trafficked people within, through and from the sub-region is seen as complex, and driven by traditional practices as well as the exploitation of victims on an international scale. “Children are moved within and between countries to work as domestic, in agriculture, or in the markets. Women are tricked with promises of good jobs abroad into forced prostitution in Europe or the Middle East. Many young people seeking gainful employment fall into the hands of unscrupulous recruiters who use violence to gain control of them once they are removed from their home villages”.

More recently, the United Nations Officer of the High Commissioner for Human Rights provided a slightly different typology. It distinguished between the exploitation and forced recruitment of children, trafficking in women and similar practices, and exploitation of migrants’ labour in Western and Gulf countries. The principal forms of trafficking in children are listed as: forced marriages; traditional placement of children with their close or distant parents; domestic work; prostitution; servitude; forced recruitment of soldiers; and begging. Trafficking of women and similar practices includes in particular that practice of forced marriages, and the prostitution of women and girls. As regards migrant labour this study observes that “Another form of trafficking in persons may be identified in countries such as Senegal, Mauritania, Guinea and Guinea Bissau, which are the main transit countries for migrants heading to Europe and the Americas. Some of these young people are the victims of trafficking for labour exploitation in companies or factories in Western countries”.

As regards trafficking of women for sexual exploitation the knowledge base appears greatest in Nigeria, where much research has now been conducted. The widespread exploitation of Nigerian women in the sex trade of different destination countries, particularly in Western Europe, is well attested. Often the victims of organized crime, they account for much of the prostitution in a range of destination countries. The forms of both physical and psychological coercion against these young women, including spiritual threats and voodoo, have also been widely documented. Young Nigerian women and girls are also trafficked in other African countries, including Benin, Gabon, Cameroon, Equatorial Guinea and Senegal.

For other countries, if was difficult to find systematic research concerning the trafficking of adults, for either sexual or other forms of exploitation, or within or outside the region. The IOM provided interesting recent overview studies on Niger and Senegal. The Niger study examines the trafficking of women as well as children, as also the linkages between migration and trafficking flows. The Senegal study focuses on the trafficking of women for domestic work as well as sexual exploitation. For the most part, however, the various potential forms of trafficking of adults appear at present to be under-researched. As will be seen below, the main focus has been on the trafficking of children.
Child Trafficking and Exploitation: Cultural and Socio-Economic Factors

On the actual nature of child trafficking and exploitation, analysts (including some TIP Focal Points) have tended to highlight two main trends. One is the alleged trans national trafficking of children and adolescents for labour exploitation on the farms of the major cocoa producing countries. The other is the exploitation of *Talibé* children in the Qur’anic schools of the predominantly Muslim countries, who are allegedly trafficked into begging on behalf of their *Marabout* masters. The complex issues have been well summarized in a 2012 UNICEF briefing paper on the subject. Explanations of why *Talibés* have to beg highlight the need of the *Marabout* to feed the children in the *Daara* traditional school, since poor parents do not pay any fees. Some religious teachers are accused of being “false Marabouts”, who do not teach the children but rather force them to beg by providing harsh punishments if they do not bring back a fixed amount of money every day. At one end of the spectrum, the *Marabouts* are represented as having no other choice than sending the *Talibés* out to beg. At the other end of the spectrum, *Marabouts* are portrayed as exploitative and as recruiting *Talibés* for the purpose of increasing their revenues by forcing the children to beg. And as the problems may be due to lack of regulations, it is important to understand in each country why the state has not issued, or does not enforce, legislation to regulate religious education.

The perception that *Talibé* children are trafficked into their forced begging activities is quite widely held. The US Government for example, in its recent country TIP reports, has raised this issue in a number of West African countries. As the UNICEF Briefing Paper observes, however, it is important not to generalize. “The image of begging *talibés* often hints at a critique of Muslim parents and *Marabouts*, which does not fully take into account changes that are already happening, such as the development of *Madaris* for full-time education and *Daraas* that are suited to children who attend state schools or work. The hazards should not be ignored but the failure to see that so-called traditional practices are changing in diverse ways hinders identifying how best to protect and support these children and their families”.

The issue clearly remains a highly sensitive one in the region. While there is substantial evidence that the worst cases can amount to serious abuse of children, deserving criminal prosecution for TIP and related offences, the different dimensions of these practices need to be examined carefully in their national cultural and socio-economic context.

The issue of child trafficking in West African cocoa production has received widespread international coverage. In recent years international human rights and development NGOs, such as Anti Slavery International and Save the Children, have launched well publicized campaigns to end child trafficking in this industry. An example is a 2010 publication by Anti Slavery International, which observes that the practices occur in the context of large-scale movements of people within the region including the trafficking of children to agricultural and other activities.

However, as again observed in a UNICEF briefing paper, two different perspectives inform research and policy work on children’s work in cash crops in the region. One has trafficking in persons and new forms of slavery at its core, and is closely linked to children’s work on cocoa farms in particular West African countries. The second perspective is child centred and focuses on children’s work on the family farm, the actual work on cocoa farms by children of different ages, children’s labour migration and the importance of social networks, and children’s views on work in cash crops. “The documentation

1 *Talibé* is used as a generic term for boys and less frequently girls who learn the Qur’an in a traditional school, whether or not they are involved in begging.
2 *Marabout* is the term used for the Islamic teacher who leads the school and teaches children the Qur’an.
emerging from these studies contests allegations of trafficking and, in particular, of any form of slavery being commonplace in cocoa farms”.

While there may be ongoing debates as to the extent to which children and young persons are trafficked in the cocoa industry and other sectors of commercial agriculture in West Africa, the issue remains very much in the international limelight. There has been extensive media coverage, including BBC reports. Substantial international finance has also been made available, by both government and private sectors sources, to support action against child labour and trafficking in this sector. In 2010 the US Department of Labour launched a US$ 10 million programme to eradicate child labour in West African cocoa, much of this channelled through the ILO. The issue has had particularly high profile in the United States, where the major chocolate companies source most of their cocoa from West Africa. In September 2001 chocolate and cocoa industry representatives signed an agreement with US legislators6 to eliminate the worst forms of child labour in the growing and processing of cocoa beans and their derivative products. It contained a six-point approach to the solving of specific problems. A comprehensive framework of action to support implementation of this agreement was adopted in 2010, with participation of the major chocolate companies. It provides among other things for extensive surveys, data collection and monitoring at the community and national levels.

**Child Trafficking and Child Mobility**

Rightly or wrongly, most of the emphasis in West Africa has been on the trafficking of children. Even before the adoption by the UN General Assembly, in December 2000, of the “Trafficking Protocol” to the UN Convention against Transnational Organized Crime (UNTOC), organizations such as the ILO and UNICEF had secured ample funding for large regional projects against the trafficking of children. An important catalyst was the adoption by the ILO of its Worst Forms of Child Labour Convention (Convention No. 182) in 1999, which covers the concerns of child trafficking. The ILO’s LUTRENA project, which addressed mainly the trafficking of children for labour exploitation, commenced in 1999. It had a strong policy component, advocating in particular for national policies and plans of action against child trafficking. During the same period, the IOM implemented its regional programme of direct assistance to child victims of trafficking in West Africa.

In April 2002 UNICEF published its report on policy responses to child trafficking in West Africa. This study focuses mainly on prevention and protection strategies, calling for more emphasis on education and productive schemes, in addition to the widespread awareness-raising programmes being carried out in the region. However, as a number of international organizations including UNICEF began to implement projects against child trafficking in the West African region, concerns grew among analysts that the focus on the prevention of movement could be counter-productive, and might in fact do more harm than good for the children at risk. An example is the evaluation of a Swedish SIDA-funded UNICEF project, implemented in Burkina Faso, Mali and Nigeria between 2003-2006. It appears that the three country programmes were different in design and scope. The Nigerian programme had a greater emphasis on prevention, while in Burkina Faso and Mali there was relatively more focus on return and reintegration of children. Yet it was argued in this evaluation that the return and reintegration of children, in the way it was practised in Burkina Faso and Mali, may have caused harm. The children may have been “exposed to dangerous situations” or “returned to unsafe home conditions”. The FAFO evaluation therefore recommended a change in concepts and focus for future projects, for example: (i) changing the role of village committees from surveillance to advocacy (ii) changing the focus from the trafficking victim to the relocating child (iii) changing the role of local authorities from policing relocating children to protecting them, and (iv) making legal authorities persecute perpetrators, not victims.

Several policy analysts have made similar points about the unintended side-effects of anti-trafficking programmes which place excessive emphasis on surveillance and criminal law enforcement, and

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6 This is widely known as the Harkin Engel Protocol, aimed after the two US legislators who promoted it.
insufficient emphasis on broader principles of protection. One author argues that the main focus on the trafficking of children was in the decade from 1997-2007, and that the problems may have been greatly exaggerated because of an assumption that all children or young adults who migrated from their home places had been trafficked. “During the decade from 1997 to 2007, numerous organisations concerned about the welfare of children in West Africa thought that child trafficking, or even child slavery, was a major problem in the region. This concern was provoked by publicity, mainly by organisations based in Western Europe or North America, of the predicament of West African children who travelled long distances away from home, sometimes to another country, to work in conditions which were onerous and bore some or all of the hallmarks of slavery”.

As this author argues furthermore, “The assumption was that the victims of trafficking had been moved from one place to another against their will and that they should be dispatched back home as quickly as possible. This interpretation was fuelled by the concern of Western governments about irregular migration and their determination to see as many irregular migrants sent home as possible. The priority given to strengthening the law meant that money was pumped into law reform and into enabling the police to learn how to detect cases of trafficking and how to respond. In West Africa, relatively little early on in the decade to understand the reasons why so many children were on the move and what could be done to reduce the probability that they would be abused. Following the logic that traffickers were moving children against their will, both NGOs and police in several West African countries started intercepting children who were moving from one place to another to find work, whether they were pre-teens or “almost adults” between 16 and 17. As few had actually been “trafficked”, it was rarely in their best interests to be repatriated or returned home. In contrast, little was done anywhere to improve the working conditions of either adolescents or younger children and virtually nothing was done to punish the employers who abused their child workers”.

The above article reflects the perceptions of some analysts that the early strong focus on child trafficking (at the time when the ECOWAS Initial Plan of Action was adopted) was driven in large part by external priorities and finance, rather than by a deep knowledge of West African reality. In more recent times, there has been a growing effort to understand the reasons why so many children migrate, and to base policies and project interventions more on the rights and the interests of the children themselves.

An important initiative was the creation, in 2008, of a Regional Platform on Child Mobility, convened by UNICEF, and with the participation of inter-governmental organizations including IOM and ILO, and the most important NGOs working in the areas of child rights and child protection. The Platform’s studies of both working and non-working children in several West African countries concluded that many of these children and young persons migrated of their own free will, and could not be considered as “trafficked” into exploitation. And the studies observed that the vigilance committees created at village level had misunderstood their role, seeking to prevent any children from undertaking migration rather than focusing their attention on likely cases of trafficking.

In summary, the problem of trafficking in persons throughout West Africa is seen mainly as one that affects children and young persons, particularly for labour exploitation, though there have been growing concerns regarding the trafficking of women and also children for sexual exploitation both within and outside the West African region. In more recent years, for example, a number of the projects funded by European donors have sought to address these problems through partnerships between the West African sender countries and the European destination countries.

On the subject of child trafficking, there are indications that the perceptions of both West African researchers and policy analysts, and the international organizations that have financed and implemented much of the policy and operational work on trafficking in West Africa over the past decade, have changed as more in-depth research is conducted on child migration and participation in education and the labour market. The early years of ECOWAS activity coincided with a period when such international organizations as UNODC, UNICEF, ILO and IOM were implementing their first
generation of anti-trafficking projects in the West African region, on the assumption that very substantial numbers of children and adolescents were trafficked into various forms of exploitation.

As the decade progressed, there was relatively more emphasis in the strategic planning documents on protection and support to victims of trafficking, as well as on prevention including community prevention networks and mechanisms. All of this suggests a gradual merging, of action against specifically child trafficking on the one hand, and on the other hand the broader concerns of child protection.

THE ECOWAS ACTION PLANS IN THEIR HISTORICAL CONTEXT

To prepare the ground for the later impact assessment, this section provides a brief overview of the context in which the various ECOWAS initiatives relevant to action against TIP were adopted. It covers not only the policy documents and plans concerned specifically with TIP, but also other instruments that can be highly relevant to action against TIP (e.g., the common approach on migration, and action plans against child labour and its worst forms). The specific provisions of the action plans concerned specifically with TIP are examined in more detail in the following section.

Context of the Initial Plan of Action

It was in 2001 that ECOWAS Member States first declared their commitment to the eradication of TIP, adopting a “Declaration on the fight against trafficking in persons” together with the Initial Plan of Action against Trafficking in Persons for the 2002-2003 period. The Plan was initially extended to 2007, then later reviewed and extended to 2011.

The Declaration and initial plan can be seen in large part as a commitment by ECOWAS leaders to take on board the new UN Protocol on TIP, adopted the previous year, and to adapt it to the needs of the West African region. As acknowledged in the Declaration, the United Nations Office on Drugs and Crime (UNODC) assisted with drafting the initial plan. UNODC (at that time called the United Nations Office for Drug Control and Crime Prevention, ODCCP) combined with ECOWAS to organize an Expert Meeting in Accra in October 2001, the conclusions of which formed the basis for the commitments in both the initial and later plans of action against TIP. A background paper was prepared for the Accra meeting. This provided an overview of TIP in West Africa, and a discussion of the problems to be addressed. In conclusion, the document set out a 15-point list of the main policies and actions that were deemed necessary to combat TIP in West Africa.

At the same time, there has been important cooperation between ECOWAS and other international organizations, including IOM. In the area of prevention, for example, in 2000 ECOWAS launched in cooperation with IOM a Regional Consultative Process including among its regional fora the Migration Dialogue for West Africa, which aims to deepen discussions among Member States of common migration issues, including TIP.

The initial plan, with its strong emphasis on the trafficking of children, also appears to reflect the influence of the regional projects and programmes against child trafficking, implemented by such international organizations as ILO and UNICEF. As noted above, it was widely believed at that time that most of the West African children who undertook international migration for work had been trafficked into this situation.

Cross-border TIP and Bilateral Agreements

With the emphasis on cross-border TIP, particularly of children, the early period also saw a number of bilateral agreements. These are legal instruments particularly adapted to cross-border action against TIP, in which the participating countries themselves define the scope of their interventions. Mali has
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often been seen as a pioneer country in this area, and was involved in several of these agreements at the beginning of the century. An agreement between Mali and Cote d’Ivoire addressed cross-border cooperation for the repatriation of TIP victims, as well as the detection and tracing of traffickers. Further bilateral agreements were signed between Burkina Faso and Mali in 2004; Mali and Senegal in 2004; Mali and Guinea in 2005; and Benin and Nigeria in 2005.

The Mid period: 2006-2009

This is an important period of the assessment, in which several relevant issues and trends can be detected.

First, it is the time when the ECOWAS TIP Unit becomes fully operational, thus enabling the Secretariat to exercise more effective monitoring of the commitments under the initial Plan of Action. In 2006 this became a fully-fledged unit under the Social Affairs Division of the Department of Humanitarian and Social Affairs of the ECOWAS Commission. In its early years, when it appears to have been at its greatest strength, it consisted of a unit coordinator, a Francophone as well as Anglophone adviser, and an administrative assistant. It also received an important degree of support from UNODC during this period. UNODC’s voluminous training manual, seeking to provide assistance for implementation of the first ECOWAS Plan of Action on TIP, was published in 2006. This is part of a UNODC project to assist the ECOWAS Secretariat and its Member States in implementing the Plan of Action, particularly as it relates to assessment of existing national legislation and the drafting of new legislation in line with the UN Trafficking Protocol.

The ECOWAS TIP Unit quickly began to make an important contribution to the efforts of the Member States. During 2006-2007, in partnership with UNODC, it carried out an assessment of legal frameworks on TIP within Member States. It also conducted a training course for National Task Forces on the development of national Plans of Action and programme planning. It also conducted training on how to combat TIP in emergency situations.

Second, this period sees Africa-wide initiatives for comprehensive action against TIP, as well as efforts to increase cooperation between African sender countries and European destination countries for TIP victims.

At the level of the African Union, in November 2006 the “Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children”, was adopted by Ministers of Foreign Affairs, Migration and Development at an Africa-European Union Ministerial Conference on Migration and Development, held in Tripoli within the framework of the Africa-EU partnership on Migration, Mobility and Employment (MME). This addresses the problems of TIP in a rather different framework from a narrower perspective on criminal law enforcement, with a focus on the better management of migration flows as well as the generation of more employment. It thus has a strong focus on a victim-centred approach, a need to address the root causes of TIP in both origin and destination countries, and on the empowerment of women and children. Otherwise put, the principal entry point can be seen as one of poverty reduction and development, rather than security and law enforcement.

Third, it is approximately at this time that the first generation of anti-trafficking projects, implemented by international organizations together with the governments of ECOWAS Member States, was coming to an end; and that their results were being evaluated. As seen earlier, this involved something of a paradigm shift away from a predominant focus on child trafficking, and the need to provide greater protection for children and young persons in a state of mobility.

The combined action by ECOWAS and the Economic Community for Central African States, to adopt in July 2006 their Joint Regional Plan of Action to Combat Trafficking in Persons for the 2006-2009 period, has to be seen in the context of growing efforts by the African states to increase their cooperation. The regional plan was adopted together with a resolution and a multilateral cooperation agreement, the Multilateral Cooperation Agreement to Combat Trafficking in Persons (especially Women and Children)
in West and Central Africa. The main preparation for the new instruments was an ECCAS/ECOWAS meeting of experts, held in Libreville in May 2006, with the sponsorship of UNICEF, UNODC and ILO.

2008-2012

An important event at the beginning of this period was the adoption of an ECOWAS Common Approach on Migration, at the 33rd. Ordinary Session of the Heads of State and Government (Ougadougou, 18 January 2008). This document places action against TIP within broader approaches to migration and free movement of persons, and migration and development action plans. Combating human trafficking is declared to be a moral and humanitarian imperative. The main actions to control irregular migration and human trafficking, particularly women and children, are: (i) fighting against irregular migration and human trafficking (ii) strengthening the dialogue framework between ECOWAS, host countries and transit countries (iii) strengthening migration management capacities, and (iv) strengthening the protection and assistance system for victims of human trafficking.

This common approach was adopted at a time of serious conflict, and a consequent growing problem of refugee movement across borders, in some of the ECOWAS countries. This seems to be alluded to in the section on strengthening the dialogue framework. “In view of the numerous challenges related to irregular migration, especially the turning back of migrants often in difficult conditions, human trafficking and irregular migration, human rights of migrants, forced or voluntary returns, it is clear that bilateral agreements concluded by some ECOWAS Member States with host countries are not sufficient to address these multi-dimensional problems. ECOWAS Member States undertake to strengthen their cooperation with regard to controlling irregular migration within the ECOWAS framework”.

At around the same time, ECOWAS adopted its third Plan of Action against Trafficking in Persons (2008-2011). This is essentially an extension of the earlier plans of action, with new time frames for meeting each of its 31 commitments. As stated in the introductory paragraph, the document “outlines the most urgent actions against trafficking in persons to be taken on by the ECOWAS Member States within the years 2008-2011, the focus will be on criminal justice responses, prevention of trafficking, care and protection of victims, and general measures to combat trafficking in persons in the West African sub-region”. There is thus no attempt in the latest document to identify any significantly new priorities or change of overall vision.

A significant event the following year was the adoption, in Accra on 3 April 2009, of the ECWAS “Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa”. This draws heavily on a similar policy adopted by Nigeria the previous year. The document is of much importance, in that it accords priority to a victim-centred approach, and the need for improved identification of victims, in the context of West Africa with its rampant poverty, armed and social conflicts, forced migration, and growing feminization of migration. As observed in the introduction: “In West Africa, trafficking is mainly rooted in rampant poverty. Traffickers take advantage of the high demand for migrant workers in many local industries inclusive of mining, agriculture, fishing, restaurants, bars, massage parlours, commercial sex activities, petty trade, and a range of activities in the so-called informal sector”, and “Violence against individuals or communities, natural disasters, armed conflicts, social conflicts that fuel forced migration and increase vulnerability of children. And young girls and women are contributing factors to trafficking. The growing feminization of migration increases trafficking risks”.

The new regional policy on protection and assistance to victims clearly sets out a fourfold vision, mission statement, goal and scope. The vision is to establish and maintain a supportive and friendly environment, where victims of human trafficking and exploitative/hazardous child labour have equitable access to protection and assistance in West Africa. The mission statement is a commitment to restoration of the victims of human trafficking and exploitative/hazardous child labour to the fullest state of physical, psychological, social, vocational and economic wellbeing through sustainable assistance programmes. The goal is to ensure that victims of human trafficking and exploitative/hazardous child labour are assisted to become functional members of the society. The
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Recent developments

Technically speaking, this impact assessment covers only the period up to 2012. It is still useful to comment on some recent developments.

As noted, the 2009 regional policy on protection and assistance jointly addresses the concerns of TIP and exploitative child labour. The following year in 2010 the ILO received a very substantial grant to, inter alia, reinforce the capacity of ECOWAS to eliminate the worst forms of child labour in the sub-region. In 2013 ECOWAS, with ILO support, adopted its Regional Action Plan for the Elimination of Child Labour, Especially the Worst Forms. The basic goal is to eliminate worst forms of child labour in West Africa by 2015, while laying the foundations for complete elimination of child labour. Among the strategic objectives is to strengthen institutional mechanisms at ECOWAS for Monitoring and Evaluation, including peer review. The regional plan also requires ECOWAS Member States to develop and implement a National Action Plan against the worst forms of child labour; and to establish a child labour unit in an appropriate department of the national government, to be a focal point for all activities related to child labour in the Member State. Given that the ILO concept of the worst forms of child labour encompasses the trafficking, slavery and forced labour of children, the commitments under this new regional plan of action can have implications for the coordination of action by ECOWAS member States against child trafficking. The issue will be discussed further in later sections of this report.

SPECIFIC COMMITMENTS OF THE ECOWAS PLANS OF ACTION ON TIP: DETAILED REVIEW

This section reviews the specific commitments of the various ECOWAS Plans of Action since 2002. First, a summary is provided of the 2000 United Nations Protocol on TIP, which has provided much of the inspiration for much of the ECOWAS initiatives. Second, the approach, structure and main substantive content of each of the three main ECOWAS instruments is reviewed in turn.


The Protocol supplements the United Nations Convention against Transnational Organized Crime, and is to be interpreted together with the Convention. The purposes of the Protocol are: (a) To prevent and combat trafficking in persons, paying particular attention to women and children (b) To protect and assist the victims of such trafficking, with full respect for their human rights, and (c) To promote cooperation among State Parties in order to meet those objectives.

Article 3 explains the use of the terms in the Protocol, and provides a basic (if lengthy and complex) definition of TIP. Article 5 deals with Criminalization. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in the
definitional Article 3, when committed intentionally. The second section of the Protocol is concerned with **Protection of victims of trafficking in persons**. It covers a range of issues, including:

Assistance to and protection of victims of trafficking in persons (Art.6); status of victims of trafficking in persons in receiving States (Art.7); repatriation of victims of trafficking in persons (Art.8). The third section of the Protocol is concerned with **Prevention, cooperation and other measures**. Specific commitments cover: Prevention of trafficking in persons (Art.9); Information exchange and training (Art. 10); Border measures (Art.11); Security and control of documents (Art.12); and Legitimacy and validity of documents (Art.13).

It can thus be seen that the UN Protocol provides the basis for the integrated and three-pillared approach to action against TIP, combining prosecution, protection and prevention. It also contains important provisions and principles on international cooperation.

**ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)**

This document is deliberately formulated as an initial plan, identifying the most urgent actions to be taken over the two-year period, with a focus on criminal justice responses. It is envisaged that a more detailed and far-reaching action plan shall be developed in the year 2003, on the basis of an in-depth evaluation of the implementation of the initial plan.

The initial plan contains 31 commitments. The largest number (13) concern the legal framework and policy development. Member States are required to ratify forthwith and fully implement a range of regional and international instruments, including: the ECOWAS Convention on Mutual Assistance in Criminal Matters and the ECOWAS Convention on Extradition; the African Charter on the Rights and Welfare of the Child; and the UN Protocol on Trafficking in Persons. They are also required to adopt laws criminalizing TIP in line with the UN Convention and Protocol, and to adopt and implement the laws and administrative structures needed to support its provisions. There should also be legal provisions for the protection of victims of trafficking, ensuring that domestic legal systems contain measures that offer TIP victims the possibility of obtaining compensation for damage suffered. Other commitments relate to: appropriate measures that permit TIP victims to remain in the territory, temporarily or permanently, in appropriate cases; responsibility for TIP victims by facilitating and accepting, with due regard to their safety, the return of TIP victims without undue or reasonable delay; and measures that permit entry into the country, or deny visas to, persons wanted for the commission of crimes related to TIP.

In the administrative area, ECOWAS Member States commit themselves to establish a National Task Force on TIP, bringing together relevant Ministries and Agencies, and calling on Inter-Governmental Organizations, NGOs and other civil society as necessary. The Task Force designated by each State shall develop recommendations for a national plan of action against TIP. The initial plan also provides for the establishment of the TIP Unit in the ECOWAS Secretariat.

Three commitments relate to the protection and support of TIP victims. These cover measures to create or develop the capacity of reception centres to shelter TIP victims (in cooperation with NGOs and other civil society representatives); encouragement to TIP victims to testify in the investigation and prosecution of cases of TIP, by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, permitting them to remain in the territory; and the establishment of a fund for TIP victims. A further three commitments concern prevention and awareness raising (including materials, culturally appropriate public awareness campaigns, and the dissemination of information materials to visa applicants, and distributed to any other part of the travelling public at international borders and on public transportation and carriers).

There are two important commitments on the collection, exchange and analysis of information. There shall be direct channels of communication between border control agencies. They shall initiate or
expand efforts to gather and analyse data on TIP. They shall also share such information, as appropriate, with law enforcement agencies and other agencies of countries of origin, transit and destination, as well as with relevant international organizations. State with shared borders shall also establish joint border patrols trained in the prevention of TIP.

As regards specialization and training, States are to create special units, within existing law enforcement structures, with a specific mandate to develop and effectively target operational activities to combat TIP. They shall also consider the establishment of joint investigation units. They shall provide and strengthen training for different actors, and prepare training materials on TIP for embassy and consulate staff who deal with immigration and visa services.

There are four commitments on travel and identity documents. These include: the provision of travel documents or other authorization to enable TIP victims without proper documentation to travel and re-enter a country’s territory, on the request of a receiving State; verification of suspect travel or identity documents, at the request of another State presented with suspected TIP cases; ensuring the birth certificates, travel and identity documents are of good quality, and cannot easily be misused or falsified; and encouragement for commercial carriers to take precautions against their means of transport being used in TIP. States shall further adopt provisions requiring that all documents for minors travelling alone be held for them by the carrier until they have reached their destination.

There are three commitments for the monitoring and evaluation of the initial plan of action. States through their Task Forced shall report on a bi-annual basis to the ECOWAS Secretariat. The ECOWAS Secretariat shall report every six months to the Ministerial Meeting of the Mediation and Security Council. And the ECOWAS Secretariat shall organize an Expert Meeting for 2003 to evaluate implementation and recommend further actions.

The initial plan of action was immensely ambitious. It covers a large range of issues, seeks to involve a large number of different government ministries and agencies, and requires the formulation of law and policies as well as new administrative structures and task forces. All of this was expected to be achieved in a very short span of time, by the end of 2003 at the latest.


The second plan of action is presented in a somewhat different way from the first. It begins with the development objective that “All women and children within ECCAS and ECOWAS regions benefit from effective protection measures against TIP”. The rest of the plan is set out in tabular form, in six columns on, respectively: strategies/activities; success indicators; responsible institution; sources of verification; risks/assumptions; and timeframe.

One striking thing is the number of specific commitments, 69 altogether and more than twice the number in the initial plan of action. The strategic areas are basically the same as in the initial plan of action. The difference, however, is in the degree of detail. Moreover, there are clear indications that the drafting of the plan has benefited from the establishment of the ECOWAS TIP Unit, and has been able to draw on some of the capacity building materials produced.

There are examples in the section on the National Political Framework. One commitment is that States shall designate a National Focal Point for issues related to TIP and give it the means to operate. The structure will coordinate the National Task Force. A further commitment is that States shall recognize and apply a number of implementation tools, such as: a Model law against TIP; a Model national task force against TIP; a Model Bilateral Agreement on Cooperation and Mutual Legal Assistance; Guidelines for the Protection of Child Victims of Trafficking; and a Model of child trafficking monitoring system for West and Central Africa.
Some key aspects, such as the mobilization of the necessary resources, are formulated in rather general terms. For example, there is a commitment that States shall mobilize necessary resources for the implementation of programmes and the proper functioning of bodies combating trafficking. The success indicator is an “effective resources mobilization strategy”. The responsible institution is the national Government. The source of verification is the report on the status of funding of anti-trafficking, included in the Annual Report of Member States. The risk/assumption is the “lack of political will” or “lack of resources”. The timeframe for meeting this commitment is December 2007.

In the areas of protection, repatriation of victims, and integration into the country of origin, the 2006-2009 plan makes extensive reference to a publication on “Guidelines for the Protection of the Rights of Child Victims of Trafficking”. In the area of prevention and awareness raising, there is a strong focus on the involvement of local communities. For example, there should be studies to determine community perceptions on the issue of trafficking and exploitation, and develop appropriate strategies for behaviour change. States shall encourage and support the development of community prevention mechanisms against TIP, to be developed in origin, transit and destination countries/zones.

The 2006-2009 plan also addresses in far more detail than the initial plan of action the important questions of research and data collection. There are five specific commitments. Because of their importance, these commitments are displayed in full in the box below.

**Commitments on Research and Data Collection in the 2006-2009 Plan of Action**

- **States shall, in a systematic manner, map national actors and stakeholders with a view to identifying their synergistic combinations at the intra-state and inter-state levels in combating trafficking.**

- **States shall strengthen investigations in destination areas in order to develop targeted intervention strategies for the problem of demand.**

- **States shall, in conformity with national legislation, compile a register of all persons convicted of trafficking; the register must contain photographs of all such persons and be accessible to all relevant anti-trafficking partners.**

- **States shall identify an institution to coordinate the collection, analysis and dissemination of data on a regular basis on trafficking. The data collected should cover information on the problem of trafficking itself (data on victims according to age, sex, place of origin, mode of transport etc; data on movement flows) and also on the responses to it (legal actions, surveys carried out, traffickers arrested, penalties applied, reintegration programmes developed, government actions) and on available resources.**

The timeframe for meeting the first four of these commitments is December 2007, and for the fifth it is December 2009.
Among the global measures, there is a commitment that States shall mainstream anti-trafficking strategy into their national development frameworks and poverty reduction strategy paper. An indicator is the number of States that effectively do this, before the deadline of December 2008.

As for national and regional monitoring mechanisms, States shall produce and submit a national annual report on the implementation of the multilateral interregional cooperation agreement to combat TIP and the 2006-9 plan of action to the ECOWAS and ECCAS Secretariats. Each of the Secretariats shall establish anti-TIP units to carry out monitoring and evaluation.

**ECOWAS Plan of Action against Trafficking in Persons (2008-2011)**

The assessment of impact in the individual ECOWAS Member States is structured in two ways. The first part seeks to assess the extent to which specific commitments of the plans of action have been achieved over time. This part of the assessment draws in large part on the Annual Reports submitted by the Member States to the ECOWAS Secretariat between 2009-2011, and on a useful synthesis report prepared by the ECOWAS TIP Unit in 2011. Rather than proceed country by country, it is considered most useful to review and compare progress by reference to the strategic areas of the 2008-2011 plan of action.

**REVIEW OF IMPACT IN THE ECOWAS MEMBER STATES**

The record of the West African States on the signing and ratification of the relevant international instruments is clearly good. With very few exceptions, they have ratified such key instruments as the UN Convention against Transnational Organized Crime and its supplementary Protocol on TIP; the ECOWAS Conventions on Mutual Legal Assistance in Legal Matters, and on Extradition; the African Charter on the Rights and Welfare of the Child; and the ECOWAS Multilateral Cooperation Agreement to Combat TIP.

**Impact Assessment by Theme and Strategic Area**

**Legal Framework**

There are different questions to be asked here. Have the relevant international instruments been ratified? Is there a national law on TIP, and, if so, is it consistent with the provisions of the UN Protocol?

The record of the West African States on the signing and ratification of the relevant international instruments is clearly good. With very few exceptions, they have ratified such key instruments as the UN Convention against Transnational Organized Crime and its supplementary Protocol on TIP; the ECOWAS Conventions on Mutual Legal Assistance in Legal Matters, and on Extradition; the African Charter on the Rights and Welfare of the Child; and the ECOWAS Multilateral Cooperation Agreement to Combat TIP.
An important question is whether they have comprehensive national laws against TIP; and whether this is consistent with the provisions of the UN Protocol. Such laws can be considered an essential first step for a comprehensive approach against TIP. However, while their adoption was listed among the urgent priorities in the initial plan of action, progress was staggered over the decade. The first comprehensive law against TIP was adopted in Nigeria in 2003, and amended in 2005. Of the Anglophone countries, comprehensive laws against TIP were adopted in Ghana, Liberia and Sierra Leone in 2005; and in Gambia in 2007. In several Francophone countries, laws were adopted during approximately the period between 2005-2008. In 2005, Senegal adopted its anti-trafficking law, which outlaws all forms of trafficking and prescribes penalties of between five and ten years imprisonment for TIP offenders. Burkina Faso adopted its anti-trafficking law in 2008, similarly prohibiting all forms of trafficking, and providing for penalties of a maximum of ten years imprisonment or life imprisonment under certain aggravating circumstances. The Togo law of 2005, the Benin law of 2006, the Guinea law of 2008 and the Cote d’Ivoire law of 2010, only cover child trafficking. Guinea Bissau’s law of May 2008 is similarly concerned only with child trafficking.

In a few countries the adoption of specific laws against trafficking has been very recent, coming at the end of the period under review. In Mali, in 2012 the interim Government passed its comprehensive Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices, which prohibits all forms of trafficking in adults and children. Niger’s law of December 2010 (Order No. 2010-86) similarly prohibits all forms of trafficking.

While basic laws are progressively more in place, it is clear that existing laws still have a number of deficiencies. As the UNODC Regional Office in Dakar informed this consultant, many of the existing laws give very little emphasis to the important concerns of protection and assistance.

Policy Development, Implementation and Coordination Mechanisms

The main commitments of the ECOWAS plan of action relate to National Task Forces and National Plans of Action. To a large extent these structures are now in place, though in very different forms, throughout the ECOWAS region. The ECOWAS TIP Unit’s 2011 Synthesis Report found that countries with a National Task Force against TIP included: Benin (March 2006), Burkina Faso (created by Presidential Decree in 2009), Cote d’Ivoire (against trafficking and exploitation of children), Gambia, Ghana (2006), Guinea Bissau (2004), Liberia (2006), Mali (2006), Niger (through a 2006 decision against child trafficking), Nigeria (2006), Sierra Leone (2006) and Togo (against child trafficking).

There have been further developments since then. In Senegal, the National Task Force on TIP (Cellule Nationale contre la Traite Des Personnes en particulier des Femmes et des Enfants), CNLTP, came formally into existence in early 2011 with the appointment of a magistrate as its head. It received a budget of the equivalent of US$ 20,000 for 2012, and has since developed a three-year National Action Plan together with annual operational plans. For example, the consultant was provided with a detailed operational plan for the year 2014, for which the activity, the implementing agency and the required budget for each activity is clearly indicated.

Niger is an interesting case. As mentioned in the 2011-12 Annual Report, in March 2012 the Government created by separate decrees both a National Commission for the Fights against Trafficking in Persons (CNLTP) and a National Agency on TIP. It appears that the main tasks of the former are to develop and coordinate policies, while the latter is mainly responsible for implementation. Available information is that the CNLTP had become fully operational by the end of 2012, with key staff appointed, holding a series of awareness raising events for Government officials and members of the public. According to the US Government’s annual report on TIP for 2013, the Ministry of Justice allocated the equivalent of approximately US$ 32,000 to fund three workshops held by the CNLTP in December 2012 and March 2013 to train 695 law enforcement officials, community leaders, and civil society on the provisions of the country’s anti-trafficking law and policies.
However, the role of task forces, coordination measures and implementation structures varies very much from country to country throughout the ECOWAS region. Several of the task forces mentioned in the Annual Reports are concerned exclusively with child trafficking. An example is Benin, where a National Technical Committee on Child Trafficking and Exploitation is part of the National Monitoring and Coordination Cell for Child Protection (CNSCPCE), created in 2006. Its membership is the sector Ministries concerned with children, as well as NGOs, technical and financial partners.

Similarly in Côte d’Ivoire, strategic and coordination mechanisms appear to give primary, if not exclusive emphasis, to child trafficking. The 2011 Annual Report refers to the National Committee to Combat Trafficking and Child Exploitation (CNLTCE), created in 2001, as the main strategic body. It also refers to the National Monitoring Committee (NMC) and the Inter-Ministerial Committee (IMC), both created by Decree in November 2011, as the main monitoring and coordination mechanisms. Recent reports suggest that these are well-funded, and operationally active. The US Government reported in 2013 that “The Government of Côte d’Ivoire demonstrated sustained efforts to prevent human trafficking during the reporting period. The National Monitoring Committee (NMC) and the Inter-Ministerial Committee (IMC), established in 2011, continue to serve as the national coordinating bodies on trafficking of persons issues in Côte d’Ivoire. Both committees continued to meet regularly and promote the issue of trafficking and child labour in an effort to secure the political will necessary to implement the 2012-2014 National Action Plan on Child Labour and Trafficking, which was officially launched in March 2012. The Government committed the equivalent of approximately US$ 7,229,400 towards the implementation of this action plan in 2012”.

By contrast, the national strategy and National Committee in Burkina Faso appear to have a broader focus than child trafficking alone. As described in the 2011 Annual Report, a Decree of July 2009 formalized a National Committee which has been in existence since 2000. This multi-disciplinary committee, comprising public and private structures as well as international organizations, is responsible for coordinating actions against trafficking and related practices, and for giving guidance for the monitoring and evaluation of programmes and action plans related to: the fight against TIP; the exploitation of prostitution, particularly of minors; sexual exploitation of minors; the exploitation of begging; forced labour or service, or other practices similar to slavery; and clandestine migration.

The responsibility of these task forces, coordination mechanisms and implementation structures, and also their capacity, varies highly from one country to another. At one end of the spectrum is Nigeria’s National Agency for Prohibition of Traffic in Persons and Related Matters (NAPTIP). NAPTIP is now a very large structure in terms of human and financial resources, comprising an HQ office, nine zonal offices covering 36 states of the Federation, and no less than 608 personnel in its nine separate directorates. It is primarily a criminal justice response to TIP, though it also carries out other important work in the areas including awareness raising, training, vocational and educational training, and family reunification assistance. Since its inception in 2003, NAPTIP has processed over 6,000 identified victims, over a thousand of whom have received some form of assistance. It had also successfully investigated and prosecuted over 160 trafficking victims by early 2013. As observed earlier, it has proved instrumental in devising policies on matters such as protection of and assistance to TIP victims, which have been used as a model for subsequent ECOWAS regional policies. NAPTIP and its extensive achievements can be considered a key driver for anti-TIP policies and programmes in the ECOWAS region.

At the other end of the spectrum there have been recent initiatives to establish national structures similar to Nigeria’s NAPTIP, with far fewer resources. An example is Gambia’s National Agency against Trafficking in Persons (NAATIP). This agency was established in December 2011, with responsibility to administer the anti-TIP act, receive and investigate reports of anti-TIP activities, and also act as a database for all data relating to TIP. As observed in the Government’s 2011 Annual Report, the Government of Gambia allocated 1.5 million Dalasis for the activities of NAATIP in the 2012 Budget. However, the source of funding during the reporting period was limited to financial assistance from an NGO, under a project funded by the US Department of State. And as the US Government reported in
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2013, NAATIP received the equivalent of approximately US$ 3,000 per month from the Gambian Government, but relied on NGOs and international organizations for additional support.

The experience of Liberia is interesting, in that the Secretariat for the Anti-Trafficking Task Force was placed within the Ministry of Labour. The Task Force was created in October 2006, with the participation of different Ministries. Its tasks included the development of a National Plan of Action for the prevention of TIP, and coordinating its implementation. The Government states in its 2011 Annual Report that a National Activities Plan for the Task Force has been approved, and is being implemented in line with the ECOWAS Action Plan. A key aspect has been the appointment of focal persons on TIP within each of the partner organizations and Ministries, as well as over ten civil society organizations. The 2011 report also states that the TIP Secretariat has also begun to decentralize its activities, as recommended in a UNICEF-supported research project on TIP. The TIP Secretariat now has focal points in each County of Liberia, conducting their activities in collaboration with the gender and social welfare officers in these Counties. However, the major constraint is that funding for the TIP Secretariat is not provided for in the national budget, and that programmes therefore rely exclusively on donor support. This has hindered the effective execution of planned programmes. For example, during the period under review due to lack of resources the TIP Secretariat could not reach some parts of rural Liberia for key programmes such as awareness raising and capacity building of key stakeholders.

The Government of Sierra Leone states in its 2011 Annual Report that a Trafficking in Persons Agency will be established, once a new and repealed TIP Act is passed. A National Task Force on TIP was first established in November 2004, and officially launched in June 2006. While the Task Force has wide membership from different Ministries, Embassies, international organizations, NGOs and other civil society groups, the Government reports that restructuring has taken place during the period of review of the repealed TIP Act; and that from identified themes and trends of related issues of trafficking new members were co-opted from related institutions. Funding for the National Task Force has been provided from a mix of government, NGO, international organization and donor sources.

In Ghana, there is both a National Task Force against Trafficking in Persons, and anti-trafficking units within select key agencies. The mandate and membership of the National Task Force is set out by the Human Trafficking Act (Act 694 of December 2005). Sections 28 and 29 of the Act provide for the establishment of a Human Trafficking Management Board (HTMB), with representation from agencies, individuals and institutions working directly or indirectly in combating human trafficking in the country. It was established in 2006. Among the functions of the Board, according to Section 29 of the Act, is to make recommendations for a National Plan of Action, monitor and report on the progress of the plan through the Minister to the ECOWAS Secretariat. Other functions are to: (a) advise the Minister on policy matters (b) provide assistance on the investigation and prosecution of trafficking cases (c) propose and promote strategies to prevent and combat TIP (d) liaise with Government agencies and organizations to promote the rehabilitation and reintegration of TIP victims (e) prepare guidelines for disbursements from the Fund, and (f) conduct research on international and regional developments on TIP. The US Government reported in 2013 that the HTMB had only met twice over the previous year, officials citing a lack of funding as the reason for not holding the mandated quarterly meetings. The HTMB had however prepared a new five-year plan, to cover anti-TIP activities over the 2013-2018 period.

In addition, there is an Anti-Human Trafficking Unit in the Ghana Police Service, mainly charged with prevention, arrest, investigations, protection of victims and prosecution of traffickers; and an Anti-Human Trafficking Bureau in the Ghana Immigration Service, responsible for addressing cross-border TIP.

From this review it can be seen that some structure and coordination mechanism on TIP is now in place in most of the ECOWAS Member States. When a Secretariat or anti TIP agency exists, and is located within or depends on a particular Ministry, the overall strategic approach to TIP can be affected very much by its location. In several cases, both the lead agency and the ECOWAS TIP Focal Points are located in Ministries of Children’s Affairs, or of Family Affairs. Such Ministries have been created in
several of the Francophone countries, in which the Government approaches to TIP have been largely or even exclusively concerned with the trafficking of children. In cases where they have been located within the Ministry of Justice, there has inevitably been more focus on criminal law enforcement. Where they are located in Ministries of Social Affairs, one may anticipate more emphasis on overall social protection as well as child protection, and perhaps on addressing the prevention of TIP within the broader framework of social development and poverty reduction strategies.

There has also been a slight trend, drawing on the Nigerian NAPTIP experience over the past decade, towards creating a specific national agency for TIP concerns. The problem has clearly been one of resources to fund this structure. Even in Nigeria, the 2011 Annual Report observes that inadequate funding for its stated mandate has always been a challenge for NAPTIP, and that due to these shortfalls it has been unable to carry out effective investigation and intelligence operations. In other countries the shortcomings have been far more evident, and there has been a high degree of dependence on overseas donor projects to fund these structures.

An alternative has been to have a smaller Secretariat in the lead Ministry, supported by a strong network of focal points in different Ministries (and also NGOs or civil society), ensuring that the national policy has an integrated approach to prosecution, prevention and protection, drawing on the capacities of the different Ministries in accordance with the mandate. This seems to be the Liberian approach, under the leadership of the Ministry of Labour. The main requirement is effective coordination.

**Protection and Support of TIP Victims**

The main commitments of the 2008-2011 plan of action are to establish reception centres for the shelter of TIP victims; establish a Fund for TIP victims (used in particular to provide support to States for the repatriation of TIP victims); and encourage TIP victims to testify by providing guarantees for their safety and security.

As noted, an important contribution at the ECOWAS level was the preparation and adoption of the 2009 Regional Policy on Protection and Assistance to TIP Victims in West Africa. It provides detailed and practical guidance in issues including; identification of victims; sheltering; health care services; counselling; family tracing; return and repatriation; integration and follow-up care. It also has an important section, on the rights and responsibilities of the victims within criminal proceedings against trafficking. As regards the institutional framework, it provides that every National Task Force shall develop a referral system for TIP victims, which will link all service providers and also integrate the work of institutions involved with care and assistance.

This policy can be considered of key importance, in particular in view of some past criticisms that anti-TIP policies and programmes in the West African region had given insufficient attention to a victim-centred approach to action against TIP. Increasingly at the global level, international organizations and anti-TIP advocates have called more attention to the need for this. At the European level for example, this victim-centred approach strongly underlies the 2005 Council of Europe Convention against Trafficking in Human Beings.

In the area of protection, the reporting template of the ECOWAS TIP Unit poses the following questions. Is there a comprehensive national policy or programme for the protection and care of trafficked victims? Is there a referral mechanism for victims in your country? Are there provisions to ensure child victims receive treatment suited to their circumstances? Is it compulsory to do risk assessment to establish whether or not repatriation is safe? Who is responsible and how is it conducted? How many victims were repatriated from your country to countries of origin in the last year? Which institution is responsible for receiving repatriated victims in your country? Which institutions are approached for risk assessment for victims to be repatriated from your country to the victim’s country of origin and vice-versa?
The ECOWAS Secretariat’s 2011 synthesis report finds that nearly all Member States now have legal provisions that protect victims before, during and after trial. In at least Benin, Burkina Faso, Cote d’Ivoire, Guinea Bissau, Mali, Nigeria, Senegal, Sierra Leone and Togo, there is also a detailed national policy or programme for the protection of victims (though in Cote d’Ivoire and Togo this is only for children).

In the 2011 Annual Reports, there are many examples of good practice, including recent developments in law and policy frameworks, linkage with broader systems of child protection, and cooperation with NGOs. As in other strategic areas, some countries place their main or exclusive emphasis on the protection of children. Others, particularly Nigeria, also give attention to the protection of adult victims of TIP.

Benin places strong emphasis on its policies and strategies for child protection, including a five-year plan of action on the subject adopted in 2007. A number of measures have been taken to adapt the treatment received by child TIP victims to their particular situation, for example lodging them in host families and returning them to their parents once located. As for repatriation, in practice there is “sometimes systematic repatriation” of children without considering the possible alternatives. 23 children were repatriated in 2010.

Burkina Faso reports on the protection of and assistance to children, noting that systems of protection and care are in conformity with UNICEF guiding principles. In the course of 2011 a total of 1,288 children (944 boys and 338 girls) were intercepted, received in transit centres and returned to their families. This involved 1,112 cases of internal trafficking, and 170 cases of external trafficking. The high number of cases is explained in part by the strengthening of vigilance systems, and in part by the growing awareness of the population that has reported trafficking cases. As for evaluating the risk of repatriation, Burkina Faso reports on the involvement of the Reseau de l’Afrique de l’Ouest (RAO) of assessing the risk for victims in their country of origin.

Cote d’Ivoire reports both on the actions of its security forces in identifying child trafficking victims; and on the measures taken by the National Committee to Combat Child Labour and Exploitation. In 2010, the police identified and intercepted 334 child TIP victims, including 129 cases of cross-border trafficking. In the same year, the CNLTEE provided support for the reintegration of seven victims of child trafficking and the worst forms of child labour. With UNICEF support, it is currently equipping five social and temporary lodging centres in different regions. Repatriation and reception of child trafficking victims is carried out by the Ministry of the Family, through the CNLTEE in cooperation with UNICEF and IOM. In 2011, only two child trafficking victims were repatriated to Benin and Burkina Faso.

Gambia observes that there is an Act, on the basis of which a comprehensive National Policy on protection will be developed. The Department of Social Welfare, responsible for the protection of vulnerable persons, has established a shelter for children and operates a toll free help line. 24 Gambian children from foreign countries were reintegrated with families in the Gambia, while seven non-Gambian children were returned to their country of origin through the West Africa Network.

Ghana reports that it does not have a national policy for the protection and care of victims of trafficking. Currently, a national Child Protection Policy is being developed. However, the agencies dealing with rescue, rehabilitation and reintegration have developed guidelines which ensure that the best interests of the victim are always safeguarded. At trial, the courts adopt victim protection mechanisms in ensuring that perpetrators do not intimidate them. As for risk assessment regarding repatriation, the Government agencies in cooperation with relevant stakeholders visit the home of origin to assess the situation on the ground. In cross-border cases, Interpol relies on counterparts in the country of origin for information. Three victims were repatriated to Nigeria during the reporting year. Ghana observes that a particular aspect of trafficking now being debated nationally is the issue of shelters or receiving centres for TIP victims. A shortcoming of existing policy responses is the weak comprehensive Standard Operating Procedures and Referral System. However, an identified good practice is the Standard Operating Procedure and the Hazardous Activity Framework, developed to
promote referral and adherence of protocols dealing with child labour, as well as prescribing categories of work which children are precluded from undertaking.

Guinea observes that there has been a national policy and detailed plan of action on the protection and caring for TIP victims since 1998. There are particular provisions for child TIP victims, covering medical care, lodging, psycho-social accompaniment and reintegration. Risk assessment on repatriation is carried out by NGOs. 23 victims of trafficking of children between the ages of 10 and 16, including five girls, have been repatriated and reintegrated by Sabou-Guinée and IOM after coming from countries including Cape Verde, Costa Rica, Gabon, Ghana, Mauritania, Mali and Senegal. Guinea also observes that in 2010-2011 it has participated in a regional project on child mobility, which has identified extensive good practice including community protection mechanisms.

Guinea-Bissau observes that protection has been carried out mainly through NGOs. Liberia notes that the Government has been working on many issues for the protection and care of TIP victims. The Ministry of Health and Social Welfare, a member of the TIP Task Force, has been provided funds to construct a safe home for children. Moreover, as orphanages have been known to supply children to adoption homes to be externally trafficked in the name of adoption, the TIP Secretariat raised this issue with the Government, and decided to put in place child protection policies. Regulations and tools for the appropriate use and alternative care for children have now been adopted. As for repatriation, Liberia refers to a case of apparent adult trafficking from Asia. 37 Bangladesh nationals were repatriated by the Government of Liberia through IOM. The victims had been made to pay huge sums of money to the perpetrators to be brought to Liberia and work for a private company.

Mali’s 2009-2010 Annual Report notes that the National Plan of Action to Combat Child Labour, 2010-2014, contains a section on the trafficking of women and children. A manual on caring for victims of violence, abuse and exploitation was currently being validated. Statistics were also provided on the 238 child trafficking victims from other countries who had been intercepted between 2006-2009, and returned to their countries of origin. The highest figure was for 2009 (53 boys, and 18 girls).

Niger’s 2011 Annual Report, while observing that there is no national policy at present, cites a number of pertinent provisions from its Ordinance 2010-086 of 2010. These cover, inter alia, immunity from criminal prosecution for TIP victims, and compulsory risk assessment before repatriation of victims.

Niger cites the provisions of its 2008 National Policy on Protection and Assistance to TIP victims, on the basis of which the ECOWAS regional policy was adopted the following year. The wide scope of Nigeria’s 2008 law can be seen in the ECOWAS instrument, as discussed above. The 2011 report notes that the National Referral Mechanisms is still in process. However, the country is still operating a loose collaborative understanding among stakeholders. On compulsory risk assessment prior to repatriation, the basic procedures are explained. This is done in collaboration with the Embassy of the source country to find out about the socio-economic environment that propelled the child into trafficking and to determine whether those conditions are still there; and, if so, what could be done to ensure that the victim is not re-trafficked after repatriation. 122 TIP victims were repatriated from Nigeria to their country of origin over the past year. As for repatriated TIP victims in Nigeria itself, some victims are sent to NGOs in Nigeria by their counterparts in Europe. Arrangements are made to ensure that the data of such victims are included in the NAPTIP database.

Senegal also draws attention to the importance of community mechanisms for protection and reinsertion. It highlights the problem of street children, noting that a structure has been established to promote their reintegration. A fund has been established to support the return of daara pupils in their zones of origin, and to reinsert girl TOP victims through the financing of small projects.

Sierra Leone’s 2011 Annual Report provides detailed information on these issues. There are provisions in the amended Act for witness protection and support. An interim witness protection unit has been established at the Criminal Investigation Department (CID) of the Sierra Leone Police, in collaboration with the Special Court of Sierra Leone, to be fully operational by September 2011. A draft policy for
trafficked victims has been completed but not yet validated. In addition the Ministry of Social Welfare, Gender and Children’s Affairs and its partners have also formulated policy guidelines for protection of children. These comprise an alternative care policy for child victims, and general guidelines for reintegration of all survivors with special attention to child TIP victims in conflict with law, and the physically or mentally challenged. There are also Age Assessment Guidelines developed by the Justice Sector Development Programme (JSDP), in collaboration with the Ministry of Social Welfare and partners, to differentiate children from adult TIP victims.

On referrals, in Sierra Leone there is the Taskforce referral system or mechanism developed for all TIP victims. Victims are identified in the reception area, which includes border crossing points, grand market days, mining sites, villages, faming events, big cities, social events and homes. Anti-trafficking community watch groups identify TIP victims, then refer them to the Family Support Unit of the Sierra Leone police for interviews, documentation of cases and charging. Victims can then be referred to the Ministry of Social Welfare for protection and care. The Ministry will then work together with its partners to provide the necessary and immediate needs, while the tracing of the TIP victim’s family, community or country of origin is undertaken. The involvement of the community through community watch groups and child welfare committees in tracing TIP victims’ families has been successful and cost effective. While victims are at the shelter, the Ministry conducts tracing of the victim’s family and prepares for the return, and reintegration packages are put together by the Ministry and related partners. The report cites several cases, where children trafficked to such countries as Guinea and Mauritania have been successfully repatriated to Sierra Leone, after the intervention of NGOs such as FAST and referrals to IOM, and also through cooperation between different IOM offices.

Togo observes that there is no detailed policy for protection of and assistance to TIP victims. However, a draft national child protection policy, together with a strategic implementation plan, was validated in December 2008 by the various stakeholders involved with child protection. The Commission Nationale d’Accueil et de la reinsertion Sociale des Enfants Victimes de Trafic (CNARSEVT) has prepared guidelines for attending to victims of child trafficking. This was updated in 2009, to incorporate UNICEF guidelines, and disseminated throughout the country in 2011. As for risk assessment before repatriation, CNARSEVT has responsibility form this. In 2011, four nationals of Benin were repatriated. 281 child victims (194 girls and 87 boys) in transit towards neighbouring countries were intercepted and reintegrated. 53 children were repatriated from Benin, Gabon and Nigeria.

Prevention and Awareness Raising

All Annual Reports have described a wide range of measures to increase awareness, both among government officials and among the population at large. Many of the campaigns have been carried out together with NGOs, and with the support of international organizations. Some States have reported on their legal framework for conducting awareness and prevention campaigns. Some have described the overall nature of the activities, while others have mentioned very specific activities. A few have also referred to cross-border cooperation in prevention campaigns, in the framework of bilateral agreement on TIP.

Benin for example reports that, in the context of a Bilateral Agreement between Benin and Nigeria, a joint action plan permits the two States to carry out synchronized prevention activities at the level of their borders. Burkina Faso reports in detail on the training courses carried out on the ground for the Vigilance and Surveillance Committees, at departmental, community and village level. Moreover, the 2008 TIP law has been translated into five languages, will be reproduced and distributed among anti-TIP actors. Data is provided on specific activities including: 135 cine-debates, 32 radio broadcasts, and 71 theatre events.

Cote d’Ivoire reports that one of the major features of its activity in the area of prevention is awareness raising among communities on the dangers of trafficking and the worst forms of child labour. Moreover, an alert system through a ‘Green Light 116’ is in the process of being established. In the context of an ILO project, the Ministry of the Family, Women and Children supports the activities of 38 Child Protection Committees in five Departments of the country. Further initiatives of community
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Awareness raising are described in the context of work against TIP and child labour in the cocoa industry. As part of prevention, reference is also made to the projects of the Rural Investment Fund (FIMR) to prevent child labour and trafficking in the cocoa sector. Finally, the report lists an extensive range of NGO activities.

Gambia reports on the operation of a toll free help line, and on the establishment of 48 Community Child Protection Committees within districts and villages. Posters and stickers on key protection issues and trafficking were produced and distributed countrywide, and TV and radio talks on issues of trafficking were help on the state media. Moreover, the Ministries of Education and Social Welfare, together with 13 Majails Islamic Centres, have supported the educational welfare needs of over 900 children in these centres to prevent them moving into the streets for begging. Gambia notes moreover that “Prevention could be said to be a cause for national debate”. There is “lack of experience in this area but the law is comprehensive and if applied justly will yield good results”.

Ghana also reports on the establishment of community vigilante groups such as Child Protection Committees at regional, district and community level. Reference is also made to media activities. Guinea reports on the organization of large scale awareness campaigns, such as radio and television, theatre and public debates. In the area of good practice it notes the particular value of community mobilization for prevention and monitoring, in the light of the scarcity of resources. Guinea-Bissau refers to cooperation between the Ministry of Justice and NGO’s in the dissemination of the 2011 anti-TIP law, though there have been insufficient resources for its adequate dissemination.

Liberia states that, over the past fiscal year, the Government through its anti-TIP Secretariat has organized a nationwide public awareness campaign, through the print and electronic media as well as through the community drama group, using a system of public announcements. As a result of the awareness, the public is now recognizing and reporting on cases of TIP. Furthermore, an additional 12 village parent groups were trained throughout the country to serve as watchdogs over the rural communities, especially in south-eastern parts of the country. The TIP Secretariat also conducted 20 Education Round Tables (ERTs) on the danger of human trafficking and strategies to prevent it. These were jointly conducted by the TIP Secretariat and World Hope International, together with rural students groups, marketers, the transport union and civil society organizations including NGOs.

Mali provides general information on a range of activities, including the creation of community vigilance structures, a travel document for children, awareness raising for drivers and transport unions, television and radio broadcasts, and press conferences and debates. Niger cites the relevant legislation, and refers generally to NGO activities on prevention. Nigeria provides interesting examples of specific activities. These include: a Save the Nigerian Child Awareness Walk in collaboration with IAD (Initiators of Awareness and Development) in March 2011; sensitization of the Anglican Bishops’ wives in two events in February and July 2011; and the airing of NAPTIP jingles on various electronic media.

Senegal refers both to community programmes, and to large-scale information and communications campaigns. In the first area, there has been a national study on rural vulnerability and child mobility. As in other countries, vigilance committees have been established at village level to protect children at risk. In the latter area there has been diffusion of the basic legal texts such as the 20005 ant-TIP law; radio programmes at local level; organization of awareness sessions on child trafficking, together with the Parliamentary Network for Population and Development (RPPD); and talks at the village level.

Sierra Leone provides extensive information on awareness activities conducted by NGOs, in particular the Faith Alliance against Slavery and Trafficking (FAAST). These have included: 160 baseline surveys in 20 new communities; 200 new community sample income surveys; 38 refresher training courses for existing Village Protection Groups; 38 training courses on income generation; and the production or revision of six training manuals.

Togo, while providing general information on awareness and training programmes for different groups including social workers and journalists, also describes some specific initiatives of interest. A national
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A project has been established to provide birth certificates for pupils at different levels of education. A consultative children’s council has been established, to involve them in the fight against abuses. And an action programme has been established, seeking to generate incomes for the poorest families at risk of trafficking. 700 families have received support.

Ambitious awareness raising campaigns will always be constrained by lack of resources. Liberia for example observes in its 2011 report that the TIP Secretariat could not reach some rural parts of the country during the period under review, with key programmes such as awareness raising, due to the lack of resources. It also pointed to the way in which ECOWAS could help in this regard. It suggested that the ECOWAS Commission plan to hold at least one regional conference on TIP in Liberia as another means of awareness raising, and to draw the attention of the Government to activities and programmes of human trafficking.

Collection, Exchange and Analysis of Information

Data collection and analysis, while of fundamental importance for effective action against TIP, is a particularly difficult issue. Even the wealthiest countries have found it difficult to obtain reliable information, because of the hidden nature of the problems, and also because of conceptual difficulties over the definition of TIP.

The ECOWAS plans of action have accorded due importance to this. The initial plan, as repeated in the 2008-2011 plan, focuses first on direct channels of communication between border control agencies, and calls generally on Member States to initiate or expand efforts to gather and analyze data on TIP. The 2006-2009 goes into far greater detail into the mechanisms of data collection and analysis.

As far as could be seen from the templates for the Annual Report, there are two main questions on this subject. The first, under the issue of external trafficking, is whether the Member State has a system for centralized registration of trafficking victims. The second question concerns the number of TIP crimes reported, investigations and prosecutions.

There is limited information in the 2011 Annual Reports concerning a centralized system. Gambia reports that the new National Agency against Trafficking in Persons (NAATIP) should act as a data base for all data relating to TIP. However, data collection is mentioned as one of the factors that inhibit more effective action against TIP in this country. Ghana reports that it does not have a centralized registration system. The Ministry of Employment and Social Welfare through the National Programme for the Elimination of Child Labour in Cocoa has developed the Ghana Child Monitoring System which collects, collates and analyzes data on child labour including child trafficking. In addition, the security agencies have a recording system for victims of crimes including trafficked victims. The Department of Social Welfare also has records of victims of trafficking who pass through their hands. Data collection and analysis have been identified as priority area under the National Plan of Action for human trafficking.

Guinea-Bissau merely states that it has a centralized system. Niger reports that it has no centralized system, but that investigation agencies, social workers and NGOs collect the data on victims. Nigeria refers to its National Monitoring Centre (NMC). Senegal mentions as a constraint the absence of reliable national statistics. Sierra Leone reports that the Ministry of Social Welfare, Gender and Children’s Affairs, in collaboration with the NGO Faith Alliance against Slavery and Trafficking (FAAST) has set up a centralized data base system to document victims, analyze and monitor trends of all TIP issues countrywide. There is also an interim database within the Ministry of Social Welfare for all child protection issues, and others within the Sierra Leone Police, FAAST and the Judiciary. These will all be filtered into a centralized database system, within the National TIP Secretariat. Togo reports that it has a centralized data base at the level of CNARSEVT.

Beyond statistical data, the annual reports have provided useful information on trafficking profiles both within and outside the country, indicating the main forms of TIP, and the main source and destination
places within the country. Most Member States have also been able to provide figures on investigations and prosecutions.

**Specialization and training**

The main commitments of the 2008-2011 ECOWAS regional plan of action are for the creation of special units within existing law enforcement structures; for the provision and strengthening of training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials; and to prepare training materials concerning TIP for embassy and consulate staff who deal with immigration and visa services.

The report template asks Member States to indicate how many training events were attended by law enforcement and personnel from the judiciary in the past year, the subject of training, and the category of personnel trained.

The ECOWAS TIP Unit’s November 2011 synthesis report identifies inadequate capacity building for law enforcement agencies and prosecutors among the principal factors that inhibit effective efforts to combat TIP.

A few States have reported on special units within law enforcement. In Gambia, there is a TIP Unit in the Police Force, Immigration Department, National Intelligence Agency and the Gambia Revenue Authority. There is also a Joint Investigation Unit comprising the above institutions together with the Ministry of Justice and Ministry of Works, Infrastructure and Communication. In Ghana, there are anti-TIP units in the police and immigration services. In Nigeria, in addition to NAPTIP, the National Task Force on TIP has a particular focus on criminal law enforcement. Its members are NAPTIP, the National Immigration Service, the Nigeria Police, and the Defence Intelligence Agency. Its main functions are to investigate cases of human trafficking for possible prosecution; monitor and survey all flash points; keep records of suspects; lead suspects to court during prosecution; and initiate proactive strategies to combat TIP.

Several States (including Guinea, Liberia and Mali) mention that there is insufficient training on TIP, in particular for judges. Liberia observes for example, as a major shortcoming in policy responses, that “The judiciary has created a lot of bottlenecks, which made it difficult during the year under review for capacity of prosecutors and city solicitors to be built on trafficking in persons”.

Other States have provided information on training sessions during the period under review. In Ghana there were five training sessions targeting circuit courts, district court judges, the Ghana Immigration Service, the Customs Service and peacekeepers; one capacity building provided by UNODC and ECOWAS for prosecutors and other law enforcement officials; one IOM training; one training programme by the Refugee Foundation Ghana on the worst forms of child labour, targeting judges from the Superior Court, High Court and Court of Appeal; and two training and capacity building sessions for officers of the Anti Human Trafficking Unit in different regions of the country. Training sessions on TIP were also provided for some 40 new members of the Ghana Immigration Service as part of their compulsory curriculum.

Guinea reports 18 training sessions during the 2011-2012 period for the public order and security forces, magistrates and their auxiliaries, and social workers. Nigeria mentions a training session on human trafficking and forced labour for NAPTIP prosecutors and judges in Akwa- Ibom state in April 2012 (in which the present consultant participated as an expert). Other such events have also taken place at the state level, such as one in Kano state in February 2011 for the Nigeria Bar Association.

Senegal’s National Cell against TIP includes as priorities for the 2012-2014 period the preparation and use of training curricula on TIP for agencies including the police and gendarmerie; and also the organization of training sessions for magistrates, police and social workers. It is envisaged that these activities will be implemented together with international partners, including ILO, IOM, UNICEF and UNODC.
Sierra Leone mentions that a total of 141 law enforcement personnel (82 investigators, 40 prosecutors, five military personnel, five customs officials, five immigration officers and four judges) were trained in a total of six training seminars. The law enforcement training manual was also revised.

**Travel and identification documents**

While these are important concerns, little information is available from the annual reports. The ECOWAS TIP Unit’s November 2011 Synthesis Report notes that a gap in the policy response is the lack of a uniform, effective regime of travel documentation and procedures for children.

Gambia reports that it had decided to have each child registered at birth or soon after, to help have accurate statistics and data so that TIP victims can be identified. In Liberia, the issue of identify documents for children is included among the strategic priorities for 2011. One aim is to introduce a child travelling certificate, as well as bio-metric passports.

**RELEVANCE AND VALUE ADDED OF THE ECOWAS ACTION PLANS: QUALITATIVE ASSESSMENT BY THE TIP FOCAL POINTS**

The purpose of this part of the impact assessment was to portray the views of the ECOWAS TIP Focal Points (both present and past), regarding the contribution and value added of the ECOWAS regional plans of action on TIP to policy and practice in their own countries. The basis for the assessment was a questionnaire prepared by this consultant, and distributed in the three languages to the 15 Focal Points. Four of the Focal Points (Benin, Gambia, Sierra Leone and Togo) responded in writing. In other cases (Ghana, Guinea, Liberia, Nigeria and Senegal) either personal or telephone interviews were held with present or former Focal Points.

This exercise only produced limited written responses. By 26 March written responses had only been received from four Member States (Benin, Gambia, Sierra Leone and Togo). A personal meeting was held with the Executive Secretary and other officials of NAPTIP in Nigeria, followed up by a skype call with the Nigerian Focal Point. A detailed personal interview was held with a former Focal Point for Senegal, followed up by a telephone interview with the present Focal Point. Telephone interviews were subsequently held with present or previous Focal Points from Benin, Gambia, Ghana, Guinea, Liberia and Sierra Leone.

While this is far from a full sample, and indeed a very small written sample at the present stage, it is considered useful to present some of the findings below. The main purpose is to understand the perceptions of these anti-TIP officials at the national level – concerning the main contributions of the earlier regional plans of action, the difficulties in applying any of the commitments, and the priorities for a future plan of action – rather than attempt to tabulate these responses. The telephone interviews also focused at some length on monitoring, reporting and information sharing mechanisms, and on ways in which these might henceforth be improved.

**Main value added**

As for the main value added and contribution, all responses have emphasized the impact on the national law and policy framework. Sierra Leone has highlighted this. In Togo, it contributed to the legislative framework and law enforcement, together with capacity building for the different actors involved, and the sensitization of communities. In Benin, it was stressed that the diverse ECOWAS instruments, including the 2008-2011 Plan of Action, have had a “strong influence on policies and strategies for child protection”. In Gambia, the legal framework, protection, prosecution, partnership
and collaboration components of the 2008-2011 plan of action have been very effective in terms of focus interventions. In Senegal, the ECOWAS instruments had been “instrumental in paving the way for the 2005 ant-TIP law”. In Liberia, a major contribution of the ECOWAS instruments had been in promoting overall awareness about it, and of the structures needed for effective action against it. In Ghana, key aspects were support for bilateral agreements, the promotion of networking between the Member States, and the promotion of synchronized action in the different countries. For Nigeria, the ECOWAS instruments had helped promote a “shared vision of protection”. Moreover, the 2006-2009 ECOWAS/ECCAS Plan of Action had played a major role with regard to mutual assistance and the repatriation of victims.

Realism of the Plans of Action

As was stated in the questionnaire, the plans of action have been ambitious. One Focal Point observed that it is “important to have an ambitious plan”, while there should be integration within ECOWAS of the various plans of action. Such coordination had not been good, and there was a need for better coordination and dissemination of the 2008-2011 plan of action. One former Focal Point observed that the various action plans were not realistic, in view of the fact that such a small proportion of the national budget was allocated to the protection of children, and that there was a need to distinguish clearly between the strategic and operational dimensions of a plan.

Of the written responses, it was observed in Sierra Leone that the plans of action “have been ambitious, while some of them are practically impossible to implement”. The most difficult aspect to implement was the collection, exchange and analysis of information and data, because of the lack of both human and material capacity. In Benin, it was observed that the plans of action were realistic in themselves, but that the budgetary arbitration to facilitate the allocation of resources had not followed. Efforts had nevertheless been made to ensure the functioning of the institutional framework for child protection. Priority had been given to caring for children in difficult circumstances, and supporting vulnerable children and orphans, in order to reduce the risks of child exploitation and trafficking. For Togo, the plans of action would be realistic, if support were to be provided to the different Member States in view of the insufficiency of material and financial resources. The most difficult aspects to implement were the collection, exchange and analysis of information; specialization and training; travel and identity documents; and monitoring and evaluation.

For Gambia, the plans have been “very ambitious considering the timeframe and available resources for implementation in the region”. In the case of Gambia the Agency came into existence in 2011, towards the end of the implementation period of the 2008-2011 plan of action. However, as young as the Agency is, it has built on the activities of the country desk teams and national units which had previously worked on these issues. Taking these further, it has worked with limited resources to domesticate the regional plan of action in Gambia, of which some activities were implemented and others were not. Last year stakeholders developed a new plan of action for the 2012-2016 period, bringing in activities that were not implemented in the old plan of action. The aspect of prosecution “continues to be a bit difficult”, particularly as regards the prosecution of cases. Although Gambia has been working very hard on preventive measures, and the Department of Social Welfare has conducted a lot of activities for the protection of TIP victims, in collaboration with NAATIP, the State still finds it difficult to prosecute cases successfully. Three main reasons are cited. First, witnesses and TIP victims hardly ever come forward to testify in court. Second, there is insufficient evidence for successful prosecution, even though investigations are being carried out diligently. A third reason is weak cases for prosecution.

Impact on political will, and on implementation structures and coordination mechanisms against TIP

These questions were designed to assess the view of Focal Points, as regards the contribution of the ECOWAS initiatives to the overall political climate for action against TIP, as evident for example in
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budgetary allocations and the establishment of administrative structures and coordination mechanisms for combating TIP.

For Sierra Leone, the response is clearly positive. The ECOWAS initiatives and reporting mechanisms have succeeded in increasing political will to address TIP. Specific cases include the creation of a budget line for TIP, the holding of a first inter-Ministerial Committee meeting, the recruitment of staff for TIP, the setting up of a database, and the setting up of the TIP Secretariat.

For Benin, the linkages between the ECOWAS initiatives and the TIP situation in the country are seen as “abstract” because, beyond the shared documentation and information, no support has been provided by ECOWAS to facilitate the implementation of the guidelines or monitoring and evaluation mechanisms. Moreover, the complexity of the issue of child trafficking in Benin makes things more difficult. The new child protection policy has nevertheless placed it emphasis on the participation of children, and giving priority to their higher interests in decisions concerning them, in line with international instruments.

For Gambia, political will is seen as “very well pronounced”. The fact that Member States have enacted laws, established TIP agencies, appointed Focal Points and instituted teams of professionals to combat the menace of TIP in the region (with the support of governments and law-making bodies and the active encouragement of the ECOWAS Commission with Member States on the issue, as well as the sensitization such regional actions bring to the public domain) draws good attention and demonstrates strong political will in addressing the problem. In the Gambia furthermore, the ECOWAS plan of action has helped develop the country’s interventions and improved administrative structures and coordination mechanisms. Focal partner agencies are working more closely together, linking actions and working on common platforms. There is presently a Board of Directors in place which looks at policy issues. There is also an operational taskforce which consists of members on the ground from different Government Ministries, Departments and Agencies that have a stake in TIP. These taskforce members meet at least once every two months to discuss recent TIP cases, with a view to sharing information, discussing and strategizing on the way forward.

For Togo, the ECOWAS instruments and their monitoring mechanisms have definitely played a contribution in drawing attention to the problems of TIP in recent years. The political will of the Togolese authorities has been shown in their active participation in signing the Multilateral Agreement in Abuja in 2006, and in the adoption of the policy on protection of and assistance to victims. A national Plan of Action was inspired by that of ECOWAS, and drafted in a participatory manner. Mention is also made of a small amount of financial support for the reception and reintegration of child victims of TIP, and the involvement of the Head of State in organizing national awareness raising events on the consequences of child trafficking.

In the telephone conversations the Focal Points generally recognized the role of the ECOWAS regional plans, at least to some extent, if promoting a favourable political will and climate for addressing TIP. In Senegal, it was recognized that they played an important role in preparing the ground for the National Cell against TIP. A general concern was that the favourable political climate was not translated into a commitment of sufficient resources.

Reporting and information sharing

These questions cover issues including; the template form for, and the substance of, the annual reports; the distribution of these reports; the value of the annual meetings held with the various Focal Points; and ways in which the monitoring and evaluation mechanisms and information sharing might henceforth be improved.

Benin has consistently derived benefits from the reports of other countries, particularly through the debates that have taken place during the annual meetings. For Togo, the mechanism is seen as good in itself, but the group of experts has not shared information on returning from missions. Moreover, many of the actors involved in anti-TIP activities have insufficient knowledge of the various documents issued
by ECOWAS. This deficiency could be remedied through the establishment of a national structure to coordinate actions at the national level.

The Focal Point from Gambia comments very favourably on the contribution of the ECOWAS TIP Unit. “The admirable commitment of the ECOWAS Commission TIP unit and its engagements”, albeit less frequent than should be the case, “with TIP focal points in the Member States has proven very useful, particularly linking TIP Focal Points in the region and creating an enabling environment for exchanges, networking and partnership building”. This translates in turn into “active engagements at national level, especially implementation of best practices at country level, domesticking lessons learnt, and creating awareness to deter the practice”. While the reports can sometimes be repetitive, new information on developments each year is captured in the Gambia’s annual TIP report.

These issues were discussed at length during the personal and telephone interviews with the Focal Points. On the reporting structure, some different views were put forward. Several noted that the template for reporting encouraged repetition, for example repeating information on the international instruments signed and ratified, or on national legislation, rather than providing more recent or analytical information on new developments and changed during the reporting period. One Focal Point actually suggested that a different template might be needed for different countries, given that some had more sophisticated polices and programmes than others.

One main concern was over the sharing of information, enabling the different countries to learn from each other’s experience. Without exception, the Focal Points who had attended annual meetings found these to be useful and informative events. However, the sharing of information was limited by linguistic factors. The brief interventions of the focal points at the annual meeting were interpreted. However, the actual reports of the different Member States were not translated into the other languages.

Several Focal Points mentioned the need, beyond the annual meeting, for some form of monitoring at the country level. As one observed, ECOWAS “does not take time to see what the Member States are doing”. One stressed that ECOWAS Member States should “feel pressure”, and suggested that ECOWAS should send experts to the different countries at least once per year.

**Priorities for a new Plan of Action**

Questionnaire respondents were requested to provide their view on substantive concerns that might be covered in a new Plan of Action, together with the appropriate structure and timeframe.

Of the written responses, Sierra Leone responded that the focus should be on all TIP victims, whether children or adults, that a new Plan of Action should address TIP globally, and that it should be of three years duration. A gap was logistical support to TIP Secretariats in ECOWAS countries.

For Benin, given the present situation of children in West Africa, it would be important to continue to place the main emphasis on child trafficking. But one can observe an increasing demand to work by children in the 14-18 age group. Although domestic legislation may not be favourable to this, it would be interesting to reassess the issue of child labour, in particular for those children in a situation of mobility. The objective would to make these mobility corridors more secure; and to reduce the risks linked to this displacement of children, rather than seeking to condemn them. As an initiative, we suggest that good practices (such as alternative forms of care for children in a difficult situation and psycho-social accompaniment of children in or at risk of TIP) should be recommended by ECOWAS to Member States. It would be interesting if financial mechanisms for national initiatives could be reinforced, and that sub-regional finance mechanisms should be defined in a future plan of action to facilitate the implementation of these orientations and activities.
The Focal Point for Gambia advises a critical look at the gender dimension and cross-border trafficking crimes in the region. The focus should be on child trafficking, but also on adults with a special concentration on women and children as the most vulnerable groups. Moreover, a new plan of action should address TIP both within and outside the ECOWAS region for the five reasons that: the world has become a global village, and TIP a global problem; some ECOWAS States share borders with ECCAS and North African countries; victims of TIP travel to countries outside the ECOWAS and ECCAS Member States for forced labour; a large number travel to Europe for greener pastures, are promised opportunities that never arise, and are consequently subject to exploitation; especially men who take underground routes are subject to exploitation in European destination countries. A five year time frame for a new plan of action is advisable. Both technical and financial support should be given to Member States and their TIP agencies, to implement their plans and activities effectively. The ECOWAS TIP Unit should robustly engage Member States, and support implementation actions in the region. There should be more sensitization and awareness raising, and strategies should be expanded to include concrete socio-development initiatives for improved standards of living.

For Togo, there should be an emphasis in a new plan of action on a resource mobilisation strategy. It would be wise to have monitoring and follow-up meetings in different countries of the region, rather than only in Abuja, to stimulate these countries to finance their national plans of action. A plan could also include adult TIP, but in each country there should be a thorough analysis of the national situation to which a plan could be adapted. While the current plan of action does not cover the Central African States, the extension of a future plan to this region would help cement alliances between the two regions. A five year plan would be more pertinent.

In telephone conversations, most Focal Points recommended a five-year period for a future plan of action. In Senegal, a former Focal Point advised a focus on the mobility and protection of vulnerable groups, with a primary emphasis on children, then on adult women. A future plan should also address trafficking flows to Europe and clandestine migration addressing both prevention and reinsertion of TIP victims. This person observed that, while five years would be needed for an effective future plan of action, the ECOWAS TIP Unit must also be reinforced. The Focal Point for Guinea placed strong emphasis on communication, and particularly communication between States. The former Focal Point for Ghana stressed the need for more education on TIP, overcoming the present ignorance of the law, as well as a strong focus on the means of resource mobilization. The Focal Point for Nigeria felt there should be more emphasis in a new plan of action on women and adults, as well as on different forms of exploitation for children (drugs, labour exploitation and pornography). Looking beyond the ECOWAS region, a future plan could place emphasis on safe return and repatriation, perhaps promoting a Protocol between ECOWAS and European Union on this subject. A plan should be of a minimum of five years duration. The Focal Point for Gambia also felt that a new plan of action should address the concerns of trafficking to Europe. It should also have provisions on training and capacity building, establishing the principle of at least one training course per year in each of the ECOWAS Member States. The former Focal Point for Liberia also stressed the urgent need for training, with a focus on adult women and men as well as children.

Ideas for follow-up missions by ECOWAS Consultant

This consultant was requested in his Terms of Reference to identify areas where additional information is needed, and to draft recommendations for fact-finding visits in some selected Member States by an ECOWAS-recruited consultant.

It is preferable to leave this issue until the expert workshop to discuss this present report (scheduled to take place in Abuja in early April 2014) has taken place. Proposals for additional fact-finding would depend very much on the way in which the recommendations of the present report are received.

At this stage, it can be said in general terms that the greatest information gap is on the forms of trafficking that can affect adults in the region, particularly young adults or adolescents, both within
their own countries and across borders. In other regions of the world, there has been a steadily growing concern with the incidence of trafficking for various forms of labour exploitation, affecting adult women and also men. There has been very little research on this subject in West Africa. There are generalized concerns that the transition from school to employment is a difficult period in Africa, and that adolescents can be particularly vulnerable during this period after leaving formal education. It would be important to increase the knowledge base on this issue, through rapid assessments in select ECOWAS countries.

The level of response of the Focal Points, and the content of the Annual Reports, also give some indications as to the countries where follow-up visits may be particularly useful. Mali was very active in the early years, but has been less so since the country entered a period of turbulence. There has been no reporting from Cape Verde, and limited reporting from Guinea Bissau. Priority might therefore be given to these three countries.

**ACHIEVEMENTS: OVERALL ASSESSMENT, AND RECOMMENDATIONS FOR A NEW PLAN OF ACTION**

achievements and gaps

In providing an overall assessment, a cautionary note must be sounded. When new law and policy instruments or administrative measures on TIP have been adopted in the ECOWAS Members States, it is very difficult to assess when the impact can be attributed to the ECOWAS plans of action and monitoring mechanisms in themselves, and when they may be due to other factors and influences.

As seen, the initial plan of action was adopted in 2001, at a critical time just after the adoption of the UN Protocol on TIP, and when there had also been a recent surge of interest in child trafficking in West Africa backed by substantial international funding. The adoption by the ILO in 1998 of its Convention on the worst forms of child labour (which included the concerns of child trafficking) had stimulated international attention to the issue, with West Africa very much in the limelight. The ILO and UNICEF in particular became major international actors, implementing projects and programmes together with West African countries that focused in large part on the law and policy framework, together with the establishment of community level vigilance committees and other safeguards that sought to protect children, ideally remove them from the labour market, and return them to their countries and communities of origin. Part of the approach was to promote bilateral agreements between sender and destination countries in the region, and later a multilateral agreement on the prevention of child labour.

At the same time, different processes were under way at the beginning of the 21st. century. The UN Protocol is concerned, as its title indicates, particularly with the trafficking of women and children. But over time there has been a growing awareness that adult men as well as women can also be trafficked, within and across national borders; and that TIP involves various forms of labour and sexual exploitation, as well as trafficking in organs. UNODC was the key international driver of the initial plan of action. Its concern has been to promote laws, policies and implementation mechanisms for integrated action against TIP, but nevertheless with a strong focus on criminal law enforcement. Other international actors, such as the US Department of State, have also given strong attention to the criminal law enforcement dimensions of anti-TIP action, continually calling for more prosecutions as well as enhanced measures of prevention and protection.
Child protection and child trafficking: Issues of coordination

There has been some inherent tension between an approach to TIP which is based on the principles of child protection, and whose actions are led by Ministries of Welfare, the Family, or Children’s Affairs; and an approach which is led by Ministries of Justice, Interior or Immigration, and whose actions prioritize criminal law enforcement. The tensions have been potentially strong in West Africa, where migration for children as well as adults has been such an important part of socio-economic life, where children and young persons comprise such a large proportion of the overall population and young labour force, and where traditional cultural practices in certain countries have also expected the provision of services by young persons.

Realism of the TIP plans of action

The initial ECOWAS regional Plan of Action on TIP was extremely ambitious both in terms of its substantive commitments and its time frame. Though the measures were seen as urgent, there is no indication that many of them were implemented during the two-year period. With the exception of countries such as Nigeria and Ghana, where there was more concern to punish the traffickers of women for sexual exploitation both within and outside the West African region, the main concern for the first few years after 2001 continued to be child trafficking, and important drivers were still the international organizations with their well funded projects.

It is only in quite recent years that some ECOWAS States have been able to adopt the necessary laws and policies on TIP, and to establish implementation structures. Clearly there were other regional and international influences, in addition to ECOWAS, for law and policy reform. But focal points and other informants informed this consultant that the ECOWAS contribution in this area was highly important. The contribution to National Task Forces and National Plans of Action is of equal importance. Other international and national organizations may have been involved, in providing support for such initiatives, But the ECOWAS regional plans of action provide a basic framework, by which these instruments can be framed, monitored and evaluated.

Paradigm shifts, resource constraints and mobilization

This impact assessment covers the period, strictly speaking, since 2006, the year when the ECOWAS-ECCAS 2006-2009 Plan of Action was adopted. As explained during the narrative part of this report, it was also the period when international agencies were rethinking their earlier approaches (which assumed that migrant children had largely been trafficked into work), and adopting rather different approaches based on child mobility and protection. This also represented a shift on earlier operational approaches, under which vigilance committees saw their task as preventing children from migrating for work, and perhaps forcibly returning them to their home communities. It as also during this period, during the middle of the past decade, that it seems to have become progressively more difficult to secure major donor funding for anti-trafficking projects.

A key issue will always be the mobilization of resources. Action plans can help stakeholders mobilize and secure resources, but most of the commitments will remain pieces of paper unless resources come available. Action plans can also be framed as general strategic principles and guidelines, and
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statements of broad objectives. They can also be operational documents, identifying specific activities, specific agencies responsible, a specific time frame for implementing the activities, and perhaps also an indicative budget. Several focal points expressed their hope that an action plan would help them with the task of resource mobilization.

Importance of the ECOWAS TIP Unit

It is in this context that the ECOWAS TIP Unit (originally provided for in the initial 2002-2003 Plan of Action) became operational. It has had multiple tasks of monitoring and evaluation, coordination and capacity building, among others, and also appears to have played a significant role in preparing the second (ECOWAS-ECCAS) plan of action for 2006-2009. The TIP Unit appears to have had more resources in the earlier years, allowing it to engage both an Anglophone and Francophone advisor. It appears to have had less resources as well as a smaller staff in more recent years (perhaps reflecting the overall difficulties in securing donor support for anti-TIP projects and activities).

Turning to more recent years, the impact of the TIP Unit itself appears to have been highly positive. At the policy level, it has made an important contribution. And the system of focal points in each of the ECOWAS Member States, annual reports and annual meetings has certainly brought dividends. The template for the reports has encouraged Member States to report on progress in different areas, identify their main achievements, but also discuss their challenges and perceived weaknesses. The annual meetings have been much appreciated by the focal points, as a forum for sharing experience and learning from the good practice of others.

Future dilemmas

For the future, there is a dilemma, While the primary concern in West Africa is still seen by a number of ECOWAS and Member States and analysts as child trafficking, the reality is a paradigm shift (and probably some shift in the availability of donor funds) to child protections systems and structures in which child trafficking is just on component. On the other hand there are perceptions that trafficking and related forms of exploitation may be growing in the region, and also affecting vulnerable migrants who may be exploited for different persons outside the region. There has been some attention to the trafficking of adults, mainly women, for domestic work as well as sexual exploitation. There is still very little understanding as to the extent to which adults as well as children may be trafficked for other forms of labour exploitation.

Monitoring, reporting and evaluation

The structure of Annual Reports, and the sharing of information between the focal points, has been identified above as an achievement. However, there are also important gaps in the sharing and dissemination of this information. Most probably through resource constraints, there are no indications that the annual reports in English, French or Portuguese are translated into other languages. As discussed with the Focal Points, this severely inhibits the sharing of information. One option would be to summarise all of the Annual Reports into one consolidated overview report, and ensure that this is made available and disseminated in the three languages. A succinct overview report of some 50-60 pages would do much to stimulate cross-fertilization of idea and experience.

Initial ideas for a new TIP Plan of Action

It would be unwise for a new plan action to repeat once again the commitments that were first made by ECOWAS over a decade ago in 2001. A new plan needs to take stock of achievements and changes
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over the past decade; set out an amended vision, in the light of new approaches to child trafficking and other concerns; focus on a small number of priorities over a time period of at least five years; and also give very careful attention to monitoring and reporting mechanisms. The latter would require considerable strengthening of the ECOWAS TIP Unit, and provisions should be made for this in the plan of action. On this basis, the following recommendations are made for a new plan of action.

Time frame

The past experience suggests that the plan should cover a five-year period. This is, for example, the period covered by the EU strategy against human trafficking, 2012-2016, which identifies specific commitments to be met in different years over the five year period. For a regional plan of action, at least five years would be required to make it a realistic document. Given the time needed to prepare and adopt it, it would presumably be for the 2015-2020 period.

Structure of the plan; preamble

For a new plan at this stage, it is important to, provide context. An opening section should summarize the main achievements in the region since the initial plan of action, and the outstanding gaps. In particular, it should highlight some unique features of the ECOWAS monitoring and implementation mechanism, including the activities of the ECOWAS TIP Unit, the Focal Points and the annual reviews, and the annual meetings. The new plan should affirm that these mechanisms need to be strengthened, and that the necessary resources need to be made available through national, regional and international finance.

Overall vision of the plan

The basic vision of plan should be to assist ECOWAS Member States to prevent and eradicate all forms of TIP in the region, affecting both children and adults, through policies and programmes that combine prevention, protection and law enforcement. Key goals of the plan are to promote better coordination between the different Ministries and agencies involved in action against TIP, in cooperation with civil society; to improve the knowledge base of the facts and causes of TIP in the ECOWAS region; and to enhance mechanisms for monitoring and evaluation, and information sharing.

Substantive objectives and targets: Structure and scope of the plan

The main challenge is to achieve a suitable degree of pragmatism and realism. The commitments must not be too general (as for example in the 2010 UN global action plan against human trafficking). However, there should not be too many commitments, nor they should be too difficult (or perhaps impossible) to achieve. The specific issues and concerns would have to be identified by leading experts of the ECOWAS Member States, ideally through an expert meeting supported by a well-informed background paper. However, on the basis of his assessment, this consultant can propose the following initial ideas.

Rather than set out a range of different commitments in all the areas of anti-TIP activity, with a specific deadline for meeting each of them, the plan could be structured differently. It could set one or more thematic goals and target areas for each year of the plan. While the specific priorities and target areas would have to be set by the Member States, a possible structure and scope of a new plan of action could be on the following lines.
| Year One (2015). Law and policy framework | While almost all ECOWAS Member States now have anti-TIP laws on the statute, the challenge is now to ensure that their approach and provisions are consistent with the UN Protocol. This is an important priority, arguably a prerequisite for the success and coherence of other anti-TIP activities. Thus all Member States could commit themselves to reviewing their law and policy framework in the course of this year. The indicator of success would be the report of such a review, its validation by parliamentarians and other key stakeholders, and the formulation of recommendations. Member States should also take stock of their experience with application of the laws, for example comparing the number of prosecutions that have led to convictions, and the severity of the penalties. |
| Year Two (2016). Data collection | As with the law and policy framework, this is a critical area. Without good data, it is impossible to have effective action. As Focal Points have indicated, many Member States are struggling in this area. Thus it should be a top priority for the second year. The more advanced anti-TIP agencies such as NAPTIP should have the facility to share their experience, and provide advice to other Member States. The relevant international organizations could pool efforts to share their own databases, and adapt methods to the level of capacity of the different States. Finally, it should review and compare all research that has been carried out on TIP to date, and recommend as to the priorities for future research. |
| Year Three (2017). Coordination Mechanisms | It is becoming important to review and strengthen coordination mechanisms. Some informants stated that policies and anti-TIP actions were not coordinated in their country. While in some Member States the main mechanisms for policy coordination can be a National Task Force, in others the lead can be taken by a TIP Agency or Secretariat. A State’s approach to TIP can be influenced by the Ministry/Agency in which responsibility for TIP, or the ECOWAS TIP Focal Point, is located. The need is now to review national mechanisms, to ensure that the chosen coordination structure covers all aspects of anti-TIP activity (prosecution, prevention and protection), all victims of TIP whether children or adults, and all kinds of trafficking. One key concern, in an area where there has been so much emphasis on child trafficking, will be how to secure adequate coordination between Ministries, agencies and initiatives concerned with different dimensions of TIP. For resource-poor Member States, it is also important to assess the budgetary implications of the different mechanisms and approaches. Thus halfway through the plan, it would be an opportune time to review these mechanisms. At this stage, it is important also to involve Finance Ministries, Ministries of Planning, and others responsible for budget preparation. A success of indicator could be a set of proposals, as to how to adapt coordination and implementation mechanisms to the available resources of each Member States, and how to finance deficits through regional and international assistance. |
| Year Four (2018). Specialization and Training | While some Member States have documented quite extensive training in TIP for their law enforcement, police and immigration services, as well as judges and prosecutors, other States have seen this as an important gap. It is also difficult to find resources for training course and materials, and there is a need for international organizations to combine their efforts, participate in training in accordance with the comparative advantage of each, and avoid duplication. Training, including on TIP, is an important component of the EU/ECOWAS/IOM project, with ILO and ICMPD as implementing partners, on Support for Free Movement of Persons and Migration in West Africa (2013-2018). The year 2018, as the later period for both the TIP action plan and this EU project, would provide an ideal opportunity for stock-taking on the experience to date with specialization and training programs, and the specific identification of future needs. |
| Year Five (2019). Protection of Victims, and Monitoring and Evaluation | It is proposed to cover two separate thematic areas for this last year of the proposed action plan. By this time, it will be essential to consolidate measures for a victim-centred approach on protection to and assistance to victims. Member States should have had several years to implement victim-centred approaches, as set out in their own national plans of action, or policies and programmes on child and social protection. Review activities in this year could focus on the experience with shelters and reception centres, community reintegration schemes, and others. Assessment should also be made of the experience with victim identification and referral, for example through National Referral Mechanisms and similar structures, in order to formulate appropriate recommendations for future practice. The second area will be Monitoring, Evaluation and Reporting. The success of the proposed five year plan will depend on very rigorous monitoring, evaluation and reporting, at both regional and national levels. The ECOWAS TIP Unit will need substantial strengthening to this effect. Activities in this year could enhance the capacity of the Member States to monitor progress, and assess the impact of the plan of action in each country. An indicator of success would be the preparation and submission of a full and comprehensive report to the ECOWAS Secretariat by the end of the year. |