

**PRESENTATION BY AHMED HUSSEIN- DIRECTOR  
CHILDREN SERVICES FROM THE MINISTRY OF  
GENDER CHILDREN AND SOCIAL DEVELOPMENT;**

**ON**

**CONTEXUALIZING HUMAN TRAFFICKING AND  
MIGRANT EXPLOITATION IN KENYA**

# Definition of Human Trafficking

- *Trafficking in persons shall mean 'the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.'*

# **OVERVIEW ON TRAFFICKING IN PERSONS : - Kenyan Situation**

In Kenya, human trafficking can not be separated from the broader phenomenon of migration, Immigration and refugees. Kenya is considered as a country of origin, transit and destination.

## Contributory factors

- Armed conflict along the borders of Somalia, Ethiopia Uganda and Sudan.
- Displacement of families as a result of ethnic clashes within the country.
- Environmental degradation.

- Abuse of office and power.
- Corruption among highly placed individuals in the society.
- Urbanization syndrome.
- Development induced displacement

## Impact:-

- Influx of cross border immigrants from Uganda, Sudan, Somalia, Congo, Zaire Rwanda and Ethiopia.
- Migration from rural to urban and from one country to another.
- Exposure of many children and young people to exploitative conditions.
- Refugees are exposed to sexual exploitation, cheap and hazardous labour and degrading living conditions.

## **As a Country of Origin**

- Trafficking of young girls/ boys for sexual exploitation to various European destinations
- Trafficking of young boys /girls for cheap labour and sexual exploitation to Middle East.

## **As Transit Point**

- Due to well developed infrastructures such as roads, sea and air to outside world, various nationalities are trafficked through Kenya

## **As a Destination**

- Persons trafficked into Kenya and within Kenya are primarily for sexual exploitation and domestic servitude.
- Internally, young children are trafficked from one region to the other as domestic workers and commercial sex workers
- Externally from countries like Uganda, Tanzania Somalia, Sudan, Rwanda and Asian countries comes in to work in hotels and end up as commercial sex workers in brothels, bars as well as pole dancers in night clubs.



# CHILD TRAFFICKING IN KENYA.

## Background

- It is defined as the recruitment, transportation, transfer, harboring or receipt of persons by use of threats, force/coercion, abduction, fraud, and deception, the abuse of power or position of vulnerability for the purposes of exploitation.

- Exploitation shall include prostitution or other forms of sexual exploitation, domestic servitude, street begging, removal of organs etc. Child Trafficking is “The recruitment, transportation, transfer, harbouring or receipt of a child, for the purpose of exploitation”.
- A Child in this respect is any person under the age of eighteen years.
- Trafficking is both within and out of the country

- Within the country, children are trafficked from rural to urban areas for domestic work, agricultural labour, street vending, smuggling at border areas, human sacrifices, servitude and prostitution.
- Destinations for these children are mainly urban towns such as Nairobi, Mombasa, Eldoret, Kisumu and Malindi.

- Those trafficked out of Kenya are deceived with promises of good jobs, marriage, or education opportunities with a small percentage reporting forced recruitment.
- Victims of international trafficking end up in South Africa, European countries such as Italy, Germany, and Netherlands, as well as USA, the Middle East and Gulf countries

# **why children are trafficked; exploited and abused**

- For sexual exploitation, prostitution and production of pornographic materials.
- For domestic servitude.
- For agricultural and farm labour.
- Begging and hawking.

- Drug pushing and peddling.
- Illegal adoptions.
- Early forced marriages.
- Armies and militants in war torn areas.
- Salt harvesting and fishing industries
- Herding

## **Type of children targeted**

- Children between the ages of 0-18 yrs both girls and boys.
- Children from rural and urban areas.
- Mostly orphans and destitute.
- Children on the streets.

- Children sexually abused
- Children in search of jobs.
- Children who dropped out of school.
- Children exposed to sexual violence.
- Neglected children.
- Abandoned children.
- Children in domestic work.



## **EXPLOITATION AND ABUSE OF CHILDREN**

### **Child Labor**

- Children work for long hours in degrading and hazardous environment with very little or no pay.
- They are denied an opportunity to go to school or access medical care.
- Statistics shows that, approximately 32% of children aged between 5 and 14 were working in Kenya by the year 2000

- About 89.8 per cent of the total number were found in rural areas
- Children work in domestic service, construction, transport, quarries, and mines, while street children work in the informal sector
- About 25% of Agricultural Labour is performed by children
- According to the 1998/99 Child Labour Report published by the CBS, 15% of working children aged between 5 and 17 had work-related health problems.

- The modality of employment played an insignificant role in determining the vulnerability to health risks, because 20% of those with health risks were engaged in paid employment, while 21% were engaged in unpaid family labour.
- Both Worst Forms of Child labour (e.g., working in mines) and Unconditional Worst Forms of Child labour (e.g., trafficking, prostitution and pornography) are widespread in Kenya, although accurate data on the vice is difficult to obtain

# Domestic Workers

- Girls are exposed to sexual violence from their employers or relatives of their employers.
- They work for long hours irrespective of their age.
- They are bitten, mistreated and underfed.
- They do not have any leave
- There is no medical cover for them.

# Early Marriages

- The girl child is forced into marriage once she has been initiated into womanhood.
- Education is denied to her as it is felt that she will be going to join another family once married
- They are abused sexually through female genital mutilation.

# Child pornography and Child prostitution

- Mostly children of sex workers
- They are forced into child prostitution by men who come to see their mothers.
- Some parents are cheated that photographs of their children are needed for sponsorship purposes.
- Pedophiles' also take advantage of these vulnerable groups

# Commercial sexual exploitation

- Poor children are lured by their peer or relatives to leave their rural homes for town life.
- They are cheated that they will be enrolled into formal schools or skill training in order to improve their family's income.
- Once they reach their destination they are not allowed to go back home or communicate with their parents/ relatives.
- They are put in brothels where men exploit them sexually and their employer is paid.

## **Refugee children (migrant children and unaccompanied minors)**

- Child protection in refugee camps is very weak as they live in deplorable conditions.
- Women and girls exchange sex for food.
- Unaccompanied minors are sexually exploited and exposed to various ailments such as HIV/AIDS and urinary tract infections.



- Some of these children are sold by people who pose as their guardians.
- Others are married off to suitors they have never seen in other countries where they end up as slaves.
- Medical care, sanitation and education are very poor.

# Kenyan children abroad

- In Kenya, children who are adopted under foreign adoption are catered for through regular reports from the domicile country through a well coordinated mechanisms on adoption in the country.
- Children who are sneaked/ smuggled out of the country are exposed to various forms of exploitation and abuse depending on the guardian staying with them.

- Cases of Kenyan children in the neighbouring countries have been found to be exposed to worst form of child labour.
- Efforts have been made to rescue and return identified child/ children back to Kenya.
- Relatives are prepared to receive the child through intensive counseling.
- Family status is evaluated and necessary assistance is given.
- Where a child has been sold out, the Government retrieves the child and places him/her in a place of safety.

- The child can be fostered or adopted in line with adoption regulations.
- In cases where a minor who is unaccompanied ends up in Kenya from another country, the Government has systems in place of designated charitable children institutions like SOS where the child is placed as investigations takes place.
- The child is however committed to such institutions through a court order or after investigations have proved that there is no one claiming the child, there after, the child is declared free for adoption.

# How Violation of Human Rights is meted on these children

- Children are sold, bought and exchanged for monetary gain
- Held captives and denied freedom of movement
- Sexually abused, assaulted, raped, and beaten to death.
- Forced into Prostitution and pornography.

- Forced to work long hours in poor conditions
- Forced to commit crime
- Held as sex slaves in brothels / homes/ vilas.
- Forced into early marriages.
- Forced into gangs and drug pushing.
- Stolen from hospitals and homes.
- Sold from illegal children homes

# **EFFORTS MADE BY THE GOVERNMENT TOWARDS COMBATING TIP**

## **Protection**

- Formation of National steering committee on TIP.
- Availability of data on trafficked children
- Adoption Committee in place.
- Victims are rescued and put in places of safety- half way homes
- Government and stakeholders have come up with a draft NPA on Tip.

- TIP issues have been included in departmental strategic plans
- Ministry of labour now has a child labour division
- Children and gender desk at police stations as well as child protection units
- National children Policy in place
- Child protection system being developed
- Places of safety has been established to take care of victims
- Victim assistance networks have been created to help resettle the child.



## Prosecution

- The Government has enforced the Sexual Offences Act, the Children Act and the penal code which both touches on Trafficking in Persons especially Women and children
- The Ministry of Tourism is reviewing the Act and has included issues on Child Sex Tourism
- Draft TIP Bill is before parliament.
- Persons involved in trafficking of children are/have been prosecuted
- Legal representation is offered to victims
- A human Trafficking Unit at the Police headquarters was created in 2003 to handle issues related to trafficking in persons

## Prevention

- Government is collaborating and linking with other stakeholders in an effort to combat TIP through the implementation of the NPA
- Awareness creation through national campaign on stop violence against children.
- Immigration officials have received training on Human trafficking and six officers from the Department of Children Services have undergone basic training on TIP
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- International Code of Conduct is being signed by hoteliers to help protect and prevent children from sex tourism.
- Child participation through drama and music festivals.
- **Ministry of Labour regulates and monitors activities of private employment agencies to promote safe migration and prevent labour related trafficking through Kenya Association of Private Employment Agencies (KAPEA**

# Research

- Some research by key stakeholders on Human Trafficking has been undertaken
- A study on commercial sexual exploitation of children on the Kenyan coast was carried out and this precipitated the development of the District action plans on CSEC.
- A study on Violence against children is now being undertaken to establish the magnitude of the problem for proper planning.

# Regional Intervention.

The following need to be done

- Regional campaign and network to combat abuse and trafficking of children to neighboring countries in process.
- Campaign partners conduct research and organize it at National and Regional levels.
- Enhanced child participation and peer support regionally

- Cooperate with various stake holders i.e. UNICEF, IOM, USA Agencies IPEC/ILO, USAID, UNODC, AU, Embassies etc
- International campaign to stop child trafficking.
- Share information with other stake holders.
- Stop victimizing victims of trafficking
- Facilitate rehabilitation repatriation and reintegration of victims of trafficking within each member state

# Challenges

- New crime trends among children such as gang rape are emerging daily. This crime trends change every now and then while the behaviour modification processes have not been streamlined fast enough to meet the needs of the child victim of trafficking
- Lack of comprehensive law on TIP
- Child participation in combating TIP has not taken root
- Poverty, poor parentage and lack of proper reporting mechanisms

- Poor network and collaboration within and out of the country with other stakeholders
- Corruption in societies
- Gender inequality
- **Kenya has not ratified the UN protocol on migrant smuggling hence; migrants who do not fall in the category of trafficking of persons are not protected.**
- **The country has also not ratified the ILO protocol on private employment Agencies (181)**
- **Though many receiving countries have ratified the protocols, there is yet need for the countries of origin to ratify the same for effective service delivery.**



# Way Forward

- Lobby enactment of Anti trafficking in Human Act
- Intensify sensitization and awareness campaigns
- Economic empowerment through social safety nets to assist most vulnerable TIP and improve their livelihood
- Increased regional and international cooperation

- Establishment of an international counter human trafficking agency that is government driven
- Enhanced capacity building to relevant stakeholders on child abuse and exploitation
- Establishment of rehabilitation centers for victims of human trafficking, abuse and exploitation.

- Intensify public awareness on dangers of Child Trafficking
- Address issues of corruption
- Come up with strong policy on TIP
- Mainstream TIP issues in school curriculum
- Sensitise all stakeholders especially children on counter trafficking
- Streamline reporting mechanisms by creating TIP desks
- Strengthen linkage, collaboration and networking with other countries.