



UNODC

United Nations Office on Drugs and Crime



Regional Strategy for Combating Trafficking in Persons and Smuggling of Migrants

2015-2020







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➔ Introduction

The purpose of this document is to present the response of the UNODC Regional Office for West and Central Africa (UNODC ROSEN) to the challenges facing the region in the areas of trafficking in persons and smuggling of migrants. It is the result of extensive consultation initiated by the Regional Office to ensure, on the one hand, the consistency of the Strategy with the initiatives of the relevant regional and national institutions and, on the other hand, the coordination and integration of the document with the initiatives developed by the UNODC headquarters and other relevant offices.

Externally, the Strategy has been developed based on official documents elaborated by the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) on the fight against trafficking in persons and smuggling of migrants. In addition, regional institutions have been consulted throughout the development process to ensure that the Strategy is in line with their visions on regional integration. The member states have also been consulted through questionnaires, which have allowed to set the baseline and assess their needs.

Internally, consultations have been held with the relevant UNODC sections to ensure an integrated approach between the Strategy and other initiatives aimed at combating organized crime, including UNODC's comprehensive integrated strategy to combat trafficking in persons and smuggling of migrants¹, which focuses on:

- Research and awareness in order to develop more effective evidence-based responses, through the conduct of studies, dissemination of advocacy tools and organization of information campaigns;
- Promoting the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (Protocol against the Smuggling of Migrants), which supplement the United Nations Convention against

Transnational Organized Crime; supporting their implementation; and providing capacity building and specialized technical assistance; and

- Strengthening partnerships and coordination between UN agencies and with other international and nongovernmental organizations, civil society and the private sector.

UNODC has approved in January 2015, a strategy to strengthen the capacity of North African states to develop their response against smuggling of migrants in the Mediterranean Sea. This proposal is based on 5 pillars which are divided as follows: (1) the promotion of research, (2) the strengthening of the capacity of Member States to enhance their legislation and develop evidence-based criminal justice responses, (3) the promotion of international cooperation, (4) contributing to the global initiatives on coordination and (5) the protection of the rights of smuggled migrants. As many of the smuggled migrants identified at either side of the coast of the Mediterranean Sea, originate from or transit through the West and Central Africa, UNODC Regional Office in Dakar will identify synergies with colleagues based in other regions for an integrated response along the routes used for smuggling of migrants.

The Strategy will complement the UNODC Regional Programme for West Africa for the period 2016-2020, which is currently being developed. The Regional programme will support the implementation of the ECOWAS Regional Action Plan to Address the growing problem of Illicit Drug Trafficking, Organized Crime and Drug Abuse in West Africa.

The present Strategy also takes into account the ongoing discussions conducted in the framework of various international initiatives against trafficking in persons and smuggling of migrants, such as the Global Migration Group and the Rabat Process. The Rabat Process, initiated in 2006, aims to set a platform for dialogue and consultation between the North and the South in order to

¹ A comprehensive strategy to combat trafficking in persons and smuggling of migrants, UNODC, 2012

meet the challenges of managing migration and its impact on development. It is a platform to identify best practices that can inspire the policies developed by the participating states. The fight against irregular migration, including its pillars relating to border management and protection of vulnerable groups, is a strategic aspect of this Process. Therefore the results obtained under this Strategy will feed the consultations conducted under the Rabat Process and contribute to the decision making.

The Strategy concerns all the 22 countries covered by the UNODC Regional Office², namely: Benin, Burkina Faso, Cabo Verde, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Equatorial Guinea, Liberia, Mali, Mauritania, Niger, Senegal, Sao Tome and Principe, Sierra Leone and Togo. Furthermore, given the interregional and intercontinental dynamics of organized crime, including trafficking in persons and smuggling of migrants, countries in other regions will be included in the Strategy where appropriate.

Definition of trafficking in persons

According to the Article 3 of the Trafficking in Persons Protocol, trafficking in persons is defined by three constitutive elements:

- **An act** (recruitment, transportation, transfer, harbouring, or receipt of a person);
- **Means used** to carry out this act (the threat or use of force, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability, etc.); and
- **The purpose** of perpetrating the act (exploitation of the person: sexual exploitation, exploitation through labour, exploitation through forced begging, exploitation through the removal of organs, etc.).

The victim's consent, including regarding his/her own exploitation, shall be irrelevant where any of the above means have been used. If the victim is a child, it is not necessary that the above means have been used, but the act and purpose must be proven. Any person who is subject of this practice is a victim and should be treated as such.

Definition of smuggling of migrants

Under Article 3 of the Smuggling of Migrants Protocol, smuggling of migrants is defined as «the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident».

Article 6 of the Smuggling of Migrants Protocol requires State Parties to criminalize the constitutive elements of smuggling of migrants and related acts, namely:

- Facilitating or enabling intentionally the illegal entry or stay of a person,
- into a country, where he/she is not a national or permanent resident,
- in order to obtain financial or other material benefit.

Smuggling of migrants differs from trafficking in persons through the following elements:

- **Transnationality:** Smuggling of migrants is necessarily transnational, while trafficking in persons may be transnational or perpetrated within the borders of one state;
- **Exploitation:** Smuggling of migrants does not involve the exploitation of a person, while exploitation is the purpose of trafficking in persons and thus a key element of its definition;
- **Consent:** the consent of a victim of trafficking is irrelevant when any of the means provided for by the Protocol against Trafficking in Persons has been used, while smuggled migrants have resorted to smugglers to emigrate;
- **Source of profit:** In smuggling of migrants cases, the profits are generated by the facilitation of the illegal entry or stay of a person into another country, while in trafficking in person's cases, the profits derive from the exploitation of victims.

² Nigeria is covered by UNODC's Country Office for Nigeria (CONIG) based in Abuja. Within the general framework of cooperation between CONIG and ROSEN, UNODC will work to coordinate activities implemented in the framework of the Strategy and in Nigeria, and to identify possible synergies between them.

➔ Situation analysis

West and Central Africa is currently simultaneously facing many interconnected challenges related to poverty, climate change, rapid population growth and political instability. Eleven (11) of the fifteen (15) ECOWAS member states and seven (7) of the ten (10) ECCAS member states are among forty-nine (49) least developed countries in the world.³ This region, especially the Sahel, is also affected by corruption, laundering of proceeds of crime, terrorism and illicit transnational flows, and various forms of organized crime, including trafficking in persons and smuggling of migrants.⁴

Migration is an important phenomenon in West and Central Africa and its management poses real challenges to governments and regional institutions. The mobility of people in this part of Africa has historically always been high because it is rooted in the social history of the people. Within both ECOWAS and ECCAS, migration flows take place most often within the regions, but migration patterns lead also towards other parts of Africa, Europe, America, the Middle East and Asia.

In West Africa, migration is favoured by the Treaty establishing ECOWAS, its Protocol on the Free Movement of Persons, Right of Residence and Establishment of 1979⁵ and its Additional Protocols. Furthermore, the ECOWAS strategy on migration is described in ECOWAS Common Approach on Migration 2008. It has been complemented in the ECOWAS 2020 Vision, which recognizes the importance of the Protocols on free movement for regional integration.

In Central Africa, freedom of movement is provided for by Decision No. 3 of 26 January 1990 on the free movement of certain categories of nationals of the member states within the ECCAS, which was strengthened in 2002 by other decisions. This free movement is not complete, despite the existing texts. ECCAS, however, tries to capitalize on the sub-regional initiatives of the Central African Economic and Monetary Community (CEMAC) and the Economic Community of Great Lakes Region (CEPLG).

Migratory movements take place in a constantly changing international context (economic shocks, humanitarian crises, terrorist threats, reduced opportunities for legal



migration towards the traditional destination countries, etc.). These changes contribute to the modification of routes and restructuring of regional migratory spaces which are in the grip of various forms of illicit trafficking. For example, the Sahel-Saharan strip has been experiencing episodes of instability for a long time. The crises that occurred first in Libya (2011) and then in Mali (2012), have greatly exacerbated insecurity to the point of altering the geopolitical and geographical dynamics and certain migratory patterns.

The routes also depend on the security context and measures that the states take to protect the integrity of their territory. For example, the Algerian authorities have taken drastic measures to address the terrorist threat (closing of their borders and transformation to military zones). These measures have led to changes in the routes, making them even more dangerous for migrants.

Political instability in some countries in the region and the humanitarian crises in Mali, Libya, Guinea, Guinea Bissau, Liberia, Sierra Leone, Côte d'Ivoire and the Central African Republic, as well as the economic difficulties related to climate change, make populations more vulnerable as they face the need to move in order to meet their own

³ Office of the UN High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (<http://unohrrls.org/about-ldcs/>)

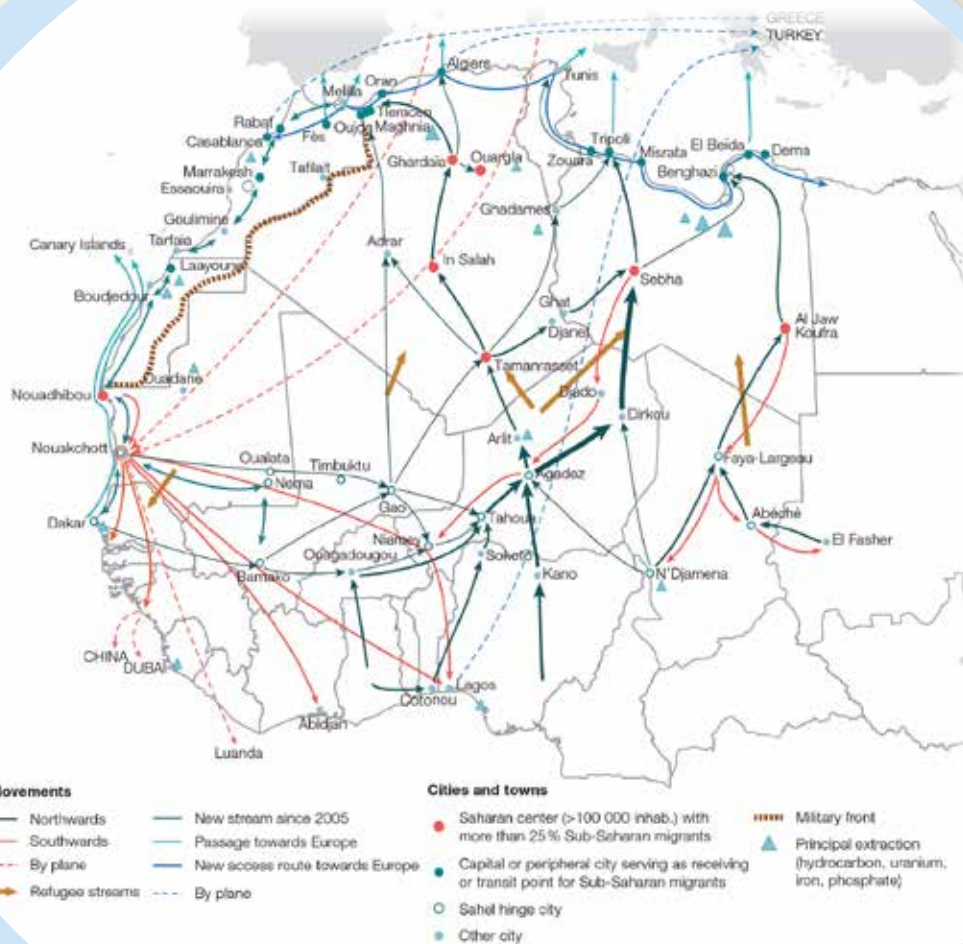
⁴ Transnational organized crime in West Africa: A Threat Assessment, UNODC, February 2013. Available at: <http://www.unodc.org/toc/fr/reports/TOCTAWestAfrica.html>

⁵ The Protocol allows visa-free travel in the member states for 90 days

needs and those of their families, but also in order to protect themselves. As the conflicts weaken public institutions, the management of the migratory flows which is already weak in West and Central Africa, is almost non-existent in countries in crisis (porous borders, mass movements of internally displaced people or refugees in

neighbouring countries, non-existent controls, vulnerable groups, victims of abuse, etc.).

The map below summarizes the current migration patterns between West and Central Africa and the Maghreb, as a consequence of these changes.



Sources : OECD (2014), "An Atlas of the Sahara-Sahel: Geography, Economics and Security", West African Studies, OECD Publishing, Paris

For several years, trafficking in persons and smuggling of migrants have become a growing cause for concern in the region. West and Central Africa is a region of origin, transit and destination for victims of trafficking and smuggled migrants. The profits generated through trafficking in persons worldwide is estimated at USD 32 billion⁷ and UNODC estimates that smugglers generate profits amounting to USD 150 million a year by smuggling West African migrants into Europe.⁸

In West and Central Africa, trafficking in persons is internal, regional and international. The victims are mostly women and children but can also be men, because no category is spared by this crime. The victims are mainly trafficked within their countries or they are trafficked to other West and Central African countries. Victims from West and Central Africa, however, have also been identified in Europe, America and the Middle East.⁹

The forms of exploitation vary according to context; the victims are trafficked to areas where the potential profit from their exploitation is the highest. The victims are mostly lured by false promises which they realize only once they arrive to their destination. In most cases, these promises come from close environment of the victim, who does not suspect that the aim is to turn him/her into an object of exploitation. For example he/she can be offered a job or studies abroad or in his/her country, assistance for family reunification or a promise of marriage. The best known forms of exploitation include sexual exploitation (pimping networks), forced labour (domestic work, gold mining sites, agriculture, fishing, construction, manufacturing, livestock), exploitation through begging and removal of organs. According to the UNODC Global report on trafficking in persons published in 2014, forced labour accounts for 37% and sexual exploitation accounts for 53% of trafficking in Africa and in the Middle East, while the rest is made of other forms of exploitation, including forced child begging or recruitment of child soldiers.

To keep their victims in situation of exploitation, the traffickers exert several forms of control, including violence and threats of physical and psychological abuse



on victims and their families, deception, blackmail, forcible confinement, debt to finance the trip, amalgam with religion, culture and/or beliefs, use of occult practices, psychological influence/manipulation (drug use) or conditioning (child soldiers, prostitution). The victims dare not to ask for help, because most of the time they do not speak the language of the host community or are simply distrustful and too afraid of being exploited again or suffering new forms of violence by trying to escape. The level of these different forms of violence and the victims' resilience often have an impact on the victims' willingness to cooperate with protection services.

The trade corridor between Abidjan and Lagos, which runs through five countries (Cote d'Ivoire, Ghana, Togo, Benin and Nigeria), has been identified as a major route for migration, prostitution and sexual exploitation in West Africa. Many women originating from these five countries or from more remote countries are victims of sexual exploitation in cities located along this commercial route or at the borders. In Cotonou (Benin), for example, almost 90% of women involved in prostitution come from other countries of the corridor (Nigeria, Ghana, Togo).¹⁰

⁷ http://www.unodc.org/unodc/en/frontpage/2012/July/human-trafficking_organized-crime-and-the-multibillion-dollar-sale-of-people.html

⁸ Transnational Organised Crime Threat Assessment, UNODC, 2010, p.275

⁹ Global report on trafficking in persons, UNODC, 2012

¹⁰ Enquête de surveillance intégrée du VIH et des autres infections sexuellement transmissibles chez les travailleuses du sexe au Bénin en 2002, Cahiers Santé, vol. 17, n° 3, juillet-août-septembre 2007

In the Sahel, the smugglers often use «traditional» migration and smuggling routes through Niger, Mali, Morocco, Algeria, Tunisia, Mauritania and Libya.¹¹ Former nomads from Mali and Niger (Tuareg) or Chad (Toubou) have, for example, started using ancient caravan trade routes to transport migrants from sub-Saharan Africa to North Africa.¹² To get to Europe, the most common sea and land routes are the Mediterranean Sea to reach the islands of Malta or Lampedusa (Italy), the Greek coast,¹³ Spanish enclaves in North Africa (Melilla and Ceuta) and, to a lesser extent, the Canary Islands. Air transportation which requires forged documents is also used but less frequently.

Niger is considered a transit point for many migrants (including nationals holding ECOWAS travel documents) before continuing their journey from Agadez to Libya (Bilma, Dirkou then Madama) or to Algeria (through Arlit). However, the chaotic situation in Libya may discourage some migrants who end up giving up their migration project and come back willingly or by force in Niger, as noticed by the country's authorities.¹⁴ These have estimated the number of sub-Saharan migrants entering Libya from Niger to be between 1,000 and 1,500 every week.¹⁵ The level of organization of the smuggling rings, corruption of certain authorities and weak control of financial flows in the region are some of the factors

that contribute to the prosperity of these networks. The case of the town of Agadez is particularly interesting. This town, which is located in central Niger at the edge of the desert, is known for its role as a strategic stage between the North and South since the times of ancient caravans. It is now a major transit center, which hosts migrants from diverse backgrounds engaged in various activities waiting to finance the rest of their journey. The ghettos that have developed in the city were originally used to house the migrants. However, these areas have resulted in the development of other illicit activities, such as drug trafficking and trafficking of counterfeit goods and trafficking in persons for the purpose of sexual exploitation. Given the scale of the trafficking and smuggling around these ghettos, the authorities of Niger decided to close them in 2014.

Around the Mediterranean Sea, the year 2014 and the early months of 2015 have been marked by a peak of irregular migration both by sea and by land. The majority of these irregular movements are of course facilitated by well-organized smuggling networks.



¹¹ Les migrations internationales en Afrique de l'Ouest, Mandiougou Ndiaye, Nelly Robin, International Migration Institute, 2010, pp. 29 à 31 / UNODC, Transnational Trafficking and Rule of Law in West Africa: A threat Assessment, UNODC, 2009, p.62-64 / The myth of invasion - Irregular migration from West Africa to the Maghreb and the European Union, Hein de Haas, International Migration Institute, October 2007, p.21

¹² The myth of invasion - Irregular migration from West Africa to the Maghreb and the European Union, Hein de Haas, International Migration Institute, October 2007, p.13

¹³ Transnational Organized Crime in West Africa : an assessment of threats, UNODC, 2013, p.29

¹⁴ Africa-Frontex Intelligence Community Joint report (2014)

¹⁵ Africa-Frontex Intelligence Community Joint report (2014) p.6



In the central part of the Mediterranean Sea, the observed trends on irregular migration routes show an increase in flows from sub-Saharan Africa to Italy, particularly through Libya.¹⁶ This country is considered by many observers as a failed state, a large part of whose territory is under the control of militias and armed groups who rule different areas. This volatile situation favours the transit of many sub-Saharan migrants but also migrants from other countries, such as Syrians and Eritreans, who, from the Libyan coasts and with the help of smuggling networks, try to cross the Mediterranean to reach Europe. The European Union member states' authorities registered 114,000 arrivals of irregular migrants identified/rescued during the first 8 months of 2014 in the central Mediterranean region, which is six times higher than in 2013 at the same period. The Italian authorities, through their Mare Nostrum operation, supported by civilian vessels, rescued 150,000 migrants between 2013 and 2014.¹⁷ The Libyan coast is by far the most concerned, with nine departures out of ten leaving from this country.¹⁸ Among the migrants rescued in this part of the Mediterranean, nationalities identified include among others Malians, Senegalese, Nigerians and Gambians. The fees collected by the smugglers for the sea crossing from Libya vary depending on the condition of the boat and services provided (e.g. GPS). Similarly, the fare depends on the place of departure and the level of surveillance. For example, the average fare for the sea crossing from

Libya is USD 1,300 against USD 3,000 from Egypt.¹⁹ The criminal networks of smugglers have adapted to the operational search and rescue activities conducted in the Mediterranean Sea (Mare Nostrum, Triton, etc.). Therefore they load the boats beyond their capacity, thus maximizing their profits while maintaining the illusion that migrants will be rescued by vessels operating in the area.

In the western region of the Mediterranean, the migratory pressure continues to increase at the Spanish enclaves in North Africa. The migrants desperately try to cross the barriers erected at the border between Morocco and Spain (mainly enclaves of Ceuta and Melilla). This pressure continues despite Morocco's recent migration policy reform to regularize a high number of migrants, mainly from sub-Saharan Africa. The most represented nationalities include Malians, Cameroonians, Senegalese and Guineans. Unlike the sea crossing, which can be quite expensive, the attempts to cross these barriers are less costly and can be made simultaneously by a large number of migrants in order to increase the chances of entering Spain.

¹⁶ Africa-Frontex Intelligence Community Joint report (2014)

¹⁷ Mare Nostrum was replaced in November 2014 by EU operation Triton.

¹⁸ Africa-Frontex Intelligence Community Joint report (2014)

¹⁹ Africa-Frontex Intelligence Community Joint report (2014)

Irregular migrants are victims of serious violations of their physical integrity throughout their journey and are particularly vulnerable to abuse. They also risk their lives by trying to cross the desert²⁰ or the sea to get to Europe. The vulnerability of migrants, in such conditions, is very high. The perpetrators of such abuses may be the smuggling networks, the authorities of transit countries or militias or other armed groups controlling these regions. The Italian authorities have reported that criminal networks accept even human organs as a payment from the migrants who are not able to pay for the trip.²¹ The migrants may be abandoned in the desert, transformed into objects of exploitation or subjected to other forms of abuse and held in inhumane conditions. Some migrants may find themselves stranded in their migratory journey for various reasons (theft of their personal effects and financial resources, health problems putting them in a critical financial situation, insufficient resources to continue their journey, etc.) and have to find the funds needed to continue their journey (by working, borrowing, receiving remittances or engaging in unlawful activities) or by contracting a debt to the smuggler they will have to repay progressively or when they arrive at their destination.²² The city of Agadez in Niger, is particularly illustrative example of these situations that the migrants face.²³

Finally, trafficking in persons and smuggling of migrants generate and feed corruption. Corruption in the context of trafficking in persons may be visible both in the act of trafficking itself and the criminal justice system or the protection of victims.²⁴ Corruption in smuggling of migrants is also found at several levels and primarily through border crossings, facilitation of the stay in a given territory or production of travel and ID documents.²⁵ This corruption can be seen through complicity or inaction of the authorities, obstruction, communication of information, etc. It may cover the administrative authorities (town halls, consulates, prefectures, etc.), border officers, customs officers, immigration services, police, traditional authorities, judicial authorities, private sector (transport companies for example), as well as the civil society.²⁶



²⁰ In 2013, the bodies of almost one hundred migrants (52 children 33 women) were found in the desert of Niger.

²¹ Frontex - FRAN Quarterly - Q3 2014 - p.18

²² Smuggling of migrants into, through and from North Africa, UNODC, 2010, p.43

²³ Enhancing the protection of stranded migrants in West Africa: a study in Niger and Togo, IOM

²⁴ Issue paper : the role of corruption in trafficking in persons, UNODC, 2011, p.6 et 7 / Trafficking in Human Beings and Corruption, Council of Europe, 2005

²⁵ Issue paper : Corruption and the smuggling of migrants, UNODC, 2013, p.14

²⁶ Issue paper : the role of corruption in trafficking in persons, UNODC, 2011, p.7 and Issue paper : Corruption and the smuggling of migrants, UNODC, 2013, p.15 - 23

➤ Member States' Responses

For several years, West and Central African regional institutions and governments have initiated policies and actions to combat trafficking in persons and smuggling of migrants with the support of their bilateral and multilateral partners. Most ECOWAS and ECCAS member states have signed and/or ratified the United Nations Convention against Transnational Organized Crime and its Protocols on trafficking in persons and smuggling of migrants, and many have fully or partially transposed the provisions contained therein into their national legislations.

Trafficking in persons

At the Conference of the Heads of State and Government in 2001, ECOWAS adopted an initial Plan of Action against Trafficking in Persons (2002-2003) in compliance with the provisions of the UN Protocol on trafficking in persons. This Plan of Action proposes measures to be implemented by member states, including the adoption of legislation criminalizing trafficking in persons, measures on protection and assistance to victims, public awareness, cooperation between immigration and border control agencies and data collection by ECOWAS countries. With UNODC's technical and financial support, a Unit against trafficking in persons was established in 2005 within the ECOWAS Commission. Its mission is to coordinate the implementation and monitoring of the Plan by organizing annual meetings to review the implementation of the measures recommended by the Plan to the member states and to provide them with direct support in terms of strategic and operational guidance, especially in relation to legislative harmonization and national policies. The ECOWAS TIP unit has significantly contributed to the positive results achieved in West Africa in the prevention and suppression of trafficking in persons, and protection and assistance to victims, as well as data collection. The mandate of this unit covers exclusively trafficking in persons. Regarding smuggling of migrants, no specialized unit exists within ECOWAS. However, as smuggling of migrants has become a major concern for Member States of ECOWAS, discussions are ongoing on the possibilities to also support the member states in this regard and on the role that the Secretariat could play.

The initial (2002-2003) ECOWAS Plan of Action was extended in 2006 to the ECCAS and became the (2006-2009) ECOWAS-ECCAS Joint Action Plan to combat trafficking in persons, especially women and children. The plan which was established within the framework of the ECOWAS-ECCAS Multilateral Agreement, called for the



establishment of a joint mechanism for the review of the status of its implementation, which nevertheless appears to have experienced difficulties. However, the need has been expressed to UNODC to revitalize the collaboration between these two regional institutions. In addition, ECCAS has requested assistance to revitalize the Unit against Trafficking in Persons created within the General Secretariat of the ECCAS.

A new ECOWAS Plan of Action against Trafficking in Persons for the period 2016-2020 is currently being developed after the review of the status of implementation of the previous plan (2008-2011). This plan describes strategic objectives that aim to enable the member states of ECOWAS to put in place effective measures to protect all persons, especially women and children within ECOWAS region from trafficking in persons. This plan of action is based on lessons learnt in combating trafficking in persons in the Member States. This new plan of action also aims to assure that national and regional efforts against trafficking in persons are based on larger strategic framework on protection and criminal justice. This approach will also complement other initiatives taken by the ECOWAS, especially: (1) a regional policy on the protection and assistance of victims of trafficking; and (2) guidelines on the protection, support and assistance to witnesses.



Furthermore, bilateral and multilateral agreements on the fight against trafficking have been concluded between West and Central African States.²⁷ These agreements provide a legal framework for international cooperation on the issue but are sometimes difficult to implement. Monitoring committees have often been set up to report on the progress made by the State Parties and make recommendations, but they have difficulties to meet on a regular basis.

At national level, many states in the region have adopted strategies and plans of action against trafficking in persons. Many countries have also set up national committees or taskforces to coordinate the activities against trafficking in persons and initiatives on capacity building and awareness raising have been developed. Actions related to victim assistance, in collaboration with civil society organizations, have also been implemented in several countries in the region.

Despite of these efforts, there are still many challenges. The legal frameworks of most countries only criminalize certain forms of trafficking and are not compliant with international instruments; law enforcement officers lack the required capacity to prevent and combat trafficking in persons; the allocated resources are inadequate, in particular because of the absence of national multi-sectoral programs to mobilize all relevant stakeholders; public policies are not supported by research to better analyse the phenomenon; knowledge of the victims' needs and of the forms of this transnational organized crime remains very incomplete; and provision of services to victims is limited. In addition, while most of the crimes are committed within the region, regional initiatives related to judicial cooperation or victim support and protection, are insufficient. Finally, the data existing at national levels is not shared at regional level. Therefore, organized criminal networks are not detected and can thrive.

Smuggling of migrants

Few West and Central African countries have developed real policies to combat smuggling of migrants. One of the causes for this is the sensitive nature of the issue which is linked with fighting irregular migration often affected by the European States' migration policies.

In 2015, nineteen (19) of the twenty-six (26) West and Central African States had signed and ratified the Smuggling of Migrants Protocol, but only Niger had domesticated its provisions with the passing in May 2015 of a specific law on the smuggling of migrants in accordance with the provisions of the Protocol. Unlike on trafficking in persons, there are no action plans or regional instruments in this regard. However, the regional instruments on police cooperation and criminal matters remain relevant in combating smuggling of migrants.

The smuggled migrants' rights and needs are not taken into account²⁸ sufficiently and require the implementation of urgent measures. Indeed, very few countries provide for measures to protect the migrants as they are often considered as illegal, and as such, perpetrators or accomplices of irregular migration.

²⁷ Nigeria - Benin - Ghana - Togo (repatriation and extradition agreement) (1996); Mali - Côte d'Ivoire (2000); Mali - Burkina Faso (2004); Mali - Senegal (2004); Mali - Guinea (2005); Benin - Nigeria (2005); Multilateral agreement on combating child trafficking in West Africa (2005); Multilateral cooperation agreement on combating trafficking in persons (2006); Benin - Congo Brazzaville (2011); Côte d'Ivoire - Burkina Faso (2014)

²⁸ Except in Niger, where UNODC supported in 2013 the drafting of a specific law on the smuggling of migrants

➔ The comparative advantage of UNODC

As the custodian of the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol, UNODC's mandate is to promote the states' adherence to these instruments and to assist them in implementing their provisions.

UNODC has been operating in West and Central Africa for 20 years. UNODC ROSEN currently covers 22 states and is supported in its mission by 9 sub-offices. UNODC has recognized expertise in combating trafficking in persons and smuggling of migrants, as a result of its long experience in providing technical assistance to the states. Concretely, UNODC is involved in these two thematic areas through the following actions: strengthening legal frameworks, public policies and national strategies; capacity building for criminal justice stakeholders; support for assistance to victims of trafficking and smuggled migrants in particular through civil society organizations; awareness and research; and strengthening national coordination and international cooperation frameworks. To achieve this, UNODC has developed technical tools for criminal justice practitioners,

including training manuals on trafficking in persons and smuggling of migrants, model laws on both offenses, tools for awareness raising campaigns, etc. These tools have been designed in collaboration with renowned experts with extensive experience in combating these crimes.

UNODC has also published several reports and studies on trafficking in persons and smuggling of migrants in the region.²⁹ In addition, UNODC contributes to the activities of coordination platforms of various United Nations agencies involved in combating trafficking in persons and smuggling of migrants. More specifically, UNODC pursues its coordination and cooperation actions through ICAT³⁰ at political level, UN.GIFT³¹ at operational level, Global Migration Group³² in research and analysis, and the «Trust Fund» in supporting victims of trafficking.



²⁹ Transnational trafficking and the rule of law in West Africa : A threat Assessment (2009); The role of organized crime in smuggling of migrants from West Africa to the European Union (2011) ; Transnational Organized Crime in West Africa : A Threat Assessment (2013)

³⁰ ICAT is a coordination group composed of sixteen UN agencies combating trafficking in persons and was established in 2007 by the UN General Assembly in order to enhance cooperation and coordination and to allow the adoption of a holistic and comprehensive approach to trafficking by the international community.

³¹ UN.GIFT (United Nations Global Initiative to Fight Human Trafficking) is an initiative launched in 2007, which brings together six UN agencies to mobilize state and non-state actors in the fight against human trafficking through a multi-stakeholder approach.

³² GMG was established by the United Nations Secretariat in 2006. It features sixteen UN agencies and aims to enhance inter-agency cooperation and ensure greater consistency of responses to the international migration issue.

➔ General objective of the Strategy

The objective of the Strategy is to support the West and Central African states covered by UNODC Regional Office³³ to develop their capacities in combating trafficking in persons and smuggling of migrants in accordance with the commitments arising from the ratification of the UN Convention against Transnational Organized Crime and its Additional Protocols.

As a consequence, the authorities are more able to identify and dismantle criminal groups at national and regional levels and protect and assist victims of trafficking and smuggled migrants. Information exchange mechanisms are essential to this strategy as the approaches used by the criminal networks are constantly changing and therefore require the development of appropriate and flexible responses.



³³ Benin, Burkina Faso, Cabo Verde, Cameroon, Chad, Central African Republic, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Equatorial Guinea, Liberia, Mali, Mauritania, Niger, Senegal, Sao Tome and Principe, Sierra Leone and Togo.

➔ Strategic Framework for UNODC's Assistance 2015-2020

This section aims to present the actions envisaged by UNODC to support the states in the region in their efforts to combat trafficking in persons and smuggling of migrants.

Outcome 1: The coordination and cooperation culture in combating trafficking in persons and smuggling of migrants is enhanced in the region.

Output 1.1: The national and regional coordination bodies on combating trafficking in persons and smuggling of migrants are strengthened.

For greater visibility and better coordination of actions to combat trafficking in persons, most states in the region have established multidisciplinary coordination bodies whose roles include gathering of information on trafficking in persons, coordinating governments' and partners' efforts, collecting data, protecting victims and, in some countries, investigating and prosecuting the perpetrators of these crimes. However, these committees lack the ability to successfully carry out their missions. Budgets and human resources allocated to them are far from being

adequate in view of the actions to be taken. In combating smuggling of migrants, national coordination efforts are still extremely limited. In most countries, there are no coordination mechanisms in this area, making national actions very limited and fragmented. The regional units of ECOWAS and ECCAS in charge of these issues have also expressed their need to have support to their advisory, monitoring and coordination mandate on trafficking in persons to the Member States and possibly expand this support for issues related to migrant smuggling.

ACTIVITIES:

- Support the establishment of national coordination bodies on trafficking in persons and smuggling of migrants;
- Provide technical assistance to these bodies to strengthen their capacities;
- Revitalise the coordination unit against Trafficking in Persons within ECCAS;
- Strengthen the capacities of relevant actors of ECOWAS and ECCAS (especially the Department of Free Movement and immigration services) on the issue of smuggling of migrants;
- Support the monitoring mechanisms of interregional cooperation agreements in combating trafficking and organize visits in order to exchange good practices for the benefit of the national and regional coordination bodies, with a focus on south to south cooperation; and
- Provide material and equipment.



Output 1.2: Judicial cooperation between member states on trafficking in persons and smuggling of migrants is promoted and strengthened.

To successfully carry out their operations, criminal groups take advantage of the shortcomings in legal frameworks, but also the lack of knowledge by the central and judicial authorities about regional and international provisions related to judicial cooperation on trafficking in persons and smuggling of migrants. Although criminal networks are transnational, in most cases, only the members of the network operating in the countries of destination are detected. The traffickers who are active in countries of transit and origin and who are equally involved in committing the offense, are not prosecuted, thus limiting the possibility of dismantling the entire transnational criminal network.

ACTIVITIES:

- Establish a regional platform for dialogue on trafficking in persons and smuggling of migrants for exchange of information and good practices among the actors of the criminal justice chain;
- Organize specific training sessions to strengthen judicial cooperation related to trafficking in persons and smuggling of migrants among the member states;
- Establish links with other existing and relevant regional networks.³⁴

Outcome 2: National and regional responses to trafficking in persons and smuggling of migrants are developed based on updated information and data.

Output 2.1: Member states have updated information on the modus operandi and trends on trafficking in persons and smuggling of migrants.

Most of the countries in the region have started to address trafficking and smuggling issues only in the last decade and there is still very little research data and information on the phenomena. The perpetrators of these crimes use the shortcomings of the system, including porous borders and weak border controls and corruption, as well as weak legislations and resources available for the fight. The routes, means of transportation and methods used, as well as people involved, are constantly changing and beyond the authorities' control. Therefore, existence of updated and detailed information is a prerequisite for the development of effective strategies and measures.

ACTIVITIES:

- Conduct research (nationally and regionally) on the modus operandi and trends on trafficking in persons and smuggling of migrants;
- Organize regional advisory and information sharing workshops for frontline officers (defence and security forces, judiciary and civil society, etc.);
- Adapt to the regional context UNODC's existing system of information collection and exchange on smuggling of migrants developed under the Bali process;³⁵ and
- Facilitate existing information exchange platforms.



³⁴ West African Network of Prosecutors and Central Authorities responsible for combating organized crime (WACAP), Sahel Judicial Cooperation Platform, etc.

³⁵ http://www.baliprocess.net/files/RSO/UNODC_About%20the%20VRS-MSRC%20%28Feb%20%202013%29.pdf

Output 2.2: Member states' capacities to collect data in order to measure trafficking in persons and smuggling of migrants are strengthened.

Data collection is inadequate in many countries of the region and the methodologies used for this purpose are unreliable. Therefore, erroneous or incomplete information is being circulated, including on the number of victims of trafficking and smuggled migrants, or the number of arrests, prosecutions and convictions of traffickers and smugglers. In general, there is very little data on smuggling of migrants and in particular its judicial treatment in the countries of the region. The judicial data that is, at best, sent by the courts and centralized at national level, is often collected without collection criteria being harmonized.

ACTIVITIES:

- Strengthen member states' data collection systems (particularly at the level of judicial administration) on trafficking in persons and smuggling of migrants;
- Strengthen the ECOWAS data collection system on trafficking in persons and smuggling of migrants with member states; and
- Develop a partnership with ECCAS for data collection on trafficking in persons and smuggling of migrants.

Outcome 3: National legislations and strategic policy documents to combat trafficking in persons and smuggling of migrants are adopted and implemented.

Output 3.1: Compliance of member states' national laws with international instruments on trafficking in persons and smuggling of migrants is improved.

The existence of a legal framework on trafficking in persons and smuggling of migrants that is in line with international instruments (in particular the United Nations Convention against Transnational Organized Crime and both relevant Protocols) and is consistent with the national legal corpus is a prerequisite to ensure the effectiveness of the fight against these phenomena. Although many countries have ratified the relevant international instruments,³⁶ few have transposed the provisions fully and satisfactorily in their national legal frameworks.



ACTIVITIES:

- Promote the ratification of the UN Convention against Transnational Organized Crime and its Protocols on trafficking in persons and smuggling of migrants by the states;
- Provide technical assistance to the governments to enhance the compliance of the national laws with both Protocols; and
- Organize ad hoc parliamentary sensitization sessions on trafficking in persons, smuggling of migrants and their link with organized crime, and on the process of drafting legislations on both issues in their countries.

³⁶ All ECOWAS and ECCAS countries have ratified the Protocol on Trafficking; only two ECOWAS and five ECCAS countries have not ratified the Protocol on the Smuggling of Migrants.

Output 3.2: State and non-state actors possess tools enabling them to define a national strategy and concrete actions to fight trafficking in persons and smuggling of migrants.

An adequate response to trafficking in persons and smuggling of migrants includes the design and implementation of holistic and coherent strategies involving all stakeholders. These strategies must be described in multi-sector programmatic documents bringing together the administration and non-state actors while mobilizing the required resources. Such planning should also provide the public with details about the strategy and the efforts made by the authorities to combat both crimes. Civil society organizations should play a more important role in the process of identifying, planning and implementing measures against trafficking in persons and smuggling of migrants. However, currently there is a disparity between countries in the region in regard to the quality of civil society participation in the various discussion forums on these issues.

ACTIVITIES:

- Organize drafting workshops to develop strategies and plans of action;
- Organize workshops for resource mobilization for the implementation of strategies and plans of action; and
- Organize training sessions on project management and advocacy techniques, particularly targeting civil society organizations.



Outcome 4: Actors of the criminal justice system investigate, prosecute the criminals and protect the victims and vulnerable migrants effectively.

Output 4.1: The capacities of police, immigration officers, gendarmes and magistrates are strengthened in criminal investigations and prosecutions of trafficking in persons and smuggling of migrants.

The police, immigration officers, gendarmes and magistrates are key players in the repression of trafficking in persons and smuggling of migrants. However, past actions and assessment missions conducted by UNODC in the region have revealed that these actors have often limited, inaccurate or partial knowledge of both issues. They lack of technical and material capacity to detect cases of trafficking and smuggling of migrants, conduct investigations and prosecutions and ensure adequate assistance to victims. In addition, it is important to enhance the actors' knowledge in related crimes, including laundering the proceeds of crime, document fraud or corruption.



ACTIVITIES:

- Establish partnerships between UNODC and training institutes of police, gendarmerie and judiciary;
- Organize initial and continuous training in partnership with police, gendarmerie and judiciary training institutes;
- Organize training of trainers on the investigation and prosecution techniques in trafficking and smuggling cases;
- Organize in-depth training (especially related to the phases of inquiry and judgment) on trafficking and smuggling of migrants for specialized law enforcement units and magistrates (judgement, inquiry and prosecution) working on organized crime issues;
- Distribute information tools and training manuals developed by UNODC to criminal justice practitioners; and
- Provide material and equipment.

Outcome 5: Victims of trafficking and vulnerable migrants are provided protection and assistance.

Output 5.1: The competencies and capacities of civil society organizations and actors of protection and detection are strengthened for more effective referral and assistance to victims of trafficking and vulnerable migrants.

The protection actors play a key role in identifying and assisting vulnerable groups. Certain number of good practices have been developed in regard to assistance to victims of trafficking (especially on children). However, there are disparities in the intervention methods which are not compliant with international standards related to assistance to the victims of trafficking. Moreover, non-existence or ineffectiveness of referral systems for adequate care make protection and support challenging. This has negative consequences on the quality and sustainability of initiatives to support the beneficiaries. In most of the countries in the region, there is a lack of identification, assistance, protection, support and assistance for repatriation of victims of trafficking and smuggled migrants as provided for by both Protocols and relevant multilateral and bilateral agreements. Irregular migrants are often considered as offenders and not smuggled migrants. Therefore, their rights and needs (medical and psychological needs, right to participate in the proceedings, etc.) are rarely taken into account. In this perspective, state and non-state actors should play a key protection role to meet these challenges.



Activities:

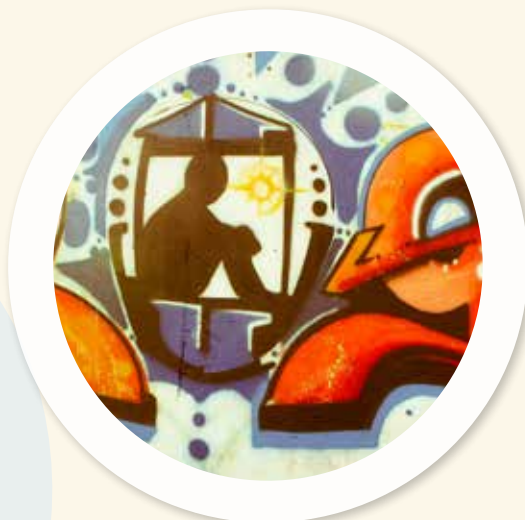
- Organize training on identification techniques and on protection of victims of trafficking and vulnerable migrants for civil society organizations and other actors with a protection mandate (consular officers, labour inspectors, health workers, border officers, etc.);
- Organize training on international standards related to protection and care of vulnerable people;
- Establish referral mechanisms for victims of trafficking; and
- Provide civil society actors with grants to contribute, through innovative approaches, to the efforts in supporting victims of trafficking and vulnerable migrants.



Outcome 6: Member states' populations are engaged in combating trafficking in persons and smuggling of migrants.

Output 6.1: The understanding on trafficking in persons and smuggling of migrants is strengthened within the member states.

In order to reduce the “demand” for various forms of trafficking in persons (including sexual exploitation, domestic work, exploitation of forced begging and removal of organs), it is necessary to raise public awareness of these phenomena and practices, which victimize one part of the population and keep the victims in this situation. In addition, stronger efforts need to be taken in order to inform and sensitise the migrants of the real risks related to using the services of smugglers and the human rights violations that they might be exposed to during the journeys.



Activities:

- Conduct KAP surveys (knowledge, attitudes, and practices) on trafficking in persons and smuggling of migrants among general population;
- Organize training sessions for the media;
- Organize information and awareness raising campaigns on trafficking and smuggling;
- Design and print sensitisation material;
- Produce films on trafficking in persons and smuggling of migrants; and
- Create a library/resource area with materials on trafficking in persons and smuggling of migrants on UNODC Regional Office's website.



Implementation

The UNODC Regional Office for West and Central Africa based in Dakar, Senegal, is responsible for implementing the actions proposed in this document, with the help of programme and project offices in the region and experts from the Human Trafficking and Migrant Smuggling Section (HTMSS) based in Vienna, Austria. The UNODC Regional Office will also work closely with the UNODC Country Office for Nigeria and the UNODC Regional Office for North Africa and the Middle East based in Cairo, Egypt. UNODC experts will be deployed to the field to provide technical assistance and required logistical support.

UNODC will implement the proposed activities in collaboration with ECOWAS and ECCAS.

In accordance with the 2005 Paris Declaration Principles on the effectiveness of development assistance and the 2008 Accra Agenda for Action, the initiatives implemented by other regional and international actors operating in West and Central Africa will be taken into account.

In this context, UNODC will establish formal and informal agreements and partnerships with relevant actors in order to promote constructive collaboration in the fight against trafficking in persons and smuggling of migrants, i.e. with donors, foreign representations based in the field, international organizations, including: the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the INTERPOL; as well as regional and non-governmental organizations, public and semi-public institutions and the private sector.

These actions will also be implemented in synergy with other UNODC projects implemented in the region and featuring relevant components for trafficking in persons and smuggling of migrants.

These include the AIRCOP project (**Airport Communications Project**), which seeks to establish efficient and secured communication systems (WCO CENcomm and I-24/7 of INTERPOL) for real time transmission of operational information between selected airports in Africa, Latin America and the Caribbean; improve controls in selected international airports; and strengthen cooperation between the agencies responsible for combating illicit trafficking, especially drug trafficking. The project has established Airport Anti-Trafficking Cells (CAATs) composed of



customs services, police/immigration, gendarmerie and agencies responsible for combating drug trafficking and transnational crime in several countries in the region.

The West African Coast Initiative (**WACI**), on the other hand, has established transnational crime units under an integrated approach. These multidisciplinary units gather actors of the criminal justice chain, who receive specialized equipment and training, including training in money laundering, forensic science, border management and surveillance. Through this program, these units' capacities are strengthened to enable them to investigate organized crime cases.

Synergies will also be sought with:

- The West African Network of Central Authorities and Prosecutors (**WACAP**)³⁷ for cooperation in transnational organized crime (especially on prosecution and indictment) and identification of solutions to problems related to mutual legal assistance and extradition requests;
- **The Sahel Criminal Judicial Cooperation Platform**³⁸ which seeks to facilitate international judicial cooperation in mutual legal assistance and extradition, whether cases are related to terrorism or organized crime.

Finally, UNODC will take into account links with related issues such as terrorism, corruption and laundering of the proceeds of crime and profits generated by both crimes which may be used in other criminal enterprises and vice versa.

³⁷ ECOWAS member states and Mauritania.

³⁸ Burkina Faso, Mauritania, Mali, Niger and Senegal are members. Chad has observer status.

Budget

The below table shows the total budget for the implementation of activities proposed by the strategy for a period of six years.

The total budget is approximately 24.7 million US dollars. These figures reflect the estimated costs for interventions described to respond to the challenges related to trafficking in persons and smuggling of migrants in West and Central Africa.

Depending on the availability of funds, strategic prioritization will be done on the proposed activities in consultation with Member States and regional institutions to guarantee efficient implementation in line with the needs of the region.

YEARLY BUDGET* (in US dollars)	2015	2016	2017	2018	2019	2020	TOTAL
Output 1.1: The national and regional coordination bodies on combating trafficking in persons and smuggling of migrants are strengthened.	35 000	324 400	350 800	325 800	289 400	208 000	1 533 400
Output 1.2: Judicial cooperation between member states on trafficking in persons and smuggling of migrants is promoted and strengthened.		273 600	503 200	503 200	353 200	298 600	1 931 800
Output 2.1: Member states have updated information on the modus operandi and trends on trafficking in persons and smuggling of migrants.	150 000	1 008 000	762 600	912 600	912 600	612 600	4 358 400
Output 2.2: Member states' capacities to collect data in order to measure trafficking in persons and smuggling of migrants are strengthened.		259 400	320 800	370 800	309 400	223 000	1 483 400
Output 3.1: Compliance of member states' national laws with international instruments on trafficking in persons and smuggling of migrants is improved.	70 000	453 200	453 200	453 200	453 200	284 000	2 166 800
Output 3.2: State and non-state actors possess tools enabling them to define a national strategy and concrete actions to fight trafficking in persons and smuggling of migrants.	60 000	328 000	328 000	328 000	328 000	268 000	1 640 000
Output 4.1: The capacities of police, immigration officers, gendarmes and magistrates are strengthened in criminal investigations and prosecutions of trafficking in persons and smuggling of migrants.	35 000	797 600	906 800	906 800	906 800	667 200	4 220 200
Output 5.1: The competencies and capacities of civil society organizations and actors of protection and detection are strengthened for more effective referral and assistance to victims of trafficking and vulnerable migrants.	45 000	673 000	823 000	973 000	823 000	628 000	3 965 000
Output 6.1: The understanding on trafficking in persons and smuggling of migrants is strengthened within the member states.		789 400	675 800	695 800	639 400	603 000	3 403 400
Grand total	395 000	4 906 600	5 124 200	5 469 200	5 015 000	3 792 400	24 702 400

* The total budget includes UNODC standardized Programme Support Cost (PSC) and Full Cost Recovery (FCR). These costs have been integrated into the budget of the activities. The rate for FCR might change during the 6 year implementation period if any changes occur in UNODC's policy.



UNODC

United Nations Office on Drugs and Crime

This strategy is managed by the trafficking in persons and smuggling of migrants unit of the UNODC Regional Office for West and Central Africa

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