



UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

TITLE:

**THE IMPACT OF HUMAN TRAFFICKING ON HUMAN SECURITY IN AFRICA:
CASE STUDY OF KENYA UGANDA, BUSIA BORDER**

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REG. NO.: R50/35609/2019

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF MASTERS OF ARTS DEGREE IN
INTERNATIONAL STUDIES AT IDIS, UNIVERSITY OF NAIROBI.**

2021.

DECLARATION

I, **Munira Hassan**, do hereby declare that this is my original work and has not been submitted to any other University or Institution for any award.

I hereby now submit the same for the award of Master of Arts in International Studies Degree of the University of Nairobi.

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ACKNOWLEDGEMENT

I acknowledge Allah for granting me the strength to do this thesis. I am equally grateful to my supervisor, Dr. Martin Ouma, for his guidance throughout this study, and he is responsible for the shape and color of this work. Thank you so much, and may you live long to guide others.

DEDICATION

To Almighty God, my husband Abdirizak, my children Haytham, Hassan, Raniya, and Zayed, and my mum Habiba for supporting my obsession for this master degree program and enduring my weekend disappearances and late-night nuisance during the period of study.

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List of abbreviations

IGAD:	Inter-Governmental Authority on Development
ILO:	International Labour Organization
IOM:	International Organization for Migration
NGOs:	Non-Governmental Organizations
NPA:	National Plan of Action
RSD:	Refugee Status Determination
TIP:	Trafficking in Persons.
UN:	United Nations
UNCTOC:	The United Nations Convention against Transnational Organized Crimes
UNDP:	United Nations Development Programme
UNICEF:	United Nations International Children's Emergency Fund
UNODC:	United Nations Office on Drugs and Crime
UNTOC:	United Nations Convention against Transnational Organized Crime
WHO:	World Health Organization

ABSTRACT

Human Trafficking and activities around it are an ancient global problem. The menacing challenges of this vice are felt by all countries worldwide. Classified under one of the core threats that is dehumanizing, trafficking in human beings is a heinous breach of rights of individual persons which impacts individuals from all over the world, regardless of location, ethnicity, or religion. This study examines human Trafficking's influence on public safety in Africa: an example of the Kenya-Uganda Busia border. The study will be driven by three key objectives to investigate the factors underlying the growing instances of African human Trafficking, to examine and analyze the implications of human Trafficking on human security in Kenya Uganda Busia border, and finally to evaluate the efficacy of the existing In Kenyan a legislative framework in place to address human trafficking as well as its consequences for public safety. As a result, the modern slavery hypothesis was used to analyze the data in this study. To do this, the study will use a hybrid research approach that incorporates both qualitative and quantitative research designs. Furthermore, both primary and secondary data sources were used. To analyze qualitative data, content analysis was used. Microsoft Excel and SPSS were used to analyze quantitative data. From the first objective, the findings of the study were that the rampant Trafficking of persons in the African continent has been contributed by various factors, both internal and external. The findings point to poverty as the main element that has resulted in increased human Trafficking. Human Trafficking has become the norm along the Kenya-Uganda border, with severe consequences for their lives as they are subjected to physical and emotional torture. The constitution is part of the current legislative framework in place to prevent human trafficking. The Counter-Trafficking Act of 2010 was enacted to aid in Kenya's fight against the vice of trafficking persons and along its borders. The government has also domesticated the East Africa Counter-Trafficking Protocol as well as the United Nations Palermo Protocol as domesticated in Kenya. The efficacy of the existing legal framework was also discussed, and the findings of the study point out several challenges like corruption that have hindered the current legal framework from helping to eradicate human trafficking. Human Trafficking remains high along the Kenya-Uganda Busia border despite the existence of these legal documents. The study recommends strengthening the existing legal framework to ensure they are compelling enough to combat human trafficking in the Kenya-Uganda Busia border. Further, there is a need to put in place a counseling center specifically for those affected by human Trafficking who undergo a lot upon their return. The government should offer safe havens where they can speak out and get counseling services.

Chapter One

Introduction

1.1 Background to the Study

Human Trafficking is an ancient worldwide challenge. The menacing challenges of this vice affect all countries worldwide. The number of trafficked or smuggled persons is exponentially increasing every day.¹ On the other hand, human security as a concept was introduced into the international security field in line with the Human Development publication presented by the United Nations Development Programme in 1994 (UNDP). Environmental, personal, health, food Economic, and collective security are all aspects of security, and political security was included as part of security. It also outlines six major human security threats. Uncontrolled population expansion, economic inequities, environmental degradation, drug trafficking, international terrorism, and human Trafficking.²

Despite this, there had been a lull in viewing the Trafficking of individuals as a critical human security challenge. The escalating numbers of persons being trafficked or smuggled globally prompted the United Nations to take action with several international conventions and protocols were formulated in a bid to contain this menace. They included, among other things, the United Nations Convention against Transnational Organized Crime signed on 15th November 2000 and operationalized on the 23rd September 2003³, the Protocols to Avoid, Repress, and Penalize Crime Aggressors, Particularly the vulnerable in the society like the women and underage, less than 18 years, that was passed on the 25th December 2003⁴; and the

¹ Feingold, David A. "Human Trafficking." *Foreign Policy*, no. 150 (2005): 26-32.

² Fischer, J. R. and Green, G., 'Origins and Development of Security', Introduction to Security, (Burlington-Massachusetts, Elsevier, 2004)

³ Clark, Roger S. "The United Nations Convention against Transnational Organized Crime." *Wayne L. Rev.* 50 (2004): 161.

⁴ Annex, I. I. "Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime." In the *United Nations Office on Drugs and Crime, United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. 2000.

Protocol against the Smuggling of Migrants by Land, Sea, and Air, of 28th January 2004.⁵

Kenya has been a state party to these protocols since 5th January 2005.

Trafficking of persons is a phenomenon in most countries globally, but it takes on especially heinous proportions during and after the war. Sexual exploitation, slavery, and forced marriage; Hard labor to assist military actions, underage soldier recruits, mistreatment, and organ harvesting to curing injured combatants or fund activities are common types of Trafficking in armed conflict.⁶

In her study on the global perspective on human Trafficking, Shelly contends that the impacts of this menace are varied. At the same time, its costs to society are enormous, given that this criminal activity undermines democratic freedoms, respect for individual rights, and the observation of the rule of law. She further reiterates that Trafficking in persons destabilizes world health by aiding in the spread of the vice. This, therefore, means that human security cannot be assured when human Trafficking is still a threat to humanity.⁷

Africa is responsible for 23% of all worldwide human Trafficking. According to the 2018 Global Slavery Index, modern slavery affects over 9.2 million people in Africa. As much as human Trafficking is a global menace, it is most prevalent in African Countries and other third world countries. Africa has been plagued by a slew of problems, including high unemployment, poverty, famine, corruption, and political and economic unrest, to name a few. Tensions and insurgencies have worsened these issues, resulting in internal displacements of people. The need for survival in the face of these socio-political and economic problems in Africa has resulted in large-scale migration from one African country to another, as well as from Africa to other continents. Some of these migrations have been done illegally.

⁵Assembly, UN General. "Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime." *Retrieved July 14 2021*.

⁶ Makei, Vladimir. *Human Trafficking in the Post- Cold War Period: Towards a Comprehensive Approach*; Journal of International Affairs, 2013.

⁷ Shelley, Louise. *Human trafficking: A global perspective*. Cambridge University Press, 2010.

Human Trafficking has two dimensions in Africa: internal and exterior Trafficking. The research done on human Trafficking has demonstrated that a country may act as the origin, the place where the transfer of the victims takes place, and the host country for trafficking operations. To this end, Trafficking poses a significant security threat in Africa. Barry Buzan illustrates that the security of any state is affected by aspects in five key areas: military, economic, political, environmental, and societal. These key areas are closely intertwined, outlining a focal point within the whole security realm.⁸

Human security has developed as a viable alternative to traditional security measures. It claims that safety is determined not just by a country's international relations and military might but also by the quality of life and the absence of dangers. In any discussion of human security, it is vital to address human Trafficking as a distinct expression of globalization for various reasons. To begin with, human Trafficking has expanded to the point that it has become a severe human rights concern in the source countries where the Trafficking begins, countries where victims have passed through, and finally, the host country. The second point to consider is how particularly vulnerable organizations are to being abused due to their weaknesses. Economic, political, and societal factors can all contribute to increased anxiety among certain groups of people. Individuals who are prone to becoming the victims of such acts are recognized and targeted by traffickers.⁹

The main idea behind the human security framework was to ensure that nations are entirely responsible for the security of their national boundaries and the safety of the people who live within them. States have the principal obligation for safeguarding their people from external conflict and injury; they should also guarantee that their people have access to a broad range of rights and may live their lives with dignity and without fear. This, therefore, means that

⁸ Buzan, Barry. *People, states, and fear: The national security problem in international relations*. Wheatsheaf Books, 1983. Chap.1

⁹ Pati, Roza. "Human trafficking: An issue of human and national security." *Nat'l Sec. & Armed Conflict L. Rev.* 4 (2013): 29.

safeguarding people from being smuggled lies within the domain of human security. Human security, in this sense, serves as a foundation for protecting vulnerable populations from being trafficked in both the origin, transit, and destination countries.¹⁰

Busia town is located on the Kenyan side of the international border with Uganda, and it also acts as the capital of Busia County. Many traders from various areas of Kenya live in or pass through Busia Kenya regularly, making it a bustling commerce center. This makes it prime for the Trafficking of persons. Human Trafficking is rampant in Busia, with the increasing trafficking network along the Kenya-Uganda border. Most of the trafficked persons through this network are Ugandan girls trafficked to Kenya for domestic jobs.¹¹

1.2 Statement of the problem

Classified under one of the dehumanizing core threats, Trafficking of persons is a heinous breach of rights and freedom that affects individuals from every corner of this world, be it poor or rich, young or adult, regardless of location, ethnicity, or religion. It is estimated that close to 40.3 million individuals globally are enslaved in modern slavery, which they are unable to escape or refuse to owe to force, deceit, and coercion. The Trafficking of people is criminality and a threat to security and disrespect to the free will and poise of people. Despite this, the attempt to fight and address Trafficking concerning humans in African has largely failed. Africa is still an origin, a transit route, and a host point for persons trafficked. The 2019 report on Trafficking in Persons ranked Africa as one of the continents with the highest cases of Trafficking.

Busia Border has witnessed rampant Trafficking of person incidents. Human Trafficking is common in Busia. As per the Immigration reports, the border point is increasingly being used

¹⁰ United Nations Office on Drugs, Crime, and Global Programme Against Trafficking in Human Beings. *Toolkit to combat trafficking in persons*. United Nations Publications, 2016.

¹¹National Crime Research Centre, Human Trafficking in Kenya, Nairobi; Printed in Kenya, (2015)

as a transit route by traffickers, mainly from Uganda to Kenya. At the same time, it is used as a transit by traffickers for Ethiopia through Kenya, Uganda, and Rwanda to South Africa.

Whereas human Trafficking has a severe effect on victims, it also jeopardizes the social welfare and security of all countries in which it occurs since it's a worldwide health threat and feeds the rise of well-planned crime syndicates. According to Arthur and Sheri, the security of most African governments, which are the source, transit, and destination countries, is seriously jeopardized by this threat. Irregular migrants conceal themselves to travel alongside legal migrants, only to commit criminal acts such as terrorism in their destination countries. Trafficking and smuggling of migrants have mutated to become both a huge source of income and a fear tactic for terrorist gangs.¹²

Despite the security consequences surrounding human Trafficking, efforts to combat the menace fail to focus on the human security dimension. As a result, programs aimed at preventing and fighting people trafficking are isolated from more significant security concerns and the uneven emphasis on national safety, even at the cost of human security. As a result, it begs the question of; What is trafficking human beings and how does human Trafficking arises. How successful is the legislative system in combating the effects of human Trafficking on human security?

1.3 Research questions

1. What are some of the major causes of the rise in human Trafficking in Africa?
2. What are some of the most critical consequences of human Trafficking for human security in Kenya Uganda Busia border?
3. How effective is Kenya's current legislative framework in combating human Trafficking and its consequences for human security?

¹² Rizer, Arthur and Sheri R. Glaser. "Breach: The national security implications of human trafficking." *Widener Law Review*. 17 (2011): 69.

1.4 Objectives.

Broadly stated, the purpose of this research is to examine the impact of human Trafficking on human security in Africa

1.4.1 specific objectives

1. To look into the factors underlying the increase in human Trafficking in Africa.
2. To examine and analyze the implications of human Trafficking on human security in Kenya Uganda Busia border
3. To evaluate the efficacy of the existing legal framework in addressing human Trafficking and its consequences on human security in Kenya.

1.5 Literature Review

1.5.1 Theoretical review

Using securitization, the hierarchy of human need, and slavery theories, this section examines the critical debates by different scholars around the impact of human Trafficking on human security in Africa.

1.5.1.1 Securitization theory

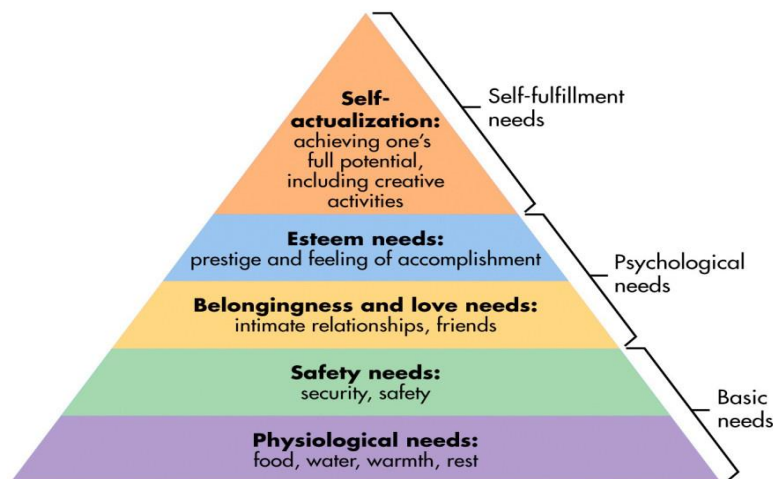
The Copenhagen School of thought debate on securitization and the concept of securitization theory. This school of thought made a vital addition to the debate according to the comprehension of security. The main argument of the school of Copenhagen in securitization theory is that security is the maximum result of a particular social process as opposed to a goal condition.¹³ This theory developed from the speech act theory and challenged the notion that security threats exist independent of somebody representing it per se. Instead, the Copenhagen school argues that there exist choices to issues characterized as security threats. To this end, a security threat is identified due to the subjective perception of various people on security

¹³ Buzan, B., Waever, O., de Wilde, J., Security: A New Framework for Analysis. (Lynne Rienner, London, 1998)

threats. According to Weaver, nothing could be a security issue on its own; instead, it's a problem that solely turns into a security issue if somebody labels it per se.¹⁴

1.5.1.2 Abraham Maslow Hierarchy of Human Needs Theory

In 1943 Abraham Maslow proposed the theory of hierarchy of needs. Maslow's hierarchy of needs is a 5-tiered model of human wants and desires that is commonly shown as a pyramid with hierarchical steps. Maslow combined two separate groupings: deficiency requirements, which form the first four levels, and development wants or needs, including the fifth and sixth levels. Before moving on to the next level, each degree of deprivation needs to be completed. Breathing, physiological state, water, sleep, food, and excretion are all physiological motivations that play a role in human existence. Safety reasons kick in after these physiological demands have been met. The protection level is usually given as safety and security, with an associate in achieving an individual's desires for security and lengthening to aspects like order and management, money security, job security, health, and well-being.¹⁵



¹⁴<https://www.e-ir.info/2015/12/14/what-is-security-securitization-theory-and-its-application-in-turkey/>

¹⁵Gambrel, P. & Cianci, R., Maslow's Hierarchy of Needs: Does it apply in a collectivist culture. (Journal of Applied Management and Entrepreneurship, 2003)

Figure 1 Maslow's Pyramid of Needs

Maslow's hierarchy of human needs demonstrated that safety and security are primary needs for an individual.

1.5.2 Empirical review

This literature review examines the impacts of human Trafficking on human security. This is done thematically in relation to the objective of the study. This will be done through investigating the factors underlying the increase in human Trafficking in Kenya, to investigate and evaluate the effects of human Trafficking on human security in Kenya, and finally to evaluate the efficacy of the existing legal framework in addressing Trafficking of persons and the impact on the security of humans in Kenya.

1.5.2.1 Factors underlying the rampant cases of Human Trafficking

International Organization for Migration (IOM) states that various elements come into play while attempting to uncover the causes of factors that lead to human Trafficking. Industrialization, which has made the world a global village, economic crisis, political instability, conflict, ethnicity conflicts, cleansings social inequality, the global marketplace economy, discrimination, and broader transformation processes, as well as individual desires for a better life, are a few of the fundamental reasons for even more giant waves of immigration.¹⁶

Globalization has both "push" and "pull" effects on the Trafficking of persons. Poverty in the country of origin has been a driving force that encourages individuals to look for deals to improve their financial situation. Several victims of human Trafficking begin their ordeals intending to find respectable work, only to uncover the deception when it is already too late, and they have been subjected to human Trafficking. The rise of international civilization

¹⁶ IOM publications in (2011)

operates as a pull factor, creating presupposition for an advanced quality of living in another place.¹⁷ There are also new types of smuggling, such as using tech to recruit and market prostitution victims and the collection and smuggling of human embryos for IVF treatment. Globalization has produced a climate favorable to people trafficking, fuelled by money laundering and international crimes such as terrorism.

According to Adepoju,¹⁸ places such as orphanages are related to extreme poverty, powerful work, and child labor, characterized by a high level of school dropouts; this is attributed to the children from burdened families who cannot afford raise school fees for their children. Furthermore, these individuals come from the societal context that lacks adequate minor security, anecdotal ideas that are outmoded and only serve to encourage altruistic behavior like human Trafficking. Children who have lost one or both of their parents or guardians may be motivated to participate in human Trafficking as a means of continuance.¹⁹ Furthermore, sheer poverty in rural areas drives low-income families to sell their children and loved ones to human traffickers, ostensibly to provide the victims with better work possibilities and a better standard of living.²⁰ This goes to show that those who cannot provide the basic needs that include shelter, food, education, and clothing will opt to get involved with human Trafficking as a means to an end, as indicated by Adepoju.

Human Trafficking is a massive commercial operation that provides the traffickers with a boosted financial muscle and technical skills to improve and conceal the vices they're involved in from being scrutinized by the public or involvement of the people,²¹ as the international drug trade. Immigration laws and procedures for an administration that see smuggled persons as

¹⁷ Mitchell K., Jones L, Finkelhor D and Wolak J. Internet-facilitate commercial sexual exploitation of children: Findings from nationally (2011)

¹⁸ Adepoju, A. ‘’ Review of research and data on human trafficking in Sub-Saharan Africa (2005)

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

delinquents to be jailed or repatriated have frequently exacerbated their plight. The Trafficking in Persons (TIP) report states that despite the international community's efforts and various governments over the last two decades, the proceeds from criminal activities amounted to roughly US \$ 32 billion in 2009. According to reports, the illegal human trafficking trade generates enormous quantities of money for the traffickers. As a result, people trafficking is one of the most profitable unlawful industries globally, dawdling only firearms and narcotics. This is primarily due to globalization. It has promoted the free movement of people across the board to note that countries such as Kenya have a porous border where people can be transported in and out of the country.

According to Goodey and Halter, Human Trafficking persists in the nation's joblessness and incompetence by the administration and corruption as a business despite the government having intervention measures.²² Other findings from the study include Kenya's ignorance about human Trafficking, government officials' corruption, advancements in technology that facilitate enrolment, current legislation being permissive on the perpetrator, Kenyans' greed for quick wealth, incompetent ways of executing existing laws, human Trafficking remaining a profitable venture, porous border points, and an elevated need for the workforce in and out of the country.

Extreme poverty is a critical factor that has promoted the rampant cases of trafficking in humans in Kenya; this is because those involved are trying to escape poverty by all means. To better understand human Trafficking, the Vera Institute of Justice proposes a relationship between poverty and Trafficking.²³ “ The inter-relation connecting impoverishment and smuggling of persons is minute in that impoverished persons face a high risk of being trafficked

²² Goodey J, Human Trafficking. *Criminal Justice*, 8(4), 421-442. (2008). Halter, S . Factors that influence police conceptualizations of girls involved in prostitution in six U.S cities: Child sexual exploitation victims or delinquents? *Child Maltreatment*, 15(2), 152-60 (2010)

²³ Vera Institute of Justice. *Measuring human trafficking: Lesson from New York City* (NIJ Publication No. 224391) (2008)

because they have limited social authority and few income options”, the institute claims. The poor generally don’t stand up to the social superiors concerning the specific working environments nor their working contracts”, the institute continues to elaborate on the relation between poverty and Trafficking. Nonetheless, the institute claims that it isn’t always the most impoverished persons who fall prey to traffickers. ‘ Even if victims are often destitute, particularly in developing nations.’²⁴

Those who get involved in human Trafficking one reason is because of falling victims to the situation they find themselves into for the look for greener pastures as unemployment in Kenya is very high, it is also possible for them to be victims of kidnapping and then forced into the human Trafficking, moving away from extreme poverty to create better lives for themselves and their family or other for business as it is lucrative across the globe. Even though different groups of individuals might fall or women and children who become victims of human Trafficking have a massive influence on society. Richard emphasizes that numerous immigrants may be subject to brutal treatments and deplorable working circumstances. They are suffering, especially women and children, as they are very vulnerable when dealing with the traffickers. A subset of traffickers forces migrants to engage in sexual activities and physical violence rather than providing domestic services, which they were taken in the respective countries to do.²⁵

Kamala et al.²⁶ suggest that compared to males, females and children have limited livelihood options in acquiring land, capital, and the standard wages are very low. This is one of the reasons women and children are more prone to human Trafficking, and most of the time, they move to advanced nations in quest of better futures, which most of the time turn out to be

²⁴ Ibid

²⁵ Ibid

²⁶ Kamala, E., E. Lusinde, J. Millinga, J. Mwaitula, M.J. Gonza, M.G. Juma. Et al. Tanzania Children in Prostitution: A Rapid Assessment, ILO-IPEC Geneva (2001)

human trafficking rings, and they are taken to work in brothels. The feminization of migration, in particular, is illuminated by the social and cultural behaviors that marginalized women. For example, women can look for ways to pay off their debts in addition to essential needs. In today's world, there is a widespread belief that working in cities is less taxing and pays better as opposed to rural areas. Such a drive for quick and straightforward payoff may be a forerunner to women's exploitation and Trafficking.

Kenya is surrounded by Uganda, Ethiopia, South Sudan, Somalia, and Tanzania, all of which are hot spots for the origin of victims of human Trafficking, resulting in the Kenya destination as “a crossroads for people smuggling and trafficking.” According to the report, Kenya has been both a nation of origin, point of transit and a country for a destination for the majority of migrants trafficked to be sexually exploited and even forced labor. The primary forms of trafficking existent in Kenya are domestic and international. In terms of the location of origin of trafficked individuals in Kenya, the Western and Northern areas have a high level of site of origin.²⁷ Marsabit, Wajir, Mandera, and Garissa counties are significant entry locations for smuggled or trafficked human victims into Kenya. In contrast, Kajiado, Taita Taveta, and Kwale counties remain strategic exit routes for aliens heading for Southern African countries and Europe. Meanwhile, smugglers use Jomo Kenyatta International Airport (JKIA), Moi International Airport (MIA), and Wajir International Airport to transport illegal immigrants from Bangladesh, Yemen, Pakistan, India, and Sri Lanka.

Singleton states that corruption seen among law enforcers or other parties involved causes the re-victimization of trafficking victims instead of providing them with the much-needed protection and assistance.²⁸ In the African context, the use of corrupt government is key to

²⁷ GAO, United States of America, Washington DC. (2016)

²⁸ Singleton A R. Approaches to Social Research (2nd Edition), Oxford University Press. Somerset, C.2004 ‘‘ Cause of Concern? ’London Social Science and Children Trafficking, ECPAT, London (1993)

ending human trafficking activities. ‘‘The question, in this case, is frequently not whether human traffickers have bribed local authorities, but then how profound and widespread the bribery is’’. Traffickers target officials at all tiers of the government, from lesser authorities like immigration officers or law enforcement personnel to intermediate officials like governors or judges and high ranking officials like heads of state, cabinet secretaries, and parliamentarians who are in collaboration with the traffickers.²⁹ Elevated corruption involves external influence mainly in implementing rules and processes and manipulating both the regulations and statutes altogether. For instance, after an appeal to the Central Bank's approach, a Kenyan parliament select committee cleared Charterhouse Bank of laundering money accusations and directed its re-opening.³⁰ ‘‘ Corruption at higher levels of government has a more significant impact on ideals of responsiveness, accountability, and equity, and it is more difficult to combat the vice of any form of Trafficking. ³¹

1.5.2.2 The human security Implications of Human Trafficking

Human Trafficking involves a diverse variety of consequences, from one’s health to one’s prospects, which is from mental trauma. On the other hand, the review works emphasize issues that primarily have a significant impact on children’s social life. For example, according to an International Labour Organization (ILO) study on the exploitation of minors in Africa, trafficked children are at risk of heart problems, various types of food, and chemical poisoning, and they are exposed to other unhealthy substances and dangerous tools that expose them to infections, physical accidents, and harsh working conditions that disclose them to physical fatigue which is terrible for both their physical and mental health. Moreover, according to a substantial corpus of research, most trafficked children lack access to medical services and

²⁹ Singleton A R. Approaches to Social Research (2nd Edition), Oxford University Press. Somerset, C.2004 ‘‘ Cause of Concern? ‘London Social Science and Children Trafficking, ECPAT, London (1993)

³⁰ Government of Kenya Report

³¹ Trautmann, Franz, Rosalle Liccardo Pacula, Beau Kilmer, Ande Gageldonk, and Daan van der Gouwe,’’ Assessing changes in Global Drug Problems, 1998-2007,’’ RAND Corporation, (2009)

practices such as immunization, de-worming, and general health care if they become unwell.

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Human Trafficking affects the victims in all aspects of their lives, with physical, sexual, and psychological abuse and assault, deprivation and torture, and terrible working and housing situations occurring at all stages of the traffic process.³³ Documentation and research to indicate how males, females, and minors are mistreated in certain explosive environments show how this has contributed to the physical injuries, disabilities from torture. At some point in time, death is typically inevitable.³⁴ According to Perrin, human Trafficking has a severe influence on the victim's psychological and physical health since victims are frequently isolated from society due to the trauma of their exploitation experiences.³⁵ ‘’ Human Trafficking, on a far more profound level, compromises every person's credibility all while ruining the reputation of the governments that allow it.³⁶

Other social problems, including substance and alcohol abuse, are common among trafficked victims. As a means of managing their trafficked victims, traffickers may compel their victims to engage in drug abuse. There are also cases where victims consume narcotics as a means of adjusting to a new situation. In the context of human Trafficking, when it comes to sex, it is one of the most in-demand services. As a result, there are hazards such as STIs and unintended pregnancies, especially for the victims, because the chances of having protected intercourse are slim. According to a study conducted in Tanzania, minors who were trafficked also engaged in

³² Masudi, A A. Ishumi, F. Mbeo, and W. Sambo Tanzania Child Labour in Commercial Agriculture – Tobacco: A rapidAssesment, ILO-IPEC and Geneva (2001)

³³ Aderinto A A. Socio-economic profiles, reproductive health brhaviour and problemof street children in Ibadan, Nigeria, Paper presented at The Fourth African Population Conference: Populationand Poverty in Africa. Facing up to the challenge of the 21st Century, UAPS, Tunis, 8-12 December.

³⁴ Ibid

³⁵ Perrin B, op cit (2010)

³⁶ Ibid

forced or commercial sex, which made them vulnerable to several Sexual Transmitted Infections, HIV/AIDs included.³⁷

Because most traffickers targets drop out of school to join the trafficking cohort, they have a high risk of being denied crucial life opportunities. Somerset³⁸ argues that those that fall prey to human Trafficking are disrupted from going to school. The finding of Somerset is also supported by Annan et al.,³⁹ on them doing research, they found that the majority of those trafficked in the Northern part of Uganda were abducted while in school by the LRA rebel group. This means that the children were forced to drop out of school. If they were allowed to complete their schooling program, their social lives would have changed for the better. Instead, horrible abuse is meted out to migrants in safe houses, including death threats, bashings, and even rape in public to use as an example to the rest or while on the phone with their relatives to send a message. During several police operations, sickly and bruised hostages were discovered tied to prevent them from fleeing. Aside from apparent abuses of the victim's civil and legal rights, human Trafficking has a substantial adverse effect on the worldwide economy due to the massive loss of people and social capital.⁴⁰

Post-traumatic stress disorder, anxiety, depression, alienation, bewilderment, rage, and difficulty focusing are signs of trauma caused by human Trafficking.⁴¹ According to studies, trauma worsens during the trafficking process and might remain long after the victimization is over. While children are subjected to the identical detrimental treatments as grownups, they are especially susceptible to human Trafficking due to their age, naivety, and lack of familiarity with exploitative practices, which can adversely influence their physical development and

³⁷ Human Rights Watch ‘‘ Abducted and abused: Renewed conflict in Northern Uganda,’’ Human Right Watch, New York (2003)

³⁸ Somerest, C. ‘‘Cause for concern?’’, London Social Services and Child Trafficking, ECPAT UK, London (2004)

³⁹ Annan, J., Blattman, and R. Horton, ‘‘The state of youths and youths protection in northern Uganda: Finding from survey for war affecting youths,’’ AVSI and Unicef Uganda (2006)

⁴⁰ Ibid

⁴¹ Antonio B ‘‘Understanding the demand behind human trafficking’’, paper presented to the National Institute of Justice, 2003.

contribute to prolonged victimhood owing to adhesion, developmental, and lack of social skills.⁴²Victims may appear complicated, irritable, belligerent, hostile, or ungrateful to others around them, particularly support professionals. The negative stigma associated with them as victims has been shown to have a significant and lengthy impact on their lives, encompassing trauma suffered by the particular victim and the prospect of physical abandonment by relatives and broader society.⁴³

According to International Organization for Migration (IOM),⁴⁴ “ Most, if not all, of the following effects have been reported in the majority of sexual abuse cases associated with Trafficking: "incontinence, chronic ill health, infections, lax rectal muscles, and physical injuries due to homosexual acts, induced abortion, sexual assault trauma Aspergers unwanted pregnancies, and stress disorder, insomnia, bad dreams, illiberal behavior, psychophysiological disorder, missed opportunities." Secondary victimization, according to Mitchell, is ‘victimization that occurs not as a result of institutional and individual responses to the victim.⁴⁵ Secondary victimization is common in Kenya, particularly inside the criminal justice system.

1.5.2.3 International and Domestic policy Frameworks for Combating Trafficking

The international and domestic policy frameworks for combating Trafficking are listed below “The United Nations General Assembly adopted the United Nations Convention against Transnational Organized Crimes (UNTOC) on 15th November 2000, the convention took effect on 20th September 2003”. As a supplement to the treaty, the Palermo Protocol was created to prohibit, repress, and penalize human traffickers, particularly those who target

⁴² Ibid

⁴³Shelley, Louise. Human trafficking: A global perspective. Cambridge University Press, 2010.

⁴⁴ Ibid

⁴⁵ Mitchell K., Jones L, Finkelhor D and Wolak J. Internet-facilitated commercial sexual exploitation of children: Finding from a nationally representative sample of law enforcement agencies in the United States. Sexual Abuse: A Journal of Research and Treatment, 23(1), pp 43-47

women and children.⁴⁶ In addition, the ILO Forced Labour Convention of 1930 and the ILO Abolition of Forced Labour Convention of 1957 came into existence to prevent forced labor on the trafficked person.⁴⁷ In 2013 Kenya came up with a National Plan of Action (NPA), with the main aim of implementing the resolutions from Palermo.⁴⁸

The most influential international instrument in fighting trafficking in persons is the Palermo Protocol, a supplement to the UNCTOC of 2000. Article 5 of the Palermo Protocol obliges States to criminalize Trafficking in persons, attempted Trafficking, and any other deliberate involvement or organization in Trafficking in a person's conspiracy.⁴⁹

The ILO Forced Labour Convention of 1930⁵⁰ and the ILO Abolition of Forced Labour Convention of 1957⁵¹ outline what constitutes forced labor to unfold Trafficking in persons. Besides, the ILO's Worst Forms of Child Labor Convention of 1999⁵², the UN Convention on the Rights of the Child of 1989⁵³, and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography of 2000⁵⁴, forbid criminals from using underage kids for all types of exploitation, enslavement or slavery-like practices.

The Convention on the Elimination of All Forms of Discrimination against Women adopted by the UN in 1979⁵⁵ before taking effect in 1981 identifies Trafficking of people as a practice of violence and exploitation against women. This agreement requires governments to take all

⁴⁶ Ibid

⁴⁷ Bariagaber, Assefaw. *Conflict and the refugee experience: flight, exile, and repatriation in the Horn of Africa*. Routledge, 2016.

⁴⁸ Ibid

⁴⁹ Protocol, Palermo. "Protocol to Prevent, Suppress and Punish Trafficking in Persons." In *Particular Women and Children, supplementing the United Nations Convention on Transnational Organized Crime*, vol. 15. 2000.

⁵⁰ Anton, Don. "Introductory Note: 2014 Protocol to the Forced Labor Convention, 1930." *International Legal Materials, Forthcoming* (2014): 14-36.

⁵¹ [Bakirci, Kadriye](#). "Human trafficking and forced labor: A criticism of the International Labor Organization", *Journal of Financial Crime*, Vol. 16 No. 2, (2009) pp. 160-165.

⁵² Dennis, Michael J. "The ILO convention on the worst forms of child labor." *The American Journal of International Law* 93, no. 4 (1999): 943-948.

⁵³ Unicef. "Convention on the Rights of the Child." (1989).

⁵⁴ Assembly, UN General. *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 25 May 2000.

⁵⁵ Assembly, UN General. "Convention on the elimination of all forms of discrimination against women." *Retrieved April 20* (1979): 2006.

necessary steps to combat all kinds of human Trafficking and consequent objectification of women.

Additionally, the UNHCR⁵⁶ points that trafficked, smuggled, or vulnerable persons are eligible for international refugee protection under the Convention about the Status of Refugees of 1951 and its 1967 Protocol, if they have a reasonable fear of persecution because of their race, ethnicity, or religion

The East Africa Counter-Trafficking Protocol of 2016 provides a legal framework mandated to guide prosecution, protection, and cooperation in combating the menace in the region through the incorporation of the UN policy on migration into domestic legislation and adoption of a shared understanding of regional countermeasures.⁵⁷

Domestically, Kenya passed the Counter-Trafficking Act in 2010, which was later revised and operationalized in 2012 under the United Nations Palermo Protocol, as the ultimate legislation guiding the inquiry, conviction, and eradication of people trafficking and smuggling⁵⁸ Section 19 of this act created the Counter-Trafficking in Persons Advisory Committee in 2014 to oversee the execution of human trafficking statutes, offer victims with preventive and protection agencies, and keep statistics on human Trafficking.⁵⁹

In 2013, Kenya developed the National Plan of Action (NPA) 2013-2017 with a core objective of implementing the country's obligation under the Palermo protocol.⁶⁰ The NPA would also foster a nationwide climate of collaboration between national, regional, and international partners in the prevention and control of Trafficking, victims' support, and punishment of criminals through the application of the legislative processes in existence.

⁵⁶Assembly, UN General. "Convention relating to the status of refugees." *United Nations, Treaty Series* 189 (1951): 137.

⁵⁷ East African Community Counter-Trafficking in Persons Act, 2016.

⁵⁸ The Counter-Trafficking in Persons Act, (No.8), 2010

⁵⁹ Government of Kenya (2012). The Counter-Trafficking in Persons Act. <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84999/115494/F-2071338712/KEN84999.pdf>

⁶⁰ Government of Kenya. The National Plan of Action for Combating Human Trafficking: Strategic Framework 2013-2017. <http://haartkenya.org/wp-content/uploads/2015/09/NPA.pdf>

1.6 Knowledge Gap

The above literature clearly shows that there are links between human Trafficking and human security. In the reviewed literature, there are profound security implications of human Trafficking. Despite that, human Trafficking is often analyzed from a national security point of view. The aspect of human security is left out when combating human Trafficking. There exists a gap in understanding the security implications of human Trafficking from a human security dimension. Hence the efforts and programs focused on fighting the vice are detached from human security.

1.7 Study Hypotheses

This study aims to analyze the impact of human Trafficking on human security in Africa

H₁: The rise in human Trafficking is due to both domestic and systemic factors in Africa.

H₁: Human Trafficking has a serious implication on human security in Kenya.

H₀: The existing policy framework in the fight against human Trafficking is national security-based at the expense of human security.

1.8 Justification of the Study

1.8.1 Policy Justification

This study seeks to examine and analyze the impact of human Trafficking on human security. Human Trafficking is a transnational organized crime that has severe security impacts. However, these impacts are often viewed from a national security point of view instead of human security. To this end, many of the frameworks to combat the vice are national security-based. Therefore, this policy justification finds it rational to suggest a human security policy framework to supplement the existing policy against human Trafficking.

1.8.2 Academic Justification

On the academic front, despite a unanimous agreement that Trafficking of human beings is a threatening security practice, there is confusion around what qualifies as human security and national security threats. Moreover, empirical research on the human security impacts has also been scanty. Therefore, this study is academically justified in that; it addresses the aforesaid issues in the areas of empirical research and understanding of the impacts of human Trafficking on human security. It is the preceding knowledge gap that this study seeks to address.

1.9 Theoretical Framework

This study will use the modern slavery theory as the framework of analysis.

Kevin Bales developed the theory of modern slavery in 1991. In his arguments, Bales discuss the notion of the nature of modern slavery. Modern slavery theory notes that contemporary slavery has the same attributes that mirror slavery of the past, albeit it is more advanced and complicated.

The modern slavery theory states that even though every case of human Trafficking is unique, they all share similar aspects. Most factors associated with human Trafficking are corruption, unemployment, poor distribution of resources, economic well-being, and demographic profiles.⁶¹

The theory sits well with the study in that human Trafficking is a problem that affects the fabric of human security through how it is conducted and its impacts. Human Trafficking poses serious security threats not only to the state but also to the individuals. Human Trafficking is a crime that leads to many other crimes. Trafficking of human beings has significantly grown to become a massive threat to the economic development of the original nations and the

⁶¹ Fitzgibbon, K. "Modern-day slavery? The scope of trafficking in persons in Africa," (African Security Review, 2003)

recipient nations. At the same time, it has serious security and safety impacts on individuals. Therefore, it will be essential to look at human Trafficking from a securitization point. Human Trafficking can be seen as a national security threat and how it impacts human security.

This theory is relevant to this study because the researcher will use it to analyze the human security impacts of human Trafficking. Human Trafficking has been identified as a security threat to both the state and the individual. Therefore, the study will apply the theory to examine how human Trafficking continues to cause harm and severe physical and psychological effects that affect how individuals live their lives. To this end, modern human trafficking slavery is the primary threat to human security.

1.10 Research Methodology.

This section covers the research design, target population, sampling techniques and sample size, data analysis procedures, and ethical considerations

1.10.1 Research Design.

The study employed a descriptive research design consisting of both qualitative and quantitative approaches in its attempt to describe the phenomenon of Trafficking in persons and the smuggling of migrants.⁶² Secondary data was used to comprehend the complex social frameworks involved in the participants' lives, such as histories, perspectives, and experiences. Secondary data has a weakness of continuous transmutation of variables involved; this was complemented and cross-examined by the primary data collected through questionnaires and scheduled Interviews. This data was analyzed with the help of statistics and numbers to produce an unbiased outcome that can be generalized to the larger population.⁶³

1.10.2 Study Location

⁶² Kathuri, Nephth J., and Douglas A. Pals. "Introduction to Educational Research." Njoro Kenya (1993).

⁶³ Patton, Michael Quinn. "Qualitative research and evaluation methods. Thousand Oakes." (2002).

This study focused on the menace of human Trafficking in Africa and its impact on human security. The study was done in Kenya and focused on the entry/exit points for human Trafficking, namely the Kenya- Uganda Busia border. The choice of this point of entry/exit is guided by Kenya's categorization as a source, transit hub, and destination point for trafficked persons in the recent US Trafficking- in- Person Report.

1.10.3 Target Population.

The study targeted both public and auxiliary security personnel based on these border controls. The target population included Police, Migration and Customs officers, Victims of Trafficking, Academicians, the general public (See table 1.1 below).

1.10.3 Sampling

In a research analysis, a sample is any category from which information is gathered. Sampling aims to determine the representativeness of what we are researching while also reducing bias. The purposive screening was used to identify those who were interviewed to provide the most accurate information.⁶⁴ Here the study selected an individual from the sample of potential respondents who are deemed suitable to respond to the interview and questionnaire. The study used personal judgment to select the sample from Police, Migration, and Customs officers, and Victims of Trafficking. The academicians and general public were sampled through simple random.

The population of Busia County is 893, 681 according to the 2019 Kenya population and housing census report.

Therefore, the sample was calculated using Slovin's formula

$$n = \frac{N}{1 + NE^2}$$

n=number of samples

N= Target Population

⁶⁴ Wallen E. N and Fraenkel R.J. 'How to Design and Evaluate Research in Education', 4th ed. (New York: McGraw-Hill, 2012)

E=Margin of Error (0.05)

$n=893,681/1+893,681 \times 0.0025$

$n=893,681/1+2,234.2025$

$n=893,681/2,235.2025$

$n=399.82$

n= 400

Table 1.1: Sample size and sampling procedure

Sample No	Target Population	Sample	Sample Procedure
1	Police	50	Purposive sampling
2	Migration and Customs officers	50	Purposive sampling
3	Victims of Trafficking	50	Snowballing
4	Academicians	100	Simple random
5	The general public	150	Simple random
Total	400		

Source Researcher, 2021

1.10.4 Data Collection.

This study used questionnaires and interview schedules (see appendix 1 and 2) that were administered to a key person privy to the menace of Trafficking and its impact on human security to collect data. The questionnaire consisted of both open-ended and closed questions

structured in line with the objectives of the study. Scheduled interviews were conducted on key security stakeholders' migration officers and human trafficking victims.

1.10.5 Data Analysis and Presentation.

Both qualitative and descriptive techniques for data analysis were used to analyze both primary and secondary sources of data. In this case, both content analysis and narrative analysis were used. To tabulate and summarize behavioral data, content analysis was performed. The main qualitative data were analyzed using narrative analysis. Quantitative data was evaluated and displayed as tables and pie charts using Microsoft Excel and SPSS programs.⁶⁵

1.10.6 Reliability of data collection instruments

Through triangulation, this study adopted the mixed-method design of data collection to ensure that all data possible is collected. To boost trustworthiness, the design of the data collection instruments was characterized with explicit, logical, and inclusive questions. The information regarding the specific tool was inspected, cross-checked, and scrutinized to make sure that it gives accurate and consistent results.

Validity of data collection instruments

The data collection instruments settled on the questionnaires and face-to-face interviews along with in-depth queries into pre-existing coverage of the case study dispute are valid to the data that was relevant to this study. This is because the information gathered was current or recently current and therefore directly responded to both the research questions and the hypotheses.

1.10.7 Legal and Ethical Consideration.

The research adhered to ethical and legal guidelines for research while maintaining high standards in its work. The researcher ensured that the analysis done is not only researchable

⁶⁵ Matthes, J., What's in a frame? A content analysis of media framing studies in the world's leading communication journals, 1990-2005. (J & MC Quarterly, Summer 2009)

but also fulfills the research questions and objectives. All literature sources in the literature review are highlighted in a clear, complete, and cogent manner.⁶⁶

1.11 Chapter Outline.

The structure of the study is divided into five chapters. Chapter one gives an introduction of the study, statement of the problem, objectives of the study, research questions and literature review, justification of the study, theoretical framework, hypotheses, and the study methodology. The aforesaid constituents of chapter one give the framework that shapes the subsequent chapters.

Chapter two examines and analyses factors that inform the increase of human Trafficking in Africa.

Chapter three analyses the implications of human trafficking human security in Kenya.

Chapter four will evaluate the efficacy of the existing legal framework in addressing the human trafficking impacts on human security in Kenya.

Chapter five concludes the study; this chapter will include conclusions, summaries, and recommendations of the study.

⁶⁶ Gajjar, D. "Ethical consideration in research." *Education 2*, no. 7 (2013).

CHAPTER TWO

THE UNDERLYING FACTORS LEADING TO AN INCREASE IN HUMAN TRAFFICKING IN AFRICA

2.1 Introduction

The previous chapter was an introductory chapter. This second chapter will look at the underlying factors leading to increased human Trafficking in Africa. The chapter will begin by giving the demographic characteristics of the respondents. Human Trafficking and smuggling of people in and out of the Continent have increased significantly in recent years. Several studies pointed out that less was known on the occurrence until recently, particularly in Sub-Saharan Africa. They say little research has been conducted about the topic till the 1990s, when activist groups, the mainstream press, and non-governmental organizations (NGOs) started raising concerns. The chapter analyses the various underlying factors that increase human traffic cases in all the 54 countries in Africa. The Chapter attempts to look broadly at the main features such as poverty, the rapid expansion of technology, devaluation of women and girls, porous border, among others

2.2 Demographic Characteristic of the Respondent

This section presents the key demographic characteristics adopted by the study, which include the response rate, gender of the respondents

2.2.1 Response Rate

The data was collected by administering questionnaires and Interviews to the Police, Migration and Customs officers, Victims of Trafficking, Academicians, The general public. A total of 400 questionnaires was given out, 286 out of 400 were returned. This represented a response rate of 72% which is enough to provide a reliable conclusion for this study.

TABLE 2.1: Response Rate

University/ Institute	Sample (n)	Returned Questionnaires	Non-Responsive
Police	50	30	20
Migration and Customs officers	50	35	15
Victims of Trafficking	50	24	26
Academicians	100	84	16
The general public	150	113	37

Source: Author (2021)

2.2.2 Gender

The majority of respondents were males at 67%, while the females were 33%, as presented in figure 2.1. The disparity of the two genders was due to the patriarchal nature of African society, where the male as the head of the family tends to be the spokesperson of the family. The gender dynamics was important to this study because different social-economic activities affect gender differently.

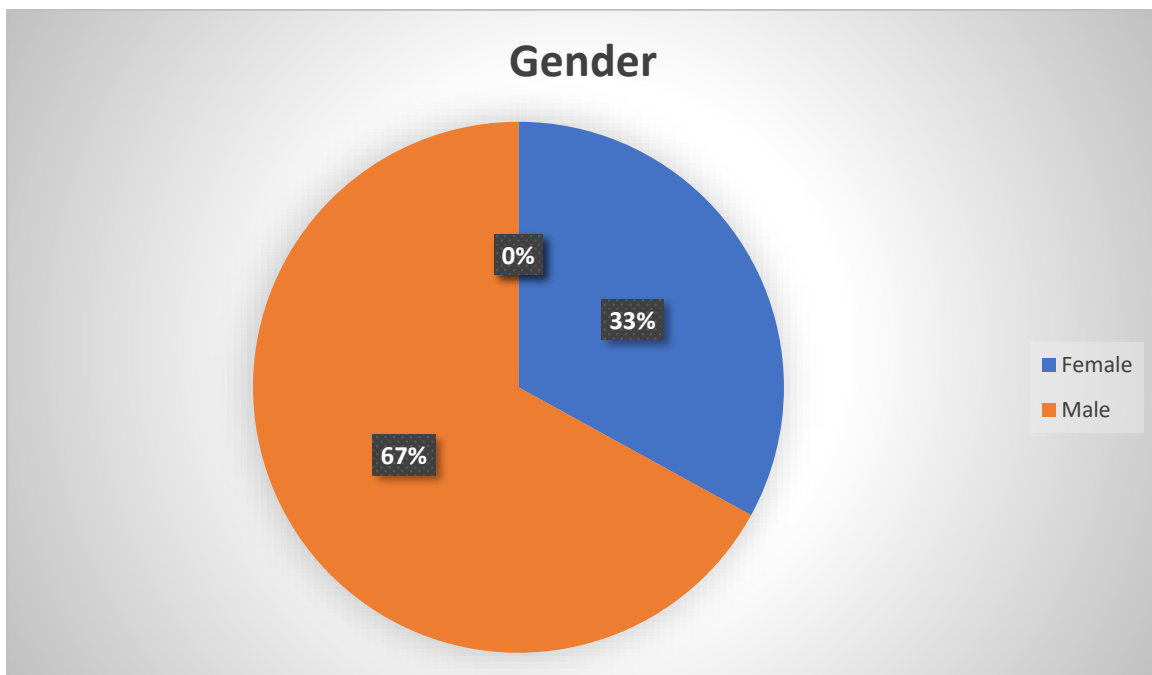


Figure 2.1 Gender of the respondents

Source: Field Data, 2021

2.2.3 Age of the Respondents

A total of 286 respondents were interviewed, which was a success, as they ranged from various respective Ministries from sports and foreign affairs, the embassy, and the Institute of Diplomacy and International Studies. The respondent's ages ranged from 20 to 62 years, as indicated below.

The majority of the respondents were between the age of 20 – 33 years as indicated by 76%, with the 34 – 42 years age bracket also had a significant number of respondents at 12%, 43 – 58 were represented by 8%, and finally, 59 – 62 % were represented by 4%. It was critical to assess the respondents' educational level to determine whether or not they grasped the research study. Post-graduate made up the majority of the responders, accounting for 83% of the total. The remaining respondents had a bachelor's degree. This demonstrated the correspondents' ability to comprehend, the subject of the research study. While 40% of respondents were senior management at their respective workplaces, the majority, which was 60%, were in junior management. This goes to show that the respondents were reliable in responding to the research study. The age of the respondents was essential to the study since different sets of age are affected differently by human Trafficking.

Table 2.2: Age Bracket of the Respondents.

Age Bracket	Frequency	Percentage
20 – 33	140	49
34 – 42	65	23

43 – 58	60	21
59 – 62	21	7
Total	286	100.0

Source: Field Data, 2021

2.3 Poverty as the Major Reason for Human Trafficking in the region

The majority of the respondents observed that poverty is one of the region's leading reasons for human Trafficking. Therefore, poverty is the major underlying cause of human Trafficking in Africa. Human Trafficking and other societal problems, like poverty, have complicated relationships. Many impoverished individuals live in neighborhoods of absolute poverty, whereby resources are scarce, and job prospects are restricted. Criminals prey on such vulnerable individuals, providing them with a means of escaping the harsh realities of their situations. In desperation, individuals try everything within their possibility to a brighter future for themselves or their dependents. This may make them easy targets; hence may be offered false employment opportunities or better educational opportunities by human traffickers leading to the act.⁶⁷

Traffickers seek out individuals who are vulnerable to compulsion in the human trafficking business due to their poor background. Such people are primarily migrants who have fled their country owing to socioeconomic difficulties, natural catastrophes, warfare, or political unrest. In addition, people's emotional neediness grows due to population relocation, and they typically lack the financial resources to protect themselves. As a result, they are left open to human Trafficking and exploitation.⁶⁸

⁶⁷Shelley, Louise. Human trafficking: A global perspective. Cambridge University Press, 2010.

⁶⁸ ibid

Poverty is among the many factors that make people vulnerable to human Trafficking. Despite victims of human Trafficking being trafficked from a diversity of economic backgrounds, including wealthy families, Trafficking is closely related to people who lack resources, particularly job possibilities. Poverty is difficult to overcome, and many develop desperation enough to engage in deceptive work scams or be duped into prostitution. As a result, people with minimal economic options and those unable to meet basic demands are targeted by traffickers⁶⁹.

Two and half billion kids, women, and males are at risk of being trafficked because about 40 percent of the globe's inhabitants live on below \$2.00 each day. Poor parents who have been told that their children would be schooled, nourished, and cared for have a possibility of sending children to someone they trust, often in exchange for payment. Individuals may feel compelled to trade one of their children for the others to survive or get something on the table. In other instances, the kid might as well be traded as a way of paying for a guardian's debt (bonded placement), especially in civilizations where kids are expected to work. For example, in the US the vulnerable individuals may be employed from homeless shelters. Females are the most common victims of human Trafficking. Individuals in economically distressed nations with poor social status for mothers may trade a young girl to raise finances for food to support the entire family. Other young women are drawn into human trafficking by a vision of a good living standard themselves. Pimps can train young, vulnerable girls in shopping centers, school activities, and nightclubs in the U. S. To capture a girl, the trafficker first befriends her, creating an emotional attachment and making them drug addicts or alcohol dependent.⁷⁰

⁶⁹ Prof Carol Allais 2006. An Overview Of Human Trafficking In Sub-Saharan Africa Conference on Criminal Trafficking and Slavery, University of Illinois at Urbana-Champaign, PRETORIA

⁷⁰ The full document of The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is available at www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

Human Trafficking for physical intimacy or human resources is a lucrative business. The trafficker is frequently a member of a criminal gang. Per the authorities, traffickers in the sex slavery sector can earn up to \$10 billion annually. Eliminating human Trafficking necessitates tackling the desire for sex and cheaper labor, both of which contribute to the trafficker's massive profit. It includes eradicating poverty, which makes people susceptible to human Trafficking. Learning about the problems of poverty, such as the impact of our economic relations on workers worldwide and the financial consequences of our low-priced consumer products, can help us better understand what we're doing to reduce world poverty and, as a result, Trafficking.⁷¹

2.4 The influence of Rapid expansion of technology on Human Trafficking in the region.

The respondents noted that the rapid expansion of technology had a severe influence on human Trafficking in Africa. The rapid development of technology has also coincided with the rapid increase of human Trafficking in Africa. Human traffickers use new tech at all phases of criminal activities, such as victim solicitation, manipulation, and exploitation. For example, they are enhancing anonymity and concealing identification over the internet. The Dark Web or protected software is used by the offenders and their accomplices to converse. Victims are recruited through bogus major social accounts and app profiles. Furthermore, cryptocurrencies enable human traffickers to undertake financial transactions securely and secretly shift criminal proceeds.

Further, the respondents noted that technology had enabled traffickers' recruiting and manipulation of prey in Africa. They identify possible targets, gain access to user information, arrange logistics and transport, and recruit using social media. According to the UNODC Global Report on Human Trafficking, criminals schedule their acts by discovering possible

⁷¹ Bariagaber, Assefaw. Conflict and the refugee experience: flight, exile, and repatriation in the Horn of Africa. Routledge, 2016.

targets through social media, creating a trusting relationship, and capturing them in predatory settings. Owing to its unique vulnerabilities, kids are particularly vulnerable. The danger of traffickers manipulating minors' internet is on the rise: The National Centre for Missing and Exploited Children in the US, for instance, "indicated a 46 percent growth in news stories of suspicious in child sex trafficking from 2009 to 2014 – the rise of the business organization has discovered to be "highly associated to the widespread usage of the Internet to offer youngsters for sex."⁷²

In Africa, the misappropriation of technology has also allowed traffickers to interact with victims, extend their illegal enterprises, and reach new markets. For instance, in the case of sexual enslavement, where females account for 94 percent of known victims worldwide, technology - notably the Website - enables perpetrators to promote victims and interact with a massive market of people very quickly. Furthermore, powerful internet platforms that carry advertisements for sexual services allow sex traffickers to recruit consumers and, as a result, sexually exploited victims. "The digital marketing of commercial sex is a developing phenomenon in relation to THB for sex trafficking, with minors being promoted as grownups."⁷³

According to the respondents, various innovations can also be used by traffickers to monitor and manipulate victims. For instance, perpetrators may employ GPS software in smartphones to monitor victims' whereabouts or location. In the example of local slavery and other labor exploitation, video surveillance footage is used to monitor and control victims. The threat to publish sexually graphic photographs is being used to manipulate victims in human Trafficking

⁷² 6 UNODC. Global Report on Trafficking in Persons (2018). Available at: https://www.unodc.org/e4j/data/_university_uni_/global_report_on_trafficking_in_persons_2018.html.

⁷³ EUROPOL. Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims in the EU, p. 7. Available at <https://www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu>.

for sexual abuse. Traffickers could use Live-streaming to cover a wider audience of clients who may never come into actual touch with the victim.

In Africa, several enabling factors have amplified the abuse of technology, including inadequate legal structures which do not have the techniques needed to implement fruitful criminal prosecutions to combat impunity online or use the complete set of equipment to combat human Trafficking in the internet world effectively; The international character of Information and communication technology enables Trafficking in human beings, in which offenders, survivors, and technological platforms may all be located in separate geographical locations, presents significant issues in terms of jurisdiction, fact-finding, extradition, and cooperation. Weak collaboration between local and international agencies, as well as the commercial sector, makes it difficult to respond quickly to novel techniques used by traffickers and prevents maximum exploitation of resources and knowledge available across spheres; Given the complicated and growing nature of Information and communication technology Trafficking, enforcement agencies, investigators, and the court lack ability, understanding, and expertise; Those against -trafficking specialists have inadequate access to technical resources and even the essential experience and capability.⁷⁴

2.5 The Influence of the Devaluation of women and girls on human Trafficking

As per the responses, the study established that women's involvement in human Trafficking in African Continent could not be overstated. The respondents noted that arranged marriages and forced sex work among women and girls had been documented. And over 50,000 women are being trafficked to sell sex in Italian cities, according to a survey by the Nigerian National Agency for the Prohibition of Traffic in Persons (NAPTIP). It was discovered that they were victims of Trafficking due to poverty, globalization-induced rural-urban movements,

⁷⁴ Human Trafficking And Technology: Trends, Challenges And Opportunities, UN General Assembly. Trafficking in women and girls. Report of the Secretary-General, 2018, No A/73/263, p. 8

dysfunctional families, and peer pressure. The assumption that engaging in sexual activity with a teenage woman reduces the danger of catching Aids has raised the demand for juvenile sex workers in African states, particularly in West African countries, and opportunistic criminals are profiting from this predicament by trafficking underage women into the nation.⁷⁵

The respondents stated that several causes push women to look for work overseas. Women and girls are generally driven into circumstances where they are mistreated and, in return, become the victims of Trafficking by a confluence of things. The feminization of poverty and inadequate border restrictions in recipient nations are all elements that lead to the Trafficking of human beings. Females' uneven economic standing leads to human Trafficking. Ladies make up a substantial share of the poorest people. The proportion of women living in extreme poverty has risen faster than the proportion of men. In addition, women are more likely than males to bear the added financial burden of child care. Women are also unequal treatment, which hinders their work options. They're frequently the very first to be dismissed and the last to be employed in the workplace. In the workforce, women are disproportionately subjected to sexual assault. This circumstance causes numerous women to seek work in other countries, putting them at risk of victimization. In nations experiencing an economic revolution, females' economic condition is much worse. Most African countries are undergoing profound economic and political transformations as they shift from central economic nature to a free-market system. Whereas there is a great deal of difference in how different nations have handled the transformation, high levels of unemployment and the collapse of previous social welfare programs have had a severe effect on females. The transformation has left several women in emerging countries lesser financially independent than they had been before.⁷⁶

⁷⁵ Lijnders, Laurie, and Sara Robinson. "From the Horn of Africa to the Middle East: Human trafficking of Eritrean asylum seekers across borders." *Anti-Trafficking Review* 2 (2013).

⁷⁶ Kiremire, MK. 2002. *Children and young women in prostitution, pornography and trafficking for Commercial sexual exploitation in, labour and crime in Zambia*. Lusaka: Mapode

An additional element that fosters Trafficking is the socioeconomic gaps that present among states. Human Trafficking occurs between developing and developed economies, where there is a need for inexpensive, low-status laborers. The majority of girls and women economically disadvantaged in their native nation or geographical areas are usually targeted by traffickers and sent to more prosperous countries that can accommodate the commercialized sex industry.⁷⁷

Trafficking of women is becoming the most profitable business in town and becoming a significant source of revenue for criminal organizations. Trafficking, according to some estimation, is the quickest booming source of earnings for criminal organizations' networks. Trying to smuggle immigrants, which involves human Trafficking, is projected to bring in between \$5 and \$7 billion a year in total profits. Women are mainly trafficked into the sex industry from nations where sex work and other sexual activities are either permitted or authorized.⁷⁸

Domestic abuse is one of the world's most prevalent breaches of equal liberation. Several communities have inadequate legal channels and assistance for victims of domestic abuse; thus, women typically see few options for ending the assault. According to studies, domestic abuse victims could be at the potential of becoming victims of human Trafficking if they pursue employment overseas to escape their abusive situation.⁷⁹

2.6 Influence of Porous Border on Human Trafficking

Almost all the respondents agreed that the porousness of the African boundaries is undeniably is a significant factor leading to an increase in human Trafficking. The fact that African boundaries are becoming a secure sanctuary for traffickers to access, given the nature

⁷⁷ Louise Shelley, "Post-Communist Transitions and the Illegal Movement of People: Chinese Smuggling and Russian Trafficking in Women," *Annals of Scholarship* 14, no. 2 (2002), 71–84.

⁷⁸ *ibid*

⁷⁹ Afonja, S. (2001). *An Assessment of Trafficking in Women and Girls in Nigeria Ile Ife*. Unpublished mimeo.

borderline, is supported by Okumu's essay. According to him, the proceeds from border crossing points have been utilized to fund other illegal activities and societal issues like prostitution. After European governments had unilaterally redrawn country borders at the end of the 19th century, cultural groups were split. The cross-border connectivity has resulted from its arbitrary character. As a result, a narrative of the ethnic and linguistic connection between communities like Nigeria and the Niger Republic and Nigeria and Benin Republic in the south can be traced. This issue had enabled people of all types to flood into several of the countries. Due to this, traffickers use the inadequacy of security, adequate documentation, and proper identification, particularly in Nigeria and Ghana, as an escape route.⁸⁰ This can be seen in the illicit acquisition of permits, the manipulation of documents, and the participation of dishonest immigration agents. Furthermore, the Economic Community of West African States (ECOWAS), East African Community's open borders to individuals to promote effortless movement into other areas of West African; and the limited capability of these governments, and the perceived unfavorable social-economic situations of these nations.⁸¹

Some of the respondents thought that army personnel was not adequately manning Africa's borderlines. The traffickers are well conversant with the pathways and reside near the boundaries than the connected military soldiers who are only responsible for guarding the border. Unsurprisingly, there is the presence of open terrain for mobility because the area has little or no barriers to the entry of individuals and goods. This contributes to the uncontrolled and easy migration of individuals into adjacent countries' domains. As a result, border leakage

⁸⁰ Adepoju, A. (2015). Review of Research and Data on Human Trafficking in Sub-Sahara Africa. *International Migration*, 43(1-2), 75-98

⁸¹ Omolara Akinyemi , 2019 , Porous Borders and Increasing Human Trafficking in West Africa: Issues and Challenges, *International Journal of Social Science Research*
<https://www.macrothink.org/journal/index.php/ijssr/article/view/15537>

has facilitated illegal economic contacts such as people trafficking, drug smuggling, and several others.⁸²

The permeable status of African boundaries and a lack of adequate safety measures and identification accelerate people's continuation of human Trafficking. Nigeria has the greatest available land unmanaged, unreachable, underutilized, or without a competent administrative representation among African countries. The substantial number of poor people in the neighboring countries adds to the problem. As a result, Nigeria has become a hotspot for people trafficking, with traffickers reaping the benefits of the country's lack of solid paperwork, security, and proper identification. Visas are obtained illegally or by falsifying paperwork, frequently in collaboration with immigration officers. Furthermore, failures in border protection and inefficient identification procedures have provided smugglers with several secret recruitment stations for trafficking operations. Children are frequently lured from remote regions to metropolitan areas where there is hardship and low levels of education.⁸³

2.7 Influence of Corruption on human Trafficking

61% of the respondents stated the rampant corruption along the border is a significant contributor to human Trafficking in Africa. Corrupt officials at the border centers too led to increased Trafficking of persons at the various African borders. Human Trafficking is a lucrative but low-risk business. This cost-benefit analysis is based on the fact that the criminals gain financially from their actions considering the low danger of being detected and prosecuted. Corrupt individuals provide for the continuation of this perverse motivation. However, there must be a source of individuals for trafficking to take place. The potential of

⁸² Akinyemi, O. (2013). Globalization and Nigeria Border Security: Issues and Challenges. International Affairs and Global Strategy,

⁸³ Julins, O. (August 16-19, 2002). Exploring Strategies for Effective Management of Nigeria- Niger Border Security. In Amdii S. et al; The Nigeria-Niger Trans-border Cooperation and Management:: Proceedings of the International Seminar Organised by National Boundary Commission and Niger Boundary Commission.

finding work, appealing living standards, the desire for low-skilled workers, poverty and lack of employment, and conflict and political unrest are among the critical push and pull causes. Human Trafficking, according to many analysts, would not have grown as quickly as it did as a result of globalization if it weren't for corruption. Corrupt officials protect the trafficking operation from detection and make it easier for innocent individuals to be victimized. Corruption makes it easier for victims to move around a nation and throughout borders. When human Trafficking is uncovered, bribery leads to the disobedience of justice and judicial proceedings. Organizational safeguards anchored in fundamental human rights and other global conventions that should lawfully defend the victim are undermined by a corrupt official.⁸⁴

Corruption also aids perpetrators and their associates in concealing the proceeds of people trafficking. There are presently zero international preventative measures on money laundering, enabling the offering of bribes to influence the transportation of criminal proceeds. Several establishments and many countries are involved in bribery and human Trafficking. Co-optation could spread to government departments and ministries, parliament, and local police departments, resulting in state takeover. For example, local police inspectors in Cameroon have been accused of obstructing probes into child trafficking.⁸⁵

A US investigation shows that Kenya has become a refuge for human traffickers due to corruption and insufficient legislation. According to the United States, State Department's 2014 trafficking in person's report, Kenya is on a watch list for the fourth time in a row as a nation that has not demonstrated adequate commitment to combating human Trafficking. It claims that police and border officers are corrupt and allow criminals to enter the country.

⁸⁴United Nations., Prevention, prosecution, and protection – human trafficking,2010

⁸⁵ See also Sheldon X. Zhang and Samuel L. Pineda: 'Corruption as a Causal Factor in Human Trafficking', in Organized Crime: Culture, Markets and Policies, Springer, New York, 2008

According to the research, the country is a source, passage, and destination for individuals' men, women, and children who are compelled to work or are victims of sex trafficking. Despite making tremendous efforts, Kenya somehow doesn't strictly cooperate with the minimal requirements for reducing human Trafficking.⁸⁶

2.8 The involvement of international organized criminal groups or networks

The involvement of international organizations was cited as a significant contributor to human Trafficking by the majority of the respondents. International organized criminal groups and networks have for long been involved in human Trafficking. UNODC reports reveal that many countries are subject to such criminal activities.⁸⁷ The Global Report released in 2018 shows that many countries have noticed a rise in the amount of identified trafficked persons in recent years. The rise can be attributed to improved state ability to recognize, document, and communicate information concerning trafficking victims. However, it may be simply due to the increase in the prevalence of human Trafficking. A majority of trafficked persons are discovered in their native nations, but advanced economies are usually attractive endpoints for victims located in countries with more remote backgrounds.⁸⁸

The respondents further stated that the forms of human Trafficking have constantly evolved with time. Young children and males account for a growing proportion of the identified victims that is 28 percent and 21 percent as per 2016, and 30 percent and 21 percent as per 2018, respectively. Nonetheless, adult women represent the majority of the trafficked persons, with 49 percent as of 2018. Despite this, the most recent figures indicate significant geographical disparities in trafficked persons' gender and age characteristics. In Africa, particularly the West, the majority of victims have been identified as minors, including males and females. Still, in

⁸⁶ *ibid*

⁸⁷United Nations Office on Drugs and Crime (2016). Global Report on Trafficking in Persons. Vienna: UNODC.

⁸⁸United Nations Office on Drugs and Crime (2018). Global Report on Trafficking in Persons. Vienna: UNODC.

Southern Asia, victims have been recorded as males, females, and young kids in similar numbers. Compared to other areas, Asia has a higher proportion of grown males, whereas Central America and the Caribbean have a higher proportion of females.⁸⁹

The 2016 statistics on the most often found type of human smuggling revealed that the majority of victims identified worldwide are smuggled for the sex trade; however, this trend is not constant throughout all areas. Whereas other kinds of victimization, such as sex trafficking and compulsory labor, are identified in rare cases, they nevertheless show some regional differences. Forceful marriages smuggling, for instance, is prevalent in regions of South Asia. Trafficking children for unlawful adoption is prevalent in South American nations. Smuggling for induced crime is mainly found in west and south Europe, whereas trafficking of organs and body parts is primarily found in Northern Africa, central and east Europe.

According to Mackenzie, without proper coordination, grouping, and networking, human trafficking cannot be conducted efficiently.⁹⁰ All parties involved, from the actual recruiter, the transporter, and the beneficiaries, should work together to traffic humans. However, it is the product, trafficked persons, which brings the three parties to work in unison.

Europol has been actively involved in the fight against human trafficking, particularly child trafficking. According to Sabine, the international organization has strived to achieve this objective using Analysis Project (AP), which focuses on child trafficking.⁹¹ The project gathers and stores victims as well as criminal data concerning the crime. As a result, the number of instances concerning entirely or mostly minor victims disclosed by European Union nations and collaborating non-EU nations and aided by AP Phoenix is deficient. The bulk of

⁸⁹United Nations Office on Drugs and Crime (2012). *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment*. Vienna: UNODC

⁹⁰Mackenzie, S. (2020). Human trafficking. *Transnational Criminology*, 37-54. <https://doi.org/10.1332/policypress/9781529203783.003.0003>

⁹¹Sabine, G. (2009). Europol. *Max Planck Encyclopedia of Public International Law*. <https://doi.org/10.1093/law:epil/9780199231690/e1832>

child smuggling incidents involving both older and younger children trafficked and victimized by the same criminal enterprise or solo offenders.

The Nigerian networks are a great example of a trafficking network. The network is involved in human trafficking and other criminal activities like corruption and money laundering. Trafficked persons of the Nigerian network usually end up in Italy or Spain. The victims are subjected to sexual exploitation in those countries or shipped to other European nations such as Belgium, France, Portugal, or the United Kingdom. The Nigerian network is well-coordinated and is endowed with the relevant resources. The network uses hubs to distribute their 'product' received by the alliances in the specific hubs. The Nigerian crime syndicate is not formally structured but is instead organized into groups whereby female members perform the core operations of recruiting and exploiting while male members-only offer supplementary services. Mancuso (2013) argues that unlike other human smuggling crime syndicates, which use ladies as subject managers, the Nigerian human trafficking network pays a premium on female members, including group managers.⁹²

2.9 Limited capacity of or commitment by immigration and law enforcement officers to control borders

The response from the respondents further pointed to the lack of capacity and commitment in the enforcement of the law as a significant factor leading to rising of human trafficking in Africa. Terror organizations and international crime syndicates up to date still smuggle pistols, rifles, bullets, explosive devices, narcotics, human beings, and human organs over permeable state boundaries. They also dispatch terror agents to undertake strikes. Such actions sabotage nations' attempts to combat terrorism and limit international criminal networks. Furthermore, the safety of innocent citizens is also not assured, which hurts global peace and security. This

⁹² Mancuso, M. (2013). Not all madams have a central role: Analysis of a Nigerian sex trafficking network. *Trends in Organized Crime*, 17(1-2), 66-88. <https://doi.org/10.1007/s12117-013-9199-z>

situation can be attributed to countries' inability to manage their borders or the law enforcement officers are simply complacent. The 'Trafficking in Persons' Convention includes a variety of procedures that countries might use to ensure traffickers do not find it easy to transport individuals over boundaries.⁹³ The 'Migrants Protocol' incorporates such provisions as well.

Customs checks have substantially decreased in recent years due to a variety of causes. First, boundary permeability assists criminal groups involved in domestic and global smuggling carry out their activities. Second, customs clearance authorities' technological ability to identify and reduce human trafficking is frequently insufficient and has to be enhanced. For example, there are inadequate communications capabilities or physical documentation of corporate transporter flows at border checkpoints in several countries. Third, the law enforcement officers and boundary police organizations lack personnel, equipment, and money. Crime syndicates take advantage of the circumstance and move teams over boundaries in which routine checks are not conducted.⁹⁴

Customs and border control entities are widely regarded as the most fraudulent state entities in several nations.⁹⁵ Jancsics adds that officials in such entities have a greater chance of corruption than officials in other law enforcement organizations. Furthermore, the corruption at the boundaries might be connected to international organized crime organizations since they utilize various contacts in different countries.

2.10 Summary of the chapter's Key Findings

Conclusively the rampant human trafficking in Africa has been contributed by various factors, both internal and external. The chapter's findings point to poverty as the main factor that has led to increased human trafficking. Poverty makes the population, especially the young to be

⁹³Traffic in persons. (2014). <https://doi.org/10.18356/efb76356-en>

⁹⁴Segrave, M. 2016. Human trafficking. Oxfordshire, UK: Taylor & Francis.

⁹⁵ Jancsics, D. (2019). Border Corruption. Public Integrity, 21(4), 406-419 <https://doi.org/10.1080/10999922.2019.1581043>

vulnerable to being tricked into trafficking. Technology has also been a significant factor that has led to an increase in human trafficking. For example, the traffickers can post fake advertisements to lure us unsuspecting victims. The porous borders of Africa states have also encouraged the unmonitored flow of individuals and traffickers to take advantage of this to move people illegally. These are among the many factors highlighted in the chapter, including corruption, Limited capacity of or commitment by immigration and law enforcement officers to control borders, and Corrupt Officials.

CHAPTER THREE

THE KEY IMPLICATIONS OF HUMAN TRAFFICKING ON HUMAN SECURITY IN KENYA- UGANDA BUSIA BORDER

3.1 Introduction

In the previous chapter, the study looked at the underlying factors contributing to human trafficking in Africa. This section looks into the implication of human trafficking on human security. Human trafficking as a crime has various impacts on the victim and society as a whole. The vice threatens the safety and well-being of the trafficked and community as a whole. It is a grave violation of human rights as well as the health of the individual.

3.2 Health security Implication

The findings of the study pointed to the fact that human trafficking has a profound implication for the health and safety of individuals. The majority of the respondents noted that human trafficking in its nature poses a severe health threat to individuals. The health implication of human trafficking is numerous and costly both to the individual, their families, and the state. Human trafficking leads are associated with Poor mental health. This is because human trafficking has serious psychological consequences like post-traumatic stress and other forms of suffering that directly impact individuals' health.

Human trafficking in the Kenyan Ugandan border has become rampant over the years. Young girls and women have been trafficked from Uganda to Kenya's capital Nairobi to seek a better life. The young women run from Uganda due to their poor living status and into Kenya with the hope of earning a living for themselves and their families. This kind of labor is highly preferred as it is cheaper than that offered by Kenyan citizens.

There have been incidences where these young girls and women are sold off like commodities in a market. The women are lured into these schemes with the promise of

*being offered quality jobs and better living conditions, which is not usually the case. Once they are in Kenya, they are sold off to the highest bidder as they have no power to decline as they are in a foreign country. The human trafficking cartels endanger human security in Kenya. They devalue the worth of human beings when they treat people as commodities. The young girl and women are trafficked to become sold off as sex workers or domestic workers.*⁹⁶

The victims of this crime go through various incidences that harm their physical body, mental health, and their life in general. These kinds of experiences change the life of the individual permanently. Human traffickers put a price on the life of fellow human beings and treat them like lesser beings.⁹⁷

3.2.1 Physical trauma

From an interview with a recent person initially trafficked in Busia, Physical trauma is the more prevalent cause from been trafficked. The victims of human trafficking suffer from various physical traumas caused by their experiences during being trafficked. In addition, when being trafficked, the victims are mistreated and dehumanized by their traffickers.

*They go for days without getting anything to eat, which causes their health to deteriorate. This causes them to be weak, and malnutrition as the transit can take days. The traffickers used the most violence to mobilize them, mostly in situations where they were rebelling. This leaves scars from the physical assault. The victims are sexually assaulted at times by the traffickers. They have no forum to speak up as they have in mind the dream of a better plan.*⁹⁸

Screening done to the human trafficking survivors is proof of the physical torture they undergo. In the Ugandan Busia border, the victims are trafficked into Kenya with the hope of getting to the capital Nairobi. The journey from Uganda to Nairobi is long, and the victims are transported

⁹⁶ Oral interview with Migration and Customs officers on the 22nd September 2021

⁹⁷ Brady, Emily, et al. "The Impact of COVID-19 on Survivors of Human Trafficking in Kenya: A Participatory Approach." (2021).

⁹⁸ Oral interview with victim of human trafficking on the 23rd September 2021

secretly as it is illegal. The victims have injuries such as broken bones, and bruises which are consistent with abuse. The people who purchase the victims tend to treat them lesser than human beings. The victims are subjected to hard labour and poor working conditions as they are not in a position to report it. The traffickers confiscate the victim's identity cards and other variable documents, ensuring that the victims do not try to run away.⁹⁹

When in Kenya, the victims are not provided the working conditions they were promised. Physical assault is very common in the case of human trafficking. Medical practitioners have seen many victims with physical injuries. The victims are shy to report the abuse from their employers as they do not want to go back to their past lives. The physical exhaustion they undergo is ignored at times, but their health is at risk due to the hard labour. The physical trauma of these victims can require long-term treatments as the abuse occurs over a long time.

Due to the sexual assault, the trafficked girls and women are highly likely to suffer from sexually transmitted diseases and unwanted pregnancies. The women are manipulated into doing whatever is asked of them. Their free will is taken away; as a result, HIV/AIDS has increased among young girls and women being trafficked.¹⁰⁰

3.2.2 Mental trauma

Over 68% of the respondents stated that mental trauma is a significant impact on human trafficking.

Our experiences in life affect our mental health; the victims suffer from various mental illnesses. These illnesses include post-traumatic stress disorder, anxiety, depression, and addiction. Throughout the transit, the victims undergo challenging situations that affect their mental state. For example, sexual and physical assault makes the victims

⁹⁹ Ali, Moazzam, et al. "Being ignored at work: Understanding how and when spiritual leadership curbs workplace ostracism in the hospitality industry." *International Journal of Hospitality Management* 91 (2020):

¹⁰⁰ Ali, Moazzam, et al. "Being ignored at work: Understanding how and when spiritual leadership curbs workplace ostracism in the hospitality industry." *International Journal of Hospitality Management* 91 (2020):

*develop suicidal thoughts. It inhibits them from undertaking various activities as it triggers the emotions they felt during the trafficking.*¹⁰¹

Mental traumas are more frequent than physical, and it is easy to overlook them. The psychological traumas are hard to spot compared to physical traumas; the patients have to be aware of mental health to realize they need help. This is not usually the case as the victims are not well educated hence, mental health is unfamiliar for them. The violence they are put through causes them to lose their self-worth. Most of the victims are usually in denial of having a mental illness because they are not knowledgeable about them. Most of the victims view mental illnesses as ‘white people’ diseases.¹⁰²

The victims are mostly in a new location where there might be a language barrier. This isolates them from a familiar environment. They are not allowed to communicate with their families or even talk about what they are undergoing. The government and NGOs need to be vigilant about creating a space where the victims will feel safe to talk about their struggles. The community should also be on the lookout for domestic workers who look like they are being abused. The traffickers and the employers of the victims abuse them emotionally and create a hostile working environment. As a result, the victims are highly likely to become clinically depressed as they lack peace of mind.¹⁰³

When one is isolated from the rest of the world, this causes them to lose the ability to connect with people as they are foreign. The victims are prone to substance abuse and misuse to distract themselves from the ordeals they went through. The survivors of human trafficking should be given mandatory therapy to help them heal from all the traumas. They are discriminated against and treated lesser than the rest of the people. This is a way of getting through one's mind and making them doubt their worth. Some

¹⁰¹Oral interview with victim of human trafficking on the 23rd September 2021.

¹⁰² Nakanjako, Rita, Eria Olowo Onyango, and Robert Kabumbuli. "Positioning Migrants in Informal Cross Border Trade: The Case of Busia, Uganda-Kenya Border." *Eastern Africa Social Science Research Review* 37.1 (2021): 123-143.

¹⁰³ Abas, M., Ostrovski, N.V., Prince, M. *et al.* Risk factors for mental disorders in women survivors of human trafficking: a historical cohort study. *BMC Psychiatry* **13**, 204 (2013). <https://doi.org/10.1186/1471-244X-13-204>

*of the trafficked women and young girls are usually sold off by their families to try and make ends meet.*¹⁰⁴

3.2.3 Ostracism

The respondents also stated Ostracism which is the exclusion from society, as one of the impacts of human trafficking on the victims. The human trafficking victims are brought into a new country with a language barrier, preventing them from participating in community activities. In the Maslow hierarchy of needs, a human being requires a sense of belonging, which is achieved by socializing with people.¹⁰⁵

When being transported from Kenya to Uganda, the human traffickers confiscate any means of communication between the victims and the outside world as they do not want them disclosing what they are going through. The victims are not provided with the opportunities to join society; they are often prohibited from leaving the house. The victims are transported from one location to another; hence, they cannot get familiar with their environment. Being in a new country, one would require the help of the natives to figure out where specific amenities are and how to get around. The victims are not accorded this; hence they isolate themselves.¹⁰⁶

Exclusion from society fuels one towards mental health illnesses as they are not lacking the sense of belonging. When individuals are active community members, they are more likely to be happy as they matter. The victims tend to feel disposable as they are sold off once an individual can pay a higher fee. Ostracism is the easiest way of breaking down a person as they feel like they are alone and there is no one to influence their rebellion. The human traffickers turn to this method to ensure they stay obedient and afraid of rebelling. Isolating the victims

¹⁰⁴ Oral interview with victim of human trafficking on the 23rd September 2021.

¹⁰⁵ Rudert, Selma C., Stefan Janke, and Rainer Greifeneder. "The experience of ostracism over the adult life span." *Developmental Psychology* 56.10 (2020).

¹⁰⁶ *ibid.*

ensures that they have no one to turn to for help; hence they will remain where they are instructed to and do as instructed.¹⁰⁷

3.2.4 Death

According to the majority of the respondents, human trafficking is a danger to human life as the conditions are brutal. For example, in the Uganda-Kenya border of Busia, the victims sometimes undergo different forms of torture that can easily lead to the loss of life. In addition, the traffickers harass young women and girls and subject them to corporal punishment when they rebel. Death by blunt force trauma is very common in human trafficking. This is because the traffickers are hostile to the young girls and women hence hitting them when they see fit.

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Extreme sexual assault is a probable cause for death, as the victims can easily bleed out. The traffickers are not keen on treating the victims as they only need those in a position to work. The sickly ones are left to die as they offer no benefit to the traffickers. In medical emergencies, they are not tended to by doctors as the medical fees are not something the traffickers are willing to spend on.¹⁰⁹

Some of the women and young girls trafficked through the Busia border have contracted sexually transmitted diseases, and HIV/AIDS, which has in some unfortunate events led to deaths among the victims and the traffickers as they engage in unprotected sex. Abortions are another cause of death as the living conditions of young girls and women are not suitable for pregnant women, so they often incur abortions. Other than sexually transmitted diseases, the

¹⁰⁷ Nakanjako, Rita, Eria Olowo Onyango, and Robert Kabumbuli. "Positioning Migrants in Informal Cross Border Trade: The Case of Busia, Uganda-Kenya Border." *Eastern Africa Social Science Research Review* 37.1 (2021)

¹⁰⁸ Kiss L, Yun K, Pocock N, Zimmerman C. Exploitation, Violence, and Suicide Risk Among Child and Adolescent Survivors of Human Trafficking in the Greater Mekong Subregion. *JAMA Pediatr.* 2015;169(9):e152278. doi:10.1001/jamapediatrics.2015

¹⁰⁹ Brady, Emily, et al. "The Impact of COVID-19 on Survivors of Human Trafficking in Kenya: A Participatory Approach." (2021).

victims are faced with the risk of other diseases due to poor living conditions.¹¹⁰ Death is a frequent occurrence as the victims will never be reported missing and cannot be identified as they do not have any identifying documents and are miles away from their home country. In human trafficking, not all the victims make it to their destinations as they are exposed to unfavorable conditions and abuse.¹¹¹

3.2.5 Fear, guilt, and shame

The victims of human trafficking interviewed said that fear, guilt, and shame often follow them when they return home. When passing through the Busia border, the victims are transported in dark trucks, and they go for days without food and water. This causes them to become weak. The young girls and women are sold off to the highest bidder whose purpose is to exploit them for labour or sex. The victims are usually lured with the hope of better lives which makes them blame themselves for being in their situation. They tend to harbor intense guilt as they feel like failures in life, yet other people live abuse-free lives. This makes them question their worth and view themselves as lesser. The victims cannot speak up against abuse as they are afraid of the consequences of such an action.¹¹²

The girls are made to work for little or no pay under harsh conditions. The victims tend to not talk about what they are going through as they are ashamed to admit it. This makes it hard for them to get help as no one knows what they are going through. The victims are not able to go back to their homes as the conditions there are no better. They turn to the idea of going into Kenya as they see it as the light at the end of the tunnel, but that is not the case.¹¹³

¹¹⁰ Mulholland, Grace E., et al. "HIV Prevalence and the HIV Treatment Cascade Among Female Sex Workers in Cross-Border Areas in East Africa." *AIDS and Behavior* (2021)

¹¹¹ *ibid.*

¹¹² Haldorai, Kavitha, et al. "Left out of the office “tribe”: the influence of workplace ostracism on employee work engagement." *International Journal of Contemporary Hospitality Management* (2020).

¹¹³ *ibid.*

*When they are sold off to their employees, they are not treated with the respect the workers should be accorded; at times, they are deprived of sleep, food, and water. This causes a strain on their bodies as they are doing labour with no energy. Moreover, their freedom is taken away, and their judgment is undermined.*¹¹⁴

3.2.6 Depression

Depression was also mentioned as a significant human security implication of human trafficking in Busia Border. In Busia, the victims of human trafficking mental health should be mandatory during the medical check-ups. Young girls and women are trafficked for various reasons, and they are subjected to sexual abuse from their traffickers and buyers. Sexual abuse can cause one to isolate from the world and loss their self-worth. This pushes them into depressive episodes where they feel like they are just cruising through life.

Furthermore, being subjected to emotional torture can cause an individual to become numb to mundane emotions. When an individual is depressed, more often than not, suicidal thoughts crop up. The symptoms of depression can be mistaken for laziness as the individual lacks the energy to perform daily tasks. This starts up a chain reaction where the traffickers inflict pain on the victims, worsening their mental health.¹¹⁵

*The victims are isolated from people as they are prohibited from making interactions with people. This limits their social network hence, they lack the sense of belonging essential to a human being. When individuals interact, they are less likely to get depressed as they feel wanted and appreciated. The victims lack an outlet for their emotions. The victims are not in a position to access basic amenities. As no man is an island, every human requires a community where they feel they belong and are understood. Depression can easily translate into other mental disorders. The government should ensure the domestic and sexual workers can easily access therapy sessions.*¹¹⁶

¹¹⁴ Oral interview with academicians on 25th September 2021.

¹¹⁵ Kiss L, Yun K, Pocock N, Zimmerman C. Exploitation, Violence, and Suicide Risk Among Child and Adolescent Survivors of Human Trafficking in the Greater Mekong Subregion. *JAMA Pediatr.* 2015

¹¹⁶ Oral interview with victim of human trafficking on the 23rd September 2021

The trafficking victims tend to develop anger issues as they resent the world and have no trust in anyone. They are more likely to display fear of being controlled and trapped as it was a traumatic experience. The young girls and women lack the will to leave after constant abuse and being helpless through it all. Depression leads the victims to turn to drugs for solace hence having an addiction. Depression is the root of more self-sabotage; the victims think lowly of themselves and do not care for themselves. Depressed people tend to neglect their well-being that is physically, emotionally, and mentally. A human being needs to be treated with respect and favorable live-in conditions. The victims require a haven where they can turn to when in need of help.¹¹⁷

3.3 Economic security implications

83% of the respondents stated that human trafficking has serious economic security implications for individuals and society. Human trafficking's cost is frequently expressed as a measure of the crime's economic consequences. In Busia, Human trafficking has a cost that goes beyond the monetary component of the crime. The economic cost of trafficking includes the value of all resources directed toward the fight against trafficking, the expenditure incurred by trafficking victims after they are liberated, and the disruption caused by victims of trafficking who are incarcerated. As a result, both people and society bear human and societal costs due to trafficking and migrant smuggling. This is due to the victims' and their families' physical, mental, and financial hardship.

Human trafficking has significant consequences for individuals and the state's economic security since it stifles its growth and development. Human trafficking expenses include resources required to combat crime, resources used to protect and

¹¹⁷ Nakanjako, Rita, Eria Olowo Onyango, and Robert Kabumbuli. "Positioning Migrants in Informal Cross Border Trade: The Case of Busia, Uganda-Kenya Border." *Eastern Africa Social Science Research Review* 37.1 (2021):

*rehabilitate victims, monetary compensation to victims, expenditures related to medical treatment for victims, and costs involved with examining and indicting criminals.*¹¹⁸

Human trafficking, in the end, results in the loss of human resources and a reduction in tax income. According to the study's findings, human trafficking and migrant smuggling have severe economic consequences for people and nations, while criminals gain millions of dollars. Human trafficking generates considerable and global revenue, according to statistics. However, despite the crime's financial strength, smuggling has a detrimental political, social, human, and economic impact all over the world.¹¹⁹

In Busia, the study established that individuals and the state bear a significant economic cost due to human trafficking. *When a victim is trafficked, for example, there are several economic and financial costs, such as victim care, legal difficulties, and the battle against the vice, to name a few. In addition, the cost of human trafficking is a substantial economic burden for the family.*¹²⁰

Trafficking causes irreversible resource loss and, as a result, lowers a country's revenue. A country receives no tax income from human trafficking. Instead, trafficking may result in a loss of net income due to tax evasion and money laundering. The cumulative result is a decrease in human capital accumulation and decreased labour market participation. Busia is a source and transit. As a result of a parent being trafficked and so losing family support, trafficking influences a child's future capacity to be productive in that they are more likely to lose access to school or perhaps experience health difficulties.

According to the family of the trafficking victims, another financial expense is the cost of supporting and rehabilitating victims once they have been returned to their homes. In addition, the implication will arise due to health and welfare needs which must be

¹¹⁸ Oral interview with Academicians on 25th September, 2021.

¹¹⁹ Reitano, T., & Tinti, P., The economics of smuggling refugees and migrants into Europe (No. 289). Nairobi, (2015)

¹²⁰ oral interview with the general public on 22th September, 2021

*satisfied by the country of origin. At the same time, the additional social-economic burden is often taken up by the families and communities.*¹²¹

3.4 Human rights implications

The majority of the respondents also pointed to the Human rights implication of human trafficking. Trafficking has direct implications for the rights and freedom of individuals. Hence making it a gross violation of human rights. Trafficking affects individuals irrespective of their religion, ethnicity, or the region they come from. In Busia majority of the time, Forced recruitment into banditry or military duty, sexual exploitation, organ extraction, and forced labor are all examples of human trafficking operations. Even while some incidents went undetected, Migration and Customs officers recorded an increase in the number of victims of human trafficking in 2018. Women and girls make up a higher proportion of this group, according to the findings.¹²²

The study findings suggest that human trafficking in Busia has recently taken the form of contemporary slavery. Most victims are trapped in exploitative conditions that they cannot escape or refuse to owe to threats, assault, deceit, or force. Over the last five years, the bulk of human traffickers in Kenya have victimized both Kenyans and foreigners. In addition, Kenyans living overseas have sometimes fallen prey to human traffickers.¹²³

Children's rights have been mostly ignored in the subject of human trafficking. More often than not, children fall victim to forced labor as the Majority of Young under-aged girls are trafficked from Uganda to Kenya through Busia to be maids in Nairobi and other parts of Kenya. Some Ugandan young women and boys are also trafficked into sex tourism in the Kenyan Coast, Nairobi, and Kisumu, where youngsters, particularly those in squatter camps, are utilized for

¹²¹ Oral Interview with the family of the victims of human trafficking 23rd September 2021.

¹²² Human trafficking: data from Busia Migration and Customs officers 2021

¹²³ Cornelius, A. (2004). Controlling Immigration in California: Stanford: Stanford University Press.

commercial sex. In some cases, family members collude with traffickers.¹²⁴ In Western Kenya, children are forced to work in khat farms these children are forced into sex by those working at cultivation areas and long-distance truck drivers. This habit has also been discovered among Lake Victoria fishermen.¹²⁵

In terms of labor rights, Kenyans and Ugandans trafficked through Busia are recruited or willingly relocate to Asia, the Middle East, or Europe in pursuit of possibilities such as work through both legitimate and illicit recruitment agencies. As both mainstream and social media have emphasized, there have been multiple occasions when Kenyans and Ugandans have been subjected to forced physical labor, such as domestic servants, massage parlors, or brothels. NGOs concerned with the welfare of immigrants, such as Amnesty International, say that Internally Displaced Persons (IDPs) are on the rise, especially those residing along major highways or local trading centers, are more likely to fall victim to trafficking, as compared to people living in more settled areas. This is because recruiters are mainly based in major towns that are well connected in the country and the neighboring countries. They can easily deceive the vulnerable youths into offering fake employment promises in the Middle East and Asia. Kenya is a strategic country in the region, is mainly used as a transit point for trafficking to other parts of the continent. Ugandan and Kenya victims are often forced into prostitution in Thailand.¹²⁶

Due to integrations, there is a free flow of goods and people from Kenya to Uganda and vice versa. The Busia Border also has several *Panya Routes* where individuals can easily be smuggled in and out of Kenya.¹²⁷ Some Ugandans come to Kenya with the hope of getting

¹²⁴ Fitzgibbon, K “Modern-day slavery? The scope of trafficking in persons in Africa,” *AfricanSecurity Review*, 12(2015)

¹²⁵ Oral interview with Migration and Customs officers 23rd September 2021.

¹²⁶ ILO “Emerging good practices on actions to combat child domestic labour in Kenya, Tanzania, Uganda, and Zambia”, ILO, Tanzania, 2016

¹²⁷ United States Department of State 2004, Trafficking in Persons Report for Kenya

jobs. However, the vulnerability to abuse and exploitation, including sex trafficking, rises due to inadequate access to critical resources such as education and employment possibilities. According to Kenya's 2016 Human Trafficking Report, teenage refugees, mainly from Somalia and South Sudan, are readily trafficked as forced laborers or sex slaves.¹²⁸

Due to unemployment, those trafficked into Kenya are vulnerable, as they are easily deceived through fake job promises and fraudulent travel. Through the transit journey, the victims lack basic needs like food and water. They are raped, tortured, and in some cases killed. In other situations, migrants are paid to be carried into the country, only to be abandoned midway, leaving them exposed to other traffickers. Some never make it to their planned destination and are instead detained and forced to work as laborers or sex workers.¹²⁹

*Trafficking and migrant smuggling is a serious violation of a human right that supports transnational criminal activities and can lead to prolonged instability. In addition, survivors of human trafficking, especially those who have undergone sex trafficking, often get marginalized and stigmatized by society leading to depression.*¹³⁰

In Busia, this has consequent implications, especially on the lives of the women and girls who later may face [limited employment and marriage opportunities](#) due to their past lives as victims of trafficking. This might lead to increase intergenerational poverty and isolation this is because their support comes to being. Human trafficking also undermines social and community relations, leading to broader economic instability, eventually leading to a breakdown in social cohesion.¹³¹

¹²⁸ Daily Nation (2015). Refugees are victims of violence too, so they need our protection, not rejection. Available at www.nation.co.ke/oped/Opinion/Dadaab-RefugeesRepatriation-Terrorism/-/440808/2684570/-/oe31jj/-/index.html

¹²⁹ *ibid*

¹³⁰ Oral interview with Victim of human trafficking 22nd September 2021.

¹³¹ Pearson E. *Human traffic, human rights: redefining victim protection*. London, Anti-slavery International, 2002.

Despite the numerous human rights implications, Kenya's policies and efforts towards addressing human trafficking are essentially weak. There is more to be done to address the issue of human trafficking in Kenya. One of such ways is by government ensuring that there are right policies in place to fight the menace.

3.5 Societal Security Implications

According to the majority of those polled, human trafficking is a type of crime that gives rise to various other crimes. It is a crime that erodes the fabric of society, people's well-being, and the security of a state. Human trafficking unquestionably undermines human civilization at its heart.

The vast majority of Kenyan and Ugandan migrants that make up the unskilled labour force end up in the Middle East and other Gulf nations. In 2014, the Kenyan government estimated that this community numbered 100,000 Kenyans. Nairobi-based organizations often recruit the vast majority of Kenyans in various parts of the Gulf area to come here and work in well-paying jobs. Following their arrival, individuals are said to suffer passport seizures and low-paying manual labour jobs. They are now subjugated to the vices of servitude, slavery, and abuses of fundamental human rights. Upon arriving, some are sent to work in massage parlours, brothels, or other physical labour. Victims of human trafficking are subjected to major human rights abuses such as torture, sexual harassment, malnutrition, brutality, and different types of inhumane treatment.¹³²

According to Buzan's definition of human security, societal security encompasses the issues of both cultures, languages, and religious and national identities as part of security. All these societal variables must be properly sustained and accepted within recognized social purviews. Smuggled and trafficked persons come along with different cultures and customs that erode

¹³² Reuters (2015). Desperate Kenyan maids abused in Middle East despite ban. The standard Digital.

the social fabric of the host societies. Smuggled and trafficked individuals are carried in trucks that ferry smuggled goods and other contraband wares and therefore do not go through security checks. Such individuals may pose a threat to societal security by coming with infectious diseases and, therefore, jeopardize the health of the destination and transit countries. Migrant smuggling and human trafficking infringe on the fundamental human rights of the victim, such as movements, but it's a significant threat to the entire nation's security. The victims of these crimes are usually reported to be going through lots of psychological torture, and this is in terms of bad conditions of work, traumatization, physical abuses, poor salaries, and wages that they receive, deaths in occasional cases, long and lots of indebtedness, sexual abuses to mention but a few.¹³³

Human trafficking leads to several psychological impacts that affect the fabric of any society. One such is social isolation, where a family cannot get in touch with the victim of human trafficking. This causes emotional as well as psychological stress to individuals' victims and their families. Traffickers also use such emotional manipulation to take control of the victims by making false promises that if they cooperate, they will see or talk to their families.

*There is also the aspect of exploitation where those trafficked have no power to decide what they earn or what they are charged for their products or services. There is also the issue of legal insecurities from those who are trafficked. Since they are no longer in their country, the traffickers confiscate their travel and identification documents in most cases. This makes it difficult for these victims to escape leading to a life of bondage.*¹³⁴

As noted by the victims of human trafficking, eventually, when the trafficked victims return home, they often go back with nothing. Instead, they go back with a host of health problems and other psychological burdens. Upon return, they are also faced with stigma. Those unlucky

¹³³ UNHCR. (2013). Smuggling and Trafficking from the East and Horn of Africa. UNHCR:Geneva, Switzerland,

¹³⁴ Oral interview with victim of human trafficking 22nd September 2021.

to get back home also counter a host of insecurities and stresses as they are forced to be refugees or seek asylum in their country.¹³⁵

3.6 Summary of the Key chapter findings

Human trafficking has undermined human security in the Kenya-Uganda Busia. The citizens feel unsafe with the presence of such cartels. This makes it hard for the citizens to live freely. Human traffickers violate various vital human rights, such as the right to free will, right to worship, right to basic needs, right to education, and right to life. They reduce human life to a bear commodity that can be exchanged between different owners for a fee. The victims are isolated to control them efficiently and effectively.

In the Kenyan Ugandan border, human trafficking has become a norm, young girls and women are trafficked for domestic and sexual work. This has significant implications on their lives as they are exposed to intense abuse both physically and emotionally. Employers most prefer the trafficked women and girls as they do not have many requirements as domestic workers who are citizens of Kenya. Human trafficking has become a matter of concern as recent incidences have highlighted its existence in the country. The effects are horrendous to the victims as they are both physical and mental. This changes how they view life and interact with people entirely.

¹³⁵ RMMS (2013). Mixed Migration in Kenya: The scale of movement and associated protection risks.

CHAPTER FOUR

THE EFFICACY OF THE EXISTING LEGAL FRAMEWORK IN ADDRESSING HUMAN TRAFFICKING AND ITS IMPACTS ON HUMAN SECURITY IN KENYA.

4.1 Introduction

The previous chapter of the study looked at the human security implication of human trafficking in the Kenya Uganda Busia border. This chapter will examine Kenya's present legislative framework for combating human trafficking and its influence on human security. The chapter includes a review of Kenya's existing legislative framework on human trafficking, its efficacy, and ways to strengthen the present legal system.

4.2 Overview of the existing legal framework on HT in Kenya

Kenya has enacted several legal frameworks on human trafficking. This section will look at the current legal framework like the constitution, the East Africa Counter-Trafficking Protocol of 2016, the Counter-Trafficking Act in 2010, the United Nations Palermo Protocol as domesticated in Kenya.

4.2.1 The constitution

The majority of the respondents concurred that the conventions and agreements adopted by the national government are included in national laws, which is the constitution according to Article 2 (5) and (6) of the country's constitution. As a result, the foregoing conventions and agreements have become part of state legislation and should be used in legal proceedings. Privileges and fundamental human rights are addressed in the fourth chapter of the Kenyan constitution, which deals with bills of rights. Most of these rights are essential for preventing the human trafficking of children and women. The much more important are the rights to fairness, protection against discrimination, and the right to life. Article 2 (5) and (6) of the Kenyan Constitution state that every treaty or convention accepted by the

government becomes part of the Kenyan legal system. As a result, the judiciary can apply the conventions mentioned above.¹³⁶

According to the Kenya school of law respondents, the Bill of Rights section of Chapter 4 of the Kenya Constitution, which is supreme, provides fundamental rights and freedoms; most of these basic rights and freedom can be used to defend victims of human trafficking. Those fundamental rights and freedom are the right to life, liberty and fairness, non-discrimination, individual dignity, protection from enslavement, slavery, forced labour, free movement of people and residency, and victim safety.

The respondents from Migration and Customs clarify that slavery prevention, victim protection, and other things are indirectly touched on in the constitution. They state that the constitution's Article 59 establishes a committee tasked with fostering, preserving, and advancing the country's human rights culture. Its mission is to guarantee that all conventions and accords relating to human rights are followed to the letter. The bill of rights can be interpreted and applied under the constitution. This should only be done by tribunals, courts of law, or other organizations empowered by the constitution to undertake such duty. The main goals are to promote ideals and establish democratic communities based on human dignity, liberty, and equality.

One of the respondents narrows down to Article 59 (2) (g) and states that it also establishes a Commission to advocate, preserve, and build a progressive society in Kenya that respects human rights. One of the primary responsibilities is to guarantee that treaty and convention commitments align with human rights and ensure they are perfectly met. Every right mentioned above includes a broad range of abuses associated with human trafficking, including

¹³⁶Article 2 (5) and (6), The constitution of Kenya 2010

murder, torture, inhumane treatment, inequality, travel restrictions, and insufficient remuneration where an individual has been hired.¹³⁷

*Given the ambulatory Constitutional protections that indirectly handle the problem of human trafficking and other contemporary issues, there is a need to align the anti-human trafficking legislation with the Kenya n Constitution. To begin with, a constitution is a powerful and motivating text that is rarely regularly challenged in conventional courts and tribunals. Second, the Kenyan Constitution is a foundational text that establishes the fundamental principles of the state's affairs. As a result, it establishes essential ideas that can be implemented by parliamentary legislation.*¹³⁸

Further, the academicians interviewed noted that as per Article 48 of the Constitution, the central government will ensure that everyone has access to the courts, particularly justice. This covers those who have been trafficked. It further specifies that the cost must be affordable in charges so that justice is not hampered. In this way, courts of law must guarantee that everybody has access to justice regardless of their circumstances. Authorities should also ensure that justice also isn't hindered and is delivered promptly.¹³⁹

4.2.2 The Counter-Trafficking Act in 2010

It's worth noting that perhaps the Counter-Trafficking in Persons Act was passed by Parliament on Sept 17, 2010 by the coalition government national assembly. According to the prologue, the purpose of the Act would be to carry out Kenya's obligations in relation to the United Nations Convention against Transnational Organized Crime, including its Protocol to Prohibit, Combat, and Condemn Trafficking in Human beings, Particularly the susceptible individual like Women and Children. The Counter Trafficking in Persons Act also addresses the crime of human trafficking and other similar offenses and the methods of prosecuting criminals and a

¹³⁷Article 59 (2) (g), The constitution of Kenya 2010

¹³⁸ Oral interview with Academicians on 23rd September 2021

¹³⁹Article 48 , The constitution of Kenya 2010

comprehensive victim aid system. It also creates funding for the sufferers of human trafficking.¹⁴⁰

Section 19 of the Act stipulates and pushes for the formation of an Advisory Committee for the sake of execution. The Committee's principal responsibility is to counsel the appropriate Ministry on interagency efforts aimed at preventing human trafficking and implementing preventative, restorative, and rehabilitation initiatives for trafficked people. The Committee has a varied and inclusive membership. The Counter Trafficking in Persons Act was abolished and revised trafficking-related provisions of the penal code, the Sexual Offences Act 2006, and the Children Act 2001. In 2012, the Act went into effect.¹⁴¹

Everybody, including human trafficking victims, is granted freedom and rights under Article 20(4). And therefore, there should be nobody or any authority to deny someone's right. And in case it happens, it should be with a proper reason. Likewise, nobody should be imprisoned without a trial, or put to corporal punishment without hearing, or be humiliated in either way. This is because everyone is free; they ought not to be forced into servitude. Legal proceedings should follow the rule of law. Since the country's constitution protects their rights, victims of human trafficking have this right and procedure.¹⁴²

4.2.3 The East Africa Counter-Trafficking Protocol of 2016 as domesticated in Kenya

Another legal framework that the respondents cited is the East Africa Counter-Trafficking Protocol of 2016 provides a legal framework mandated to guide prosecution, protection, and cooperation in combating the menace in the region through the incorporation of the UN policy

¹⁴⁰Odhiambo, T. A. (2017, February). *A critique of the role of the government in combatting human trafficking in Kenya*. SU+ Home. <https://su-plus.strathmore.edu/bitstream/handle/11071/5227/A%20Critique%20of%20the%20role%20of%20the%20Government%20in%20Combatting%20Human%20Trafficking%20in%20Kenya.pdf?sequence=1&isAllowed=y>

¹⁴¹ Jurist, (2014). Kenya passes law to protect against Human Trafficking. The parliament proceedings <http://jurist.org/paperchase/2014/08/kenya-passes-law-to-protect-against->

¹⁴² International Labor Organization , 2010 , The government of Kenya has signed a new law to curb human trafficking

on migration into domestic legislation and adoption of a common understanding on regional countermeasures.¹⁴³

The Protocol strives to Suppress and Punish Trafficking in Persons, Especially Women and Girls, and supplements the United Nations Convention against Transnational Organized Crime, the most crucial worldwide weapon in the battle against human trafficking. The Protocol establishes an internationally agreed-upon definition of human trafficking and lays out precise methods for preventing and fighting human trafficking while protecting victims' freedom and rights. On January 5, 2005, Kenya became a signatory to the Protocol.

The Protocol's goals are to prohibit and eliminate human trafficking, basing their focus on mainly the vulnerable in the society such as women and underage children; safeguard and help human trafficking victims while upholding their human dignity and fundamental rights, and foster collaboration between States Parties with the purposes of to achieving the put in place goals. For the specific purpose of this Protocol, "person trafficking" is defined as the recruiting, transporting, transferring, harboring, or receipt of people through the threat and use of coercive ways or any means of coercion, attempted kidnapping, forgery, trickery, misuse of authority or vulnerability, or the offering or obtaining of money or benefits to obtain the permission of individuals in charge of another person with the intention of exploitative At a bare minimum, exploiting through prostitution or other types of sexual abuse, forced labour or activities, enslavement or practices comparable to slavery, servitude or the acquiring of organs are all examples of exploitation. Their purpose also says that a child is somebody or any person under the official adulthood age '18'.

¹⁴³ East African Community Counter-Trafficking in Persons Act, 2016.

4.2.4 The United Nations Palermo Protocol as domesticated in Kenya

This protocol aims to avoid, suppress, and punish TIP, particularly in the context of children and women. It was created in the year 2000, but it was only deployed in the year 2003. It acted as a supplement to the UN's UNTOC. It was adopted in Kenya on January 5, 2005. This guideline signified an important step forward in the fight against human trafficking. As a result, it explains several topics concerning the government's problem. Human trafficking is defined in the third article as the recruitment and selection process, housing, receiving, moving, and even transporting other individuals to exploit them, whether via force, kidnapping, coercion, fraud, or misuse of authority. The Palermo Protocol's Article 9 requires nations to develop practical guidelines, programs, and other actions to avoid and prevent human trafficking and safeguard victims of human trafficking, particularly women and children, against re-victimization.¹⁴⁴

The act aims to gain influence over others to exploit them. Sex trafficking, slavery, forced to work, and several forms of maltreatment are examples of exploitation in this scenario. Human trafficking is defined under the Protocol in such a manner that it embraces a wide range of crimes perpetrated by traffickers. The concept that the word "trafficking" connotes mobility does not automatically imply that a victim must be taken out of their nation or state of birth for trafficking to happen. The Palermo Protocol is the foundation on which states have established legislation criminalizing human trafficking and perhaps even going further to stop traffickers encourage cooperation among diverse stakeholders, and protect victims.¹⁴⁵

Even though Kenya has enacted various laws criminalizing human trafficking, the issue is primarily one of implementation. As a result, this issue must be looked at in the future. The

¹⁴⁴Offia, F. (2020, May 12). *20 years after Palermo protocol: Towards a stronger East African regional anti-trafficking framework*. OHRH | Oxford Human Rights Hub. <https://ohrh.law.ox.ac.uk/20-years-after-palermo-protocol-towards-a-stronger-east-african-regional-anti-trafficking-framework/>

¹⁴⁵Owiso, M. O. (2019). The Counter-Trafficking in Persons' Architecture in Kenya: A Security Governance Perspective. In *Refugees and Forced Migration in the Horn and Eastern Africa* (pp. 177-191). Springer, Cham

agreement urges member nations to exchange necessary details and provide essential training following countries' legislation to fight the trafficking of persons. When engaging in Human Trafficking, the protocol recommends using the "3 P framework." Protection, Prevention, and Prosecution are the three Ps. Protection is concerned about the many methods and regulations to guarantee that victims are treated with compassion and provided all types of support to aid in their recovery.¹⁴⁶

Whereas the protocol works to put a comprehensive system for human trafficking, member governments are not required by law to offer services to human trafficking victims. The worry of the protocols preventing trafficking, not with taking steps. As a result, each country develops its procedures. As a result, they vary from one nation to the next. Nevertheless, the mechanism was put in place; the first devotes a significant amount of time and effort to building a legislative framework for punishing all forms of human trafficking. The following aims at promoting and upholding the human rights and freedom of migrants. Preventing migrants from abuse and forced labour is one of these rights. The third focuses on fundamental human rights.¹⁴⁷

4.3 The efficacy of the existing legal framework

The study respondents concurred that the rise in the frequency of trafficking and smuggling of people incidences in Kenya and all over the globe is significantly aided by the collaboration and laxity of law enforcement agencies. Transnational organized criminal gangs shrewdly cultivate close links with law enforcement officials to abet their illegal activities. Quite often,

¹⁴⁶ *ibid.*

¹⁴⁷ Odhiambo, T. A. (2017, February). *A critique of the role of the government in combatting human trafficking in Kenya.* SU+ Home. <https://su-plus.strathmore.edu/bitstream/handle/11071/5227/A%20Critique%20of%20the%20role%20of%20the%20Government%20in%20Combatting%20Human%20Trafficking%20in%20Kenya.pdf?sequence=1&isAllowed=y>

traffickers and smugglers astutely compromise law enforcement officials to overlook their criminal undertakings.¹⁴⁸

In Kenya, several frameworks have been formulated in a bid to arrest the growth of this problem. They include the Children's Act of 2001. In addition, some of the laws passed in Kenya include the Proceeds of Crime and Anti-Money Laundering Act of 2009, the Counter-Trafficking in Persons Act of 2010, the Sexual Offences Act of 2006, the Prevention of Organized Crime Act of 2010, the Prevention of Terrorism Act of 2012, the Government of Kenya National Plan of Action for Combating Human Trafficking (Strategic Framework 2013-2017), and the Victim Protection Act of 2014.

These protocols were critical in developing domestic laws to operationalize them. At the regional level, Kenya is a state party to the 2016 East Africa Counter-Trafficking Protocol. Domestically, Kenya domesticated the Palermo protocols by enacting the Counter-Trafficking in Persons Act of 2010, the Prevention of Terrorism Act of 2012, the Children Act of 2001, the Sexual Offences Act of 2006, and the Security Law Amendment Act of 2014. We seek to grapple with questions such as the extent to which this absence of consideration is a factor in undermining policy formulation, coordination, and inference responses.¹⁴⁹

Domestically, Kenya passed the Counter-Trafficking Act in 2010, which was subsequently reviewed and operationalized in 2012 under the United Nations Palermo Protocol as the supreme law to guide the investigation, prosecution, and prevention of trafficking and smuggling human beings.¹⁵⁰ In addition, section 19 of this act created the Counter-Trafficking in Persons Advisory Committee in 2014 to coordinate the implementation of policies related

¹⁴⁸ Leslie Holmes, "Corruption and Trafficking: Triple Victimization?" in *Strategies Against Human Trafficking: The Role of the Security Sector*, Cornelius Friesendorf, ed. (Vienna: National Defence Academy and Austrian Ministry of Defence and Sport, 2009), 89–121.

¹⁴⁹ Owiso, M. O. (2019). *The Counter-Trafficking in Persons' Architecture in Kenya: A Security Governance Perspective*. In *Refugees and Forced Migration in the Horn and Eastern Africa* (pp. 177-191). Springer, Cham

¹⁵⁰ The Counter-Trafficking in Persons Act, (No.8), 2010

to trafficking in human beings, provide prevention and protection services to victims, and maintain data on trafficking in persons.¹⁵¹

In 2013, Kenya developed the National Plan of Action (NPA) 2013-2017 with a core objective of implementing the country's obligation under the Palermo protocol. The NPA would concurrently establish a national environment that would enhance interaction among the national, regional, and international players advocating for the prevention of human trafficking, protection of the survivors, and pursuit of perpetrators via implementing the legal mechanisms.

What is notable is that the legislations above tackle the vice of trafficking and smuggling of migrants superficially. However, the underlying push and pull factors that engender victims' vulnerability are also not exhaustively addressed. Ostensibly, the enactment of these laws has not forbidden the trafficking and smuggling of migrants in Kenya, an indication that laws alone cannot guarantee to eradicate this menace. Inadvertently, the lack of emphasis towards trafficking and smuggling of migrants as a source of threat to national security serves to exasperate and compromise Kenya's national security bearing in mind that this menace is closely linked to several other transnational organized crimes.¹⁵²

Under section 75 of the Security Laws Amendment Act 2014, the government amended the Kenya Citizenship and Immigration Act in 2014, adding section 5(a-d) to establish the Border Control and Operations Coordination Committee (BCOCC) to improve border efficiency and inter-agency coordination on border management to address the country's security threats. In addition, the new immigration manual would help address challenges faced by the country such

¹⁵¹ Government of Kenya (2012). The Counter-Trafficking in Persons Act. <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84999/115494/F-2071338712/KEN84999.pdf>

¹⁵²Odhiambo, T. A. (2017, February). *A critique of the role of the government in combatting human trafficking in Kenya*. SU+ Home. [https://su-plus.strathmore.edu/bitstream/handle/11071/5227/A%20Critique%20of%20the%20role%20of%20the%20Gove](https://su-plus.strathmore.edu/bitstream/handle/11071/5227/A%20Critique%20of%20the%20role%20of%20the%20Government%20in%20Combating%20Human%20Trafficking%20in%20Kenya.pdf?sequence=1&isAllowed=y)

as trafficking and smuggling of migrants, document fraud in the border points, terrorism, and drug trafficking.¹⁵³

The counter-trafficking act devotes a significant portion of its emphasis to assisting the country in fulfilling its commitment to combat criminal organizations in the form of human trafficking by deterring, repressing, and punishing traffickers following United Nations guidelines. The act primarily targets children and women, as they are the most prone to crime. As a result, it attempts institutional structures to safeguard those trafficked and guarantee that offenders are prosecuted whenever they are apprehended. In 2017, the proportion of Human Trafficking reported and prosecuted and even recorded in Kenya increased compared to the number of such instances reported in the prior years.

The fact that these phenomena remain under-reported makes many undiscovered cases, thereby hindering the efforts to contain them. Moreover, in many countries, including Kenya, the existing legislation is not implemented to the latter, thereby making investigations and subsequent prosecution of the perpetrators an uphill task. Thus, once more, trafficking and smuggling of migrants' sentences are usually grounded on evidence gathered from the witness and the victim. However, considering the covert nature of these crimes, procuring such evidence from either the witnesses or the victims is a daunting task since they are usually petrified to testify. This is aggravated by the tendency to conflate criminals with victims, making them hesitant to testify as witnesses in the court of law.¹⁵⁴

¹⁵³Reina, A. "Kenya Immigration border Procedures Manual Guidelines on Policies and Procedures for Immigration officers: Nairobi: IOM." (2006).

¹⁵⁴Odhiambo, T. A. (2017, February). *A critique of the role of the government in combatting human trafficking in Kenya*.
SU+ Home. <https://su-plus.strathmore.edu/bitstream/handle/11071/5227/A%20Critique%20of%20the%20role%20of%20the%20Government%20in%20Combating%20Human%20Trafficking%20in%20Kenya.pdf?sequence=1&isAllowed=y>

The Kenya Counter-Trafficking in Persons Act 2010, Section one, criminalizes sex and labour trafficking in Kenya. It also prescribes an adequately punitive punishment for the offenders. However, this legislation has not been firmly applied to curb the increasing trafficking and smuggling of human beings, with perpetrators being prosecuted as either immigration or labor-related offenders, thereby attracting less castigatory sentences.¹⁵⁵

Rampant corruption remains a key stumbling block in the fight against trafficking and smuggling migrants in Kenya and globally. For example, the government continues to register employment recruitment bureaus irregularly. These agencies advertise fake jobs which lure vulnerable young Kenyans into trafficking and smuggling dragnets. In addition, through corruption within the government quarters, trafficking and smuggling agents can procure travel documents and certificates for their victims to travel irregularly.¹⁵⁶

Prevalent corruption within the criminal justice system is a huge challenge to decisively combat the menace of trafficking and smuggling of human beings.¹⁵⁷ Although Section 1 of the Counter-Trafficking in Persons Act of 2010 endorses an amply severe and punitive punishment of not less than thirty years sentence or a fine of not less than thirty million Kenyan shillings,¹⁵⁸ sometimes the perpetrators escape with lenient punishments after parting with hefty payoffs. This necessitates the country to go beyond anti-corruption rhetoric in addressing corruption and bribery to remedy the institutional failure and poor performance in the policy formulation in the formulation of anti-trafficking policies.

The implementation of the East African Counter-Trafficking Protocol (2016) was passed by the East African Legislative Assembly (EALA) 20 years since the Palermo Protocol was

¹⁵⁵United States (US) Department of State. "Trafficking in Persons Report, 2018." (2018).

¹⁵⁶Zhang, Sheldon X., and Samuel L. Pineda. "Corruption as a causal factor in human trafficking." In *Organized crime: Culture, markets and policies*, pp. 41-55. Springer, New York, NY, 2008.

¹⁵⁷Zhang, Sheldon X., and Samuel L. Pineda. "Corruption as a causal factor in human trafficking." In *Organized crime: Culture, markets and policies*, pp. 41-55. Springer, New York, NY, 2008.

¹⁵⁸ Counter-Trafficking in Persons 2010. Laws of Kenya.

presented and implemented in the year 2000. As discussed, the main aim was to develop a more regional-specific approach to dealing with human trafficking issues in the region by member countries of the EAC. Human trafficking has been a severe issue in EAC member nations, with Uganda, Kenya, and Tanzania serving as primary transit locations for traffickers. In addition, displacement due to armed conflict within the region and adjacent regions, high poverty and unemployment levels, increased demand for inexpensive labour in the agriculture, mining, and hospitality industries, and demand for domestic workers has intensified human trafficking.¹⁵⁹

According to Wanyonyi, the Kenyan legal, policy, and institutional framework fall short in critical areas compared to the US and Nigerian frameworks, which are seen as success stories in the fight against trafficking in persons. The main areas of failure are implementation, proper support of trafficking victims, and the penalties against offenders being too lenient. In addition, the law enforcers have little training in executing these laws as per the East African Counter-Trafficking Protocol (2016). Though indicative of a lack of proper policy enforcement, these shortcomings are not to be misconstrued to mean that the legal framework outlined in this protocol is not efficient. Instead, its efficacy is based on the individual country's ability to incorporate this protocol into its laws and constitution's already existing legal framework.¹⁶⁰

On the other hand, the constitution of Kenya is another source of legal framework and policy that cannot be separated from this evaluation on efficacy. The subject of human trafficking is not addressed directly in the Constitution. It has been established, however, everybody has inherent dignity and the right to have that dignity recognized and safeguarded (Constitution of Kenya, 2010). This means that the issues of human trafficking though not directly provided for

¹⁵⁹Offia, F. (2020, May 12). *20 years after Palermo protocol: Towards a stronger East African regional anti-trafficking framework*. OHRH | Oxford Human Rights Hub. <https://ohrh.law.ox.ac.uk/20-years-after-palermo-protocol-towards-a-stronger-east-african-regional-anti-trafficking-framework/>

¹⁶⁰Wanyonyi, G. P. (2012). *The efficacy of the legal, institutional and policy framework against trafficking of persons in Kenya: A critique*. UoN Digital Repository Home. <https://erepository.uonbi.ac.ke/handle/11295/15709>

in the constitution, can be inferred from the human rights that are provided for in the constitution. The bill of rights is also applied and interpreted according to the constitution. It states that a court, tribunal, or other authority must apply and enforce the bill of rights. Such organizations are charged with advancing the ideas which support an inclusive and participatory culture founded on inherent decency, fairness, justice, and independence.¹⁶¹

Though the constitution has provided for the rights of human beings, there are still a few loopholes that exist as it pertains to the issue of human trafficking. For example, chapter 3 of the constitution states that a kid under the age of eight who is of uncertain nationality and is found in Kenya is deemed a citizen. This may have let youngsters smuggled into the nation at such a young age more leeway. Therefore, in terms of the constitution's efficacy in providing for trafficking in persons, there is still a need to refine the legal frameworks and policies to avoid any source of weakness in the law.¹⁶²

The UN Palermo Protocol was endorsed in Kenya on 5th Jan 2005. It somehow supplemented the UN Convention against Transnational Organized Crime (UNTOC). The main aim of the Palermo Protocol is to prevent, suppress and punish human trafficking with an emphasis on women and children. This follows the fact that women and children are the groups that are more vulnerable and exposed to vice in society. The UN Palermo Protocol has formed the foundation for many governments, including Kenya, to curb human trafficking and ensure the protection of victims. This is mainly achieved by the formulation of policies that illegalize this

¹⁶¹Odhiambo, E. (2020, May 13). (PDF) *Kenya constitution, child trafficking as a security threat*. ResearchGate. https://www.researchgate.net/publication/341352761_Kenya_Constitution_Child_Trafficking_as_Security_Threat

¹⁶²Odhiambo, E. (2020, May 13). (PDF) *Kenya constitution, child trafficking as a security threat*. ResearchGate. https://www.researchgate.net/publication/341352761_Kenya_Constitution_Child_Trafficking_as_Security_Threat

vice. Thus, the UN Palermo Protocol marked a significant change regarding practices adopted against human Trafficking in Kenya.¹⁶³

According to the protocol, human trafficking includes a wide range of offenses such as recruitment and selection, hauling, relocating, harboring, or having received an individual through threat of force or other inhumane acts, hostage-taking, forgery, deceit, misuse of power, or exploitation of a potential victim. The protocol, therefore, addresses most of the offenses related to human trafficking, whether it's within a country or involves movement outside a person's place of origin or country. This has played a role in establishing cooperation among players and positively influences stopping human trafficking offenders.¹⁶⁴

The UN Palermo Protocol advocates for the '3 P framework', which refers to Protection, Prevention, and Prosecution. Regarding protection, the protocol emphasizes the need to safeguard the safety of victims of human trafficking are taken good care of and are given support towards their recovery from trauma. In addition to this, Individual countries are also urged to guarantee that individuals can return to their original home state as swiftly as feasible and with no undue delay regardless of whether they possess proper documentation in the current state or not. However, this bit is not fully implemented in Kenya as no defined mechanisms have been developed to promote this practice. It is also not a mandate by law for member states to avail any aid services to victims of human trafficking.¹⁶⁵

Kenya's Parliament enacted the Counter-Trafficking in Persons Act on September 17, 2010. It was passed to bring the UN Palermo Protocol into local law. Under the United Nations Convention against Transnational Organized Crime, Kenya's obligation, including its Protocol

¹⁶³Owiso, M. O. (2019). The Counter-Trafficking in Persons' Architecture in Kenya: A Security Governance Perspective. In *Refugees and Forced Migration in the Horn and Eastern Africa* (pp. 177-191). Springer, Cham.

¹⁶⁴Nyamweya, S. K. (2019). *A Study On The Effectiveness Of Legal And Policy Responses In Combating Trafficking In Persons With Disabilities In Kenya* (Doctoral dissertation, University Of Nairobi).

¹⁶⁵Nyamweya, S. K. (2019). *A Study On The Effectiveness Of Legal And Policy Responses In Combating Trafficking In Persons With Disabilities In Kenya* (Doctoral dissertation, University Of Nairobi).

to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children, is to be executed by this Act. This National Plan of Action to Combat Human Trafficking articulates the 3Ps strategy to preventing, protecting, and prosecuting human trafficking. The Act also addresses human trafficking and other related offenses, the methods of prosecuting offenders, and an intricate victim aid system. It further comes up with financial aid to cushion the sustenance of the trafficking victims.¹⁶⁶

Section 19 of the Act provides for the formation of an Advisory Committee for implementation. The Committee's principal responsibility is to advise respective Ministries on interagency efforts targeted at fighting human trafficking hence amendment of preventive, protective, and rehabilitative programs for individuals trafficked. The Counter-Trafficking Act provides stiff penalties for trafficking in persons' crimes, therefore the most suitable act for charging offenders. As a result, the Kenyan government has reached a watershed point in its law enforcement response to human trafficking. Many culprits have been found guilty and sentenced, and many victims, including those of Kenyan ethnicity, have been rescued, safeguarded, and returned to their countries of origin.¹⁶⁷

Kenya came up with private and public safe shelters for trafficked persons. In addition, studies have shown that most enforcement officers, such as police agents, are trained and well aware of the human trafficking phenomenon. However, most migratory and insurance unit officials are not fully equipped to combat the trafficking of persons as many have not dealt with human trafficking cases. Another challenge facing the implementation of the act includes the lack of

¹⁶⁶Owiso, M. O. (2019). The Counter-Trafficking in Persons' Architecture in Kenya: A Security Governance Perspective. In *Refugees and Forced Migration in the Horn and Eastern Africa* (pp. 177-191). Springer, Cham.

¹⁶⁷Ongoma, J. A. (2017). *The efficacy of the immigration department in controlling Human trafficking: analysis of counter-trafficking in person's act 2010* (Doctoral dissertation, University of Nairobi).

specific courts that handle these cases rendering court processes inefficient in curbing human trafficking.¹⁶⁸

4.4 Opportunities to improve the existing legal framework

Most of the persons interviewed stated that to eradicate the scourge of trafficking and smuggling of migrants, Kenya has legislated several laws as elucidated in the problem statement. Again, the country ratified the National Legal Aid Act in 2016¹⁶⁹ to provide affordable legal services to vulnerable persons such as the victims of trafficking and smuggling. Regrettably, judicial and law enforcement officers remain inaptly sensitized on these laws, particularly with regards to the victims who should not be prosecuted but held confidentially to give important witness statements. The implementation and operationalization of these laws have not been sufficiently executed as victims continue to be treated as criminals, thereby minimizing any chance of the victims reporting trafficking and smuggling activities to the authorities.

Concerning human trafficking, there is a need to refine the existing legal provisions under the Kenyan constitution to ensure that there are no loopholes that the perpetrators of human trafficking rings could exploit. According to Odhiambo, one of the proposals for improving legal policy is for Kenya to apply the present legislation to address this issue thoroughly. In addition, the laws must adequately handle the areas of prevention, protection, and prosecution. While current legislation shows that efforts are being made to prevent human trafficking, execution has a problem. There is a lack of vigilance among those in charge of enforcing laws and prosecuting criminals.¹⁷⁰

¹⁶⁸Owiso, M. O. (2019). The Counter-Trafficking in Persons' Architecture in Kenya: A Security Governance Perspective. In *Refugees and Forced Migration in the Horn and Eastern Africa* (pp. 177-191). Springer, Cham.

¹⁶⁹ Act no. 6 of 2016, the National Legal Aid Act 2016, Laws of Kenya.

¹⁷⁰Odhiambo, T. A. (2017, February). *A critique of the role of the government in combatting human trafficking in Kenya*. SU+ Home. <https://su-plus.strathmore.edu/bitstream/handle/11071/5227/A%20Critique%20of%20the%20role%20of%20the%20Government%20in%20Combating%20Human%20Trafficking%20in%20Kenya.pdf?sequence=1&isAllowed=y>

To promote effective extradition for the prosecution of traffickers, the government should train more officers and employ all legal measures at its disposal. Interventions against human trafficking must include prevention, protection, and aid, as well as repatriation and resettlement. To promote better information flow and spread the word relating to the trafficking of persons, there is a need to first start by training those closest to the fight against human trafficking. Persons such as officers of the law, workers in immigration offices, and other stakeholders concerned need to be given training and tools to identify these cases and deal with them as the need arises.¹⁷¹

As a member of the EAC, Kenya has been ranked as tier 2 on the scale of human trafficking. This means that the country is on the road to improving its policies on dealing with human trafficking cases. Concerning the East African Counter-Trafficking Protocol, Kenya has yet to integrate it into the working of these cases fully. Hence, there is an urgent need to continue improving its existing policies to align with this protocol and eventually see its full implementation in the country.¹⁷²

The Palermo Protocol focuses more on the prosecution of the perpetrator of trafficking people in curbing the vice. Dealing with perpetrators is given more emphasis as compared to dealing with the victims. Member states must decide what mechanisms should be adopted in certain areas where the protocol does not provide clear guidelines. This leaves the victims at the mercy of the member states, exposing them to more challenges as those mandated to protect them could harm them further. The UN Palermo Protocol falls short in acknowledging the rights of victims that need to be protected. Therefore, there is a need for improvement in this area.¹⁷³

¹⁷¹Odhiambo, E. (2020, May 13). (PDF) *Kenya constitution, child trafficking as a security threat*. ResearchGate. https://www.researchgate.net/publication/341352761_Kenya_Constitution_Child_Trafficking_as_Security_Threat

¹⁷² *ibid*

¹⁷³Nyamweya, S. K. (2019). *A Study On The Effectiveness Of Legal And Policy Responses In Combating Trafficking In Persons With Disabilities In Kenya* (Doctoral dissertation, University Of Nairobi).

In comparison to other countries, Kenya's progress in fighting human trafficking is still lagging. The adoption of the Counter-Trafficking Act is a significant step towards eliminating the trafficking of persons in Kenya. However, Kenya could learn a lot from other states to inform adjustments that can be made to improve the implementation process. Kenya must re-evaluate its approach to human trafficking implementation to include stakeholder involvement in handling issues related to the same. According to Algoma, there is a need to include a multi-stakeholder approach in handling the issues. Moreover, following devolution, the Counter-Trafficking Act could be enforced at the county levels to help resolve matters related to specific counties.¹⁷⁴

4.5 Summary of the Key findings

Conclusively, this chapter has given a broad picture of the existing legislative enactments on the trafficking of persons in Kenya. The chapter has discussed the constitution of Kenya 2010 as the central reference point on human trafficking. Particularly the article 59 on the bill of rights is against any inhumane treatment and states that each individual should enjoy their freedom. Further, the Counter-Trafficking Act 2010 was developed to help combat the rampant cases of human trafficking in Kenya and along its border. The government has also domesticated the East Africa Counter-Trafficking Protocol as well as the United Nations Palermo Protocol as domesticated in Kenya. The efficacy of the existing legal framework was also discussed, and the findings of the study point out several challenges like corruption that have hindered the current legal framework from helping in the fight against human trafficking. Human trafficking remains high along the Kenya-Uganda Busia border despite the existence of these legal documents. Further, the arrest and prosecution of human traffickers are also low.

¹⁷⁴Ongoma, J. A. (2017). *The efficacy of the immigration department in controlling Human trafficking: analysis of counter-trafficking in person's act 2010* (Doctoral dissertation, University of Nairobi).

On the opportunities to improve the existing legal framework, the government of both Kenya and Uganda needs to collaborate more to help combat the menace.

CHAPTER FIVE

FINDINGS, CONCLUSION, AND RECOMMENDATIONS

5.1 Summary of key findings

From the first objective, the findings of the study were that the rampant trafficking of persons in Africa was contributed to by various factors, both internal and external. The findings point

to poverty as the main factor that has led to increased human trafficking. Poverty makes the population, especially the young to be vulnerable to being tricked into trafficking. Technology has also greatly increased the trafficking of persons where the traffickers can post fake advertisements to lure unsuspecting victims. The porous borders of African states have also encouraged the unmonitored flow of individuals and traffickers to take advantage of this to move people illegally. These are among the many factors highlighted in the chapter, including corruption, Limited capacity of or commitment by immigration and law enforcement officers to control borders, and Corrupt Officials.

In line with the second objective, the finding of the study was that human trafficking has undermined human security in the Kenya-Uganda Busia. The citizens feel unsafe with the presence of such cartels. This makes it hard for the citizens to live freely. Human traffickers violate various vital human rights, such as the right to free will, right to worship, right to basic needs, right to education, and right to life. They reduce human life to a mere commodity that can be exchanged between different owners for a fee. The victims are isolated to control them efficiently and effectively.

In the Kenyan Ugandan border, human trafficking has become a norm, young girls and women are trafficked for domestic and sexual work. This has significant implications on their lives as they are exposed to intense abuse both physically and emotionally. Employers most prefer the trafficked women and girls as they do not have as many domestic workers who are citizens of Kenya. Trafficking of persons is an area of concern as recent incidences have highlighted its existence in the country. The effects are horrendous to the victims as they are both physical and mental. This changes how they view life and interact with people entirely.

Based on the third objective, the existing legal framework on human trafficking in Kenya includes the constitution of Kenya 2010 as the central reference point on human trafficking.

Particularly the article 59 on the bill of rights is against any inhumane treatment and states that each individual should enjoy their freedom. Further, the Counter-Trafficking Act 2010 was developed to help combat the rampant cases of human trafficking in Kenya and along its border. The government has also domesticated the East Africa Counter-Trafficking Protocol as well as the United Nations Palermo Protocol as domesticated in Kenya. The efficacy of the existing legal framework was also discussed, and the findings of the study point out several challenges like corruption that have hindered the current legal framework from helping in the war to eliminate human trafficking. Human trafficking remains high along the Kenya-Uganda Busia border despite the existence of these legal documents. Further, the arrest and prosecution of human traffickers are also low. On the opportunities to improve the existing legal framework, the government of both Kenya and Uganda needs to collaborate more to help combat the menace.

5.2 Conclusion

The study established that the origin of trafficking and smuggling of migrants is linked to the slave trade and slavery. Human trafficking and migrant smuggling still maintain the historical patterns of the slave trade, whereby the victims originate from developing countries such as in Africa and Asia for markets in developed states. The study established that human trafficking and migrant smuggling factors are multidimensional, encompassing political, economic, and social-cultural. These factors act as both push and pull factors as they contribute to victims' vulnerabilities and willingness to engage in illegal activities. The political factors underlying human trafficking and migrant smuggling entail stringent immigration laws, conflicts and instability in Kenya's neighboring countries, weak institutions and legal policies, and also the existence of porous and unmanned borders. The research realized those socio-cultural aspects

like prejudicial habits that deprive some groups of rights and freedoms such as education leave people vulnerable to human trafficking and migrant smuggling.

Moreover, the cross-border socio-cultural ethnic relations were also found to aid and abet human trafficking and migrant smuggling. Economic factors underlying these illegal activities included unemployment, poverty, retarded economic growth, globalization, tourism activities such as sex tourism. These factors leave victims vulnerable as they seek to improve their living standards desperately.

The study also established that human trafficking had significant consequences on the security and safety of the individual, further threatening the state's safety. The implication of trafficking persons and smuggling of migrants on national security is manifested in the political, economic, military, and human rights dimensions of the people and the state. Human trafficking and migrant smuggling are a criminal syndicate that has greatly affected the Human security of the victims and Busia border in general, with an entangled criminal system that encompasses associated illegal economies, drug trafficking, money laundering, corruption, and the faking of documents.

Strategies and tactics to combat this problem have equally been mutating with time. The legal framework, such as the Palermo Protocols of 2000, consequently led to the rapid growth of a broad legal framework comprising international, regional, and national instruments. The study established that In Kenya, several frameworks have been formulated to stop the growth of this problem. They include the East Africa Counter-Trafficking Protocol of 2016, the constitution, the Counter-Trafficking Act in 2010, The United Nations Palermo Protocol as domesticated in Kenya, the Government of Kenya National Plan of Action for Combating Human Trafficking (Strategic Framework 2013-2017), and the Victim Protection Act of 2014. The study also appraised the various institutional mechanisms put in place to counter human trafficking, which

is generally lumped in a multi-agency framework of Kenya's security agencies. This, however is not effective as the cost and capacity of coordination, and the placement of attention on this agenda is limited and complex, thus the conclusion that there is no specific unit or agency to handle the issue of human trafficking.

5.3 Recommendation

In line with the above findings, the study recommends

- The strengthening of the existing legal framework ensures they are effective enough to combat human trafficking in the Kenya-Uganda Busia border.
- The government should also ensure proper screening of those who enter or exit Kenya through the Busia border to ensure that none of them is was once trafficked.
- There is a need for a serious crackdown on the corruption tendencies at the Busia border to ensure that human traffickers do not pay their way when smuggling people in and out of Kenya through the Busia border.
- There is a need to put in place a counseling center specifically for persons who have been initially trafficked who undergo a lot upon their return. In addition, the government should offer safe havens where they can speak out and get counseling services.

Recommendation on Areas for Further study

A study should be conducted on rampant corruption as a challenge to combating human trafficking along the Kenya-Uganda Busia border.

References

Abas, M., Ostrovski, N.V., Prince, M. *et al.* Risk factors for mental disorders in women survivors of human trafficking: a historical cohort study. *BMC Psychiatry* **13**, 204 (2013). <https://doi.org/10.1186/1471-244X-13-204>

- Ali, Moazzam, et al. "Being ignored at work: Understanding how and when spiritual leadership curbs workplace ostracism in the hospitality industry." *International Journal of Hospitality Management* 91 (2020): 102696.
- Anton, Don. "Introductory Note: 2014 Protocol to the Forced Labor Convention, 1930." *International Legal Materials*, Forthcoming (2014): 14-36.
- Assembly, UN General. "Convention on the elimination of all forms of discrimination against women." Retrieved April 20 (1979): 2006.
- Assembly, UN General. "Convention relating to the status of refugees." United Nations, Treaty Series 189 (1951): 137.
- Assembly, UN General. "Protocol against the Smuggling of Migrants by Land, Sea, and Air, Supplementing the United Nations Convention against Transnational Organized Crime." (2000).
- Assembly, UN General. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 25 May 2000.
- Atsuro Tsutsumi, Takashi Izutsu, Amod K. Poudyal, Seika Kato, Eiji Marui, Mental health of female survivors of human trafficking in Nepal, *Social Science & Medicine*, Volume 66, Issue 8, 2008, Pages 1841-1847
- Bakirci, Kadriye. "Human trafficking and forced labor: A criticism of the International Labor Organization," *Journal of Financial Crime*, Vol. 16 No. 2, (2009) pp. 160-165.
- Bilazarian, T., Countering Violent Extremist Narratives Online: Lessons from Offline Countering Violent Extremism. *Policy & Internet*, 12(2019), 46–65.
- Bowersox, Z. . Does Human Trafficking Extend Conflict Duration? *Journal of Human Trafficking*, 5(2018), 267–280. <https://doi.org/10.1080/23322705.2018.1486630>
- Brady, Emily, et al. "The Impact of COVID-19 on Survivors of Human Trafficking in Kenya: A Participatory Approach." (2021).
- Buzan, B., Waever, O., de Wilde, J., *Security: A New Framework for Analysis*. (Lynne Rienner, London, 1998)
- Buzan, B., Waever, O., de Wilde, J., *Security: A New Framework for Analysis*. (Lynne Rienner, London, 1998)
- Buzan, Barry. *People, states, and fear: The national security problem in international relations*. Wheatsheaf Books, 1983. Chap.1
- Chiher, V. Criminal liability for trafficking in human beings. *Entrepreneurship, Economy and Law*, (2019) 266–269. <https://doi.org/10.32849/2663-5313/2019.5.49>
- Clark, M., Trafficking in Persons: An issue of human security. *Journal of Human Development*, 4(2003), 247–263. <https://doi.org/10.1080/1464988032000087578>

Clark, Roger S. "The United Nations Convention against Transnational Organized Crime." *Wayne L. Rev.* 50 (2004): 161.

content/uploads/2015/09/NPA.pdf

Collier, P. (2013). *Exodus: How Migration is Changing Our World* (Vol. Vol. 1.11). United States of America: Oxford University Press.

Collier, P. (2013). *Exodus: How Migration is Changing Our World* (Vol. Vol. 1.11). United States of America: Oxford University Press.

Cornelius, A. (2004). *Controlling Immigration in California*. Stanford: Stanford University Press.

Daily Nation (2015). Refugees are victims of violence too, so they need our protection, not rejection. Available at www.nation.co.ke/oped/Opinion/Dadaab-RefugeesRepatriation-Terrorism/-/440808/2684570/-/oe31jj/-/index.html

David A. Baldwin. "The concept of security," *Review of International Studies* (1997),

Dennis, Michael J. "The ILO convention on the worst forms of child labor." *The American Journal of International Law* 93, no. 4 (1999): 943-948.

East African Community Counter-Trafficking in Persons Act, 2016.

Feingold, David A. "Human Trafficking." *Foreign Policy*, no. 150 (2005): 26-32.

Fischer, J. R., and Green, G., 'Origins and Development of Security,' *Introduction to Security*, (Burlington-Massachusetts, Elsevier, 2004)

Fitzgibbon, K. "Modern-day slavery? The scope of trafficking in persons in Africa," (*African Security Review*, 2003)

Fitzgibbon, K. 2003 "Modern-day slavery? The scope of trafficking in persons in Africa," *African Security Review*, 12(1)

Gambrel, P. & Cianci, R., Maslow's Hierarchy of Needs: Does it apply in a collectivist culture. (*Journal of Applied Management and Entrepreneurship*, 2003)

Government of Kenya (2012). *The Counter-Trafficking in Persons Act*.

Government of Kenya. *The National Plan of Action for Combating Human Trafficking: Strategic Framework 2013-2017*. <http://haartkenya.org/wp>

Government of Kenya. (2015). *Prevention of Terrorism ACT. Prevention of Terrorism (Implementation of The United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2013*. Kenya Law Reports.

Haldorai, Kavitha, et al. "Left out of the office "tribe": the influence of workplace ostracism on employee work engagement." *International Journal of Contemporary Hospitality Management* (2020).

Human trafficking: new directions for research. Geneva, International Organization for Migration, 2008.

ILO 2006 "Emerging good practices on actions to combat child domestic labour in Kenya, Tanzania, Uganda, and Zambia," ILO, Tanzania

IOM. (2015). Migration in Kenya. Migration in Kenya, a Country Profile.

Is Trafficking in Human Beings Demand-Driven? A Multi-Country Pilot Study 31(2003)
Kenya human trafficking, the government strategy report 2016

John Fredrick and Thomas Kelly(eds)Data and Research on Human Trafficking; A Global Survey

Kathuri, Nephath J., and Douglas A. Pals. "Introduction to Educational Research." Njoro Kenya (1993).

Kiss L, Yun K, Pocock N, Zimmerman C. Exploitation, Violence, and Suicide Risk Among Child and Adolescent Survivors of Human Trafficking in the Greater Mekong Subregion. *JAMA Pediatr.* 2015;169(9):e152278.

doi:10.1001/jamapediatrics.2015.2278

Lijnders, Laurie, and Sara Robinson. "From the Horn of Africa to the Middle East: Human trafficking of Eritrean asylum seekers across borders." *Anti-Trafficking Review* 2 (2013).

Lobasz, J. K., Beyond Border Security: Feminist Approaches to Human Trafficking. *Security Studies*, 18(2009), 319–344. <https://doi.org/10.1080/09636410902900020>

Makei, Vladimir. Human Trafficking in the Post-Cold War Period: Towards a Comprehensive Approach; *Journal of International Affairs*, 2013.

Matthes, J., What's in a frame? A content analysis of media framing studies in the world's leading communication journals, 1990-2005. (*J & MC Quarterly*, Summer 2009)

McDonald, Lora Ann, "Human Trafficking as a Threat to the Security of Americans" (2018). *Walden Dissertations and Doctoral Studies*. 6063.

Mulholland, Grace E., et al. "HIV Prevalence and the HIV Treatment Cascade Among Female Sex Workers in Cross-Border Areas in East Africa." *AIDS and Behavior* (2021): 1-13.

Nakanjako, Rita, Eria Olowo Onyango, and Robert Kabumbuli. "Positioning Migrants in Informal Cross Border Trade: The Case of Busia, Uganda-Kenya Border." *Eastern Africa Social Science Research Review* 37.1 (2021): 123-143.

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- O'Neill, M. International Business Encounters Organized Crime: The Case of Trafficking in Human Beings. *German Law Journal*, 19(2018), 1125–1147.
- Ondieki, J., Human Trafficking and Its Impact on National Security in East Africa:(2017)
- Ondieki, J., Human Trafficking and Its Impact on National Security in East Africa: (2017)
- Onuoha, B., The state human trafficking and human rights issues in Africa. *Contemporary Justice Review*, 14(2011), 149–166. <https://doi.org/10.1080/10282580.2011.565973>
- Pati, Roza. "Human trafficking: An issue of human and national security." *Nat'l Sec. & Armed Conflict L. Rev.* 4 (2013): 29.
- Patton, Michael Quinn. "Qualitative research and evaluation methods. Thousand Oakes." (2002).
- Peulić, D., Human Trafficking: A Threat To State Security And Human Security. *Безбједност Полиција Грађани*, 8(2018). <https://doi.org/10.7251/bpg1701069p>
- Pearson E. *Human traffic, human rights: redefining victim protection*. London, Anti-slavery International, 2002.
- Pearson, E.2003 "Study on trafficking in women in East Africa," a situational analysis.
- Protocol, Palermo. "Protocol to Prevent, Suppress and Punish Trafficking in Persons." In *Particular Women and Children, supplementing the United Nations Convention on Transnational Organized Crime*, vol. 15. 2000.
- Rijken, C., A human rights-based approach to trafficking in human beings. *Security and Human Rights*, 20(2009), 212–222. <https://doi.org/10.1163/187502309789192513>
- Rizer, Arthur and Sheri R. Glaser. "Breach: The national security implications of human trafficking." *Widener Law Review*. 17 (2011): 69.
- Reitano, T., & Tinti, P. (2015). *The economics of smuggling refugees and migrants into Europe* (No. 289). Nairobi
- Reuters (2015). *Desperate Kenyan maids abused in the Middle East despite the ban*. The standard Digital.
- Rudert, Selma C., Stefan Janke, and Rainer Greifeneder. "The experience of ostracism over the adult life span." *Developmental Psychology* 56.10 (2020): 1999.
- Russell, A., Human Trafficking: A Research Synthesis on Human-Trafficking Literature in Academic Journals from 2000–2014. *Journal of Human Trafficking*, 4(2017), 114–136. <https://doi.org/10.1080/23322705.2017.1292377>
- Scheper-Hughes, N. *Kidney Pirates: How to End Human Trafficking in Organs for Illegal Transplants*. *Journal of Trafficking and Human Exploitation*, 1(2017), 259–269.

- Shelley, Louise. Human trafficking: A global perspective. Cambridge University Press, 2010.
- Sita, N.M.2003 Trafficking in Women and Children: Situation and Some Trends in African Countries, UNAFRI, (2003)
- The Counter-Trafficking in Persons Act, (No.8), 2010
- The Trafficking Protocol has Advanced the Global Movement against Human Exploitation: The case of the United Kingdom. (2015). Anti-Trafficking Review, 4. <https://doi.org/10.14197/atr.20121549>
- UNICEF. "Convention on the Rights of the Child." (1989).
- United Nations Office on Drugs, Crime, and Global Programme Against Trafficking in Human Beings. Toolkit to combat trafficking in persons. United Nations Publications, 2016.
- West, A. Child Trafficking and Child Welfare. Journal of Human Trafficking, 3(2016), 125–135.

APPENDIX I: QUESTIONNAIRE

Dear Respondent

I am undertaking a study on **THE IMPACT OF HUMAN TRAFFICKING ON HUMAN SECURITY IN AFRICA: CASE STUDY OF BUSIA BORDER, KENYA**. The findings

and recommendations of this study are aimed at contributing to knowledge and a deeper understanding of the impact of human trafficking on human security in Kenya. The information collected in this study will be specifically for academic purposes only and, as such, will be treated with utmost confidentiality. Kindly provide the answers appropriately

PART 1: GENERAL INFORMATION

1. Please indicate your gender:

Male ()

Female ()

Others (Specify)

2. Age:

19-30 Years ()

31-40 years ()

41-70 years ()

Others (Specify)

3. What is your highest level of education:

Primary ()

Secondary ()

College ()

Undergraduate ()

Graduate degree ()

Post Graduate ()

Others (Specify)

Questions

1. What is your view of Human trafficking in Africa?

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.....

2. What is your understanding of human security?

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.....
.....

To investigate the factors underlying the increase in human trafficking in Africa.

PART II: The factors underlying the increase in human trafficking in Africa.

3. What are the underlying factors leading to an increase in human trafficking in Africa?

4. What do you think is the best remedy for the listed factors?

Please indicate your level of agreement with these factors below.

Factors	Strongly Agree (1)	Agree (2)	Not sure (3)	Disagree (4)	Strongly Disagree (5)
Poverty and wealth that causes the victims to move from conditions of					

<p>extreme poverty to conditions of less-extreme poverty.</p>					
<p>The rapid expansion of broadcast and telecommunication media, including the Internet, across the developing world that has increased the desire to migrate to developed countries and, with it, the vulnerability of would-be migrants to traffickers.</p>					
<p>The devaluation of women and girls in some societies makes</p>					

them disproportionately vulnerable to trafficking.					
Porous border					
Corrupt government officials					
The involvement of international organized criminal groups or networks					
Limited the capacity of or commitment by immigration and law enforcement officers to control borders.					

Explain your response above

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.....
.....

Part III. The implications of human trafficking on human security in

Kenya.

5. What is the human security implication of human trafficking in Kenya

Implications	Strongly Agree (1)	Agree (2)	Not sure (3)	Disagree (4)	Strongly Disagree (5)
physical trauma,					
Mental Trauma					
Ostracism etc					
Death					
Fear, guilt, and shame.					
Depression					

Please explain the reason for your answer.

.....

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.....

Part IV. The efficacy of the existing legal framework in addressing the human trafficking and its impacts on human security in Kenya.

6. What is the existing legal framework in addressing human trafficking and its impact on human security in Kenya?

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7. How effective are these legal frameworks?

(1) Very effective [] (2) Effective [] (3) Not Effective []

a) Please Explain your answer to question 6 above.

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8. What are some of the challenges in implementing the legal framework in addressing human trafficking and its impact on human security in Kenya?

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9. How can these challenges be addressed to ensure the menace of human trafficking is controlled?

.....

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APPENDIX 2: INTRODUCTION LETTER FROM IDIS, UNIVERSITY OF NAIROBI



UNIVERSITY OF NAIROBI

Faculty of Social Sciences

Department of Diplomacy and International Studies

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NAIROBI

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September, 16TH, 2021

TO

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION (NACOSTI)

P.O BOX 30623-00100

NAIROBI

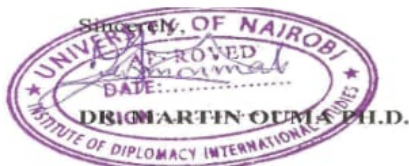
REF: RESEARCH PERMIT FOR MS MUNIRA HASSAN (REG. NO.: R50/35609/2019)

I am writing to recommend MS MUNIRA HASSAN and to attest to her qualification and suitability for the research permit she is applying for. Munira is my supervisee and a student at the University of Nairobi, in the Institute of Diplomacy and International Studies pursuing MA in International Studies, and she has completed the course work, refined the proposal and now embarking on research project writing entitled: **THE IMPACT OF HUMAN TRAFFICKING ON HUMAN SECURITY IN AFRICA: CASE STUDY OF KENYA-UGANDA BUSIA BORDER.**

As a university, we would appreciate your assistance in enabling her attain the research permit and authorization for the study.

If you need further information or clarification, I can be reached at (254) 721-942-138 or by email martin.ouma@uonbi.ac.ke.

Respectfully



Dr. Martin Odhiambo Ouma, Ph. D

