UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)

TRANSNATIONAL ORGANIZED CRIME: A CASE STUDY OF HUMAN TRAFFICKING IN KENYA

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A THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE OF MASTER OF ARTS IN INTERNATIONAL STUDIES OF THE UNIVERSITY OF NAIROBI

NOVEMBER, 2016
Declaration

I hereby declare that this research project is my original work and has not been submitted for a degree award in any other university.

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Signed…………………………… Date…………………………

This project has been submitted for examination with my approval as University Supervisor

Prof. Amb. Maria Nzomo

Signed…………………………… Date…………………………
Acknowledgement

Putting together this piece of has happened through a period of great pressure with many competing demands in the course. It could therefore not have been possible without the support and guidance of those committed scholars from various institutions of higher learning who took me through the subject of Social Research and the constant push by my Senior Directing Staff, Brigadier Waweru. I also wish to appreciate the guidance of my supervisor Prof. Amb. Maria Nzomo, Director, Institute of Diplomacy and International Studies, University of Nairobi, who diligently took me through the paces of organizing ideas in order to come up with this academic document. Her wisdom, patience and wide knowledge in various disciplines inspired me to fight on even under difficult circumstances. Finally, let me appreciate my colleagues in class and place of work who spared time to share relevant discussions in support of this research. I salute you all and may God bless you.
Dedication

This piece of work is dedicated to all those individuals and organizations that have fought silent and unrewarding wars to save the face of humanity from the dehumanizing social evils of Human Trafficking. Otherwise known as ‘modern-day-slavery’, the vice reduces human beings to the level of a ‘commodity’ which is allocated a price tag which denies that human being the least amount of dignity and respect. The abuse that this human being is subjected to upon ‘sale’ is what attracts you to this war. I wish to confirm it is a worthwhile fight that all should join in and contribute in whichever small way. The committed crusaders should soldier on and keep the fire burning until such a time when this war will be worn for humanity in every part of this world to enjoy freedom from this evil.
Abstract

The acts of Human smuggling and trafficking are some of the oldest trades in the world. Despite the many legislations, both local and international that have been put in place to tackle human trafficking, human beings have continued to invent new ways to circumvent them and the numbers of victims involved have been rising sharply, hence the concern of this research. The purpose of this study was to evaluate the global situation of the human trafficking phenomenon narrowing down to explore the situation from the national perspective in Kenya. The study objectives were; to explore the effect of human trafficking on global security; to examine the common forms of human trafficking in Kenya; to identify the major causes of human trafficking in Kenya and to analyse the effectiveness of law enforcement agencies in tackling the human trafficking phenomenon. The study was guided by research questions to help collect and analyse primary data. Rational Choice Theory and Bales’ Theory of Human Trafficking were adopted. The choice of these two theories was informed by their ability to determine push and pull factors that encourage human trafficking activities. Four research hypotheses were formulated to guide the findings of this study. The study hypothesised that a country’s geopolitical characteristics determined the nature and levels of organised crime; involuntary servitude and labour trafficking are the most common forms of human trafficking in Kenya; poverty and unemployment levels within the society have a direct relationship with the incidence of human trafficking in Kenya and the lack of appropriate training among law enforcement officers possess a great challenge to the fight against human trafficking in Kenya. The reviewed literature established that human trafficking is a global problem affecting all societies despite the many interventions which have achieved little. The study adopted descriptive survey design to collect primary data. The study targeted Kenya law enforcers drawn from Kenya Police, immigration officials and Directorate of Public Prosecution. The study also targeted key informants which included Interpol, International Organisation for Migration (IOM), United Nations Office of Drugs and Crime (UNODC), Judiciary and victims of human trafficking. Literature was reviewed from global, continental, regional and local perspective in attempt to reveal key study gaps. Purposive sampling was employed to select senior officers of IOM, UNODC and Judiciary. Snowballing method was used to identify human trafficking victims. A total of 128 respondents were sampled for this study. The study used questionnaire and interview schedule as primary data collection instrument to collect quantitative data. Questionnaires were administered to the respondents by the researcher assisted by research assistants while face to face interviews were conducted by the researcher. Quantitative data was analysed using descriptive statistics such as frequencies, means and standard deviations using Statistical Package for Social Sciences computer software version 20. Qualitative data was analysed through data reduction, data discussion and drawing conclusions. Data reduction involved data mining of interview report by transcription that revealed key issues which helped to separate the relevant issues from the irrelevant ones. Data discussion involved the compilation of the reduced data into an organized logical manner. Cross-tabulation will be used to test the relationship between the study variables. The analysed quantitative data was presented in tables and charts while qualitative findings were presented in narratives, verbatim quotations, discussions and making inferences. The study established that there are a number of counter human trafficking interventions in place in Kenya though they have not achieved much. The study recommended as a matter of policy to ensure all law enforcement officers are trained on counter human trafficking. It is hoped that the research findings will be of benefit to the government and stakeholders involved in counter human trafficking effort locally and globally.
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<tbody>
<tr>
<td>CT</td>
<td>Counter Trafficking</td>
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<tr>
<td>ODPP</td>
<td>Office of Director of Public Prosecution</td>
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<tr>
<td>GAATW</td>
<td>Global Alliance Against Trafficking in Women</td>
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<tr>
<td>HAART</td>
<td>Awareness Against Human Trafficking</td>
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<tr>
<td>UNHRC</td>
<td>United Nations Human Rights Council</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IOM</td>
<td>International Organisation for Migration</td>
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<td>DCI</td>
<td>Directorate of Criminal Investigations</td>
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<tr>
<td>PACO</td>
<td>Program Against Corruption and Organized Crime</td>
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<td>RMMS</td>
<td>Regional Mixed Migration Secretariat</td>
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<td>TNOC</td>
<td>Transnational Organised Crime</td>
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<tr>
<td>TOCs</td>
<td>Trans-National Organized Crimes</td>
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<td>TVPA</td>
<td>Trafficking Victims Protection Act</td>
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<tr>
<td>UAE</td>
<td>United Arab Emirates</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNCRC</td>
<td>United Nations Convention on the Rights of the Child</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UN-GIFT</td>
<td>United Nations Global Initiative to Fight Human Trafficking</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>UNICRI</td>
<td>United Nations Inter-Regional Crime and Justice Research Institute</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>US</td>
<td>United States</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>VoTs</td>
<td>Victims of Trafficking</td>
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CHAPTER ONE

1.0 INTRODUCTION

This chapter discusses the background of the study, problem statement, research questions, research objectives, and research hypotheses. It also captures literature review, theoretical framework, research design and methodology, limitations of the study and chapter outline.

1.1.1 Background of the Study

Human trafficking, often referred to as modern-day slavery, has emerged in the past decade as a major criminal and social justice issue around the world. It is one of the many forms of the Transnational Organised Crime (TNOC) witnessed around the world. The other major types include drug trafficking, trafficking in animal trophies, human body parts, money laundering, and human smuggling among others. The bottom line is that the criminal networks transcend national boundaries to conduct their businesses while others take advantage of the advanced communication and technology to operate from the comfort of their offices. As a result, TNOC rings and their activities weaken economies, financial systems and undermine human security.

Such networks take advantage of weak legislation and enforcement to carry out their activities. They prosper on illegal activities that confer them immense profits. This cycle of illegal activities doesn’t end with the benefits; rather such finances have in the past been used to fund other criminal activities like terrorism and other illegal activities. The rapidly advancing technology of the 21st century makes TNOC crime a concern for the whole world. Modern telecommunication and computer technology have led to the unintended adverse effects of providing platform and avenue for the rapid expansion of TNOC. Since the networks operate seamlessly across international borders, it calls upon law enforcement agencies to collaborate in all areas of their operation if they are to win the war against this vice.
There are no credible figures around the world to show the magnitude of this vice though it is clear that this is a booming business. The International Labour Organization (ILO) in 2005 evaluated that there were 2.4 million individuals all through the world who were baited into constrained work (ILO, A Global Alliance against Forced Labour, 2005). The report highlighted the aggregate estimation of illegal human trafficking at 32 billion US dollars. The business is so shrouded because of its wrongdoing, and, in this way, correct figures are hard to get a hold of. Be that as it may, a few state and non-state on-screen characters, both at the universal and the state levels, are occupied with various exercises went for battling the bad habit.

The United Nations Global Initiative to Fight Human Trafficking (UN-GIFT) for instance, is occupied with preparing state and non-state performers trying to annihilate human trafficking. The association endeavours to accomplish this objective by (a) lessening defencelessness of the potential casualties and decreasing the interest for misuse in every one of its structures; (b) guaranteeing satisfactory support and assurance to the individuals who fall casualty; (c) supporting the effective arraignment of the lawbreakers included, and (d) to expand information and consciousness of the issue.

Human Trafficking is just however one of the different sorted out wrongdoings which the United Nations (UN) has intensely administered against. The UN Convention against TNOC was received by the General Assembly Resolution 55/25 of 15th November 2000. This is basically the principle global lawful instrument against composed wrongdoing. The tradition is then supplemented by different conventions that are gone for tending to particular territories of composed wrongdoing. A case of such conventions is the one to avert, smother and rebuff
trafficking in people which was received by the General Assembly determination 55/25 and went into compel on 25th December, 2003. The other key zones of TNOC with particular conventions incorporate carrying of transients and unlawful produce of and trafficking in guns. Individual states went ahead to ratify and domesticate the convention and those specific protocols. In order to fight the menace, states borrowed cue from the UN and went ahead to legislate against the vice.

Kenya, like many other states of the world domesticated the convention through enactment of the Counter-Trafficking in Persons Act No. 8 of 2010. This Act was borrowed heavily from the UN convention. It is however of concern to the researcher that the prevalence of this vice in the country, awareness levels among the people of Kenya, the effectiveness of the pieces of legislation in place, and capacity of enforcement agencies are wanting and pose a big challenge to the security of this country.

1.1.2 Problem Statement

This study seeks to examine the whole question of international organized crime that has become a challenge and an issue of great concern in international relations. Specifically, this study endeavours to analyse and establish the level of human trafficking globally with specific focus on Kenya. The phenomenon takes many shapes and is manifested in various forms including money laundering, human smuggling, human trafficking, drug trafficking, cybercrime, trafficking in animal trophies among others. On the global scale, state and non-state actors have for a long time struggled to tighten the noose on individuals and groups involved in the crimes through legislation and joint operations with little or no success. Existing knowledge indicates a rising trend in the number of persons trafficked globally. The phenomenon has been reported by various sections of the media and other communication channels. The frequency with which it has featured during the first part of the 21st century further suggests that it has become a threat to national and international security. The
Government of Kenya through Acts of Parliament legislated against organized crime generally and specifically against Human Trafficking in the year 2010. Prawit (2011)\(^1\) observes that awareness of human trafficking remains low. Although trafficking has lately received considerable public attention, most of the officers are not fully informed about it.\(^2\) Likewise if the public is well informed, law enforcement will be more effective if there is going to be collaboration with law enforcement officials. In Africa, for example, literature revolving around human trafficking mostly focuses on two regions namely the South and Western Africa. These two countries are notorious for human trafficking as per the recorded data include South Africa and Nigeria. Therefore, most studies focusing on human trafficking examine the two countries. Other regions have been ignored despite them playing huge role in global human trafficking. The focus of the research is East Africa and especially Kenya where the issue of human trafficking has received little attention (Madihi & Mtwana, 2002). Despite there being little research on human trafficking in Kenya,, the US Department of State recognizes it as a main source of human trafficking, transit to other destination countries such as South Africa. According to Interpol (2009)\(^3\), trafficking in humans is an emerging problem that is currently growing at a high rate. Proliferation for human trafficking despite all the sanctions against it points to a greater need for global prevention, intervention, advocacy and awareness (Androff, D.K, 2010)\(^4\). The existing knowledge of the mechanics and the scope of human trafficking remains superficial (Pharoah, 2006). Despite progress in legislative framework and policies across the world, more than 60 countries have not recorded a single conviction of perpetrators of human trafficking UNODC (2009)\(^5\). Also, there is insufficient statistical data to accurately

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\(^1\) Prawit Thainiyom, 2011 a media campaign to increase awareness and prevention of human trafficking in Asia, University of Nebraska-Lincoln

\(^2\) Ibid

\(^3\) Interpol (2009) Retrieved from www.interpol.int/Public/THB


outline the scope, and identify various forms of trafficking. Inconsistent data and lukewarm efforts by governments and low civil society involvement in informing the public and therefore prevent them from being lured into the crime have contributed to novelty of this problem. Many scholars and international law experts dealing with the issue of human trafficking assert that majority of the victims are women and children. However, there is little systematic and informative literature detailing the full scale of the phenomenon; there is little or no understanding of the characteristics of victims and how one can differentiate them. There is an enormous knowledge gap concerning the life experiences of the victims, the modus operandi, routes of human traffickers and their networks and lack of proper evaluation of the effectiveness of passed anti-trafficking legislations and governmental policies (Pearson, 2003).

There is also a gap on the efficacy of rescue missions among other myriad disparities in the current state of existing stock of knowledge about the whole issue of human trafficking. The array of information missing is vital to helping the government make policies and pass legislations to develop effective restoration programs, support law enforcement efforts and further enhance the ability of agencies to protect the victims and prosecute human traffickers.

However, of concern to the researcher is the prevalence of this vice in the country, with only a few studies conducted on the issue of human trafficking in Kenya, awareness levels among the people of Kenya, the effectiveness of the pieces of legislation in place, and capacity of enforcement agencies are wanting and pose a big challenge to the security of this country. Therefore, this study endeavours to fill the knowledge gap by assessing the problem and get insights of human trafficking as a global phenomenon with the focus on the causes, forms, impacts on the society and the effectiveness of enforcement agencies in dealing with the matter in Kenya.
1.1.3 Research Questions

In conducting this research, the following key questions were relied upon as the researcher’s guide:

1. To what extent has the phenomenon of human trafficking affected global security?
2. What are the common forms of human trafficking in Kenya?
3. What are the major causes of human trafficking in Kenya?
4. Are the enforcement agencies effective enough to tackle the human trafficking phenomenon in Kenya?

1.1.4 Research Objectives

The overall aim of the study was to evaluate the global situation of the human trafficking phenomenon under the umbrella of Trans-national Organized Crimes (TNOC) in order to appreciate its historical perspective, form and enormity. The study aims to achieve the following specific objectives:

1. To explore the effect of human trafficking on global security
2. To examine the common forms of human trafficking in Kenya
3. To identify the major causes of human trafficking in Kenya
4. To analyse the effectiveness of enforcement agencies in tackling the human trafficking phenomenon

1.1.5 Research Hypotheses

In carrying out this study, the researcher will seek to test the following hypotheses:

1. The geo-political location of a country will determine the nature and levels of Trans-national Organized Crimes in it
2. Involuntary servitude and labour trafficking are the most common forms of human trafficking in Kenya
3. Poverty and unemployment levels within the society have a direct relationship with the high incidence of human trafficking in Kenya

4. Lack of appropriate training among law enforcement officers possess a great challenge to the fight against human trafficking in Kenya.

1.2 LITERATURE REVIEW

This section of the study explores the general literature and available knowledge on the issue of human trafficking including the historical perspective so as to get a broad understanding of the phenomenon and other matters relating to human trafficking. The literature included in the study is generated from academic sources, records of international organizations, and government bodies. The primary objective of exploring broader knowledge is to get insights of human trafficking as a global phenomenon with the focus on the causes, forms, impacts on the society and the effectiveness of enforcement agencies in dealing with the matter. The literature review further narrows to Africa and more specifically Kenyan perspective of human trafficking by looking into the primary research areas, legal point of view amongst others.

1.2.1 Historical Perspective

Organised crime has a long history. The earliest mention of organised crime dates back in early 19th century in Southern Italy. The groups, just like today’s organised criminal groups, operated in secrecy and engaged in criminal activities sometimes even challenging the authority of the Government. Naturally, they evaded law enforcement agencies as much as possible as they went about their activities. In Sicily, the oldest reference of mafia dates back to 1838 as indicated in the early police reports and records. In a report composed by the Procuratore General del Re, to the Minister of Justice of the Bourbonic Kingdom of the two Sicilies, he said "In numerous towns, there are unions of societies –kinds of factions which are called Partiti, with no political shading or objective, with no meeting places and with no other bond yet that of reliance on a boss, who is a landowner now and again, and in others, a cleric."
A typical reserve serves their interests, some of the time to excuse an authority, in some cases to shield him, once in a while to secure a respondent, now and then to charge a guiltless. This structures numerous little governments inside the administration” (Ulloa (1838) 1961: 233-235)The clearest references to Mafia groups can be found in publications of the late 19th century. These publications mainly by law enforcement officials captured the element of these criminal groupings and their objects. Mainly they dwelt on real life experiences and analysis of impact of the groups’ activities on society. It is claimed by many analysts of organised crime that Sicilian immigrants are responsible for the foundations of the US organised crime, which is made up of about twenty-five or so Italian dominated crime families. The exact dates of formation and origin of the oldest organised criminal gangs in Sicily like the Cosa Nostra and the ’Ndrangheta is difficult to trace. According to Letizia, (2003) “The clearest references to mafia groups can be traced in a series of articles and books published in the last two decades of the nineteenth century. They were written by different observers, most of whom were law enforcement officials and followed Cesare Lombroso’s school of criminal anthropology. Although many of their explicative theories can be criticised, these writers provided detailed empirical evidence about the specific mafia associations discovered and prosecuted that time”\(^6\).

It is however important to note that from evidence, majority of early organised criminal groupings were organized around family or ethnic groupings. Today, the phenomenon carries similar characteristics as those early groupings but has taken up varied areas of interest away from just offering mere violence.

Migration of people from Eastern Europe brought with it the Mafia culture and groupings to the US. According to Fiderico (2011), New York was a key destination for the first wave of European immigrants – mostly Irish and Germans. He observes that these immigrants arrived

in the 1840s in the wake of the potato famine in Ireland. Most Italians arrived between 1876 and 1915. Between 1876 and 1930, about 80 per cent Italian migrants to the United States had originated from Southern Italy. Federico further observes that nested within the flow of Italians to New York City were people who had mafia skills. In fact, many were running away from the reach of state organs for fear of prosecution. Within that migration it was easy to even pinpoint individuals who were practically running away from Italy only later to join criminal gangs in the United States. Federico for instance sights one Ignazio Lupo who became embroiled in a dispute in his store in Palermo in 1898 and went ahead to kill the adversary. He went into hiding on the advice of his parents, fled to New York where he joined a gang of counterfeiters headed by Giuseppe Morello, another Italian. Many others found themselves running away from other Mafiosi. For example the corpse of Antonio Deodati, a Sicilian counterfeiter, was found in 1865 in the woods near Greenwood cemetery, Brooklyn having suffered pistol shots in the head. It was reported in the London Times on June 21, 1875 that Deodati had fled to New York City in order to escape a mafia feud back home. He never took long before an assassin caught up and horribly murdered him in the same city.

An unusual political development in Italy also fuelled the migration of Mafiosi to the US. Benito Mussolini declared war against the ‘honoured society’ in Sicily almost immediately after taking over the premiership of Italy beginning 1922. He appointed a special prefect Cesare Mori to Palermo and gave him vast powers to eradicate the mafia. With the support of an elite army of special agents and some land owners and business people, Mori rounded up and imprisoned scores of the Mafiosi. This prompted more of the group members to run out of Italy. A big number of them headed to the US and joined others who had fled earlier.

Once in the US, the immigrants found themselves in various cities, majority of them offering cheap labour to the industries. A great deal of economic development of the US cities was dependent of the cheap immigrant non-unionized labour who constantly worked in appalling
conditions. The Italians, Germans, Jews and Irish formed the bulk of the immigrants into New York. The Italians went ahead to occupy the low-rent, run-down areas dotted with gambling dens, brothels and late night saloons. According to Federico (2011), the Mafiosi found a clean land in criminal opportunities. Together with other criminal groups, they went ahead to take new territories, not just in the US, but also in other European cities. Some would maintain contact with family groups back home; others created new virgin empires while the rest got incorporated into local existing criminal groupings in what Federico called “transplantation”.

Towards Africa, many Mafiosi fled to Tunis as a safe haven away from the fascist regime of Mussolini. However, at least one family of the mafia had been known to operate from Tunis from as early as the 1930s. As alluded to earlier, a strong anti-mafia campaign had been launched especially in Sicily around 1924 which forced many of them to run away.

Rocco, in explaining the expansion and entrenchment of Italian mafia in non-traditional territory while looking at the development of the Neapolitan Camorra in the neighboring locale of Apulia is the 1970s and mid 1980s watched that: "By 1980s, another sneaking course from Yugoslavia had opened and Apulia had turned into a significant hub. As the previous Yugoslavia dropped into war in the mid 1990s, Apulia offered considerably more noteworthy criminal open doors for carrying medications and individuals from the remnants of the previous socialist piece” (Sciarrone, 1998).7 From available literature of up to late 19th and early 20th century, the Mafiosi and other criminal groups gained territories all over the world conducting their illegal business as stand-alone units or sometimes in communication with other units across borders.

With the vanishing of exchange and travel limitations amongst nations and world economies turning out to be progressively reliant, so have the universal wrongdoing syndicates. The

7 Rocco Sciarro...
globalization marvel upheld by cutting edge the internet and the data superhighways, composed wrongdoing has kept on challenging definitions. As demonstrated before, composed wrongdoing has transformed an extraordinary arrangement and opened up new circles guided by rising open doors. Mitchel, (2010) watches: "What has turned out to be clear from the worldwide viewpoint is that today's gatherings don't adjust to the conventional worldview exemplified by the Italian Mafia. Or maybe, sorted out wrongdoing bunches have advanced into indistinct endeavors, moving starting with one movement then onto the next, contingent upon geopolitics and changing markets - both honest to goodness and ill-conceived in nature".

The early 1990s witnessed a global transformation both in political and economic life in addition to the technological revolution. Individuals got access to and controlled technology from the comfort of their houses and even carried gadgets wherever they went. This provided another great opportunity for the criminal world to exploit. Mitchel avers that there is a remarkable continuity between the crimes committed online today and those from earlier eras. Of course the tools used are different but the motivations remain the same. The criminals of today rarely waylay security vans or rob banks. Instead, the technologically savvy gangs threaten to, or actually disrupt online business if ransoms are not paid. Often they will hack into a banks system and transfer money using electronic payment systems.

Human smuggling and trafficking are some of the oldest trades in the world. Organised piracy, highway robbery and banditry were some of the most common precursors to today’s global organised crime problems. Trade in humans, usually in the form of slaves and sea piracy are the earliest examples of organised crime on a multi-national or global scale; in fact the slave trade has been described as the “world’s oldest trade” and can be traced back to the third millennium (Mitchel, 2010).

The subject of human trafficking, use of force, transporting of persons across international borders with an aim of exploiting them for sex or labour has received renewed attention within
the last two decades. In the modern world, the issue of human trafficking is believed to be one of the fastest growing areas of criminal activity given the growth of technology (Laczko, 2005). A study conducted by the International Labour Organization (ILO) concludes that the profit accumulated as a result of human trafficking is a staggering more than 31 billion dollars annually that makes it the second largest source of illegal revenue on a global scale after drug trafficking (Belser, 2005). As such, combating the previous issue of trafficking across international borders is now an essential priority for many world governments.

The danger of human trafficking got consideration of the United States government and different bodies taking after the section of the Trafficking Victims Protection Act (TVPA) marked into law on October 16, 2000. On of the essential sympathy toward the legislature around then was an expansion of human trafficking exercises in the late 1990s, in this manner, finished in the entry and order of the law. As an aftereffect of the TVPA, the legislature of the United States played a main part in battling human trafficking exercises through indictment of traffickers, and further securing the casualties of this wrongdoing. After three years in 2003 the US government passed the Trafficking Victims Protection Reauthorization Acts of 2003 and later in 2005. The nation promote kept on reinforcing hostile to trafficking laws. Be that as it may, regardless of huge endeavors by different governments over the world, non-administrative associations in conjunction with the exploration group's battle against human trafficking has stayed slippery (Oram, 2010).

Numerous researchers and worldwide law specialists managing the issue of human trafficking state that lion's share of the casualties are ladies and youngsters. Be that as it may, there is minimal methodical and instructive writing itemizing the full size of the wonder; there is practically zero comprehension of the qualities of casualties and how one can separate them.
There is a colossal information crevice concerning the beneficial encounters of the casualties, the usual way of doing things, courses of human traffickers and their systems and absence of legitimate assessment of the viability of passed against trafficking legislations and governmental policies (Pearson, 2003). There is also a gap on the efficacy of rescue missions among other myriad disparities in the current state of existing stock of knowledge about the whole issue of human trafficking. The array of information missing is vital to helping the government make policies and pass legislations to develop effective restoration programs, support law enforcement efforts and further enhance the ability of agencies to protect the victims and prosecute human traffickers.

1.2.2 Current Global Trends

In the later past, as indicated by UN Toolkit to battle Trafficking in people (2010) as an after effect of different elements, outskirt controls have been enormously lessened. The penetrability of borders has helped human trafficking locally and universally. Likewise, the ability to identify and check human trafficking is insufficient with respect to fringe control offices. In many countries, fringe control organizations need framework and financing and criminal systems misuse this laxity. There are various measures in the Trafficking face to face's convention that States can use to make it more troublesome for traffickers to move casualties crosswise over outskirts. These measures are incorporated into the Migrants Protocol. States are required to reinforce fringe controls and collaboration with local neighbors to check human trafficking crosswise over outskirts. This will come about to making it more troublesome for human traffickers to utilize traditional method for transport to enter nations. These arrangements are like Migrants convention. Their execution may vary from country to country yet the essential residential enactment established to offer impact to these arrangements continues as before crosswise over nations. Another issue is the security and control of archives. On the planet, misrepresentation of archives is done in vast scale. New advancements
make it simple to false reports and criminal components can utilize this to give casualties false
ternational IDs and other travel records like visas. Defilement among migration authorities
likewise add to false records as degenerate authorities conspire with criminal systems required
in human trafficking.

Human trafficking is a perplexing issue that can be tended to from alternate points of view,
numerous bargains are pertinent. Real wrongdoing control arrangements like United countries
Convention against Transnational Organized Crime and the United Nations Convention against
Corruption are applicable to human trafficking simply like Rome statute of the International
Criminal Court among other particular settlements managing particularly and only with human
trafficking (UN human rights and human trafficking, 2014)  

1.2.3 Human Trafficking

Since human trafficking got the attention of world governments in the last decades, the
literature has grown exponentially. Scholars and international agencies have expounded the
understanding of the phenomena. However, the existing knowledge of the mechanics and the
scope of human trafficking remains superficial (Pharoah, 2006). The reason for this is that there
are myriad challenges surrounding gathering of information in the area and hence affecting the
definition of terms around the phenomenon. Firstly, Victims of Trafficking (VoTs) are often
ashamed and intimidated to report or even discuss the events with researchers and law
enforcement agencies thus making it virtually impossible to access credible information.
Furthermore, the human trafficking activities remain highly secretive therefore making it hard
for researchers to obtain data and relevant information from the victims. Secondly, there are
various existing and at times conflicting definitions used in expanding knowledge of human

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trafficking which portends confusion and a limited scope regarding understanding of human trafficking phenomenon (Oram, 2010).

General literature on human trafficking research revolves around the legal framework of the phenomena, immigration, and women’s rights (Zimmerman, 2007). The issue of human trafficking is conceptualized by scholars as part of coerced or illegal migration. When referring to migration, the understanding includes voluntary and involuntary movement as well as internal and cross-border migration. Also, studies on migration mostly emphasise on various groups such as migrant women, academic migrants, or labour migrants. While many people migrate voluntarily, some are forced to migrate against their wish. The situation can be shaped by calamities such as war or by human traffickers. The problem is that even those people migrating voluntarily may end up in the hands of exploiters thus putting the nature of their migration into question. Trafficking in persons is widely considered involuntary, forced or irregular migration (Pearson, 2003).

Due to conflicting understanding and definitions of the trafficking in persons concept, the United Nations General Assembly needed consensus to arrive at the understanding of the broader picture of the phenomenon. The negotiation leading to the Palermo Protocol lasted for two years culminating in the signing of the protocol by 80 countries in 2000 (Doezema, 2002).

The protocol views human trafficking as:

“…… the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UN, 2000 p.2).

A simple examination of the Palermo Protocol reveals three elements that define trafficking: the activities include means such as coercion or deception, recruitment or transport, and
purpose (exploitation). In addition to the protocol states that have signed it, the protocol also offers a valid and a legally binding definition of human trafficking phenomenon (García Schmidt, 2008). This study specifically focuses on human trafficking phenomenon in Kenya. It is important to note that Kenya did not sign the protocol (UNODC, 2015).

While the Palermo Protocol offers an absolute definition of human trafficking, there is still a conflict of the appropriate definition to distinguish clearly the victims of trafficking given the gross misunderstanding of both voluntary and involuntary migration. It is not possible to divide migrants into voluntary and involuntary migrants. It is hard for example to differentiate people who have been trafficked for labour exploitation in an unregulated economy and voluntary migrants who move within or across international borders to provide employment in the formal economy (Phinney, 2007). According to Zimmerman (2007), distinguishing "trafficking" from related criminal activities and forms of exploitation is challenging both practically and conceptually. There is at times confusion whether to classify a particular situation as trafficking or as something else.

1.2.4 Human Trafficking and Human Smuggling

The human trafficking phenomenon is often confused with human smuggling. Practically, there is a difference between the two related phenomena. Smuggling is mostly a voluntary and time-bound event. Smuggling emerges when agencies or people acting as intermediaries are paid to assist the migrants to cross international borders illegally. In the situation, the relationship between the migrants and the intermediaries is not lasting; it ends when the migrants pass the international borders and reach their target destination (Pharoah, 2006). The difference in the two confused phenomena lies in the existence of deception, coercion, or fraud in human trafficking as a way of luring the individual into exploitation (Pharoah 2006).
According to Mbeo and Sambo (2009) various aspects differentiate the two phenomena of human trafficking and smuggling. The difference lies in the intention and the outcome. The real purpose of human smuggling is to cross the international border illegally but to the benefit of the victim, and the outcome is the termination of the relationship between the two after meeting the agreed terms. However, the intention of trafficking is rather different as it seeks to exploit the victim, with the purpose of using them for diverse purposes upon arrival to the intended destination. In some cases, the situation may begin as smuggling and later turn into human trafficking.

1.2.5 Gender Dimension of Human Trafficking

Scholars have argued that migration occurs differently and has differential impact and hence different consequences for them (Dugbazah, 2012). For example, there is mounting evidence that migrant care and domestic workers (who are often but not always women) face the extreme forms of labour exploitation and sexual abuse (Lewis et al., 2014). Examining human trafficking from a gender perspective mostly focuses on sex motivated trafficking of women and girls. Human trafficking is linked to the debate on sex worker’s rights, legalization of prostitution and women’s rights in general. Rarely are trafficked women and girls aware in advance that they are going to be sexually abused. Therefore the circumstances they find themselves in, in foreign lands cannot be termed as sex work. They are simple sex slaves. There appears to be no literature on gender and human trafficking without the focal point being trafficked women. The existing research has not examined trafficking of men from a gender perspective or explored trafficking for forced labour through gendered lenses (World Economic Forum, 2014).

Women are the majority of human trafficking victims, as they are considered vulnerable to deception and exploitation (Tomkinson, 2012). The current trafficking discourse focuses on
sexual exploitation making other types of labour exploitation invisible. This can have a massive impact on the numbers provided by different sources, and there are serious flaws in using numbers provided by service providers such as law enforcement and immigration officials. For example, the Dutch and German police only collect data on trafficking of children and women for sexual exploitation (Pharoah, 2006), which can distort the figures and suggest trafficking for sexual exploitation represents a larger portion of trafficking cases than it does in reality. Thus, trafficking for forced labour and trafficking of men generally might be more common than is presently thought.

Traditional gender divisions influenced the exploitation of trafficked people. Many societies have gendered notions about what kind of work is suitable for men and women. Most often, men are expected to be physically strong and able to perform manual jobs, and thus they are more often exploited in industries such as fishing, mining and agriculture. The society, on the other hand, traditionally expected women to be good at housework, and so they are often trafficked for domestic work (Hetzfeld, 2002). Also, women are trafficked for sexual exploitation. Furthermore, a person’s ability to find alternative employment may be affected by their gender (ILO, 2008).

Within a feminist framework, human trafficking has often been treated synonymously with trafficking of women for sexual exploitation (prostitution or other forms). Within this context, trafficking in persons is considered a violation of women’s rights; it can even be considered as a form of violence against women (Zimmerman, 2007). Within this framework, it is recognized that trafficking can affect women differently from men. Women may be more vulnerable than men, and are more often trafficked for or end up in sexual exploitation. Therefore, portraying the gender concerns of human trafficking as violations of women’s rights excludes the possibility that trafficking of men can also occur for gendered reasons as well. If one is to look
at the gendered notions, traditions, and beliefs that impact trafficking, one needs to step out of the framework of women’s rights (Hewson, 2010).

In practice, VoTs also have issues with access to justice. Jordan (2002) calls for trafficking laws to be applied to all people equally. Men and women should have equal access to assistance, justice, and protection. However, in reality men might have a harder time obtaining support. This can be due to men’s reluctance to report their cases to the police or because of gendered notions regarding consent and innocence.

1.2.6 Human Trafficking in Kenya

In Africa, literature revolving around human trafficking mostly focuses on two regions namely the southern and western Africa. In these regions, two countries are notorious for human trafficking as per the recorded data; South Africa and Nigeria. Therefore, most studies focusing on human trafficking examine the two countries. Other regions have been ignored despite them playing huge role in global human trafficking. The focus of the research is East Africa and especially Kenya where the issue of human trafficking has received little attention (Madihi & Mtwana, 2002). Despite little research, the US Department of State recognizes Kenya as the main source of human trafficking, transit to other destination countries such as South Africa. A report by Awareness Against Human Trafficking (HAART) found that Kenya is a major source of transnational trafficking in persons in Africa (HAART, 2015). The fact is that the country is yet to fully comply and implement the international standards by the United Nations document. Therefore, trafficking in persons has been recognized to be a problem in the country (Fong, 2008). Kenya has put in place relevant legislation to prevent acts of human trafficking in the country and across its international borders. Despite passing Counter-Trafficking in Persons Bill at the beginning of the decade, and which became operational two years later in
October 2012, the Act has been poorly implemented (RMMS, 2013).\(^9\) The weaknesses in legislation implementation could be a contributing factor to the seemingly high rate of human trafficking in Kenya. The law is sufficiently deterrent in curbing human trafficking in Kenya and by extension, the international arena. It provides stringent punishments for convicted traffickers of up to 30-year jail term or a fine of 20 million Kenyan Shillings that is equivalent to approximately USD 200,000 in January 2015.

Kenya, a country located in the East Africa bordering Somalia, Ethiopia, Sudan, Uganda, and Tanzania is one of the victims of human trafficking. In 2010 census, the nation estimated the population of Kenya to about 45 million, 60% of which is under the age of 24 years. Comparatively, only 30% of the population in Denmark is under the age of 24 (CIA World Factbook, 2014) with similar numbers to that in other European and Western countries.

Being a developing country, Kenya is grappling with the sticky issue of unemployment; with the unemployment rate hitting 40%, the country finds itself ranking poorly in terms of employment standards globally. Despite the large unemployed population, the education sector is churning thousands of job seeking graduates to the labour market that is already incapable of absorbing the soaring population. Such social scenario makes Kenya one of the richest sources of migration and therefore high possibility for human trafficking. According to United States Department of State (2011), between 20,000 and 30,000 people migrated in search of greener pasture in the Middle East in 2006.

Other issues cited as playing an enormous role in human trafficking in Kenya include poverty and globalization. These two are described as push factors for human trafficking. The case is similar to other countries in the sub-Saharan Africa where social vices such as poverty, poverty,

unemployment, and broken homes are considered reasons for trafficking in persons. Traffickers often take the advantage of the victims of these social vices and instil them with endless hopes of a better future and desperation to lure them into being trafficked (United States Department of State, 2011). In Kenya, push factors forcing people to migrate to other regions include lack or inadequate education and limited employment opportunities. As unemployment soars in the country, so does the number of young Kenyans looking for opportunities abroad increase dramatically. It is not surprising therefore that some of uneducated and job seeking young Kenyans fall vulnerable to activities of human trafficking.

According to a UNODC study on human trafficking, only 15% of trafficked people in East Africa find themselves the Middle East. Other victims stay in their country of origin or trafficked in the sub-Saharan-region (UNODC, 2012), such stunning statistics has made the Middle East the focus of the media. According to UNODC, the number of women involved in human trafficking is greater to that of men of all VoTs in sub-Saharan Africa. The problem with the UNODC statistics is that they based their evidence on all reported cases making it possible of extreme inaccuracies.

It is important to note that there are various types of human trafficking that manifests in Kenya besides adults for forced labour as discussed in this paper. Many educated and uneducated Kenyans continue to seek for jobs across international borders leading to migration (Botha, 2014). As such, this leads to increased and unreported number of people vulnerable to human trafficking crimes. The next essential factor to consider in the study is the fact that, Kenya is confronting the enormous challenge of international terrorism that has led to another form of human trafficking. There are reports that Al-Shabab, a Somali terrorist group, is actively recruiting young people from Kenya and luring them into the group (Burridge, 2014; Haslam, 2015).
Available evidence shows that the terror group is actively recruiting school going children under the age of 18 in some areas of the country. The statistics add to another approximately 20,000 children trafficked annually in Kenya (Odhiambo et al., 2012). Rather than for terrorist activities, children are being trafficked to provide domestic labour and in industries such as agriculture, the fishing industry or for sex work (Migiro, 2014).

1.3 THEORETICAL FRAMEWORK

Concerns about human trafficking have gained significant attention over the past few decades. Trafficking in persons engenders conditions of modern day slavery and severe human rights violations where victims are exploited for economic gain. Victims remain unable to free themselves from these abusive, demeaning and exploitative conditions. The majority of the countries experiencing high levels of human trafficking are typically developing or transitioning nations whose societies are experiencing some degree of internal strife and developmental stagnation. Although this is most frequently the case, developed countries have also experienced a significant degree of human trafficking (Bales, 2004). Indeed a substantial quota of the market for trafficked persons is found in the developed world.

To explain the dynamics behind what factors drive human trafficking in Kenya, this study critically examined a theoretical model used to describe the phenomenon as presented by Kevin Bales. Bales’ model was utilized in the context of Kenya to examine what drives human trafficking in Kenya and whether Bales’ theory can exhaustively support a theoretical explanation of human trafficking.

Until now, there have not been many comprehensive theoretical models explaining why trafficking in persons persists or what induces these slave-like conditions. Kevin Bales has published multiple articles and books on human trafficking and modern day slavery, several of
which have proposed theories on these topics and attempted to contextualize the trafficking process in abstract terms.

This research study analysed the principles of human trafficking suggested by Bales, using the social paradigm of Kenya as a target for analysis. Looking at Kenya in the framework proposed by Bales will attempt to explain what drives human trafficking as well as to analyse how Bales’ theoretical model holds up when examined using a modern day case study of human trafficking. Through doing so, the dynamics of the push and pull factors of the trafficking process and some of the underlying factors that induce trafficking in Kenya will be identified and thereby be able to establish a deeper understanding of the forces at work behind this phenomenon. However, the study utilized the rational choice theory to explore human trafficking in the Kenyan context.
1.2.1 Rational Choice Theory

Objective decision hypotheses clarify that culprits work like sound creatures that weigh and therefore settle on a choice to carry out a wrongdoing in view of the expenses and advantages required during the time spent wrongdoing execution. Deterministic in nature, the criminal basic leadership prepare depends on through and through freedom, which requires perception of chances, conditions, and circumstances that could influence the fruitful execution of the arranged wrongdoing (Lanier and Henry, 2004).

It is brought up by Esbensen and Geis, (2008) that reasonable basic leadership about wrongdoing likewise incorporates the casualties to assault the casualty in view of the sort of wrongdoing proposed, business as usual, the place and time where the offense will be held and the accompanying exercises. That implies the crooks may first watch the availability of potential casualties, area, the time at which they are at most defenseless, the proper technique that could give little resistance and how to cover their criminal exercises from criminal equity powers and other skilled gatekeepers. Nonetheless, some psychological scholars have contended that crooks vary in the decisions they make in view of their discernments, intentions, aptitudes, and capacities to peruse open doors as circumstances guide their choices making forms (Lanier and Henry 2004).

With the end goal of this study; discerning basic leadership, choice, sticker price and advantages are three factors that manufacture a coordinated structure to clarify human trafficking. The modes in which human traffickers picked their casualties are dictated by the increases they could get from the wrongdoing and powerlessness of potential casualties.

1.2.2 Bales’ Theory of Human Trafficking
Bales have written several papers on human trafficking theory that depicts different theoretical propositions relating to the trafficking process. For purposes of this research proposal, the researcher will only be concerned with analysing certain aspects of Bales’ theory such as corruption that are relevant to the nation of Kenya. The entirety of Bales’ theory is not relevant to the situation in Kenya. Thus, some areas of his proposed theory such as food production are redundant when applying them in such a context. Bales endeavours to offer some detailed analysis into the dynamics that are at play in both the sending and receiving country of human trafficking. However, as Kenya is both a sending and receiving country of human trafficking, elaborating on issues concerned with receiving and sending countries of human trafficking will be necessary.

In his theory, Bales enunciates that governmental corruption plays a significant role in determining the enormity and forms of human trafficking in a state. This factor is important because government corruption is one of the largest indicators of border permeability, if it is easy for persons to enter and leave a country illegally or without due regard to laid down immigration rules and regulations, then a situation where trafficking can formulate and persist can readily manifest. Governmental corruption is one of the most complicated factors to assess amongst all the factors because of the confidentiality of operations and the secretive nature of corruption and a lack of empirical data that can be referenced. For the purpose of this analysis, the study will use the Corruptions Perceptions Index (CPI) and various studies from scholars who have written and researched on integrity related issues in Kenya.

To start with, Kenya ranks fairly high regarding crime rate. Kenya remains a major travel and goal nation for trafficked men, ladies, and youngsters subjected to constrained work and sex trafficking. Inside the nation, Kenyan youngsters are obliged to work in farming, steers crowding, asking, local administration, angling and road distributing. Youngsters are likewise misused in prostitution all through Kenya, including the seaside area where sex tourism
flourishes. In eastern Kenya, Khat (miraa) development regions of Meru and Embu, and in Nyanza's gold mines, youngsters from inaccessible districts are held in captivity in order to provide labour in the fields. Women, “beach boys”, and sometimes a child’s parents push children into prostitution in coastal areas to receive payments from tourists (Hewson, 2010).

Some Kenyans voluntarily venture into other East African nations such as South Sudan and also to the United States, Europe, and the Middle East particularly Qatar and Saudi Arabia in search of better lives. Some are trafficked into other countries such as Kuwait, Oman and Lebanon on false promises of employment opportunities, where they end up at times in massage parlors, forced manual labour, domestic servitude while others are forced into bisexual activities. Kenyan men and women are lured from universities and other learning institutions with promises of lucrative jobs and good life in countries such as Qatar and the United Arab Emirates (UAE). On the other hand, Children from East African countries such as South Sudan, Ethiopia, Burundi, Uganda and Tanzania are subjected to forced labour and prostitution in Kenya (Hewson, 2010).

According to Juma (2006), massive corruption among police, immigration, judicial and other public officials continued to frustrate the efforts to bring traffickers to justice; the government made little or no effort to investigate or prosecute such public officials who engage in such corrupt activities. Although the government provided anti-trafficking training to 30 officers from the police, immigration, and relevant ministerial legal departments, this remained inadequate in light of Kenya’s considerable human trafficking problem. Some corrupt enforcement officials sought to take advantage of the government’s directive for refugees to return to camps by threatening to arrest Somalis on false human trafficking charges to solicit bribes.
1.2.3 Victim Vulnerability Model

Casualty inclination and casualty wrongdoer collaboration are two variables clarifying the helplessness of trafficked individual for automatic trafficking through keeping up an association with a criminal or a man of sick thought process. Three classes of casualties could be inclined to exploitation in human trafficking: the guiltless, accelerating, and provocative casualties. By cooperating with hoodlums honestly through no blame of their own or by strolling alone oblivious, a few people could be viewed as encouraging their exploitation. Likewise, by showing certain practices that could be viewed as provocative by culprits, a few men, ladies and young ladies and young men are inclined to exploitation, (Hoven and Maree, 2005).

The separation between the Human traffickers, the proposed casualty and the expectations of the guilty party and the way of casualty wrongdoer cooperation may expand the odds of exploitation. It is called attention to by Hoven and Maree, (2005) that both the casualties and the criminal could have collaborated before exploitation happened. Casualty association in the occasions that prompted to exploitation could be inspected. Either the casualty had incited or hastened his/her exploitation occurrence. Notwithstanding, ladies and kids will probably be deceived by a known individual than by outsiders. It stays to be seen whether young people who fall movement by close partners ought to be reprimanded for the decisions they have made. Casualty inclination, precipitation and incitement will be utilized as the three elements that make weakness of ladies and young ladies to human trafficking for automatic prostitution.
The loss of office from human trafficking and present day subjugation is the aftereffect of human shortcoming (Bales, 2000). As individuals get to be powerless against abuse and organizations constantly, look for the least cost work sources, trafficking individuals produces benefit and a business opportunity for human trafficking are created. The formal structure of the incorporated hypothesis to clarify human trafficking for deliberate and automatic trafficking appears as various causality. Human trafficking for automatic work is a result of a blend of various variables (Lanier and Henry, 2010).

Basic leadership process won't happen without some component of balanced basic leadership which includes normal decision, considering the request and in addition casualty weakness. Power and imbalance, through and through freedom and way of life introduction are three ideas making an open door for enlistment to happen. The interconnectedness of the world, casualty precipitation, and in addition seriousness and sureness of discipline, empowers human traffickers to move the casualties. Abuse of casualties is made simpler by the undecided states of mind communicated by society towards the casualties and also the expenses and advantages produced from prostitution.

The interest in wrongdoing and middle people who benefit from trafficking offer impact to the harboring and exchange of casualties. In the event that casualties leave the human trafficking process alive, the misfortune and agony persevered from the experience may be probably going to impact them to either return as enrollment specialists or work freely. Taking everything into account, hence the Bales' Theory of Human Trafficking, levelheaded decision hypothesis, and casualty helplessness hypothesis supplement each other in giving a hypothetical establishing to the investigation of human trafficking in Kenya.

1.3 RESEARCH DESIGN AND METHODOLOGY
1.3.1 Study Design

The study revolved around describing the Trans-National Organized Crimes (TOCs) situation in Kenya with a focus on human trafficking. To have a better understanding of the human trafficking phenomenon in Kenya this study adopted descriptive research design to describe its forms and impact on the society. Descriptive research design was preferred for this study because it describes the phenomenon under study the way it is. This research design does not require manipulation of variables. This design makes it possible to carry out the study using a survey method collecting both quantitative and qualitative data. According to Kothari (2004) use of questionnaires, focus discussion, interview schedule, observation and all forms of interviews can be used to collect data for a descriptive research design.

The study endeavoured to analyse data, both secondary and primary in an attempt to find out the effectiveness of law enforcement agencies in addressing cases of human trafficking. The study design explored the nature of human trafficking that manifests in Kenya. This was done by analysing secondary data and responses from key informants.

Secondary data touching on the phenomenon was analysed from books and journals to respond to the key questions and objectives of the study. In the study, qualitative research entailed conducting several types of inquiry with the aim of explaining the meaning of the social phenomenon. It was not be possible to interact with the phenomenon one on one but effort was made to reach out to survivors of the phenomenon. Information got from this source formed evidence to prove or disprove the study hypotheses. This is appropriate because it helped the study to answer the “how” or “why” questions among many others from the people’s attitude, opinions, process and reasons for a social phenomenon. On the other hand, qualitative research approach was employed to explore “why” and “how it happens”, “where it took place” to triangulate findings collected using questionnaires.
### 1.3.2 Target population

The study targeted police investigators, immigration officials, public prosecutors, international organisations like International Organisation for Migration (IOM) and Interpol, judiciary, victims and officers from the Counter Trafficking (CT) Advisory Committee. Police investigators under Office of Director of Criminal Investigations (ODCI), prosecutors under the Directorate of Public Prosecutors (DPP) and judiciary officers were targeted since they are directly responsible for enforcing anti human trafficking laws in Kenya.

International Organisation for Migration (IOM) was chosen since its primary aim is preventing trafficking in persons. It also has the responsibility of protecting human trafficking victims from the trade by offering them options of safe and sustainable reintegration and/or return to their home countries. Interpol was targeted because we work to enable police and other law enforcement agencies to cooperate on a global basis to fight human trafficking. Counter Trafficking Advisory Committee was targeted since it has the functions of the advising the government on inter-agency activities aimed at combating trafficking and the implementation of preventive, protective and rehabilitative programmes for trafficked persons. Finally the study targeted the victims of human trafficking to get first-hand information on their expediencies. Table 1.1 presents the target population, category and their numbers.

**Table 1.1: Target population**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Category</th>
<th>Target Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Investigators</td>
<td>DCI Headquarters investigators</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Police investigators (Langata)</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Police investigators (Kilimani)</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Police investigators Child Protection Unit (CPU)</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Police investigators (Isiolo)</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Police investigators (Garrisa)</td>
<td>15</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td><strong>90</strong></td>
</tr>
<tr>
<td>Immigration</td>
<td>Immigration senior officers Nyayo House</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Immigration senior officers Jomo Kenyatta</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>International Airport</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Immigration senior officers Namanga</td>
<td>5</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td><strong>35</strong></td>
</tr>
</tbody>
</table>
1.3.3 Sample size determination

The target population of each category was not large to require sampling and therefore a complete census was adopted. The entire population of police investigators, immigration officials and prosecutors were enrolled in the study. However, purposive sampling was used to select officials of IOM, Interpol, judiciary, Counter Trafficking (CT) Advisory Committee and victims as key informants’ respondents.

The study therefore enrolled 158 individuals as respondents for this study. This number comprised of 144 respondents whose data was collected using questionnaires. The rest 14 respondents were key informants whose data was solicited using structured interview schedule.

1.3.4 Data Collection Instruments

This study uses questionnaires and interview schedule to collect primary data from the enrolled study participants. Questionnaires were used to collect quantitative primary data from police investigators, prosecutors and immigration officials. The choice of questionnaire technique of data collection was preferred for its ability to collects a lot of information within a short period of time and offering confidentiality. Questionnaire consisted of open and closed ended questions. The open ended items consisted of options where the respondents will fill by choosing options provided while open ended items had spaces for writing the responses. The

<table>
<thead>
<tr>
<th>Directorate of Public Prosecution (DPP)</th>
<th>DPP Mombasa</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPP Migori</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>15</strong></td>
<td></td>
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<tr>
<td>International organisations</td>
<td>Interpol</td>
<td>4</td>
</tr>
<tr>
<td>International Organisation on Migration (IOM)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Judiciary</td>
<td>Magistrate</td>
<td>5</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>8</strong></td>
<td></td>
</tr>
<tr>
<td>Victims</td>
<td>Victims</td>
<td>5</td>
</tr>
<tr>
<td>Counter Trafficking (CT) Advisory Committee</td>
<td>CT Advisory Committee senior officers</td>
<td>2</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>2</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>158</strong></td>
<td></td>
</tr>
</tbody>
</table>
questionnaire was sectioned into two parts; part “A” captured respondent’s background information part “B” captured variables for each of the four specific objectives.

Interview schedule was used to collect qualitative data from magistrates, senior officials of IOM and Counter Trafficking Advisory Committee as well as victims of human trafficking. The choice of this instrument was informed by the fact it provided an avenue of asking questions and making clarification/probing on the responses. A structured interview schedule with questions for guiding the interviewer was used to collect primary data from the respondents.

1.3.5 Instrument Validity and Reliability

When analysed data from a study actually represents the phenomenon under study, such outcomes is an indicator that validity was ensured. Validity demonstrates how accurately the data obtained in a study represents the variables of the study. According to Veal (2006) validity is the scope to which information collected in a research truly reflect the phenomenon being studied. Construct validity was ensured by consulting the supervisors on the content of the instruments and literature reviewed. Also experts of human trafficking were consulted who examined items and advice on the validity of the instruments. Wide range of sampling targeting law enforcement in the police, immigration and Interpol ensuring sampling validity was ensured. In addition, international organisations and victims of human trafficking sampled for this study. This diverse sampling ensured wide range of views with no bias was collected thus ensuring validity of findings.

1.3.6 Piloting

To ensure reliability, the research questionnaires were piloted in police stations, immigration and in state laws (DPP) offices which were not sampled in this study. The piloted instruments were verified for reliability by determining their internal consistency. The piloted instruments
were found reliable, however some items were corrected for ambiguity and reorganisation to make them flow and easy to understand.

1.5 Limitations of the study

The study faced a number of challenges during data collection. Locating the victims of human trafficking proved a tall order. This challenge was addressed by following police records on cases of human trafficking. The study faced limitation of getting respondents for oral interview especially senior officers due to their busy schedules. The study overcame the limitation by conducting telephone interviews.

1.6 Chapter Outline

The study consists of seven (7) chapters as outlined below.

Chapter One: It introduces the social problem and raises key questions and sets objectives for the study. The chapter also identifies the design and methodology to be adopted in the study.

Chapter Two: This chapter looks at effects of human trafficking globally. It kind of gives an insight to the global trends regarding the phenomenon.

Chapter Three: This chapter specifically looks at the various forms of human trafficking that manifest in Kenya. It also endeavours to appreciate what informs the pertaining situation.

Chapter Four: This chapter endeavours to unearth the various causes of human trafficking especially in the case of Kenya. What exactly sustains the phenomenon and makes it continue to grow despite many pieces of legislation.

Chapter Five: This chapter analyses the effectiveness of the various law enforcement agencies in tackling the social phenomenon of human trafficking by using the available local and international laws in place.
Chapter Six: This chapter analyses the data collected from the field in order to come up with probable answers to the key questions of this study. It puts together responses from the field which beefs up that which was collected from secondary sources. This will help to prove or disprove the hypotheses of the study.

Chapter Seven: This final chapter gives the conclusion that is informed by the field data. It also provides key findings and recommendations for further areas of research on related problems.
CHAPTER TWO

2.0 THE EFFECTS OF HUMAN TRAFFICKING ON GLOBAL SECURITY

The negative effects of trafficking in persons are felt beyond the individual victim and the local society because it takes place across societies and international jurisdictions. The effects will be felt in the community of origin, transit country, and that of the destination country. For instance, Kenya which is considered a donor, transit and a destination country for victims of human trafficking experiences all the effects of the vice within its society. The impact of human trafficking in Kenya and the international space can broadly be categorized into security, economic, social, and political (RMMS 2013).

When human trafficking is viewed as a transnational crime, it provides an insight on the damages done to society in form of security lapses, toll on people’s esteem and even relations between states. Simmons and Lloyd (2010) observed that transnational crime makes the society violent because it is connected with broader activities that involve international borders. These activities are viewed as mostly causing political instability in many countries. There is evidence that terrorist groups are associated with drugs and human trafficking due to profit generated to sustain these organizations mainly in Latin America, East Europe and the Horn of Africa. For example, the criminal group located in Somalia known as Al-Shabab has been linked to human trafficking in Kenya because they facilitate trafficking through Somalia to other parts of the world especially Middle East.

The fact is that large organized criminal networks including insurgence and revolutionary groups control illicit drug trade and human trafficking that threatens the individual, state and international community. Conflict perpetuation, arms proliferation, and smuggling characterize security threats in countries and regions where such criminal groups exist. The relationship

\[ \text{\cite{RMMS}} \]

\[ \text{\cite{Simmons and Lloyd}} \]

\[ \text{http://papers.ssrn.com/sol3/papers.cfm\?abstract\_id=1653473} \text{ Accessed on 23rd March, 2016} \]
between arms spread across many nations and human trafficking is critically interlinked and mutually reinforcing factors. Scholars such as Tomkinson, (2012) argue that the weapons proliferation continues to increase thereby causing conflict related to control of these criminal networks. Trafficking in humans encourages smuggling of weapons that by extension threatens global security. Such activities thrive due to weak governance and weak state security structures that in turn perpetuate conflicts and societal tensions.

Since there is quick money generated, the situation fuels massive governmental corruption, which aids the growth of criminal networks and malicious activities such as terrorism. Also, human trafficking is linked to drugs smuggling and security deterioration. These events make people more vulnerable to exploitation due to violence involved. This, in turn, has detrimental effects on the safety of countries across the globe due to the interconnectedness of these criminal activities (Tomkinson, 2012)\(^\text{12}\).

2.1.0 The Impact of Human Trafficking on Governance

Every nation of the world has been affected in one way or the other, either directly or indirectly by different forms of human trafficking ranging from domestic servitude, bonded labour, to sexual exploitation. According to Alemica (2013)\(^\text{13}\), organised crime like human trafficking tends to thrive where good governance is lacking and therefore when dealing with organised crime, good governance should be strengthened otherwise focusing on law enforcement alone will not be effective given that it deals with symptoms rather than the causes of this crime. Weak governments do not have capacity necessary to control organized crime because they are easily corrupted and as a result, criminals infiltrate key state agencies like judicially, parliament, electoral bodies and law enforcement agencies. The study also showed that weak

\(^\text{12}\) Tomkinson….

\(^\text{13}\) Alemica, The impact of organized crime on governance in West Africa, Friedrich, Abuja page 15
state authority and feeble institutions are associated with a decreasing political will to deal with organized crime menace due to corruption. When public institutions are infiltrated by corruption from organized crime, there are political instabilities in a country. Alemica (2013)\textsuperscript{14} observes that Law enforcement needs to be strengthened because even when legislation and policies are in place, the necessary resources like manpower for effective implementation may be lacking. The absence of law enforcement authority makes the problem bigger and challenging. The national government together with local and other relevant organizations should be united to solve this sophisticated issue in the society. Some countries such as Malaysia and Saudi Arabia are a destination for women and children who voluntarily migrate there to provide workforce in the factories and construction sectors or as domestic servants (IOM, 2011)\textsuperscript{15}.

The Kenyan government is yet to comply with the minimum standards for the elimination of human trafficking and in 2008, it was reported that Kenya’s anti trafficking efforts improved significantly through greater investigations of human trafficking cases trafficking in persons report (2008)\textsuperscript{16}. Trafficking in persons report (2014)\textsuperscript{17}, states that Kenya is on 2\textsuperscript{nd} tier watch list meaning that the government has not shown evidence of increased efforts to combat human trafficking because its efforts remain uncoordinated, poor oversight and this creates an enabling environment for human trafficking. In 2010\textsuperscript{18}, Kenya passed counter trafficking in Persons Act which makes it a crime to engage in human trafficking, but the challenge has been in the poor

\textsuperscript{14} Alemica, The impact of organized crime on governance in West Africa, Friedrich, Abuja Page 68

\textsuperscript{15} IOM 2011 Is trafficking in human beings demand driven? multi-country pilot study, \textit{IOM Migration Research Series No. 15}, IOM, Geneva

\textsuperscript{16} Trafficking in persons report 2008 U.S department of state, 4\textsuperscript{th} June 2008


implementation and this has led to little impact on reducing human trafficking. However, the government has made significant progress in raising public awareness of human trafficking and in 2007, the Kenyan government created the National Steering Committee to combat human trafficking under the ministry of Home Affairs.

The phenomenon of trafficking in persons is fast growing into a heavy industry in the globe. Kenya and other countries such as Madagascar, South Africa, Ethiopia and Middle East are the developing countries where women and children are subjected to sex trafficking, forced labour, bonded labour and other activities. Simmons and Lloyd explains that, economic and social weaknesses such as poverty, lack of proper education can force people to be even more vulnerable to human trafficking. Reports indicate that Madagascar and Kenya have recorded an increase in sex and labour trafficking due to slow and insignificant social and economic development. Also, the political crisis in Madagascar has contributed to a rise in human trafficking. The U.S. report indicates that Madagascar's government has done little to stop the importing and exporting of women and children into forced labour and abuse (United States Department of State, 2011).

According to United States Department of State, (2011) trafficking in humans has a terrible impact politically in various ways as discussed in the study. Trafficking in person networks encourages political corruption to maintain their ability to function without destructive oversight or other political instigated challenges. The study explores political impacts such as migration policy, border control, alongside human right issues. As such, the terrifying effects on individuals and society has now reached alarming levels to an extent that it influences the current domestic and foreign policies of different countries where the challenge has become of particular concern.
Tomkinson, (2012) enunciates that, because trafficking activities involve the transfer of humans across international borders, one of the crucial areas of concern is the migration policy. However, because the use of humans is a profoundly relentless pursuit, it has gained a global concern in human rights circles. The following discussion encompasses the political impacts of human trafficking and some of the major concerns.

Vast numbers of people depart their families and homes each year to search for economic opportunities that are scarce or not available in their country or region. Many of the people who embark on international journey migrate legally and follow the due process. The numbers are significant, and no measure by countries eliminates the problems (Tomkinson, 2012). However, despite stringent legislation and policies implemented on a regular basis, many migrants still become attracted to the illicit world of human smuggling. In many cases, human trafficking leads to a situation of exploitation and massive human misery. Commonly, many countries associate trafficking with illegal smuggling and illegal migration of aliens into a particular region. For example many migrate from northern part of Africa into Europe. It is within this overall concept of trafficking in persons that many countries shaped their migration policies (Odhiambo, 2012).

Migiro (2014) enunciate that, because of the increase of human trafficking activities and the resultant illegal migration and abuse of human rights, many countries are on the receiving end and have tightened their immigration requirements. This is despite the increasing demand for domestic unskilled workers such as women and young girls to the countries of destination such as Saudi Arabia because of limited flow of workers. The focus of such restriction includes educational attainment, short-term contracts, language and lengthy approval processes of contract. Others includes bonds, certification of skills, recruitment fees, police, and medical checks, travel costs that further limit illegal migration.
The highlighted practices adopted by various countries may not specifically address human trafficking but are rather aimed at controlling and regulating illegal immigration. The possible discrimination and violation of human rights against unskilled migrants can have an unspecified impact on increasing the vulnerability of victims trafficked. Where a legal framework may be weak or cannot be found, potential illegal migrants may turn into professional traffickers for assistance. Having immigration rules in place can limit criminal opportunities to migrate legally and safely and this will decrease the demand for trafficker’s services.

2.1.1 Border control

According to Odhiambo, (2012) just as countries have responded using their migration policies, border control is also a comprehensive response to illegal immigration. Many countries and states have responded to the exponential upsurge in trafficking activities by tightening their borders. Strict border regulation and enactment of legislation form conventional methods for containing the international vice. Border control Expenditure is rapidly increasing throughout Africa, the United States and other perceived destination regions such as Western Europe. International cooperation aimed at addressing trafficking is primarily within the context of measures to prevent and deter and illegal migration. The main avenue for such measures includes the promotion of national laws and strengthening of law enforcement agencies.

Human Trafficking is a gigantic social issue across the nations in the world. As such there are initiatives that have been taken to help counter human trafficking. For example, Kenya and other countries such as South Africa have been active in signing relevant treaties and international movements to contain the acts of human trafficking (Juma, 2006). The measures are likely to bring stringent punishment to criminal organizations and individuals involved in the trafficking of persons. Kenya, South Africa, and the middle East are considered as countries
of destination and transit for victims of trafficking. This reputation makes it a necessary for them to try to make their initiatives a public affair.

National Crime research Centre report (2014)\(^1\) shows that Kenya is used as a country of origin, transit and destination in human trafficking. The table below shows Kenya’s borders are routinely used for human trafficking. Kenya features in all as an origin, transit and destination country. The report further indicated that Kenya offers an advantageous conduit for movement because of its porous borders and corrupt law enforcement officers.

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>40.3%</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>67.3%</td>
</tr>
<tr>
<td>Uganda</td>
<td>29.1%</td>
</tr>
<tr>
<td>DRC</td>
<td>14.3%</td>
</tr>
<tr>
<td>South Sudan</td>
<td>11%</td>
</tr>
<tr>
<td>Tanzania</td>
<td>9.6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Countries of transit</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>65.5%</td>
</tr>
<tr>
<td>Eritria</td>
<td>16.3%</td>
</tr>
<tr>
<td>Somalia</td>
<td>0.7%</td>
</tr>
<tr>
<td>Yemen</td>
<td>0.5%</td>
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</table>

<table>
<thead>
<tr>
<th>Countries of destination</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>23.5%</td>
</tr>
<tr>
<td>South africa</td>
<td>54.8%</td>
</tr>
<tr>
<td>Saudi arabia</td>
<td>69.5%</td>
</tr>
<tr>
<td>Botswana</td>
<td>22.9%</td>
</tr>
</tbody>
</table>

The operation of human trafficking are not limited to the borders of the developing world only, but also form a large portion of black market in most developed nations in the world. Human trafficking and other criminal activities in Japan for example are hidden from scrutiny by officials because of the legally obtained entertainment visas. Therefore, efforts aimed at raising

\(^1\) Human trafficking in Kenya, 2014, National Crime Research Centre, Nairobi page 50
awareness, prevention, policing and service provision should quickly take on global proportions and require national and international efforts (Akaha, 2009)\textsuperscript{20}

In the recent past, as a result of various factors, border controls have been greatly reduced. The permeability of borders helps human trafficking regionally and internationally. Also, the capacity to detect and curb human trafficking is inadequate on the part of border control agencies. In most countries, border control agencies lack infrastructure and funding and criminal networks exploit this laxity. There are a number of measures in the Trafficking in person’s protocol that States can use to make it more difficult for traffickers to move victims across borders. These measures are included in the Migrants Protocol. States are required to strengthen border controls and cooperation with regional neighbours to curb human trafficking across borders. This will result to making it more difficult for human traffickers to use conventional means of transport to enter countries. These provisions are similar to Migrants protocol. Their implementation may differ from nation to nation but the fundamental domestic legislation enacted to give effect to these provisions remains the same across countries. Another issue is the security and control of documents. In the world, falsification of documents is done in large scale. New technologies make it easy to false documents and criminal elements are able to use this to give victims false passports and other travel documents like visas. Corruption among immigration officials also contribute to false documents as corrupt officials collude with criminal networks involved in human trafficking (UN Toolkit to combat Trafficking in persons, 2010)\textsuperscript{21}.

\textsuperscript{20} Akaha, T. Human security in East Asia: Embracing global norms through regional cooperation in human trafficking, labour migration, and HIV. J. Hum, Secur 2009, 5 page 11-34
\textsuperscript{21} U.N toolkit to combat Trafficking in persons, 2010 unodc.un.or.th/law/D91/ad-ras-99-d91.htm.page 217-221
2.1.2 Human Rights Issues

When human trafficking is mirrored in the context of illegal migration, the attention is on the illegal entry and the country of stay. The emphasis on human trafficking addresses the issue of human rights exploitation and abuses that characterize the vice. The challenge is that when government targets the criminals, the trafficked victims are at significant risk of being perceived as the principal collaborators in the illegal business rather than victims of crime. Even when countries seal the loopholes, illegal migrants will use professional traffickers or smugglers to penetrate the system (Odhiambo, 2012).

Engagement of criminal gatherings in helping sporadic relocation implies potential abuse and the infringement of human rights. With trafficking creating a goliath measure of cash than different wrongdoings, the casualties are abused and denied their opportunity. This is because of advanced means used to overcome the legitimate and physical hindrances that are expected to making a benefit. This may build the level of brutality and the greatness of mishandle identified with the practice. All things considered human trafficking abuses human privileges of the people trafficked (Migiro, 2014).

In view of human trafficking's built up relationship to viciousness, neediness, it's exploitative and profiteering nature, it has turned into the most predominant appearance of contemporary bondage on the planet. Researchers concur that the risk of viciousness or brutality for the control of someone else is the essential component in subjugation. The distinction amongst authentic and contemporary servitude is that contemporary bondage has just as of late gotten consideration from governments, social researchers, insightful writing and non-administrative associations. As per article 4 of the widespread assertion of human rights and article 8 of the International tradition on common and political rights, contemporary bondage disregards all
inclusive human rights. The two articles preclude human trafficking, constrained work, subjugation, bondage and slave exchange. They facilitate express ideal to simply and positive working conditions, sheltered and sound working conditions and reasonable compensation. Expansion for human trafficking regardless of the considerable number of approvals against it focuses to a more prominent requirement for worldwide counteractive action, intercession, support and mindfulness (Androff, 2010)

Keeping in mind the end goal to safe protect the privileges of trafficked people and to work towards checking human trafficking, human rights advocates in all areas must propel development in light of shared objectives. Additionally, approaches on work relocation, sexual wellbeing rights, and conceptive rights work to limit the rights of the trafficked people as well as of vagrant labourers and ladies. New measurements of checking human trafficking exist as it effects and is influenced by an expansive range of issues and this interfaces advocates in various yet related fields. This reconceptualization serves to fabricate a between sectorial development for the work and conceptive and sexual wellbeing privileges of all people paying little respect to occupation, movement status or citizenship. The endeavors must be community oriented between backers, strategy producers and the overall population. While endeavors towards controlling human trafficking as a wrongdoing by indicting culprits ought to be upheld, a more extensive point of view requires more noteworthy concentrate on the individual in their surroundings. This model ought to guide backers to cooperatively make situations that enable ladies and youngsters, advocate structures that diminish persecution against ladies and kids, challenge neighborhood and universal approaches that allow human trafficking and minimize upsetting conditions while making strength among focused on people and defrauded people (Chang, 2007)
The Charter of the United Nations and the Universal Declaration of human rights stipulates that rights are all inclusive: they do have any significant bearing to everybody, independent of sex, race ethnic starting point and other qualification. Trafficked people are consequently qualified for the full scope of human rights regardless of the possibility that they are not in their nation of habitation, worldwide law is obvious that trafficked people can't be victimized on the grounds that they are non-nationals. Worldwide law advance perceives that specific people require extra or uncommon security. This may come about because of past segregation or in light of the fact that they share specific vulnerabilities. As respects to human trafficking, significant gatherings might be ladies, kids, inside dislodged people and people with incapacities. People in a specific gathering and who are liable to trafficking may assert extra rights. For instance, universal human rights law forces imperative and extra duties on Countries with regards to recognizing youngster casualties of trafficking and guaranteeing their quick and long haul prosperity and security. The key lead here is gotten from the Convention on the Rights of the tyke: the best advantages of the kid are to be constantly fundamental significance the State can't organize different contemplations like those identified with migration control or open request over the best advantages of the kid casualty of human trafficking. Non-national Child casualties of human trafficking are qualified for a similar assurance of their physical, moral uprightness and protection in view of pertinence of the Convention to all kids (UN human rights and human trafficking, 2014).

Settlements are the essential wellspring of commitments for nations regarding human trafficking. By turning into a gathering to a settlement, countries do attempt offering commitments in global law and embrace to guarantee their national enactment, practices and
approaches meet the necessities and benchmarks of the arrangement. These commitments are in this manner enforceable in universal courts and tribunals with fitting locale, for example, the worldwide court of equity, the global criminal court and enforceable in residential courts concerning local laws. Human trafficking is a mind boggling issue that can be tended to from alternate points of view, numerous settlements are significant. Significant wrongdoing control arrangements like United countries Convention against Transnational Organized Crime and the United Nations Convention against Corruption are applicable to human trafficking simply like Rome statute of the International Criminal Court among other particular settlements managing particularly and solely with human trafficking (UN human rights and human trafficking, 2014).

In the previous decade, there has been advance in clearing up the privileges of casualties of human trafficking to bolster and ensure and the significant commitment to the states included. While not every one of the ranges are settled upon, there is by all accounts a general accord on some of these commitments like casualty distinguishing proof, giving legitimate help, not criminalizing the casualties, giving quick security and support and impermanent residency. Inability to distinguish a trafficked individual effectively can result to further refusal of rights that they are entitled and influence their capacity to get to rights since they are imperceptible. Additionally, states are committed to give prompt assurance and support to dodge weakness and striking back from culprits. Trafficked people have a part to play and have a real enthusiasm for lawful procedures against their exploiters and along these lines ought to be agreed lawful help and representation, be available and have a privilege to display their perspectives in a dialect they get it. Trafficked people ought to likewise not be criminalized. Criminalization of casualties is basic even in cases when it's undeniable they were not willing
members and this outcome from not distinguishing casualties effectively (UN human rights and human trafficking, 2014)\textsuperscript{22}

\subsection*{2.1.3 Socio-economic Impact}

Human capital is an essential component for the development of the society in various aspects such economic and social. An example of human capital includes things such health, education and others. As such human trafficking in the global scale causes wasted opportunities domestically ranging from irreversible loss of human resources and future productivity of the victims. Some activist such as Rebecca Clay (Clay, 2011) describes the criminal; activities as a silent epidemic with massive effects financially and socially. Loss of human capital resource in the society is followed by the significant decline in remittance as trafficker’s fuel their criminal activities use the profit generated from victims. In cases of child victims, the loss is, even more severe because it affects their psychology, health, and their overall capacity to handle the heavy labour in future.

People who are used to human trafficking could be the future leaders of a particular country. In fact, their experience, work, and knowledge, could have been a contribution to the development of a state for a common good. After becoming prey to human trafficking, the victims live in a situation of deprivation, exploitation and end up enriching the traffickers and connected groups. Many of them after they find a way back to their country become frustrated due to the time and capital lost. As such, the victims suffer physical and psychological harm, low self-esteem and thereby relying on financial assistance from their families, friends and relatives (Juma, 2006).

Hewson, (2010) highlights that those who have truly been personally involved experienced in human trafficking are the ones bear the burden of inherent social impacts. Although sexually

\textsuperscript{22} U.N human rights and trafficking, fact sheet no.36, Geneva, 2014 pages 12-22
transmitted diseases such as HIV and AIDS can be spread because of human trafficking, this can affect the majority of the population in the society. Despite there being shared impacts of the activities, the specific incidents tend to differ from country to country. Victims who had experienced the vice are subjected to a life worse than death itself. Haslam, (2015) points out that, the conditions of being forced to live in the brothels are thoroughly atrocious, no freedoms and horrors such as abuse, violence, deprivation, and torture. This kind of conditions often leads to psychological trauma. For example, in brothels, the victims are made to cooperative by use of drug injections leading to addiction, making the brothel their lifeline. Many victims who have been trafficked resist at first but eventually accept that they lost that battle from the beginning.

Since human trafficking and related activities involve commercializing persons for sexual acts, pregnancy and sexually transmitted infections are anticipated consequences. No matter what happens, criminal organizations force pregnant women to procure abortions performed by using unhygienic tools and non-qualified practitioners. This lack of sanitation causes the spread of Human Immuno-dificiency Virus HIV in the human trafficking world. Therefore, the association between trafficking in persons and sexually transmitted diseases is entirely obvious (Hewson, 2010). The fact that there was any association at all between these two problems is a recent realization. The information acquired by the researchers indicates that many are not properly trained specifically in the area of sexually transmitted diseases. This means that both the victims and the criminals are typically unaware of the specific measures that need to be taken and thus spreading life-threatening diseases, such as HIV and AIDS (Haslam, 2015).

Human trafficking is an international cycle with numerous economic benefits for criminal organizations and crisis for government and affected families on the horizon. The demand for cheap labour across the globe is ever high. People are searching for jobs across borders thousands of miles far from home often fall victims to deception and eventually get tricked into
forced labour, domestic servitude, sexual exploitation and many others explained in the study. Also many others especially in Kenya are jobless and living their lives in abject poverty (Haslam, 2015).

This places the poor and illiterate people in the society at a magnified risk of becoming victims of human trafficking. One of the incentives for such activities includes the enormous profit earned by buyers and sellers, as well as the perpetrators or organized criminal organizations that sustain the business. The fact is that human trafficking and related activities generate billions of dollars in profit annually. According to reports, part the revenue generated goes to South Africa. It is estimated that trafficking of people produces the third largest amount of income in the world (IOM, 2011).

The enormous economic cost of human trafficking was explained by the ILO’s 2008 report entitled: The cost of coercion estimated that the cumulative financial cost of trafficked victims runs into billion of dollars. The figure projected by the organization been increasing vastly since the report was released. The report highlights that the value is mainly influenced by war exacerbated due to the outbreak of Arab Spring and the global financial crisis in the last decade and the beginning of this decade. Determining the exact cost of human trafficking on the global scale is a difficult task due to the clandestine nature of the related activities and the inability of organizations to record all the cases (ILO, 2008). The UN reports that the indirect costs involved, for example, resources committed to prevention, apprehension and prosecution of suspects and support for affected victims, is another critical economic element that need to be captured.

Given that opportunity of decision and financial pick up are essentials of efficiency, human trafficking influences national and universal monetary execution. Wrongdoing specialists have anticipated that human trafficking will surpass arms ang tranquilize trafficking inside the
following 10 years (Schauer and Wheaton, 2006). This survey facilitates states that as individuals get to be helpless against misuse and organizations continue looking for ease work, human trafficking stays gainful as the market for people is made. The market for trafficked people includes work supply choices by helpless people, work demand choices by businesses and middle person choices by traffickers.

As for the situation for medication trafficking, benefit is the fundamental intention in human trafficking. Human trafficking is a deft reaction to pressures between the monetary need to relocate and politically roused confines on movement. Human traffickers interface the interest for work in goal ranges and supply of work in source regions. Notwithstanding, defilement among law implementation officers add to absence of precise data on human trafficking and the straightforwardness with which casualties are transported by traffickers (Chuang, 2006)

As per Office on viciousness against Women (2000), monopolistic competition display best fits the market for human trafficking. Firstly, there are numerous merchants in the market be it by composed gatherings of lawbreakers or free systems of entreprenuers, the advantages are greater than expenses. Besides, numerous purchasers need trafficked people for various reasons like: utilizing them is exploitative as the victime don't have the privilege to choose to work or not to, hours to work or the sort of occupation to do. Thirdly, the market for human trafficking casualties is portrayed by item separation given that the ascribes shift as indicated by monetary areas in which the purchaser needs to put the trafficked individual (Bale, 2005). Human traffickers supply an item in many structures. The value paid depends on qualities of the item, accessibility of the wanted item, number of craved items accessible and the transaction ability
of the trafficker. In the event that the cost is to low, the trafficker won't will and ready to supply since expenses surpass benefit.

The choices to migrate or not in both national and global markets depends on discernment that wages and openings in different areas are higher than those inside the territory a man originates from Borjas, (2008). The book assists show how specialists sort themselves among business openings relying on the labourers ability. Constructive choice is said to happen when people with high training levels choose to relocate in light of the fact that wages of talented occupations are higher in different zones and adverse determination happens when people move since wages for low gifted employments are higher in different regions.

In lawful markets, cash streams uninhibitedly from businesses to family units yet in the human trafficking market, the stream of cash is disturbed. The trafficked people get practically no pay and free some office and once they lose some organization, the trafficked individual is said to be commodified. There are elements that prompt to restricting of a people office, such as being deceived by apparently honest to goodness business offer or size of corruption anticipating the casualty is kept from them Klueber (2003)

As per Kelly (2002), a trafficker might be in charge of just a piece of transportation for casualties or for identifying casualties. On the bleeding edges are orginizers (arrangers, organizers) next are the mediators (scouts, dealers, transporters), at the casualty goal are business administrators and degenerate law authorities supporting the procedure.
At the point when lawful work is costly than trafficked work to businesses, there are extra costs included including physical, criminal and psychological costs. For instance on the off chance that it gets to be open that a firm uses trafficked work, there is a conceivable loss of societal position and accordingly salary. As far as criminal cost, utilizing trafficked work groups generally safe of arraignment to managers. Be that as it may, due to the coercive and mystery nature of human trafficking, it stays troublesome for legitimate powers to indict businesses who utilize trafficked work (US Department of equity, 2003)

Some of the time, trafficking casualties are looking for their own particular advantage and in some cases they try to build the pay of their families through settlements or a level charge once enlistment is finished. Guardians may some of the time unwittingly encourage trafficking of their youngsters when their own particular jobs have fizzled on the grounds that they have the discernment that sending them away may guarantee their requirements are met. Ladies have a tendency to have few occupation choices and be paid lower compensation driving them to search out chances to move. These are a portion of the social financial variables that victimize ladies (Kamala et al, 2001)

As in numerous different parts on the planet, trafficking with the end goal of prostitution is a standout amongst the most widely recognized draw consider Kenya and in the area. Interior trafficking has likewise been reported for sex industry. The interest for sex industry in Kenya is high to the point that it is drawing ladies from different nations in the locale. Ponders demonstrate that Kenyans frame lion’s share of the customer base for industrially sexually misused youngsters along the Kenyan drift line ((Kamala et al, 2001)
Financial matters for the most part supplements law requirement, social research and criminal equity and practices by investigating the decisions that people and associations make in the human trafficking market. The incorporation of enthusiastic expenses of criminal conduct associates financial aspects with criminology and other sociologies. Financial models are utilized to model work markets and along these lines the market for human trafficking made by free market activity of exploitable work. This models depend on suppositions. Factors like debasement, social standards can be hard to demonstrate. Given that monetary models are an improvement of reality, the rejection of specific determinants or factors from the model may not totally clarify human trafficking market in its intricacy (Hellman and Apler, 2006)\textsuperscript{23}

Human trafficking has a negative impact on the economy due to the fact that it causes loss of social and human capital. It also hinders educational process and denies the victims capacity to develop especially children and teenagers. Trafficking in humans also negatively affect physical and psychological health as the victims are sometimes excluded from the society because of the trauma they got from being exploited. This activity also puts to jeopardy the integrity of the individual victims and destroys the reputation of the countries that permit human trafficking given that it’s a crime that is yet to be a top political agenda and very few cases makes it to the courts (UNODC, 2009)\textsuperscript{24}

According to Oram (2011)\textsuperscript{25} impact of human trafficking on a society is unacceptable and destructive; torture of victims, physical abuse, and emotional trauma, economic and political

\textsuperscript{23} Hellman .D.and N.Apler, Economics of crime: theory and practice, 2006 Pearson, Boston

\textsuperscript{24} UNODC, Global report on human trafficking in persons http://www.unodc.org/documents/human\textsuperscript{2}trafficking/country_profiles/south_south_west_asia.pdf 2009 Washington DC, United States, department of state

\textsuperscript{25} Oram .S et al, International law, national policymaking and healthof trafficked people in the UK Health and Human Rights, 2011, 13(2):page 7–12
implications of unabated crime. Human trafficking is a crime against individuals and its consequences are felt by those individuals who are its victims. While it is a global phenomenon it knows no international boundaries, it also happens within boundaries. The trauma experienced by the victims of human trafficking includes depression, anxiety, post traumatic disorder and aggression. The study further indicates that trauma is worse during the trafficking process and may go on even after the end of the exploitation. When adults and children are subjected to the same harmful treatment, children tend to suffer more and are more vulnerable because of their age and lack of experience and this might lead to stunted physical development and social difficulties. The victim’s behaviour may be difficult for third parties to understand. The victims may appear to be uncooperative to the support persons, may be aggressive or ungrateful. This is because the stigma found in them has been found to have on-going and significant impact on their lives including the possibility of rejection back to their families. The long term consequences of human trafficking are complex and are dependent on many variables, with no guarantee of recovery. Victims of Trafficking are often ashamed and intimidated to report or even discuss the events with researchers and law enforcement agencies thus making it virtually impossible to access credible information. Human trafficking activities remain highly secretive therefore making it hard for researchers to obtain data and relevant information on them.

The damages done to the victims of human trafficking cannot be recovered. Studies have identified some effects of sexual abuse, in most cases identical with trafficking; infections, physical injuries, ill health, lax rectal muscles, unwanted pregnancies, incontinence due to sodomy, abortions, infertility rape trauma syndrome, nightmares, regressive behaviour, loss
opportunities, betrayal feelings, strained family relations, drug abuse, low self-esteem and suicidal thoughts. The victims are also subjected to secondary victimization. (IOM, 2011)\textsuperscript{26}

\textsuperscript{26} IOM 2011 Is trafficking in human beings demand driven? multi-country pilot study, \emph{IOM Migration Research Series No. 15}, IOM, Geneva
CHAPTER THREE

3.0 FORMS OF HUMAN TRAFFICKING IN KENYA

There exist several forms of human trafficking in different parts of the world. This is mainly determined by the nature of demand that exists in the destination country or region. Kenya shares in all these forms being an active member of the international system. Every society of the world shares in one form or the other especially in this era of global interconnectedness. A few of these types are discussed in this chapter.

3.1.0 Labour Trafficking

Schmidt, (2008) points that, forced labour is a form of human trafficking that occurs as unscrupulous employers take advantage of existing gaps in the legal framework and law enforcement agencies to exploit vulnerable and inexperienced workers. In additional the workers vulnerability increases to forced labour practices due to a high level of unemployment, discrimination, poverty, crime, corruption and political conflict. The immigrants are more vulnerable compared to others. However, there are individuals who are vulnerable to forced labour in their nation. For example, female victims of bonded labour, especially young girls and women are forced into domestic servitude whereas boys and men find themselves being forced to work in the fishing and mining industry.

Forced labour is a type of human trafficking carried out in Kenya but harder to identify, investigate and estimate as compared to sex trafficking. The kind of trafficking may not necessarily involve similar criminal networks with other transnational trafficking forms such as sexual exploitation. Trafficking of such kind involves individuals who are guilty of forcing one or many domestic servants into outstanding works for a particular period (Schmidt, 2008).

As far as criminal cost, utilizing trafficked work gangs generally safe of arraignment to managers. At the point when legitimate work is costly than trafficked work to businesses, there
are extra costs included including physical, criminal and psychological costs. For instance in the event that it gets to be open that a firm uses trafficked work, there is a conceivable loss of economic wellbeing and accordingly wage. Be that as it may, due to the coercive and mystery nature of human trafficking, it stays troublesome for legitimate powers to arraign managers who utilize trafficked work US Department of equity (2003). Guardians may once in a while accidentally encourage trafficking of their kids when their own particular jobs have fizzled in light of the fact that they have the discernment that sending them away may guarantee their necessities are met. Ladies have a tendency to have few employment choices and be paid lower compensation driving them to search out chances to move. These are a portion of the social monetary variables that oppress ladies (Kamala et al, 2001).

3.1.1 Bonded Labour

Bonded labour implies a form of human trafficking that employs coercion or force. This form of human trafficking uses debt or an obligation to keep peoples under subjugation. In the legal fraternity, this is referred to as “debt bondage.” or "bonded labour". This act of vanquishing others is criminalized in many countries such as U.S. law. Also, the activities are included as a form of exploitation associated with human trafficking in the United Nations Protocol to Prevent and Punish those involved (Belser, 2005).

In the protocol, women and children are shielded by the protocol because they are more vulnerable as compared to others. Across the world majority of employees, become victims to debt bondage when recruiters or traffickers unlawfully exploit an initial debt the employees assumed as being part of the terms of employment. When employees sign the employment contract, they inherit the debt similar to traditional systems of bonded labour (Doezema, 2002).

For example, such kind of human trafficking was present in South Asia enslaves vast numbers

of people from generation to generation. The demand for cheap labour across the world is very high. People are searching for jobs across borders thousands of miles far from home often fall victims of deception and eventually get tricked into forced labour, domestic servitude, sexual exploitation and many others explained in the study. Also many others especially in Kenya are jobless and living their lives in abject poverty (Haslam, 2015)\textsuperscript{28}.

Bonded labour comes as a result of a variety of causes and among them are poverty, lack of or inadequate education, unjust social relations inadequate enforcement of labour laws and government’s unwillingness to change the status quo among others. There are cultural reasons for bonded labour as well; an expectation that children should contribute to the economic and social survival of the family or community, scarcity of land and existence of large families. In urban setting causes range from alcoholism, disintegration of families and unemployment may lead children heading to the streets, becoming labourers or engage in prostitution. Therefore bonded labour is as a result of historical, social, economic and cultural factors. The study further argues that while the quality of democracy is sometimes compromised by social inequality and inadequate political contribution, democratic practice itself is a vital tool in eliminating these obstacles and it has emerged in several studies in discussions of human rights, whose violation like child labour and bonded labour compromises the integrity of democracy (Dreze et al, 2002)\textsuperscript{29}


\textsuperscript{29}Dreze, Jean and Amartya Sen. 2002 Democratic Practice and Social Inequality in India Journal of Asian and African Studies 37(2): page 6-37
3.1.2 Involuntary Servitude

People are considered casualties of automatic subjugation when they by and by persuaded that any endeavor to escape from their present circumstance would most likely result in genuine physical damage to them or others, for example, family, companions. In such conditions the casualties are kept in a condition of bondage through constants dangers or mishandle of the country legitimate procedures. In such cases the casualties are low-talented workers and financial transients from less created groups or nations to more created spots. Numerous casualties persevere through physical and verbal mishandle, encounter repudiation of business contract, and made to see themselves as hostage or slaves (Schmidt, 2008).

As per Belser and Andress (2009) a few infringement identified with contracts and testing circumstances that the representatives get themselves caught in don't in themselves constitute automatic bondage. Be that as it may, compulsion and terrorizing of casualties, physical constrain propel the specialists to keep giving work may change over a circumstance into a type of human trafficking of constrained work. The incomes brought about by workers for the implied benefit of working outside the nation can put casualties in a circumstance very defenseless against obligation servitude. In any case, these costs alone don't constitute obligation automatic bondage or subjection. At the point when these expenses are consolidated with the elements of monstrous misuse, it can turn into a type of obligation servitude.

3.1.3 Involuntary Domestic Servitude
Residential labourers are caught in subjugation through pressure, physical, sexual, or psychological mistreatment. In this specific type of human trafficking, youngsters are the most defenseless. This is the most hard to identify in light of the fact that residential subjugation happens in private inhabitants, which are once in a while unregulated or investigated by open powers. For instance, there is a voracious request in some wealthier nations of the Middle East and Asia for residential hirelings who by and large get to be casualty to states of automatic subjugation (Belser and Andress 2009).

There are reports of misuse of household labourers and some have come about to passings and this has pushed the Kenyan government to make a move. The administration gave a travel boycott to this impact in June 2012, with the sole point of keeping Kenyans from moving to the Middle East nations for local work. Be that as it may, regardless of the boycott, Kenyan ladies keep on being enlisted and given household occupations consistently. These ladies disregard the boycott and open themselves to the dangers of detainment and assault in administration areas in the Middle East and this difficulties the legislature to secure them outside its ward while it’s yet to actualize structures of assurance for nationals working in local administration part in these nations. The ladies included showed fundamental level of instruction as they can read, compose and communicate in English and in this way could comprehend terms and conditions preceding relocation. Nonetheless, these terms are not regarded in the goal nations.
These ladies confront firm rivalry locally from school instructed graduates for the rare openings for work accessible in Kenya and in this way pick to look for moderately higher paying occupations abroad at the danger of being abused. Their level of training, absence of work in Kenya and interest for household specialists in the Middle East impacts them to migrate looking for better wages. Despite the fact that it's not only for Kenyan residential specialists in the Middle East alone, household labourers are presented to dangers of sexual, physical, mental mishandle, non-installment of wages, sustenance and lack of sleep. They can't beat these difficulties because of dialect obstruction, absence of information of nearby laws and confinements from moving uninhibitedly (BBC, 2013)

The way that residential work is disconnected from general visibility, specialists have powerless if any social communications which could somehow or another help them vent out their dissatisfactions. At the point when in their bosses house, they are required to act in yielding and don't have the consent to straightforwardly chat with their manager. Additionally, most are constrained by money related necessities to look for work as local specialists in these Middle East nations yet can't do similar occupations in their local nations (Rhacel, 2001)
Respective assentions infrequently give some assurance however to a great extent, leave a work sending nation like Kenya subject to the beneficiary nations to uphold those two-sided understandings and hence this can be incapable if not actualized by accepting nation authorities. Kenya can utilize such assentions to arrange better working conditions like least wages, hours of work, terms of administration, week by week rest, and ideal to keep their international IDs with the Middle East governments. Regardless of rejection of household specialists in the districts work laws, residential labourers are required to sign compulsory business contracts which in principle ought to offer security however by and by they don't given that the transactions are between two private gatherings and the specialists have less arranging forces and ability to see their agreements upheld (Heather, 2012)

Bolster for local specialists can be found in ILO Convention 189 and suggestion (2011), they perceive household act as better than average work and deserving of law assurances and sets out work measures for residential labourers, for example, least wages, rest hours and the decision of where to live and this has committed governments to take a gander at this work segment truly. Bay Cooperation Council nations have joined endeavors to manage local labourers predicament in the area and in a meeting in Bahrain in 2013, they concurred on a bound together Gulf contract for residential specialists. The draft diagrams the rights and duties to a specialist and additionally repercussions for rupture of their agreements.

3.1.4 Forced Child Labour

According to Doezema (2002), national laws and international organizations indicate many underage children may legally engage providing services such as light work. Various international laws target eradication of child labour by nations across the world. The entrapment and trafficking of underage children in forced labour constitute one of the worst forms of child labour in the globe. Irrespective of the place and the kind of exploitation,
children subjected to exploitation such as peonage, involuntary servitude, and debt bondage among others using intimidations, fraud or is a victim of trafficking in persons.

The U.N Permanent Forum for Indigenous Issues (2003)\textsuperscript{30} shows that in the world, indigenous people stand a special risk in regard to child labour and this can be as a result of high poverty levels among indigenous people derived from previous and on-going dispossession of land and resources that leads to disruptions of their livelihoods and low education levels. These factors act as drivers that push these communities to become sources of child labour within and beyond their boundary. Indigenous people in Kenya are mainly hunters, gatherers and pastoralists. Their livelihoods are precarious and the survival options are day by day becoming limited. It is viewed that to a large extent, the National policy and legal frameworks in Kenya are insensitive to their needs and this leads to further marginalization of these communities and their children become child labourers more often than not.

According to ILO (2013)\textsuperscript{31}, most child labourers are working in hazardous working conditions and the total number of forced child labourers is increasing even though it is forbidden by the law. They are vulnerable to diseases and do struggle with long term physical and psychological pain. They engage in this work for survival for themselves and that of their families. Not all work is brutal, some may provide successful learning opportunities but not if the work exposes these children to stress, human trafficking, pornographic activities and prostitution. Many organizations have made efforts to curb forced child labour; however, it’s widespread throughout the world and not easy for low income countries to ban child labour. The study suggests education is the key to help the children stay from forced child labour.

\textsuperscript{30} UN- Permanent Forum for Indigenous Issues, 2nd Session, New York, 2003; High –Level Panel and Dialogue on Indigenous Children and Youth, submission by ILO

\textsuperscript{31} International Labour Organization, 2013. World Report on Child Labour Economic vulnerability, social protection and the fight against child labour, Geneva
Child labour report (2004)\textsuperscript{32}, estimated that there are about 1.9 million child labourers in Kenya and that 34% of them are in commercial agriculture and fisheries, 23% in subsistence agriculture and 18% in the domestic sector. The report further acknowledges that child labour does exist and is on the rise actually. According to this report, 44% of the working children belong to 10-14 age brackets and 30% in the age bracket of 15-17 years and 79% of the children who acknowledged to have worked were engaged in family farms and businesses where they received no pay. The growing levels of poverty contribute to increase in number of children forced to work to aid their households increase income.

In Kenya, there are organizations working towards addressing the issue of forced child labour. They mostly operate in urban centres, slums and commercial areas. U.N agencies such as UNICEF and ILO have recently made some efforts to address the issue through ILO-IPEC, in a program named the Time Bound Programme on elimination of child labour in 15 Kenyan districts (Project document, 2004)\textsuperscript{33} According to Bass (2004)\textsuperscript{34} forced child labour in the developed world continues to reduce while it’s the opposite in the developing world because of high rates of unemployment, rapid population growth, inflation, poverty, bad leadership, corruption, low wages and malnutrition.

In Kenya, the constitution does not prohibit child work, instead it does define types of light work carried out by children such as helping out in household chores, farms so long as work is done after school hours and does not interfere with schooling, physical and moral development of the child. Children’s Act 2010\textsuperscript{35}, defines child in Kenya as a person below 18 years of age and child labour means employment of children in the age group of 5 to 14 years with or

\textsuperscript{32} Ministry of Labour and Human resource Development, 2004 National Draft Plan of Action for Time Bound Programme on The Elimination of Worst Forms of Child Labour In Kenya
\textsuperscript{33} Project Document: Supporting the National Plan of Action on the Elimination of the Worst Forms of Child Labour in Kenya, ILO- IPEC/ Government of the United States of America 2004
\textsuperscript{34} Bass. L. E 2004, Child labour in sub Saharan Africa, Lynne, Rienner publisher
\textsuperscript{35} Children Act, No. 8 of (2010). Government printers, Nairobi
without payment. Section 56 of the Children’s Act, 2010 prohibits employing a child below age 13 in any form of undertaking but allows employment of children from the ages of 13 to 26 years for light work and defines those of 16 to 18 years as employable.

### 3.1.5 Child Soldiers

Child soldiering is a severe and unique manifestation of the worst form of human trafficking across the world. Trafficking of this kind involves the unlawful conscription of children through coercion to be subjected to unpaid labour, sex abuse, slavery in conflict areas. Government forces, rebel groups, paramilitary organizations, and many others may execute such unlawful activities (Bhabha and Zard 2006). According to UNICEF, more than 300,000 children under the age of 18 become victims of exploitation in more than 30-armed conflicts across the globe. The majority of child soldiers recruited in the war fall under the age of ages of 15 and 18, while some are as young as 7 or 8 years of age. Also, the majority of the children are abducted to be used as young soldiers while others carry activities such as guards, messengers, cooks, servants, and spies. On the other hand, young girls are forced to have sex, get married to male combatants placing them at high risk of contracting HIV and pregnancy. Male and female child soldiers are often sexually abused and are at high danger of contracting sexually transmitted diseases (Martin & Smith, 2014).

Some children enlisted in the military are forced to commit atrocities against family members, clan, and their communities. In many instances, child soldiers often become wounded or die while survivors of the conflict often suffer psychological issues such as multiple traumas. The injury afflicted to them affects their personal development with irreparable damages. In most communities in the warring countries, their communities never accept the returning child soldiers (Laczko, 2002).
Pearson, (2003) argues that child soldiers in the warring countries are one of the global phenomena. The problem is not only critical in Africa countries but also in Asia, the Middle East, and America and enlists the services of children unlawfully in conflict zones. Therefore, all nations need to work together with various international organizations bodies such as AU, UN, and others to take urgent action to disarm, demobilize, and reintegrate child soldiers in the society.

The main factors and causes that contribute to child soldiers’ phenomenon help understand and develop a good working ground and an accurate action plan can be developed. Studies show that the contributing factors can be extremely complex to evaluate. These factors includes: disruption of social environment, displacement as a result of wars and lack of protection by communities to protect their children. These factors are powerful agents that persuade the children for enrolment (Amnesty International, 2005)\(^\text{36}\).

When conflict causes disruption of the family background, a child’s vulnerability increases and this can push them towards enrolment as child soldiers. Further, the desire to revenge, natural attraction to fighting and personal inclination to violence has also been seen as emotional factors that can push them towards involvement in war (UNICEF, 2005; Twum-Danso (2003)\(^\text{37}\)). Generally, it is acknowledged that factors that mostly contribute to child enrolment are hunger, economic problems and poverty. It is also believed that, no matter what the pushing factors are, children decide to join the army because they do not have other choices and if they want to guarantee survival for their families and themselves, they have to join the war because they hope it guarantees them a better form of livelihood. The risk of being exposed to

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\(^{36}\) Amnesty International 2005 *Continuing Attacks on Schools by the CPN (Maoist).* London, Amnesty International


http://www.iss.co.za/Pubs/Monographs/No82/Content.html

aggression increases, and consequently, fighting can represent the only viable option to escape the surrounding violence.

According to human rights watch (2008)\(^{38}\), throughout history, children involvement in armed conflict has been there as nations and armies have regularly used young boys and girls for military purposes. However, with the proliferation of many intra-state conflicts which causes a higher degree of involvement of the civilian population, children who either decide voluntarily or forcibly recruited have increased dramatically.

In modern warfare, the participation of young boys and girls in armed conflict is becoming a common characteristic and thus researchers are addressing the child soldier problem with greater concern than in the past. Utilization of child soldiers nowadays is considered a widespread problem globally. Obtaining reliable statistics is complicated given that children are recruited in unofficial way and commanders are reluctant to openly provide reliable and truthful information on the recruitment process of minors (Amnesty International, 2002, Child soldiers, 2008)\(^{39}\)

Girls do take part in conflicts at different levels. UNICEF (2005)\(^{40}\) estimates that girls involved in military activities might have reached 40% of all world child soldiers. Human rights organization, advocates, groups and activists have supported data collection activities in order


to improve understanding of child soldiers’ phenomenon and raise awareness about methods of recruitment and the issues surrounding enrolment in wars by children.

To protect the interests of the children victims, international legislation is generating useful so as to protect the child soldiers. Of note is the Convention on the rights of the child; the involvement of children in armed conflicts and it provides a strong contribution to the anti-child soldier campaign by assigning more authority to the defence of the children at a legal level and sets the age of 18 as the minimum age for the involved participants in war. Some of these legal tools are not adopted or totally accepted by all nations, there is a general consensus that they represent useful means to safeguard the interests of the children (HCHR, 2000).

The United Nations also promotes research and discussions on child soldiers’ phenomenon. Over the past 20 years, several UN bodies, including the united nation security council, have ratified several resolutions which condemn the use of child soldiers and provide sensible measures to stop the recruitment of minors (UN, 1999; UN 2001; UN 2003).

Human rights group and advocates are also largely involved in the child soldiers’ discourse. For example, Human rights watch (2005), published relevant information at country level to specifically address the issue of child soldiers. The relevant humanitarian agencies that support child soldiers have recently formed an inter –agency working group- The coalition to stop the

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use of child soldiers which aims to raising awareness and dissemination of knowledge and information on the child soldiers phenomenon at a global level and also publishes a comprehensive report every three years. These leading humanitarian organizations and human rights groups are save the children, Amnesty International, and the United Nations Children’s Fund (UNICEF)

3.1.6 Sex Trafficking and Prostitution

Sex trafficking is thought to be one of the largest subcategories of trans-national organized crime in the 21st century. The phenomenon, however, would not be in existence without increasing demand for commercial sex across many countries. The U.S. Government adopted stern measures in the 21st century against prostitution in the last decade. The policy decision states that the acts of prostitution is inherently dehumanizing and harmful and stimulates trafficking in persons (Martin & Smith, 2014).

In addition, prostitution and other related activities such as patronizing, pimping, and commercial brothels further encourage the growth of prostitution and the rationale behind which traffickers operate. In countries where the acts of prostitution are not restricted, the demand for sex, trafficking becomes greater. In such events, the number of women and children trafficked into commercial sex slavery become intense (Martin & Smith, 2014). The fact is that few women voluntarily choose to be in the profession and virtually all those in the profession are desperate to leave it. Findings published in 2008 scientific Journal of Trauma Practice found that majority, 89 per cent of women and young girls in prostitution aspired to escape prostitution but had no other alternatives for survival (Vahini, 2009).

Marmot review (2010)44 shows that debt plays a significant role in pushing people to sex work and low and insufficient income results to worse outcomes in both long term health and life

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44 Marmot Review Team 2010 Fair Society, Healthy Lives: Strategic Review of Health Inequalities in
expectancy. According to Zimmerman et al (2006)\textsuperscript{45}, sex trafficking is the most severe form of sex work and is a gross violation of human rights and the worst form of slavery. Globally, many people are victims of sex trafficking every year. Researchers human rights advocates have been more specific on damage and harm done to victims of sex trafficking. Trafficking for the purpose of prostitution is one of the most common pull factor in Kenya and in the region. Internal trafficking has also been documented for sex industry. The demand for sex industry in Kenya is so high that it is drawing women from other countries in the region. Studies show that Kenyans form majority of the client base for commercially sexually exploited children along the Kenyan coast line ((Kamala et al, 2001)\textsuperscript{46})

\subsection*{3.1.7 Sex Tourism}

Each year, there are estimated more than two million teenage exploited for the commercial sex trade in the globe. The number of children trapped in prostitution continues to grow exponentially despite the existence of international protocols imposing strict penalties on traffickers and criminalization of commercial sexual activities involving children. The use of children for the commercial sex trade is restricted by the UN TIP Protocol. Children are also substantially involved in Sex Tourism especially in developing countries (United States Department of State, 2011). Using children for sex tourism is a brutal assault on children dignity and a form of violent child abuse. The consequences of such exploitation have devastating effects such as physical and psychological trauma, malnutrition, drug addiction, incurable diseases (HIV/AIDS), unwanted pregnancy, social ostracism, and possibly death.

\begin{footnotes}
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According to Williams, (2008) tourists participating in CST are foreigners who travel millions of miles to developing countries in Africa looking for secret and the accessibility of children for prostitution occupation. Weak laws and corruption in the enforcement agencies aid the crime. Also, most countries in Africa are plagued by poverty, ease of travel and the recent proliferation of the internet. The offenders come from a variety of socio-economic variation and may hold positions of trust in the society. The most prominent cases include child pornography, and drugs may be used as a mean of controlling the minors.

Despite the growth in tourism industry in Kenya and particularly in the coastal region, there has been little effect on most of the host communities. The Kenyan coast is a major tourist destination in the East African region but poverty levels are estimated at 43% on second to former North Eastern province UNDP Report (2006)47. This is attributed to tourism revenue going to airlines, tour operators, hotels and foreign tour companies (Sakulpitakphon, 2007)48.

In recent years, according to O’Connell (2004)49, the number of men and women travelling to the third world tourist destinations seeking sex has increased tremendously as the tourism industry expands globally. The study further indicates that apart from sun, sand and sea attractions for tourists, sex represents an important tourist attraction in many countries either discreetly like in Africa and Asia or explicitly like Thailand and Amsterdam. For most tourists, sex and travel are linked even among those travelling domestically. However, the study reveals that even though sex is an attraction to tourists globally, it goes without being acknowledged.

49 O’Connell-Davidson, J 2004 Child Sex Tourism: An Anomalous Form of Movement Journal of Contemporary European Studies 12.1: page 31-46
at individual country levels even in tourism marketing few admit this as a key component of holiday making.

According to Oyuke (2007)\textsuperscript{50}, Kenya is quickly becoming a sex tourism destination. 40% of foreign tourists use the internet to access information about Kenya, and this medium has been used to advertise Kenya abroad to potential sex tourists as pornographic pictures of minors feature on the sites. Clarke (2007)\textsuperscript{51}, maintains that although data is hard to come by, locals on the Kenyan coast estimate that one in five single women visiting coast from rich countries are in sex search and these figures are higher when you look at the male visitors. The high poverty level among host communities and tourists in search of sex adventures becomes a meeting point for sex tourism to thrive.

The high poverty levels in host communities in Kenya and growth in tourism sector has resulted in negative effects among them sex tourism. In 2006, the government of Kenya under the ministry of home affairs and UNICEF released alarming report on the magnitude of sex tourism and sexual exploitation of children at resorts in Mombasa, Malindi, Kwale and Kilifi. The report shows that 30% of girls aged 12 to 18 years comprising 15,000 are involved in part time, casual sex work. 2,000 to 3,000 boys and girls are reportedly in full time sex work all year round. 59% of their clientele are foreign tourists while 41% are locals. The common visitors exploiting these children are Germany (14%), Switzerland (12%) and Italy (18%). Effort geared towards tourism development are without a proper protective mechanisms for children in the hosting communities and this is a disaster given the high poverty levels in these communities that will push vulnerable children to illicit sex and sexual exploitation. There are policies and legislation measures with an objective to directly and indirectly curb the vice but

\textsuperscript{50} Oyuke, J 2007 Kenya makes In-roads in Tourism, Says Survey in \textit{The Standard, Kenya} 23October 2007 page10

\textsuperscript{51} Clarke, J 2007 Women Tourists Flock Kenya for Sex Adventures in \textit{The Standard, Kenya} 27 November 2007 page 24
they have not been effective as they fail to target those over 18 years of age who are active participants in the sex tourism industry. The effectiveness of these policies is further weakened by their failure to provide outreach and support to address the causes of sex tourism among children in Kenya (UNICEF; Kenyan government, 2006)\textsuperscript{52}

The UNCRC Report (2006)\textsuperscript{53}, the government acknowledged that the development of tourism have with it the problem of sex tourism in coastal resorts and that sex tourists targeting children are on the increase. The report recommended the government to undertake a baseline survey to reveal the magnitude of the problem and this gave rise to a number of legislations like the Children Act to deal with the problem of sex tourism involving the children. The report indicated that over 17 million of Kenyan population are children and the government acknowledges that such a high proportion of children had social-economic implications in terms of provision of basic services. Also, high poverty levels and HIV epidemic had led to an increase in the number of children living under hardship. However, the report failed to give budgetary allocations for preventive programmes for the protection of children living in these circumstances. To curb sex tourism, the government in partnership with stakeholders in tourism sector began to prepare a code of conduct and did training of tourism personnel on how to handle the victims of sex tourism. Sex tourism is highly lucrative than market payment for casual labour. This has resulted to sex tourism becoming a source of livelihood for families incapable of getting enough income to survive.

\textsuperscript{52} UNICEF and Government of Kenya 2006 The Effect and Extent of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast page 7
3.1.8 Organ Harvesting

Organ harvesting involves trafficking people in order to use their internal organs for transplant. The illegal trade is dominated by kidneys, which are on high demand. Major organs can be wholly transplanted with relatively few risks to the life of the donor. Children are particularly vulnerable to exploitation by individual traffickers and organized crime groups. Children can be deliberately targeted by crime groups, or exploited by people responsible for protecting them. Common countries of origin include Vietnam, Nigeria, Romania, Slovakia, and the UK (Williams, 2008)

The major cause of organ harvesting is scarcity and the demand for organs far outpacing supply. Despite the increasing number of transplantations being carried out worldwide, the demand for organs far outpaces the number of organs available for donations. With the aging population and rise of heart and vascular diseases, demand for transplantation is growing exponentially. The desperation felt by patients with organ failure and long waiting time and uncertainties of getting donors or not before it’s too late leads patients to seek desperate measures and buy organs from illegal market. However, the market would not be in existence was it not for persons willing to capitalize on the asymmetry between the demand and supply of organs. Organ brokers capitalize on this asymmetry and organize the transactions of organs and money and make profit in the process (Jafar, 2009)\(^{54}\)

According Loop (2013)\(^{55}\), scholars see the low supply of organs as a result of living donation not being carried out to its full potential. Across countries, there are legal barriers to live donations and further suggests criteria under which such donations should may be performed. Some scholars favour expansion of indirect and unspecified live donations while others argue for the implementation of a regulated market buying and selling of organs from living persons.

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\(^{55}\) Lopp L. 2013Regulations Regarding Living Organ Donation in Europe. Munster University of Munster
The expansion of global capital market has not just involved expansion of legal markets alone but also illegal markets are becoming international.

Studies show the active role played by recipients in retrieving organs. Sellers contact potential recipients then convince them that the donation of the organ is noble act that saves lives and does not harm the donor. The recipients therefore agree to compensate the donor and the brokers extract the organs through deception and without consent (Moniruzzaman, 2012)\textsuperscript{56}. As suppliers cross borders to supposedly sell organs in another country, organ trade network have excellent connections with official authorities in order to facilitate trafficking of persons for the purpose of organ trading. Strong links are established with the police and custom officials and bribes exchange hands in return for not reporting the violation of forgery of travel documents or secure border crossing (Scheper, 2003)\textsuperscript{57}.

\textbf{CHAPTER FOUR}

\textbf{4.0 CAUSES OF HUMAN TRAFFICKING}

This chapter is dedicated to the literature review of the various factors that lead to situations considered as one form of human trafficking or another. They are as varied as there are types and include push and pull factors that lead to human trafficking.

\textbf{4.1.0 Local factors}

The study explains both local and global causes of human trafficking and consequently classifies them as push and pulls factors. The local factors illustrated include abject poverty particularly among women and lack of political, economic and social stability among others. Besides these factors, a lack of realistic and reasonable life prospects, situations of war and


social conflicts, oppression, sectarian violence, and the collapse of the family structure also form in local factors. Moreover, the aspect of gender oriented discrimination, illiteracy, and inadequate information and the scourge of HIV-AIDS reality can be categorized into local factors. Access to insufficient information and ignorance makes the person unaware of the world around him. On the other hand, gender discrimination results to the high level of stress making the individual vulnerable to organized criminal groups. Further, violence at the domestic and international level and disintegration of the family structure in the society exacerbate the problems because of lack of love provided to the children by the family and community.

4.1.1 Universal Factors

Universal factors are those that limit legal migration avenues with other countries. Mostly the obstacles are between poor and developed countries with stronger economies, better employment and living prospects. Other additional factors include low public awareness, among citizens of the dangers of trafficking and the possibilities of generating high profit for those engaged in the criminal activity. Developing countries such as Kenya and others in Africa have small structures to contain the vice and insufficient resources to defeat or flush out criminal networks (Haslam, 2015).

Although Kenya has legislation in place, its effectiveness is not guaranteed due to lack of appropriate enforcement agencies and global economic policies that increase exclusion of marginalized people in social and economic participation. Evidently, there is widespread corruption, profound disintegration of social protection networks in the countries involved in trafficking i.e. the country of origin, transit, and destination. Effective anti-trafficking legislation fosters the proliferation of criminal gangs, and thus, massive human trafficking thrives without much interference (Haslam, 2015).
In addition, the absence of law enforcement authority makes the problem bigger and challenging. The national government together with local and other relevant organizations should be united to solve this sophisticated thorny issue in the society. For example, some countries such as Malaysia and Saudi Arabia are a destination for a pregnant women and children who voluntarily migrate there to provide workforce in the factories and construction sectors or as domestic servants (IOM, 2011). The local and universal factors explained above can be better explained as ‘push’ and ‘pull’ factors to create a better understanding on how the individuals are turned into victims.

4.1.2 Push Factors

Trafficking could not operate without the supply of victims to satisfy the demand in the destination country. There always continues to be a ready supply of victims who are willing to leave their homes in anticipation of a better life in addition to the relatively small number of victims who are forcibly abducted and trafficked. According to the Interpol Human Trafficking task force, some of the key ‘push factors’ include: poverty, conflict, and unemployment.\(^{58}\)

Countries of origins are characterised by poverty and small prospects of sustained economic opportunity. Consequently, there is a high supply of victims available for exploitation by traffickers. Push factors can be identified as inter alia, unemployment, lack of education, poverty, conflict, and domestic violence and post conflict situations. The searches of better living conditions are strong push factors for human trafficking. (UNICRI, 2003)\(^{59}\)

Cornelius (2009)\(^{60}\), factors contributing to trafficking in children are poverty; lack of education or unemployment can lead parents to allow children to go with traffickers, domestic abuse; some parents knowingly sell their children to traffickers, orphans; unaccompanied children are

\(^{58}\) Ibid

\(^{59}\) UNICRI, 2003 *Trafficking in Human Beings and Peace Support Operations*, Section 2

\(^{60}\) Cornelius Friesendorf, 2009 Strategies against human trafficking: The role of security sector, Vienna and Geneva, page 69
vulnerable to the risk of sexual abuse or exploitation, discrimination; fragmentation of indigenous culture and families lead to vulnerabilities; misconception about sexual behaviour; in some cultures, there are wrong beliefs that sex with a virgin girl will prevent contracting HIV and AIDS and harmful traditions and customs; early marriages, female genital mutilation and forced marriages are all harmful traditions that may push children to the risk of trafficking.

According to Fong (2004)\textsuperscript{61}, poverty is one of the causes of human trafficking and there have been reports that poverty has a positive correlation with human trafficking as impoverishments of parents and their likelihood to believe the promise made by traffickers of better lives and more income in destination countries. Research indicates that because of unmet needs due to insufficient incomes, individuals become vulnerable and as such an easy target to traffickers and having difficulty in finding gainful employment to support livelihoods further complicates the problem.

Those who become victims of human trafficking because of livelihoods do so because of their own benefits or that of their families by way of remittances from the destination countries. Children and women particularly seek better lives elsewhere because of their relatives and parents sometimes may unknowingly facilitate the trafficking of their own children as they believe by sending them to far countries will increase their chances of escaping the poverty back home (Adepoju, 2005)\textsuperscript{62}

The high poverty levels in host communities in Kenya and growth in tourism sector has resulted in negative effects among them sex tourism. In 2006, the government of Kenya under the ministry of home affairs and UNICEF released alarming report on the magnitude of sex tourism

\textsuperscript{61} Fong, J. 2004 \textit{Literature review on trafficking in West and East Africa}, Global Alliance Against Traffic in Women, Bangkok.

and sexual exploitation of children at resorts in Mombasa, Malindi, Kwale and Kilifi (UNICEF and Kenyan government, 2006)\textsuperscript{63}

According to ILO (2013)\textsuperscript{64}, most child labourers are working in hazardous working conditions and the total number of forced child labourers is increasing even though it is forbidden by the law. They are vulnerable to diseases and do struggle with long term physical and psychological pain. They engage in this work for survival for themselves and that of their families.

Kenyan women continue to be recruited and given domestic jobs continually in foreign countries due to high levels of unemployment in Kenya. These women ignore the ban and expose themselves to the risks of imprisonment and rape in foreign countries service sectors in Middle East and this challenges the government to protect them outside its jurisdiction while it’s yet to implement structures of protection for citizens working in domestic service sector in these countries. The women involved demonstrated basic level of education as they can read, write and speak English and therefore could understand terms and conditions prior to migration. However, these terms are not honoured in the destination countries. These women face stiff competition locally from college educated graduates for the scarce job opportunities available in Kenya and thus opt to seek relatively higher paying jobs abroad at the risk of being mistreated. Their level of education, lack of employment in Kenya and demand for domestic workers in the Middle East influences them to relocate in search of better incomes (BBC, 2013)

Although it’s not just for Kenyan domestic workers in the Middle East alone, domestic workers are exposed to risks of sexual, physical, psychological abuse, non-payment of wages, food and

\textsuperscript{63} UNICEF and Government of Kenya 2006 The Effect and Extent of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast page 7

\textsuperscript{64} International Labour Organization, 2013. World Report on Child Labour Economic vulnerability, social protection and the fight against child labour, Geneva page
sleep deprivation. They are unable to overcome these challenges due to language barrier, lack of knowledge of local laws and restrictions from moving freely (BBC, 2013)\(^{65}\).

The decisions to relocate or not in both national and international markets is based on perception that wages and opportunities in other areas are higher than those within the area a person comes from Borjas, (2008)\(^{66}\). Borjas further illustrates how workers sort themselves among employment opportunities depending upon the workers skill. Positive selection is said to occur when persons with high education levels decide to migrate because wages of skilled jobs are higher in other areas and negative selection occurs when persons migrate because wages for low skilled jobs are higher in other areas.

According to Adepoju (2005)\(^{67}\), the nature of a person’s family relationships can determine whether they are trafficked or not. Those families that have disintegrated due to death, or divorce and have left orphans and widows and they are viewed as at a risk to being trafficked. Women who are running out of various forms of domestic violence are considered vulnerable. Having family and friends who encourage migration to get away from poverty at present location can be a risk factor for human trafficking.

Death of one or both parents is linked to poverty, dropping out of school due to lack of school fees and pressure for children to work for survival. Large family size has also been hypothesized to affect children and their vulnerability to human trafficking. Another factor is abuse of alcohol by one or both parents and this has been found to increase pressure to children who may want to escape from such abuse and violence that comes with alcoholism. Being orphaned may also result cause children to migrate to live with extended family members and

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\(^{65}\) BBC 2013, Kenya maids barred from Mid-East  http://www.bbc.co.uk/news/world-africa-18552155

\(^{66}\) Borjas, G, 2008,Labour economics, Mcgraw-Hill Irwin ,Boston page 341-344

sometimes have to cope with less protection from adults and this increases the risk to falling victim to human traffickers (Adepoju, 2005)

According to Castles and Loughna (2003)\textsuperscript{68}, while it might be that trafficked victims could either be misled with the hope of gaining asylum in destination countries by traffickers. Illicit migration like trafficking may be as a result of repression of minorities, civil wars and high number of internally displaced persons relative to total population.

People often are pushed by lack of opportunities in their present residence and are attracted by the perception of a better opportunity in another country and this might make them vulnerable to human trafficking. In Kenya for example, there has been wrongful recruitment of athletes to Gulf countries. The promise of high pay and better opportunity to earn a decent living entice many athletes who feel there is a lot of competition locally and are better placed to compete for foreign countries that will guarantee them play time and pay huge wages and bonuses. However, there has been troubling reports of young and adult Kenyan athletes being recruited to Gulf States of Bahrain and Qatar but eventually find themselves in conditions they had neither expected nor consented to. Before 2010, Kenya did not recognise dual citizenship and as such these athletes revoke their nationality so as to move for opportunities in foreign countries but often faced the danger of being rendered stateless. An example is Konchellor Yusuf Kamel who disagreed with his adopted country Bahrain over claims they refused to grant his request to revert to Kenyan citizenship and also use his passport. Despite allegations of unpaid salary there are complains of young athletes who could not made the cut and were made to join foreign country military (GAATW working paper series, 2010)\textsuperscript{69}


\textsuperscript{69} Global Alliance Against Trafficking in Women working paper series, 2010 Beyond borders: exploring links between trafficking and gender, Bangkok Thailand page 10
Migration becomes necessary if there is scarcity or lack of economically or socially meaningful livelihood opportunities in a particular person's place of origin. People may want to travel for aspiration or positive reasons such as cultural, economic, social and personal opportunities. Sometimes migration provides opportunities for self-reliance, independence of a person especially women who may not fit cultural, social or gender norms in their home countries. These become an easy target for traffickers who use the promise of an opportunity in foreign countries to loop in victims of human trafficking (GAATW working paper series, 2010).

According to Pearson (2003), many experts dealing with the issue of human trafficking assert that most of the victims are women and children. Assessing human trafficking from a gender perspective focuses on sex motivated trafficking of women and young girls. Human trafficking is linked to the debate on sex worker’s rights, legalization of prostitution and women’s rights in general. Rarely are trafficked women aware in advance that they are going to be sexually abused. Therefore the circumstances they find themselves in, in foreign lands cannot be termed as sex work. They are simply sex slaves. There appears to be no literature on gender and human trafficking without the focal point being trafficked women. The existing research has not examined trafficking of men from a gender perspective or explored trafficking for forced labour through gendered lenses (World Economic Forum, 2014).

The traditional gender divisions do influence the exploitation of trafficked people as many communities have gendered notions about the kind of work suitable for men and women. Mostly, men are expected to be physical and strong and in a position to perform manual jobs.

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70 Global Alliance Against Trafficking in Women working paper series, 2010 Beyond borders: exploring links between trafficking and gender, Bangkok Thailand page 10
71 Pearson, E. (2003) Study on trafficking in women in East Africa, a situational analysis including current NGO and governmental activities, as well as future opportunities, to address

and therefore more exploited in industries such as agriculture, mining and fishing. On the other hand, societies expect women to be good at housework and are often trafficked for domestic work or sexual exploitation (Hezfield, 2002).

Majority of human trafficking victims are women as they are vulnerable to exploitation and deception. The current debate focuses on sexual exploitation of women thus making other types of labour exploitation invisible and this can have a great impact on the numbers in human trafficking provided by different sources and can be misleading meaning trafficking for forced labour for men might be higher than previously thought (Tomkinson, 2012).

As literature review has shown, Marmot review (2010) shows that debt plays a significant role in pushing people to sex work and low and insufficient income results to worse outcomes in both long term health and life expectancy. According to Zimmerman et al (2006), sex trafficking is the most severe form of sex work and is a gross violation of human rights and the worst form of slavery. Globally, many people are victims of sex trafficking every year. Researchers and human rights advocates have been more specific on damage and harm done to victims of sex trafficking.

Trafficking for the purpose of prostitution is one of the most common pull factor in Kenya and in the region. Internal trafficking has also been documented for sex industry. The demand for sex industry in Kenya is so high that it is drawing women from other countries in the region.

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Studies show that Kenyans form majority of the client base for commercially sexually exploited children along the Kenyan coast line ((Kamala et al, 2001)\textsuperscript{77}

Betron et al (2006)\textsuperscript{78}, examines issues of early marriage, violence among men and boys, sex trafficking and female genital mutilation within the social-cultural contexts of intimate partnerships in Africa. The report assesses the relational, individual and communal risk factors for gender based violence from a public health perspective with a view to inform gender based violence prevention strategies. Human trafficking is a form of gender based violence focussing mostly on sex trafficking.

According to Buscher, Dale (2006)\textsuperscript{79} publication focuses on risk factors leading to the displacement of women and girls where the publication suggests that displaced female populations, who suffer disproportionately from lack of community support and resources are at the greatest risk to gender based violence and trafficking. The study further notes that women are vulnerable and susceptible to trafficking when they are in camps given lack of food, physical insecurity, lack of documentation and lack of proper education opportunities. The study recommends some measures to address women vulnerability in displacement including engaging civil society groups, training peacekeepers and law enforcement officers on gender based violence and human rights awareness.

Coffey et al (2004)\textsuperscript{80} discusses situational, legal, civil society responses to combat sex trafficking. The report links migration patterns and human trafficking within the region and further notes that women migration is multidimensional meaning women do not only migrate

\textsuperscript{78} Betron, Myra and Elizabeth Doggett. Linking gender based violence research to practice in East, Cental and South Africa: A review of risk factors and promising interventions, Washington DC: Policy project
\textsuperscript{79} Buscher, Dale 2006, Displaced women and girls at risk: Risk factors, protection solutions and resource tools, New York: Women’s Commission for Refugee women and children
\textsuperscript{80} Coffey, Pamela, Amy Vallance Pharris and Tamar Renaud, 2004 Literature review of trafficking in persons in Latin America and the Caribbean, Washington DC, USAID
in search of economic opportunities but also to escape domestic violence and political conflicts. The report shows that these regions suffers from push and pull factors associated with sexual exploitation in other parts of the world like poverty, lack of employment and gender discrimination. However, children are the most vulnerable to trafficking and most of them suffer sexual abuse at the hands of family members even before entering into prostitution. This study finally notes that very few studies explore concerted strategies, operational research and society efforts into anti trafficking prevention and protection programs that addresses fully the family conditions as a whole that pushes individuals to seek opportunities elsewhere in search of a better life or to escape some kind of gender based violence.

According to US department of state (2011) \(^8\) Kenya is grappling with unemployment; with the unemployment rate hitting 40%, the country finds itself ranking poorly in terms of employment standards globally. Despite the large unemployed population, the education sector is churning thousands of job seeking graduates to the labour market that is already incapable of absorbing the soaring population. Such social scenario makes Kenya one of the richest sources of migration and therefore high possibility for human trafficking. In 2006 according to this report, between 20,000 and 30,000 people migrated in search of better lives to the Middle East. Other issues contributing to human trafficking in Kenya include poverty and globalization. These two are described as push factors for human trafficking.

US department of state further reports that the case is similar to other countries in the sub-Saharan Africa where social vices such as poverty, unemployment, and broken homes are considered reasons for trafficking in persons. Traffickers often take the advantage of the

victims of these social vices and instil them with endless hopes of a better future and desperation to lure them into being trafficked. In Kenya, push factors forcing people to migrate to other regions include lack of adequate education and limited employment opportunities. As unemployment soars in the country, so does the number of young Kenyans looking for opportunities abroad increases dramatically. Some of educated and job seeking young Kenyans fall vulnerable to activities of human trafficking.

According to Interpol (2009)\textsuperscript{82}, trafficking in humans is an emerging problem that is currently growing at a high rate. Income disparity between regions increases people’s aspirations to seek better opportunities. The economic motivation explains the human trafficking phenomenon to a great extent given that most of trafficking victims are initially migrants with economic reasons (IOM, 2012)\textsuperscript{83}

4.1.3 The ‘Pull factors’

Pull factors exist in both countries of origin and destination and reflect the supply and demand economic reality of this crime. The pull factors form that magnet that invites and attracts vulnerable victims into the process.

In Kenya, some venture voluntarily into other east African nations, United States, Europe, Qatar and Saudi Arabia in search for better lives. Others are trafficked into Oman, Lebanon and Kuwait on false promise of better jobs but in the end they end up in forced manual labour, massage parlours, bisexual activities and domestic servitude. Even in institutions of higher learning, men and women are lured with lucrative jobs promises and good lives in destination

\textsuperscript{82} Interpol. (2009). Retrieved from www.interpol.int/ Public/THB
countries while children from East African states are subjected to prostitution and forced labour in Kenya (Hewson, 2010).84

According to Tomkinson (2012),85 a lot of people leave their homes to search for economic opportunities that they cannot get in their home country or regions. Most of those who embark on the journey to migration do so legally and follow the legal procedure in place and these numbers are significant and there is no measure by countries eliminates the problems. However, despite the policies and legislations in place, many migrants still become attracted to the illicit world of human trafficking.

The demand for cheap labour across the globe is high people are attracted to foreign countries because of better jobs and income and as such may fall victim to deception and eventually get tricked into forced labour, sexual exploitation and domestic servitude (Haslam, 2015).86

The decisions to relocate or not in both national and international markets is based on perception that wages and opportunities in other areas are higher than those within the area a person comes from Borjas, (2008).87 The book further illustrates how workers sort themselves among employment opportunities depending upon the workers skill. Positive selection is said to occur when persons with high education levels decide to migrate because wages of skilled jibs are higher in other areas and negative selection occurs when persons migrate because wages for low skilled jobs are higher in other areas.

87 Borjas, G. 2008. Labour economics, Mcgraw-Hill Irwin, Boston page 341-344
Sometimes, trafficking victims are seeking for their own benefit and sometimes they seek to increase the income of their families through remittances or a flat fee once recruitment is done. Parents may sometimes unknowingly facilitate trafficking of their children when their own livelihoods have failed because they have the perception that sending them away may ensure their needs are met. Women tend to have few livelihood options and be paid lower wages than men leading them to seek out opportunities to migrate. These are some of the social economic factors that discriminate against women (Kamala et al, 2001)\textsuperscript{88}

As in many other parts in the world, trafficking for the purpose of prostitution is one of the most common pull factor in Kenya and in the region. Internal trafficking has also been documented for sex industry. The demand for sex industry in Kenya is so high that it is drawing women from other countries in the region. Studies show that Kenyans form majority of the client base for commercially sexually exploited children along the Kenyan coast line ((Kamala et al, 2001)\textsuperscript{89}).

According to Bbc (2013)\textsuperscript{90}, demand for domestic workers in the Middle East influences them to relocate in search of better incomes. Although it’s not just for Kenyan domestic workers in the Middle East alone, domestic workers are exposed to risks of sexual, physical, psychological abuse, non-payment of wages, food and sleep deprivation. They are unable to overcome these challenges due to language barrier, lack of knowledge of local laws and restrictions from moving freely. The Kenyan government gave a travel ban to this effect in June 2012, with the sole aim of keeping Kenyans from migrating to the Middle East countries for domestic work. However, in spite of the ban, Kenyan women continue to be recruited and given domestic jobs


\textsuperscript{90} Bbc 2013, Kenya maids barred from Mid-East  http://www.bbc.co.uk/news/world-africa-18552155
overseas. These women ignore the ban and expose themselves to the risks of imprisonment and rape in foreign countries service sectors in Middle East and this challenges the government to protect them outside its jurisdiction while it’s yet to implement structures of protection for citizens working in domestic service sector in these countries. The women involved demonstrated basic level of education as they can read, write and speak English and therefore could understand terms and conditions prior to migration. However, these terms are not honoured in the destination countries. These women face stiff competition locally from college educated graduates for the scarce job opportunities available in Kenya and thus opt to seek relatively higher paying jobs abroad at the risk of being mistreated.

Kebede (2002)\textsuperscript{91}, states that large numbers of migrants have been deceived by false promises by traffickers of huge salaries, attractive jobs and comfortable life and this are among the major pulling factors for trafficking. Trafficked labour according to this study is attractive to employers as it is cheap, profitable and compliant. Trafficked people consider themselves as having an irregular immigration status and come from different cultures which makes them more dependent.

In Uganda for example, due to two decades long conflict between the Lord’s Resistance Army (LRA) and Ugandan People Defence Force, there is a high demand for trafficked labour for military service in the region. Much of its work is military and combat duties but military service and sexual servicing of soldiers make significant demands. Military may either be in direct involvement in trafficking or may rely on third parties to provide supply of trafficked labour. The abduction of northern Uganda, south Sudan and Congolese citizens especially children is one of the highest forms of trafficking in the region. The violent methods they use to recruit and control their soldiers have been documented widely. The LRA rely on trafficking

as they lack public support for their military activities, they don’t regularly pay their soldiers and expose them to extreme hardships and dangers. Some combat duties carried out by people trafficked for military service in this region include fighting other soldiers, many other activities focus on civilian targets and could be characterized as criminal activities like stealing, burn villages, looting, rape or killing civilians. Militaries in Uganda are reported to use trafficked labour to provide sexual services to their soldiers. While some women might receive some form of remuneration and have some freedom of movement and choice, others are enslaved. Children involvement in armed conflict has been there as nations and armies have regularly used young boys and girls for military purposes. However, with the proliferation of many intra-state conflicts which causes a higher degree of involvement of the civilian population, children who either decide voluntarily or forcibly recruited have increased dramatically (Human rights watch, 2003, and 2008)\textsuperscript{92}

Pearson (2003)\textsuperscript{93} asserts that demand for trafficked people should probably not be viewed exclusively in labour terms. This is mostly the case with the demand for women as wives. Traditionally, there might be sanctioned forms of forced marriage that involve a girl or a woman having to migrate to join new husband and this could be considered a form of trafficking from one region to another. There may be some implicit acceptance of transactional sex between adults as a labour issue, but it may be inappropriate to view what is legally defined and subjectively experienced by victims like rape as a question of supply and demand.

\textsuperscript{93}Pearson, E.2003 “Study on trafficking in women in East Africa”, a situational analysis including current NGO and governmental activities, as well as future opportunities, toaddress trafficking in women and girls in Ethiopia, Kenya, Tanzania, Ugandaand Nigeria, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ),Eschborn, Germany
People are attracted into migrating to some regions because of generous welfare support and perceived advantages economically. There is also high demand for those who can work in dirty, dangerous and degrading jobs that national citizens are not willing to do (Eurostat, 2003)\(^94\)

\(^{94}\) Eurostat, 2003 migration and migrant population statistics, Krishna Kangaspunta, mapping the inhuman trade, 3 no 1 page 81.
4.1.4 The Trafficking Process

**Push Factors; Escape from:**
- Poverty
- Unemployment
- Discrimination
- Physical, sexual or psychological violence
- Conflict situations

**Pull Factors; Demand for:**
- Un-paid cheap labour
- Minefield, factory, ship workers
- Sex workers
- Domestic workers
- Street selling
- Organs
  - Desire for a better life

**Transportation**
Any means to move human beings to another place by:
- Foot
- Road
- Rail
- Boats, ships and ferries
- Aircraft
  - Not necessary to cross borders

**Recruitment**
- Coercion through threats
- Full deception – as to the nature of the activity at the destination
- Partial deception – nature of activity is known but deceived over the conditions and pay
- Kidnap and abduction

**For the purposes of exploitation:**
- Forced labour: mines, fields, factories, catering etc.
- Domestic servitude in private residences
- Adult and child prostitution
- Production of adult and child pornography
- Forced marriages or exploitative illegal adoptions
- Street selling, street begging and street crime
- Child soldiery
- Organs report

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*Figure 4.1: The Trafficking process95*

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95 Ibid
From the above diagram, the process, right from recruitment to exploitation is explained. This process replicates all over the world as traffickers respond to satisfy demand from all corners of the world. It is also developing that within the sex industries of the world, client demand for sex partners from a wide range of ethnic and race appearances is growing. This explains why it is, that females of oriental origin are found in the sex industry of Western Europe, those of Caucasian Eastern Europe are found in South East Asia while black African victims are found across Europe etc. Similar capacity to meet demand exists in respect of forced labour exploitation and all other forms of exploitation.

There is a global shift in labour supply from labour abundant economies to labour-scarce economies in the world. Absence of dynamic adjustment in technology or capital, labour flows tend to lift wages in the sending countries and depress wages in the receiving countries and this helps reduce international factor prices. Migrants enjoy substantial income gains by moving abroad and this is a pull factor that can attract people willing to migrate and this makes them vulnerable to being tricked by traffickers (Borjas, 2008).  

Moving labour across a country’s borders creates a conduit for international transmission of ideas as the returning migrants like students who have gone abroad for education come back home with news of new technologies and trends, exposure to alternative political systems and contacts with foreign businesses. In 2006, 45 heads of government were products of US higher education (Spilimbergo, 2006).  

The migration of Indian engineers to Silicon Valley in 80’s later made way for U.S firms to outsource businesses to Hyderabad and Bangalore (Saxenian, 2006) just as overseas Chinese business networks have become focal trading points between mainland China and the world.

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(Rauch & Trindade, 2002). The contribution of international migration to reducing macroeconomic volatility, facilitating trade and diffusing knowledge across borders suggests that there may be substantial welfare gains for having labour flow between countries and this pulls skilled and unskilled labourers to regions where the demand for their services is high. Rich countries also have impediments to immigration in contrast with their pro-liberalization on trade and investments (Harson, Scheve & Slaughter, 2007).

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CHAPTER FIVE

5.0 EFFECTIVENESS OF LAW ENFORCEMENT AGENCIES

Law enforcement in general terms refers to any system by which some members of a certain society act in an organized manner in order to enforce the laws in that society. This will be done by way of deterring, arresting, prosecuting, rehabilitating as well as punishing those who violate those laws. Although the definition of the term encompasses institutions such as courts and prisons, it is most frequently applied to those who engage directly in patrols, surveillance to dissuade and discover criminal activities, investigation of crimes and apprehension of offenders, a task mostly conducted by the police and other related units of government. Additionally, although law enforcement is mainly concerned with the prevention and punishment of crimes, some organisations exist to discourage a wide variety of non-criminal violation of rules and norms in society which could be addressed through imposition of less severe social sanctions.

Law enforcement to curb human trafficking has been challenging for police, immigration and other law enforcement agencies not just in Kenya but globally. This can be attributed to the fact that some desperate persons are deceived that goodies await them on the other end only to find themselves as victims. In such circumstances, the law enforcement team end up becoming the bad guys out to deny this victim a life opportunity. Law enforcement is mainly reliant on legislation which provides the platform on which to prosecute any violation. A society determines what to legislate against informed by the social values that a certain society holds dear. Such laws could also be derived from international conventions to which a State is signatory. This might require that the ratifying state goes ahead to domesticate that convention in order to align it to the special circumstances of that particular state. It is also possible that a country’s constitution or supreme law may give provisions regarding applicability of certain international conventions to which it is a signatory or other laws applicable in another
jurisdiction would apply in its territory. Article 2 of the Kenyan constitution for example, provides for the application of the general rules of international law in the country. Sub-article 6 of the same article gives that any bargain or tradition confirmed by Kenya should shape part of the law of the nation.

Law implementation in its least difficult sense alludes to people out in the open administration whose obligation it is to offer investigative, fear and arraignment of the individuals who repudiate the tradition that must be adhered to. The universal group characterizes law implementation as officers of the law who practice police powers, particularly the forces of capture or detainment, and who serve the group by securing all people against illicit acts, steady with the high level of duty required by their calling (United Nations Code of Conduct Resolution 34/169 of 17 December 1979 Article 1). The expression "law implementation authorities", incorporates all officers of the law, whether selected or chose, who practice police powers, particularly the forces of capture or confinement. In nations where police forces are practiced by military powers, whether formally dressed or not, or by State security compels, the meaning of law authorization authorities might be viewed as including officers of such administrations.

As indicated by Heather J. et al. (2006), law requirement is characterized as representatives whose essential duty is to research, catch, or confine people associated or sentenced with criminal acts, and who work with casualties amid this procedure inside an open law authorization office. These representatives incorporate line officers, examiners, operators, mentors, and casualty witness facilitators. They play out their obligations at the Federal, State, and neighborhood level in frontline, managerial, or supervisory positions. According to
Alemica (2013), organised crime like human trafficking tends to thrive where good governance is lacking and therefore when dealing with organised crime, good governance should be strengthened otherwise focusing on law enforcement alone will not be effective given that it deals with symptoms rather than the causes of this crime. Weak governments do not have capacity necessary to control organized crime because they are easily corrupted and as a result infiltrate key state agencies like judicially, parliament, electoral bodies and law enforcement agencies. The study also showed that weak state authority and feeble institutions are associated with a decreasing political will to deal with organized crime menace due to corruption. When public institutions are infiltrated by corruption from organized crime, there are political instabilities in a country.

Alemica (2013) Law enforcement needs to be strengthened because even when legislation and policies are in place, the necessary resources like manpower for effective implementation may be lacking. The absence of law enforcement authority makes the problem bigger and challenging. The national government together with local and other relevant organizations should be united to solve this thorny issue in the society. Some countries such as Malaysia and Saudi Arabia are a destination for women and children who voluntarily migrate there to provide workforce in the factories and construction sectors or as domestic servants (IOM, 2011).

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Human trafficking and other criminal exercises in nations like Japan for instance are escaped investigation by authorities in light of the legitimately acquired amusement visas subsequently endeavors went for bringing issues to light, anticipation, policing and benefit arrangement ought to rapidly go up against worldwide extents and require national and universal endeavors (Akaha, 2009). Trafficking in people report (2014), Kenya is on second level watch list implying that the administration has not indicated confirmation of expanded endeavors to battle human trafficking on the grounds that its endeavors stay clumsy, poor oversight and this makes an empowering domain to human trafficking. The Kenyan government is yet to conform to the base measures for the end of human trafficking and in 2008, it was accounted for that Kenya's hostile to trafficking endeavors enhanced altogether through more prominent examinations of human trafficking cases trafficking in people report (2008).
In 2010, Kenya passed counter trafficking face to face's demonstration which makes it a wrongdoing to take part in human trafficking, yet the test has been in the poor execution and this has prompted to little effect on lessening human trafficking. Be that as it may, the legislature has gained huge ground in raising open attention to human trafficking and in 2007, the Kenyan government made the National Steering Committee to battle human trafficking under the service of Home Affairs. In any case, the Act has been ineffectively executed (RMMS, 2013). The frail enactment execution could be a contributing component to the apparently high rate of human trafficking in Kenya. The law is adequate in avoiding human trafficking in Kenya and by expansion, the global field. It gives stringent disciplines to indicted for upto 30-year imprison term or a fine of 30 million Kenyan Shillings in January 2015. Financial aspects for the most part supplements law requirement, social research and criminal equity and practices by dissecting the decisions made by people and associations in the human trafficking market. The incorporation of passionate expenses of criminal conduct interfaces financial aspects with criminology. Financial models are utilized to model work markets and in this manner the market for human trafficking made by free market activity of exploitable work. This models depend on suspicions. Factors like debasement, social standards can be hard to demonstrate. Given that monetary models are a rearrangements of reality, the rejection of specific determinants or factors from the model may not totally clarify human trafficking market in its many-sided quality and hence law requirement organizations have a troublesome errand understanding all factors in this criminal movement for motivations behind investigatios, arraignment and conviction (Hellman and Apler, 2006).
The Kenyan constitution does not disallow every one of the types of human trafficking per say however it criminalizes trafficking of grown-ups and youngsters for sexual abuse through th Sexual Offenses Act 2006 which concurs punishments like those of assault to the guilty parties. In any case, Employment Act 2007 criminals constrained work and has pertinent statutes concerning work Trafficking in people (2008) . Kenya Counter Trafficking in Persons Act, 2010 article 3(5) has punishments for people discovered liable of human trafficking. In any case, regardless of the additions made by institution of Sexual offenses charge, The Employment demonstration of 2007 and Counter Trafficking Act in people 2010, one might say that the Kenyan constitution area 14 subsection 4 on citizenship sort of limits the increases made on tyke trafficking as it perceives a kid found in Kenya who is under 8years of age and whose nationality and guardians are not known as a native by birth.

5.1 Awareness and information on Human Trafficking
Before we could even start to survey and dissect the capacity and adequacy of law implementation organizations, it is critical to evaluate and value the levels of familiarity with these offices and how well they are sorted out and arranged to handle trafficking cases. Their association, mindfulness and also capacities are essential to compelling reaction to such cases. In the United States for instance, in evaluating the capacity of law authorization offices, the National Institute of Justice granted an allow to Caliber, an ICF International Company to direct an exploratory study to look at the comprehension of human trafficking among law implementation offices as of now taking a shot at the issue; survey the level of hardware and assets available to them; give a diagram of how law requirement offices react to trafficking, and highlight the ramifications of this reaction for trafficking casualties.

Despite the fact that trafficking has of late gotten some significant open consideration, greater part officers are not completely educated about it. In like manner if people in general is all around educated, law implementation will be more powerful if there will be collaboration with law authorization authorities. Law authorization also has a ton to do with regards to helping the casualties of trafficking. Along these lines, both law authorization officers and in addition general society are required to have data on human trafficking. All the more along these lines, the authorization officers including movement and other related units require understanding the laws and conventions that are set up with a specific end goal to enhance their viability in taking care of human trafficking cases. They assume a basic part in emphatically recognizing and properly reacting to such cases.
In any case, this enactment does not generally consent to the Protocol, or does not cover all types of trafficking and their casualties, leaving awfully numerous youngsters, ladies and men powerless. Indeed, even where enactment is authorized, execution regularly misses the mark. Accordingly, the quantity of feelings all inclusive has remained greatly low. Somewhere around 2010 and 2012, nearly 40 for every penny of nations reported under 10 feelings for every year. About 15 for every penny of the 128 nations shrouded in this report did not record a solitary conviction. The past Global Report also found that 16 for each penny of nations recorded no feelings somewhere around 2007 and 2010. In the meantime, we have kept on observing an expansion in the quantity of recognized youngster casualties, especially young ladies under 18.
The contrast amongst authentic and contemporary subjection is that contemporary subjugation has just as of late gotten consideration from governments, social researchers, insightful writing and non-administrative associations. As indicated by article 4 of the all inclusive affirmation of human rights and article 8 of the International contract on common and political rights, contemporary bondage disregards widespread human rights. The two articles restrict human trafficking, constrained work, subjection, subjugation and slave exchange. They assist express ideal to simply and good working conditions, protected and solid working conditions and reasonable compensation. Multiplication for human trafficking notwithstanding every one of the authorizations against it focuses to a more prominent requirement for worldwide counteractive action, intercession, support and mindfulness (Androff, D.K, 2010). Human Trafficking is a huge social issue around the world on the planet. All things considered there are activities that have been taken to counter human trafficking. For instance, Kenya and different nations, for example, South Africa have been dynamic in marking important arrangements and global developments to contain the demonstrations of human trafficking (Juma, 2006). The measures are probably going to convey stringent discipline to criminal associations and people required in the trafficking of people. Kenya, South Africa, and the center East are viewed as a nation of goal and travel for casualties of trafficking. This notoriety makes it an essential for them to attempt to make their drives an open undertaking.
In Kenya, Awareness Against Human Trafficking (HAART) is a non-administrative association situated in Nairobi whose craving is to kill human trafficking and deflect other individuals confronting comparable vulnerabilities. This association was established in 2010. In 2006, USAID and MTV began MTV EXIT (End abuse and Trafficking) a mindfulness raising multi-media stage and aversion crusade against trafficking in people that have come to more than 20 million gatherings of people in 21 nations Prawit (2011). However, familiarity with human trafficking stays low. For instance in nations like Japan, India, China and Thailand all things considered under 40% of respondents know about human trafficking as a wrongdoing. Young people from low and center pay classes are most powerless as they have craving to travel abroad for either training or openings for work TNS (2009). Traffickers go after desires and dreams for a better than average life and in the long run trap casualties into constrained work or prostitution. Hostile to trafficking associations assume a noteworthy part similarly as bringing issues to light is concerned. Their endeavors include educating at-hazard populaces to be wary about traveling to another country openings introduced to them and go ahead in persuading the overall population to report potential trafficking occurrences to powers.
Regardless of advance in authoritative structure and arrangements over the world, more than 60 nations have not recorded a solitary conviction of perpetrators of human trafficking UNODC (2009). Additionally, there is lacking factual information to precisely diagram the degree and scale and recognize different types of trafficking. Conflicting information and tepid endeavors by governments and low polite society inclusion in informing people in general and therefore keep them from being baited into the wrongdoing have added to curiosity of this issue. In any case, 80% of UN individuals order against trafficking laws in their nations and after much lack of care and obliviousness the world is mindful to this cutting edge subjection.
Madihi and Mtwana (2002), the issue of human trafficking has gotten little consideration in East Africa. Really, in Africa, writing on human trafficking to a great extent depends on South Africa and West Africa while different districts stay disregarded in spite of assuming a gigantic part in the worldwide human traffick advertise. Casualties of Trafficking are for the most part embarrassed and feel scared to report or even examine the occasions with scientists and law implementation organizations in this way making it for all intents and purposes difficult to get to trustworthy data. Human trafficking exercises stay undercover in this manner making it hard for analysts to acquire information and important data on them. The casualty's conduct might be troublesome for outsiders to get it. The casualties may give off an impression of being uncooperative to the bolster people, might be forceful or thankless. This is on account of the shame found in them has been found to have on-going and huge effect on their lives including the likelihood of dismissal back to their families. The long haul outcomes of human trafficking are unpredictable and are reliant on numerous factors, with no certification of recuperation. Thusly most casualties are not included during the time spent bringing issues to light so that the overall population can be sharpened about types of misuse and techniques utilized by traffickers so they can be wary and abstain from being abused. The effect of human trafficking on the general public is unsuitable and dangerous; torment of casualties, physical mishandle, and passionate injury and negative financial and political ramifications. Human trafficking is a wrongdoing against people and its outcomes are felt by those people who are its casualties. While it is a worldwide marvel it knows no universal limits, it likewise happens inside limits (Oram, 2011)
As per IOM (2011), casualties of human trafficking are once in a while subjected to auxiliary exploitation by the group they live in given that the harms done to them can't be recuperated for instance assault, sexual manhandle, diseases, physical wounds, remiss rectal muscles, self-destructive considerations, undesirable pregnancies, backward conduct, low self-regard, sentiments of selling out by their families, accomplices or watchmen, sedate mishandle and incontinence because of homosexuality. These harms make the general public look down on them and are in this manner subjected to proceeded with exploitation given that society doesn't know on the best way to manage such casualties or offer bolster them.

5.2 Agencies and human trafficking

Keeping in mind the end goal to work towards checking human trafficking, offices in all parts must propel development in view of shared objectives. Additionally, approaches on work relocation, sexual wellbeing rights, and conceptive rights work to limit the rights of the trafficked people as well as of vagrant laborers and ladies. New measurements of human trafficking as it effects and is influenced by an expansive range of issues associate supporters in various however related fields. This reconceptualization serves to construct a between sectorial development for the work and regenerative and sexual wellbeing privileges of all people paying little heed to occupation, movement status or citizenship. The endeavors must be collaborative between supporters, approach creators and the overall population. While endeavors towards checking human trafficking as a wrongdoing by indicting culprits ought to be bolstered, a more extensive point of view requires more noteworthy concentrate on the individual in their surroundings. This model ought to guide promoters to collaboratively make situations that enable ladies and kids, advocate structures that lessen mistreatment against ladies and kids, challenge nearby and universal strategies that allow human trafficking and minimize upsetting conditions while making flexibility among focused on people and exploited people (Chang, 2007).
The Charter of the United Nations and the Universal Declaration of human rights stipulates that rights are all inclusive: they do make a difference to everybody, regardless of sex, race, ethnic inception and other qualification. Trafficked people are along these lines qualified for the full scope of human rights regardless of the possibility that they are not in their nation of home, global law is obvious that trafficked people can't be oppressed in light of the fact that they are non-nationals. Worldwide human rights law forces essential and extra duties on Countries with regards to recognizing kid casualties of trafficking and guaranteeing their prompt and long haul prosperity and wellbeing. The key manage here is gotten from the Convention on the Rights of the kid: the best advantages of the youngster are to be constantly fundamental significance the State can't organize different contemplations like those identified with movement control or open request over the best advantages of the kid casualty of human trafficking. Non-native Child casualties of human trafficking are qualified for a similar insurance of their physical, moral uprightness and protection as a result of relevance of the Convention to all kids (UN human rights and human trafficking, 2014).
In Kenya, there are associations working towards tending to the issue of constrained tyke work. They generally work in urban focuses, ghettos and business ranges. U.N offices, for example, UNICEF and ILO have as of late endeavored a few endeavors to address the issue through ILO-IPEC, in a program named the Time Bound Program on disposal of youngster work in 15 Kenyan locale (Project archive, 2004) . Two-sided assentions infrequently give some assurance however to a great extent, leave a work sending nation like Kenya subject to the beneficiary nations to implement those reciprocal understandings and subsequently this can be incapable if not affected by getting nation authorities. In spite of avoidance of household specialists in the districts work laws, local laborers are required to sign obligatory business contracts which in principle ought to offer security yet by and by they don't given that the arrangements are between two private gatherings and the specialists have less arranging forces and ability to see their agreements upheld (Heather, 2012)

The US Government Accountability Office 2006 reports presence of a disparity between the quantities of assessed casualties of trafficking crosswise over different offices on the grounds that every association utilizes its own particular strategy to gather information and investigate the issue in light of the specific association's command. For instance, the worldwide assessments given by the US government on human trafficking are selective of inside trafficked casualties; the UNODC screens national and local examples of trafficking in people yet do exclude worldwide evaluations of the casualty numbers; the ILO gauges inside and universal movement casualties and the IOM just records the quantity of human trafficking casualties who they have really helped so they don't catch a worldwide gauge of the same. Notwithstanding, some regular attributes have risen up out of every one of these offices; females shape the biggest rate of the casualties for sexual misuse.
Given that human trafficking undermines the security and wellbeing of all nations included, endeavors to control this bad habit ought to originate from all partners who incorporate governments, law requirement offices, migration offices, legal, wellbeing and open administrations, universal associations like IOM, UNODC, ILO and common society associations, media, enterprises and scientists. Governments do their part through making laws and sanctioning worldwide conventions like the Palermo convention and receiving laws to make human trafficking a wrongdoing. They can likewise create national systems in light of inside and local human trafficking (Social advancement notes, 2009)

Different government organizations like law requirement, movement division and legal likewise have a section to play in battling human trafficking. The specialists on call for human trafficking are the law authorization offices which then take cases to legal for arraignment and if the casualties are of various nationalities, then they collaborate with movement office to give impermanent visa to remain in the nation or repatriate the casualties to their nations (Social improvement notes, 2009)
When casualties are protected from traffickers, they now and again require administrations, for example, shield, lawful help, drug, guiding and transportation which are given by wellbeing and open administrations. Non-administrative associations like Amnesty International, The Global Alliance against Trafficking in Women (GATW), Human Rights Watch complete mindfulness raising effort, direct research on the wonders, help law implementation offices on casualty recognizable proof and offer required essential administrations to casualties of this wrongdoing. The media additionally has a section to play in curing human trafficking by teaching the general population on the issue of human trafficking and lighting up the issue through movies, daily papers, magazines articles and news highlights on the same. The media has been utilized to illuminate people in general the world over of the human trafficking marvel and this helps people to remain wary and abstain from falling casualties of this composed wrongdoing. The private division also can assume a critical part like helping casualties by giving them openings for work and give monetary support to associations battling the bad habit and embracing sets of principles that avert work abuse.
The Interpol likewise works with governments to help in fortifying their ability to battle human trafficking for instance in 2009, they consented to an arrangement amongst Nigeria and Italy, planning the endeavors of the two nations and giving apparatuses to national law implementation and target associations required in human trafficking. The World Bank likewise can add to the battle against human trafficking by expanding its intercessions in territories, for example, observing and enhancing examination on examples and reasons for human trafficking, doing support amid strategy exchanges, incorporating a hostile to human trafficking part into the World Banks program which is imperative for improving financial improvement and social assurance of defenseless gatherings. The bank can likewise reinforce chip away at local relocation as human trafficking undermines improvement endeavors and financial development of areas included. Focused on activities against the bad habit ought to be brought and adjusted to endeavors to handle neediness.

There are additionally reciprocal, multilateral and territorial activities went for ensuring casualties and anticipating human trafficking. Scholarly and look into organizations all around direct valuable research on different parts of human trafficking and give suggestions to strategy creators to control the wrongdoing (Social improvement notes, 2009)

5.3 **Corruption and human trafficking**

When public institutions are infiltrated by corruption from organized crime, there are political instabilities in a country. Alemica (2013)

The absence of law enforcement authority makes the

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problem bigger and challenging. The national government together with local and other relevant organizations should be united to solve this sophisticated thorny issue in the society.

The permeability of borders helps human trafficking regionally and internationally. Also, the capacity to detect and curb human trafficking is inadequate on the part of border control agencies. In most countries, border control agencies lack infrastructure and funding and criminal networks exploit this laxity. There are various measures in the Trafficking face to face's convention that States can use to make it more troublesome for traffickers to move casualties crosswise over outskirts. These measures are incorporated into the Migrants Protocol. States are required to reinforce outskirt controls and participation with provincial neighbors to check human trafficking crosswise over fringes. This will come about to making it more troublesome for human traffickers to utilize customary method for transport to enter nations. These arrangements are like Migrants convention. Their usage may contrast from country to country yet the central local enactment sanctioned to offer impact to these arrangements continues as before crosswise over nations. Another issue is the security and control of archives. On the planet, misrepresentation of reports is done in huge scale. New advancements make it simple to false archives and criminal components can utilize this to give casualties false international IDs and other travel records like visas. Defilement among movement authorities likewise add to false archives as degenerate authorities intrigue with criminal systems required in human trafficking (UN Toolkit to battle Trafficking in people, 2010).

As per Corrin (2005), it is not just residential state authorities who are included in trafficking; there is sufficient confirmation to demonstrate that even peacekeepers are included. For instance in Bosnia, some peace guardians utilized trafficked whores intentionally and were
specifically required in their trafficking. Moreover, concentrates on uncover that numerous authorities of state associations had not as of not long ago valued the potential importance of the inclusion of peace attendants in trafficking and neglecting to comprehend security ramifications of human rights misuse and support of sorted out wrongdoing. In Yugoslavia, degenerate authorities were included in trafficking; degenerate authorities were captured for different violations identifying with trafficking. In Germany, in 2007 it was charged that senior neighborhood legislators had intentionally been including trafficked whores, and the media had reported the issues for a few years and in that year, the main nearby and global daily papers and other media started to give points of interest of the case including Saxon government officials, knowledge officers, cops and equity authorities conniving with composed wrongdoing groups in tyke prostitution, smoke screens and trial impedance.

As indicated by Jan and Mierlo (2007), dynamic inclusion of degenerate authorities in human trafficking, either in conspiracy with composed wrongdoing groups or in their own particular right has gotten consideration all around. A few authorities are included in a latent route by for instance through turning a visually impaired eye as a byproduct of pay offs. Authorities may even now be included through utilize or manhandle of resistance. For instance representatives may utilize trafficked people as aides without checking their worker's experience. Regardless of the possibility that they don't know about the circumstance, they do know the suspicious conditions under which their aides entered the administration and can't concern themselves since they are under political invulnerability yet a few nations are controlling this bad habit for instance Belgium's remote issues service issued authorizes and letters of purpose to endorse ambassadors for charged utilization of constrained work in 2004 and 2005.
In the worldwide stage today, a standout amongst the most essential needs in universal criminal arrangement is the battle against human trafficking. The political will to address this method of universal wrongdoing is there and enactments and different conventions are set up to address human trafficking. For instance in the US, Trafficking Victims Protection Act 2000, in Kenya there is Counter Trafficking in people Act 2010, and the appropriation and boundless confirmation of global legitimate instruments like the UN Palermo convention of 2002 and the board of Europe's Convention against Human Trafficking 2005. The US bureau of State issues yearly reports of trafficking in people where they rank nations regarding their activities in controlling human trafficking in 4 levels. The US congress has given their organization the command to force authorizes on countries put in the fourth level. Palermo convention does not have a similar checking system but rather has been endorsed and followed up by various local activity arranges, financed by an extraordinary blessing from Bahrain. The absence of genuine advance in battling trafficking in people has been severally uncovered by in reports by the Global cooperation against trafficking in Women. UNODC (2009) demonstrates that little number of feelings of traffickers have been acquired in little number of Western nations and given that human trafficking is positioned number three in sorted out wrongdoing around the globe after medications and arms exchange, low quantities of sentenced traffickers is aggravating. Counter trafficking arrangements in many nations enhanced in mid 2000s and it appears the endorsement of Palermo convention had mixed countries enthusiastically however without a follow up in examination endeavors, indictment and anticipation. One might say that debasement is a noteworthy hindrance to execution of against trafficking laws particularly in the region of, movement, examination and indictment. Much of the time, natives need quicker administrations or better treatment by authorities by paying rewards to movement authorities, aircraft work force, and consular staff and look for insusceptibility from captures. Not
everybody required in trafficking that has a place with a sorted out criminal system however criminal systems assume a conspicuous part.

Organized crime manifests itself in many forms including drugs, arms and human trafficking. Organized criminal groups are at the heart of international trafficking schemes and are key actors in illicit economy. There is thus a causal relationship between organized crime like trafficking in person and corruption. The huge sum of cash involved represents a form of power that does sometimes compromise legitimate economies and undermine public and political processes. Corruption in organised crime can take many forms ranging from petty bribes to officials to complete infiltration of the system as it is an enabling activity to organized crime (UNODC, 2010).105

Haken (2011)106, finds that profits from illicit trade are mainly channelled to transnational crime syndicates which starts and maintain vast trade networks involving in production, transit and sale of illicit goods including trafficked persons. Those involved in illicit business normally use corruption and bribery to enable their activities and in the process criminalise the state and this in the long run causes the citizens to loose trust in their institutions and government and it thus becomes a vicious cycle with traffickers damaging the state structure and its economy then using the weak system to facilitate more trafficking.

Bales (2005)107 named rampant corruption in source countries as one of the forces behind human trafficking worldwide. Bales further observed that bad governance is even worse than poverty in source countries. According to Program Against Corruption and Organized crime

almost all nations in South East Europe have rampant corruption with a direct link to human trafficking which ranges from ignoring or tolerating to direct participation in trafficking of human beings.

Tomkinson (2012) observed that organized criminal groups control illicit drug trade and human trafficking that threatens the individuals, government and international community as arms proliferation and smuggling are security threats in countries that these groups operate in. The study further states that human trafficking is interlinked with arms movement across nations. Trafficking in persons encourages smuggling of weapons that indirectly threaten world security and these activities thrive due to weak governance and weak institutions. Given that there is quick money generated, criminals use it to fuel corruption in governments with in turn aid growth of criminal networks and terrorism.

High levels of corruption amongst immigration officials, police public and judicial officers hamper efforts to bring traffickers to justice. As such the government made little or no efforts to investigate and prosecute public officials involved in human trafficking in Kenya. Although, the government provided anti-trafficking training to over 30 officers drawn from the police, immigration and legal department, its effect remains to be seen in war against human trafficking (Juma, 2006)

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108 PACO (2000), * Trafficking in human beings and corruption (report on a regional seminar).* Program against corruption and organised crime in South eastern Europe, Economic Crime Division, Portorov, Slovenia


CHAPTER SIX
RESULTS

6.1 Introduction

This chapter presents results of analysed primary data obtained from the respondents in relation to the human trafficking in Kenya. The chapter focuses on findings and interpretation of the results. The summary of analysed quantitative data is presented inform of frequencies, percentages and means. In addition qualitative data was analysed using data reduction methods and presented as key voices and verbatim reporting. The revealed information was reported as per the research objectives.

The analysis also focused on data from secondary sources that included journals, newspapers and books. Secondary sources mainly looked on secondary evidence regarding aspects of human trafficking. These included the global situation, continental, regional and local perspective of human trafficking, sustaining factors and an assessment of the effectiveness of law enforcement agencies in Kenya. Secondary data was used mainly to reinforce primary data findings. The study findings were presented in six sections namely, response rate and respondents’ background and four other sections capturing each of the specific objectives.

6.2 Response Rate

One hundred and forty four (144) questionnaires for police investigators, immigration officials, Child Protection Unit officers, Office of Director of Public Prosecution (ODPP) and Interpol officers were administered for this study. A total of 104 questionnaires were returned out of 144 administered questionnaires. After data cleaning and editing all returned questionnaires (104) were found valid for analysis. Table 6.1 tabulates the response rates for respondents as per sample.

Table 6.1: Response rate
The results in Table 6.1 indicate overall response rate of 77.6%. According to Mugenda and Mugenda (2003) a 50% response rate is adequate, 60% good while above 70% is rated very good. Based on this assertion, the response rate for this study at 77.6% was very good and was therefore valid for analysis.

### 6.3 Demographic characteristics of the respondents

The study explored a number of respondents’ demographic characteristics. This was necessary in order to have an understanding of the respondents’ background information relevant to this study. The demographic characteristics explored included age, sex, education level among others as presented in sections below.

#### 6.3.1 Age and sex of the respondents

The respondents were asked to indicate their age. This was important because age plays an important role in decisions an individual makes in life, for example, time to start bearing children. The results are shown in Table 6.2.
Table 6.2: Respondent’s Age and Sex

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>%</th>
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<td>18-30</td>
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<td>12.5</td>
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<td>31-40</td>
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<td>51-60</td>
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<td>11.5</td>
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<tr>
<td><strong>Total</strong></td>
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<td>100.0</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sex</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>64</td>
<td>61.5</td>
</tr>
<tr>
<td>Female</td>
<td>40</td>
<td>38.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>104</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The study results in Table 6.2 shows that most (46.2%) of the respondents were aged between 31-40 years while the least (11.5%) were in the age of 51-60 years. The findings also found that majority (61.5%) of the respondents were males as compared to 38.5% females. The above findings imply that the law enforcement is dominated by men. This is attributed to the hazardous nature of police work which does not attract many women during recruitment. However, at 38.5% women the constitutional threshold of ensuring that government organisations do not violate provisions of employment of 30% of either gender is assured.

6.3.2 Respondents’ highest education level and marital status

The respondents were asked to indicate the highest level of education achieved. The respondents were also asked to indicate their marital status. The responses are shown in Table 6.3.
Table 6.3: Highest education level and marital status

<table>
<thead>
<tr>
<th>Highest education</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary school level</td>
<td>2</td>
<td>1.9</td>
</tr>
<tr>
<td>Secondary school level</td>
<td>31</td>
<td>29.8</td>
</tr>
<tr>
<td>Tertiary level</td>
<td>71</td>
<td>68.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>104</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Sex</th>
<th>Frequency</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Married</td>
<td>99</td>
<td>95.2</td>
</tr>
<tr>
<td>Single</td>
<td>5</td>
<td>4.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>104</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

From Table 6.3, majority (68.3%) of the respondents had acquired tertiary level of education while the least 1.9% had primary school level of education. The study also established that majority, 95.2% were married while the rest were single. The above findings imply that the respondents have adequate education that can help them comprehend human trafficking phenomenon. Secondary data established that

6.3.3 Respondents’ religion

The respondents were asked to indicate their religion. The responses are shown in Figure 6.1.

![Figure 6.1: Respondents’ religion](image)

Figure 6.1: Respondents’ religion
The findings in Figure 6.1 shows that majority (83.7%) are Christians, 15.4% profess Islam while 1.0% are practice traditional religion. The findings imply that majority of the respondents were Christians. This is attributed to the fact that over majority of Kenyans are Christians.

6.3.4 Respondents’ Background

The respondents were asked to indicate their background of the. This was important in order to establish their profession or the area of expertise in the enforcement of law regarding human trafficking. The findings are presented in Figure 6.2.

![Respondents' Background](image)

**Figure 6.2: Respondents’ Background**

The findings in Figure 6.2 shows that majority (59.6%) of the respondents were police (law enforcers), 30.8% from immigration and 9.6% from state law office responsible for prosecution. These findings imply that respondents were samples from the relevant government agencies responsible for enforcing laws for fighting human trafficking. These imply that information gathered for this study was relevant and adequate to be used in analysis to answer research questions.
6.4 Human trafficking on global security

The first objective sought to explore the effect of human trafficking on global security. The study explored several effects of human trafficking locally and globally. The findings are presented in the sections below.

6.4.1 Effect of human trafficking on global security

The study sought to establish from the respondents' view on the effect of human trafficking on global security. This was necessary in order to determine the respondents’ knowledge of human trafficking globally. The analysed data established that 100% of the respondents confirmed that human trafficking affects global security. This finding implies that human trafficking is not an emerging crime as it used to be. It's now a widespread crime affecting all of victims while Middle East, countries globally. This is attributed to the fact that human trafficking has a source and destination which affects all continents.

Secondary data established that human trafficking has a profound negative effect on the global security. A study by Whitman and Gray (2015) on the problem of human trafficking established that it affects global security because it’s intertwined with drug trafficking and violation of human rights. The victims are denied decent living conditions in cases where they are trafficked for cheap labour and lose their dignity when trafficked for sexual exploitation. Human trafficking being an organised crime has been associated with other crimes like removal of organs and money laundering. Money laundering has been associated with global security challenges of terrorism which is now affecting countries globally. Human trafficking breeds other crimes such as corruption, prostitution among others. The increased United Nations peace keeping in countries of Liberia, Sera Leon resulted in deployment of large number of soldiers who in turn created a demand for women for sex. This scenario led to increased trafficking of women for sex and a result criminal activities like prostitution, drug trafficking and arms smuggling emerged.
In interview with the head of regional Interpol Bureau in Nairobi which has a mandate of dealing with transnational trafficking of persons. The following was established from the interview;

“……Regional Interpol Bureau deals mainly with all forms of transnational crimes including human trafficking. Globally human trafficking has considerable impact on security. The perpetrators of this crime involve in other international crimes like arms trade, money laundering and organ harvesting among others…….” (OI October 2016).

The above observation is in agreement with the study findings by Miami Academy of human trafficking in USA. This study found that human trafficking is global problem facing all countries including those with progressive counter interventions. It also established that human trafficking breed or are connected with other global crimes specifically drug and arms trade which affect global security. The report noted that human trafficking has affected security along the border of USA and Mexico manifested by lucrative arms and drug trade. Secondary data established that all countries developed and developing one are affected by both internal and transnational human trafficking which is also associated with other crimes\textsuperscript{111}.

6.4.2 Extent of human trafficking on global security

The study found it prudent to establish the extent of effects of human trafficking globally. The findings established that 79.8\% of the respondents indicated that human trafficking has to a large extent affected global security. On the other hand 20.2\% indicated that to considerable extent human trafficking has affected global security. No respondent indicated that human trafficking does not affect global security. These findings imply that human trafficking is major

crime that will require concerted efforts by governments and stakeholders to detect and prevent it globally.

Secondary data indicated that the extent of effects of human trafficking on global perspectives differ from one continent to another. Some continents mainly Sub-Saharan Africa and East and South Asia bear the brunt of being major sources of victims while Middle East, Europe and North America accounting for main destinations (UNODC, 2014). This vice affects mostly women (49%) as compared to children (33%) and 18% men.

The East African region according to the regional Interpol bureau has a big share of human trafficking. The bureau has the responsibility of monitoring human trafficking routes in the Horn of Africa. These routes are; Somali – Djibouti route, Somali – Djibouti – Sudan – Libya, Somalia – Mediterranean Sea – Europe and Eritrea Ethiopia South Africa. These migratory routes is an indicator of how human trafficking in rampant in Horn of Africa.

6.4.3 Impact of human trafficking on global security

The study sought to establish in which way human trafficking affect global security. The findings are presented in Table 6.4.

Table 6.4: Impact of human trafficking on global security

<table>
<thead>
<tr>
<th>Impact of human trafficking on global security</th>
<th>Responses</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase terrorism activities</td>
<td>35</td>
<td>44.9</td>
<td>51.5</td>
</tr>
<tr>
<td>It facilitates other crimes like money laundering, defilements, organ removal and murder</td>
<td>24</td>
<td>30.8</td>
<td>35.3</td>
</tr>
<tr>
<td>Risking victims to drowning</td>
<td>8</td>
<td>10.3</td>
<td>11.8</td>
</tr>
<tr>
<td>Migration insecurity challenges</td>
<td>8</td>
<td>10.2</td>
<td>11.8</td>
</tr>
<tr>
<td>Diplomatic rows between affected countries</td>
<td>3</td>
<td>3.8</td>
<td>4.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>78</strong></td>
<td><strong>100.00</strong></td>
<td><strong>114.7</strong></td>
</tr>
</tbody>
</table>

*NB: Data was analysed from multiple responses and from those who responded.*
The study established that human trafficking affects global security in different ways. From the analysis in Table 6.4 most (44.9%) of the respondents indicated that human trafficking increases terrorism activities, 30.8% were of the view that it facilitates other crimes like money laundering, defilements, organ removal and murder. The study also established that human trafficking exposes victims to risks like drowning, results migratory related insecurities and results in diplomatic between affected countries. The above findings imply that human trafficking is not associated with only human trafficking but breeds other crimes which make these vice complex to deal with.

Secondary data found that there is a close relationship between human trafficking and other crimes like money laundering, terrorism, drugs, armed conflicts, arms trade among others. The above findings are in line with the observation by Jones, Engstrom, Hilliard and Diaz, (2007) in their study on globalization and human trafficking found that this vice is associated with armed conflict where child soldiers are victims.

In East Africa especially on the border of Kenya and Somalia human trafficking is encouraged by the terrorism activities. The victims are lured to be fighters of the terrorist activities in Somalia and Middle East countries that are facing political instabilities. These transnational human trafficking activities are also associated with regional insecurity along the Kenya Somalia border manifested by constant terrorist attack. The outward human trafficking movement through Sudan, Libya, Egypt, and Djibouti across the Mediterranean Sea to Europe has brought unprecedented global security. The migrants end up in camps in the destination countries where they involve in criminal activities like drugs trade and prostitution.

6.4.4 Regions in Kenya affected human trafficking

The respondents were asked to indicate the regions of Kenya which are mostly affected by human trafficking. This was necessary in order to identify the hot spots and link with the other
studies especially the United Nations Office on Drugs and Crime which releases reports on global human trafficking. The findings are depicted in Figure 6.3.

![Bar chart showing human trafficking percentages by region](chart.png)

**Figure 6.3: Regions in Kenya affected human trafficking**

The findings in Figure 6.3 show that Coastal (28.8%) and North Eastern (27.9%) regions were the most affected by human trafficking. They were followed by Nairobi (19.3%) with western region being the least affected at 2.9%. The linkage between Mombasa and Middle East where they use Indian Ocean waters to transport their victims to countries of destination could explain the reason why Coastal region came first as the most affected area by human trafficking. Also the high incidence in North Eastern region can be attributed to instability in Somalia and political problems in Ethiopia which creates a need to seek peaceful locations.

These findings agrees with the report findings by Kenya National Crime Research Centre (2014) which established that due to porous border along Somalia and Ethiopia contribute to ease of human trafficking. The report also noted Kenya act as a source and conduit of human trafficking. Ethiopians, Eritreans and Somalis form the bulk of victims who either trafficked or smuggled in Kenya through North Eastern region or through Moyale border. Internally, there is trafficking of persons from rural areas to Nairobi and other major urban towns to work as domestic workers and prostitution with main source being Western, Nyanza and Central
regions. An interview with a key informant from the International Organisation for Migration (IOM) Kenya office the following was established:

“….. the problem of internal human trafficking affects all regions of the country; however regions of Nyanza, Western and Eastern are source of domestic workers. The victims are promised work in affluent areas of Nairobi, Mombasa and other major towns. Some of the victims end up being employed in low income areas with little salary. Others are taken to work for sex especially in Nairobi and Mombasa….” (O.I. October 2016).

6.4.5 Source and destination regions of persons for trafficking

The respondents were asked to indicate the sources and destination of global persons for trafficking. This was important in order to have a better understanding of human trafficking flows globally. The findings are presented Figure 6.4.

![Figure 6.4](source_regions.png)

Figure 6.4: Source Regions of persons for trafficking

The findings in Figure 6.4 show that Africa region (62.5%) accounted for the most source of human trafficking followed by Asia Pacific at 12.5%. As a destination, Middle East recorded the highest (48.1%) followed by Europe (35.6%) while Asia Pacific recorded the lowest at 2.9%. The findings above imply that there is a relationship between regional sources of persons for trafficking and economic status of that region. Economically poor regions of Africa and Middle East are the major source of persons for trafficking. On the contrary economically endowed regions like Europe and Middle East are the major recipient of trafficked persons.
These findings implies that rich Middle East countries like Saudi Arabia, Qatar, Kuwait, Dubai could be the destination for trafficked persons. Poor or war ravaged Middle East Countries like Iraq, Syria and Yemen provides a fertile source of persons for trafficking.

The findings above recorded unusually low figures on the source of persons trafficked from Asia Pacific. This was contrary from the report by UNODC (2014) on global report on human trafficking which singled out some countries like Philippines, Thailand and Vietnam as source regions. America is a major destination for trafficked persons; however the study findings above portray it otherwise. These revelations imply that the respondents have a poor understanding of the human trafficking flows. The respondents seem to lack wide understanding of the flow of human trafficking among the law enforcement. These observations portend a danger of enforcing laws regarding human trafficking. The lack of adequate information would mean that law enforcers may fail to detect human traffickers especially those destined to North America. This is so because the law enforcers assume North America is not a major destination for human trafficking.

An interview with the office of the Interpol regional office confirmed that Kenya is a Source, a destination as well as a transit point of the high end business of human trafficking whose proceeds are also used to bankroll other illegal activities. The trafficked persons comes from Ethiopia, Democratic Republic of Congo, Tanzania, Uganda, Eritrean where they end up in other countries while others end up in Kenya. Kenya is a preferred destination and transits conduits for human trafficking due to its geo-positioning in East and Central Africa, has better economy (National Crime Research Centre, 2014). It’s also preferred due its porous borders, large expansive coast line and ineffective law enforcement.
6.5 Common forms of human trafficking in Kenya

The second objective sought to examine the common forms of human trafficking in Kenya. The findings are presented in the sections below.

6.5.1 Knowledge of Forms of human trafficking in Kenya

The respondents were asked to indicate if they were aware of various forms of human trafficking in Kenya. The findings are presented in Figure 6.5.

![Figure 6.5: Respondents awareness on the forms of human trafficking in Kenya](image)

The findings in Figure 6.5 show that majority (94.2%) of the respondents are aware of the forms of human trafficking in Kenya. This implies that the law enforcement officers have knowledge of human trafficking which can help them deal with this vice.

6.5.2 Most Prevalent Form of human Trafficking in Kenya

The respondents were asked to indicate the prevalent forms of human trafficking in Kenya. This was necessary in order to identify the most prevalent form of human trafficking in Kenya. A cross tabulation between the most prevalent human trafficking and destination was generated and presented in Table 6.5.

<table>
<thead>
<tr>
<th>Destination</th>
<th>Forms of HT Kenya</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 6.5: A cross tabulation between destination and most prevalent form of human trafficking in Kenya
Domestic servitude | Sexual exploitation | Labour Exploitation | Pornography production
--- | --- | --- | ---
Africa | 0(0.0%) | 2(1.9%) | 5(4.8%) | 1(1.0%) | 8(7.7%)
Asia Pacific | 0(0.0%) | 0(0.0%) | 3(2.9%) | 0(0.0%) | 3(2.9%)
Europe | 14(13.5%) | 9(8.7%) | 8(7.7%) | 6(5.8%) | 37(35.6%)
America | 0(0.0%) | 1(1.0%) | 3(2.9%) | 2(1.9%) | 6(5.8%)
Middle east | 20(19.2%) | 5(4.8%) | 24(23.1%) | 1(1.0%) | 50(48.1%)
**Total** | **34(32.7%)** | **17(16.3%)** | **43(41.3%)** | **10(9.6%)** | **104(100.0%)**

The analysis in Table 6.5 established that labour exploitation (41.3%) is the most prevalent form of human trafficking in Kenya followed by domestic servitude (32.7%) while pornography production (9.6%) was the least. The study also established that Middle East was the main destination accounting for 23.1% and 19.2% of labour exploitation and domestic servitude respectively. These findings imply that domestic servitude and labour exploitation are the most prevalent form of human trafficking. Sexual exploitation is another form of human trafficking where the victims are taken mostly in Europe and Middle East. Africa accounts to insignificant destination for trafficked person. This can be attributed to the fact Africa is the main source of persons to be trafficked and end up in Middle East, Europe and America.

Secondary data confirmed the above findings. A report by IOM (2008) identified exploitative labour especially domestic child labour, sexual exploitation, removal of organs for rituals, forced marriages constitute some of the most prevalent human trafficking with the countries of Eastern Africa. A report by UNODC (2009) established that Kenya is a major conduit/transit and source of persons trafficked to the rest of the world. The report indicated that in Kenya the most prevalent form of human trafficking was exploitative labour and sex with major destination being Middle East, Europe and North America. These empirical evidences from secondary data confirm this study finding on the forms of human trafficking in Kenya. For instance a study report by Kenya National Crime Research Centre (2014) found that domestic and sexual exploitation are some of the common forms of trafficking perpetrated internally and through the borders.
Interview with a victim of human trafficking established that most of the victims are trafficked for domestic and sexual exploitation mainly for Middle East market\textsuperscript{112}. The victims confided that she faced inhuman treatment like beating, denial of food, working for long hours and confinement in the house without venturing outside. The employer reneged from the agreement on issues of annual leave and in case of emergency that requires one to visit families at home country.

6.5.3 Reasons for Prevalent of Human Trafficking in Kenya

The respondents were asked to give reasons for prevalent of human trafficking in Kenya. This was necessary in order to establish the push factors that influence an individual’s likelihood of being trafficked and pull factors that contribute to the demand for human trafficking. The study findings are tabulated in Table 6.6.

Table 6.6: Reason for prevalent of human trafficking in Kenya

<table>
<thead>
<tr>
<th>Reasons</th>
<th>Responses</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desire for good jobs/ High unemployment</td>
<td>58</td>
<td>42.3</td>
<td>69.1</td>
</tr>
<tr>
<td>Promise for greener pastures/Better jobs</td>
<td>30</td>
<td>21.9</td>
<td>35.7</td>
</tr>
<tr>
<td>Poverty</td>
<td>21</td>
<td>15.3</td>
<td>25.0</td>
</tr>
<tr>
<td>Break down of family values/ Breakdown of marriages</td>
<td>11</td>
<td>8.0</td>
<td>13.1</td>
</tr>
<tr>
<td>Lack of clear laws guiding recruitment of labour outside the country</td>
<td>8</td>
<td>5.8</td>
<td>9.5</td>
</tr>
<tr>
<td>Forced marriage</td>
<td>5</td>
<td>3.6</td>
<td>6.0</td>
</tr>
<tr>
<td>School dropouts</td>
<td>4</td>
<td>2.9</td>
<td>4.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>137</strong></td>
<td><strong>100.0</strong></td>
<td><strong>163.1</strong></td>
</tr>
</tbody>
</table>

The analysis in Table 6.6 revealed that there are many push factors that leads to prevalence for human trafficking in Kenya. Desires for jobs due to high unemployment (42.3%), promise for

\textsuperscript{112} Oral interview with a victim of transnational human trafficking in Middle East
greener pastures or better jobs (21.9%) among others are the reasons or push factors that lead to human trafficking in Kenya.

An interview with the Interpol regional bureau established that the causes of human trafficking can be blamed on the push and pull factors. These push factors included political instability, harsh climatic conditions and harsh economic circumstances among others. The promises for economic advancement, education and better healthcare among others lure the victims. These observations were supported by one victim who was interviewed. She confirmed that poverty due to lack of meaningful employment led her to seek employment in Saudi Arabia through a recruitment agency\textsuperscript{113}.

6.5.4 Methods used by Perpetrators to recruit victims of Human Trafficking in Kenya

The study sought to establish the methods used by human trafficking to perpetrate their heinous act. This was necessary in order to understand the modus operandi of the traffickers. The outcomes are presented in Table 6.7.

\textsuperscript{113} Oral interview with human trafficking victim
Table 6.7: Reason for prevalent of human trafficking in Kenya

<table>
<thead>
<tr>
<th>Methods Used</th>
<th>Responses</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promise of job opportunities</td>
<td>53</td>
<td>25.1</td>
<td>51.5</td>
</tr>
<tr>
<td>Promising lot of money to victims and parents / guardians</td>
<td>30</td>
<td>14.2</td>
<td>29.1</td>
</tr>
<tr>
<td>Luring and deception</td>
<td>27</td>
<td>12.8</td>
<td>26.2</td>
</tr>
<tr>
<td>Misleading Friendship</td>
<td>26</td>
<td>12.3</td>
<td>25.2</td>
</tr>
<tr>
<td>Coercion/Force/Abduction</td>
<td>24</td>
<td>11.4</td>
<td>23.3</td>
</tr>
<tr>
<td>Promising good life</td>
<td>24</td>
<td>11.4</td>
<td>23.3</td>
</tr>
<tr>
<td>Video Chat</td>
<td>22</td>
<td>10.4</td>
<td>21.4</td>
</tr>
<tr>
<td>Family Arrangements</td>
<td>10</td>
<td>4.7</td>
<td>9.7</td>
</tr>
<tr>
<td>Secretly transport the victims</td>
<td>9</td>
<td>4.3</td>
<td>8.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>211</strong></td>
<td><strong>100.0</strong></td>
<td><strong>204.9</strong></td>
</tr>
</tbody>
</table>

The analysis in Table 6.7 revealed that there are many methods used by human traffickers to get the victims into their hands. These methods range from enticing the victims with promises of jobs, good life and lots of money. The study also found that traffickers can use force or coerce victims. The study also found that internet is used to lure victims to fall into the traps of human traffickers.

6.6 Causes of Human Trafficking in Kenya

The third objective sought to identify the major causes of human trafficking in Kenya. This section presents the study findings on the causes of human trafficking in Kenya.

6.6.1 Factors that make people vulnerable to human trafficking in Kenya

The respondents were asked to indicate the causes of human trafficking. This was important in order to discern the factors that make victims vulnerable to human traffickers. According to Kangaspunta (2016) and UNODC (2014) there are four major factors the make victims vulnerable to human trafficking. These factors are; need to leave a place of poverty to gain wealth, unfavourable political conditions, wars/conflicts and socio-economic exploitation. The study findings are presented in Figure 6.6.
Figure 6.6: Factors that make people vulnerable to human trafficking in Kenya

The findings in Figure 6.5 shows mixed findings on the factors that make victims vulnerable to human trafficking in Kenya. Social status like education levels among other was found to make people vulnerable to traffickers. Illiterate and less educated persons are likely to fall prey to human traffickers as compared to educated ones. However, having education does not mean one cannot fall prey to traffickers as most people lack adequate information on human trafficking. At the same time due to lack of jobs/unemployment make one fall to traffickers who lures victims with promises for better jobs with good pay, working from away from home especially abroad presents a favourable bait to hook-up victims.

6.6.2 Rate of Contribution of Push Factors for Internal Human Trafficking in Kenya

The respondents were asked to rate the contribution of poverty, illiteracy, weak legislation, weak enforcement and awareness on internal human trafficking in Kenya. This was necessary in order to determine which push factors contribute most human trafficking. Data on the rating these challenges was collected using Likert Scale instruments. A five (5) Likert scale (1- Very low, 2-Low, 3- Don’t Know, 4- High, 5- Very high) was used to collect the responses. The analysis of the findings involved computing composite scores. Composite scores were derived
by adding very low and low scores to form low scores rating. High and very high scores were added to form high score rating. The findings are presented in Figure 6.7.

Figure 6.7: Rate of Contribution of Push Factors for Internal Human Trafficking in Kenya

The findings in Figure 6.5 revealed poverty (59.6%), illiteracy, weak enforcement and lack of awareness contributed to a high extent rating to internal human trafficking in Kenya. These findings imply that poverty, illiteracy, weak enforcement and lack of awareness are the major causes or push factors of human trafficking in Kenya. The high unemployment rates make the victims vulnerable to traffickers such as employment agents, relatives, friends among others. However, weak legislation had a low extent of contribution of internal human trafficking in Kenya. This finding implies that legislation (Law) contribute less to internal human trafficking in Kenya. There are adequate laws that have been enacted by the Kenya Parliament to deal to counter human trafficking; however, the enforcement is not adequate to deal with this vice.

The above causes are not unique in Kenya as it affects all victims globally. This in agreement with the study findings by Kangaspunta (2016) who established that globally are the pull factors for human trafficking are similar poverty, lack of awareness and weak law enforcement being the major ones.
6.6.3 Factors Contributing to Cross-Border Human Trafficking in Kenya

The study sought to establish the factors that contribute to cross-border human trafficking involving Kenyans. The study findings are presented in Table 6.8.

Table 6.8: Factors Contributing to Cross-Border Human Trafficking in Kenya

<table>
<thead>
<tr>
<th>Factors</th>
<th>Responses</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search for employment</td>
<td>55</td>
<td>30.6</td>
<td>56.7</td>
</tr>
<tr>
<td>Poverty</td>
<td>43</td>
<td>23.9</td>
<td>44.3</td>
</tr>
<tr>
<td>Social issues like Injustices, deprivation, prostitution</td>
<td>23</td>
<td>12.8</td>
<td>24.6</td>
</tr>
<tr>
<td>Porous &amp; extensive boarder</td>
<td>19</td>
<td>10.6</td>
<td>19.6</td>
</tr>
<tr>
<td>Lack of awareness/ignorance</td>
<td>14</td>
<td>7.8</td>
<td>14.4</td>
</tr>
<tr>
<td>Unethical practices</td>
<td>10</td>
<td>5.6</td>
<td>10.3</td>
</tr>
<tr>
<td>Ethnic conflicts/Insecurity</td>
<td>7</td>
<td>3.9</td>
<td>6.2</td>
</tr>
<tr>
<td>Penalties are not prohibitive</td>
<td>4</td>
<td>2.2</td>
<td>4.1</td>
</tr>
<tr>
<td>Weak legislation and enforcement</td>
<td>3</td>
<td>1.7</td>
<td>3.1</td>
</tr>
<tr>
<td>Illiteracy</td>
<td>2</td>
<td>1.1</td>
<td>2.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>180</strong></td>
<td><strong>100.0</strong></td>
<td><strong>186.6</strong></td>
</tr>
</tbody>
</table>

The analysis in Table 6.8 reveals there are numerous factors that contribute to cross-border human trafficking. Such factors are need to search for employment (30.6%), poverty (23.9%) social issues like injustices among others. These factors are similar to those identified by UNODC (2014) in a report on global human trafficking. Secondary data shows that Kenya is source and transit of human trafficking. According to a report by Kenya National Crime Research Centre (2014), Ethiopians who are running away from political persecution and lack of employment are mostly trafficked through Moyale border into Kenya and exits through Namanga border to South Africa. The same report found that Somali and Eritreans who are running away from political upheavals and war conflicts are trafficked through Mandela to Garissa then to Nairobi. The porous and extensive Kenya border with her neighbours coupled with compromised law enforcers make is easy to carry out human trafficking across the borders to destination in Africa and other continents.
6.6.4 Vulnerable Persons for Internal Human Trafficking in Kenya

The study sought to identify the vulnerable persons for internal human trafficking in Kenya. The findings are presented in Table 6.9.

### Table 6.8: Vulnerable Persons to Internal Human Trafficking in Kenya

<table>
<thead>
<tr>
<th>Responses</th>
<th>N</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>84</td>
<td>44.2</td>
<td>81.6</td>
</tr>
<tr>
<td>Youths (add)</td>
<td>35</td>
<td>18.4</td>
<td>34.0</td>
</tr>
<tr>
<td>Children</td>
<td>35</td>
<td>18.4</td>
<td>34.0</td>
</tr>
<tr>
<td>Young men (add)</td>
<td>25</td>
<td>13.2</td>
<td>24.3</td>
</tr>
<tr>
<td>Poor people</td>
<td>8</td>
<td>4.2</td>
<td>7.8</td>
</tr>
<tr>
<td>Less educated people</td>
<td>3</td>
<td>1.6</td>
<td>2.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>190</td>
<td>100.0</td>
<td>184.5</td>
</tr>
</tbody>
</table>

The findings in Table 6.9 show that women (44.2%) are the most vulnerable persons for trafficking followed by youths (18.4%) and children. Women are mostly targeted for sexual exploitation and domestic work.

6.6.5 Vulnerable Persons for Transnational Human Trafficking

The study sought to identify the vulnerable persons for transnational human trafficking. The findings are presented in Table 6.10.

### Table 6.10: Vulnerable Persons to Transnational Human Trafficking

<table>
<thead>
<tr>
<th>Responses</th>
<th>N</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>46</td>
<td>33.4</td>
<td>50.6</td>
</tr>
<tr>
<td>Youths</td>
<td>30</td>
<td>21.7</td>
<td>33.0</td>
</tr>
<tr>
<td>The poor</td>
<td>21</td>
<td>15.2</td>
<td>23.1</td>
</tr>
<tr>
<td>Men</td>
<td>20</td>
<td>14.5</td>
<td>22.0</td>
</tr>
<tr>
<td>Less educated</td>
<td>11</td>
<td>8.0</td>
<td>12.1</td>
</tr>
<tr>
<td>Children</td>
<td>10</td>
<td>7.2</td>
<td>11.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>138</td>
<td>100.0</td>
<td>151.6</td>
</tr>
</tbody>
</table>

*NB: Data was analysed from multiple responses*

The analysis in Table 6.10 revealed that women are the most (33.4%) trafficked in transnational human trafficking followed by youths (21.7%) and the poor (15.2%). These findings imply that women and the youths (young men and women) are more vulnerable to transnational human
trafficking as compared to men. The high vulnerability of women and youths to transnational human trafficking can be attributed to the fact that sexual exploitation is one of the major push factors for this vice. This therefore leads to traffickers target women especially the young ones thus making them more vulnerable as compared to men.

Youths are more likely to be vulnerable to human trafficking due to lack of employment opportunities in the source countries and at the same time they are desire to work abroad or away from home. Due to these scenarios the youths are more vulnerable to human trafficking as compared to adults. The above findings are supported by the report by UNODC (2014) on global reporting on human trafficking which established that most (49%) of detected persons trafficked globally were women as compared to 33% children and 18% men. A study report by Kenya National Crime Research Centre (2014) found that there was close relationship between gender and age and vulnerability to fall as victim. The study established that more women especially the young ones were victims of human trafficking as compared to men.

6.6.6 Purpose of Internal and Transnational Trafficking of Persons

The respondents were asked to indicate the purpose of trafficking person internally and externally. The findings are presented in Figure 6.8.
Figure 6.8: Purpose of Internal and Transnational Trafficking of Persons

The comparison analysis in Figure 6.8 shows that sexual exploitation is one of the purposes of internal and transnational trafficking in persons. This was followed by the need to supply cheap labour and domestic servitude. Economic gains which directly benefits the traffickers and organ extraction was also identified a purpose for both internal and external human trafficking. The findings above in comparison revealed that sexual exploitation and economic gains was more rampant internally as compared to transnational purposes though on a small difference. The above findings imply that there are no much differences on the purposes for trafficking for domestic/internal and transnational. However, the differences monetary gains could be higher for transnational as compared to intern trafficking.

6.6.7 Motivation Factors for Perpetrators of Human Trafficking

The study found it prudent to establish what motivates perpetrators of human trafficking to engage in this vice. This was necessary in order to establish the push and pull factors of human trafficking motivations. The research findings are tabulated in Table 6.11.

<table>
<thead>
<tr>
<th>Motivation Factor</th>
<th>Responses</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monetary gain</td>
<td>67</td>
<td>37.6</td>
</tr>
<tr>
<td>Weak law enforcement</td>
<td>37</td>
<td>20.8</td>
</tr>
<tr>
<td>Poverty/Low income situation</td>
<td>27</td>
<td>15.2</td>
</tr>
<tr>
<td>Corrupt government officials / Security Agencies</td>
<td>13</td>
<td>7.3</td>
</tr>
<tr>
<td>Internal conflict</td>
<td>11</td>
<td>6.2</td>
</tr>
<tr>
<td>Ignorance/Lack of awareness</td>
<td>10</td>
<td>5.6</td>
</tr>
<tr>
<td>Illiteracy</td>
<td>7</td>
<td>3.9</td>
</tr>
<tr>
<td>Poor legislation</td>
<td>6</td>
<td>3.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>178</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The analysis in Table 6.11 shows that monetary gains (37.6%) is one of the motivation factors that drives the perpetrators to engage in human trafficking. Other motivation factors are weak law enforcement, poverty, corruption among other. From the findings above, it’s clear that the perpetrators take advantage of the poor socio-economic situations which make victims vulnerable or easy to lure to trafficking. Also, the perpetrators capitalise on the weak law enforcement and complacent government and law enforcement official who easy to corrupt to carry out human trafficking unhindered. The above findings imply that motivation to engage in human trafficking is high, making this vice a thriving business globally.

An interview with an officer from the United Nations Office on Drugs and Crime (Nairobi Office) it was established that there exists cartels and individuals, both men and women whose sole business is to transact in human beings locally and globally. They have established connections locally mostly in informal settlements like Mathare and Kibera where they recruit persons to be trafficked to Saudi Arabia. These organised cartels are motivated by the economic gains which are accrued from this trafficking business.

6.7 Effectiveness of enforcement agencies in tackling the human trafficking phenomenon

The fourth objective sought to analyse the effectiveness of enforcement agencies in tackling the human trafficking phenomenon. The research findings are presented in sections below.

6.7.1 Engagement in Law Enforcement

The respondents were asked to indicate in they are engaged in law enforcement. The research findings established that all respondents (100%) agreed they are engaged in law enforcement. This implied that the respondents have a better understanding of the laws enforcement.
6.7.2 Experience in Law Enforcement

The study sought to establish how long the respondents had worked as law enforcers. The study findings are Figure 6.9.

![Pie chart showing distribution of law enforcement experience]

**Figure 6.9: Experience in Law Enforcement**

As presented in Figure 6.9, most (46.2%) of the respondents have experience on law enforcement of above 10 years. About 33.7% had 6-10 while 20.2% had 1-5 years of law enforcement experience. It can be argued that majority (79.8%) of the respondents have more than six years law enforcement experience which is adequate to effectively deal with criminal issues.

6.7.3 Knowledge of Human Trafficking

The respondents were asked to indicate how they first came to know of human trafficking. The findings are presented in Table 6.12.

**Table 6.11: Knowledge of Human Trafficking**

<table>
<thead>
<tr>
<th>Learning of Human Trafficking</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular law enforcement activities /On the job</td>
<td>69</td>
<td>66.3</td>
</tr>
<tr>
<td>Training /Conference</td>
<td>26</td>
<td>25.0</td>
</tr>
<tr>
<td>Media</td>
<td>6</td>
<td>5.8</td>
</tr>
<tr>
<td>Special task force participation</td>
<td>3</td>
<td>2.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>104</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The analysed data in Table 6.12 established that majority (66.3%) of the respondents learned of human trafficking during their normal working activities while 25% through training on the same. Media was also a source of information on human trafficking accounting to 5.8% while a partly 2.9% learned about this vice after participating on special task force on the same. The findings imply that there is little deliberate effort to sensitise law enforcement on a large scale through training during basic and in-service programmes. This is so because majority of the respondents came to learn about human trafficking in their normal working activities. This can be attributed to low emphasis given to this type of crime as compared to other crimes like terrorism, murder, corruption, rape among others which are more pertinent which are given more prominent.

This revelation is not unique to Kenya as the same was noted by a study by Clawson, Dutch and Cumming (2006) on law enforcement response to human trafficking and the implications for victims in USA. The study established that 32% of law enforcers learned of human trafficking during the course of other investigations. Considering USA has put impressive efforts to deal with human trafficking, this number (32%) of law enforcers learning about this vice in the course of their work is high.

Human trafficking is still regarded as an emerging crime in Kenya though it has existed for a very long time. All along before the enactment of Kenya Counter-Trafficking in Persons Act\footnote{GoK. (2010). Counter-Trafficking in Persons Act. Nairobi: Government Printers.} – 2010, this vice was addressed by penal code Cap 63 laws of Kenya. The penal code could not effectively deal with complex human trafficking crime. The Counter-Trafficking in Persons Act - 2010 was operationalized in 2012, which means that this law is only about four and half years old. Kenya is a signatory of Palermo Protocol\footnote{https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html} of 2000 that was put in force in 2003. This protocol is meant to prevent, suppress and punish trafficking in persons, especially women.
and children, supplementing the United Nations Convention against Transnational Organized Crime. It took Kenya 12 years to come up a specific law to address counter human trafficking in Kenya. This argument explains the reason why human trafficking is regarded as emerging crime in Kenya. It also confirms the reasons why many of the respondents learned about human trafficking in their normal law enforcement activities as opposed to through training during basic training for young officer in case of police officers or through in-service training for old officers. These revelations portend a situation where the law enforcers lack adequate information on human trafficking crimes which may lead to low detection and ineffective investigations and trials in the court of law.

6.7.4 Training on Counter Human Trafficking

The study sought to establish if the respondents have been trained on counter human trafficking. A cross tabulation between having trained and respondents occupation was generated and presented in Table 6.13.
### Table 6.13: Training on Counter Human Trafficking

<table>
<thead>
<tr>
<th>Respondents Category</th>
<th>Training</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Police Investigators</td>
<td>19(18.3%)</td>
<td>31(29.8%)</td>
<td>50(48.1%)</td>
</tr>
<tr>
<td>Immigration Officials</td>
<td>22(21.2%)</td>
<td>10(9.6%)</td>
<td>32(30.8%)</td>
</tr>
<tr>
<td>Office of Director of Public Prosecution (ODPP) officials</td>
<td>9(8.7%)</td>
<td>0(0.0%)</td>
<td>9(8.7%)</td>
</tr>
<tr>
<td>Regional Interpol Bureau</td>
<td>3(2.9%)</td>
<td>0(0.0%)</td>
<td>3(2.9%)</td>
</tr>
<tr>
<td>Child Protection Unit</td>
<td>4(3.8%)</td>
<td>6(5.8%)</td>
<td>10(9.6%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>57(54.8%)</strong></td>
<td><strong>47(45.2%)</strong></td>
<td><strong>104(100.0%)</strong></td>
</tr>
</tbody>
</table>

The analysed data in Table 6.13 shows that overall, majority (54.8%) of the respondents were trained on counter human trafficking as compared to 45.2% who were not. These numbers of overall trained persons, though majority is not quite impressive for specific respondents especially for police investigators, immigration officials and child protection unit officers. This was so because the number of trained police investigators, immigration officials and child protection unit officers was below 50%, which is not adequate for effective counter human trafficking. This revelation implies that the numbers of trained law enforcers in Kenya are not adequate. This will mean that law enforcer will face challenges of implementing counter human trafficking interventions. The lack of adequate training on counter human trafficking is global problem with most of the countries recording low responses.

#### 6.7.5 Handling of a Human Trafficking Case

The respondents were asked to indicate if they had handled cases of human trafficking. The research outcomes are presented in Figure 6.10.
Figure 6.10: Handling of a Human Trafficking Case

As presented in Figure 6.10, only 39.4% of the respondents have handled a human trafficking case as compared to 60.6% who have not. These outcomes imply that few law enforcers have experience of handling human trafficking cases. This revelation portends a brick situation on their effectiveness of handing human trafficking cases. The lack of training by majority of laws enforcers on counter human trafficking as it was established by this study and few officers having handled human trafficking cases courts a challenge of addressing human trafficking vices.

6.7.6 Duration Taken to Finalise a Human Trafficking Case

The respondents were asked to indicate how long it took the respondents to finalise a human trafficking case they had handled. The research outcomes are presented in Figure 6.11.
The findings in Figure 6.11 shows that most (46.3%) of the human trafficking cases took 4-6 months, 36.6% two to three months, 9.9% less than a week while 7.3% two weeks to one month to finalise cases. The high finalization of human trafficking cases in less than 1 week can be attributed to the immigration department handing over to police to deal with investigations and prosecution soonest possible.

6.7.7 Outcome of Human Trafficking Case Handled

The respondents were asked to indicate the outcome of a human trafficking case handled by the respondents. The research outcomes are presented in Figure 6.12.

![Figure 6.12: Duration Taken to Finalise a Human Trafficking Case](image)

The study outcome in Figure 6.12 about 63.4% of the human trafficking cases ended up with conviction, 24.4% did not reach court, and 7.3% was withdrawn while 2.4% was discharged. The study also established that 2.4% of the cases are still on-going. The findings above imply that thought few cases are detected in Kenya majority of the perpetrators are convicted. The numbers of cases that did not reach court or were withdrawn could be attributed to interferences by perpetrators, unethical practices, wrong charges and victims failing to appear to testify.

6.7.8 Availability of Interventions for Addressing Human Trafficking in Kenya

The study sought information on availability of interventions for addressing human trafficking in Kenya. The research outcomes are presented in Figure 6.13.
The findings in Figure 6.13 to a large extent (82.7%) of the respondents affirmed that there are interventions available for addressing human trafficking in Kenya. The interventions available are presented in sections below.

### Figure 6.13: Availability of Intervention for Addressing Human Trafficking in Kenya

The findings in Figure 6.13 to a large extent (82.7%) of the respondents affirmed that there are interventions available for addressing human trafficking in Kenya. The interventions available are presented in sections below.

#### 6.7.9 Interventions Available for Addressing Human Trafficking in Kenya

The study sought information on interventions available for addressing human trafficking in Kenya. This was necessary in order to determine if the respondents are cognisant of these interventions. The study outcomes are presented in Table 6.14.
Table 6.14: Interventions Available for Addressing Human Trafficking in Kenya

<table>
<thead>
<tr>
<th>Available Interventions</th>
<th>Responses</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borders security &amp; road block inspection</td>
<td>41</td>
<td>23.9</td>
<td>64.4</td>
</tr>
<tr>
<td>Training law enforcer on counter human trafficking</td>
<td>39</td>
<td>23.2</td>
<td>57.4</td>
</tr>
<tr>
<td>Enforcement of law</td>
<td>30</td>
<td>18.6</td>
<td>44.1</td>
</tr>
<tr>
<td>Public awareness &amp; Community policing</td>
<td>25</td>
<td>14.9</td>
<td>36.8</td>
</tr>
<tr>
<td>Registration of all immigrants</td>
<td>16</td>
<td>9.5</td>
<td>23.5</td>
</tr>
<tr>
<td>Arrest and prosecution in the court of law</td>
<td>10</td>
<td>6.0</td>
<td>14.7</td>
</tr>
<tr>
<td>Regulating labour recruitment agencies</td>
<td>4</td>
<td>2.4</td>
<td>5.9</td>
</tr>
<tr>
<td>Enactment of laws on counter human trafficking</td>
<td>3</td>
<td>1.8</td>
<td>4.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>168</strong></td>
<td><strong>100.0</strong></td>
<td><strong>247.1</strong></td>
</tr>
</tbody>
</table>

As presented in Table 6.14, there are a number of interventions available for addressing human trafficking in Kenya. The interventions are all inclusive since they involve enactment and enforcement of laws related to counter human trafficking, border and inspection on roads and public awareness. Recruitment agencies are some of the perpetrators of human trafficking and to curtail their possible engagement to this vice the government has come with policies and guidelines to regulate them. An interview with UNODC Nairobi office it was found that there are interventions adopted in Kenya to address human trafficking. The officer had this to say:

“……There is established through legislation, the National Counter Terrorism Advisory Committee in Kenya which is supposed to draw a National Plan of Action. It also mandated to come up with the National Referral Mechanism. In addition it is supposed to come up with Standard Operating Procedures (SOPs), specific to the police to handle human trafficking cases and to operate a National Assistance Trust Fund to cater for the afflicted. The membership is drawn from the Department of Children Services, Police and ODPP. The authority has the mandate of training key players and creates or awareness for all….“ (OI, October, 2016).

The above sentiments confirm that the Kenya government have taken proactive role to address human trafficking. All these interventions are adequate if well implemented to deal with human trafficking. The question is, are they adequately implemented, what challenges law enforcers
face in implementing the above interventions. The section below explores the challenges faced by law enforcers to implement human trafficking in Kenya.

6.7.10 Challenges of Implementing Human Trafficking Interventions in Kenya

The respondents were asked if there were challenges facing implementation human trafficking intervention strategies in Kenya. The study outcomes established 100% of the respondents affirmed there were challenges of implementing human trafficking interventions in Kenya.

6.7.11 Rating Challenges of Implementing Human Trafficking Interventions in Kenya

The study found it necessary to rate the challenges of implementation counter human trafficking interventions in Kenya. This was necessary in order to determine which counter human trafficking had major challenges. Data on the rating these challenges was collected using Likert Scale instruments. A five (5) Likert scale (1- Very low, 2-Low, 3- Don’t Know, 4-High, 5- Very high) was used to collect the responses. The analysis of the findings involved computing composite scores. Composite scores were derived by adding very low and low scores to form low scores rating. High and very high scores were added to form high score rating. The findings are presented in Figure 6.14.

Figure 6.14: Rating Challenges of Implementing Human Trafficking Interventions in Kenya
The rating analysis in Figure 6.14 on the challenges facing implementation of human trafficking interventions in Kenya indicated mixed revelations. Apart from rehabilitation and correction which recorded indifferent score rating (Don’t know [40.4%]), the other interventions; legislation, resource allocation interventions accounted for high rating. These findings imply that the crucial human trafficking interventions are facing bottlenecks which may lead to ineffective law enforcement. The indifferent score rating regarding rehabilitation and correction can be attributed to the reason that the respondents don’t deal with this intervention. This is the responsibility of the prison department a mandate beyond the police officers, immigration officials and other respondents sampled in this study.

6.7.12 Recommendation for the Best Practices on Preventing and Combating Trafficking in Human beings in Kenya

The respondents were asked to make recommendations on the best practices of preventing and compacting trafficking in human beings in Kenya. This was necessary in order to develop home grown solutions. The study findings are tabulated in Table 6.15.
Table 6.15: Recommendation on the Best Practices of Preventing and Combating Trafficking

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Responses</th>
<th>Percent</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create awareness/empower vulnerable people</td>
<td>79</td>
<td>37.1</td>
<td>83.2</td>
</tr>
<tr>
<td>Enforcing laws on counter human trafficking</td>
<td>45</td>
<td>21.1</td>
<td>47.3</td>
</tr>
<tr>
<td>Adequate legislation</td>
<td>31</td>
<td>14.6</td>
<td>32.6</td>
</tr>
<tr>
<td>Enhance border security</td>
<td>21</td>
<td>9.9</td>
<td>22.1</td>
</tr>
<tr>
<td>Profiling traffickers and apprehension</td>
<td>9</td>
<td>4.2</td>
<td>9.5</td>
</tr>
<tr>
<td>Strong family values</td>
<td>8</td>
<td>3.8</td>
<td>8.4</td>
</tr>
<tr>
<td>Build capacity of law enforcers</td>
<td>8</td>
<td>3.8</td>
<td>8.4</td>
</tr>
<tr>
<td>Youth engagement activities//education for all/Create employment to improving living standards</td>
<td>6</td>
<td></td>
<td>6.4</td>
</tr>
<tr>
<td>Involvement of stakeholders in fighting counter human trafficking</td>
<td>4</td>
<td>1.9</td>
<td>4.2</td>
</tr>
<tr>
<td>Allocation of more resources to fight human trafficking</td>
<td>2</td>
<td>0.9</td>
<td>2.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>213</strong></td>
<td><strong>100.0</strong></td>
<td><strong>224.2</strong></td>
</tr>
</tbody>
</table>

*NB: Analysis was computed from multiple responses*

The tabulated information on Table 6.15 presents the recommendations for addressing human trafficking in Kenya. The respondents felt that awareness creation or empowerment of vulnerable person will go a long way in countering human trafficking. Lack of awareness on the tricks used by perpetrators of human trafficking has been attributed to many victims falling prey. The above recommendations on the best practices of dealing with human trafficking agree with those recommended by the interviewed officers.
CHAPTER SEVEN
KEY FINDINGS, CONCLUSION, RECOMMENDATIONS AND AREAS FOR FURTHER RESEARCH

7.0 Introduction

This chapter presents the key findings, conclusion, recommendations and areas for further research. The presentations are captured in the sub-sections as discussed below.

7.1 Study Key Findings

The sections below discuss the key findings of this study.

7.1.1 Effect of human trafficking on global security

The first research objective sought to explore the effect of human trafficking on global security. The study established that human trafficking is a vice affecting all countries globally both developed and developing countries. It also emerged from this study that human trafficking has a negative effect on global security. The study established that human trafficking affects border security and internal security in the destination countries. These findings are supported by the hypothesis that geo-political location of a country determines the nature and levels of Trans-national Organized Crimes. Kenya is geo-political strategically placed in East Africa which makes it fertile ground for transnational human trafficking. This is so because it has democratic government a progressive constitution and a strong member of East African Community and others which allow easy movement of people. Traffickers have taken advantage to engage in human trafficking vice. Kenya has a better economy as compared to its neighbours making the first choice for migrants looking for economic opportunities. Human traffickers use the economic advantage prevailing to lure victims to come to Kenya especially for domestic and sexual exploitation. Kenya also has international airline connection from Jomo Kenyatta International and Moi International airport which connects with all continents globally. This geo positioning make Kenya the ideal source and transit route for transnational...
human trafficking. Secondary data especially from United Nations bodies like UNODC, international NGO’s like IOM and interviews with Interpol all confirmed that human trafficking affects global security.

7.1.2 Common forms of human trafficking in Kenya

The second research objective sought to examine the common forms of human trafficking in Kenya. The study findings for this objective were informed by the hypothesis that involuntary servitude and labour trafficking are the most common forms of human trafficking in Kenya. The study found that majority (94.2%) of the respondents was aware of the forms of human trafficking in Kenya. The study established that domestic servitude, sexual and labour exploitation were the common forms of human trafficking in Kenya. It emerged from this study that these forms of human trafficking occur internally and across the borders. The study established that the victims are lured from rural areas to major urban to work as house helps or as commercial sex workers. Internally in Kenya, most of the source areas are Coastal, North Eastern and Western regions. The study revealed that the destination of internally trafficked persons were mainly Nairobi and Mombasa where they end up working as domestic workers and for sexual exploitation affecting mostly young women. The study in summary found that the common forms of human trafficking in Kenya are involuntary servitude, labour based and sexual exploitation.

7.1.3 Major causes of human trafficking in Kenya

The third objective sought to identify the major causes of human trafficking in Kenya. A hypothesis that poverty and unemployment levels within the society have a direct relationship with the high incidence of human trafficking in Kenya was used to explain the findings for this objective. It emerged that lack of job opportunities has led to poverty among the Kenyans which in the major push factors for human trafficking in Kenya. It also emerged that illiteracy among the victims which lead to low awareness has a major contribution to causes to human
trafficking. Weak enforcement was also revealed to be a major cause of human trafficking in Kenya.

From secondary data it was established that the human trafficking causes identified were not unique in Kenya as it affects all victims globally. The study findings confirmed the hypothesis advanced, that poverty and unemployment levels within the society have a direct relationship with the high incidence of human trafficking in Kenya.

### 7.1.4 Effectiveness of enforcement agencies in tackling the human trafficking phenomenon

Finally, the study sought to analyse the effectiveness of enforcement agencies in tackling the human trafficking phenomenon. Hypothesis was advanced that lack of appropriate training among law enforcement officers possess a great challenge to the fight against human trafficking in Kenya to describe the study outcomes. The study established that a large number (66.3%) learned of human trafficking in the course of normal duties. The study also revealed that 25% of the law enforcers learned of human trafficking through training. It emerged from the study, overall (54.8%) the all the law enforcers were trained on counter human trafficking. However, on individual category of law enforcers it’s only the Directorate of Public Prosecution (DPP) and regional Interpol Bureau officials were all trained on counter human trafficking. The study established that only 19(38%) out of the total (50) of the police investigators were trained on counter human trafficking. It was also noted from the study that most of the immigration and child protection unit officials are not trained on counter human trafficking in Kenya.

It was established that majority (60.6%) have not handled a human trafficking case. It emerged from the study cases involving human trafficking were disposed quickly in less than one month resulting in 63.4% convictions. On availability of interventions for addressing human trafficking in Kenya, it was found that 82.7% of the respondents were in affirmative. The study
identified that the government has enacted laws, security measures at the border points and inspections at road blocks. The government has also put other law enforcement interventions such as arrest and prosecution in the court of law perpetrators of human traffickers. To improve on the efficiency of the law enforcers, the government has put in place training interventions. It emerged from the study that public awareness on the phenomenon of human trafficking has been adopted to deal with the menace of human trafficking in Kenya. Finally, registration of all immigrants is one of the interventions used to address human trafficking within the borders of Kenya.

This study established that law enforcers face numerous challenges of dealing with human trafficking in Kenya. It emerged that legislation, resource allocation, capacity building and ability to detect and investigate cases of human trafficking were major challenges facing law enforcers. The study found that the courts which have the responsibility of hearing cases also pose a challenge of dealing with human trafficking. Cases normally take long probably due to backlog of many cases, lack of adequate staff and limited use of technology such as Information Communication Technology.

7.2 Conclusions

7.1.1 Effect of human trafficking on global security

From the study findings, it can be concluded that human trafficking apart from affecting individual victim and security of the host countries it has a negative effect on global security. The global security effects include border security, arms trade, terrorism activities and drugs trafficking. The study also concludes that Kenya geo-political position in East Africa which makes it fertile ground for transnational human trafficking which in turn has affected regional security.
7.1.2 Common forms of human trafficking in Kenya

This study concludes that domestic servitude, sexual and labour exploitation were the common forms of human trafficking in Kenya. It is also concluded that these forms of human trafficking occur internally and across the borders. It can also be concluded that rural areas are the main source of internal trafficking with major urban areas being the major destinations. Nairobi and Mombasa were found to be major source of transnational persons for trafficking to be used for domestic and sexual exploitation globally.

7.1.3 Major causes of human trafficking in Kenya

From the outcome of this study, it is concluded that lack of job opportunities has led to poverty among the Kenyans which is the major push factors for human trafficking in Kenya. It is also concluded that illiteracy and lack of awareness on the human trafficking phenomenon has a major contribution to the causes to human trafficking. Finally, the study concluded that weak law enforcement plays a critical role tolerating human trafficking crime in Kenya.

7.1.4 Effectiveness of enforcement agencies in tackling the human trafficking phenomenon

From the study findings, it can be concluded that mainly law enforcers learned of human trafficking in the course of normal duties and through training. The study concludes that less than 50% of critical law enforcers (Police investigators, immigration and child protection unit) were trained on counter human trafficking. The study concludes that the Kenya government has put necessary interventions measures ranging from enactment of laws, training of law enforcers, awareness creation, security measures among other to address the menace of human trafficking.

The research concludes that that law enforcers face numerous challenges of dealing with human trafficking in Kenya. They face challenges of legislation, resource allocation, and lack of
capacity to detect and investigate cases of human trafficking. Finally the study concludes that the law enforcement officers’ capacity to counter human trafficking in Kenya is wanting.

7.3 **Recommendations**

1. It emerged from the study that few law enforcement officers are trained on counter trafficking of persons. This study therefore recommends the government to come with a policy that will ensure law enforcement officers are progressively trained on counter human trafficking.

2. The study established that lack of awareness was the major cause of human trafficking in Kenya. This study recommends the government and stakeholders to formulate strategies of creating awareness to the vulnerable persons and the general public. The programmes should be specific targeting mostly the women and youths who are the main targets by human traffickers.

3. The study established that poverty and lack of employment opportunities were some of the push factors that make the victims vulnerable to human trafficking. To counter this, the study recommends the government in Kenya and globally and especially in Africa to develop policies and programmes for empowering youths.

4. The study established that job recruitment agents are used to perpetrate human trafficking. It is this mind this study recommends thorough vetting of these agents to allow on those which comply with law to engage in transnational recruitment.

5. Unethical practices within the law enforcement agencies were found to abet human trafficking in Kenya. Based on this revelation, the study recommends the government to have a continuous surveillance on the corruption activities surrounding the phenomenon of human trafficking.

6. The study established that transnational human trafficking affects governments of source and destination countries which have different law enforcement regimes. The
study therefore recommends the source and the destination countries to work together
to fight this vice.

7.4 **Areas for Further Research**

1. Investigate the managerial practices that influence the training of law enforcers on the
counter human trafficking in Kenya.

2. Investigate the extent of awareness of internal and transnational human trafficking in
Kenya among the law enforcers and the members of the public.

3. Evaluate the capacity of Kenya Police to collect effective evidence on human
trafficking related cases.
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RMMS. *Mixed Migration in Kenya: the scale of movement and associated protection risks.*


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Appendix III: Questionnaires for Law Enforcement

Dear Sir/Madam,

My name is MUNYI, Sospeter Njue, a Master of Arts student of International Studies at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi. I am carrying out a research on Transnational Organized Crime with a specific focus on Human Trafficking Phenomenon in Kenya.

I kindly request you to participate in this research by responding to the questions below. Your informed responses will go a long way in enabling me to engage with the key questions in this research. Please note that the information given will remain confidential and will only be used for academic purposes.

<table>
<thead>
<tr>
<th>Q No.</th>
<th>QUESTION</th>
<th>CHOICE OF ANSWER</th>
<th>CODE</th>
<th>SKIP RULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A01</td>
<td>Age</td>
<td>1. Below 18 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. 18-30</td>
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<td>3. 31-40</td>
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<td>4. 41-50</td>
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<td>5. 51-60</td>
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<td>6. 61 and above</td>
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<td></td>
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<tr>
<td>A02</td>
<td>Sex</td>
<td>1. Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A03</td>
<td>Education level</td>
<td>1. No formal education</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Primary school</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>3. Secondary school</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>4. Tertiary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A04</td>
<td>Marital status</td>
<td>1. Single</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Married</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>3. Separated/Divorced</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>4. Widow/Widower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A05</td>
<td>Religion</td>
<td>1. Traditional</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>2. Christian</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>3. Islam</td>
<td></td>
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<td></td>
<td></td>
<td>4. Hindu</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>5. Other (Specify)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A06</td>
<td>Background</td>
<td>1. Law enforcement</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>2. Prosecution (ODPP)/State Law Office</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>3. Immigration</td>
<td></td>
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<td></td>
<td></td>
<td>4. Judiciary</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>5. International Organization</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PART B: EFFECT OF HUMAN TRAFFICKING ON GLOBAL SECURITY
### B01
Do you think Human Trafficking affects global security?
1. Yes
2. No
Skip if responses is No. 2

### B02
To what extent does it affect global security?
1. To a larger extent
2. To a considerable extent
3. To a lesser extent
4. No extent (not at all)
Skip if response is No. 4

### B03
How does it affect global security?
(Please indicate)

### B04
Which region in Kenya is most affected by HT?
(Please tick one region)
1. Central
2. Western
3. Nyanza
4. Nairobi
5. Eastern
6. Coastal
7. North Eastern

### B05
Which region of the world is most affected by HT as a source?
(Please tick one region)
1. Africa
2. Asia Pacific
3. Europe
4. Americas
5. Middle East

### B06
Which region of the world is most affected by HT as a destination?
(Please tick one region)
1. Africa
2. Asia Pacific
3. Europe
4. Americas
5. Middle East

---

### PART C: FORMS OF HUMAN TRAFFICKING IN KENYA

### C01
Are you aware of various forms of HT manifesting in Kenya?
1. Yes
2. No

### C02
Which form of HT is most prevalent in Kenya?
(Please tick one form)
1. Domestic servitude
2. Sexual exploitation
3. Labour exploitation
4. Pornography production
5. Any other(specify)
**PART D: CAUSES OF HUMAN TRAFFICKING IN KENYA**

<table>
<thead>
<tr>
<th>D01</th>
<th>Which factors make people more vulnerable to HT in Kenya?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Ethnicity</td>
</tr>
<tr>
<td></td>
<td>2. Sex</td>
</tr>
<tr>
<td></td>
<td>3. Age</td>
</tr>
<tr>
<td></td>
<td>4. Occupation</td>
</tr>
<tr>
<td></td>
<td>5. Social status</td>
</tr>
<tr>
<td></td>
<td>6. Other (specify)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D02</th>
<th>Rate the following factors contributing to internal HT in Kenya in the scale of 1-5 (where 1 =lowest while 5=highest)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Poverty 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>2. Illiteracy 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>3. Weak Legislation 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>4. Weak enforcement 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>5. Awareness 123 45</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D03</th>
<th>What are the main factors contributing to cross-border human trafficking? (involving Kenyans)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D04</th>
<th>Who are the most vulnerable persons of internal human trafficking?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D05</th>
<th>For what purposes are persons trafficked in the domestic environment?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D06</th>
<th>Who are the most vulnerable persons to transnational HT in Kenya?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D07</th>
<th>For what purposes are persons trafficked in the external environment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>D08</td>
<td>What factors motivate perpetrators of human trafficking?</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------------</td>
</tr>
</tbody>
</table>

**PART E: EFFECTIVENESS OF LAW ENFORCEMENT AGENCIES**

<table>
<thead>
<tr>
<th>E01</th>
<th>Are you engaged in any way in law enforcement? (Includes Immigration, Prosecution, Judiciary)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Yes</td>
</tr>
<tr>
<td></td>
<td>2. No</td>
</tr>
<tr>
<td></td>
<td>If response is No. 2, skip to E03</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E02</th>
<th>Years of service in law enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. 0-5 years</td>
</tr>
<tr>
<td></td>
<td>2. 6-10 years</td>
</tr>
<tr>
<td></td>
<td>3. Above 10 years</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E03</th>
<th>How did you first come to learn of Human Trafficking?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Regular law enforcement activities/On the job</td>
</tr>
<tr>
<td></td>
<td>2. Training/Conference</td>
</tr>
<tr>
<td></td>
<td>3. Special task force participation</td>
</tr>
<tr>
<td></td>
<td>4. Other (specify)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E04</th>
<th>Do you have any relevant training in counter human trafficking?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Yes</td>
</tr>
<tr>
<td></td>
<td>2. No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E05</th>
<th>In your career, have you ever handled a HT case?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Yes</td>
</tr>
<tr>
<td></td>
<td>2. No</td>
</tr>
<tr>
<td></td>
<td>Skip to E08 if response is No.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E06</th>
<th>On average, how long did it take you to finalize with the HT case in E05?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Less than one week</td>
</tr>
<tr>
<td></td>
<td>2. Two weeks to one month</td>
</tr>
<tr>
<td></td>
<td>3. Two to three months</td>
</tr>
<tr>
<td></td>
<td>4. Four to Six months</td>
</tr>
<tr>
<td></td>
<td>5. Over six months</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E07</th>
<th>What was the outcome of the case?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Did not reach court</td>
</tr>
<tr>
<td></td>
<td>2. Withdrawal</td>
</tr>
<tr>
<td></td>
<td>3. Acquittal/Discharge</td>
</tr>
<tr>
<td></td>
<td>4. Conviction</td>
</tr>
<tr>
<td></td>
<td>5. Other outcome (specify)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E08</th>
<th>Are you aware of any intervention strategies in place to address human trafficking in Kenya?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Yes</td>
</tr>
<tr>
<td></td>
<td>2. No</td>
</tr>
<tr>
<td>E09</td>
<td>List at least three of these interventions</td>
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<td>------------------------------------------</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>E10</th>
<th>Are there challenges faced in implementing these strategies?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Yes</td>
</tr>
<tr>
<td></td>
<td>2. No</td>
</tr>
<tr>
<td></td>
<td>3. Don’t know</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E11</th>
<th>How do you rate the following challenges on a scale of 1-5? (where 1 is least challenging while 5 is most challenging)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Legislation 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>2. Resource allocation 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>3. Capacity building 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>4. Detection and investigation 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>5. Trial and sentencing 1 2 3 4 5</td>
</tr>
<tr>
<td></td>
<td>6. Rehabilitation and correction 1 2 3 4 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E12</th>
<th>What would you recommend as the best practices in preventing and combating trafficking in human beings in Kenya?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

THANK YOU SO MUCH FOR PARTICIPATING!!!!!
Appendix IV: Interview Schedule for Key Informants

Dear Sir/Madam,

My name is **MUNYI, Sospeter Njue**, a Master of Arts student of International Studies at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi. I am carrying out a research on Transnational Organized Crime with a specific focus on **Human Trafficking Phenomenon in Kenya**.

I kindly request you to participate in this interview. Your informed responses will go a long way in enabling me to address the key questions in this research.

1. What is your designation?
2. How long have you worked in the organisation?
4. Comment on the common forms of human trafficking in Kenya. (Probe on the internal and transnational human trafficking, perpetrators, regions most affected, common forms etc.).
5. What do you say on the major causes of human trafficking in Kenya? (Probe on the role of poverty, unemployment, lack of awareness, corruption etc.?)
6. What effort has the government of Kenya put in place to deal with human trafficking? (Probe on laws enacted, stakeholders collaborations, challenges etc.)
7. What do you have to say about the effectiveness of law enforcement agencies in tackling human trafficking in Kenya?
8. Suggest on ways of ensuring human trafficking is detected and prevented globally and in Kenya.

Thank you for your time
Appendix V: Interview Schedule for Victims of Human Trafficking

1. Where do you come from in Kenya?

2. When were you trafficked? (probe on the year and place)

3. Please explain how you found yourself being a victim of human trafficking. (Probe on how the victim was lured, what was promised, what pushed her, which country or location victim was taken).

4. What kind of work or activities the victim was engaged in (Probe on the work like domestic, agriculture, industry, sexual exploitation, begging etc.)

5. What kind of mistreatment did you experience? (Probe on who we mistreatment, employer, children etc.)

6. What kind of assistance did receive/how did you manage to free from human trafficking. (Probe on host government interventions, Kenya government and other stakeholders etc.)

7. Please explain why victims easily fall to traffickers traps. (Probe on lack of awareness, ignorance etc.


Thank you for your time