UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

HUMAN TRAFFICKING AND ITS IMPACT ON NATIONAL SECURITY IN EAST AFRICA: A CASE STUDY OF THE VICE IN KENYA

JACOB O ONDIEKI
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DECLARATION

This research project is my original work and has not been presented for examination in any other university.

Signature ……………………………….   **Date …….……………….................**

JACOB O ONDIEKI

REGISTRATION NO. R50/5062/2017

Declaration by Supervisor

This research project has been presented with my approval as University supervisor:

Signature …………………………….   **Date …….……………..................**

PROF. PETER KAGWANJA,

PROFESSOR INSTITUTE OF DIPLOMACY & INTERNATIONAL STUDIES,

UNIVERSITY OF NAIROBI

DEDICATION

I dedicate this work to the Almighty God and to my family for their encouragement and support throughout my studies. Special dedication goes to my late parents who brought me up well and sacrificed their energies by toiling and sweating in order to secure my education for a better today.

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ABSTRACT

This thesis is premised on the argument that organization of routine activities of individuals or groups in society fuels crimes such as human trafficking. The thesis argues that human trafficking is a threat to the whole society and that it undermines the populations' fundamental rights and freedoms, health and safety thus posing a threat to national security.

The overall objective of the thesis is to examine the intensity of human trafficking and its impact on National Security in East Africa with specific reference to the countries of Kenya and Tanzania. Specific objectives include an examination of how human trafficking and terrorism relate, examining how human trafficking and trade in human body organs relate as well as examining the connection between prostitution and human trafficking.

The thesis seeks answers to the difference or similarity between slave trade (the old form of human trafficking) and the current forms of human trafficking in the 20th and 21st centuries in addition to why the problem of trafficking is found in weaker/vulnerable/fragile states only. The theory behind the research is the 'Routine Activities theory' which stresses the idea that criminals are not impulsive or unpredictable because they balance costs as well as the benefits of committing crime. The theory postulates that 'organization of routine activities in society creates opportunities for crime.' This simply means that the daily routine activities of individuals or groups of people and their socialization which include but is not limited to where they work, what they do and where they live strongly influence crime commitment. The theory further posits that routine activities arising from opportunities over time and space amongst people can make crime easy and low risk or difficult and risky to manage or eliminate. The theory suggests that crime can increase as well as decline without any change in the number of those involved in crime. It also identifies market availability, enabling environment and prevalence of bias in the justice system as additional factors that motivate individuals or groups of individuals to engage in crime over and above the traditional ones of social, economic and political drive and ambitions. Since the study seeks to examine root causes of human trafficking, nature and characteristics of the vice as well as existing prevention strategies and management measures that are in place, use of the routine activity theory was found relevant in explicating existing opportunity structures that facilitate the illicit trade.

The study will rely heavily on desk top research and oral interviews with selected key informants based on structured questions. In chapter one, I reflect on human trafficking in East Africa, the causes and characteristics of the crime. An examination of the intensity of human trafficking and its impact on National Security in East Africa with specific reference to the countries of Kenya and Tanzania is also provided. In chapter two I uncover how human trafficking and terrorism relate while in chapter three I offer an explanation of the relationship between human trafficking and trade in human body parts as well as the connection between prostitution and human trafficking. In chapter four I look at how corruption weakens security institutions in light of existing counter human trafficking and management strategies in East Africa. In chapter five I describe the extent to which the objectives have been met and also demonstrate the extent to which the stated hypotheses have been affirmed. In chapter six I conclude with recommendations on strengthening of regional security architecture to improve human and social security through establishment of a Regional Commission for Human Rights (RCHR) mirroring on the Office of the United Nations High Commission for Human Rights (OHCHR).

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ABBREVIATIONS AND ACRONYMS

ALOD	-	Association of Living Organ Donors
CBOs	-	Community Based Organizations
CLDs	-	Commercial Living Donors
CIS	-	Commonwealth of Independent States
CSEC	-	Commercial Sexual Exploitation of Children
ECOWAS	-	Economic Community of West African States
HAART	-	Trace Kenya Awareness Against Human Trafficking
HIV/AIDS	-	Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome
IHRB	-	Institute for Human Rights and Business
ILO	-	International Labour Organization
IOM	-	International Organization for Migration
IVF	-	In-Vitro Fertilization
JKIA	-	Jomo Kenyatta International Airport
KAA	-	Kenya Airports Authority
MIA	-	Moi International Airport
NACOB	-	Narcotics Control Board
NACOSTI	-	National Commission for Science, Technology and Innovation
NCA	-	National Crime Agency
NCWA	-	National Commission on Women Affairs
NGO	-	Non Governmental Organization
NPS	-	National Police Service
OHCHR	-	Office of the United Nations High Commission for Human Rights
RCHR	-	Regional Commission for Human Rights

RCK	-	Refugee Consortium of Kenya
SPSS	-	Statistical Package for Social Sciences
TIP	-	Trafficking in Persons Report
TOC	-	Transnational Organized Crimes
UAE	-	United Arab Emirates
UK	-	United Kingdom
UKHTC	-	United Kingdom Human Trafficking Centre
UNGA	-	United Nations General Assembly
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations Children's Fund
UNIHCP	-	United Nations International Human Control Programme
UNODC	-	United Nations Office on Drugs and Crime
UNOS	-	United Network on Organ Sharing
USA	-	United States of America
WEAEP	-	Western Education Advocacy and Empowerment Programme
WHO	-	World Health Organization

CHAPTER ONE

INTRODUCTION

1.0 Background of the study

Human trafficking is one of the many types of global modern crimes affecting society today. It is considered amongst the most lucrative of the transnational crimes rivaled only by drug and firearms trafficking.[1] Globally, it is estimated that the criminal activity produces billions of cash annually for sophisticated illegal groups.

The illegal trade in human beings continues to grow at alarming rates hence the need for its attention by the international community. Existing data from the United Nations Office on human trafficking trends indicates that 161 countries have been identified as being affected by the vice with 127 countries being identified as countries of origin, 98 as passage countries and 137 as endpoint states. Goodey contends that exact figures at the local and global levels remain vague.[2] It is difficult to obtain dependable information on trafficking due to its clandestine nature in terms of operation, diversity in magnitude, "range and strictness of trafficking activities coupled with disparities in how trafficking is defined from one country to another".

Although "there is no consensus or data on the number of trafficked victims annually, various international institutions and government agencies estimate that between 600,000 and 2 million people are trafficked yearly across the globe".[3]

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[1]Albanese, J. S. (2008), Risk assessment in organized crime: Developing a market and product-based model to determine threat levels. Journal of Contemporary Criminal Justice, Vol. 24(3),pp 263-273.
[2]Goodey J (2008), Human Trafficking. Criminology & Criminal Justice, 8(4), 421-442.
[3]Ibid

"The International Organization for Migration estimates that of the 100 million migrants worldwide, about 4 million are undocumented, that is, migrants who have been smuggled or trafficked".[4] Similarly, "the U.S. Department of State estimates that at any one given time, there are hundreds of thousands of people in the pipeline, being warehoused by traffickers, waiting for new routes to open up or documents to become available before they can be shipped to their destination the primary target being the United States".[5]

In the works of Sita,[6] human trafficking is viewed as modern-day slavery that transcends international boundaries thus posing cross border insecurity whose approach to containment call for analysis of trafficking as a threat to the neighboring countries' human security hence the need for control of a country's borders. Analysis of traditional security trafficking "emphasize border security, migration controls, and international law enforcement cooperation". The categories of human trafficking include child trafficking, women trafficking and at times men trafficking for purposes of monetary gains driven by sexual exploitation, forced labour and child soldiers as the key push and pull (trafficker versus client) motivations. However, whether it is done singly or en mass is not clear. To this end, Cann argues that "globally the impact of human trafficking goes beyond individual victims".[7] It is a threat to the whole society and undermines the population's health, safety and security. The amount of money involved in this transnational organized crime (TOC) is enormous and in some instances influence high-level politics which if not checked can destroy the fabric of society.

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[4]IOM
[5]Body Sellers, 1995
[6]Sita N.M (2003), Trafficking in Women and Children: Situation and Some Trends in African Countries, UNAFRI, May 2003.
[7]Cann, Jack and Christopher Ploszaj, "Combating the Trans-South Atlantic Drug Trade" *IDA Research Notes*, 13-15, March 2010

Whereas human trafficking is a lucrative transnational venture, it poses a multi-dimensional threat both to the victim and the State. "Threat to the individual is based on the treatment of human beings as private property or even commodity thereby depriving them of the possibility of using their fundamental rights".[8] It entails "severe violation of fundamental human rights and reduces people to a state of dependency via threats, violence and humiliation".[9] "Besides depriving people of their human rights and freedoms, it increases global health risks and fuels the growth of organized crime".[10] Similarly, "the individual victims often suffer devastating impacts such as physical and emotional abuse, rape, threats against self and family and even death". "Boys and girls who should be at school are forced into sex by their captors, work long hours under dangerous conditions, are sold for illegal adoptions or even coerced into becoming soldiers".

Impacts of the vice to the state include influx of refugees/aliens, increased terror activities, circulation of counterfeit products, proliferation of small arms and light weapons and strain on the country's resources. All these effects have consequent implications on the country's political, economic and social systems which are the main focus of this research.

Child trafficking is a "demand driven crime for cheap labour during periods of economic growth while women and girls are being trafficked for sexual exploitation, forced into domestic labour or marriage".[11] On the other hand men trapped by debt slave away in mines, plantations, construction or sweatshops.

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[8]World Bank, "West Africa Facts and Figures." World Health Organization Expert Committee on Human Dependence, Critical Review of Khat, 2006.
[9]Ibid
[10]Ibid
[11]Halter, S. (2010). Factors that influence police conceptualizations of girls involved in prostitution in six U.S. cities: Child sexual exploitation victims or delinquents? Child Maltreatment, 15(2), pp.152-60.

"Each year, millions of women, men and children around the globe fall prey to human traffickers whether for sexual exploitation, forced labour, domestic work or other purposes both within and beyond the borders of their countries".[12] This phenomenon has taken on such proportions that it perfectly fits the description a form of modern slavery. "According to the Council of Europe, trafficking in human beings represents the third largest source of income for organized crime after guns and narcotics respectively". It is a high profit and low risk enterprise that ranks amongst the most lucrative of the TOCs. "It is estimated to net profits of 7 to10 billion dollars a year worldwide".[13] From the foregoing, it is evident that this modern form of slave trade persists and continues to grow hence the need to review the traditional security approaches of dealing with human trafficking as a threat that permeates age, race, sex as well as the State's international boundaries.

1.1 Statement of the Problem

Each year, millions of women, men and children around the world fall prey to human traffickers whether for sexual exploitation, forced labour, domestic work or other purposes yet trafficking in persons as a crime has still not captured the attention of the public or made it to the top of political agendas in Sub Saharan Africa region and more specifically Kenya. The human and social consequences of trafficking are compelling and the resultant effects have far reaching implications. "From the physical abuse and torture of victims to the psychological and emotional trauma through to the economic and political implications of unabated crime, the impact on

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[12]Ibid
[13]World Bank.World Development Report 2011: Conflict, Security, and Development, January 2011.

individuals and society is clearly destructive and unacceptable yet very few cases make it to the courts".[14]

Human trafficking remains a major trans-national threat to the security of Kenya and globally despite concerted efforts to curtail the vice. It is the world's fastest growing global crime with thousands of aliens smuggled/trafficked in various parts of the world (about 600,000 – 800,000) annually. The vice ranks second largest source of income for organized crime generating roughly $150.2 billion annually. Worldwide, the number of slaves currently stands at over 30 million with 80% being women and girls. In Kenya, the number of illegal aliens finding their way into the country's major towns is on the increase with some on transit to other African countries and other parts of the world while others are determined to seek illegal settlement in Kenya through attainment of illegal registration and work permits.

The institutions mandated to fight the vice include the Immigration Department, National Police Service (NPS), Kenya Airports Authority (KAA) alongside some corrupt Non-Governmental Organizations (NGOs) and Community Based Organizations (CBOs). However, the institutions are taking advantage of the desperation of aliens to aid their smuggling/trafficking. At the same time, sophisticated trafficking/smuggling cartels collude with respective Government officials, employees of private airlines/organizations and the public transport sector alongside private employment organizations to undermine the fight against the vice by increasingly devising new modes of operations to counter heightened security checks on entry and exit points. Impacts of the vice include influx of refugees/aliens, increased terror activities, circulation of counterfeit products, proliferation of small arms and light weapons and strain on the country's resources. All

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[14]Ibid

these effects have consequent implications on the country's political, economic and social systems which are the key aspects that this research endeavors to address.

It is upon the above background that this study seeks to envision and contribute towards an international strategy to deal with human trafficking in East Africa. To this end, the study seeks to answer the following questions;

1. How intense is the human trafficking problem globally?

2. How is human trafficking and terrorism related?

3. How is human trafficking and organ trade related?

4. What is the connection between prostitution and human trafficking?

1.2 Research Objectives

1. To examine the intensity of the problem.

2. To examine how human trafficking and terrorism are related.

3. To examine how human trafficking and organ trade relate.

4. To examine the connection between prostitution and human trafficking.

1.3 Justification

1.3.1 Academic Justification

This study is expected to fill a knowledge gap which has been identified in the literature review. In this regard, the study will generate new knowledge in respect to human trafficking containment in the East African Region that requires consideration with a view to inclusion in the existing legislations. Identifying human trafficking containment mechanisms in Kenya which

need improvement and proposing appropriate recommendations to enhance their effectiveness will benefit the regional security architecture so as to improve human and social security in the region and the continent at large.

1.3.2 Policy Justification

Based on this study, policy recommendations will be suggested to Kenya government and other East African countries for consideration and or implementation so as to improve the security management instruments. It is hoped that the report will contribute to the efforts within the United Nations International Human Control Programme (UNIHCP) and other human related organizations in the maintenance of international order and security.

1.4 Literature Review

1.4.1 Background of Human Trafficking

Human trafficking is a transnational organized crime that impacts not only on the individual victim but the whole society. It undermines a population's health, safety and security. There are two facets of human trafficking as a transnational organized crime. First is the human smuggling, "which involves the importation of people into a country via the deliberate evasion of immigration laws". "It includes bringing in illegal aliens, unlawful transportation and illegally harbouring aliens already in a country". Second is the human trafficking aspect which entails luring of victims from their homes for sex or labour exploitation. The victims of lure are given false promises of well-paying jobs at the initial stages of the luring process and thereafter coerced into prostitution, domestic servitude, farm or factory labour or other types of forced labour. In both forms of human trafficking, the traffickers confiscate travel documents of the

victims and warn of dire consequences to their families back home should they attempt to escape hence the categorization of the process as a transnational organized crime.

According to the United Nations,[15] "human trafficking is defined as a process that entails the exploitation of a vulnerable person through recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception and abuse of power".[16] Building on the UN's definition, Newton observes that "the phrase human trafficking has been used to address a variety of crimes and human rights abuses associated with the recruitment, movement and sale of people into a range of exploitative and/or slave-like circumstances".[17] However, "the basic problem with the present human trafficking paradigm is that many of the elements and definitions used to explain this social phenomenon are often limited in their scope and do not adequately reflect the totality of the problem".[18]

In this regard, the definition of the term trafficking ends up being broadened in a number of ways depending on the perspective from which one looks at it. The perspectives range from the "legal problem perspective, human rights problem perspective, security problem perspective, child labour problem perspective, migration problem perspective or a combination of one or more of them". Similarly, "depending on how a person defines the problem, his/her definitions will dictate what solutions are proposed". A consequent result of "lack of a universal definition of the term human trafficking is that few attempts have been made to develop usable conceptual

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[15]United Nations International Human Control Programme charter
[16]Ibid
[17]Newton, P J Mulcahy, T M & Martin S E (2008). Finding victims of human trafficking. National Opinion Research Center at the University of Chicago.
[18]Ibid

frameworks that allow for the many variables that need to be encompassed under a single umbrella".[19]

In terms of its implications, Harrington critically contends "that the vice of trafficking in persons has a negative impact on the human security of communities from which victims are recruited because it creates an environment of violence, crime and fear".[20] He further postulates that "trafficking in persons separates families, erodes social bonds and support networks besides undermining the economic prospects of communities".[21] Moreover, "facilitated by large-scale international organized criminal networks that are linked to illicit trade in arms and narcotics, trafficking in persons can also compromise state security and impede human development by weakening the rule of law and threatening public safety".[22]

Works of distinguishing the different cases of trafficking have been authored by various scholars but John Frederick's argument on distinguishing trafficking cases based on the grounds of being either "soft" or "hard" best explains the distinctions. According to Frederick's views, "soft" cases of trafficking are when members of family are involved in the trafficking of a child, whereas "hard" cases of trafficking occur when coercive elements are put in place and trafficking is against the child's will. For Frederick, "soft" trafficking may occur because it is "an established means of providing income to poor households as well as of getting rid of a dowry burden."[23] Further assertion by the scholar indicates that, "soft" trafficking is a family mechanism for poverty reduction or a way of paying family debt. While there is obviously a difference between these two examples, the use of "soft" and "hard" is not without controversy.

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[19]Ibid
[20]Harrington C (2005), The politics of rescue. International Feminist Journal of Politics, 7(2), 175-206.
[21]Ibid
[22]Ibid
[23]John Fredrick and Thomas Kelly (eds) 1998, Data and Research on *Human Trafficking*: A Global Survey.

The fact that the family is involved does not take away the elements of suffering imposed on the victims, nor does it mitigate the infringement on agency or pain caused to the child by limiting opportunities for an alternative life. "Soft" trafficking may end up in just the same harmful (psychologically and physically) experience as the "hard" trafficking. "Soft" and "hard" should not, in any way, be used to imply weak and strong connotations. Frederick's attention to the differences in how child trafficking is brought about is instructive. In the same breath, the terms smuggling and trafficking which cannot be used interchangeably since they refer to totally different issues are distinguished in the subsequent paragraphs.

First is domestic trafficking which is said to occur within a state and entails women and children being trafficked for purposes of domestic work, servitude, cheap/forced labour, street begging, farm work, committing petty crimes and prostitution. It usually targets vulnerable groups faced with extreme poverty levels, conflicts and extreme weather conditions. Victims of domestic trafficking lack proper awareness on the desperation that lies ahead of them. In Kenya, human trafficking has been on a steady increase with traffickers targeting the less fortunate in the society. Major towns like Nairobi and Mombasa have a number of brothels employing vulnerable women and young girls. According to the Refugee Consortium of Kenya (RCK), 2013, at least 50 girls aged between 10 and 15 are sold every week to serve as sex workers in the main towns of Kenya.[24] The traffickers generate an estimated 40 million US dollars annually.

Second is smuggling or cross-border trafficking which is said to occur across regional and international borders where people willingly pay for their transportation from their home countries to foreign countries of choice through illegal means. It entails victims, mostly aged between 16-29 years seeking better living standards through search for employment or asylum in

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[24]Refugee Consortium of Kenya (RCK), 2013

other countries on being pushed by poverty, unemployment, conflicts and harsh weather conditions among others. Kenya is increasingly becoming a source, transit and preferred destination for victims of human trafficking/smuggling, majority drawn from Somalia, Eritrea and Ethiopia. Others also transit through Tanzania, Malawi and Mozambique to their preferred destinations. While "children from Burundi, Ethiopia, Somalia, South Sudan, Tanzania and Uganda are subjected to forced labour and prostitution in Kenya", Kenyans also voluntarily migrate to seek better employment opportunities within East Africa, South Sudan, Europe, United States and the Middle East (UAE, Lebanon and Oman). Unfortunately, most of them "are exploited in domestic servitude, massage parlors, brothels and forced manual labour".

The key entry points of smuggled or trafficked human victims into Kenya include Marsabit, Wajir, Mandera and Garissa Counties while Kajiado, Taita Taveta and Kwale Counties remain strategic exit points for aliens destined for Southern African countries and Europe. Meanwhile, aliens from Bangladesh, Yemen, Pakistan, India and Sri Lanka are smuggled through Jomo Kenyatta International Airport (JKIA), Moi International Airport (MIA) and Wajir International airport.

Leman in his critical examination of internal human trafficking within a given region contends that often the patterns remain hidden behind the issues of transnational organized crime.[25] He posits that "conflict, poverty, and HIV and AIDS leave adults and especially children vulnerable to trafficking within their own national borders". In the same breath, "the general trend on internal trafficking within the Economic Community of West African States region is from rural to urban and industrial areas for employment and sexual exploitation with the larger farming and

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[25]Leman J & Janssens S (2008), The Albanian and post-Soviet business of trafficking women for prostitution: Structural developments and financial modus operandi. European Journal of Criminology, 5(4), 433-452.

fishing communities in fertile lands and along coastal areas receiving large numbers of internally trafficked persons for labour".[26]

Sambo in his Occasional paper to the World Summit on Development; ''Is there a crisis in the family"[27,] postulates that countries in "Central and South-Eastern Europe and Western Europe regions are high transit points while outside of Europe, countries in South-East Asia, Central America and Western Africa regions are regarded as frequent transit sub-points". Based on the UNODC report on human trafficking, "the regions of the Commonwealth of Independent States , Central and South-Eastern Europe, Western Africa and South-East Asia, on one hand, are most of the times reported as common origins for human trafficking regions".[28] "On the other hand, countries in Western Europe, North America and Asia particularly West Asia, are reported more frequently as countries of destination".[29]

In the Eastern Africa region, trafficking in persons is an ongoing phenomenon that does not only happen domestically (internally) but externally too posits Mitchell.[30] The internal or domestic trafficking vice in the region is described as endemic. "Children, women and to a lesser extent men are victims of trafficking from and to the region". "Girls are trafficked for exploitation in domestic labour, forced prostitution and forced marriage". "Trafficked boys are also exploited in the fields of farming, livestock grazing, plantation work and fishing".[31] "Women are trafficked

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[26]ibid
[27]Sambo (2001), Tanzania Child Labour in Commercial Agriculture – Tobacco: A rapid Assessment, ILO-IPEC, and Geneva. Moore H, 1994, Is there a crisis in the family? Occasional Paper No.3, World Summit for Social Development, UNRISD, Geneva.
[28]Ibid
[29]Ibid
[30]Mitchell K J, Finkelhor D, & Wolak J (2010). Conceptualizing juvenile prostitution as child maltreatment: Findings from the National Juvenile Prostitution Study. Child Maltreatment, 15(1), 18-36.
[31]Ibid

for domestic labour, forced prostitution and in the hospitality industry while men are trafficked mainly for manual and agriculture labour, construction work and criminal activities".[32]

Contrasting human trafficking as a criminal business venture and not a crime per se, Niemi seriously condemn "internal trafficking of children and women from rural and urban areas for reasons he confirms as exploitative domestic work and commercial sex work".[33] He further postulates that "transnational trafficking of women to other African countries, Europe and the Middle East is mainly for sexual exploitation and domestic work as well".[34] "Statistics from a study on child trafficking in Eastern African countries show that the majority of trafficked children are those who have either completed primary or secondary education and have nothing to do".[35] "Moreover, trafficking of most of the children is done by people they know and the most vulnerable age is between 13-18 years". "HIV and AIDS has also contributed to the trafficking phenomenon as a majority of trafficked children are orphans borne out of aids pandemic". Statistically examining human trafficking data in the last 20 years, Kathuri reveal that **"**some of the children abducted have ended up in other African countries while most have been taken to the Middle East, Europe and America".[36] According to a study conducted by UNICEF, "child sex tourism and sexual exploitation of children in Eastern Africa have reached alarmingly high levels. About 15,000 children or 30% of girls aged 12 to18 in tourist districts along the Eastern African coast engage in the practice of exchanging casual sex for cash".[37]

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[32]Ibid

[33]Niemi, J. (January 01, 2010). What we talk about when we talk about buying sex. Violence against Women, 16(2), 159-72. Northeastern University Institute on Race and Justice. (2008).

[34]ibid

[35]Ibid

[36]Kathuri, N.J., and Pals, D.A. (1993) Introduction to Education Research, Egerton education book series; Education Media Centre (E.M.C) Egerton University

[37]Unicef, 2014

A related study by the Federation of Kenya Employers indicates that "the majority of these children are victims of internal trafficking from other provinces".[38] According to media reports, "trafficking of children that entails the movement of the victims from rural areas to urban and peri-urban areas is also driven by domestic work demand".

1.4.2 Contrasting Human Trafficking and yester years' Slave trade

Incidents of what are known today as modern day slavery or trafficking in humans have existed throughout history in a variety of shades and forms. A closer look at the practice in the past reveals characteristics that are quite similar to those that exist today. Two commonalties that exist on slavery of the past and the modern day slavery which is referred to as human trafficking are the reason(s) for trafficking and purpose for which persons are trafficked (victims).[39] It therefore implies that the business of trading in people was and continues to be global.[40] However, in the words of Soodalter, "modern day-slaves come in all races, all types, and all ethnicities."[41]

Although there are similarities between modern day trafficking in humans and slavery of the past in terms of reasons and purposes, "there exists a difference in trafficking of humans as compared to slavery of the past that falls largely in the realm of legality in that human trafficking is illegal whereas for many years, slavery was legal".[42] In addition to legality, there is also a difference in acceptance among people. Awareness of human trafficking often inspires moral outrage against it whereas slavery was often justified on moral grounds. Other elements that are different as well

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[38]Federation of Kenya Employers, 2014
[39]Trafficking in Persons Report; Global Report on Trafficking in Persons Unit, Research and Trend Analysis Branch. Division for Policy Analysis and Public Affairs, United Nations Office.
[40]Ibid.
[41]Kevin Bales & Ron Soodalter (2010), The Slave Next Door: Human Trafficking and Slavery in America Today Ed 2,(University of California Press), p. 6
[42]Ibid

include terminologies used to describe trafficking in human beings whose dimensions and forms differ to some extent from that of slavery. "Nonetheless, the abusive methods and main goals of modern day slavery or trafficking in persons, for example profit generation, are similar to those of the past".[43] In simple terms, slave traders of the past correspond to today's human traffickers for the reason that they are the actors involved in bringing people into a position of slavery that is in modern times the situation of being trafficked. In this analogy, it can be summed that ''slaves of the past are the trafficked victims of today." "They are people who are often coerced and exploited, beaten and degraded, stripped of their freedom at the hands of and for the profit of others".[44]

Despite the vice's (human trafficking) historic existence, "the international community did not have a universally accepted definition of the term, until the year 2000, when the United Nations Convention against Transnational Organized Crime, took place in Palermo, Italy".[45] It is in this convention that some very important documents, among them, the milestone pillar that addresses the issue of trafficking and smuggling in humans and draws a distinction between "trafficking in persons" and "smuggling of migrants" were produced. In particular, the single most important document produced out of the convention is "the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in November, 1999, UNGA Resolution 55/25 of 15 November 2000". This document (the Palermo

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[43]Ibid
[44]Ibid
[45]United Nations Conventions against Trans nationalized Organized Crimes.

protocol) gives basic guidelines, recommendations and definitions of trafficking in humans.[46]
The protocol defines 'trafficking in humans as:

> *Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the*
> *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.*

The "Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the
United Nations Convention against Transnational Organized Crime, adopted by the General
Assembly in November, 1999", UNGA Resolution 55/25 of 15 November 2000, defines
smuggling of migrants as follows:

> *Smuggling in migrants includes procurement of illegal entry into a country of which a*
> *person is not a national or permanent resident in order to obtain direct or indirect*
> *financial or other material benefits.[47]*

By defining and differentiating trafficking and smuggling, the United Nations has given
guidelines to individual states to develop further their own ways in which to adopt and
implement the provisions of the Convention in their own criminal codes. The Convention against
Transnational Crime with its Protocols was entered into force on December 25th of 2001, and
was ratified by forty (40) countries at once. Some of the first countries to adopt trafficking in

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[46]The Palermo Protocol, 2000
[47]UNGA Resolution 55/25 of 15 November 2000

humans as a criminal offence in their criminal Codes in 2000 and 2001 were the United States, Belgium, Italy, Holland, Moldova and Ukraine.

There are also common myths and misconceptions about human trafficking which include references such as modern bondage, sex trafficking, trafficking in humans, trafficking in persons and modern-day slavery hence common in the literature for researchers to describe push and pull factors when discussing the phenomenon of human trafficking as well as smuggling. Given the diversity in terminology and forms, it is common for the meaning of trafficking in humans to become muddy when researching on human trafficking and the richness of forms of this phenomenon as well as its reach. As to whether it is affecting all age groups (i.e. children and adults) or both genders (i.e. women and men), a pretty bleak situation for researchers and policy makers is revealed; that human trafficking encompasses so many forms and affects so many segments.

Based on the European Union classification, some of the forms of human trafficking are "trafficking for prostitution, pornography and other forms of commercial sex. Trafficking for forced or bonded labour of adults and children" (domestic, agricultural, farming, fishing, bars/clubs/restaurants, garment industry, diamonds, cocoa, coal and other mining industries). Further reasons/purposes of trafficking of persons include begging, petty crime, burglary and collection of government subsidies.[48] Trafficking in human beings results in forced or early marriage, trading in human organs/tissues and cells as well as kidnapping for forced military recruitment (e.g. child soldiers),[49] ideological indoctrination and ransom demand among others.

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[48]Europol Knowledge Product: Trafficking in Human Beings in European Union, September 2011, p. 8.
[49]Committee on Legal Affairs and Human Rights, Council of Europe Report, authored by Dick Marty. http://assembly.coe.int/asp/apfeaturesmanager/defaultartsiteview.asp?ID=964

In places such as the United Arab Emirates, Qatar or Saudi Arabia, demand for trafficking of children for use as camel jockeys is high, whereas it is nonexistent in other Countries. The "diversity of forms of human trafficking shows the complexity of this phenomenon and confirms its fluidity". "Trafficking appears to be both opportunistic and situational and a form of trafficking may be used for a period of time only to be replaced later when the situation changes or a better opportunity arises".[50] "There are also newer forms or aspects of trafficking, such as the use of technology for recruiting and advertising victims for prostitution, the harvesting and trafficking of human eggs for use in in-vitro fertilization (IVF) treatments",[51] and "the use of trafficked children to support and justify claims linked to government subsidies regarding family and housing benefits".[52] The different forms or aspects of human trafficking are discussed further in subsequent chapters.

Human trafficking takes a number of forms which include "sexual exploitation labour trafficking, trafficking for cultural reasons in general and the new phenomenon of trading in body parts or organs extraction in particular for medical transplants". Present day human trafficking occurs domestically (i.e. internal trafficking) and across borders of different nations (i.e., external trafficking) unlike in the old days' slave trade which was purely external. For instance, India's trafficking patterns indicate that 90 percent of trafficking in persons is domestic while only 10 percent takes place across borders.[53] Depending on the age and sex of victims, there is men trafficking, women trafficking and child trafficking. Many countries experiencing human trafficking are source, destination and transit points or a combination of two or all the

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[50]Ibid

[51]European Union, European Parliament resolution on the trade in human egg cells, Official Journal of the European Union, C 320 E, 15 December 2005 (P6TA (2005)0074).

[52]Ibid

[53]Frederick John & Thomas L. Kelly (eds) in P M Nair, Sankar Sen (2005), Combating *Human Trafficking* in Asia: A Resource Guide to International and Regional Legal Instruments

three dimensions. Macy gives an approximation that "600,000 to 800,000 individuals are trafficked across international borders and millions more within their own countries".[54]

The number of victims of human trafficking worldwide is estimated at 12.3 million. Leman contends that different categories of persons fall victims to trafficking.[55] However, the problem appears to affect more migrant populations than other segments of the general population. Many migrants fall victim to inhumane conditions and treatment thereby suffering immensely at the hands of their traffickers. "Some traffickers have in some instances jettisoned migrants overboard in an effort to stifle complaints and maintain order". "Violence, intimidation, and brutality are particularly common with trafficking victims in the sex industry". "Chinese gangs and their enforcers in trafficking are notorious for being brutal with migrants especially those who fail to come up with money for payment. It is argued that "their tactics include ransom, extortion, repeated rapes, cutting off fingers and sexual assault".[56] Moreover where "Chinese gangs are employed as debt collectors, they mostly resort to mental and physical forms of coercion in order to extract payment, subjecting their human cargo to torture, persecution and revenge".[57]

Migrants in "safe houses" "are subjected to horrible treatment including death threats, beatings and rape in front of others or while on phone with their families". "Some police raids have discovered sickly and beaten captives shackled to prevent them from escaping".

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[54]Macy R & Johns N (2011), Aftercare services for international sex trafficking survivors: Informing U.S. service and program development in an emerging practice area. Trauma, Violence & Abuse: A Review Journal, 12(2), 87-98.

[55]Leman J & Janssens S (2008), The Albanian and post-Soviet business of trafficking women for prostitution: Structural developments and financial modus operandi. European Journal of Criminology, 5(4), 433-452.

[56]Perrin B (2010), Just passing through? International legal obligations and policies of transit countries in combating trafficking in persons. European Journal of Criminology, 7(1), 11-28. United Nations Office on Drugs and Crime (2006).

[57]Ibid

"Besides the obvious human and legal rights violations of the victims, trafficking in persons has also a large negative impact on the world's economy due to the significant loss of human and social capital".[58] Furthermore, "human beings trafficking hinder educational processes and capacity development for the victims, especially children and teenagers".[59]

Perrin posits that "human trafficking negatively affects the victims' physical and psychological health, as they are sometimes excluded from society due to the trauma of their experiences of exploitation".[60] "On a more subtle level, trafficking in persons jeopardizes each person's integrity and tarnishes the reputations of the countries that allow it".[61] "While human trafficking is a global phenomenon that knows no international borders, it is within individual countries and societies that its far-reaching and pervasive consequences are felt".[62] "Some of the most notable social, political and economic impacts of human trafficking are identified, as also important policy considerations in each of those areas".[63]

"Human trafficking has an impact on the individuals it victimizes in all areas of their lives with every stage of the trafficking process involving physical, sexual and psychological abuse and violence, deprivation and torture, the forced use of substances, manipulation, economic exploitation and abusive working and living conditions".[64] "Documentation and research

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[58]Ibid
[59]Ibid
[60] Perrin B (2010), *op cit*
[61]Ibid
[62]Ibid
[63]Ibid
[64]Aderinto A A (2003) .Socio-economic profiles, reproductive health behaviour and problems of street children in Ibadan, Nigeria. Paper presented at The Fourth African Population Conference: Population and Poverty in Africa . Facing Up to the Challenges of the 21st Century, UAPS, Tunis, 8-12 December

describe how men, women and children are abused in specific exploitative conditions and the short and long-term physical injuries, disabilities and deaths that may result".[65]

"The trauma experienced by victims of trafficking includes post-traumatic stress disorder, anxiety, depression, alienation, disorientation, aggression and difficulty in concentrating".[66] "Studies indicate that trauma worsens during the trafficking process and may persist far beyond the end of any exploitation". "While subject to the same harmful treatment as adults, child victims are especially vulnerable to trafficking because of their age, immaturity and lack of experience to abusive practices that may, for example, stunt their further physical development and to continued victimization as a result of attachment, developmental and social difficulties".[67]

The "behaviour of trafficking victims can be difficult for third parties to understand while victims can find it difficult to comprehend what has happened to them or to discuss it with or explain it to others". [68] Victims may appear to be uncooperative, irritable, hostile, aggressive or ungrateful to those around them including support persons. "The stigma attached to them as victims has been shown to have a significant and ongoing impact on their lives, including in the trauma experienced by the individual victim as well as the possibility of physical rejection by family and/or community".[69]

According to IOM, "studies have identified some of the effects of sexual abuse with in most of the sexual abuse cases associated with trafficking, most if not all of the following effects have been reported"; "physical injuries, infections, chronic ill health, lax rectal muscles and incontinence due to sodomy, unwanted pregnancies, abortions, infertility rape trauma syndrome

[65]Perrin B (2010), op cit
[66]Ibid
[67]Ibid
[68]Perrin B (2010), *op cit*
[69]Ibid

and post-traumatic stress disorder, disturbed sleep, nightmares, regressive behaviour, psychosomatic illness, lost opportunities, feelings of betrayal, socio-economic problems, strained family relations, drug abuse, low self-esteem, anxiety, suicidal thoughts, spiritual dilemma as the individuals tend to question their faith in God". Mitchell defines secondary victimization as "the victimization that occurs not as a direct result of criminal act, but through responses of institutions and individuals to the victim."[70] "In the Kenyan context, secondary victimization often occurs especially within the criminal justice system" (Declaration of Basic Principles, 1985).

In trying to expose the causes or what contributes to human trafficking, a number of factors come into play. "Globalization, economic crises, political instability, conflicts, wars, ethnic cleansing, social inequality, market economy, discrimination and wider processes of transformation as well as personal aspirations for an improved life are some of the main reasons for even bigger waves of migration".[71]

"The existence of such a suitable ground ensures trafficking in human beings becomes an important element in the world of suffering, money laundering and crime".[72] Additionally, "porous borders smooth the progress of cross border movements specifically the socio-economic stimulated irregular immigration".[73] "Some cases of trafficking emerge as voluntary movements in quest for an enhanced life while others are victims mislead by businessmen, relatives, peers, religious acquaintances and agents with assurance of money, jobs, education and professional

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[70]Mitchell K., Jones L, Finkelhor D & Wolak J (2011). Internet-facilitated commercial sexual exploitation of children: Findings from a nationally representative sample of law enforcement agencies in the United States. Sexual Abuse: A Journal of Research and Treatment, 23(1), pp.43-71.
[71]IOM 2011
[72]Ibid
[73]Ibid

training barely to end up in manipulative situations".[74] Children are mainly lured by family members or close family friends and travel across the border on foot, by bus or are transported by long distance truck drivers.[75]

Globalization impacts trafficking with both "push" and "pull" factors. "Impoverishment in the supply countries is a push factor that forces people to seek ways of improving their economic situation".[76] "Many trafficked persons begin their ordeals with the expectation that they will get respectable employment, only to discover the deception after it is too late".[77] "The spread of global culture serves as a pull factor, raising expectations of a better life elsewhere".[78]

Like the international drug business, "human trafficking is a mammoth economic enterprise providing traffickers with financial resources and technological capabilities to enhance and shield their activities from public scrutiny or interference".[79] "The plight of trafficked persons has often been exacerbated by immigration policies and administrative practices that treat those trafficked as criminals to be incarcerated or deported". "Trafficking thrives on the tremendous profits it generates and on the climate of fear that leaves many victims feeling that they have no options".[80] The Trafficking in Persons (TIP) report indicates that despite efforts made by the international community and a number of countries over the past two decades, in 2009, the proceeds from this illegal business approximated US$ 32 billion. The illegitimate trade in humans is alleged to garner massive proceeds to the trafficking agents. Thus, human trafficking remains one of the most profitable illegal businesses worldwide after weapons and drugs.

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[74]Ibid
[75]Ibid
[76]Perkins, R. (n.d.) Alleged trafficking of Asian sex workers in Australia. Retrieved from: http://www.bayswan.org/Austraf.html. on May 24, 2017.
[77]Ibid
[78]Ibid
[79]Ibid
[80]Ibid

Numerous internal "legal instruments and guidelines aimed at ending slavery and human trafficking, protecting victims and promoting international cooperation, have been adopted by most countries".[81] "The challenge remains to translate these instruments into national laws and ensure their implementation". "Although most countries have adopted specific penalties against trafficking in persons, there is still diversity of interpretation and understanding with regard to the definition of human trafficking itself".[82] For instance, "legislation in some counties acknowledges only certain forms of exploitation or certain categories of victims".

"Legislations have also failed to be comprehensive in approach and in addressing all aspects of crime and balancing prosecution by ensuring the rights and protection of victims".[83] "On 15 November 2000, the United Nations General Assembly adopted the United Nations Convention against Organized Crime, which came into force on 23 September 2003".[84] "To supplement the Convention, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol, was adopted".[85] Interestingly, "the principal responses by Governments to trafficking in persons since the adoption in November 2000 of the protocol to prevent, suppress and punish trafficking in Persons, especially Women and Children vary from one country to the other".[86]

The "main focus of States has been on detecting and prosecuting traffickers, identifying, protecting and assisting people who have already been trafficked and initiating action to prevent people from being trafficked in the first place".[87] "The need for more research and data

[81]Ibid
[82]Ibid
[83]Aderinto A A (2003), op cit
[84]UNGA, 2000
[85]Ibid
[86]Ibid
[87]Ibid

collection on all forms of trafficking is stressed in order to develop tailored and effective anti-trafficking strategies and the subsequent monitoring of such interventions in order to make sure they have the desired impact UNODC, Of the 116 States that had ratified the Trafficking Protocol as at 4 December 2007, the majority have adopted new laws or amended existing legislation to translate the Protocol into action, define the offence of trafficking in persons and increase the penalties for traffickers, and have established institutions and procedures to implement the law".[88]

Many regional initiatives have also been implemented. "However, in the formulation of these normative frameworks at both the national and the regional level, there is little consistency in the core definition of trafficking in persons and national legislation often falls short of the comprehensive provisions of the Protocol".[89] "States may refer to commercial sexual exploitation, or the trafficking of women and girls, while omitting trafficking for forced labour or servitude".[90]

"In other cases, although the Protocol clearly indicates that in the case of children the various illegal means of trafficking are irrelevant, some legislation does not yet reflect that provision, or defines the age of a child as something other than less than 18 years of age".[91] "Such lack of definitional clarity poses major challenges for international cooperation".[92] "On the other hand

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[88] Ibid
[89] Ibid
[90] Ibid
[91] Ibid
[92] Ibid

collaboration begins at the national level, but is equally important at the bilateral, regional and international levels".[93]

At the national level, "the presence of institutional structures such as national referral mechanisms, national rapporteurs and national coordinating structures has facilitated concerted action against trafficking".[94] "Notwithstanding significant efforts to identify and care for victims and to detect and prosecute traffickers, trafficking in persons is still reported to be one of the most lucrative sectors of transnational organized crime".[95] "Confusion between human trafficking on the one hand and smuggling or other immigration related offences, on the other hand, has impeded progress in law enforcement efforts". "The challenges faced in properly identifying a victim of trafficking have highlighted the need for minimum standards concerning the response of criminal justice systems".[96]

A major challenge for "immigration and law enforcement officials is how to distinguish trafficking victims from others they may come into contact with". "Significant tensions exist between initiatives designed primarily to enforce the law against traffickers and those designed to uphold the human rights of trafficked persons".[97] "The two approaches are not mutually exclusive, however, and evidence suggests that" "the prompt identification and appropriate treatment of victims is crucial to an effective law enforcement response". Particular Countries have started to "adopt reflection periods for trafficked persons identified within their borders in order to give them time to recover and reflect on whether they are able and wish to cooperate

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[93]Aderinto, A.A. (2003) .Socio-economic profiles, reproductive health behaviour and problems of street children in Ibadan, Nigeria. paper presented at The Fourth African Population Conference: Population and Poverty in Africa . Facing Up to the Challenges of the 21st Century, UAPS, Tunis, 8-12 December
[94]Ibid
[95]Ibid
[96]Ibid
[97]Ibid

with law enforcement".[98] "A particularly contentious area of debate is whether the granting of temporary residence permits victims of trafficking should be conditional upon a trafficked person's cooperation with the criminal justice system, although little priority has so far been given to awarding compensation or damages to victims of trafficking".[99]

1.5 Theoretical Framework

The study will adopt an eclectic approach using the Routine Activity and the Modern Slavery theories to explain why crime (human trafficking) does happen even if effective measures are put in place to deter the crime from happening.

Routine Activity theory is an offshoot of ''crime opportunity theory'' which focuses on situations of crime. [100] This theory was developed by Marcus Felson and Lawrence E. Cohen and is premised on the belief that "crime is relatively unaffected by social causes such as poverty, inequality and unemployment". The theory postulates that "organization of routine activities in society creates opportunities for crime". This simply means that the daily routine activities of individuals or groups of people and their socialization which include but is not limited to where they work, what they do and where they live strongly influence crime commitment.

The theory further posits that "routine activities arising from opportunities over time and space amongst people can make crime easy and low risk or difficult and risky to manage or eliminate". Although "routine activities theory focuses on a range of factors that intersect in time and space to produce criminal opportunities and in turn criminal events, the theory does not explain why

[98]Ibid
[99]Ibid
[100]Felson, Marcus (1994). *Crime and Everyday life: Insight and Implications of Society*. Thousand Oaks, CA Pine Forge Presss.

some people commit crime and others do not".[101] It however goes on to suggest "that crime can increase as well as decline without any change in the number of those involved in crime".[102]

The theory identifies market availability, enabling environment and prevalence of bias in the justice system as additional factors that motivate individuals or groups of individuals to engage in crime over and above the traditional ones of social, economic and political drive and ambitions.

The Modern Slavery theory propounded by Kevin Bales, on the other hand, is also relevant in this study. The theory postulates "different theoretical propositions relating to the trafficking process and provides significant details in the dynamics of both sending and receiving countries of human trafficking". The theory posits that "even though every case of human trafficking is distinct and that variance exists in the factors that determine human trafficking in each country, all cases of trafficking still share related aspects".[103] "Governmental corruption, economic opportunity, non-availability of employment, economic well-being, and the demographic profile cut across almost all countries as some of the factors exacerbating human trafficking".[104]

Since the study seeks to examine root causes of human trafficking, nature and characteristics of the vice as well as existing prevention strategies and management measures that are in place, use of the routine activity theory and the modern slavery theory were found relevant in explicating existing opportunity structures that facilitate the illicit trade.

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[101]Ibid

[102]Macy R & Johns N (2011), Aftercare services for international sex trafficking survivors: Informing U.S. service and program development in an emerging practice area. Trauma, Violence & Abuse: A Review Journal, 12(2), pp. 87-98.

[103]Ibid
[104]Ibid

1.6 Research Hypothesis

i. There is significant measure that the intensity of the problem in massive.

ii. Human trafficking and terrorism are related

iii. Human trafficking and organ trade are related

iv. There is a positive connection between prostitution and human trafficking

1.7 Methodology of the Research

The study will rely heavily on desk top research and oral interviews with selected key informants based on structured questions.

1.7.1 Selection of Study Sites

The study was undertaken in seven cluster counties comprising of various locations/ areas in the clustered counties as shown on the table below:

Table 1: Selected Cluster Counties

Cluster Number	Clustered Counties	Areas visited
1.	Kwale, Mombasa	Msambweni, Mombasa Town
2.	Nairobi and Kajiado	Kamukunji/Eastleigh in Nairobi, Namanga and Loitoktok
3.	Marsabit and Isiolo	Moyale, Isiolo
4.	Mandera, Garissa, Kitui	Mandera Garissa,Kitui
5.	Turkana, Trans Nzoia, Uasin Gishu, Nandi, Nakuru	Lodwar, Kakuma, Kitale, Eldoret, Kapsabet and Naivasha
6.	Migori, Narok, Homa Bay and Kisumu	Kuria/Manga, Trans Mara, Mbita and Kisumu West
7.	Busia and Bungoma	Busia Town and Mt. Elgon

The seven clusters have been selected purposively. The sites were selected mainly because they have been mentioned in some reports of human trafficking while others are border towns which are real or potential exit and entry routes in Kenya for human traffickers. It is therefore likely that key informant respondents in these locations will have useful information on human

trafficking. The clusters have both public and civil society organizations interacting with human trafficking issues.

The first cluster has been selected for purposes of capturing human trafficking happenings in the transit routes, exit and entry points between the lower coastal region of Kenya and upper parts of Tanzania. The sites also connect Kenya to the southern regions of Africa. Mombasa has tourist areas which have been reported to experience incidents of sexual trafficking among children.

The second cluster experiences trafficking of persons especially from the war-torn Somalia. The cluster provides a movement route/corridor for migrant population from Somalia intending to settle in Nairobi (in areas such as Eastleigh) or crossing to Tanzania in their movement to destination countries in the South African region. Tanzanians cross to Kenya through Rongo and Namanga areas and Loitoktok border and pass through the Nairobi-Mombasa Highway which passes through Makueni County.

Dadaab Refugee Camp in Garissa County is home to thousands of Somali refugees and officials of organizations such as the United Nations Higher Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM) can be traced in the cluster. The third cluster has porous borders in Moyale and persons are trafficked from Somalia, Ethiopia and Eritrea to Kenya using the transit corridor linking Moyale, Isiolo and Nairobi. The fourth cluster is the main human trafficking transit corridor from Somalia to Kenya. Human trafficking through the cluster region takes advantage of the insecurity situation witnessed in the areas mainly as a result of instability in Somalia. Immigration officials and public security agents such as the Police have a presence in the cluster.

The study sites in the fifth cluster are entry routes for persons crossing the border from both Ethiopia and Southern Sudan to Kenya due to conflicts witnessed in the two countries. Kakuma area of Turkana County hosts the Kakuma Refugee Camp which is home to thousands of refugees from Ethiopia, Sudan and Southern Sudan. Kitale (in Trans Nzoia), Eldoret (in Uasin Gishu), Kapsabet (in Nandi) and Naivasha (in Nakuru) are along the transit corridors from the north of Kenya and more specifically Turkana area. Cases of child trafficking in Naivasha town and the flower firms in the area have been reported. The sixth cluster has border points between Kenya and the upper parts of Tanzania and lower parts of Uganda. People are trafficked through Kilgoris in Narok County, Isebania in Migori County and Mbita border points and the Mfangano Island in Homa Bay County. Some people trafficked from and to Tanzania and Uganda pass through Kisumu. The seventh cluster hosts Busia County and parts of Bungoma County in Mt. Elgon area which is an entry point for people crossing to Kenya from Uganda and to Uganda from Kenya.

1.7.2 Research Design

The study on human trafficking in Kenya employed the descriptive research study design. The descriptive design focuses on describing a phenomena or narrating how various behaviors and events occur in relation to human trafficking. It describes and explores the nature of a situation as it exists and helps the researcher collect information at some point in time. The design is efficient as it helps obtain pertinent information on the subject under investigation (Kathuri and Pals, 1993).

The descriptive study design approach adopted both quantitative and qualitative research modes of inquiry. Qualitative research entails several types of inquiry that explain the meaning of social

phenomena through interaction with them without disrupting the natural environment. This is appropriate because it helps to answer "how" or "why" focusing on peoples' attitude, opinion processes and reason for a social phenomenon. Qualitative research encompasses asking the respondent questions such as "who", "how much", "how many" to provide definite numerical data that can be statistically analyzed to generate the mean, percentage and frequencies.

1.7.3 Sampling Design

This study utilized a hybrid of sampling techniques comprising non-probability sampling technique in general and purposive sampling in particular. Snow-ball sampling was used to identify respondents. This technique was mainly used as the research required a maximum degree of insight into the problem with comprehensive information from people deemed to be rich with the required information. Study sites (clusters and regions in the clusters) were selected purposively mainly because most of the areas feature in reports of human trafficking and some are border points which are real and potential entry and exit points for external human trafficking.

Purposive sampling was used in identifying interviewees already known to the researcher to have information on human trafficking for instance relevant officials of organizations such as the Police, Prosecution, Immigration Department, Registration of Persons Department, Ministry of Interior and Coordination of National Government (formerly, Provincial Administration), Trace Kenya, Awareness Against Human Trafficking (HAART); United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), Judiciary, Domestic and Foreign Employment Bureaus and Ministry of Labour as well those individuals who were identified in the course of the study as having information and/or interacting with the issues of human trafficking as persons preventing and combating human trafficking, in the study

locations/sites. Kothari (2008) asserts that purposive sampling is ideal when the researcher intends to pick up subjects for the study that meet a defined criterion. Snow ball sampling was used in identifying respondents although it was difficult to tell in advance the number of respondents with information on human trafficking who could be traced and interviewed due to the covertness of the human trafficking activity. Nonetheless, this study targeted to trace and interview respondents in all the selected clusters who included Key Informants and persons involved in prevention of the trafficking process.

1.7.4 Data Collection Methods

In collecting data, Primary and Secondary data collection methods were employed. Primary data was collected through Interview Schedules conducted by the Research Assistant for sample respondents and personal interview for Key informants. On the other hand, Secondary data was collected by way of reading, analyzing, collating and recording data contained in readily prepared materials such as private and public statistical records, documents, books, newsletters, magazines and journals on human trafficking.

1.7.5 Data Collection Tools

The study utilized Interview Schedule for sample respondents and personal interview for known key informants as well as organizations engaged in addressing human trafficking. The questions in the Key Informant Schedule were posed to all Key Informants so as to ensure validity and reliability of the responses. The same method was employed in soliciting feedback from relatives of persons that have been victims of human trafficking. This ensured quality, accuracy and collection of meaningful information to answer the research questions. Content validity of the instruments was established to ensure that the instruments reflect thematic concerns of central

concepts in the study. A pre-test was done to avoid ambiguity. The research instruments were revised to ensure that procedural challenges and vagueness are corrected.

1.7.6 Data Management Procedures

The researcher worked closely with relevant institutions for support in realizing the objectives of the study especially in securing authority for the study and for institutions to participate in the interviews. The collection of data began with the formulation of interview schedules for sample respondents including relatives of persons that have been victims of trafficking while courtesy calls were made to known key informants at random subject to their availability. A Research Assistant, trained on basic research methods, ethics in research and the administration of the data collection tools was identified and recruited.

The actual data collection from the seven clusters entailed, first, paying a courtesy call to the Deputy County Commissioners (former District Commissioners) of the Sub-Counties in the clusters identified. Interviews with the Deputy Commissioners were arranged at their convenience. The Deputy County Commissioner's office was then requested to direct the Research Assistant and Researcher to any other organization(s) and individual(s) who would be instrumental in providing information on human trafficking in the study sites.

To ensure comparability and reliability of the responses and information obtained from the sample respondents, the purpose of the study was explained to each respondent and all respondents were asked the same questions and in the same order and wording. This approach was instrumental in ensuring consistency, accuracy and comparison of the accuracy of the question responses. The respondents were interviewed individually in face to face interviews in either English or Kiswahili language depending on the language they understand better. However, the method of conducting personal interview of the known Key Informants depended

on the circumstances of the informant. Informants who had time for face-to-face interviews were interviewed on a one-on-one basis while those who did not have time for face-to-face interviews were allowed to provide their responses by telephone (voice or sort text messages).

The final phase of the study involved data organization, analysis, interpretation and report writing. All data collected from the field was organized and analyzed. A study report is hereby compiled by the researcher for review, validation and implementation. In conclusion, the data obtained is qualitative and was processed by means of qualitative analysis based on information categories derived from participants' responses to the research questions. The responses are interpreted at the three levels that refer to thematic issues under study.

1.7.7 Methods of Data Analysis

Qualitative data was analyzed through content analysis while Quantitative data was summarized using tables and charts and organized into frequencies and percentages. Data was analyzed and presented using SPSS and Microsoft Excel.

1.7.8 Ethical Consideration

The research on Human Trafficking in Kenya observed the following ethical considerations throughout the process of the study.

    i. Authority to collect data was sought from the relevant institution (NACOSTI) before commencement of information collection.

    ii. The Researcher/ Research Assistant explained research objectives and tasks to all participants in the research in a way that is understandable to them.

    iii. Respect of all participants' dignity, abilities was observed throughout the research.

iv. Confidentiality and the respondents' right to say no to participation in the research were observed.

v. The identity and privacy of each respondent participating was adhered to as per research ethics code.

vi. The Researcher/Research Assistant did respect the culture and tradition of each respondent.

1.8 Limitation of Study

The nature of this study and the study area pose a challenge on account of sensitivity of the information sought and its perceived security implications. The fact that the research involves a practice that is still going on and one that is perceived to be carried out by influential and highly connected individuals, definitely the process of acquiring data will be a challenge. The need to interview security/ investigative agents who have dealt with merchants of the illicit trade may compromise their safety. Secondly, the key informant personnel both in the civil service and in the National security organs may be difficult to programme for due to the nature of their work, commitments and the location of their places of work. Thirdly, the issue of time constraints may also impact negatively on the study especially if the programmed appointments with the key informant personnel are not honoured. All these activities are also to be contextualized within a specific time frame available to conduct the study. Lastly, other factors other than the ideological beliefs of respondents and the influence of the dominant elite may also be responsible for how the interprets and reports conflict making the scope of the study wider and difficult to draw a clear distinction.

1.9 Chapter Outline

The structure of the study will be divided into six chapters. Chapter one gives an introduction of the subject under investigation, the statement of the problem, objectives, justification, theoretical framework, literature review, hypotheses and the methodology of the study. Chapter two reflects on human trafficking in East Africa citing the causes and characteristics of the crime and provides an in depth examination of the intensity of human trafficking and its impact on National Security in East Africa with specific reference to Kenya. In chapter three, an attempt to uncover how human trafficking and terrorism relate is made coupled with an endeavour to bring out the relationship between human trafficking and trade in human body parts as well as the connection between prostitution and human trafficking. Chapter four looks at how corruption weakens security institutions in light of existing counter human trafficking and management strategies in East Africa while Chapter five provides a critical evaluation on the extent to which the objectives of the study have been met and also the extent to which the stated hypotheses have been demonstrated. Chapter six contains the study conclusion with recommendations of strengthening the regional security architecture so as to improve human and social security through the establishment of a Regional Commission for Human Rights (RCHR) mirroring on the Office of the United Nations High Commission for Human Rights (OHCHR). It also provides suggestions for further studies.

CHAPTER TWO

THE INTENSITY OF HUMAN TRAFFIKING GLOBALLY, CAUSES AND CHARACTERISTICS OF THE CASE IN KENYA

2.0 Introduction

Poverty, unemployment and corruption are the major reasons as to why human trafficking continues to persist in the country as a business despite the government having in place intervention measures.[105] Other reasons which emerged from the results of the research include ignorance among the Kenyan people, corruption in government officials, advancement in technology which helps in recruitment, existing laws being lenient on perpetrators, Kenyans being greedy for money, poor implementation of existing laws, trafficking being a lucrative business, porous border points, high demand for labour in developed countries and high illiteracy levels among Kenyans.

According to Harrison in his report on rescue politics[106], "Kenya is ranked in the second tier countries amongst the governments that are making significant efforts to meet the minimum standards of the Trafficking Victims Protection Act of 2000, which states that the purpose of combating human trafficking is to punish traffickers, to protect victims, and to prevent trafficking from occurring".[107] As part of complying with the Trafficking Victims Protection Act of 200, Kenya enacted the Anti-human Trafficking Law and Section 14 of the Sexual Offenses Act to prosecute and punish child sex tourists; however, this has not helped much in curbing the problem of human trafficking in the country.

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

[106]Harrington C (2005), The politics of rescue: International Feminist Journal of Politics, 7(2), 175-206.

[107]Ibid

Consequently, provision of additional training on how to identify and respond to trafficking crimes to all levels of government officials particularly law enforcement officials and establishment of an official process of referring trafficking victims for assistance is critical. According to Leman, "factors affecting human trafficking vulnerability in the countries of origin include age, gender and poverty".[108] Further, Leman propounds that "children are vulnerable to the demands and expectations of those in authority including their parents, extended family and teachers while women are vulnerable to trafficking because they are often traditionally viewed as belonging to a weaker sex, are excluded from decision making circles and poorly represented in the political arena".[109] Moreover, "forms of gender-based violations such as rape, domestic violence and harmful traditional practices are linked to social and cultural situations that contribute to the women trafficking vulnerability".[110]

In describing the characteristics of human trafficking, Kothari's analytical views on the subject are used.[111] In his contentions, the scholar elaborates that "even though all cases of human trafficking cases have their individual characteristics; most of them follow the same pattern".[112] He further argues that "people are abducted or recruited in the countries of origin, transferred through transit regions and then exploited in the country or countries of destination".[113] "If, at some stage, the exploitation of the victim is interrupted or ended, the abductees can be rescued as victims of trafficking and they may receive support in the country or countries of destination".[114]

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[108]Leman J & Janssens S (2008), The Albanian and post-Soviet business of trafficking women for prostitution: Structural developments and financial modus operandi. European Journal of Criminology, 5(4), pp. 433-452.
[109]Ibid
[110]Ibid
[111]Kothari C R (2008), *Research Methodology: Methods and Techniques*; Second Revised Edition New Age (International Press Limited, New Delhi, India).
[112] Ibid
[113]Ibid
[114]Ibid

Victims "may be repatriated to their countries of origin or relocated to a third country in some cases, or, as it unfortunately still happens all too often, deported from countries of destination or transit as illegal migrants".[115] "In a study on physical and mental health consequences of human trafficking in Europe it was found that 60 per cent of victims had experienced physical or sexual violence before they were trafficked".[116] The study goes on to explain that "vulnerabilities may contribute to the victimization of a person at the beginning of the trafficking process". "However, the vulnerabilities are not identical to root causes which are determined by domestic policy decisions and social, cultural and religious practices".[117]

To analyze the human trafficking practice deeper, a link between poverty and trafficking espoused by Vera Institute of Justice comes to surface.[118] The institute's contention follows that "the link between poverty and human trafficking is complex in that poor persons are vulnerable to trafficking by virtue of exerting little social power and having few income options". The institute goes on to postulate that "the poor often do not challenge social superiors in relation to migrant contracts and working conditions".[119] Nonetheless the Institute posits that "it is not necessarily the poorest of the poor who become victims of trafficking although in many cases victims are poor especially those in developing countries".[120] The Institute further argues that when the countries "reported most frequently as countries of origin and destination are compared against the United Nations Human Development Index, it can be seen that, while the top countries of destination are rated highly in terms of human development, most of the top

[115]Ibid

[116]Masudi A A, Ishumi F Mbeo, Parmentier S (January 01, 2010). Epilogue: Human trafficking seen from the future. European Journal of Criminology, 7(1), 95-100.

[117]Ibid

[118]Vera Institute of Justice. (2008). Measuring human trafficking: Lessons from New York City. (NIJ Publication No. 224391).

[119]Ibid

[120]Ibid

countries of origin are at the middle in terms of human development level".[121] "Thus, it can be concluded that those targeted as victims of trafficking are not the poorest of the poor, but rather people with at least some resources".

2.1 Number of victims of human trafficking worldwide in estimate

Although "there is no consensus or data on the number of trafficked victims annually, various international institutions and government agencies estimate that between 600,000 and 2 million people are being trafficked yearly across the globe".[122] "The International Organization for Migration (IOM) estimates that out of 100 million migrants worldwide, about 4 million are undocumented, that is, migrants who have been smuggled or trafficked"[123]. The U.S. Department of State has "estimated that at any given time, there are hundreds of thousands of people in the pipeline being warehoused by traffickers whose primary target destination is the United States waiting for either new routes to open up or documents to become available".[124] Approximately "600,000 to 800,000 individuals are trafficked across international borders and millions more within their own countries". The number of victims of human trafficking worldwide is estimated at 12.3 million.[125]

2.2 Human trafficking; a global phenomenon that knows no international borders

Depending on the types of victims, there is men trafficking, women trafficking and child trafficking. Many countries experiencing human trafficking are "source, destination or transit points or a combination of two or all the three dimensions"[126] (UNODC, 2009). Different categories of persons fall victims to trafficking. However, the problem appears to affect more

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[121]Ibid
[122]Ibid
[123]Adam Graycar (1999),"*Trafficking* in Human Beings," paper presented at the International Conference on migration, culture and crime, (Israel 1999), p.2
[124]Ibid
[125]TIP Report, 2010
[126]UNODC, 2009

migrant populations than other segments of the general population. "Many migrants fall victim to inhumane treatment and conditions, suffering immensely at the hands of their traffickers".

CHAPTER THREE

LINKAGE BETWEEN HUMAN TRAFFIKING, TERRORISM, HUMAN TRAFFIKING, SELLING OF BODY PARTS (ORGANS) AND PROSTITUTION

3.0 Introduction

From a regional perspective, Sub Saharan Africa has a share of the human trafficking problem. Narrowing down to the East African sub region, there exist "three main types of trafficking namely trafficking in children primarily for farm labour and domestic work within and across countries, trafficking in women from outside the region for the sex industry and trafficking in women and young person's for sexual exploitation mainly outside the region". Trafficking takes place at different levels which include manipulative, forced labour, "domestic work and sexual exploitation of women and girls within, outside and into countries of the region".

Trafficking in human beings involves third parties especially criminal gangs who infringe on the victims. Almost half of the Sub Saharan Africa countries are familiar with "human trafficking as a crisis and that child trafficking is usually alleged to be more ruthless than trafficking in women".[127] "In West and Central Africa where trafficking is more prevalent and active, more than 70 per cent of the countries identify trafficking as a problem compared to 33 per cent of countries in East and southern Africa".[128]

In the region (Sub Saharan Africa), issues of human trafficking are deep-rooted arising primarily from the deteriorating economic situation. "Intense rural poverty forces poor families to offer their children to traffickers under the pretext of providing them the chance to secure good jobs and better lives".[129] According to information from available reports, increasing numbers of people affected by poverty live in shanties under deplorable conditions in desperation. On the

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[127]IOM, 1996
[128]Ibid
[129]Ibid

other hand, unemployment among the adults leads to poverty which is the major factor pushing people to trafficking in human beings. Similarly family breakups resulting from unemployment, death or divorce bring about abandoned children compounded with AIDS-orphans. These groups of children grow up into youth lacking the basic needs in addition to the love and care of parents thus resorting to destitute life which renders them susceptible to traffickers. In Senegal, for example, religious teachers force orphaned children to beg for money and food in the streets. This way of life makes them susceptible to abuse from adults and they are easily drawn into crime, substance abuse and prostitution. Street children most of who are products of armed conflicts, rural-urban migration, unemployment, famine, broken families and poverty are highly vulnerable to traffickers.

3.1 Extent of Human Trafficking in Kenya

Kenya is hosting over 350,000 refugees with a growing influx from South Sudan and Central Somalia. Additionally, close to 300,000 people were displaced internally during the post-election violence of the year 2007/8, thus consequently becoming "vulnerable to various abuses including human trafficking and smuggling".

Kenya borders Somalia, Ethiopia, South Sudan, Uganda and Tanzania, which are known sources of victims of human trafficking hence the country's documentation "as a hub for human trafficking and smuggling". To this end, "Kenya is a source, transit and destination country for men, women and children trafficked for the purposes of forced labour and sexual exploitation".[130] "Trafficking in Kenya can be classified into two categories namely domestic and international trafficking".

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[130]Ibid

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Domestic "trafficking deals in trafficking of persons from one part of the country to another, mostly from rural to urban in search of better opportunities in life".[131] On the other hand, international trafficking deals in victims cross an international border. "Victims from Kenya usually are trafficked to Europe, North America and other parts of Africa where they are exploited". "Human trafficking for the purpose of sexual exploitation is, to date, the most common manifestation of this transnational crime and a vast majority of the victims are women and children". In the same breath, the Country has "been identified as a source, transit and destination for irregular migrants who are largely overlooked in health responses".[132] To this end, "labour migration opportunities are of high interest to the Government of Kenya".

3.2 Link between Human Trafficking and Terrorism

The African society is presently viewed as "a changing society where traditional fostering practices have led to the abuse of fostered children who are often sold for individual/personal gains". "It is estimated that 25,000 to 30,000 girls and boys have been abducted and recruited into armed ranks by rebel forces for warfare where children play roles such as child soldiers, sex slaves, porters and spies".[133] "Children are considered useful in warfare because they are easier to control and obey orders with less questioning than adults". Additionally, children are agile and small in body size thus faster than adults hence making better messengers and spies. Furthermore, "a child raises less suspicion than an adult and has a higher chance of surviving once captured in an enemy territory on spy or attack related mission".[134]

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[131]Ibid
[132]Ibid
[133]Dr. Ranee Khooshie Lal Panjabi, *Sacrificial Lambs of Globalization: Child Labor in the Twenty-First Century*, (Denv J Int'l L.& Pol'y Vol. 73:3 421), p.422.
[134]Silvia Scarpa, 'Fourth Annual World Congress on Family Law and Children's Rights: Child Trafficking: International Instruments to Protect the Most Vulnerable Victims' (2006) 44 Fam. Ct. Rev. 429, 433.

Human trafficking "poses a threat to stability when rivals in the vice fight for control of the market". Moreover "human trafficking proceeds finance activities of other violent actors e.g. violent extremists or armed rebel groups". "The impact of transnational organized crime on the quality of governance arguably influences some of the greatest episodes of human trafficking". "A primary threat arises from corruption and the infiltration of state institutions by human traffickers". "The large profits associated with human trafficking can pay for bribes, campaign contributions, and political campaigns in the case of traffickers running for elected office". For example, West Africa's leading academic researcher on drug trade, a major transnational organized crime (TOC), "Kwesi Aning, and the Ghanaian Narcotics Control Board Director Yaw Akrasi have both spoken out publicly on the issue of drug profits, which is a TOC businesses just like human trafficking, financing election campaigns".[135] Singleton posits that "corruption witnessed among law enforcement authorities or other stakeholders cause the re-victimization of trafficked victims instead of providing them protection and assistance".[136]

Moisés Naím notes, "It is virtually guaranteed that where there are substantial TOC profits, there will be corruption and official complicity very often at the highest levels". Larger profits both in "absolute terms and in comparison to alternative sources of wealth generation suggest greater potential for illicit influence".[137] "Profits amounting to hundreds of millions of dollars every year can exert substantial influence especially in less developed countries where government salaries are lower, alternative sources of revenues and influence are smaller, and rule of law is weaker than in wealthier countries".[138] Throughout Africa, TOC operators "use corruption of

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[135]Rollins, John and Liana Sun Wyler, "*International Terrorism and Transnational Crime: Security Threats,*
U.S. Policy, and Considerations for Congress," Congressional Research Service, March 2010.
[136]Singleton A R (1993); Approaches to Social Research (2nd ed*),* Oxford: Oxford University Press. Somerset, C.2004 *"Cause for concern?" London*
Social Services and Child Trafficking, ECPAT UK, London.
[137]Ibid
[138]Ibid

government officials as a key tactic for carrying out their activities". "The question is often not whether traffickers have corrupted government officials, but rather how high the corruption goes and how widely it is spread". "Traffickers target different levels of government, from lower level officials such as customs agents or police officers, to middle level officials such as governors or judges, to high level officials such as presidents, ministers or members of parliament".[139]

Corruption at "lower levels usually targets the selective, limited or non-application of laws and procedures within an office". For example, "twelve members of Ghana's Narcotics Control Board were arrested for assisting drug traffickers in transporting drugs through the country". [140] "They admitted to charging traffickers $1,500 per kilogram of cocaine that passed through the Kotoko International Airport however, the Accra circuit threw out the case against the twelve officers".[141]

Corruption at "higher levels may involve the interference in the application of laws and procedures from outside an office or the distortion of the laws and procedures themselves". "For example, a Kenyan parliamentary committee cleared the Charterhouse Bank of money laundering allegations and ordered it's re-opening in a challenge to the Central Bank's handling of the case".[142] "Corruption at higher levels of government is more distorting to notions of responsiveness, accountability as well as equity and is harder to counter".[143]

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[139]Ibid

[140]Aning Kwesi, *"Organized Crime in West Africa: Options for EU Engagement,"* Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2009.

[141]Ibid

[142]Ibid

[143]Trautmann, Franz, Rosalie Liccardo Pacula, Beau Kilmer, Andre Gageldonk, and Daan van der Gouwe, *"Assessing Changes in Global Drug Problems, 1998–2007,"* RAND Corporation, 2009.

3.3 Trafficking in human beings for the purpose of removal of organs

While the United Nations Office on Drugs and Crime[144] "and the Council of Europe touch on the trafficking in organs or tissues, the focus of this research paper is on the trafficking of live human beings for the purpose of organ removal".[145] "In 2006, the United Nations came to the conclusion that it was impossible to provide any estimation on the scope of organ trafficking since the matter on trafficking of persons for the purposes of organ removal was not a priority nor had it received close scrutiny in Member States".[146] Most cases contained in documented reports on the subject matter involve the "illegal removal and trafficking of organs or tissue from deceased persons".[147] "A year later, however, at the Second Global Consultation on Human Transplantation of the World Health Organization (WHO) in March 2007, it was estimated that" "…the extent of organ sales from commercial living donors (CLDs) or vendors has now become evident..." "and was estimated at 5-10% of the annual kidney transplants performed around the world".[148]

"The improvement of health care in many parts of the developed world has contributed to an increased life expectancy resulting in the existence of a larger population of older people". "At the same time technological and medical developments have facilitated the transplantation of organs making it an almost routine procedure". The demand for organs such as the kidney, cornea, and bone marrow, just to list a few, far exceeds their supply and the shortage is acute. For instance, "between 1990 and 2003, kidney donations in the United States increased by 33%,

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[144]United Nations Office on Drugs and Crime (UNODC), *Toolkit to Combat Trafficking in Persons*, 2008, available online at <unodc.org/documents/human-trafficking/HT_Toolkit08_English.pdf> (accessed 14 July 2013)

[145]Council of Europe. *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs*, 2009, available online at coe.int/t/dghl/monitoring/trafficking/docs/news/organtrafficking_study.pdf> (accessed 14 september 2015).

[146]United Nations, Report of the Secretary-General, *Preventing, combating and punishing trafficking in human organs,* Vienna, February 21, 2006, available online at <www.unodc.org/unodc/en/commissions/CCPCJ/session/15.html> (accessed 27 November 2016).

[147]Ibid

[148]Budiani-Saberi D A and Delmonico F L, "Organ Trafficking and Transplant Tourism: A Commentary on the Global Realities", *American Journal of Transplantation, (*vol. 8, ed. 5, 2008), pp 925–929.

while those awaiting a kidney for transplant increased by 27%".[149] According to the United

States Department for Health and Human Services, "there were 118,226 candidates waiting for

organs 75,643 of whom were active waiting list candidates, as of 5 June 2013, while only 3,412

donors had registered in the official records as of March that year."[150] "Data on organ transplants

from the WHO shows that of the 106,879 organs known to have been transplanted in ninety five

(95) Member States in 2010, slightly more than two thirds (68.5%) were kidneys". Moreover,

"those 106,879 operations satisfied only 10% of the global need, according to the WHO".[151]

"The wait for a kidney in the U.S. in 2008 was twenty one days to eight and a half years".[152] The

chronic shortage in Europe means between 15% and 30% of European patients die while waiting

for a kidney transplant, which averages about three years".[153] "The US Department of Health and

Human Services estimates eighteen people in the U.S. die each day while waiting for an

organ".[154]

"Organs can be obtained from living or deceased donors". "Waiting times for an organ from a

cadaver, usually a kidney differs from one country to the next". "This ranges from an average

wait in Britain and the United States of two to three years, to six to eight years in Singapore, and

a longer wait in the Gulf States and Asia".[155] "The shortage in organs from cadaver donors has

been driven, in part, by religious beliefs that the body should be buried intact and, to a large

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[149]United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), "011 Workshop: Human Trafficking for the Removal of Organs and Body Parts", 13-15 February 2008 Background Paper, Vienna, available online at <www.ungift.org/doc/knowledgehub/resource-centre/GIFT_ViennaForum_HumanTraffickingfortheRemovalofOrgans.pdf> (accessed 27 November 2016), citing Scheper-Hughes, N., 'Illegal Organ Trade: Global Justice and the Traffic in Human Organs' (forthcoming).

[150]US Department of Health and Human Services, Organ Procurement and Transplantation Network, available online at <optn.transplant.hrsa.gov> (accessed 5 December 2016).

[151]The Guardian, Campbell, D. and Davison, N., Illegal kidney trade booms as new organ is 'sold every hour', 27 May 2012, available online at <guardian.co.uk/world/2012/may/27/kidney-trade-illegal-operations-who> (accessed on 5 December 2016).

[152]Budiani-Saberi, D.A. and Delmonico, F.L., *supra,* nt. 11, 925-929.

[153]Council of Europe, *Trafficking in Organs*, Parliamentary Assembly, 3 June 2003, available online at <assembly.coe.int/documents/workingdocs/doc03/edoc9822.htm> (accessed 12 October 2016).

[154]US Department of Health and Human Services, available online at <organdonor.gov/index.html> (accessed 5 0ctober 2016).

[155]Rothman, D. and Rothman, S., "The Organ Market", *The New York Review of Books*, Vol. 50, ed. 16, 23 October 2015, available online at http://www.nybooks.com/articles/archives/2003/oct/23/the-organ-market/ (accessed 27 November 2016).

extent, fear of hospitals intentionally allowing patients to die in order to harvest their organs for paying patients".[156]

A shortage in cadaver organs and lengthy waiting times for organ transplant has led many in need of a kidney to seek to obtain one from a live donor.[157] "There are a number of reasons that a person seeking an organ prefers one from a live donor". According to the International Association of Living Organ Donors, "the quality of organs from live donors tends to be superior to organs from deceased donors".[158] The European Directorate for Quality of Medicines and Health Care emphasizes "the fact that organs from living donors are more desirable as surgeries can be planned in advance, patients can be prepped with pre-operative treatment and that long-term survival is usually better due to a much shorter ischemic time and a superior physiological state of the transplanted organ".

Recipients also have a decreased likelihood of rejection of the transplanted organ.[159] "According to the International Association of Organ Donors, the United Network on Organ Sharing (UNOS) data for kidney transplants in the united States from 1996 to 2006, kidney graft survival rates are higher for recipients who have received organs from living donors".[160]"After five years, the survival rate is 68% from deceased donors and 81% from living donors while after a ten year period, the survival rate is 42% for those whose kidney has been grafted from a deceased donor

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[156]Aronowitz, A.A., *Human Trafficking, Human Misery: The Global Trade in Human Beings*, Greenwood Publishing Group, 2009.
[157]Rothman, D. and Rothman, S., *op cit* p.18.
[158]See International Association of Living Organ Donors, Inc. at http://www.livingdonorsonline.org/kidney/kidney2.htm.
[159]Council of Europe, European Directorate for Quality of Medicines and Health Care, available online at < http://www.edqm.eu/en/living-donation-1523.html> (accessed 5 September 2016).
[160]Also supported by Naderi, G.H., e.a., "Living or deceased donor kidney transplantation: a comparison of results and survival rates among Iranian patients", *Transplant Proceedings*, vol. 41, ed. 7, 2009, 2772-2774.

compared to a 58% survival rate for those receiving an organ from a living donor".[161] It is for this reason that beneficiaries choose to have transplants from live givers.

3.4 Connection between Prostitution and Human Trafficking

Like in other parts of the world, human trafficking in East Africa present challenges that are inextricably linked to the global socio-economic imbalances which have resulted in commercial sex by women and trafficking of children as an economic venture.

Sajjadul Hoque, in a Journal entitled *"Female Child Trafficking from Bangladesh: A New form of Slavery"* exposes "the painful reality of female sex workers in Bangladesh and argues that the current rate of growth in sex trade in Bangladesh is fostered by social and economic vulnerabilities that impel young women to engage in commercial sex work".[162] "Consequently, what has emerged in Bangladesh and across the borders in India, Malaysia, Pakistan and other Middle Eastern countries is the culture of child trafficking both internally and across borders for economic gains".[163] Locally, accomplices in involuntary trafficking often do not refund money paid instead they persistently subject victims to forced labour or prostitution in order to earn more money. However, in voluntary trafficking done internally in Kenya, it is noted that accomplices who are often family members or acquaintances would refund money to avoid straining family ties and relations.

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[161]International Association of Living Organ Donors Inc., available online at <livingdonorsonline.org/kidney/kidney2.htm> (accessed 5 September 2016).
[162]Ibid
[163]Sajjadul M N Hoque, 2010. *Female Child Trafficking from Bangladesh: A New form of Slavery*. Canadian Social Science Journal Vol 6.1, pp. 45 – 58.

As argued by one scholar, Ronald Weitzer, "there is no other area in the social sciences field of study where knowledge has been pervasively contaminated by ideology in writing more than factual except in the sex industry."[164] Despite awareness rise and creating protection for victims of sex trafficking being steps in the right direction, critics like Weitzer are definitely concerned about the linkage of sex trafficking with pornography, prostitution and the sex industry.

It is arguable that, on one hand, this linkage could encourage less understanding of the vice and sympathy for the victim and, on the other hand, create the perception that the victims are somewhat culpable for their position on the grounds that they somehow choose to be in that position of being a prostitute or someone who willingly engages in pornography. Indeed, studies have shown that this linkage often leads to a glossing over of the victimization aspect of sex trafficking. This happens among ordinary people as well as professionals who are supposed to protect the victims of human trafficking for sex purposes as well as those in need of protection.

The following statement describes the mistreatment of a victim of trafficking by a female member of the police force conducting interrogation. This statement was recorded from the International Centre for Migration Policy Development who did not use some pejorative words but retorted phrases like or similar to; "You are all the same". "You cover each other". "You protect your bosses". "I think this is a sufficient description". "When somebody thinks that it's your fault". "I do not feel guilty for what happened". "I know who I should blame".

"But when somebody blames you like that, you really feel terrible". "She tells you directly to your face that you are a prostitute". (International Centre for Migration Policy Development, 2007, p. 100)

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[164]Ronald Weitzer (*2005*), "Flawed Theory and Method in Studies of Prostitution," *Violence Against Women 11* (George Washington University, Washington DC, 2005), pp. 934-49.

CHAPTER FOUR

EFFORTS AND MANAGEMENT STRATEGIES TO COUNTER HUMAN TRAFFIKING/ SMUGGLING

4.0 Introduction

Globalization impacts trafficking with both "push" and "pull" factors. "Impoverishment in the supply countries is a push factor that forces people to seek ways to improve their economic situation".[165] "Many trafficked persons begin their ordeals with the expectation that they will get respectable employment, only to discover the deception after it is too late". The spread of "globalization" serves as a pull factor by bringing with it a new culture and influence which raises expectations of a previously not so informed population that there exists better life elsewhere. On the other hand, "trafficking is a mammoth economic enterprise that provides traffickers with financial resources and technological capabilities to enhance and shield their activities from public scrutiny or interference like the global drug trade".[166]

"Trafficking thrives on the tremendous profits it generates and on the climate of fear that leaves many victims feeling that they have no options"[167]. "The plight of trafficked persons has often been exacerbated by immigration policies and administrative practices that treat those trafficked as criminals to be incarcerated or deported".[168] A Trafficking in Persons (TIP) report of 2010 indicates that despite efforts made by the international community and a number of countries over the past two decades, the proceeds from this illegal business in 2009 approximated US$ 32 billion. In this regard, the illegitimate trade in humans garners massive proceeds to the trafficking agents resulting in the practice being considered as one of the most profitable illegal businesses worldwide after weapons and drugs.

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[165]Ibid
[166]Ibid
[167]Kevin Bales, (999) in Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2000), p.
[168]Ibid

4.1 Translating International Instruments into National laws and ensuring their implementation

There are numerous policies, laws and international instruments that strive to prevent human trafficking, however, the practice still occur to date. In explaining what causes the continued persistence of human trafficking, this research advances a number of arguments. "The greatest challenge of all is the domestication of international legal instruments and guidelines that are aimed at ending slavery and human trafficking, protecting victims and promoting international cooperation". Further, adoption of the international legal instruments has been effected by some countries including Kenya; however, translating these instruments into national laws and ensuring their implementation still pose a challenge. Similarly, adoption of specific penalties against trafficking in persons has been effected in most countries but there still exists diversity with regard to the definition, interpretation and understanding of the term human trafficking. "In the same breath, legislation in some countries acknowledges only certain forms of exploitation or certain categories of victims". "At the same time, legislations have failed to be comprehensive in approach and in addressing all aspects of human trafficking and balancing prosecution by ensuring the rights and protection of victims".[169]

Meanwhile, "the United Nations General Assembly adopted the United Nations Convention against Organized Crime on 15 November 2000 and the convention came into force on 23 September 2003".[170]

"To supplement the convention, the Protocol to prevent, suppress and punish trafficking in Persons, especially women and children, also known as the Palermo Protocol, was adopted".[171]

Suffice to say, "the principal responses by Governments to trafficking in persons since the

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[169]Ibid
[170]United Nations Convention against Organized Crime of 15 November 2000
[171]Ibid

adoption in November 2000 of the protocol to prevent, suppress and punish trafficking in Persons, especially women and children vary from one country to the other".[172] "The main focus of States has been on detecting and prosecuting traffickers, identifying, protecting and assisting people who have already been trafficked and initiating action to prevent people from being trafficked in the first place".[173] "The need for more research and data collection on all forms of trafficking is stressed in order to develop tailored and effective anti-trafficking strategies as well as the subsequent monitoring of such interventions in order to make sure they have the desired impact".[174]

"Out of the 116 States that had ratified the Trafficking Protocol as of 4 December 2007, a majority had adopted new laws or amended existing legislation to translate the Protocol into action, defined as an offence the trafficking in persons and increased the penalties for traffickers". Additionally institutions and procedures to implement the law need to be established and many regional initiatives implemented too.

4.2 Non Inclusivity of certain International Legislative Provisions in the domestic laws

Despite the "formulation of these normative frameworks at both the national and the regional levels, there is little consistency in the core definition of trafficking in persons and national legislations often fall short of the comprehensive provisions of the Protocol". "States may refer to commercial sexual exploitation or the trafficking of women and girls while omitting trafficking for forced labour or servitude". "Although the Protocol clearly indicates that in the case of children the various illegal means of trafficking are irrelevant, in other cases, some legislation do not yet reflect that provision while others define the age of a child differently other

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[172]Ibid
[173]Ibid
[174]Ibid

than less than 18 years of age". "Such lack of definitional clarity poses major challenges for international cooperation". On the other hand "collaboration begins at the national level but is equally important at the bilateral, regional and international levels".

At the national level, "the presence of institutional structures such as national referral mechanisms, national rapporteurs and national coordinating structures has facilitated concerted action against trafficking". "Notwithstanding significant efforts to identify and care for victims and to detect and prosecute traffickers, trafficking in persons is still reported to be one of the most lucrative sectors of transnational organized crime".[175] Confusion between, "on the one hand, human trafficking and, on the other, smuggling or other immigration related offences has impeded progress in law enforcement efforts". "The challenges faced in properly identifying a victim of trafficking have highlighted the need for minimum standards concerning the response of criminal justice systems". "A major challenge for immigration and law enforcement officials is how to distinguish trafficking victims from others they may come into contact with".[176]

"Significant tensions exist between initiatives designed primarily to enforce the law against traffickers and those designed to uphold the human rights of trafficked persons". "The two approaches are not mutually exclusive, however, and evidence suggests that the prompt identification and appropriate treatment of victims is crucial to an effective law enforcement response".[177]

Some States have begun to adopt "reflection periods" "for trafficked persons identified within their borders in order to give them time to recover and reflect on whether they are able and wish

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[175]Ibid
[176]Ibid
[177]Ibid

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to cooperate with law enforcement agents".[178] "A particularly contentious area of debate is whether the granting of temporary residence permits to victims of trafficking should be conditional upon a trafficked person's cooperation with the criminal justice system, with little priority having been given to awarding compensation or damages to victims of trafficking".[179]

4.3 Human Trafficking/Smuggling Containment Efforts by the Government of Kenya

Most countries across the world have instituted a number of intervention strategies towards addressing human trafficking/smuggling. The Government of Kenya too has not been left behind in trying to keep pace with internationally acceptable trafficking/smuggling legislations.

One such legislation which the Kenyan government has put in place is enactment of the 2010 Counter Trafficking in Persons Act. The Act prescribes stiff penalties of up to 357,000 dollars fine or 30 years jail term for those found guilty of committing the crime. Similarly, the country has ensured operationalization of the Employment Act of 2007 which states that no person shall use or assist any other person in recruiting, trafficking or using forced labour and by extension therefore prohibiting against forced labour.

Another legislation the country has implemented is domestication of the Refugee Act No. 13 of 2006 (Revised in 2012). This particular Act provides for regulations in the reception, registration and adjudication of refugees.

Besides legislations, the country has intensified security at entry and exit points while at the same time enhancing security along highways.

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[178]Ibid
[179]Ibid

4.4 Conclusion

Despite joint efforts by all affected nations to fight the human trafficking/smuggling, the practice remains a major international threat. In Kenya, human trafficking is likely to persist despite the measures put in place by the Government as long as the causative and exacerbating factors remain constant. Traffickers/smugglers are willing to go to ordinary lengths to remain in business while smuggling victims desperately part with huge amounts of money to leave their home countries. Meanwhile, the intended closure of Dadaab refugee camp by the Kenyan Government has prompted refugees and aliens to escape the camps and seek illegal registration as Kenyan citizens thus rendering the intention futile and fruitless.

CHAPTER FIVE

DATA ANALYSIS

5.0 Introduction

This chapter discusses the findings that emanate from qualitative and quantitative data collected through this research. The findings are based on responses from a total of 760 respondents, where 25 were key informants drawn from institutions interacting with the problem of human trafficking and 735 sample respondents from 20 Counties in Kenya. The findings are presented in both table and figure forms. The analysis of quantitative data is done by use of Statistical Package for Social Sciences (SPSS 21.0). Statistical methods have been used to summarize data to give meaningful information. This has mainly been done by use of descriptive statistics.

5.1 Socio-Demographic Characteristics of Respondents

A total of 735 sample respondents were interviewed comprising of 402 (54.7%) males and 333 (45.3%) females. Majority of the respondents (69.5%) were aged between 18 to 49 years. Only 0.5% of the respondents were below the age of 18 years as illustrated in Table 2 below.

Table 2: Age and gender of respondents

Gender and Age of the Respondents				
Age of respondent	Male	Female	Total	Age (%)
Below 18 years	3	1	4	0.5
18-25	65	60	125	17
26-33	115	91	206	28
34-41	102	95	197	26.8
42-49	59	49	108	14.7
50-57	34	29	63	8.6
58-65	9	5	14	1.9
66 and above	15	3	18	2.4
Total	402 **(54.7%)**	333 **(45.3%)**	**735**	**100**

From the above findings, it is apparent that a majority of the respondents were aged between 26-33 years (28%) followed by ages 34 - 41 years (26.8%). This is quite a true representation of the Kenyan population and findings of the research could therefore be taken to represent the views of the Kenyan society.

5.2 Marital Status

The gender population in Kenya indicates that women are slightly more than men going by the 2009 census report. Findings of this research indicates that 60% of respondents were married, 34% were single or never married while the separated, widowed and divorced stood at 3%, 2% and 1% respectively as shown in Figure 1 below.
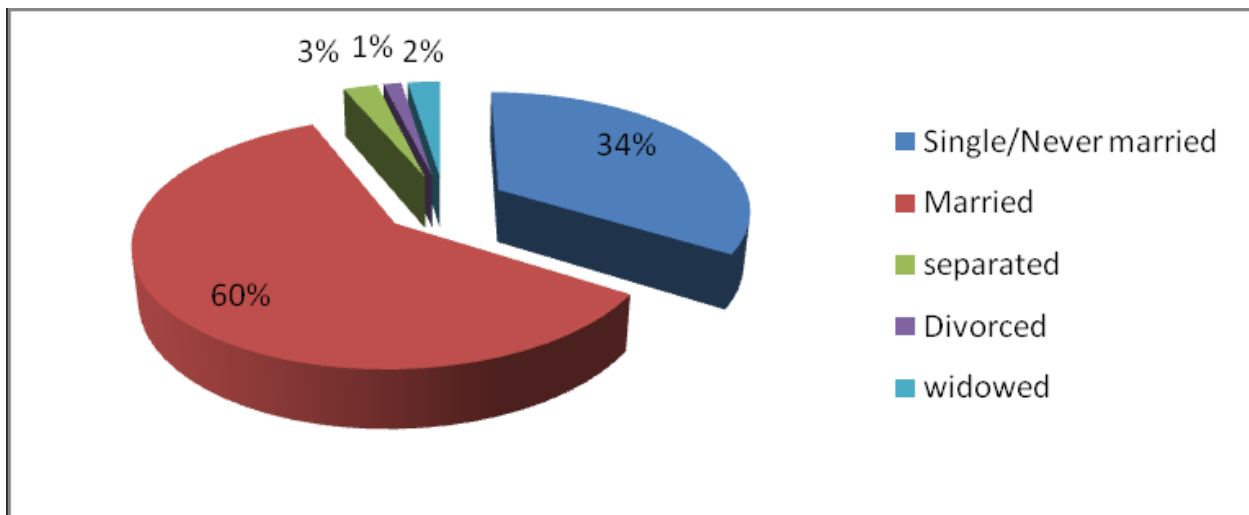

Figure 1: Marital Status

5.3 Highest Level of Education

Majority of the respondents had attained secondary education and above which represent 29.9% of the sample respondents while 24.2% had middle level college education and 15.6% had reached University level. Conversely 21.1% had attained primary education while 3.5% had no

formal education. Respondents' education level percentages are as in Figure 2 below. It follows therefore that many respondents had a grasp of the subject under study.
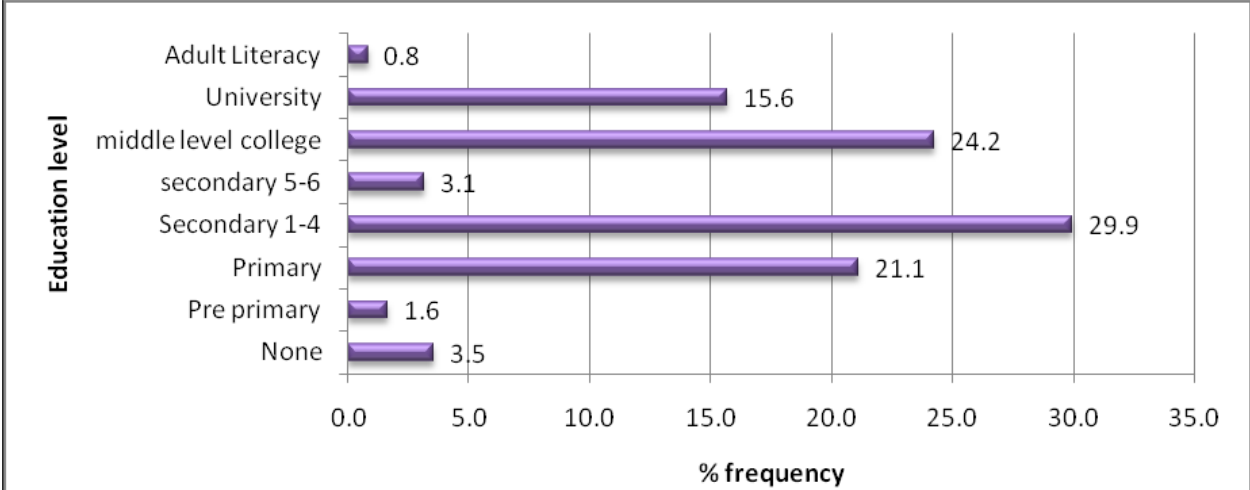
Figure 2: Highest Educational level

5.4 Nationality and Religion

The results of the study indicate that 97.3% of the respondents were Kenyans while 2.7% were non Kenyans. On religion, Christians comprised the majority (76.8%) while 20.4% were Muslims and 1.2% indicated that they were traditionalists as shown in Figure 3.
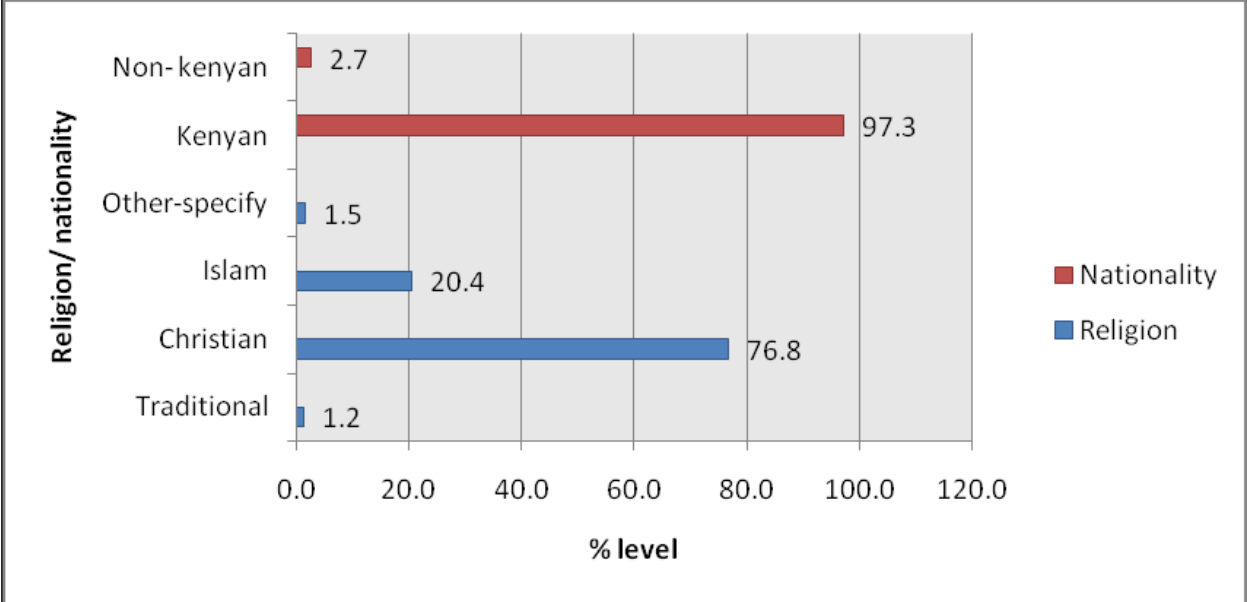
Figure 3: Nationality and Religion

5.5 Occupation

Majority of the respondents in the survey were in casual employment with those in the public sector representing 38% followed by those in permanent employment in the public sector at 25%. Those in permanent employment in the private sector stood at 22% while 13% were on casual employment in the private sector and a paltry 2% in other forms/sectors of employment as shown in Figure 4 below.
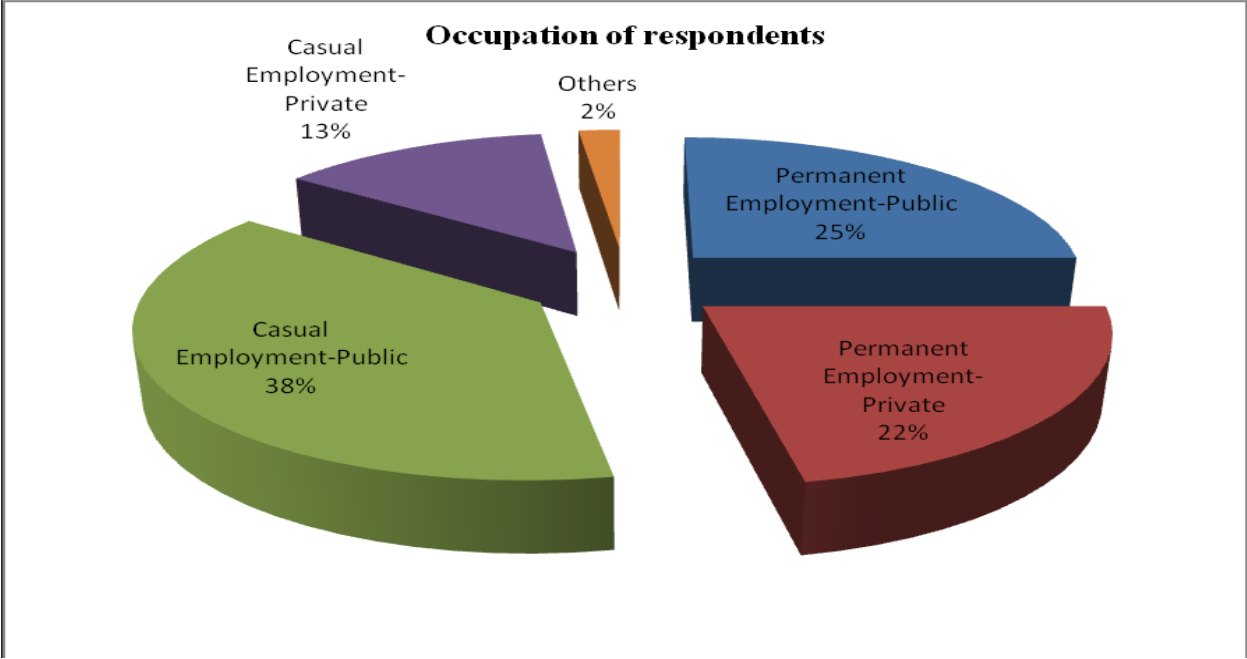
Figure 4: Occupation

5.6 Prevalence and Forms of Trafficking

Child "trafficking featured as the most prevalent form of trafficking at 39% followed by trafficking for labour and prostitution at 31% and 25% respectively as indicated in Figure 5 below". "The prevalence of child trafficking elucidates findings of this research whose opinion lean on the view that children are engaged in child labour in flower, coffee and tea plantation and fishing as mentioned in other sections in this research". "Children are at a high risk of being trafficked and those who are trafficked are separated from their families and may be more exploitable because they are less likely to have an adult advocating for fair pay and acceptable work conditions on their behalf". "Children particularly young girls are highly prone to this menace as noted by a Social Worker from Garisssa town who stated that" "Vehicles that transport miraa (khat) from Kenya to Somalia return with young girls and women who end up in brothels and some shipped to other parts of the world."
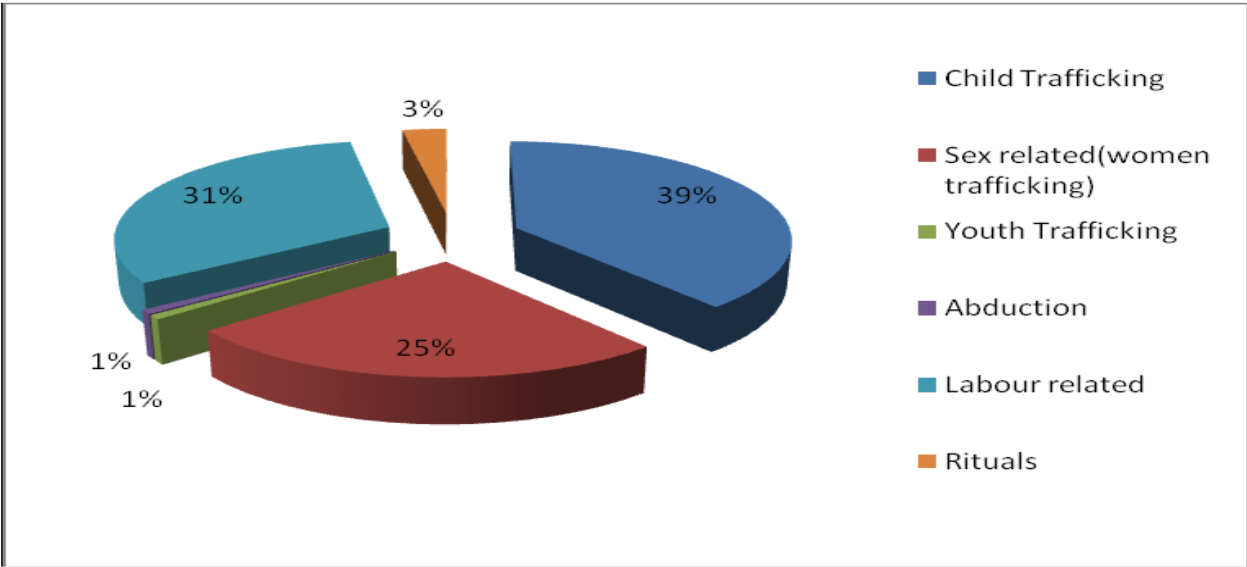
Figure 5: Forms of human trafficking

One of the key informant respondents, a child development officer at WEAEP in Kakamega, highlighted the plight of young girls which corroborates the above findings. The key informant had revelations of a teenage orphan girl that was living on the streets of Kakamega having been approached by a man who promised her work of a house girl in Nairobi. True to his word, the purporting "saviour" to orphan teenage girl brought her to Nairobi but "instead of placing her with a family the man took her to a brothel where she was systematically raped, beaten, and forced to work as a prostitute". Five months later, "when the 15year-old orphan became pregnant, she was forced to continue sleeping with a series of men in succession until she was almost due to give birth". She was rescued and taken to a safe house in Nairobi west.

5.7 Awareness of the Forms of Trafficking

Amongst those interviewed, there was minimal understanding of the differences between external and internal forms of trafficking. The interviewees who exuded the highest level of human trafficking awareness were those who responded on outbound external trafficking (i.e.

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from Kenya to other nations) at 79.4% with an almost equivalent number of 72.9% not being aware at all of inbound external trafficking (i.e. trafficking from another country into own country). The numbers of interviewees aware of domestic or internal trafficking (i.e. within the county) stood at 48.2% while those aware of trafficking victims passing through Kenya to other countries (i.e. transit) stood at 66.2%. Figure 6 below has more details on the human trafficking awareness levels.
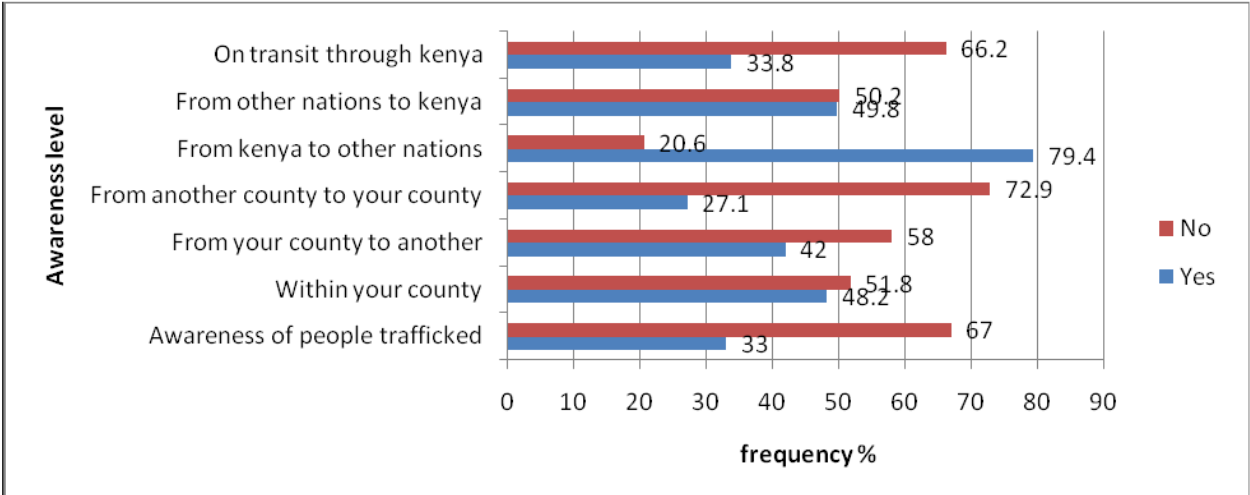
Figure 6: Awareness of forms of trafficking

From the above statistics, Kenya remains a source, transit, and destination country for human trafficking victims due to a myriad of socio-economic challenges and opportunities for both traffickers and victims.

5.8 Prevalence of Trafficking (External and Internal)

Trafficking of victims outside Kenya (i.e. external) is the most prevalent at 60.4% while trafficking of victims within regions in the country (internal/ domestic) stood at 33.8%. Upon further probing on the types of trafficking in Kenya, it strongly came out that trafficking of victims from Kenya to other nations was the leading at 60.2%, followed by trafficking from

other countries at 14.7% while the country serving as a transit point for victims moving from an outside country to a destination beyond Kenya stood at 16% as illustrated in figure 7 below. Based on Figure 7 below it can be concluded that human trafficking is quite prevalent in Kenya at 60% as indicated. Furthermore, the country hosts "over 350,000 refugees with a growing influx from South-Central Somalia". "Kenya is also documented as a hub for human trafficking and smuggling". In addition 300,000 "people were displaced internally following the post-election violence of 2007/2008 thus subsequently became vulnerable to various abuses, including human trafficking and smuggling".
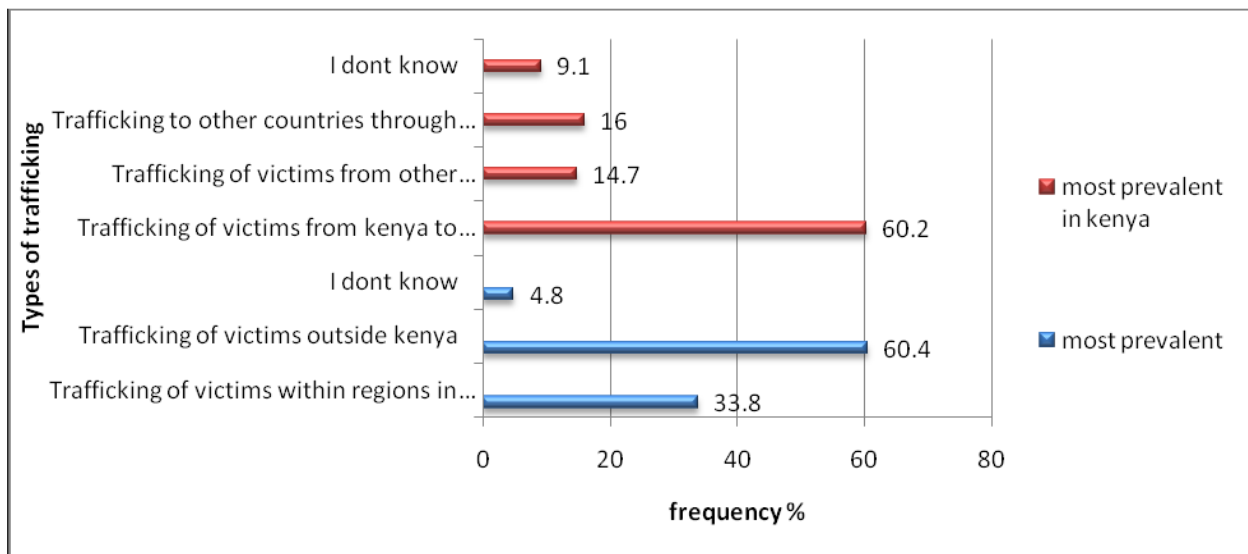
Figure 7: Prevalence of Trafficking

Regarding the extent to which trafficking is prevalent in the country based on high , medium or low options, 55% of the respondents indicated that it was high, 36% medium and 9% low as shown in Figure 8 below. This conforms to the findings that "Kenya has also been identified as a source, transit and destination country for irregular migrants who are largely ignored in addition to being actively engaged in trafficking/smuggling". Respondents felt that many Kenyan are

trafficked internally to work in flower farms, coffee and tea plantations while others work in brothels in Nairobi, Mombasa and Malindi. In terms of external trafficking, many Kenyans have been trafficked to United Arab Emirates, Europe, South Africa and United States of America.
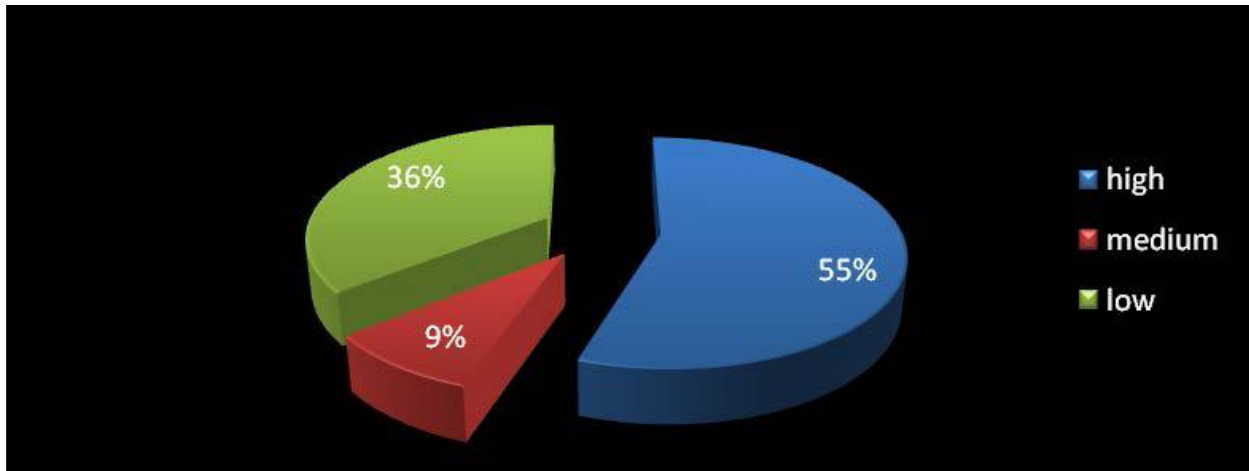
Figure 8: Rating of Prevalence of Human Trafficking

5.9 Awareness of Voluntary and Involuntary Domestic and External Trafficking in Kenya

The study found out that 63.4% of respondents were aware of voluntary domestic trafficking while 58.8% were aware of involuntary domestic trafficking. On the other hand, 78.1% were aware of voluntary external trafficking and 57.4% were not aware of voluntary external trafficking as indicated in Figure 9. Children are lured into domestic work as house helps and herds boys while other young persons, particularly girls, voluntarily engage in commercial sexual exploitation at the coastal sex tourism industry, street vending and bars. Adults on the other hand are exploited in involuntary domestic servitude and forced prostitution. In the same breath men, women, and children are voluntarily migrating to the Middle East and Europe in search of employment and better livelihoods. "They are however, exploited in domestic servitude, massage parlours, brothels, and forced manual labour".
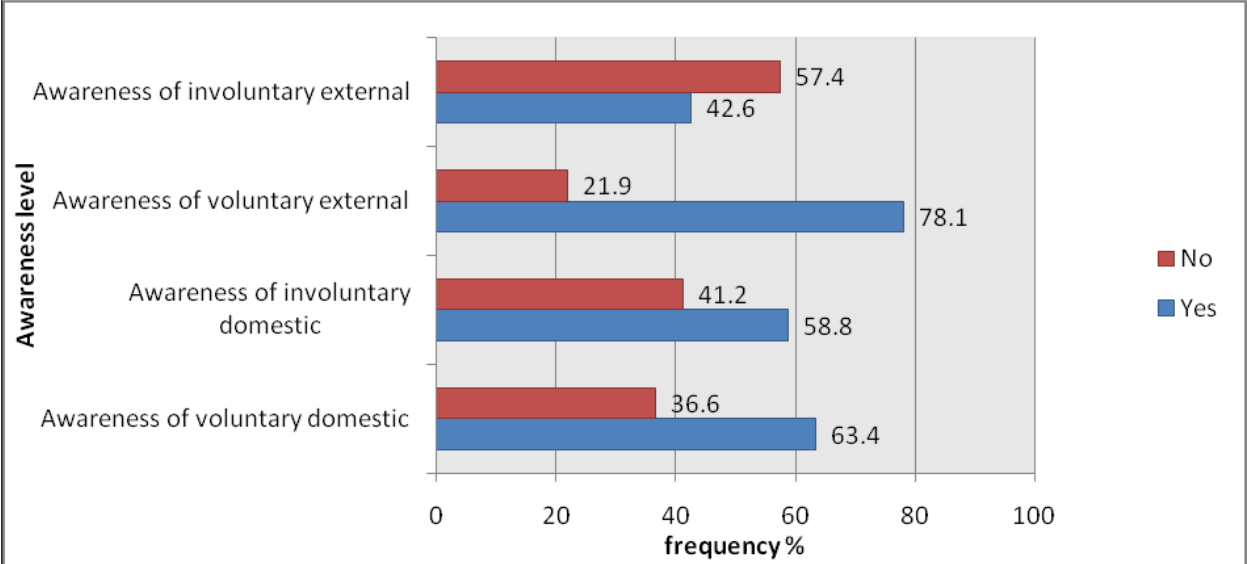
Figure 9: Voluntary and involuntary domestic and external trafficking

5.10 Reasons for Voluntary Trafficking

The main reason for voluntary trafficking is identified as facilitation of employment opportunities at 40.3% followed by the need for victims of trafficking to reach their desired destinations at 26.3%. Others are transportation and/or movement from one place to another, need for job registration and the fact that they are promised good returns as shown in Figure 10 below. "Traffickers often lure their victims with huge promises of better jobs and life. It is sometimes difficult to differentiate victims of voluntary trafficking from those of involuntary or forced trafficking". Moreover, traffickers at times use personal relationships and trust in their villages of origin to recruit victims.

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Figure 10: Reasons for Voluntary Trafficking

5.11 Costs in Human Trafficking

From the research interviews, agent commission cost emerged as the major payment cost at 46.7%. However 28.6% of the respondents indicated unawareness of these costs. Other costs of human trafficking which were listed include transport costs, registration fee, reward for brokers and agents, medical cost, document processing costs and money for food and accommodation. The costs involved cover a number of activities ranging from the recruitment processes, transportation, harbouring and disposal of victims. In most cases these costs are often borne by the victim of trafficking him/herself or the victim's family. It is important to note that human trafficking is modern day slavery and a lucrative business that entails several costs as shown in Figure 11 below.
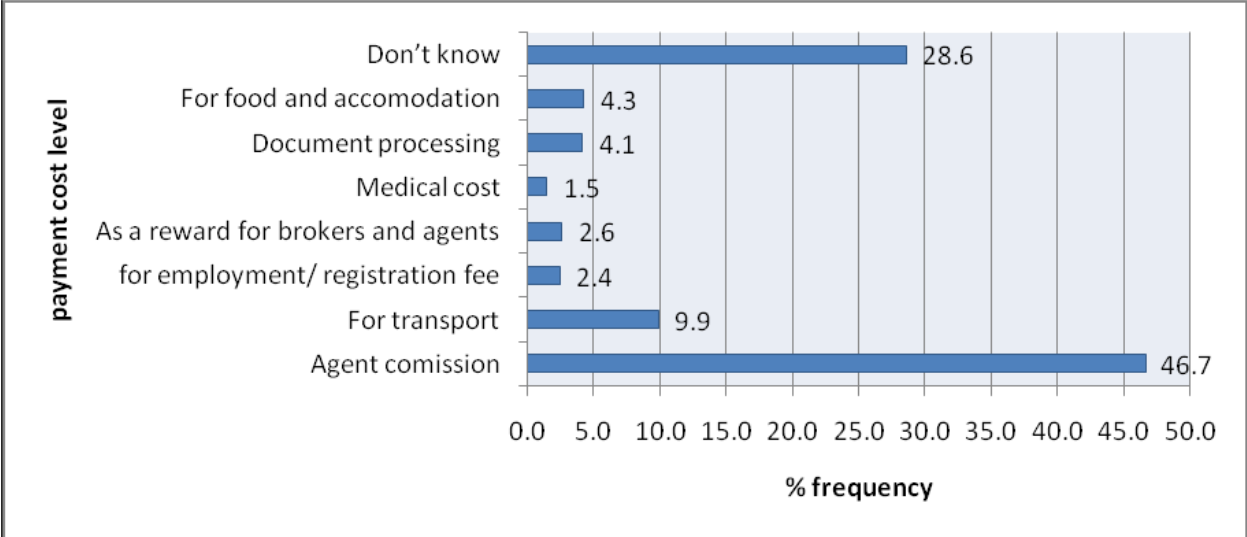
Figure 11: Payment cost

5.12 Refunding of Money

Survey results shows that monies paid by voluntary trafficking victims to traffickers to facilitate the process are not refunded. This assertion is confirmed by the research findings in Figure 12 below whereby 46.6% of the respondents are saying no while 46.2% have no idea as to whether its refunded or not. However, a small percentage of the respondents (7.2%) indicate that it is refunded. In this regard, the overall findings are that traffickers often do not refund money paid. Instead they persistently subject victims to forced labour or prostitution to earn more money. This is so especially in involuntary trafficking. However, in voluntary trafficking which take place in the country internally, it is noted that accomplices who are often family members or acquaintances would refund money to avoid straining family ties and relations.
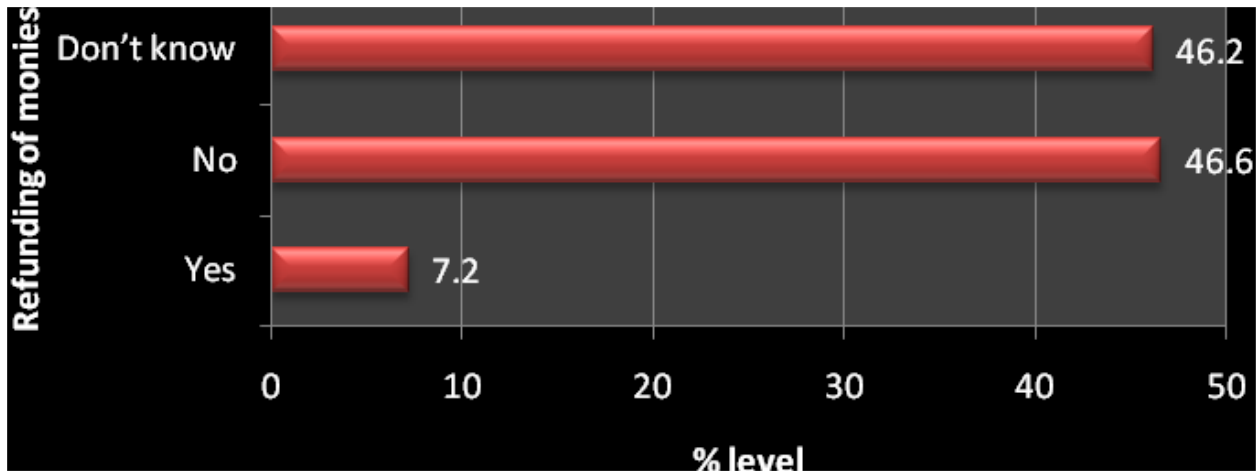
Figure 12: Refunding of Monies

5.13 Reasons for Non Refund

Agents of trafficking fail to refund the money paid out by immigrants to facilitate their safe movement to desired destinations. Key among the reasons cited by respondents for the non refund is lack of a legal frame work. This constitutes the main reason as to why monies aren't refunded when the deal fails at 38.4%. Other reasons identified include traffickers being after money and hence once paid the contract gets sealed thereby leaving subsequent processes illegal and therefore not providing a basis to claim the money. Part of the agreement though normally undocumented is that any money that changes hands between the traffickers and the victims of trafficking is non refundable. Consequently, traffickers take advantage of the victims as shown in Figure 13 below.
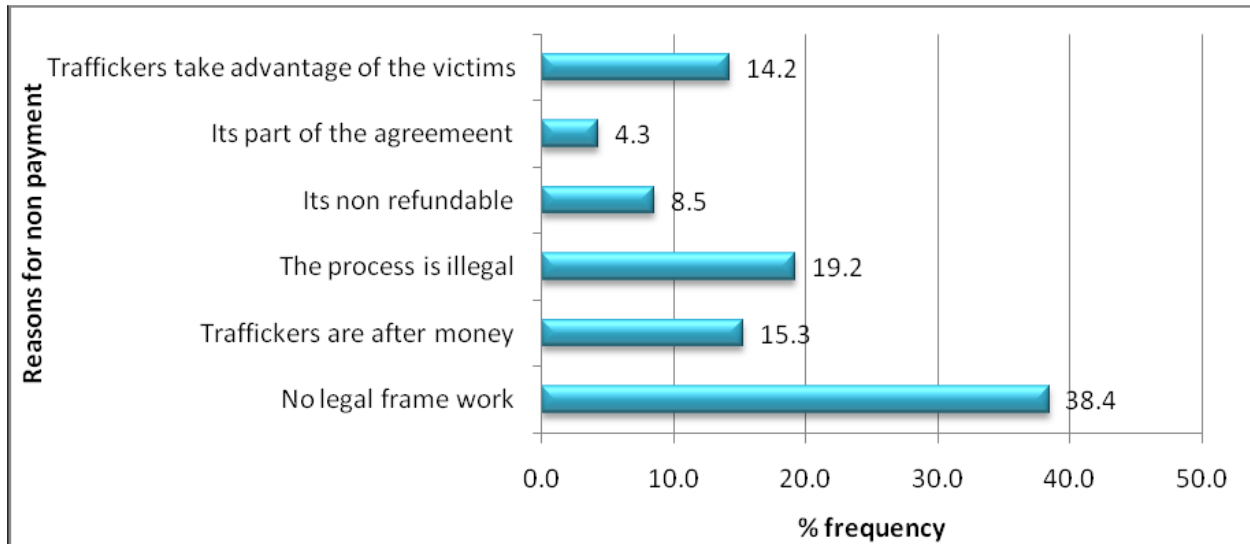
Figure 13: Reasons for non payment

5.14 Treatment of Victims of Human Trafficking

Victims of human trafficking are subjected to various treatments and conditions as established during the research interviews corroborated by the results of the survey. 82% of the respondents indicated awareness while 18% were not aware of the treatments and the conditions that victims of human trafficking are subjected based on yes and no responses. Sexual abuse was rated highest at 24.5% by the respondents who indicated awareness followed by assault at 19.9% and denial of medication as well as starvation at 16.8%. Other forms of trafficking victims' treatment and conditions of stay at their points of destination mentioned were hard labour at 10.5% and poor remuneration at 10.8% while confiscation of travelling documents, long working hours and culture shock combined total to 17.5% as in Figure 14 below. Apparently, "trafficking victims often suffer from serious physical abuse and physical exhaustion as well as starvation".

In certain instances, "victims of trafficking that have been subjected to multiple abuses over an extensive period of time may suffer health consequences in a manner consistent with victims of prolonged torture". Similarly, "women who have been trafficked may suffer from serious health problems including physical health, reproductive health and mental health problems".
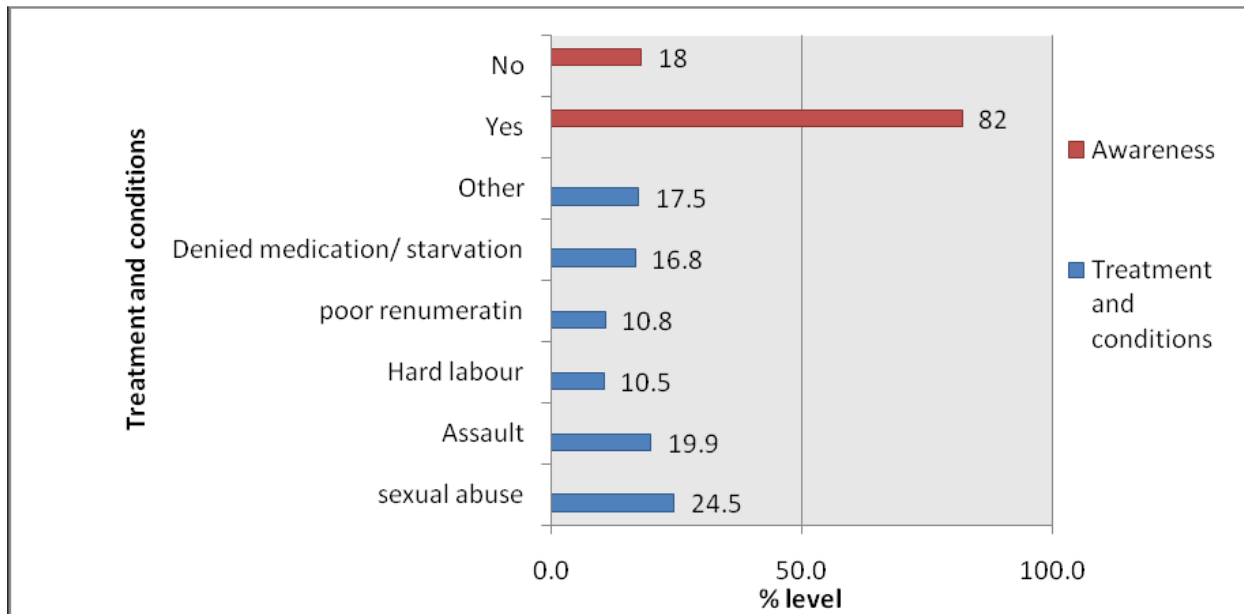
Figure 14: Treatment/Conditions and Awareness

5.15 Purposes of Human Trafficking

From the research findings, "the main purposes of both domestic and external trafficking are attributable mainly to the demand for cheap labour". Domestic trafficking was rated at 55.5% and external trafficking at 53.9%. On the other hand, sexual exploitation was rated as the second most important purpose of trafficking while trafficking for cultural and religious purposes were rated third in both the domestic and external forms of trafficking as illustrated in Figure 15 below. "Other purposes of trafficking include exploitation where the traffickers take advantage of victims for prostitution, sexual exploitation, forced labour, slavery or similar practices as well as the removal of organs for financial gain".
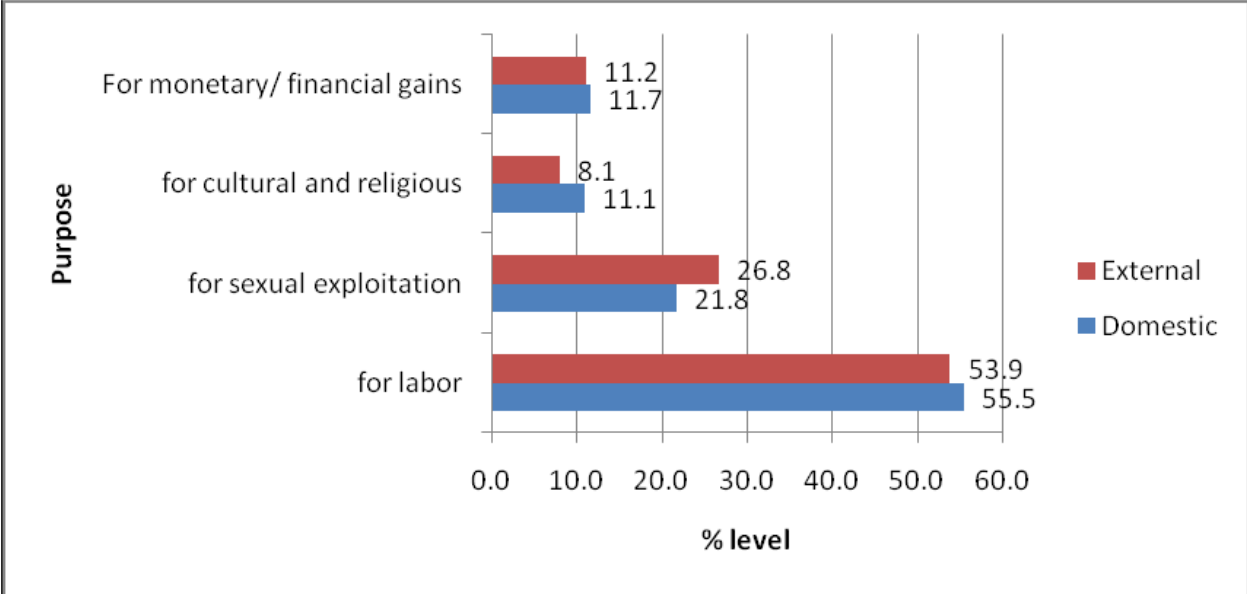
Figure 15: Purpose for Human Trafficking

5.16 Factors Contributing to Human Trafficking

Several factors which include "personal characteristics, economic situation of the trafficked person, characteristics of their family, peer networks as well as the community contribute to human trafficking". However, from findings of this research, "poverty and unemployment tends to push many victims into the underworld of human beings trade for both domestic and external needs". In both domestic and external trafficking, poverty stand out as a major causal factor at 47.1% and 37.6% respectively while unemployment ranks second highest at 34.1% in the case of external trafficking and 23.7% in the case of domestic trafficking as illustrated in Figure 16 below.

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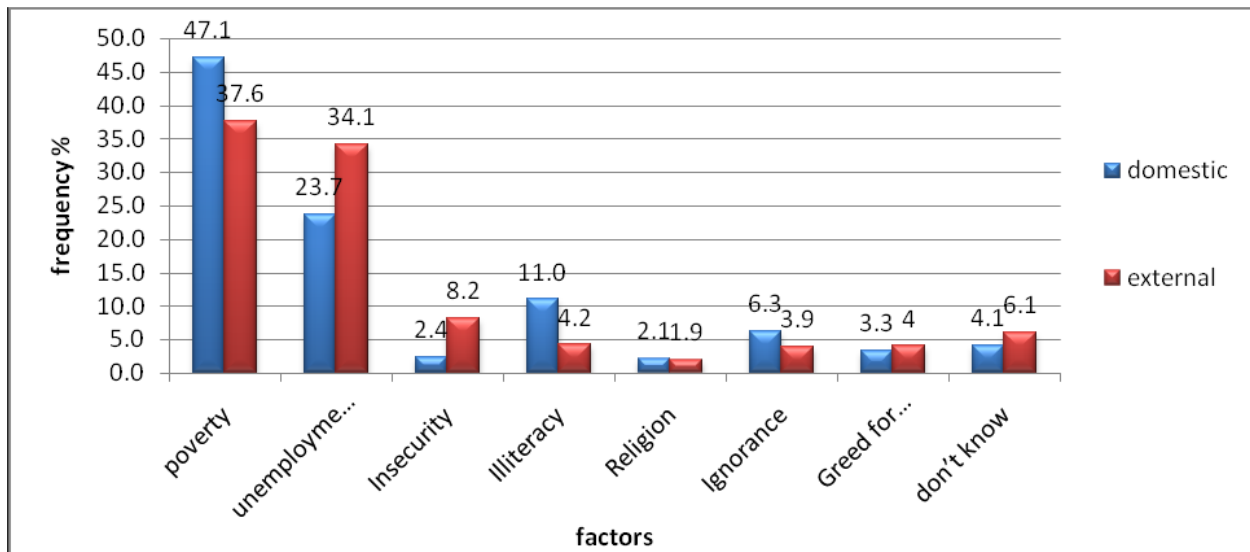
Figure 16: Factors Contributing to Human Trafficking

From the above findings, it emerges that victims of human trafficking originate mainly from the poor households as evidenced by the number of respondents who cited poverty as the cause of domestic trafficking at 47.1 % with a further 37.6% citing the same as the contributory factor for external trafficking. Lack of employment opportunities is yet another factor that contributes to trafficking. From the research findings, 23.7% of the respondents reported unemployment as a cause of domestic trafficking while the same cause recorded 34.1% of the total respondents for external trafficking.

Corroborating poverty as the major cause of trafficking, a children's Officer in Narok had this to say; "Poverty has greatly contributed to child trafficking because some parents want to give away children at the slightest opportunity of getting money however small the amount might be so long as it will reduce their suffering". From this statement, parents notably "accept the risk of their children being victims of human trafficking in exchange for an opportunity to earn some income and attain the coveted fulfilling good life opportunities in urban areas and developed countries".

Paradoxically, "this may not be the case, going by prevailing media reports that have always highlighted the plight of Kenyans at the hands of employers especially in the Middle East". Other factors contributing to human trafficking include "insecurity, religion, ignorance illiteracy and greed for money".

5.17 Victims of Human Trafficking

The research indicates that 59% of respondents felt that female members of the society bear the greatest blunt as victims of human trafficking followed by males at 20%. However, it is notable that 100% of the respondents felt both men and women were victims of domestic human trafficking as illustrated in Figure 17 below. Male survivors of trafficking are the silent victims of an already hidden crime. Rarely does the public hear about cases of male trafficking as victims are unlikely to report the crime due to feelings of shame or humiliation. As the number of people forced into human trafficking increases so has the number of male victims. On the other hand, women are more likely to be involved in trafficking as they are easily lured with promises of better life. Women also tend to bear the burden of care hence are likely to seek employment to enable them fend for their families.
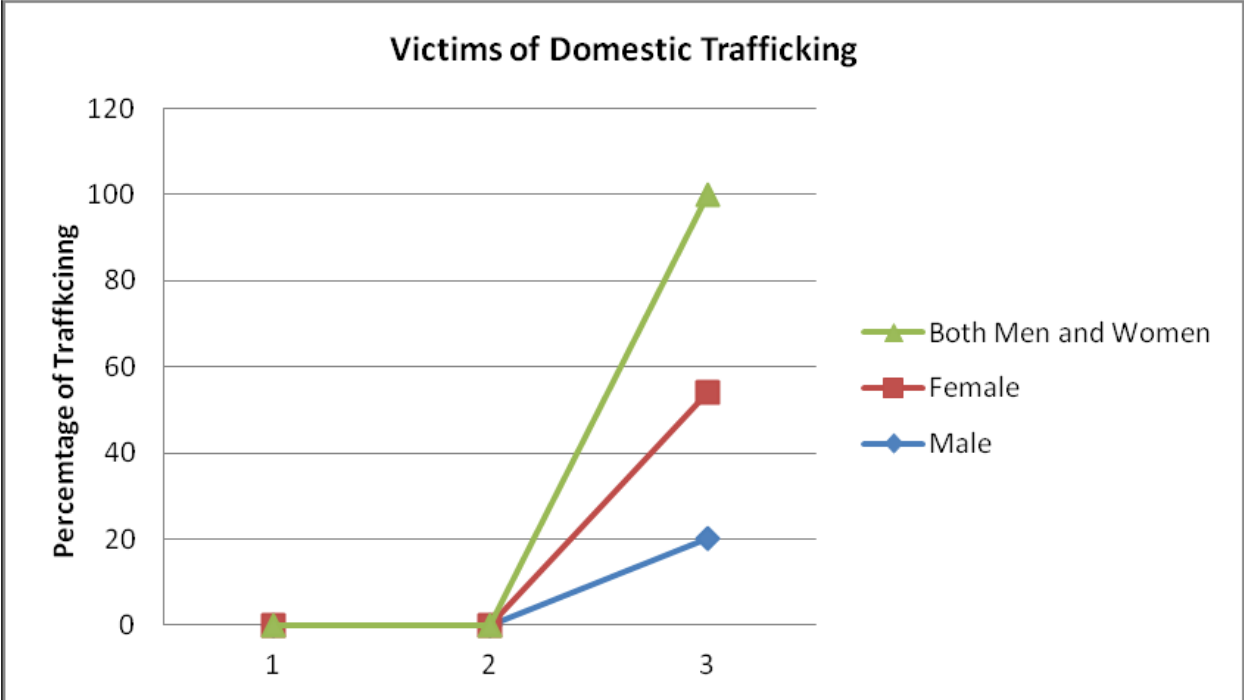
Figure 17: Victims of Domestic Trafficking

The above findings highlight the dilemma of women and children within patriarchal families and social structures in which women are subordinated to men while boys are preferred than girls. In some communities, women seek for a chance to be married to a wealthy man in order to escape a dead-end life. They easily agree to be married to a foreign man even though they have no idea about him or the life that they will lead after marriage.

5.18 Gender of External Victims of Human Trafficking

Regarding the gender of external victims of human trafficking, 46% of the respondents indicated that external victims of human trafficking comprise of both male and female while 31% of respondents indicated that they are female with a further 23% of respondents indicating that they are males as illustrated in Figure 18 below.
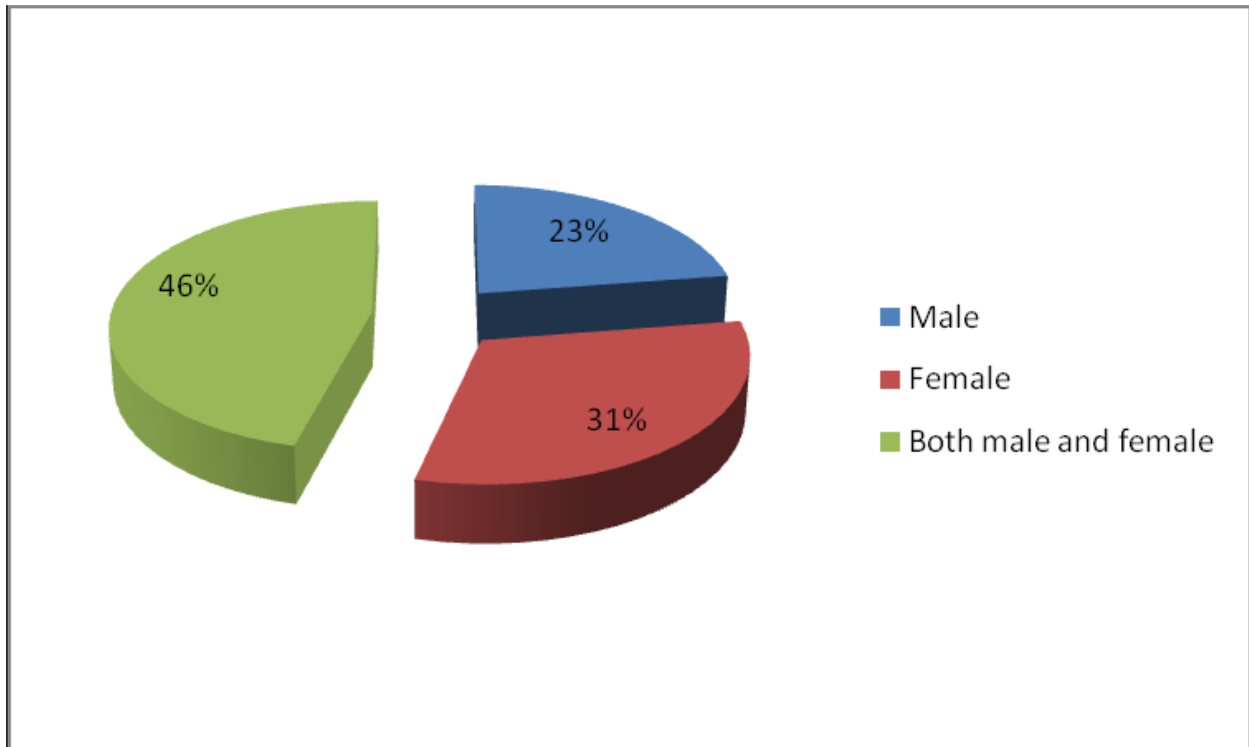
Figure 18: Gender of External Victims

The "sale and trafficking of children has also been reported to be rampant particularly in certain maternity hospitals, children's homes and through the abuse of inter-country adoptions". "Many Cases of internal trafficking for purposes of domestic work and prostitution have also been reported by various agencies in the counties where the research was carried out as reported by Child Protection Officers in those counties".

From the above, "it's worth noting that child trafficking is very high in Kenya and the channels of trafficking mostly used include employment bureaus, inter-country marriages, inter-country adoptions, education agencies, children's homes and early marriages as reported by respondents". Fostering was also reported "to be a key technique used by both local and international traffickers". For instance, "many children orphaned through HIV and AIDS have been fostered by relatives and foreigners only to find themselves sent to work in the domestic sector and sex industry where their wages are paid to the so-called foster parents".

5.19 Socio-economic Profiles of Victims

The socio-economic profiles of victims of trafficking is characterized "by low income, poverty, illiteracy, unemployment, desire for well paying jobs, domestic violence and general individual societal contempt". Most victims of domestic trafficking are young Kenyans aged below 18 years, single and unemployed with primary education on average as shown in Figure 19 below.
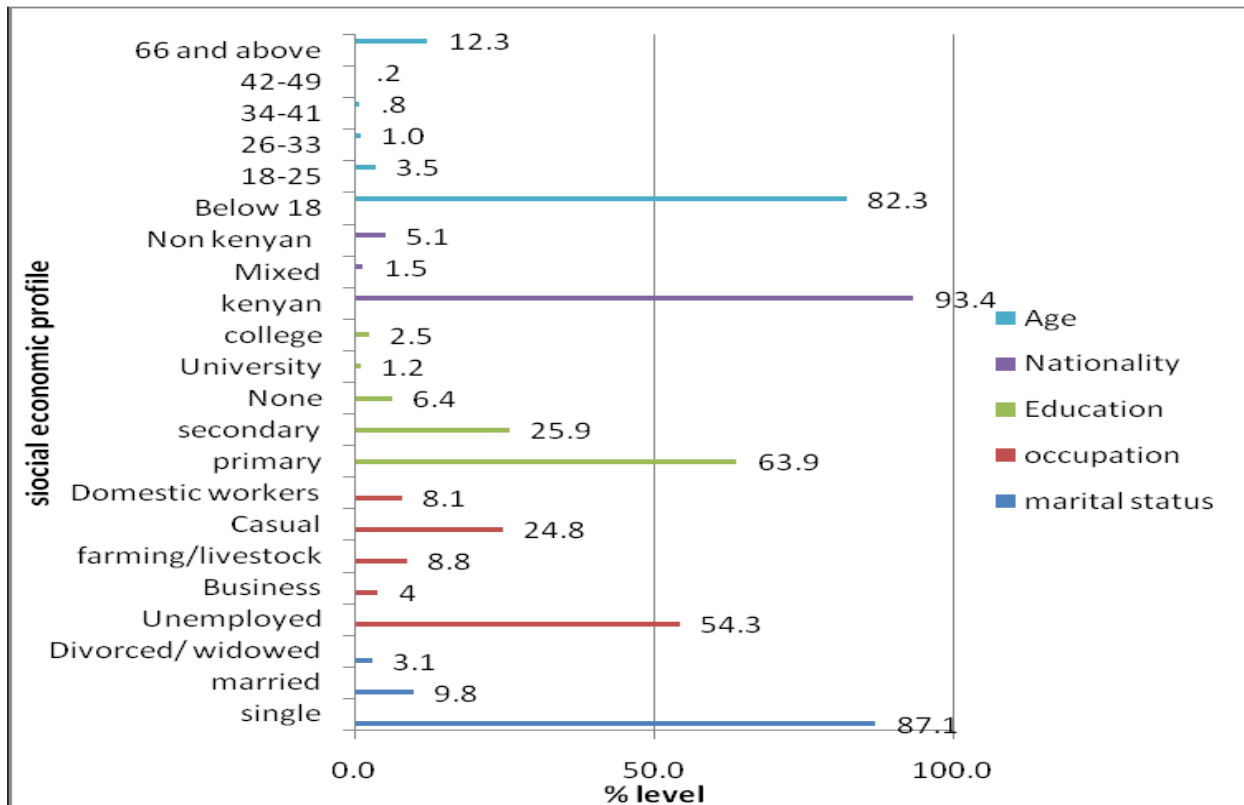
Figure 19: Socio-economic profiles of Victims in Domestic Human Trafficking

High levels of poverty and unemployment constitute a major driving force in most victims to the trafficking/smuggling cartels. Orphaned children attracted by the lure of a 'better life' comprise a majority of the victims of trafficking. By and large, mushrooming of the illegal trade finds favour in the mundane cultural practices, weak laws and poor enforcement. Additionally, awareness on trafficking is low while programmes targeting human trafficking and forced labour as an issue for both the government and civil society are few. Armed conflict in some parts of the

country, "local and international tourism, poor access to education, existence of a large refugee community and internal displacement have contributed to the rise in trafficking activities".

5.20 Methods Used By Traffickers

Deception riddled with false promises, enticements and handouts featured as the most commonly used methods of recruitment scoring 53.4%. Others were abductions, media, kidnappings and referrals by relatives. However, 15.6% of the respondents indicated don't know as a response signifying that they were not aware of the methods used as indicated in table 20 below. "The victims are recruited with promises of employment abroad, marriage to a foreigner or lured of a 'better life' overseas. The traffickers charge between ten thousand to forty thousand Kenya shilling per person and usually recruit their victims from schools, colleges and villages. Events such as the Muslim pilgrimages, Hajji and Oumra are used as opportunities to move young women and girls to Saudi Arabia and other Arab countries under the pretext of attending the religious ceremonies." Results of interviews carried out on religious leaders in Wajir County had 65.3% of the respondents indicating awareness of recruitment methods while 34.7% were not aware. Of those who indicated awareness, 26.6% recorded media as the most common method of recruitment followed by deception at 15.4% and recruitment bureaus at 15%. Other methods of recruitment recorded were collusion by border officials, use of agents by brokers and luring victims through sponsorships. During the research, "a number of recruitment methods were identified which ranged from deception of families and children to the voluntary soliciting of help by children from strangers such as truck drivers".

"Some recruiters offered money or gifts in exchange for victims or promises of turning wealthier while other victims were trafficked through arrangements between guardians and family members or third parties". Religious organizations were "also implicated in some of the testimonies where children were supposed to be registered in their schools". This was noted in low income areas of Nairobi, Mombasa, Naivasha and Kisumu.
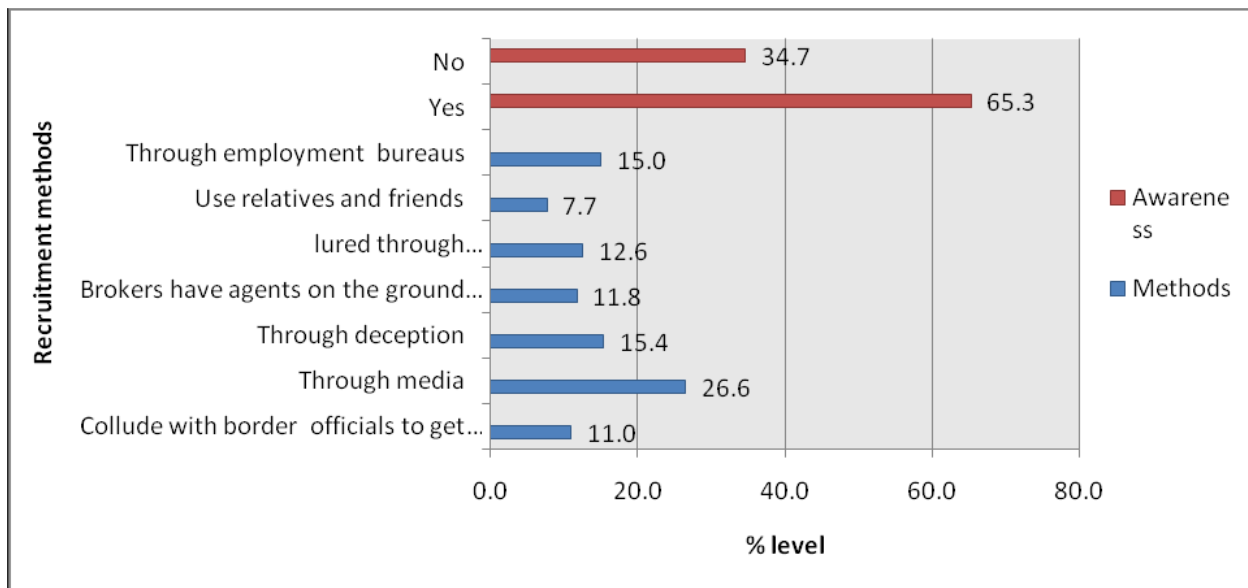
Figure 20: Methods of recruitment and awareness

5.21 Network and Processes in Recruitment of Victims

Research findings indicate that 70% of the sample respondents did not know the networks used in trafficking considering that this crime operate in the underworld. The process runs from recruitment, transportation and receipt to habouring of victims of trafficking for both domestic and external trafficking. Brokers play a pivotal role in the recruitment process by contacting victims, relatives and organizing transport. The networks run from internal to cross-border and are highly organized. They operate also on small and large scale through both formal and

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informal recruitment mechanisms. Criminal networks dealing in human trafficking "are loosely organized often with difficult to trace linkages".

"While larger-scale organized trafficking rings certainly do exist in the Kenya moving both sex and labour trafficking victims, the vast majority of networks that do exist are typically small-scale, loosely connected and involve opportunistic merchants of people".
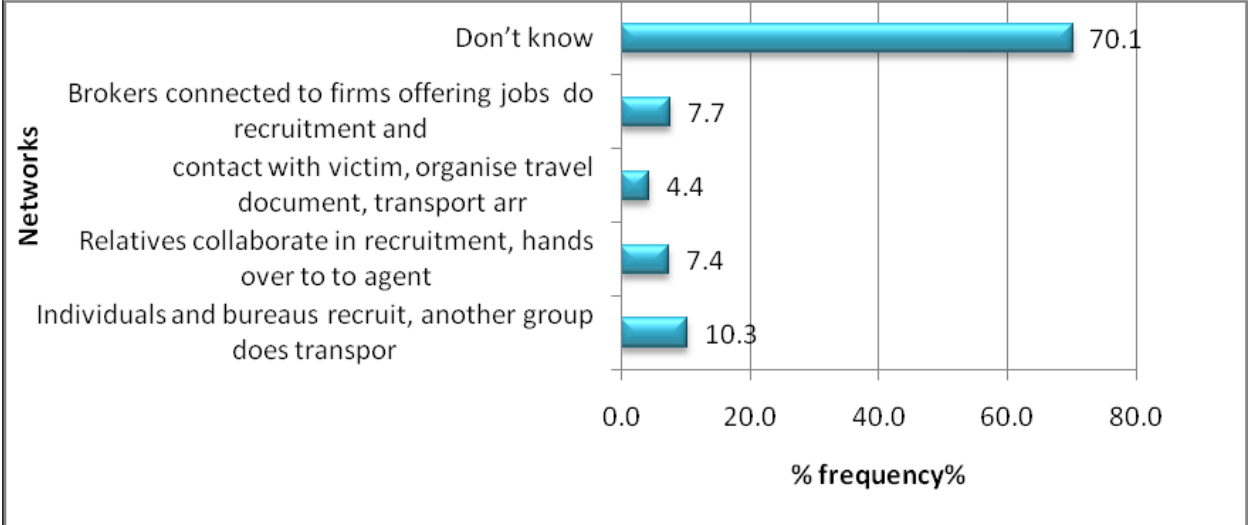
Figure 21: Networks and Processes in recruitment

The above findings correlate with comments by a Social Development Officer in Garissa district who pointed out that: "The traffickers involved here range from local brokers, relatives, and family members to friends of the victims. Returnees also play an important role in luring potential victims into agreeing to travel with promises of a 'better life' in countries of destination. Many of the returnees are also involved in trafficking by working in collaboration with tour operators and travel agencies.

"

5.22 Domestic Trafficking Transit Routes

From the research findings, it was established that domestic routes of Mandera, Wajir, Garissa, Mwingi, Nairobi and Loitoktok to Tanzania are frequently used for purposes of trafficking victims on transit route to South Africa at 58.4% followed by the routes of Moyale, Isiolo, Meru, Nairobi and Namanga to Tanzania at 47.8% while Busia, Kakamega, Kisumu, Nairobi and Mombasa are the least used at 45.2%.

5.23 External Trafficking Transit Routes

The external routes of Ethiopia, Mandera, Garissa, Nairobi, through Tanzania and South Africa are the commonly used routes by external traffickers at 67.8% followed by Ethiopia, Mandera, Garissa, Nairobi and South Africa at 46% while the Ethiopia, Mandera, Isiolo, Nairobi to Saudi Arabia is least used at 35.5% followed by DRC, Uganda, Kenya, Tanzania, Mozambique to South Africa at 31.2% and Uganda, Nairobi, Mombasa to Saudi Arabia at 23.7%.

In the words of an immigration officer in Malaba – Kenya, "Trafficking routes keep changing depending on government interventions. However, some of the highlighted trafficking patterns in Kenya are complex, dynamic, hidden and have domestic and cross-border dimensions." From the above findings, it is apparent that Kenya is indeed a transit point for human trafficking in the region and a majority of the victims originate from Ethiopia as indicated by the three routes at 35%, 46% and 67.8%. Ethiopia has a youth population of about 50% who are seeking employment opportunities elsewhere while Kenya provides an advantageous conduit for their movement due to porous borders and corruption among law enforcement officers. On the other hand, there is a strong positive perception towards irregular migration in each of the areas where the research was conducted. Moreover, there are strong family pressures to migrate put on young

Ethiopians by their family, peers and the community. In some instances parents tell their children to migrate. The routes mostly involve a network of brokers, smugglers and traffickers from the local village or district level in Kenya. Many Ethiopians are recruited by Kenyan agents as reported by a Key informant in Moyale.

5.25 Perception of Human Trafficking in Kenya

Based on the research findings whose details are illustrated in Figure 22 below, 90.7% of the respondents indicated that Kenya is a source of victims while 66.3% indicated it as a transit route and 54.2% as a destination.
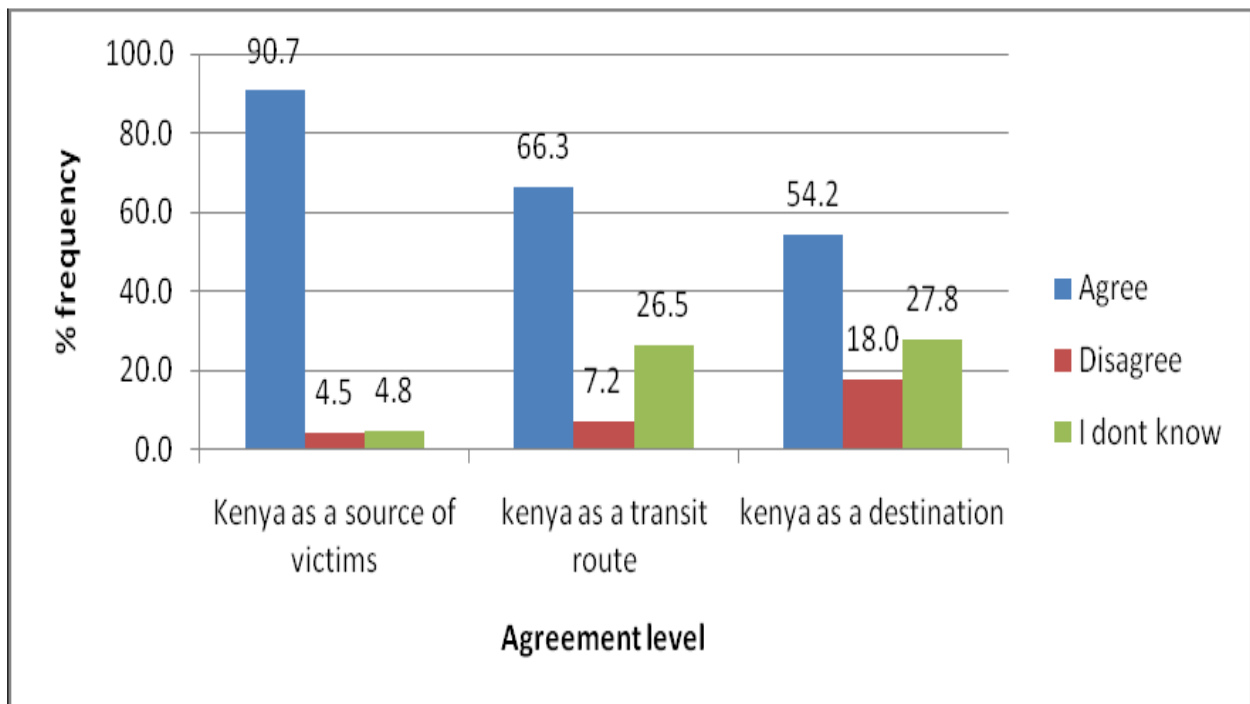
Figure 22: Kenya as source, transit route and destination of victims of Human Trafficking

The above findings correlate with comments from a programme officer with the Rescue Committee who contends that "Kenya has been identified as a major point of origin, transit and destination of victims of trafficking. Although there is no official data on the patterns, trends and

magnitude of the problem, anecdotal evidence and newspaper reports point to an increase in the levels of internal and cross-border trafficking particularly of women and children."

5.26 Persistence of Human Trafficking in Kenya

Poverty, unemployment and corruption are the major reasons as to why the business of human trafficking continues to persist in the country despite various interventions being in place. This is after scoring 26.3%, 21.6% and 13.1% respectively as illustrated in Figure 23below. Other reasons which emerged from the results of the research accounted for 39%.
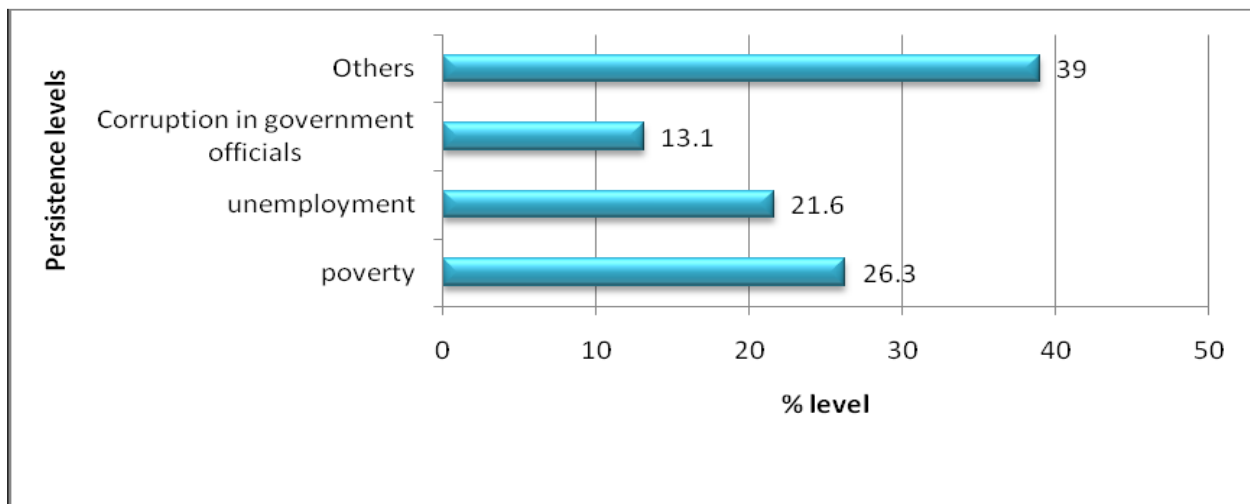
Figure 23: Persistence of Human Trafficking in Kenya

5.27 Sources of Victims

Majority of the respondents indicated that most of the victims are sourced from rural areas at 70.5% while 21.6% of the respondents reported that trafficking victims are sourced from urban areas. In external trafficking, 42.2% of the respondents said victims are sourced from urban areas while 29.7% said the victims are from other African countries. Other sources of victims of trafficking include institutions such as schools, churches, children homes and refugee camps as indicated in Figure 24 below.
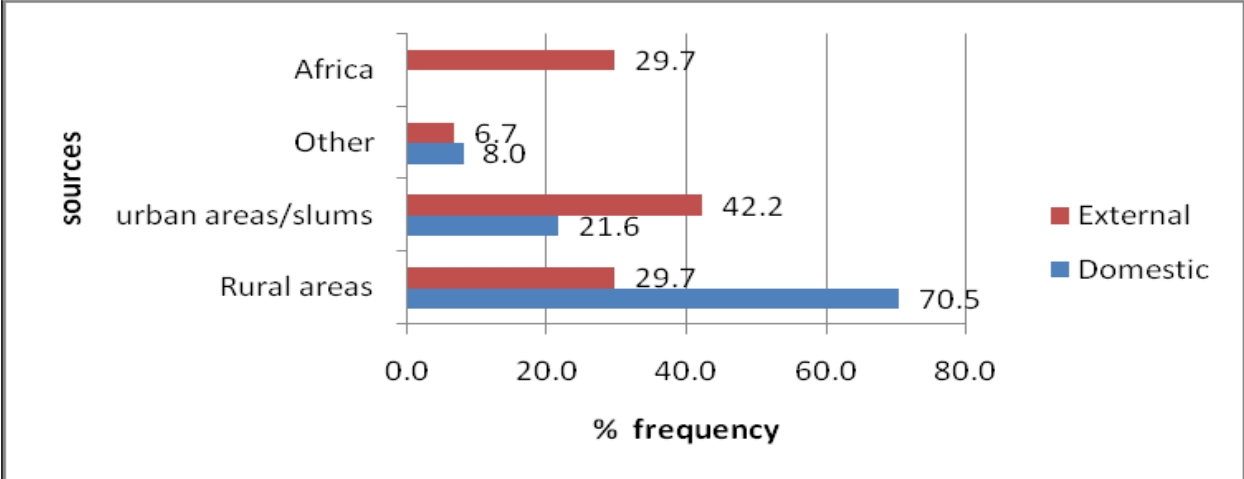
Figure 24: Sources of victims

5.28 Modes of Transport

Road transport is the most commonly used in domestic trafficking at 81.7% while air is mostly used in external human trafficking as illustrated in Figure 25 below. It is however worth noting that human trafficking victims use private cars, taxies, motor-cycles (*boda-boda*) to manoeuvre in the interior so as to avoid designated road blocks and police check points.
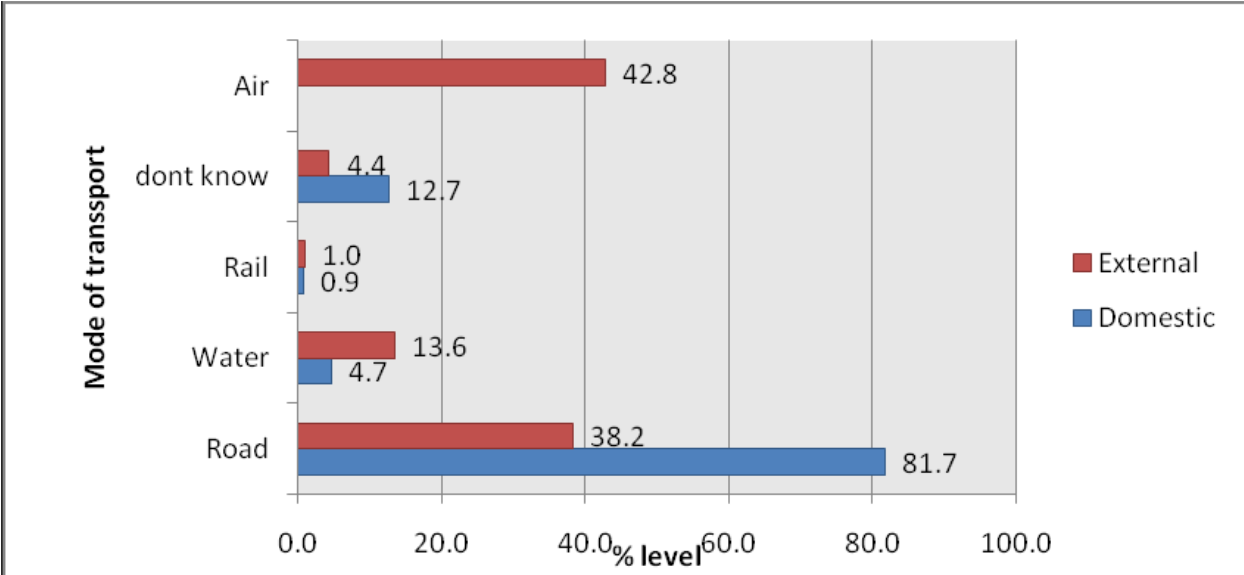
Figure 24: Mode of transport for Domestic Human Trafficking

5.29 Destinations

In domestic human trafficking, most of the victims are destined for urban areas at 67.2% while those going to rural areas stand at 25.8% as indicated in Figure 26 below. Most victims of domestic human trafficking end up in urban areas of Nairobi, Nakuru, Mombasa and Kisumu among other urban centres where they are able to seek employment as domestic workers, hawkers, bar attendants and beauty or massage parlour attendants besides commercial sex working. Those victims who end up in rural areas work in the flower farms, coffee, tea, tobacco and sisal plantations and as herd boys.
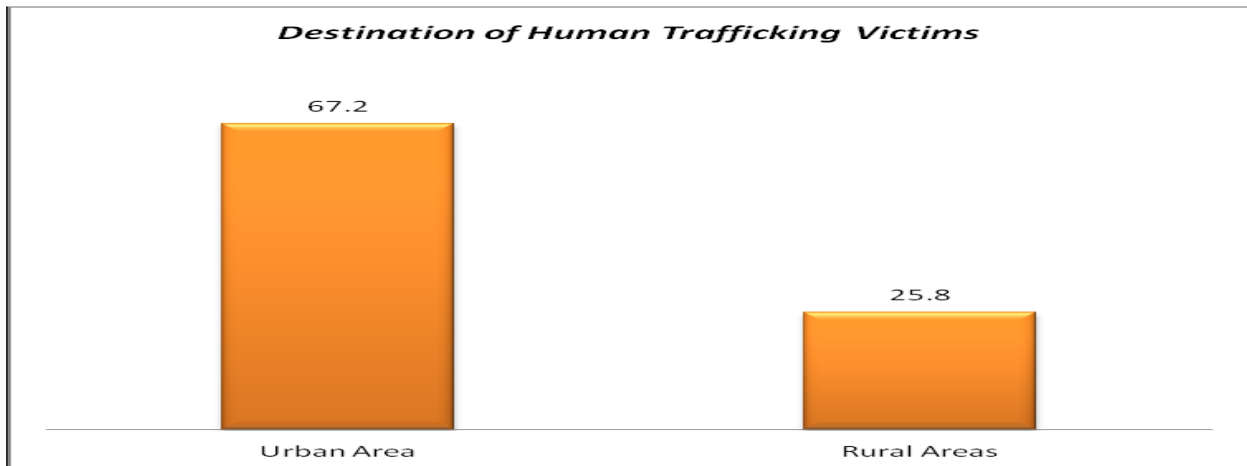
Figure 256: Destinations for Domestic Human Trafficking

Further to the above findings, respondents indicate that victims of external human trafficking are mostly destined for the Middle East countries at 44.5% while 32.9% of the respondents indicate that the victims are trafficked to other African countries as illustrated in Figure 26 below.
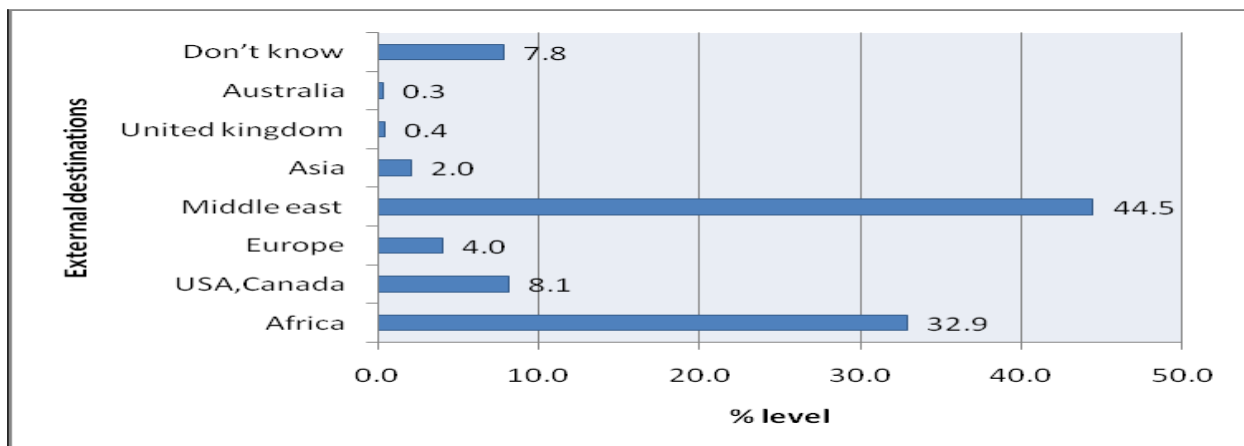
Figure 26: External destinations of Human Trafficking

By way of concluding on aspects of origin, transit points and destination of human trafficking/smuggling is a table that provides a summary of the countries of origin, transit and destination as reported by respondents. Interestingly Kenya features in all the three categories of origin, transit and destination Countries. My personal inference as to why Kenya finds itself at crossroads as a source, transit and destination point in human trafficking can basically be premised on the fact that Ethiopia has a youth population of about 50% who are seeking employment opportunities elsewhere while Kenya has the advantage of offering a conduit for their movement due to porous borders and corruption among law enforcement officers. To this end, most of the victims of human trafficking are from Ethiopia and this is corroborated by a Key informant from Garissa who had this to say; "Kenyan police have arrested 53 Ethiopian aliens and two suspected human traffickers in Garissa as the authorities beefed up security along its borders and at all entry points. The suspects had no valid documents and could not express themselves in any other language except Amharic."

Table 3: Countries of Origin, Transit and Destination Countries of Origin

Countries of Origin, Transit and Destination Countries of Origin	%
Kenya, Ethiopia, Uganda, DRC, South Sudan, Tanzania	40.3%, 67.3%, 29.1%, 14.3%, 11%, 9.6%
Countries of Transit	
Kenya, Eritrea, Somalia, Yemen	65.5%, 16.3%, 0.7%, 0.5%
Countries of Destination	
Kenya, South Africa, Saudi Arabia, Botswana	23.5%, 54.8%, 69.5%, 22.9%

5.30 Survival Mechanisms of Victims and Survivors

The results of the research shows (see Figure 27) "that most survivors of human trafficking engage in self-employment as a survival strategy at 28.5% and doing odd jobs at 20.8%". "Other activities that they engage in include support from relatives and well-wishers, engaging in prostitution, involvement in crime, getting counseling services, seeking government NGO'S assistance and living in isolation or joining religious groups". Complying with traffickers is the only survival strategy for the victims of trafficking.
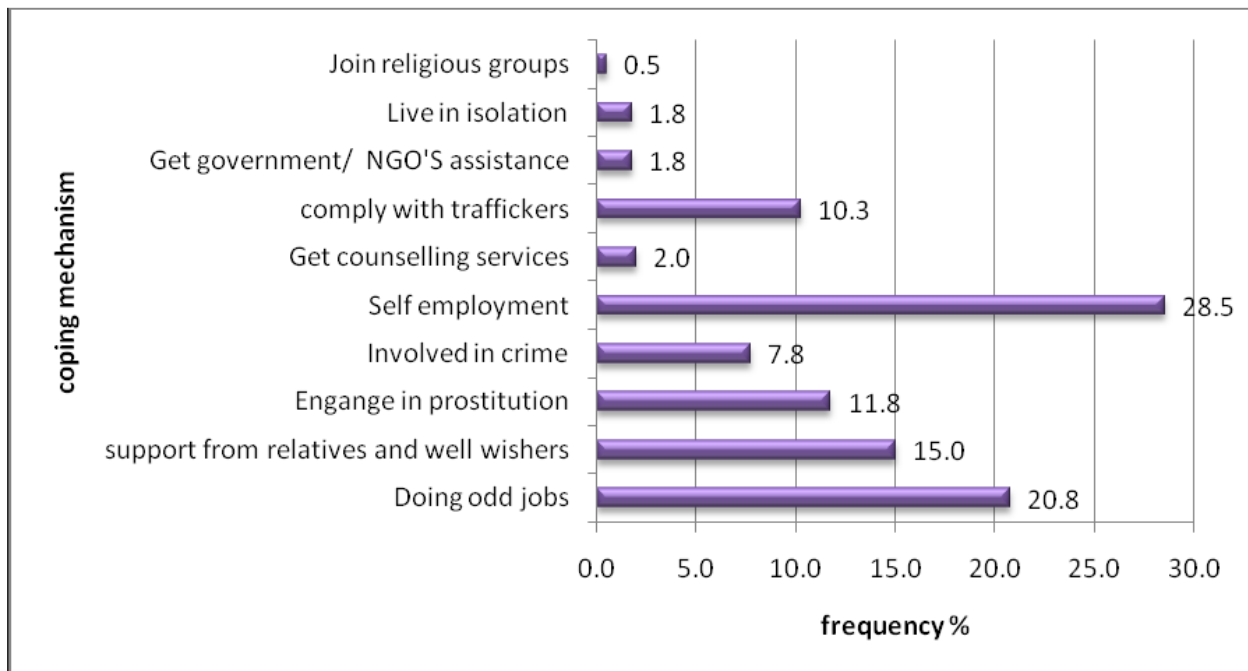
Figure 27: Coping Mechanisms by Victims of Human Trafficking

5.31 Socio-economic Effects of Human Trafficking

Findings from the research vide Figure 28 below indicate that 80.1% of respondents were aware of the socio-economic effects of human trafficking in the country while 19.9% were not aware. This therefore calls for the need to create public awareness on the effects of the underworld crime on social well-being.
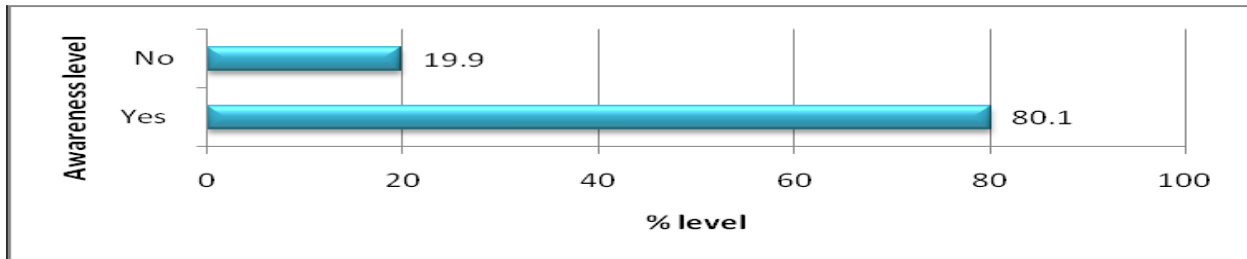
Figure 28: Awareness of socio-economic effects of Human Trafficking

Brain drain and labour drain emerged as the highest socio- economic effects of human trafficking at 21.6% followed by psychological trauma at 19.9%, social breakdown at 10.6% and increased insecurity at 10.5%. Others were death, improved family income, loss of revenue, violation of human rights and freedom, increased school dropouts and poverty respectively as shown in Figure 29 below.
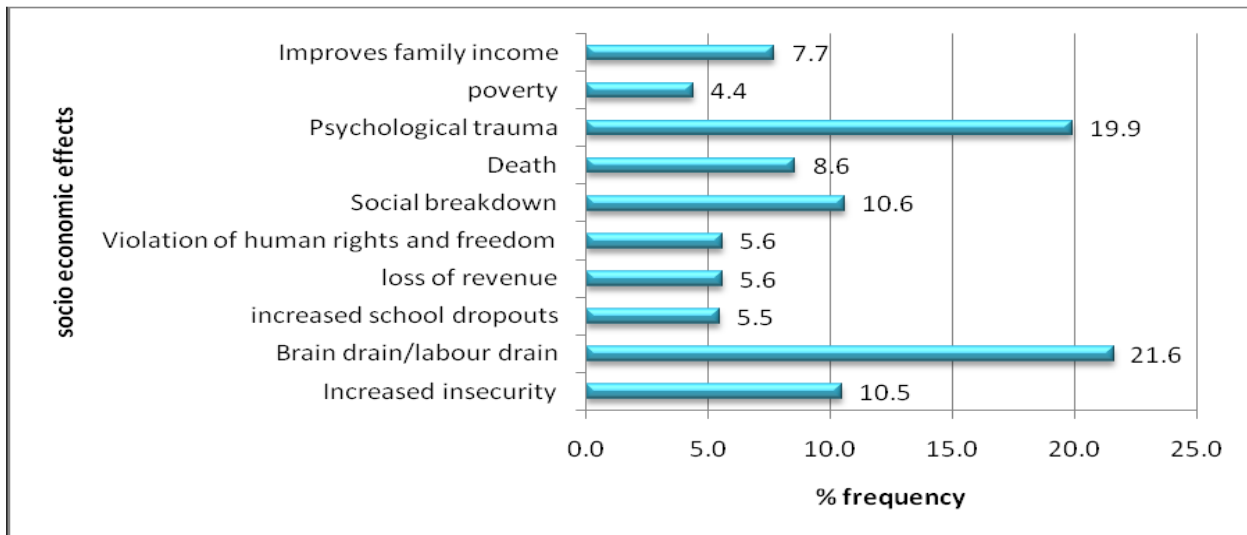
Figure 29: Socio-economic effects identified by Sample respondents

5.32 Who are the traffickers?

According to the interviews conducted, the list of who the traffickers are is long and includes people from all walks of life. However, there was very little evidence from the research to suggest that there are trafficking syndicates. In general, the research found out that individuals or groups that are more ad hoc than an organization would suggest engage the most in human

trafficking. "Children's parents or relatives and close friends, truck drivers, would be 'husbands', business people, or cross-border traders, opportunists, older children and members of the community with outside contacts were all mentioned during interviews as having been involved in trafficking". There was also some mention of individuals engaging in human trafficking on the guise of religion in order to recruit young men, women and children.

"This list of traffickers is very broad and by no means exhaustive in terms of the people who are or can be involved in the trafficking of children". "Traffickers seek out vulnerable people to exploit for financial gain using false promises, coercion and/or force". "Traffickers comprise of diverse groups and include a wide range of criminals working on many different levels including individuals, small criminal groups or large-scale organized criminal networks". Employment recruitment agencies in major towns were also cited by respondents as major participants in the human trafficking process.

5.33 Challenges in Preventing and Combating Human Trafficking

Corruption emerged as the major challenge faced in preventing and combating human trafficking in Kenya at 41.2% followed by unemployment at 13.5%. Other challenges identified were lack of effective laws to address the issue, lack of collaboration between the stake holders, lack of political will, hostile border relations, ignorance, collusion between locals and perpetrators, poverty, and lack of resources as illustrated in Figure 30.
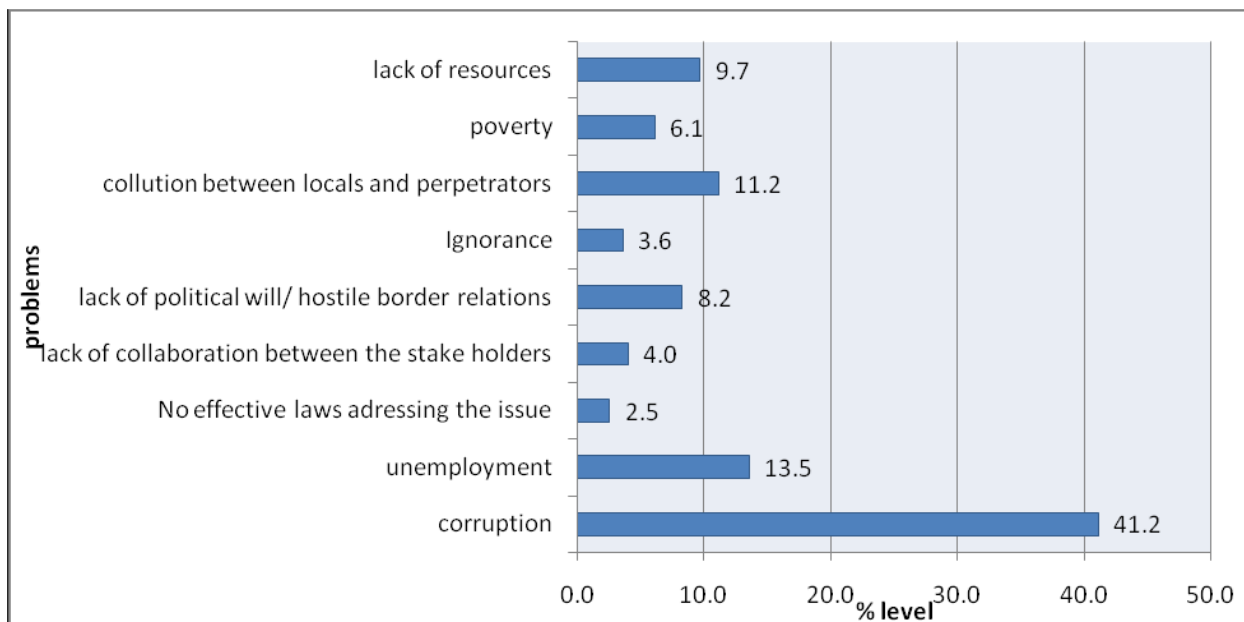
Figure 30: Challenges faced in Preventing and Combating Human Trafficking

Lack of awareness, low shared understanding of what constitutes human trafficking and attitudes that allow biasness also form part of the challenges that prevent individuals from identifying or helping victims of human trafficking. A chat with one programme officer in a Safe house at Naivasha – Kenya revealed that "what needs to be done so as to reduce on the challenges faced in addressing human trafficking and forced labour included promoting visibility of the issue within the government, improving awareness among the public and service providers, providing direct support to affected groups and mainstreaming the issues in the broader policy programme and framework of government and civil society".

Research findings highlight "key factors associated with trafficking such as poverty, unemployment, lack of proper protection mechanisms, neglect, HIV and AIDS and lack of access to education which are wide spread". The "main areas for trafficking are domestic work and early marriages which is family focused". "Large numbers of children are reportedly being exploited in the entertainment and hospitality sector in small and major urban centres around the country".

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5.34 Solutions to Combating Human Trafficking

From the research findings, creating jobs/ offering loans to the youths and addressing challenges of corruption "emerged as the top two solutions to the challenges faced in preventing and combating human trafficking in the country at 23% and 13% respectively". "Other solutions identified were providing civic education, reducing the gap between the rich and the poor, increasing surveillance, enforcement of existing laws, providing resources, vetting of officers handling the issue of human trafficking, initiating community policing, enacting new punitive legislations, collaboration among stake holders and creating a special police unit to handle the issue" (see Figure 31 below).
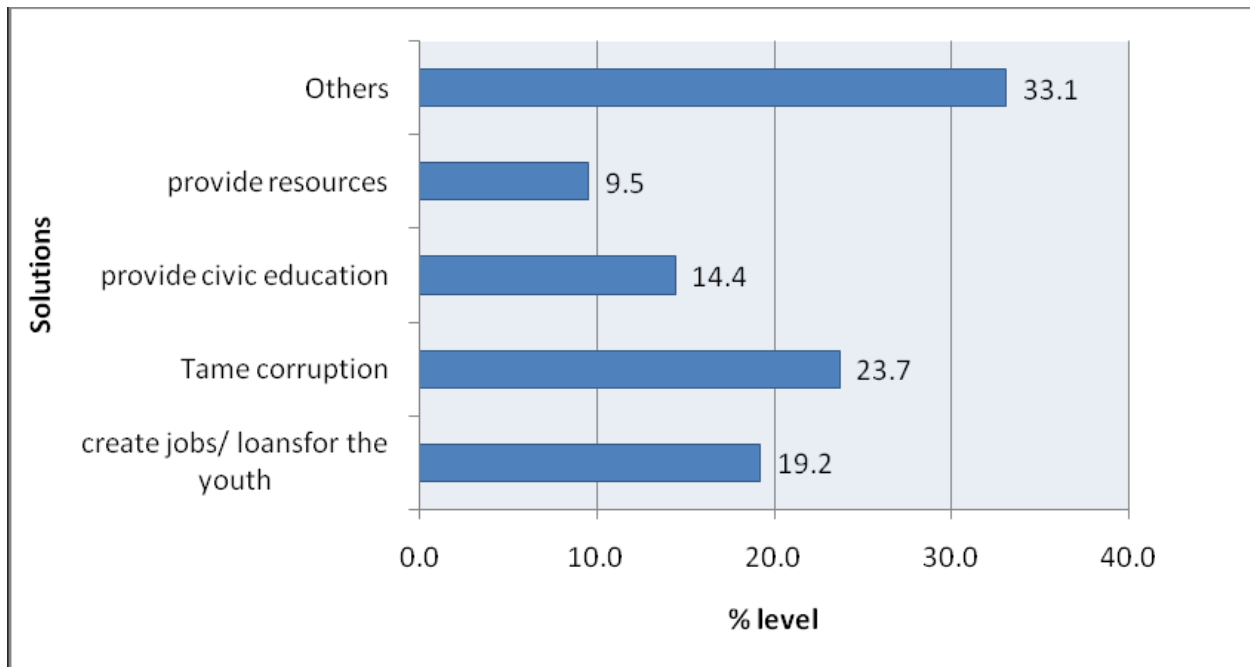
Figure 31: Solution to challenges preventing and combating human trafficking

5.35 Awareness of Organizations Addressing Human Trafficking

On organizations that have been put in place to address human trafficking, 59% of the respondents indicated that there are no such organizations while 5.3% did not comment. However 35.6% indicated awareness as illustrated in Figure 32.
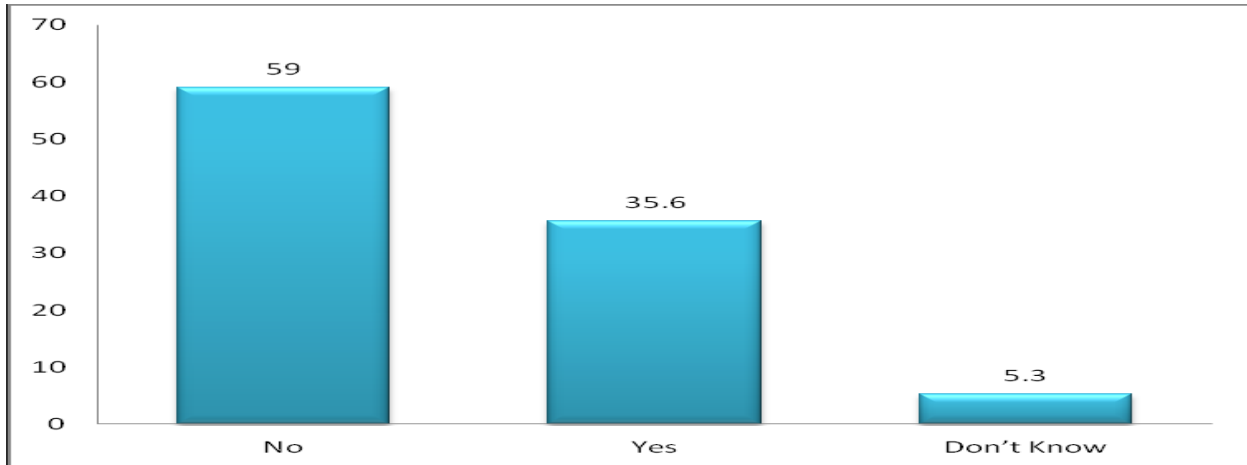
Figure 32: Organization Awareness

5.36 Organizations' Satisfaction

Research sample respondents who indicated awareness were 44.5% satisfaction with faith based organizations and 35.7% with NGO'S in fighting human trafficking. Overall, those who were not satisfied with the organizations outnumbered those satisfied indicating that these organizations need to be proactive.

Table 4: Effectiveness of organizations in addressing human trafficking

Satisfied/ very	Not satisfied / At all	No comment	Don't know	Total
National police service	23.7	69.3	7	100
Office of the director of public prosecution	24.8	60.2	15	100
Judiciary	32.2	56.9	10.9	100
Immigration department	19.4	69.5	11.1	100
Foreign affairs	20.3	60.6	19.1	100

ministry				
Department of labour	20.1	60.9	19	100
Faith Based organizations	44.5	41.9	13.6	100
Non-Governmental organizations	35.7	44.6	19.7	100
Department of refugee affairs	21.8	48.5	29.7	100

5.37 Recommendations on Addressing Human Trafficking

Based on the research findings, it is imperative that detection and investigation need to be strengthened so as to curb corruption which is rampant and could hinder the same. Networking and collaboration among stakeholders is also proposed alongside enhancement of training of investigators especially those in the anti-human trafficking unit in the National Police Service. Similarly establishment of an inter-link between local and international investigating agencies, embracing new technology in tracking and detecting the culprits augmented by *Nyumba Kumi* and community policing initiatives will go a long way in addressing the human trafficking menace.

In addition to detection and investigation, this research proposes the need for training of prosecutors on human trafficking, recruiting more specialized prosecutors to work closely with investigating teams, expanding the list of agencies with capacity and authority to prosecute as well having witness protection in place for collaboration and networking with other agencies fighting human trafficking. In the same breath, bonds and bails in human trafficking cases should be objected so as to reduce corruption in prosecution. Similarly, long jail terms for offenders are proposed in addition to speeding up trial processes and imposing stiff penalties. The research further suggests improvement of conditions in rehabilitation of offenders in prisons, establishment of more rehabilitation centres, intensive counseling of offenders and monitoring

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them after release coupled with vocational training alongside death sentence penalty for perpetrators and deportation of foreign culprits.

It is the considered view of the researcher that having rescue centres, vocational training and setting up of professional counseling centres in addition to enhanced campaigns against human trafficking countrywide can economically empower survivors through business grants. Repatriation of survivors to their homes/community is also suggested as a means of resettlement and reintegration of victims.

5.38 Strategies and Best practices in Addressing Human Trafficking

Out of the practices listed in Figure 33 below, improving remuneration for the officials handling the issue of human trafficking emerged the best at 24% followed by civic education at 22% and increasing surveillance/beefing up security at 13.4%. Others were job creation, effective legislations, taming corruption, improving the economy, collaboration among stake holders and community policing.

From the above research findings which are based on analysis of secondary and primary data, strategies and best practices of addressing human trafficking could be categorized under four thematic areas namely prevention, protection, prosecution and reintegration which are discussed further in subsequent paragraphs.
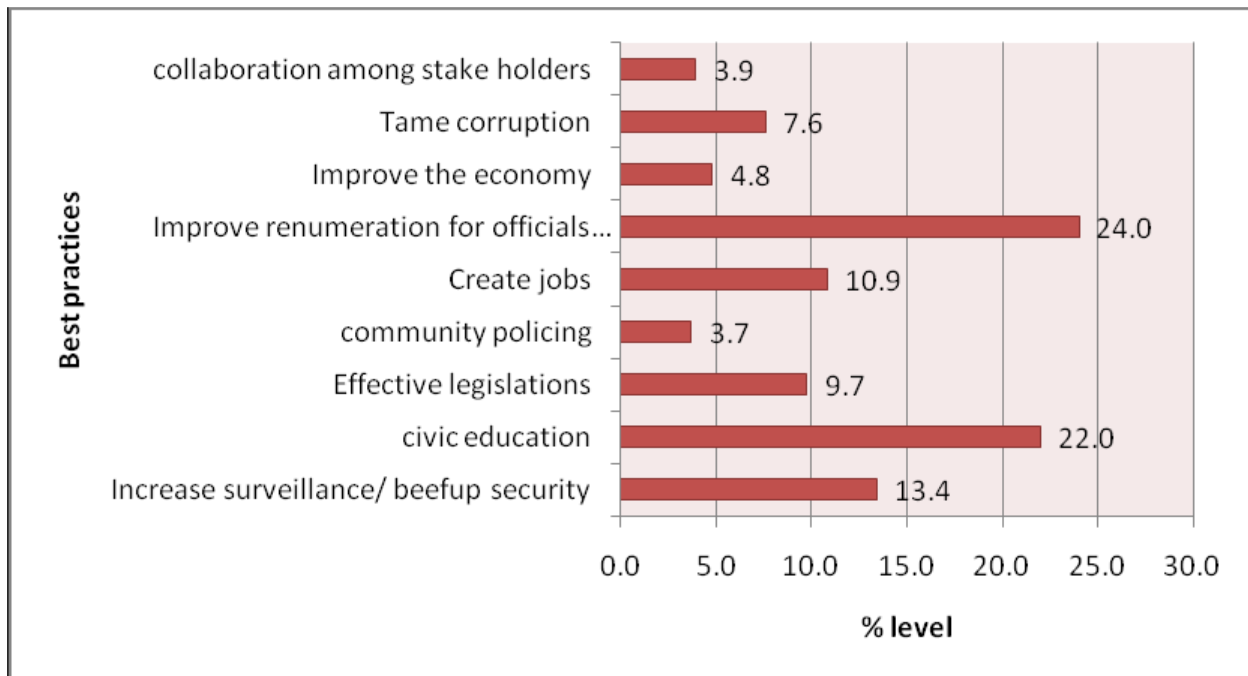
Figure 33: Best practices in Addressing Human Trafficking

First to be discussed is prevention as a strategy to trafficking. According to Family Health International, 1999, "a number of programs in Asia have already begun to address the causes of trafficking in women in an effort to curb the practice".[180] In Thailand for example, one of its "responses was to focus on the source of demand for trafficked services such as the clients of underage sex workers".[181] Through the impetus and lobbying of the National Commission on Women's Affairs (NCWA), Thailand was "the first country in the region to pass laws that impose greater penalties on customers than on sellers for involvement in commercial sex with underage partners". Application of the law has been light but it is the basis for future enforcement. The NCWA is also trying to change male sexual norms through a national poster campaign with messages showing a child saying "my father does not visit prostitutes."

In China, the State Council, local party commissions and government agencies attach importance to combating human trafficking. "In provinces infested by the crime, leading functionaries from

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[180]Family Health International, 1999.
[181]Ibid

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the police, the office of the prosecutor, the courts, the civil departments, the media, schools, women's federations, trade unions and the Communist Youth League each play their own role in combating trafficking". "Women organizations help governmental agencies by creating awareness among illiterate women who are most vulnerable to being trafficked". "Seminars and training courses are sponsored by these organizations to raise awareness about laws and policies against trafficking". "Printed materials, such as the anti-trafficking manual prepared by the All China Women's Federation and the Ministry of Justice are also distributed to women".

In Chiang Rai Thailand, "a Thai NGO called Development and Education Program for Daughters & Communities aims at preventing women and children from being forced into the illegal sex trade or child labour due to outside pressures, lack of education, and limited employment alternatives". "The NGO utilizes a mix of strategies to convince parents about the dangers of the illegal sex trade". "Information about HIV and AIDS, brothel conditions, legal penalties, and potential dangers is used to support their arguments". In many successful cases the decision of the child to continue her education overrides the parent's desire for money.

In the Philippines, GABRIELA, "which is the National Alliance of Women's Organizations, is actively involved in massive awareness campaigns to prevent the trafficking of women and girls from the Philippines". "Its strategies consist of seminars and information dissemination to NGOs and Government Agencies and awareness campaigns at the community level".

In Cambodia, "the Human Rights Commission has taken the lead to raise awareness on the subject of trafficking at the community level". "The Commission has conducted extensive and valuable research throughout the country, organized a national workshop, and proactively contributed to interpretations and implementation of the trafficking law".

In the case of Kenya, the government provides shelters and schooling for orphans and street children to keep them away from traffickers. This was alluded to by a child development officer of Compassion centre Nakuru through a statement to the effect that "Identification of children at risk and victims of trafficking and forced labour, psychological support, shelter, repatriation and re-integration services should be enhanced to prevent trafficking of Children." In summary, Protection of children from traffickers is one of the best strategies in addressing human trafficking particularly child trafficking which is rampant in domestic trafficking as indicated by findings of this research.

On protection as a strategy to human trafficking, the research found out that in the United States of America "the Trafficking Victims Protection Act of 2000" "enhances pre-existing criminal penalties in other related laws, affords new protections to human beings subjected to trafficking and makes available certain benefits and services to victims of severe forms of trafficking". Under this law, "one option that has become available to for some victims who assist in the prosecution of their traffickers is the T-Visa that allows the victim to remain in the United States of America".[182] "The vulnerable ones who become victims of traffickers are even more vulnerable once trafficked as they are often stripped of their documentation, get faced with threats to their person and too often are humiliated by law enforcement agencies when they are classified criminals or violators of migration laws".[183] As "illegal immigrants", trafficking victims are detained or deported. In some cases, officials collaborate with international or national criminal organizations. "The UN protocol to Prevent, Suppress, and Punish Trafficking in Persons specifically calls upon nations to address protection of the human rights of victims and to provide measures for the physical, psychological, and social recovery of victims of

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[182]The Trafficking Victims Protection Act of 2000.
[183]Ibid

trafficking". In this regard, "it is important to protect the privacy and identity of individuals freed from traffickers especially during and following prosecution of their traffickers". "Victims also require appropriate housing, counseling, medical and material assistance and employment training as well as opportunities to facilitate transition and reintegration".[184] "Governments that are determined to crack down on trafficking organizations have to win the confidence of the victims who are often the best informants as to the details of trafficking operations".[185]

Protecting the identity of victims and providing for their safety are crucial to effective prosecution of traffickers. "Laws and procedures that protect victims will encourage them to come forward and testify against traffickers and their organizations". Protection is also an important part of the process of rehabilitation and reintegration of the victim. "There is need to support the work of both national and international non-governmental organizations that are working to provide shelters and rehabilitation services for victims of trafficking". Governmental agencies alone cannot fill the protection needs of all trafficked persons. "The NGOs are especially important to support the rescued victim who is transported back to her home country for rehabilitation and reintegration".

Regarding prosecution, research findings "indicate that due to the highly clandestine nature of the practice of human trafficking, the great majority of human trafficking cases go unreported and culprits remain at large". There are reports that "many human traffickers are associated with international criminal organizations and are therefore highly mobile and difficult to prosecute". "Sometimes members of the domestic law enforcement agencies are involved in the lucrative business of illegal exportation or importation of human beings". "Prosecution is further complicated by victims of trafficking being afraid to testify against traffickers out of fear for

184Ibid
185Ibid

their own and their family members lives". According to a cradle programme officer, "the most successful way of countering trafficking in persons, especially for children, is through securing conviction against the traffickers." "In order to combat globalization of this criminal behaviour, international policies and practices that encourage civil participation and cooperation with trafficking victims in the prosecution of traffickers have to be developed".

Human trafficking laws must "provide serious penalties against traffickers including provisions for the confiscation of property and compensation for victims". "At the same time, training is needed to ensure that an insensitive investigation and prosecution process does not further traumatize trafficked victims". In the words of a prosecuting officer in Wajir, "special training is needed to develop the skills of local law enforcement agencies in the area of investigation and prosecution."

Technical cooperation among countries and international law enforcement agencies is essential for investigating the extent and forms of trafficking and documenting trans-border activities. "To this end, the source, transit and destination countries should provide support mechanisms for tracking victims involved in judicial activities". "These would include extended witness protection services and opportunities to institute criminal and civil proceedings against traffickers". Similarly "destination countries should have a system of social support for victims and consider residency permission on humanitarian grounds for trafficked victims who cannot return home and/or cooperate with prosecutors". According to an officer at immigration department, "it is important that the police, prosecutors and courts ensure that their efforts to

punish traffickers are implemented within a system that is quick and respects and safeguards the rights of the victims to privacy, dignity and safety".[186]

Regarding the strategy of re-integration, a child development officer with a local nongovernmental organization says "victims of human trafficking face major problems in being reintegrated into their home communities when they are freed from the situation into which they were trafficked. He further posits that social stigma and personal emotional scars must be overcome during the process of integration."

The child development officer's assertions are corroborated by research findings as reported "by some victims who are women in Eldoret who indicated that they are often treated by authorities as criminals, either for prostitution or illegal migration and therefore face additional problems of unemployment".[187] Some of the best strategies in re-integration could be adopted from those of the Thailand government, "where in collaboration with NGOs the government provides counseling and support services such as shelter, educational, vocational training, job placement and financial assistance for women and children who have been victims of trafficking especially those involved in prostitution".

According to a project officer with IOM, Kenya "lacks resources for communities to assist victims with work related training or provision of financial support during the transition period".[188] Further, it is noted "that poor economic conditions contribute to the vulnerability of victims to traffickers and hinders reintegration".[189] However, "there are efforts by some agencies to provide assistance and help returning victims reintegrate and become productive members of

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[186]Immigration Officer
[187]Child Development officer in Eldoret
[188]Project Officer, IOM
[189]Ibid

the community".[190] Human trafficking is often referred to as "modern-day slavery," "but combating the crime is complicated by the hidden nature of the phenomenon". "The problem has received increasing attention from law enforcement institutions, social service providers as well as state and federal agencies over the last decade". Consequently a number of approaches and programs have emerged that are being particularly successful in terms of best practices for identification of victims and legal remedies complimented with increased education and awareness for law enforcers, border officials and school personnel. Programs which "cast a wide net" and provide education to ensure increased outreach through vernacular radio and TV stations, as well as print media need to be introduced coupled with survey of members considered to be of high-risk groups. In addition "extra care and sensitivity must be employed by law enforcement officers when working with minors". At the same time, "victims of trafficking need assistance while pursuing both criminal and civil charges against the perpetrators of their trafficking". As a last resort, "comprehensive wrap-around services including housing, security, counseling, and job training among other services need to be offered to trafficked victims".

In conclusion, "some of the effective strategies for combating human trafficking in Kenya include awareness-raising, community action for prevention and reintegration, strengthening legal protection and capacity building among others". To support this argument is a statement by a cradle programme officer as recorded during the research interview; "there is need to establish a board of trustees to oversee the National Assistance Trust Fund for Victims of Trafficking and allocate money to endow this fund to facilitate the launching and implementation of a national plan of action."

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[190]Ibid

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusion

Trafficking of people from Kenya to other nations is the most prevalent (external trafficking) in Kenya at 60.2%. From the research findings, 84% of the respondents indicated that they were aware of human trafficking with 55% of those aware indicating that prevalence of human trafficking was quite high while 36% indicated that it was medium and 9% saying that it was low. Trafficking for labour stood out as the most prevalent type/ form of trafficking at 58.7% followed by child trafficking and trafficking for prostitution at 24.1% and 17.1% respectively.

The forms of trafficking prevalent in Kenya were labour at 44% and sex related at 53% while in terms of gender, trafficking involving children, men and women scored 33%, 26% and 41% respectively.

Moving on to causes/ factors contributing to human trafficking, poverty and unemployment were established to be the main factors with poverty scoring the highest at 47.1% in domestic trafficking and 37.6% in external. On the other hand, unemployment scored the second highest at 34.1% in external and 23.7% in domestic. Victims of human trafficking were established to be children, men and women whose socio-economic profiles were low income riddled with poverty, illiteracy, unemployment, the desire for well-paying jobs, domestic violence and social exclusion.

The research finding also established that "most survivors of human trafficking engage in self-employment as a survival strategy at 28.5% and doing odd jobs at 20.8%". "Other activities that survivors are involved in includes support from relatives and well-wishers, engaging in prostitution, ordinary petty crime, counseling services, getting government/ NGO'S assistance,

living in isolation and joining religious groups". "The victims comply with traffickers as their only survival strategy".

Regarding recruitment, it was established that most of the recruiters of human trafficking victims are relatives at 40%, businessmen at 23% and friends at 20.9%, government officers, wealth people in the village, middle and high level professional, teachers, social workers and religious leaders. The socio-economic profiles of recruiters were middle and high income earners as well as individuals who command a following and respect from people. In short the recruiters are generally influential persons in society.

Turning on to facilitation of human trafficking, high levels of poverty and unemployment in the country were found to be the main facilitators of external trafficking at 25.7% and 26% respectively. Ready markets for casual labour and corruption also scored high at 12% and 11.6%. Other facilitating agents are the ideology of better life styles elsewhere, illiteracy, the lucrativeness of human trafficking as a business, porous border points and lack of awareness (civic education).

In the course of trying to ascertain the sources of victims of trafficking, 70.5% of the respondents indicated that most of the victims in domestic trafficking are sourced from rural areas while 21.6% indicated that they are sourced from urban areas. Further scrutiny of the sources revealed urban areas as the source for external trafficking victims at 42.2% while 29.7% thought that victims of trafficking are sourced from other African countries. In the view of other respondents additional sources would include institutions like schools, churches, children homes and refugee camps.

Road transport is the most commonly used mode in domestic trafficking at 81.7% while air is mostly used in external human trafficking according to research findings.

Results on the destination of victims of human trafficking indicate that most are destined for Middle East countries at 44.5% in the case of external trafficking and 32.9% for internal trafficking and with other African countries. In domestic human trafficking, most of the victims are destined for urban areas at 67.2%.

Extrapolating on the cost of trafficking, agent commission cost emerged as the major payment cost at 46.7%. However, 28.6% of the respondents indicated unawareness of this cost. Other costs that were reported include transport costs, registration fee, reward for brokers and agents, medical cost, document processing costs and money for food and accommodation.

Crossing over to the level of awareness regarding socio-economic effects of human trafficking, 80.1% of the respondents indicated lustre awareness of some effects with brain drain/labour drain emerging as the highest socio economic effect of human trafficking at 21.6% followed by Psychological trauma at 19.9% and Social breakdown at 10.6% while increased insecurity scored10.5%. Other socio-economic effects recorded include death, improved family income, loss of revenue, violation of human rights and freedom, increased school dropouts as well as poverty.

Moving on to intervention strategies, suggestions were put forward for consideration and adoption to augment existing strategies that have been tried in addressing human trafficking in Kenya. Some of the proposals include establishment of strategic checkpoints for verification of documents, civic education by government and media, arresting and prosecution of culprits, imposing a ban on night travelling to certain destinations, enforcement of existing Acts,

embracing the Nyumba Kumi initiative and youth empowerment through Uwezo fund among many others.

To rate the effectiveness of some of the existing interventions used to address human trafficking three intervention strategies were used whose research findings showed that these intervention strategies are not working. This was after scoring percentages on non-effectiveness as follows prosecution 58.5%, prevention 58.7% and capacity building 47.8%. On effectiveness, the strategies of prosecution, prevention and capacity building scored 26.7%, 31.9% and 36.3% respectively. Comparing the three intervention strategies, capacity building was the most effective at 36.3%.

 In an endeavour to establish why human trafficking continues to persist in the country despite various interventions being put in place, poverty, unemployment and corruption emerged as the major reasons. Other reasons which emerged from the results of the research include ignorance among the Kenyan people, corruption in government officials, advanced technology which helps in recruitment, existing laws being lenient on perpetrators, Kenyans being greedy for money, poor implementation of existing laws, trafficking being a lucrative business, porous border points, high demand for labour in developed countries and high illiteracy levels among Kenyans. To address the issue of human trafficking with a view to containing the practice require that a number of measures be put in place. One such measure would be improving remuneration for the officials handling the issue of human trafficking which emerged tops at 24% followed by civic education at 22% and increasing surveillance and beefing up security at 13.4% from the research findings. Other measures that would contribute in containing the practice include job creation, effective legislations, taming corruption, improving the economy, collaboration among stake holders and community policing.

Notwithstanding corruption which emerged as the major challenge faced in preventing and combating human trafficking in Kenya at 41.2% followed by unemployment at 13.5%, taming corrupt practices and creating jobs as well as offering loans to the youths can best work as a solution to the challenges faced in preventing and combating human trafficking in the country which is corroborated by the research findings at 23.7% and 19.2% respectively. Compounded with other challenges such as lack of effective laws to address the issue, lack of collaboration between the stake holders, lack of political will and hostile border relations, ignorance, collusion between locals and perpetrators, poverty and lack of resources, Kenyan men and women are approached by outside agencies to take jobs in the Middle East or Europe only to find that the opportunity does not exist thus resulting in their being forced into servitude or prostitution. A review of secondary data reveals that on nearly a weekly basis the media highlights cases of women who take work in the Arabian Peninsula returning badly beaten or in the worst case scenario dead. Brokers pose as nanny or restaurant representatives trying to convince Kenyans to leave their country for a better life abroad. Many of these apparent hope filled opportunities are merely fronts for sexual exploitation and forced labour.

Other suggested solutions to containing the challenges of human trafficking include providing "civic education, reducing poverty and narrowing the gap between the rich and the poor in addition to increasing surveillance, enforcement of existing laws, providing resources, vetting of officers handling the issue of human trafficking, initiating community policing, enacting new punitive legislations, collaboration among stake holders and strengthening the special police unit to handle human trafficking".

6.2 Recommendations

The study makes recommendations to stakeholders and a number of institutions which are in the researcher's view lead institutions in combating the scourge.

The first recommendation is to the Stakeholders in Crime prevention and Civil Society who are the first responders to incidences of human trafficking/smuggling in which victims must be offered safety first and later followed by opportunities to improve their lives. Stakeholders in the fight against human trafficking which in most cases lead to forced labour and sexual exploitation among others should embrace new technology in tracking and detecting the traffickers as well as the practice through establishment of an inter-link between local and international investigating agencies in addition to enhancing training of investigators. Similarly, raising potential victims of trafficking awareness about the risks therein should be matched with concrete and attractive opportunities that are better than those offered by the traffickers.

To the National Police Service, there is need to strengthen detection and investigation processes with a view to stemming out corruption which is reportedly rampant and affecting investigation. It is the considered view of the researcher that a lot can be achieved through networking and collaboration among stakeholders. "To the Office of Director of Public Prosecutions, there is need to apply the anti-trafficking law to investigate and prosecute trafficking offenses, convict and punish trafficking offenders including government officials suspected of complicity in human trafficking". "Prosecutors need to widely use the Counter-Trafficking in Persons Act in order to achieve meaningful impact in containing the practice". Regrettably, "the government continues to lack a formal mechanism for identifying victims of trafficking among vulnerable populations arising from the fact that guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed".

The Attorney General (AG) is very instrumental in the fight against human trafficking being the adviser to the government on matters pertaining to law and custodian of the law itself. To this end, the AG should enhance "use of the anti-trafficking law or Section 14 of the Sexual Offenses Act to prosecute and punish child sex tourists". In addition, the stale law office should provide new and continuous "training to all levels of the government, particularly law enforcement officials, on identification and responding to trafficking crimes besides establishing an official process of referring trafficking victims for assistance by law enforcement officials". It is also proffered that the state law office puts in a place a "Counter-trafficking in Persons advisory committee to coordinate the government's anti-trafficking efforts as well as overseeing full implementation of the Counter-Trafficking in Persons Act of 2010". It is the considered opinion of the researcher that removing the impunity of traffickers is critical to the containment of the practice. However increasing prosecutions of traffickers as an approach to addressing the phenomenon may not be the method that offers best results. "Deterrent sentences and penalties should be accompanied by interventions aimed at addressing the push factors in home countries and other aspects of demand for trafficked people". It is the view of this research works that "penalties and sentences given to perpetrators of human trafficking and forced labour have-not been deterrent enough".

There is also need to establish a "board of trustees to oversee the National Assistance Trust Fund for Victims of Trafficking and allocate money to endow this fund. Similarly, there is need to launch and implement the national plan of action".

The Ministry of Labour and Social Services have also a stake in granting authorization to either a company or an individual seeking travel documents thus are stakeholders in human trafficking practice. In the two institutions case, the government should continue to exercise oversight and

demand accountability of overseas recruitment agencies alongside increased protective services on offer to adult trafficking victims, especially those identified in and returned from the Middle East.

Last is a recommendation to the general public from where victims of the practice originate hence the need for their sensitization and empowerment. "Local communities should be empowered technically and financially to care for and protect their children". "Millions of children are left without parents and main care takers due to HIV and AIDS or conflicts while other children have parents but the parents lack capacity to provide for them". "Either way, guardians should be supported to take care of such children". Although some communities are aware that they are losing children to trafficking/smuggling and forced labour, they lack the capacity to take organized action.

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Appendix 1- Interview Schedule for Sample Respondents

County: _____

Sub-County: _____

Name of Administrative Location_____

Name of Interviewer_____

Date of Interview_____

Time of Interview _____

Respondent's Background Information

1. Gender
    a. Male
    b. Female

2. Age of Respondent in years.
    a. Below 18 years
    b. 18-25
    c. 26-33
    d. 34-41
    e. 42-49
    f. 50-57
    g. 58-65
    h. 66 and above

3. Marital Status:
    a. Single/Never Married
    b. Married
    c. Separated
    d. Divorced
    e. Widowed

4. Level of Education:
    a. None
    b. Pre-primary
    c. Primary
    d. Secondary 1-4
    e. Secondary 5-6
    f.Middle level College (Specify)

    _____
    g. University
    h. Adult Literacy
    i. Other (Specify)_____

5. Religion:
   a. Traditional
   b. Christian
   c. Islam
   d. Other (Specify)_____

6. Nationality
   a. Kenyan
   b.Non-Kenyan
   (Specify)_____

7. Occupation
   a. Permanent employment – Private Sector
   b. Permanent employment – Public Sector
   c. Casual/temporary employment (Specify whether in public or private)_____
   d. Business person
   e. Other (specify-e.g. pupil/student/housewife)_____
   f. None of the above (specify)_____

Information on Human Trafficking in Kenya

8. What do you understand by human trafficking?
_____
_____
_____
_____

9. (a) Have you ever heard of persons being trafficked in Kenya? 1. Yes 2. No

   (b) If yes, please indicate whether or not the trafficking of victims happened as indicated in the given options.
    (1). Within areas in your county in Kenya? 1. Yes 2. No
    (2). From your county to another county within Kenya? 1. Yes 2. No
    (3). From another county within Kenya to your county? 1. Yes 2. No
    (4). From Kenya to other country (ies)? 1. Yes 2. No. If yes - specify country (ies)
    _____
    (5). From another/other country (ies) to Kenya? 1. Yes 2. No. If yes - specify country (ies)
    _____
    (6). On transit through Kenya? 1. Yes 2. No. If yes - specify country (ies)
    _____

10. (a) Do you know of people who have ever been trafficked in Kenya? 1. Yes 2. No.
    (b) If yes, please indicate whether or not the trafficking of victim(s) happened in one of the following ways:
    (1). Within areas in your county in Kenya? 1. Yes 2. No
    (2). From your county to another county within Kenya? 1. Yes 2. No

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(3). From another county within Kenya to your county? 1. Yes 2. No.

(4). From Kenya to other nation (s)/country (ies)? 1. Yes 2. No. If yes - specify nation /country (ies)

_____

(5). From other nation (s)/country (ies) to Kenya? 1. Yes 2. No. If yes - specify nation /country (ies)

_____

(6).On transit through Kenya? 1. Yes 2. No. If yes - specify country (ies)

_____

11. Based on your knowledge, how prevalent is human trafficking in Kenya?_____

_____

_____

(a) Do you know of different types/forms of human trafficking in Kenya? 1. Yes 2. No

(b) If yes, please list the types/forms of human trafficking in Kenya.

_____
_____
_____

(c) Please list the most prevalent types/forms of human trafficking in Kenya

_____
_____

(d) Do you think there is voluntary domestic human trafficking in Kenya? 1. Yes 2. No.
3. I don't know.
If your answer is yes, please explain_____

(e) Do you think there is involuntary domestic human trafficking in Kenya? 1. Yes 2. No. 3. I don't know. IF yes, please explain:_____

(f) Do you think there is voluntary external human trafficking in Kenya? 1. Yes 2. No.
3. I don't know.
If yes, please explain_____
(g) Do you think there is involuntary external human trafficking in Kenya? 1. Yes 2. No.
 3. I don't know.
 If yes, please explain:_____

_____
_____

12. Which one of the types/forms of trafficking listed below is most prevalent in Kenya?
   a. Trafficking of victims from Kenya to other nation (s)/country (ies)
   b. Trafficking of victims from other nation (s)/country (ies) to Kenya
   c. Trafficking to other countries through Kenya
   d. I don't know

13. Are the following types of human trafficking found in Kenya?
    a. Trafficking for labour exploitation/domestic servitude 1. Yes 2. No. 3. I don't know
    If yes, please explain:_____
    _____

    b. Trafficking for sex exploitation 1. Yes 2. No. 3. I don't know
    If yes, please explain:_____
    _____
    _____

    c. Trafficking for cultural reasons 1. Yes 2. No. 3. I don't know
    If yes, please explain:
    _____
    _____
    _____

14. (a) Please list the main factors contributing to domestic human trafficking in Kenya
_____
_____
_____

(b) Please list the main factors contributing to external human trafficking in
Kenya?_____
_____
_____

15. (a) Who are the victims of domestic human trafficking in Kenya_____

(b) Who are the victims of external human trafficking in Kenya? _____
_____

16. (a) What are the socio-economic profiles of most victims of domestic human trafficking in
Kenya in terms of the following?
    (1). Their ethnic group:_____
    (2). Their nationality:_____
    (3). Their gender (that is, male and female)_____
    (4). Their age:_____
    (5). Their marital status:_____
    (6). Their highest level of formal education:_____
    (7). Their livelihood occupations:_____
    (8). Their levels of income (Specify whether High, Medium, Low):_____

(b) What are the socio-economic profiles of most victims of external human trafficking in Kenya
in terms of the following?
    (1). Their ethnic group:_____
    (2). Their nationality:_____

(3). Their gender (that is, male and female)_____

(4). Their age:_____

(5). Their marital status:_____

(6). Their highest level of formal education:_____

(7). Their livelihood occupations:_____

(8). Their levels of income (Specify whether High, Medium, Low):_____

17. What are the coping/survival mechanisms of victims and survivors of human trafficking in Kenya?_____

_____
_____
_____ _____

18. (a) For what purposes are persons trafficked in domestic human trafficking?_____
_____

    (b) For what purposes are persons trafficked in external human trafficking?
_____
_____
_____

19. Which category of victims are trafficked most in domestic human trafficking in Kenya?
_____
_____
_____
_____

20. Which gender of children victims is most trafficked in domestic human trafficking?
_____
_____

21. Which gender of children victims is most trafficked outside Kenya?
_____

22. Who are most trafficked from Kenya to other nation (s)/country (ies)?_____
_____
_____

23. Who are most trafficked from other nation (s)/country (ies) to Kenya?_____
_____
_____

24. Please respond to the following statements.
   a. Kenya is a source of victims of human trafficking 1. Agree 2. Disagree 3. I don't know
   b. Kenya is a transit route for victims of human trafficking 1. Agree 2. Disagree 3. I don't know
   c. Kenya is a destination for victims of human trafficking 1. Agree 2. Disagree 3. I don't know

25. a. Who are the key perpetrators of domestic human trafficking in Kenya?_____
_____

   b. Who are the recruiters in domestic human trafficking in Kenya?_____

   c. What are the socio-economic profiles of most traffickers of domestic human trafficking in Kenya in terms of the following?
   (1). Their ethnic group: _____
   (2). Their Nationality:_____
   (3). Their gender (i.e. Male or Female):_____
   (4). Their age: _____
   (5). Their marital Status: _____
   (6). Their highest level of formal education: _____
   (7). Their livelihood occupations: _____
   (8). Their levels of income (specify whether High, Medium or Low): _____

   d. Please comment about organizations involved in domestic human trafficking?_____
   _____
   _____
   _____

26. (a) Who are the key perpetrators of human trafficking across Kenya's borders (external trafficking)?_____
_____

 (b) Who are the recruiters in external human trafficking in Kenya?_____
_____ _____

 (c) What are the socio-economic profiles of most traffickers of external human trafficking in Kenya in terms of the following?
 (1). Their ethnic group:_____
 (2). Their nationality:_____
 (3). Their gender (that is, male and female)_____
 (4). Their age:_____
 (5). Their marital status:_____
 (6). Their highest level of formal education:_____
 (7). Their livelihood occupations:_____
 (8). Their levels of income (Specify whether High, Medium, Low):_____

(d) Please comment about organizations involved in external human trafficking?_____
_____
_____

27. (a) Have you ever heard or do you know how human traffickers recruit and/or obtain their victims? 1. Yes 2. No
(b) If yes, please indicate the methods used in recruiting and/or obtaining victims?_____
_____
_____
_____

28. (a) What facilitates recruitment of victims in domestic human trafficking in Kenya?_____
_____
_____
_____

(b) What facilitates recruitment of victims in external human trafficking in Kenya?_____
_____
_____
_____

29. (a) What networks/processes are involved in the recruitment of victims in domestic human trafficking in Kenya?_____
_____
_____
_____

(b) What networks are involved in the recruitment of victims in external human trafficking in Kenya?_____
_____
_____

30. Please provide information on the following aspects of human trafficking in Kenya.

   (a) Domestic Human Trafficking

Sources of victims:_____
_____
_____

Transit routes:_____

 Modes of transportation of victims:_____
_____

Destinations of trafficked human beings:_____

Sources of victims:_____

Modes of transportation of victims:_____

Destinations of trafficked human beings:_____

31. (a) Do you know of any socio-economic effects of human trafficking in Kenya? 1. Yes 2. No.
(b) If yes, what are the effects? _____

32. (a) What payment costs are involved in human trafficking?_____

(b) Are there instances when voluntary victims pay to traffickers in anticipation of certain benefits? 1. Yes 2. No. 3. I don't know
If yes, please explain:_____
_____

(c) Are victims refunded their monies after paying to be trafficked and failing to benefit from trafficking? 1. Yes 2. No 3. I don't know

If yes, please explain:_____
_____
_____

33. (a) Do you know the kinds of treatment and conditions victims of human trafficking are subjected to? 1. Yes 2. No

 If yes, please list them._____
_____
_____

 (b) Are you aware of any intervention strategies that have been used to address human trafficking in Kenya? 1. Yes 2. No. If yes, please list them: _____
_____
_____

34. Generally speaking, how effective are the following intervention strategies in addressing human trafficking in Kenya?
Use the following codes and circle your selected response for each intervention strategy.
1. Very Effective 2. Effective 3. Not Effective 4. Not Effective at all 5. I don't know

   (a). Intervention strategy Response
       (1). Prevention: 1; 2; 3; 4; 5
       (2). Protection: 1; 2; 3; 4; 5
       (3). Prosecution: 1; 2; 3; 4; 5
       (4). Capacity Building: 1; 2; 3; 4; 5

35. (a) Do you know of any organizations attempting to address human trafficking in Kenya?
1. Yes 2. No
(b) If yes, please list them._____
_____
_____

36. Why has the human trafficking business persisted in Kenya?_____
_____
_____

37. (a) In your opinion, are there challenges faced in preventing and combating Human Trafficking in Kenya? 1. Yes 2. No. 3. I don't know
(b) If yes, please list them._____
_____
_____

(c) What are the possible solutions to the major challenges faced in preventing and combating human trafficking in Kenya?_____
_____
_____
_____

38. What are the best practices in preventing and combating trafficking in human beings?_____
_____
_____
_____ _____

39. What recommendations would you give with regard to addressing human trafficking in Kenya in the following aspects?
    a. Detection and investigation:_____

    b. Prosecution:_____

    c. Trial and sentencing:_____
    _____

    d. Rehabilitation and correction of human trafficking offenders:_____

    e. Resettlement and reintegration of survivors of human trafficking_____

40. Please comment freely on any experiences with human trafficking not already addressed
_____
_____
_____

Thank you very much for your co-operation and stay well.

Appendix 2- Key Informant Schedule

Name of County: _____

Name of Sub- County: _____

Name of Interviewer _____

Date of Interview_____Time_____

Hello, I am conducting a national study on Human Trafficking in Kenya. Human Trafficking has now become a serious problem not only to victims but also to the whole country and therefore requires intervention. As a member of the community / one of the key persons engaged in the handling of human trafficking you have every reason to want to remove this scourge from the society. Therefore, your assistance is kindly requested in making this research a success. The study is expected to shed light on issues such as types/forms of human trafficking and their prevalence in Kenya, the effects of human trafficking, the factors contributing to human trafficking, how human traffickers recruit and/or obtain their victims, the intervention strategies that have been used to address human trafficking and their effectiveness and the major challenges faced in preventing and combating human trafficking in Kenya. As part of the study, the researcher would like to ask you some questions about your knowledge and/or direct/indirect experience with human trafficking. All of the answers you give will be confidential. Participation in the study is completely voluntary. If it should occur that you do not want to answer or respond to any of the questions put to you, just let the researchers know and the question will be skipped. Alternatively you can stop the interview at any time. However, your participation in this study will be appreciated very much since your views are important.

At this juncture, you can raise any questions that you have about the study? May I begin the interview now? Please allow me to pose to you two sets of questions, first, with regard to your background information and second, with regard to the subject of human trafficking.

Key Informant's Background Information

1. Gender: a. Male b. Female

2. Age of respondent in years.
   a. 18-25
   b. 26-33
   c. 34-41
   d. 42-49
   e. 50-57
   f. 58-65
   g. 66 and above

3. Marital Status.
   a. Single/Never Married
   b. Married
   c. Separated
   d. Divorced
   e. Widowed

4. Level of Education.
   a. None
   b. Pre-primary
   c. Primary
   d. Secondary 1-4
   e. Secondary 5-6
   f. Middle level College (Specify)_____
   g. University
   h. Adult Literacy
   i. Other (Specify)_____

5. Religion.
   a. Traditional
   b. Roman Catholic
   c. Protestant
   d. Islam
   e. Other (Specify)_____

6. Nationality
   a. Kenyan
   b. Non-Kenyan (Specify)_____

7. Which organization/institution do you work for? _____

8. What is your position/designation in the organization (e,g Police Officer, Program Officer, etc)? _____

9. For how long have you stayed in this locality?_____

Information on Human Trafficking in Kenya

10. What do you understand by the term human trafficking?
_____
_____
_____

11. (a) Do you know of any victims of domestic human trafficking in this locality? 1. Yes 2. No

(b) If yes, please give details?_____
_____
_____

12. (a) Do you know of any victims of external human trafficking in this locality? 1. Yes 2. No
(b) If yes, please give details?_____
_____
_____

13. (a) For what purposes are persons trafficked in internal/domestic human trafficking?_____

_____
_____
_____

(b) For what purposes are persons trafficked in external human trafficking? _____

_____
_____
_____

14. (a) Do you know any trafficker who has ever been involved in domestic human trafficking in this locality? 1. Yes 2. No
(b) If yes, please give details?_____

_____
_____

15. (a) Do you know any person who has ever been involved in external human trafficking in this locality? 1. Yes 2. No

(b) If yes, please give details?_____

_____
_____

16. (a) Please list the most prevalent types/forms of human trafficking in Kenya?_____

_____
_____

(b) Based on the provided list in (a) above, please provide figures for the different types/forms of human trafficking in Kenya?_____

_____
_____

17. (a) Please list the main factors contributing to domestic human trafficking in Kenya?_____

_____
_____
_____

(b) Please list the main factors contributing to external human trafficking in Kenya?_____

_____
_____

18. (a) Who are the victims of domestic human trafficking in Kenya?_____

_____
_____

(b) Who are the victims of external human trafficking in Kenya?_____

_____
_____

19. (a) What are the socio-economic profiles of most victims of domestic human trafficking in Kenya in terms of the following?
    (1). Their ethnic group:_____
    (2). Their nationality:_____
    (3). Their gender (that is, male and female)_____
    (4). Their age:_____
    (5). Their marital status:_____
    (6). Their highest level of formal education:_____
    (7). Their livelihood occupations:_____
    (7). Their levels of income (Specify whether High, Medium, Low):_____

(b) What are the socio-economic profiles of most victims of external human trafficking in Kenya in terms of the following?
    (1). Their ethnic group:_____
    (2). Their nationality:_____
    (3). Their gender (that is, male and female)_____
    (4). Their age:_____
    (5). Their marital status:_____
    (6). Their highest level of formal education:_____
    (7). Their livelihood occupations:_____
    (8). Their levels of income (Specify whether High, Medium, Low):_____

20. What are the coping/survival mechanisms of victims and survivors of human trafficking in Kenya?_____
_____
_____

21. Please respond to the following statements.
  (a)Kenya is a source of victims of human trafficking 1. Agree 2. Disagree 3. I don't know
  (b) Kenya is a transit route for victims of human trafficking 1. Agree 2. Disagree 3. I don't know
  (c) Kenya is a destination for victims of human trafficking 1. Agree 2. Disagree 3. I don't know

22. (a) Who are the key perpetrators of domestic human trafficking in Kenya?_____
_____
_____

(b) Who are the recruiters in domestic human trafficking in Kenya?_____
_____
_____

(c) What are the socio-economic profiles of most traffickers of domestic human trafficking in Kenya in terms of the following?
    (1). Their ethnic group: _____
    (2). Their nationality:_____

(3). Their gender (that is, male and female)_____

(4). Their age:_____

(5). Their marital status:_____

(6). Their highest level of formal education:_____

(7). Their livelihood occupations:_____

(8). Their levels of income (Specify whether High, Medium, Low):_____

23. (a) Who are the key perpetrators of human trafficking across Kenya's borders (external trafficking)? _____

(b) Who are the recruiters in external human trafficking in Kenya?_____
_____
_____

(c) What are the socio-economic profiles of most traffickers of external human trafficking in Kenya in terms of the following?

(1). Their ethnic group:_____

(2). Their nationality: _____

(3). Their gender (that is, male and female)_____

(4). Their age:_____

(5). Their marital status:_____

(6). Their highest level of formal education:_____

(7). Their livelihood occupations:_____

(8). Their levels of income (Specify whether High, Medium, Low):_____

24. Please indicate the methods used by traffickers in recruiting and/or obtaining their victims?_____
_____
_____

25. (a) What facilitates recruitment of victims in domestic human trafficking in Kenya?_____
_____
_____
_____

(b) What facilitates recruitment of victims in external human trafficking in Kenya?_____
_____
_____

26. (a) What networks/processes are involved in the recruitment of victims in domestic human trafficking in Kenya?_____
_____
_____
_____ _____

(b) What are the networks involved in the recruitment of victims in external human trafficking in Kenya?_____
_____
_____

27. Please provide information on the following aspects of human trafficking in Kenya.

(c) Domestic Human Trafficking
Sources of victims:_____
Transit routes:_____
 Modes of transportation of victims:_____
Destinations of trafficked human beings:_____
_____

(d) External Human Trafficking
Sources of victims:_____
Transit routes:_____
_____
Modes of transportation of victims:_____
_____
Destinations of trafficked human beings:_____
_____

28. What are the socio-economic effects of human trafficking in Kenya?
_____
_____
_____

29. (a) What payment costs are involved in human trafficking?_____
_____
_____

(b) Are there instances when voluntary victims pay to traffickers in anticipation of certain benefits? 1. Yes 2. No. 3. I don't know
If yes, please explain: _____
_____

(c) Are victims refunded their monies after paying to be trafficked and failing to benefit? 1. Yes 2. No 3. I don't know
If yes, please explain:_____
_____

30. What kinds of treatment and conditions are victims of human trafficking subjected to?
_____
_____
_____

31. What intervention strategies have been used to address human trafficking in Kenya?
_____
_____
_____

32. Generally speaking, how effective are the following intervention strategies in addressing human trafficking in Kenya? Use the following codes and circle your selected response for each intervention strategy: 1. Very Effective; 2. Effective; 3. Not Effective; 4. Not Effective at all; 5. I don't know.
Intervention strategy Response
    a. Prevention: 1; 2; 3; 4; 5
    b. Protection: 1; 2; 3; 4; 5
    c. Prosecution: 1; 2; 3; 4; 5
    d. Capacity Building: 1; 2; 3; 4; 5

33. (a) Do you know of any organizations attempting to address human trafficking in Kenya?
1. Yes 2. No
 (b) If yes, please list them._____
_____

34. Why has the human trafficking business persisted in Kenya?_____
_____
_____

35. (a) What are the major challenges faced in preventing and combating Human Trafficking in Kenya?
_____
_____

(b) What are the possible solutions to the major challenges faced in preventing and combating human trafficking in Kenya?_____
_____
_____

36. What are the best practices in preventing and combating trafficking in human beings?___
_____
_____

37. What activities does your organization undertake in addressing human trafficking in Kenya?_____
_____

38. Generally speaking, how effective are the initiatives your organization undertakes in addressing human trafficking in Kenya?
1. Very Effective; 2. Effective; 3. Not Effective; 4. Not Effective at all; 5. I don't know.
Please explain your answer:_____
_____

39. (a) What challenges does your organization face in preventing and combating human trafficking?_____
_____

(b) How can the challenges be addressed?_____
_____
_____

40. Please comment about collaboration between your organization and other organizations in addressing human trafficking in Kenya:_____
_____

41. Do you think the existing laws are adequate in dealing with human trafficking in Kenya?
1. Yes 2. No 3. I don't know
Please explain your answer:_____
_____

42. What recommendations would you give with regard to addressing human trafficking in Kenya in the following aspects?
    a. Detection and investigation:_____
    _____

    b. Prosecution:_____
    _____

    c. Trial and sentencing:_____
    _____

    d. Rehabilitation and correction of human trafficking offenders:_____
    _____

    e. Resettlement and reintegration of survivors of human trafficking:_____
    _____

43. Please comment freely on any experiences with human trafficking not already addressed
_____
_____
_____ _____

Thank you very much for your cooperation and stay well.