

RADOSLAW MALINOWSKI

FAMILY IN AFRICA
– (NOT) A SAFE HAVEN FROM HUMAN TRAFFICKING

A b s t r a c t. In this paper, the author argues that due to several changes in our society, families (especially in East Africa) have started playing a negative role in the process of human trafficking. Therefore, families are no longer protecting its members when exposed to trafficking but rather becoming an impediment to successful counter-trafficking action. The author presents scenarios where families not only do not support victims but actively participate in trafficking them.

Key words: human trafficking; family; African cultures.

1. INTRODUCTION

Human trafficking, a global social problem is a challenge for both developed and developing countries, also including those located on African Continent. The reasons why the latter are more vulnerable include but are not limited to: high poverty levels, insufficient social support programs, wars and civil unrest, low law enforcement level as well as high unemployment rate. As human capital is an indispensable component of development for any society, limited human resources of African societies are plundered and exploited by trafficking rings. That is one of the reasons why activists as well as scholars compare human trafficking to slavery, often calling it modern slavery, or slavery of our time¹ and pointing out to similar drainage of human capital from source countries to destination countries in previous century—the Transatlantic Slave Trade.² Human trafficking in Africa shares seve-

RADOSLAW MALINOWSKI, MA—lecturer at Tangaza University College—address for correspondence: e-mail: malinpol@yahoo.co.uk

¹ For example, the latest book by prof. Kevin Bales. See Kevin BALES, *Understanding Global Slavery* (Berkeley & Los Angeles 2005), 126–153.

² Transatlantic Slave trade is a good example of how drainage of human capital from Africa to both Americas strengthen the economic and social growth of the New World at the

ral similarities to trafficking patterns across the globe, as victims are typically lured with the promise of a good job or a good education and exploited through sexual exploitation or forced labour. Still, there are also several varieties and differences that make trafficking streams in Africa different than elsewhere. One of them is the role of family in the trafficking process—a fact that is often overlooked in international literature on the same. Yet, families in Africa play a key role in the process of human trafficking and at every stage of this process there is a need to examine a potential involvement of a family.

2. HUMAN TRAFFICKING

Human trafficking as a term denotes one of the worst forms of exploitation of our time. It is defined in international law as “...The 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 servitude or the removal of organs.”³

The Palermo Protocol distinguishes a different category of trafficking for cases where the victim of human trafficking is a child.⁴ Distinguishing a child as a victim of human trafficking aims to create a better protection mechanisms for minors – victims of human trafficking and needless to say it is also important for the family involvement in trafficking context.

The process of trafficking can be captured in three stages: Activity, Means and Purpose, for trafficking of adults, and in two stages: Activity and Purpose for child trafficking.

expense of African continent. See: Walter RODNEY, *How Europe Underdeveloped Africa* (Oxford & Nairobi 2012), 93–146.

³ UN GENERAL ASSEMBLY, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime”, retrieved on June 13, 2016, <http://www.refworld.org/docid/4720706c0.html>

⁴ Article 3 point c states: The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.

United Nations Office on drug and Crime report estimated that around two thirds of victims in the world are either women or children.⁵ As those two social groups are already underprivileged and exposed to vulnerability (especially in developing countries) human trafficking disadvantages them further. Victims are typically exploited through forced labour, sexual exploitation, servitude, organ removal and other types of exploitation.

Various studies⁶ tried so far to provide different figures on victims of human trafficking in the world, but data from these studies has been criticized by scholars and practitioners such as Anne Gallagher and Janie Chuang.⁷ Nevertheless, it is very likely that millions of people around the world are trafficked yearly – they become modern slaves, abused by their exploiters, used to make money and killed or dumped after being considered useless.

3. HUMAN TRAFFICKING AND FAMILY IN AFRICAN CONTEXT

Families relationship with human trafficking scenario is usually ambiguous. Typically, African family is depicted as a place where a member can receive support and safety. While this is generally true, there are also many situations where families contribute to human trafficking or even become part of trafficking process. There are several moments when family can potentially become willingly or unwillingly involved in human trafficking of its own member. Those are: involvement during the recruitment process, involvement during the exploitation and finally involvement after the direct exploitation. In the following section we will discuss those occasions where families are likely to be involved in human trafficking. In some situations family can be

⁵ UNITED NATIONS OFFICE ON DRUGS AND CRIME (2012), “Global Report on Trafficking in Persons 2012”, retrieved on June 20, 2016, https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf

⁶ For example ILO estimates that of the estimated 20 million victims of trafficking and human slavery worldwide, 9.1 million victims (44 percent) have been trafficked internally or internationally. See: International Labor Organization (2012), “Global Estimate of Forced Labour”, retrieved on June 15, 2016, <http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_181921.pdf>

⁷ See for example Arthur GALLAGHER. “The global slavery index is based on flawed data – why does no one say so?,” retrieved on June 11, 2016, <<http://www.theguardian.com/global-development/poverty-matters/2014/nov/28/global-slavery-index-walk-free-humantrafficking-anne-gallagher>> or Janie CHUANG. “Giving as Governance? Philanthrocapitalism and Modern-Day Slavery Abolition,” *UCLA Law Review* 62(6)(2015): 1516-1556.

involved willingly (i.e. the family understands the consequences of trafficking and wants the victims to be trafficked) in other unwillingly. The latter is possible when family is involved in human trafficking but without proper understanding of the damage done to victim. To illustrate the two, we can give an example. First a family member willingly sells a kin to a brothel. There is no doubt that a family member, trafficker in fact, knew the consequences and damage done to a victim. The opposite is when family puts pressure on the victim during recruitment process, not realizing that victim is to be trafficked.

4. AFRICAN FAMILY UNDER TRANSITION

The institution of family in Africa is undergoing rapid transition due to the processes of globalization, urbanization and in some areas mass migration. Traditional family model, in many cultures centred around communal values has been shattered and forced to transform due to emergence of large scale urban setups.⁸ Big cities provide opportunities but they are also a threat to the traditional family values where the old customs that used to serve individuals, particularly vulnerable and in need of assistance, become meaningless rites, or worse, are used to exploit those who should be protected.⁹

As Oheneba-Sakyi and Takyi write: Fragmentation of the traditional family network is leading to an erosion of the available support within the immediate and extended family. Teenage pregnancies are reaching an all-time high. While the nuclear family system is increasingly becoming the norm, modern life styles, changing professional and personal expectations are affecting relationships of marriage and commitment in cities where young people are starting to choose their partners. [...] It should be noted also that economic globalization has contributed to increasing child labour particularly in sub-Saharan Africa where more than 40 percent of all children aged five to fourteen labour for survival, or about 48 million children.¹⁰

⁸ There are numerous studies on how does traditional families were affected by the processes of globalization, rapid urbanization and westernization. For example: Kabiru I. YANKUZO. "Impact of Globalization on the Traditional African Cultures," *International Letters of Social and Humanistic Sciences* 15(2013), 1-8.

⁹ A perfect example is when the family in towns invites members of poor family from rural area to stay with them in the city. Children, as young as 10 years on come to cities, where they supposed to receive support i.e. education, but instead they are subjected to child labour.

¹⁰ Yaw OHENEBA-SAKYI, and Baffour K. TAKYI, *African Families at the Turn of the 21st Century*, Westport, London: Kendall Hunt Publishing, 2008, p. 28.

Those changes are serving as catalyst of the negative role of family in the context of human trafficking.

5. FAMILY AS A FACTOR THAT GIVES IMPETUS TO HUMAN TRAFFICKING

Since human trafficking is a process, we can discuss potential involvements of family in each stage of trafficking. It is possible to separate and analyse the ways through which family is involved in trafficking during the recruitment process, during the exploitation and finally after the direct exploitation ends.

6. INVOLVEMENT DURING THE RECRUITMENT PROCESS

Typically, a case of human trafficking starts when trafficker puts an offer to unsuspecting victims. In most cases the victim will discuss the opportunity with the family, who in many situations are stricken with poverty;¹¹ Due to poverty family often will start putting a pressure for victim to accept the offer. As in many situations the trafficker is known to family, or gained some level of trust (either by convincing them with his own success, or getting support from locally recognised individuals), they give a full support to the offer, demanding that the victim accepts the proposed job, or education offer.

In some circumstances, family is so excited about the prospectus of earning additional income that they do not even check where the victim – their kin, supposed to travel to.¹²

Some families are not even concerned whether the job offered by trafficker is beneficial to the victim and become concerned only when victim or trafficker stops sending promised money. The amount of pressure put by

¹¹ Kenya is for example ranked 145 out of 188 in UNDP multidimensional Poverty Index ranking. Other countries in Sub Saharan Africa are ranked similarly (with several exceptions such as South Africa and Botswana). The average rank for Sub Saharan Africa region in 2015 is 0.518. For more information see: United Nations Development Program, “Human Development Indicators,” retrieved on January 12, 2017, <http://hdr.undp.org/en/countries/profiles/KEN>

¹² At HAART we came across a group of victims – illiterate women from rural background that were not even aware about the destination of their journey. While they were convinced that they were travelling to Lebanon, traffickers arranged visas for United Arab Emirates.

family on victims cannot be ignored as it is often the decisive factor that makes them accept to accept the trafficking offer.

Forced child marriage

Early Child Marriage, simply defined as a formal marriage or informal union before age 18,¹³ usually constitutes a forced formed of marriage. In Africa, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,¹⁴ signed and ratified by all countries in East Africa sets the minimum age for marriage at 18 (Art 6B). Similar provisions are included in relevant domestic laws. Yet against this, many ethnic communities still practice early marriage with girls as young as 10 being forced to marry older men. Forced marriage can be classified as a case of human trafficking, as it fulfills the criteria set by Palermo Protocol (typically there is a component of recruitment, transport and harbouring together with sexual exploitation and child labour) and family is the one that initiates trafficking. The family elders will make an agreement with the proposed groom family. Then the child is handed over to the grooms' family (each ethnic group has its own rituals of handing over the child). For the victim it means not only shocking and traumatizing change of environment, but a rapid shift from a childhood to adult life, and the life marked by rape and child labour. The roots of this harmful tradition can be traced in old cultural customs that even though they were oriented at helping maintain procreation and survival of ethnic group, are outdated, harmful and illegal nowadays.

Families typically focus on financial deal and victim cannot expect any support from her immediate relatives, to the extent that if the girl try to escape she will be captured and returned to the husband.¹⁵

¹³ See UNICEF, "Child Marriage," retrieved on January 10, 2017, https://www.unicef.org/protection/57929_58008.html

¹⁴ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, retrieved on January 9, 2017, http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf

¹⁵ HAART assisted a young girl, victim of forced marriage custom that has been in hiding since the time of rescue. The reason is that the family is still looking for her and wants her to go back to the man who bought her.

7. INVOLVEMENT DURING THE EXPLOITATION

Traffickers usually operate through deception and victims learn their true intention only after recruitment is completed and the victim is now trapped in exploitation. In most cases victim will try to look for help and family is in most cases his / her first choice of contact. Victim will request for intervention and assistance that will make rescue from trafficking situation possible. In majority of the cases family will react positively to this request, however there are some scenarios that they will not only refuse to assist but will intervene in order to maintain the exploitation. One such situation (early child marriage) was already discussed in the previous section. Another situation where family insists on their kin to continue being trapped in trafficking scenario is trafficking underage for a domestic work. The term domestic worker is defined by ILO Domestic Workers Convention (2011) no 189, Art 1:

- (a) the term domestic work means work performed in or for a household or households;
- (b) the term domestic worker means any person engaged in domestic work within an employment relationship; (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.¹⁶

Unlike in Europe, the domestic sector is thriving in most of African countries. The surplus of the cheap and unqualified labour force together with culturally backed demand for such services makes almost every home in African city employ a domestic worker—a house servant, nanny, cook, cleaner, watchman etc.¹⁷ As ILO defines, domestic workers belong to the most vulnerable group of workers due deplorable working conditions, labour exploitation, and abuses of human rights. Domestic workers in many societies are often expected to be recruited from the same ethnic communities, as they will be tasked with bringing up the children of their employer. Some families cannot however afford to employ a domestic worker and pay them the minimum salary. Instead, they decide to bring a child from their relatives and

¹⁶ INTERNATIONAL LABOUR ORGANISATION, “C189 — Domestic Workers Convention (2011),” retrieved on January 10, 2017, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:12100:0::NO::p12100_instrument_id:2551460

¹⁷ International Labour Organisation provides interesting insight onto the market of domestic workers in East Africa. The link to the report is available online: INTERNATIONAL LABOUR ORGANISATION, “Decent Work for Domestic Workers,” retrieved on January 9, 2017, http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-dar_es_salaam/documents/publication/wcms_316267.pdf

make them a domestic worker. The girls and boys are typically taken to towns and cities. Then, while there they are subjected to domestic work, denied education and often subjected to a variety of abuses (such as sexual exploitation).¹⁸ Due to cultural circumstances children will not protest, as rebelling against the adult members of their families is not permitted by culture. In addition sending families do not understand the consequences of placing a child in exploitative situation and do not support any attempt to escape or change the victim's situation.

8. INVOLVEMENT AFTER THE DIRECT EXPLOITATION

The final role for families during the human trafficking process is when the direct exploitation is over and the victim returns to the place of origin. In a typical situation a victim does not gain any financial gain from human trafficking and returns not only without any monetary savings but also with Post-Traumatic Stress Disorder (PTSD).

To overcome the negative consequences of human trafficking, victims need support, counselling and conducive environment in which they can regain self-confidence and plan the future.¹⁹ Family is a natural social cell that should provide such environment. Unfortunately, in several situations family is not going to provide such environment. Here we are dealing with two possible scenarios. First, when family willingly took part in recruiting the victims and second, when family does not understand the dynamics of human trafficking and accuses victim of not sharing the monetary gains.

The first scenario was partially discussed earlier: victims cannot expect support in a situation where family took part in trafficking (especially when they benefitted from human trafficking financially). The second situation is typical for victims trafficked abroad. As many families share the concept that jobs abroad give high returns, many victims are expected to share the monetary gains with the family. When they cannot deliver, they are accused of

¹⁸ To understand the motion of child trafficking for the purpose of domestic work we can watch a short video on how the whole process is perceived from a victim perception. See: HAART Kenya, "The Promise," retrieved on January 10, 2017, <https://www.youtube.com/watch?v=A6ovgENrEXs>

¹⁹ More information on Tommy ODERA & Radoslaw MALINOWSKI, "Guidelines for Assisting Victims of Human Trafficking in Eastern Africa Region." Geneva, retrieved on January 12, 2017, http://publications.iom.int/system/files/pdf/guidelinesforassistingvictims_en_a5.pdf

selfish attitude and often ostracized or even told to leave the house they originated from. Also, in case of sexual exploitation, the family might not be ready to receive the victim, due to stigma associated with sex workers (and in this case it does not matter that the victim was forced to perform sex). Such situation make victims particularly vulnerable and make them often being re-trafficked²⁰ or subjected to another form of exploitation.

10. CONCLUSION

Even though the problem of human trafficking is a global phenomenon, it requires a contextual approach. This article presents example on how cultural context impacts the interplay between family and human trafficking. From the Western perspective family is largely perceived as positive factor in the process of preventing human trafficking. In different cultures, such as in Africa, this role is not so obvious, and this is largely because of several transformative processes that African societies are passing through. Unwillingly, or willingly, African families often take part in the process of trafficking. There is a need to acknowledge this and then take appropriate measures to reduce cases where family plays negative role in human trafficking.

BIBLIOGRAPHY

- BALES, Kevin. *Understanding Global Slavery*. Berkeley—Los Angeles, 2005.
- CHUANG, Janie. "Giving as Governance? Philanthrocapitalism and Modern-Day Slavery Abolition." *UCLA Law Review* 62(6)(2015): 1516-1556.
- GALLAGHER, Arthur. *The Global Slavery Index is Based on Flawed Data – Why does no one Say so?*. Retrieved on June 11, 2016, <<http://www.theguardian.com/globaldevelopment/poverty-matters/2014/nov/28/global-slavery-index-walk-free-humantrafficking-anne-gallagher>>
- HAART Kenya. "The Promise." Retrieved on January 10, 2017, <https://www.youtube.com/watch?v=A6ovgENrEXs>

²⁰ By re-trafficking we understand a situation where victim is rescued, or leaves the trafficking scenario and due to external circumstances such as lack of (or insufficient) proper rehabilitation is recruited again by the same or different trafficker into a new trafficking scenario.

- INTERNATIONAL LABOUR ORGANISATION. "C189—Domestic Workers Convention, 2011." Retrieved on January 10, 2017, http://www.ilo.org/dyn/normlex/en/f?p=NO RMLEXPUB:12100:0::NO::p12100_instrument_id:2551460
- INTERNATIONAL LABOUR ORGANISATION. "Decent Work for Domestic Workers." Retrieved on January 9, 2017, http://www.ilo.org/wcmsp5/groups/public/---africa/--ro-addis_ababa/---ilo-dar_es_salaam/documents/publication/wcms_316267.pdf
- INTERNATIONAL LABOUR ORGANIZATION. "Global Estimate of Forced Labour." Retrieved on June 15, 2016, <http://www.ilo.org/wcmsp5/groups/public/ed_norm/declaration/documents/publication/wcms_181921.pdf>
- ODERA, Tonny & Radoslaw Malinowski. *Guidelines for Assisting Victims of Human Trafficking in Eastern Africa Region* (2011). Retrieved on January 12, 2017, http://publications.iom.int/system/files/pdf/guidelinesforassistingvictims_en_a5.pdf
- OHENEBA-SAKYI, YAW & BAFFOUR K. TAKYI. *African Families at the Turn of the 21st Century*, Westport, London: Kendall Hunt Publishing 2008.
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Retrieved on January 9, 2017, http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf
- RODNEY, Walter. *How Europe Underdeveloped Africa*. Oxford, Nairobi 2012.
- UN GENERAL ASSEMBLY, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime." Retrieved on June 13, 2016, <http://www.refworld.org/docid/4720706c0.html>
- UNICEF. "Child Marriage." Retrieved on January 10, 2017, https://www.unicef.org/protection/57929_58008.html
- UNITED NATIONS DEVELOPMENT PROGRAM. "Human Development Indicators." Retrieved on January 12, 2017, <http://hdr.undp.org/en/countries/profiles/KEN>
- UNITED NATIONS OFFICE ON DRUGS AND CRIME. "Global Report on Trafficking in Persons 2012," Retrieved on June 20, 2016, https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf
- YANKUZO, Kabiru I. "Impact of Globalization on the Traditional African Cultures" *International Letters of Social and Humanistic Sciences* 15(2013): 1-8.

RODZINA W AFRYCE
– (NIE)BEZPIECZNE SCHRONIENIE PRZED HANDLEM LUDŹMI

S t r e s z c z e n i e

Instytucja rodziny nie zawsze jest miejscem, w którym ofiara handlu ludźmi otrzyma pomoc, schronienie i wsparcie. Zmiany cywilizacyjne spowodowały, że instytucja rodziny w Afryce (zwłaszcza w Afryce Wschodniej) często przyczynia się do sprzedaży jej członków. Autor przytacza przykłady najczęstszych aktów sprzedania ofiar do pracy niewolniczej przy aktywnym udziale rodziny w Afryce Wschodniej.

Słowa kluczowe: handel ludźmi; rodzina; kultury Afryki.