Considering a Regional Approach to Combating Human Trafficking in the Caribbean: The ECOWAS Example

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ABSTRACT

This paper seeks to explore the current practices employed in two regional organisations with regards combating human trafficking. Both West Africa, through ECOWAS, and the Caribbean, through CARICOM, have established regional agreements with neighbouring states to achieve regional cooperation where possible. However CARICOM policies are in their infancy with regards human trafficking, while ECOWAS has a vast network of agreements in place. This paper will consider the successes of the ECOWAS agreements and their possible assistance and relevance to the Caribbean to assist in CARICOM's fight against human trafficking.

INTRODUCTION

"I believe the trafficking of persons, particularly women and children, for forced and exploitative labour, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts. It is widespread and growing. It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide. The fate of these most vulnerable people in our world is an affront to human dignity and a challenge to every State, every people and every community."[1] Kofi Annan, 2004

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[1] K Anan, *The Secretary-General Address At The Opening Of The Signing Conference For The United Nations Convention Against Transnational Organized Crime*, Palermo, 12 December 2000.

Using the United Nations Convention against Transnational Organised Crime and the Palermo Protocol, the definition of trafficking in persons is:

> "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 sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs…"[2]

Simply put, the process of human trafficking consists of the act, the means and purpose:

1. Act - Recruiting, transporting, harbouring, receiving and individual(s) by…
2. Means - Threatening, forcing, defrauding, coercing, deceiving, abducting, abusing your power, abusing their vulnerability or using money to 'buy' them in order to exploit them through….
3. Purpose - prostitution, sexual exploitation, forced labour, forced services, slavery or similar practices to slavery, servitude or the removal of organs.

Human trafficking occurs both within states as well as across international borders. Individuals need not move from one state to another to be a victim of human trafficking, and can be trafficked domestically. As domestic trafficking is dealt with internally by a state, the focus of this paper is on international trafficking.

REGIONAL STANDARDS

Justification for Regional Cooperation

Although accurate statistics are hard to obtain, the Polaris Project estimated in 2007 that 800,000 persons were trafficked across international borders every

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[2] Article 3, paragraph (a), *Protocol to Prevent, Suppress and Punish Trafficking in Persons.*

year[3]. 80%[4] of internationally trafficked persons are estimated to be women and 50%[5] children. The UN Global Report on Trafficking in Persons (2012)[6] estimates that 27%[7] of all detected victims were trafficked within the country where they were exploited. This leaves an estimated 73% of victims who are trafficked internationally.

Using the same UN report, of those 73% trafficked internationally, and according to the regional aggregation, 45%[8] of the victims detected were trafficked from other countries within the same sub-region while 4%[9] originated in a nearby sub-region (South America to North America for example). Therefore, relying on the above statistics, almost half of all human trafficking flows occur across borders, with the source and destination countries being within a short or medium range of each other.

The report reasons:

> "The data show that victims tend to be trafficked within the same region — domestically or across a border — much more frequently than to other regions. This may be explained largely in terms of convenience and risk minimization for the trafficker (…) migrants are generally more vulnerable to exploitation than local citizens. At the same time, exploiting foreign nationals from a nearby country reduces the costs and risks associated with the transportation of the person to be exploited. Long-distance trafficking flows need to be supported by a well-structured organization that can take care of air travel and false documents and that sometimes also exercises long-distance control over the families of the victims in the origin country. This form of trafficking cannot be sustained over time unless a structured trafficking network is in place. Exploiting a foreign national from a nearby country appears to be much easier than exploiting a local resident or a person trafficked from another continent."[10]

It is for this reason that this paper seeks to address the measures which have been implemented in West Africa to prevent and suppress the trafficking of human beings on a regional level and relate such information to the Caribbean.

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[3] U.S. Department of State, *Trafficking in Persons Report,* June 2007, 8.

[4] Ibid, 8.

[5] Ibid, 8.

[6] UNODC, *Global Report on Trafficking in Persons 2012* United Nations publication, Sales No. E.13.IV.1.

[7] Ibid, 1.

[8] Ibid, 13.

[9] Ibid, 13.

[10] Ibid, 41.

In 2012, the UNDP Human Development in the Caribbean Report[11] noted:

> "Given the international nature of trafficking in persons and the limited human, economic and technical resources of most Dutch-speaking and English-speaking Caribbean countries for tackling the issue, regional cooperation needs to be enhanced to strengthen national and regional capacities to protect and assist trafficking victims, prevent trafficking activities and prosecute traffickers."[12]

Further, the UN Global Report on Trafficking 2012 stated:

> "If the international community is to achieve long-term successes in combating trafficking in persons, we need reliable information on the offenders, the victims, and the trafficking flows throughout the regions."[13]

The vast majority of the data collected for this 2012 UN Global Report on Trafficking in Persons came from national institutions (88 per cent of the data series collected). Other sources of information were international governmental organizations (5 per cent of the data) and non-governmental organizations (7 per cent).

In September 2013 the Assistant Commissioner of Police with Responsibility for Crime, Mark Thompson stated:

> "(...) the stark reality is that any sustained effective action to prevent and combat trafficking in persons and crimes against children require a comprehensive international approach in the countries of origin, transit and destination. In other words, the prevention, protection, prosecution and punishment cannot be achieved without a fifth p, namely partnerships."[14]

Nature of Human Trafficking in West Africa and the Caribbean and Latin America

The nature of human trafficking in both the Caribbean and West Africa conform to the above findings, where the majority of victims are persons moved

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[11] UNDP, *Human Development in the Caribbean Report, Human Development and the Shift to Better Citizen Security* 2012.

[12] Ibid, 33.

[13] Ibid, 1.

[14] M Thompson, *34th Annual Crime Stoppers International Conference*, September 2013.

within the region. The UNODC Report on the Global Patterns of Trafficking in Person[15] notes:

> "These findings match the high degree of reported intra-regional human trafficking within Africa, and in particular, Western Africa"[16]. Further, "(f)or the Caribbean and Latin America, human trafficking into the region is predominantly reported to be intra-regional with the majority of sources collected in the Trafficking Database reporting trafficking in persons originating in Central America, the Caribbean and South America."[17]

In 2007, the U.N. General Assembly Human Rights Committee travelled to Barbados to discuss human trafficking and reported that they found the region to be "very susceptible" to human trafficking.[18]

REGIONAL ORGANISATIONS

The Economic Community of West African States

The Economic Community of West African States (ECOWAS) consists of fifteen West African States. The regional group was founded in 1975, with a mission to promote economic integration in "all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters ....."[19]. The fifteen member States are Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

The legal framework for ECOWAS is found in the Treaty of ECOWAS, signed in 1975. Article 3 details the aims and objectives of the Treaty which are "to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to

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[15] Anti-Human Trafficking Unit (AHTU) of the United Nations Office on Drugs and Crime (UNODC), Global Programme against Trafficking in Human Beings (GPAT) *Global Patterns of Trafficking in Person,* April 2006.

[16] Ibid, 87.

[17] Ibid, 87.

[18] The Protection Project The Paul H. Nitze School of Advanced International Studies (SAIS) *A Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2012.

[19]"African Union, outline on ECOWAS", accessed January 2015, http://www.au.int/en/recs/ecowas.

maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent."[20]

The populations of the above states range in size from the smallest being Cape Verde with 513,000 (2012 estimate) to Nigeria being the largest with 170,123,000. Gross Domestic Product ranges are equally diverse, with Nigeria ranked 37th by the IMF in 2012 for nominal GDP while Guinea-Bissau were ranked 173rd out of 187 States.

Geographically, all states are located on one landmass, with land borders linking each.

CARICOM

The first example of regional agreements in the Caribbean came with the formation of CARIFTA (the Caribbean Free Trade Association). CARIFTA was founded in 1965 by Antigua and Barbuda, Barbados, Guyana and Trinidad and Tobago following independence from Great Britain. The aim of CARIFTA was to "unite economies and give them a joint presence on the international scene"[21] Later members included Dominica, St Kitts and Nevis, Grenada, St Lucia, St Vincent and the Grenadines, Belize, Montserrat and Jamaica.

Whilst CARIFTA represented a step towards regional integration, it did not contain provision for the movement of persons, labour, goods or the coordination of agricultural, industrial or foreign policies. Therefore, 1972, Commonwealth Caribbean leaders decided to transform the CARIFTA into a Common Market and establish the Caribbean Community.

The legal framework for the Caribbean Community was established through the Treaty establishing the Caribbean Community, Chaguaramas[22].

Article 6 of the Treaty details the aims and objectives as "to improve standards of living and work; the full employment of labour and other factors of production; accelerated, coordinated and sustained economic development and convergence; expansion of trade and economic relations with third States; enhanced levels of international competitiveness; organisation for increased production and productivity; achievement of a greater measure of economic leverage and effectiveness of Member States in dealing with third States, groups of States and entities of any description and the enhanced co-ordination of Member

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[20] Treaty of the Economic Community of West African States, 28 May 1975, Article 3.

[21]"About CARIFTA", accessed January 2015, http://www.caricom.org/jsp/community/carifta.jsp?menu=community.

[22] Treaty Establishing the Caribbean Community, Chaguaramas, 4th July 1973.

States' foreign and foreign economic policies and enhanced functional co-operation."[23]

Further, following revisions to the Treaty, the CARICOM Single Market and Economy was established. The formal title of the Treaty is now "The Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy."

The CSME is a single economic space which provides for the free movement of goods, services, persons, capital and the right to establish a business.

The fifteen member states of CARICOM are Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

While the population and GDP disparity is less in the Commonwealth Caribbean, populations (based on 2012 estimates) range from Jamaica with 2.713 million as the largest to St Kitts and Nevis being the smallest with 53,584 (Although Montserrat has a smaller population, 5,900, they remain a British Overseas Dependent Territory). Gross Domestic Product ranges range from the highest being Trinidad and Tobago ranked 95th by the IMF in 2012 for nominal GDP while Dominica were ranked 179th out of 187 States.

A notable difference between the aspirations of ECOWAS in comparison to CARICOM is the lack of an economic union. While the Organisation of Eastern Caribbean States (OECS) creates an economic union between seven of the fifteen CARICOM states, this is not replicated throughout CARICOM.[24]

Data on Human Trafficking

A combination of the recent nature of many legislative provisions, migration requirements, low reporting and prosecution rates and lack of readily available statistics makes quantifying the extent of human trafficking globally very difficult. A number of sources seek to provide detailed information, but accurate statistics are rare. Common sources include the Global Slavery Index (2013)[25], the Trafficking In Persons Report (US Department of State 2014)[26], UN Office on Drugs and Crime publications (including case law database, toolkits and handbooks) and the Global Handbook on Trafficking in Persons 2012.[27]

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[23] Ibid, Article 6.

[24] OECS states are Antigua and Barbuda, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.

[25] Walk Free Foundation, *The Global Slavery Index*, 2013.

[26] U.S. Department of State, *Trafficking in Persons Report*, June 2014.

[27] UNODC, *Global Report on Trafficking in Persons 2012* United Nations publication, Sales No. E.13.IV.1.

Human Trafficking in ECOWAS states

Trafficking in Persons Report 2014 – Department of State

In 2014, all fifteen ECOWAS states submitted data to the US Department of State for assessment on their activities in the fight against human trafficking through the TIP report.

Eleven out of the fifteen ECOWAS states[28] are placed in Tier 2, "Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards."[29] Mali and Guinea are placed on the Tier 2 Watch List, meaning they do not comply fully as with those in Tier 2 and either; the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year. Guinea-Bissau and Gambia are ranked in Tier 3, "Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so."[30]

Out of the fifteen states, fourteen have both signed and ratified or acceded to TIPP. Sierra Leone is the only state to have signed but not incorporated the Protocol. This demonstrates a very strong commitment on the part of the West African states to combat human trafficking.

Though accurate figures are hard to come by, the prevalence of human trafficking in West Africa is widely acknowledged. Fourteen of the fifteen ECOWAS are designated as both source and transit countries by the TIP report, with only Guinea Bissau designated as a source and destination only. Twelve are reported as source, transit and destination countries. The levels of domestic trafficking differ by state.

Global Slavery Index 2013

All fifteen ECOWAS states submitted data to be analysed by the Global Slavery Index 2013.

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[28] Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Ghana, Niger, Nigeria, Senegal, Sierra Leone and Togo.

[29] U.S. Department of State, *Trafficking in Persons Report*, June 2014, 44.

[30] Ibid, 44.

In the overall classification of "Countries ranking by prevalence of population in modern slavery"[31], Benin, Cote d'Ivoire and Gambia all feature in the top 10. Out of the fifteen states, Nigeria is best placed at 48th.

In detailed analysis, all of the ECOWAS states are classified as 'Sub-Saharan Africa', along with 29 other states in the designated region. The Index estimates that 16.36% of the total persons in modern slavery are in this region.

The regional figures produce a mean number and ranking based on five risk factors;

1. Extent of policies adopted by the state to fight modern slavery;
2. Extent of guarantees of human rights that are given to the citizens of the state;
3. Level of human and economic development of the state;
4. Stability or instability of the state, reflecting factors such as unrest and corruption;
5. Level of discrimination faced by women.

Using the mean figure of all 5 risk factors, ten of the fifteen ECOWAS states are in the top twenty as presenting the highest risk.

The report details ongoing conflicts, extremes of poverty, high level corruption and the impact of resource exploitation as increasing the risk factors detailed above.

Looking specifically at risk factor one, the extent of policies adopted by the state to fight modern slavery, the average score of all ECOWAS states is 71.04. The mean score for individual states in this area vary widely, with Guinea-Bissau having a particularly poor score of 85.9, while Gambia scores very well with 50.5.

Human Trafficking in CARICOM states

Trafficking in Persons Report 2013 – Department of State[32]

First to note is that only eleven out of the fifteen CARICOM countries submit data to the US Department of State for inclusion in the 2013 TIP report. Those states who do not submit data are Dominica, Grenada, Montserrat[33] and St Kitts and Nevis. Of the eleven states who submitted data, all were classified as a destination state. Eight of the eleven were also classified as source states, with only

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[31]Walk Free Foundation, *The Global Slavery Index*, 2013, 6.

[32] U.S. Department of State, *Trafficking in Persons Report*, June 2014.

[33] Montserrat it a British Overseas Territory, so while permitted to join CARICOM, they are not an independent State.

Antigua and Barbuda, St Lucia and Trinidad and Tobago not classified as such. Surprisingly, considering the geography of all except Belize and Guyana, eight of the states were also classified as transit states, with only Barbados, Guyana and St Lucia not classified as such. St Lucia was the only state classified solely as a destination state. Again, the level of domestic trafficking differs by state. Seven of the eleven states which submitted data were on the Tier 2 Watch list, with the remaining four in Tier 2, an improvement from 2013 for both St Lucia and Barbados.

Global Slavery Index 2013[34]

The Global Slavery Index contains data from only six of the fifteen CARICOM states. This is largely due to the report not including data from States were the population is less than 100,000.

States who are included in the Index are Barbados, Jamaica, Haiti, Suriname, Guyana and Trinidad and Tobago.

While Haiti is ranked 2nd in the overall ranking of "Countries with by prevalence of population in modern slavery"[35], Barbados, Trinidad and Tobago and Jamaica perform very well, with rankings of 135th, 133rd and 124th respectively.

Regionally, the Caribbean states included in the Index are classified as 'The Americas'. The Index estimates that 3.78% of the total persons in modern slavery are in this region.

Using the mean figures established using the five risk factors detailed above the Caribbean states are noted as showing a lower risk of enslavement and other rights violations than Latin American states, with Haiti identified as a special case with the highest risk.

Worthy of note is that Barbados and Trinidad and Tobago have some of the worst ranking in the region on the first risk factor of 'extent of policies adopted to fight modern slavery'. Barbados and Trinidad and Tobago both received a mean score of 71.7, which is above the average scored by all ECOWAS states.

This in comparison to Jamaica who scored remarkably well with a mean score of 32.8, Haiti and Guyana who both scored 61.1 and Suriname with an impressive 44.9.

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[34] Walk Free Foundation, *The Global Slavery Index*, 2013, 6.

[35] Ibid, 6.

UNDP Caribbean Development Report 2012[36]

The report indicates that:

> "there is evidence of criminal networks in Antigua and Barbuda, Barbados and Jamaica becoming increasingly involved in human trafficking. Corruption, in the form of bribe taking by immigration and senior officials was also highlighted as an ongoing challenge. Work permit abuses were most evident in Antigua and Barbuda and Barbados, where, lured by offers to work as hotel workers, bartenders or dancers, women were forced into sex work by owners of nightclubs".

The report further highlights that "CARICOM nationals from Guyana, St Lucia and Jamaica were being forced to serve as sex workers in other Member States"[37].

CARICOM Regional Initiatives

Through numerous statements, inclusion in strategy documents and conferences, CARICOM states have acknowledged that a problem currently exists with the lack of a regional approach to human trafficking and have, on numerous occasions, spoken of amending the status quo.In 2010, based on 2006 academic papers, an IOM Background Paper by Ms Thomas-Hope entitled "The Future of Migration Policies in the Caribbean"[38] reported:

> "In the Caribbean, as in many other parts of the world, there has been an increase recently in the organized movement of people by third parties in ways that constitute trafficking."[39]

The paper noted:

> "Based on the polices of the RTC, a trend of Increased trafficking in persons can be noted"[40]

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[36] UNDP, Human Development in the Caribbean Report, Human Development and the Shift to Better Citizen Security 2012.

[37] Ibid, 46.

[38] E Thomas-Hope, *"The Future of Migration Policies in the Caribbean"* International Organization for Migration Workshop, Cairo, Egypt, December 1-2, 2009.

[39] Ibid, 3.

[40] Ibid, 18.

In 2011, a brief given by the Brief by CITS Security Leadership Fellows from the University of Georgia noted:

"Open borders, lax enforcement of entertainment visas and work permits, and legalized prostitution in the Caribbean contribute to its growing sex tourism industry. As a major transit point for forced laborers destined for Europe and North America, the Caribbean has attracted a number of transnational crime syndicates that disrupt regional stability, and there is increasing concern that terrorist groups will become attracted to the lucrative Caribbean slave trade just as they have been attracted towards the drug trade in Colombia and Tri-Border area (Brazil, Argentina and Paraguay). Human trafficking, like drug and arms trafficking, promotes underground economy and violence. The networks and pathways used for trafficking humans are the same as those used for illicit arms and drug trafficking. Efforts to stem the increasing flow of forced laborers from southern Asia and Latin America to the Caribbean should cause these other underground industries to suffer. As many Caribbean states are tied in this network of source, transit, and destination countries, regional cooperation is imperative to resolve the issue."[41]

In a National Training Workshop in 2012 entitled "Labour Migration in the Context of the CARICOM Single Market and Economy (CSME)"one of the challenges acknowledged by the presentation with regards the free movement of persons is the facilitation of human trafficking under the guise of the CSME.[42]

At the 2013 Conference of Heads of Government of the Caribbean Community (CARICOM), the Honourable Kamla Persad-Bissessar, Prime Minister of Trinidad and Tobago, and Chairman of the Conference of Heads of Government of the Caribbean Community stated:

"As Conference Chairperson, I also remain hopeful that our continued dialogue and collaboration on regional security would bring fresh initiatives and perspectives in fighting crime and the drug trade. Security threats in this region include, but are not limited to;

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[41]David A. Heenan, Jared Borocz-Cohen, Austin Lotz, Caitlin McKibben, Christian Conroy, Helen Kalla, William A. Spencer, James Dulebohn, Roxanne DeMarco, Taylor Sapp, Jack Slagle, Gunnar Kenney, *"CARICOM: Working Together Toward Security A Brief by CITS Security Leadership Fellows – 2011"* http://cits.uga.edu/pdf/caricom-securityoutlook.pdf accessed January 2015.

[42] Trinidad and Tobago Ministry of Foreign Affairs and Communications *"Labour Migration in the Context of the CARICOM Single Market and Economy (CSME)"*, accessed January 2015, http://www.acpmigration-obs.org/sites/default/files/7-Lynn%20Mohammed-LabourMigration-Context%20of%20CSME.pdf

1. the penetration of our porous borders by organized criminals
2. the proliferation of small arms
3. the increase in drug and human trafficking, money laundering and corruption at ports of entry (emphasis added)"[43]

At the same conference in 2013, the St. Kitts and Nevis' Prime Minister, Dr. Denzil L. Douglas noted:

> "We wanted to zero in, in particular on a coordinated approach of the Caribbean leader in dealing with serious crimes and drug trafficking, trafficking in human beings, terrorism."[44]

The CARICOM Implementation Agency for Crime and Security (IMPACS) released a Security Review examining migration practices in six Caribbean Small Island Developing States (Antigua and Barbuda, Barbados, Guyana, Suriname, Trinidad and Tobago and St Vincent and the Grenadines). The review sought to "review correlations with human trafficking, illegal migration and personal security" with a "critique of standardised policies in CARICOM".[45] Through its conclusions and recommendations, the following were noted:

1. Victim and Justice Programmes

Firstly, States are recommended to develop and coordinate national policies which provide both support and protection for victims of human trafficking. Such support should then be reinforced and strengthened by the creation of regional network. Finally, intelligence, information and data sharing would assist law enforcement and prosecutors in the building of cases against suspected traffickers.

2. Research, Visibility and Policy Development

CARICOM states are urged to develop a database of regional data, both qualitative and quantitative in nature. Definitions of human trafficking should be consistent to allow for the accurate analysis of such data and permit comparisons and regional policy objectives. CARICOM are urged to create a Crime Research Unit to facilitate the data collection and analysis.

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[43] ABS Staff, *"Caribbean Leaders Explore New Crime and Security Strategies"*, accessed January 2015 http://atlantablackstar.com/2013/02/26/caricom-exploring-new-crime-and-security-strategy-for-the-caribbean/.

[44] Ibid.

[45] Kizzann, Lee Sam, CARICOM Implementation Agency for Crime and Security (IMPACS), *"Migration Management for Small Island Developing States-A Security Review of the CARICOM Free Movement Policy"* http://sidsgg.webs.com/2012/proceedings/Lee%20Sam_SIDS%20Migration%20Review.pdf accessed January 2015.

3. Monitoring and Analysis

Once a Crime Research Unit is established, CARICOM should encourage ongoing monitoring and evaluation of such data. National data should be submitted to the Unit annually and detail the status of regional crimes in general with a particular focus on human trafficking.

The above statements, research findings and security review all demonstrate an immense need for movement towards a regional, integrated approach, through the structure CARICOM, in the fight against human trafficking. Plainly, the above shows that human trafficking is often regional, it is increasing in the CARICOM region, and that regional policies are needed to address the situation.

IMPACS again raised the prevalence on human trafficking in the region in August 2014, where Francis Forbes, the Executive Director of IMPACS stated:

> "There is a significant trafficking problem in the region and we see persons trafficked into the region. Recently, some five nationals were picked up and charged within the context of illegal trafficking. Of course there have been denials since then. But we understand what is happening and illegal trafficking in persons is a very very serious issue in Caricom."

However, despite IMPACS repeatedly acknowledging that work must be done, little progress appears to have been made.

In addition, in 2013 five CARICOM states, (Antigua and Barbuda, Aruba, Jamaica, St. Vincent and the Grenadines, and Trinidad and Tobago) participated in a meeting hosted by the IOM with the aim of "gaining of knowledge and capacity building in the area of screening methodology, data collection, sharing methodology and the acquisition of desired data."[46]

Individual states are also acknowledging their lack of information and data on the topic of regional human trafficking. In November 2013, the Home Affairs Minister for Barbados, Adriel Braithwaite, was quoted in a number of regional newspapers, as stating:

> "I don't have a sense as to the extent of the problem in Jamaica, Trinidad, Barbados or CARICOM (…) We don't live in isolation, and we recognise that what is happening in the world must also be happening at our doorsteps."[47]

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[46] Ministry of Justice, Jamaica. http://moj.gov.jm/stophumantrafficking for the full report, accessed January 2015.

[47] http://www.jamaicaobserver.com/news/-Not-everyone-involved-in-transactional-sex-doing-it-willingly-_15463745 accessed January 2015.

The article goes on to state:

> "He warned that it would be "foolish" not to accept that Barbados and the Caribbean would have the same issues that were occurring across the world and was of the view that they needed to be addressed from inception."[48]

Overview of CARICOM States current status quo from an international law perspective.

CARICOM called on all member states to sign and ratify the United Nations Convention on Transnational Organised Crime and the Palermo Protocol in 2004. At this point, only Antigua and Barbuda had signed and ratified the UNTOC and no states had signed and ratified the Palermo Protocol. In 2013, all States[49] had signed both the UNTOC and the Palermo Protocol, with only Barbados who are yet to ratify either. Therefore, 13 out of the 14 CARICOM states being considered have both signed and ratified both the UNTOC and the Palermo Protocol.

Regional approaches to Human Trafficking through ECOWAS

ECOWAS has been chosen as a comparative regional organisation for a variety of reasons. First and foremost, ECOWAS have been progressive, decisive and active in both the national and regional fight against human trafficking. They have implemented numerous human trafficking specific plans of action since 2002, along with a number of multilateral and African Union agreements. Agreements and Plans of Action cover activities at both a regional and national level, and aim to harmonise legal definitions, protect victims, and assist prosecutions. Organisational Structure

ECOWAS is a large organisation, with a number of dedicated directorates, offices, departments and committees. Under the ECOWAS Commission (previously the Secretariat), a number of departments exist, each with a specific remit. Such remits include trade, humanitarian and social affairs, the environment, security, agriculture and infrastructure.

The Trafficking in Persons Unit was established under the Department of Humanitarian and Social Affairs through the 2002-2003 Plan of Action Against

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[48] See Caribbean News Now (http://www.caribbeannewsnow.com/headline-Caribbean-statistics-on-human-trafficking-needed,-says-Barbados-minister-18731.html) accessed January 2015.

[49] With the exception of Montserrat, which is a British Overseas Dependent Territory and requested the British Government extend the Palermo Protocol.

Trafficking in Persons. The unit is "involved in counter trafficking activities within the sub region and provides Member States with technical support to fight the trafficking phenomenon, mobilizes resources for Member States and monitors overall implementation of related activities of the Region. It also implements the Joint ECOWAS/ECCAS Plan of Action on Trafficking in Persons".[50]

Specifically, the unit coordinates all anti-trafficking in persons activities in the region and sets the standard for protection of victims.

Many of the regional agreements call for national task forces within the state to implement regional policies which will then be overseen by the Trafficking in Persons Unit.

ECOWAS Agreements and Initiatives

The original ECOWAS regional agreements focused on the movement of person, specifically the ECOWAS Convention relating to the free movement of persons and -goods (1975), the West African States Convention on Extradition (1994) and the ECOWAS Community Treaty revised in 1993, and the Protocol relating to the free movement of persons and goods.

In December 2001, all fifteen state representatives met in Dakar to adopt a Political Declaration and an Action Plan against trafficking in human beings in the West Africa region. The documents adopted were the ECOWAS Declaration on the Fight against Trafficking in Persons (2001) and the ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003).

ECOWAS Declaration on the Fight against Trafficking in Persons

The political declaration highlights the commitment of the Heads of State and Government to the elimination of trafficking in persons, with particular focus on the eradication of trafficking in women and children. The declaration also stated the following as mandatory measures:

1. Adoption of the ECOWAS Initial Plan of Action against Trafficking in Persons 2002-2003;
2. Declaring to undertake all necessary efforts to fully implement the ECOWAS Initial Plan of Action against Trafficking in Persons 2002-2003;
3. Directing the ECOWAS Secretariat to monitor and report to the Ordinary Summits of Heads of State in 2002 and 2003 respectively, on the progress

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[50] Human Development and Gender Department, Humanitarian & Social Affairs Directorate, ECOWAS Commission, http://www.comm.ecowas.int/dept/stand.php?id=e_e3_brief accessed January 2015.

made in the implementation of this Declaration and the Initial Plan of Action.

The ECOWAS Initial Plan of Action against Trafficking in Persons 2002-2003

The Plan of Action commits ECOWAS countries to critical action against trafficking in, setting goals and objectives. It requires states to ratify key international instruments of ECOWAS and the United Nations that strengthen laws against human trafficking and protect victims of trafficking, especially women and children.

The Action Plan also calls for states to establish specialist human trafficking police units, training for police, customs, immigration officials, prosecutors and judges and cooperation with NGOs. Further, ECOWAS states are to set up communication between border control agencies and gather and share data on human trafficking.[51]

The Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa (2005)

In 2005, the Governments of Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo entered into an agreement with respect to the trafficking of children. The agreement drew upon existing bilateral agreements and international and regional instruments. The agreement emphasizes the protection of child victims as its key priority, and calls for, amongst other things, creation of plans of action and their implementation, establish relevant agencies and preservation of the identity and confidentiality of all information pertaining to victims.

Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa[52]

The Multilateral Cooperation Agreement came into force in July 2006. Its aims are stated in article 2 as:

1. To develop a common front to prevent, fight, suppress and punish trafficking in persons by mutual cooperation at the international level;
2. To protect, rehabilitate and reintegrate victims of trafficking;

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[51]UN Press release, http://www.unis.unvienna.org/unis/en/pressrels/2001/cp401.html, accessed January 2015.

[52] UNHCR, 2006 Findings on the Worst Forms of Child Labor- Burkina Faso (2006), http://www.unhcr.org/refworld/country,,USDOL,,BFA,,48d7492615,0.html. accessed January 2015.

3. To give assistance to each other in the investigation, arrest and prosecution of traffickers through the respective competent authorities of the parties and;
4. To promote friendly cooperation between the parties with a view to attaining these objectives.

Article 14[53] of the Agreement covers measures for mutual assistance and article 16 lays down the required contents of requests for such assistance.

The African Union Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially women and children, adopted in Tripoli in November (2006)[54]

All fifteen ECOWAS states are members of the African Union. The Ouagadougou Action Plan is a cooperative agreement between the African Union and European Union to prevent human trafficking. The Plan calls upon states to raise awareness, establish a legislative framework, develop policy and improve law enforcement procedures. Further, the Plan calls upon states to enhance multi-disciplinary co-ordination and co-operation at the regional level, to enhance bilateral and multilateral co-operation between European and African countries and to develop collaborative efforts between governments, international and inter-governmental and non-governmental organisations to mobilise resources to combat trafficking in human beings.[55]

The Joint ECOWAS/ECCAS Plan of Action on Trafficking in Persons, especially women and children in West and Central Africa (2006-2009)[56]

The regional Plan of Action, in cooperation with the Economic Community of Central African States, seeks to guarantee the benefit of all protective measures against trafficking in both West and Central Africa. It seeks the optimal benefit for women and children from all protective measures against trafficking in persons in West and Central Africa.

The plan incorporates legal framework and policy development, the protection and support to victims of trafficking in persons, prevention and

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[53] Ibid, 14.

[54] Mr. Olatunde Olayemi, *"Support for the Euro-African Process on Migration and Development",* Rabat, 27-29 July 2010.

[55] Ibid.

[56] Ibid.

awareness-raising strategies, collection, exchange and publication of data and training.

The ECOWAS Plan of Action against Trafficking in Persons (2008-2011)[57]

The 2008-2011 Plan of Action "outlines the most urgent actions against trafficking in persons to be taken by ECOWAS Member States within the years 2008–2011". The Plan of Action complements the Regional plan of action above.

Amongst others, the Plan of Action called upon states to partner with NGOs, to use the media to raise awareness, to create specialised units in all states with a mandate to "develop and effectively target operational activities to combat trafficking in persons"[58] and to monitor and evaluate success, with reports to be filed on a bi-annual basis. Further, the Plan called for member states to establish direct channels of communication with their border control agencies to prevent the movement of trafficked persons between states.

Regional policy on the Protection and Assistance to Victims of Trafficking in Persons in West Africa

Through the scope, the aim of the policy is to provide protection to trafficked person through:

> "Assistance that provides appropriate and relevant services that will empower them for effective integration into their various communities. The components of the scope include: reception, identification, sheltering, health, counselling, family tracing, return/ repatriation, integration, empowerment, follow-up, after care and disengagement."[59]

Running alongside the Regional policy on the Protection and Assistance to Victims of Trafficking in Persons in West Africa are Regional Guidelines on Protection, Support and Assistance to Witnesses, which puts in place measures, designed to protect both witnesses and whistle-blowers. Protections include immunity from prosecution, travelling and sustenance allowances, security protection and medical treatment where required.

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[57] Ibid.

[58] ECOWAS, "*Plan of Action Against Trafficking in Persons"*, August 2011.

[59] http://www.ohchr.org/Documents/Issues/Trafficking/Dakar_draft_compendium_en.pdf accessed January 2015.

The success of the West African regional approach

From a regional perspective: The experience of West Africa and elsewhere clearly demonstrates that human trafficking can only be successfully resisted when those concerned work together; hence the necessity of the creation of appropriate cooperation mechanisms at the national, regional, and international levels to tackle this deadly phenomenon. West African efforts to combat transnational human trafficking have been accompanied by the efforts of diverse NGOs and inter-governmental organizations, whose contributions have helped lead to a West African strategy to set up a regional security framework.[60]

In the joint Swiss and Austrian book entitled "Strategies Against Human Trafficking: The Role of the Security Sector", the authors note:

"Another regional organisation which has placed a considerable emphasis on trafficking is the Economic Community of West African States (ECOWAS). In 2001, ECOWAS issued a Declaration of Action Against Trafficking and a Plan of Action to ensure that this declaration was translated into reality. This Plan of Action focused on the formulation and implementation of legislation, protective and preventive measures, cooperation, training and capacity building, as well as creating a structure for monitoring and evaluation. Moreover, ECOWAS' commitment to the creation of a zone of free movement similar to the EU's suggests that the interregional approach to migration management could also be an effective model for the future, 37 and indeed the ECOWAS-ECCAS (Economic Community of Central African States) Joint Plan of Action Against Trafficking in Persons suggests that such processes are underway."[61]

In 2013, the ILO reported:

"National governments and ECOWAS, with support from international and local partners, have developed a Plan of Action against trafficking for West Africa as well as a Multilateral Cooperation Agreement with Central African countries. The existence of such bodies have been key in developing national plans of action to address trafficking, while the adoption of legislation has resulted in a gradual increase in detections, investigations,

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[60] Wilfried R. Sawadogo, *"The Challenges of Transnational Human Trafficking in West Africa"* African Studies Quarterly | Volume 13, Issues 1 & 2| Spring 2012.

[61] Strategies Against Human Trafficking: The Role of the Security Sector published by the National Defence Academy and Austrian Ministry of Defence.

prosecutions and convictions. An increasing number of victims have also been rescued and assisted."[62]

Finally, the UNODC published "Toolkit to Combat Trafficking in Persons"[63], the ECOWAS regional policy approach is detailed under "Promising Practice"[64] to be considered by other states and regions when considering approaches to combat human trafficking.

From an individual state perspective: In 2011, the ECOWAS Commission published a synthesis report on the status of ECOWAS' fight against human trafficking. In brief, the synthesis revealed that:

1. All 15 states have legislation in place in line with the Palermo Protocol requirements;
2. All 15 states have legislation in place which criminalises associated offences, such as rape, forced labour, forced marriage and sexual relations with a minor.
3. 13 states have legislation in place which protects the victim prior to, during and post trial[65];
4. 13 states have set up national task forces against human trafficking[66];
5. A number of states have successfully prosecuted and convicted traffickers. Of those states, Burkina Faso and Togo were particularly successful; Burkina Faso with 89 prosecutions resulting in 60 convictions and Togo with 51 prosecutions resulting in 40 convictions;

In 2011, Ghana reported that 6 trafficking cases were prosecuted, leading to 4 convictions. This represented a marked reduction in Human Trafficking activities compared to previous years. In the local press, the success was stated as being partly "attributable to the implementation of the ECOWAS Project on countering human trafficking within the sub-region";[67]

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[62] http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=40 accessed January 2015.

[63] UNODC, *"Toolkit to Combat Trafficking in Persons"* E.08.V.14.

[64] Ibid, 164.

[65]Niger and Liberia did not provide responses.

[66] Ibid.

[67] http://ghanaweb.com/mobile/wap.small/news.article.php?ID=224065 accessed January 2015.

Recommendations for CARICOM

In 2013, at the Regional Consultation for Latin America and the Caribbean on the Right to an Effective Remedy for the Victims of Trafficking in Persons, the UN Special Raaporteur on human trafficking, Joy Ngozi Ezeilo stated:

> "Trafficking knows no borders and affects all regions of the world (...) In Latin America and the Caribbean there are countries of source, transit and destination of trafficked persons. And although the political will is there, the adoption of a comprehensive and collective approach to address this problem remains a challenge."[68]

The ECOWAS structure is by no means perfect, and human trafficking still exists to a disturbing level in West African states. However what ECOWAS does demonstrate are the methods and means available for a regional organisation which act not only to spur states into action but also to assist in the process. Important to note is the infancy of many of the ECOWAS agreements. While the 2002-2003 Initial Plan of Action against Trafficking in Persons mandate appears to have been successful, namely the ratification of key international agreements by all 15 members states, the later, more recent plans remain in their early stages. Despite this, the successes detailed above show the tangible effect of such action plans, most notably in the areas of victim support and the establishment of human trafficking units, now in 13 of the 15 ECOWAS states.

States in CARICOM have taken great strides recently to improve their domestic legislative provisions. The majority now have specific human trafficking units or task forces and legislation has been amended to prevent prosecution and/or deportation of victims in the majority of states.[69] Further, and most importantly, domestic legislation is acknowledging the existence of human trafficking as a crime itself, rather than relying on separate offences of rape, kidnapping etc.

In 2005 the CARICOM drafting committee suggested developing a victim protection programmes for the various jurisdictions involving all the islands. Unfortunately, such a programme did not materialise. Looking specifically to ECOWAS, using the Regional policy on the Protection and Assistance to Victims of Trafficking in Persons in West Africa (2011), CARICOM can develop, adjust, amend and adopt from the model.

What is still lacking in the Caribbean is a regional, joint, targeted approach. As evidenced time and time again, a significant volume human trafficking is

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[68] http://www.latinamericapress.org/articles.asp?art=6866 accessed January 2015.

[69] This is with the exception of Barbados, Suriname and Haiti who do not have adequate measures in place to prevent deportation according to the US Department of State TIP report.

conducted within a region, and as such a collaborative approach must be the first step in combating this heinous crime. With CARICOM already in place, which is supported, championed and widely encouraged by leaders in the region, the logical next step must be to utilise such an organ. Pooling resources, sharing data, encouraging harmony in policies and legislation, assisting criminal justice systems to work together and reporting on progress are all options available to a region which already has the network in place. Using ECOWAS as an example, establishing regional task forces, harmonising border control measures, establishing information sharing protocols, the monitoring of returned victims through information sharing to prevent re-trafficking, the harmonisation of legislation, victim protection measures and immigration policies are all options which can be considered and modified from ECOWAS practices to suit the needs of the region.