

COMMUNITY AWARENESS AND MOBILIZATION IN ANTI-TRAFFICKING EFFORTS

TRAINING REPORT

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SMART TALK CAFE

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COMMUNITY AWARENESS AND MOBILIZATION IN ANTI-TRAFFICKING EFFORTS

KK254. KIGALI, RWANDA

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REPORT

ACRONYMS

STC	Smart Talk Cafe'
LAF	Legal Aid Forum
UN	United Nations
FTS	Free the Slaves
SDGs	Sustainable Development Goals
UNODC	
ILO	International Labor Organization
UNTOC	

PREFACE

The purpose of having the community awareness and mobilization in anti-trafficking training was to bring together different stakeholders in Rwanda so that they can have an understanding on the legal engagements in anti-trafficking efforts so that its easier for community members, lawyers and other organizations to learn how to identify, and engage in anti-human trafficking activities at community level.

The training focused on;

- i. What is the difference between modern slavery and human trafficking
- ii. Rwanda legal framework on human trafficking
- iii. Identification of vulnerabilities that lead to human trafficking
- iv. Indicators of human trafficking
- v. Human rights, gender and human trafficking
- vi. Overcoming barriers to success

This report is generated from a three day training that was held in Kigali Rwanda.

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Introduction

The training was held from the 16th to the 18th of November in Kigali Rwanda. There was a pull of organizations that are driven with the mandate to establish an understanding through training of counter human trafficking and modern slavery human engagements in Rwanda. The organizations were;

1. Smart Talk Cafe
2. Free the Slaves
3. Legal Aid Forum

This training was also a way to give platform to those that are at community level to have a contextual understanding of the methodologies used to identify survivors, it was also a platform where different legal practitioners had the opportunity to understand how they can support or represent survivors with key evidences. The training was held at Home Free Hotel, Kigali Rwanda.

Participants

The forum had participants from various stakeholders in the country thus representatives from government, civil society, Education sector, and survivors from the community.

We had 40 participants.

Participating organizations:

1. Rwanda Investigation Bureau
2. Hope IWACU Initiative
3. Legal Aid Forum (all the consortium organizations were present)
4. University of Rwanda department of Law
5. Ministry of Migration

Objectives

- Understanding Human trafficking in context of Rwanda
- Understanding the human trafficking law in Rwanda
- Develop a connection between human trafficking and human rights
- Practical engagements when it comes to identification of key indicators on survivor identification and support

Summary of the Training

Day 1

Pointers to human trafficking

The key focus was on the knowledge base when it comes to understanding human trafficking based on both local and international laws or protocols. According to the Palermo protocol, which is A United Nations (UN) protocol to prevent, suppress and punish trafficking in human beings, especially women and children, supplementing the UN Convention against Transnational Organized Crime and its Protocols, which states that Human Trafficking is the recruitment, transportation, transfer, harboring or receipt of people through

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force, fraud or deception, with the aim of exploiting them for profit. There has been a bit of problems when it comes to the legal definition of some activities in Rwandan context especially when it comes to labor leading to little to no convictions in the country.

Through the distinctive description of human trafficking when it comes to international conventions like Palermo protocol, Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol), and other human rights instruments we were able to define human trafficking with a focus of three key stages:

Act (What was done)	Means (How its done)	Purpose (why its done)
Transportation of persons	Threatening	For exploitation example labour and sex
Recruitment of persons	Deception	Prostitution
Transfer of persons	Vulnerability of persons	Forced labour
Harboring	Coercion of individuals	Slavery and its other forms
Receipt of persons	Abduction	Removal of organs
	Force	Involuntary activities
	Fraud	
	Abuse of power	

Table 1: different factors that lead to human trafficking

With the above (**table1**) its very clear to understand the activity you might see as human trafficking and have key examples when looking at legal representation and also helping a survivor at community level. However there is also a very slight distinction between a trafficker and a smuggler and most of the time people tend not to differentiate the two bringing out problems when it comes to legal representation or prosecution.

In smuggling most of the time the individual is only helping the victim in moving a cross borders but may not know where the other individual is going to. Most of the time people being smuggled know where they are going and the activities they will be engaged in and the person transporting them does not. However for trafficking the person transporting them knows where they are going and also knows the destination and activities they will engage in. Although people who are smuggled are always susceptible to human trafficking at their destination thus bringing out a connection between the two.

A key debate was looking into internal trafficking and the extent of labour engagements especially with a country like Rwanda that does not have minimum wage and also people as young as 16 are allowed to work. However, the law clearly stipulates the extent of work of people under 18 but the cultural norms in the society may shed gaps when it comes to people knowing if an individual is being engaged in forced labour or under human labour trafficking.

Human trafficking and modern slavery

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Through the training we came to discover that there is little to no difference when it comes to human trafficking and modern slavery.

Modern Slavery	Human trafficking
Sex Trafficking.	Sex trafficking
Child Sex Trafficking.	Forced labour
Forced Labor.	Child sex and labour trafficking
Bonded Labor or Debt Bondage.	Organ trafficking
Domestic Servitude.	Forced drug and arms trafficking
Forced Child Labor.	
Unlawful Recruitment and Use of Child Soldiers.	

Table 2: difference and similarities between modern slavery and human trafficking

There is a slight difference as seen on **table 2** the different forms of modern slavery are almost identical to human trafficking however this depends on different countries. In Rwanda its well defined as human trafficking even in the law.

Rwanda Legal Framework on human trafficking

One of the most important prerequisite to eradicate human trafficking is establishing a comprehensive national legal framework. Even though Rwanda has not yet fully achieved maximum standards in the elimination of human trafficking, it is making significant efforts to do so through adoption of laws and polices that prohibit this activity, and ratifying international instruments that recognize and advocate of elimination of Human Trafficking.

The Constitution of the Republic of Rwanda of 2013 revised in 2015

The Rwandan Constitution forms a legal foundation upon which other laws are based. It provides a clear direction on a set of fundamental human rights and principles which are relevant to human trafficking. **Article 13** prescribes the inviolability of a human being. Similarly, **Article 14** provides that the human being is sacred and inviolable.

All acts of human trafficking are therefore a negation of the inviolability of a human being, which is a sacred constitutional right in Rwanda.

2. Law N° 51/2018 of 13/08/2018 relating to prevention, suppression and punishment of trafficking in persons and exploitation of others

The government of Rwanda has gone further and enacted the law relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others whose scope applies when the human trafficking is committed:

- 1) Within Rwanda by any person residing in Rwanda at the time of its commission;
- 2) Abroad by any person who permanently resides in Rwanda at the time of commission of the offence;

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3) And abroad against a Rwandan national.

3. The Law N° 59/2008 of 10/09/2008 on prevention and punishment of Gender- Based Violence

As an additional step to eliminate human trafficking and its possible root causes, the GoR adopted a law preventing and punishing gender-based violence with the aim of preventing and suppressing gender-based cases. This law prevents and suppresses activities that fall under human trafficking which include; forced abduction, sexual slavery, harassment and other forms of human trafficking.

The law further provides for penalties for cases of gender-based violence, which demonstrates Rwanda's efforts and contribution towards addressing the problem of human trafficking and all its other forms.

4. Prohibition of forced labor under law N° 66/2018 of 30/08/2018 regulating labour

With the adoption of this law, the government through its domestic labor law prohibits forced labor, sexual harassment at work, and any other action that falls under modern slavery at work. As the most vulnerable group of people prone to labor trafficking, children have been protected under the Rwanda labor law from some forms of work that may put their lives in danger and may be considered as forms of modern slavery. See the law N° 66/2018 of 30/08/2018 regulating labour in Rwanda.

5. Ratification of international instruments prohibiting all forms of Human Trafficking

In shaping the national response to human trafficking, Rwanda is bound by international legal instruments that recognize and protect different categories of human beings from any forms of human trafficking. These include;

1. The UNTOC and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children,
2. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
3. The UN Convention on the Rights of the Child of 1989,
4. ILO's Worst Forms of Child Labour Convention (No. 182)
5. Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography
6. International Covenant on Civil and Political Rights (ICCPR)
7. The UNODC's Model Law against Trafficking in Persons (UNODC, 2009)

Day 2

Vulnerabilities

The focus was looking at the different forms of vulnerabilities that lead to issues of human trafficking because when we look at means (*table 1*) when discussing about the procedure in human trafficking there is a key focus on vulnerable people. When looking at this we can look at it in two ways:

1. Vulnerability at community or home
2. Vulnerability when they have already travelled to other destinations.

When looking at vulnerabilities at community one of the biggest drivers of human trafficking is poverty because most of those who are victims thus 70% are always looking for labour and that's in Rwanda but also across East Africa. This is followed by looking for education and a better life thus out of their communities or countries. With high levels of poverty among the young in Rwanda it has opened a huge gap when it comes to external trafficking to other countries. Other community vulnerabilities are:

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- Debt at home
- Poor security at community level (IDPS and refugees)
- Illiteracy
- Lack of resources for development
- Bad leadership or power structures
- Poor laws and policies that cover community members
- Gender inequalities
- Drug addictions
- Political instability
- Bad power dynamics when it comes to family members
- Gang involvement
- Mental health

When it comes to vulnerabilities when someone has arrived at their destination can be as follows:

- Lack of proper documentation
- Debt
- Power dynamics
- Distance from home country
- Social differences
- Language barriers
- Lack of political will to support

These vulnerabilities have led to the increase in human trafficking in East Africa. With all the above looking at the poor engagement of government when it comes to implementation of key policies and action plans thus leading to the increase in numbers in human trafficking cases.

When identifying areas to run programs around human trafficking its very key to have the above mentioned vulnerabilities accounted for. This helps organizations and governments to establish well resources community safe areas and offer the right services. When dealing with rehabilitation its also very important to look at the different indicators that were key when the individual was under human trafficking thats: where they were kept, the kind of trafficking they were engaged in, the state of their mental health, the social and economic constrains when it comes their communities to so as to provide proper rehabilitation services.

Human rights

When we discuss on human trafficking we cannot shy away from human rights and their role when it comes to eradication of human trafficking in the world. One of the stated purposes of the Trafficking in Persons Protocol is to protect and assist the trafficked person, with full respect for their human rights.

In 1948, the United Nations adopted and proclaimed the Universal Declaration of Human Rights, which declares that:

- All human beings are born free and equal in dignity and rights
- No one shall be held in slavery or servitude
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

While discussing the human rights approach towards eradication of human trafficking some of the key rights that are have direct correlation with trafficking:

- The prohibition of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status
- The right to life
- The right to liberty and security
- The right not to be submitted to slavery, servitude, forced labour or bonded labour
- The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment
- The right to be free from gendered violence
- The right to freedom of association
- The right to freedom of movement
- The right to the highest attainable standard of physical and mental health
- The right to just and favourable conditions of work
- The right to an adequate standard of living
- The right to social security
- The right of children to special protection

This means when solving issues related to human trafficking the above laws need to be focused own. With the look at also international laws thus looking at labour under ILO its is very clear on the areas that local government need to focus own when they are developing policies or improving on country service provisions under different departments in order to solve human trafficking at grass root level and not only wait for post activities.

In Rwanda its very important to bring together different actors and government agencies to see how they can solve the root causes of human trafficking at community level through development of right based policies to able to tackle all avenues that focus on reduction of key problems that lead to human trafficking.

Day 3

The trainees were divided into 3 key groups that focused on the key areas of engagement when it comes to eradication of human trafficking in Rwanda.

Group	Problem	Objectives	Activities	Outcomes	Timeline
Policy and advocacy	Lack of implementation efforts in Rwanda	-Develop of awareness of countries policy -Develop platform to monitor implementation efforts in Rwanda	-Training -Develop of counter human trafficking platform -Stakeholder engagements	-Proper understanding of available policy -Reforms on existing policies -Data collection of the impact of existing policies	2 years
Survivor support	Lack of key support systems for survivors in Rwanda	-Increase resource allocation for survivor support -More CBOs focusing on human trafficking	-Stakeholder forums -Government engagement in resource allocation -Training	-Increase resource allocation on survivor support -Increased government resource allocation to civil society -Long term project implementations focused on survivor engagement	3 years

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Counter Human Trafficking Training Rwanda

Community advocacy	Lack of knowledge when it comes to human trafficking in Rwanda	<ul style="list-style-type: none"> -Increase knowledge on human trafficking at community -Work with all stakeholders in having human trafficking community awareness is high 	<ul style="list-style-type: none"> -Community awareness campaigns -Training -Mobilization of key community stakeholders and engage them in HT campaigns 	<ul style="list-style-type: none"> -Increased knowledge on HT -Have all stakeholders part of community HT campaigns -Reduced number of community casualties 	3yrs
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RECOMMENDATIONS AND AREAS OF PARTNERSHIPS

This recommendations were shared by survivors, the government and civil society present in the training. The recommendations will be based on as the next activities that the key implementing partners will focus on especially when it comes to human trafficking efforts in Rwanda.

Organizations	Recommendations and partnership areas
Legal Aid Forum	<p>Continuation of these training and having the same or key identified participants be the ToTs for the whole lifetime of the project</p> <p>Legal practitioners to use the learned skills in their practices</p>
Survivor (Jacqueline Irandukura)	Engaging survivors as trainers

CONCLUSION

The primary objective of the STC is to empower young people, raise awareness about human trafficking in Rwanda, and create a platform for all stakeholders to work together to ensure that there is awareness, skills, data, and no rise in labor and sex trafficking in Rwanda. We expect that this would result in a reduction in the number of Rwandans who are victims of human trafficking.