

3 Policies and Programmes

3.A. CURRENT LEGAL AND POLICY FRAMEWORK

Following the 4th World Conference on Women held in Beijing in 1995 and the CSEC, held in Stockholm in 1996, civil society organisations have been active in the study and formulation of recommendations, and in advocacy campaigns for the adoption of laws that combat the violation of women and children's rights.

State institution's lack of sufficient resources, both human and financial, causes constant delays to the advancement of the less empowered groups in society.

An initiative launched in 2003 by the government with support from UNICEF, strengthens the legal system to better safeguard children's rights. The initiative aimed at analyzing existing legislation, customary laws and judicial practices to determine whether they were in accordance with children's and human rights treaties. The overall aim is the formulation of a comprehensive Children's Act.⁷⁷

The National Plan of Action for Children indicates that some advancement was made through the establishment of policies and legal frameworks in this area.⁷⁸ This includes:

77. "Legal Reform Launched to Protect Children" United Nations Integrated Regional Information Network, 1 September 2003.

78. Social Welfare Ministry, *Draft Plano Nacional de Acção para a Criança (PNAC) 2004-2010*, p. 4.

- ratification of the United Nations Convention on the Rights of the Child (CRC) in 1994;
- adoption of the Policy for Adolescents and Youth in 1994;
- adoption of the Policy of Social Welfare in April 1998;
- adoption of the Strategy for Children Social Welfare in June 1998;
- ratification of the African Charter on the Rights and Welfare of the Child in May 1998;
- Law to Prevent Children from Going to Night Clubs and Alcohol and Tobacco Consumption (Law 6/99);
- the Family Law⁷⁹ and;
- Child Legislation Reform started in 2003.

There are no specific laws that prohibit trafficking in persons. Trafficking in persons can be prosecuted under violation of labour, immigration and child labour laws.

The law does not specify an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, is illegal under the Penal Code. Sexual abuse of a child under 16 is also illegal under the Penal Code. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labour may be punished by prison sentences and fines.⁸⁰

The following international instruments can be used to prosecute some aspects of trafficking in persons. The table indicates the instruments ratified and/or signed (or not) by the Government of Mozambique.

Relevant Legal Instruments with Regard to Human Trafficking	Signature	Ratification
ILO Convention No.182 on the Worst Forms of Child Labour (1999)		16 June 2003
UN Convention against Transnational Organized Crime (2000)	15 December 2000	No ratification
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000), supplementing the United Nations Convention against Transnational Organized Crime	15 December 2000	No ratification
1989 UN Convention on the Rights of the Child (CRC)		26 May 1994
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)		6 April 2003

79. This law was approved by the Parliament in August 2004. It raises the marriage age to 18 for both sexes, eliminates husbands' de facto status as heads of families and legalizes civil, religious and common law unions. The law clarifies women's legal rights with regard to property, child custody and other issues.

80. US State Department, Bureau of Democracy, Human Rights and Labor, 2004.

Rome Statute of the International Criminal Court (2002) Article 7-1 ⁸¹	28 December 2000	No ratification
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	No signature	No ratification
Hague Convention no.33 on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993)	No signature	No ratification
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)	No signature	No ratification
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women (1979)		16 April 1997 [Accession]
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (1999)	No signature	No ratification
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	No signature	No ratification
African Charter on the Rights and Welfare of the Child (1990)		15 July 1998
African Charter on Human and People's Rights (1986)		22 February 1989
Protocol to the African Charter on Human and People's Rights on the Rights of Women (1998)	15 December 2003	9 December 2005

Until the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)⁸² is ratified and domestic legislation is aligned with its provisions, women and children remain marginalized and subject to the violation of their rights. This will form the foundation for future legislation and activity to prevent and protect, to investigate and prosecute traffickers and to provide assistance to victims.⁸³

This situation underlines the concern of civil society that Mozambican legislation is ineffective and out of date, and that it requires urgent reform to cope with these emerging crimes against children and women.

In addition to legislative action, an overhaul of judicial systems and processes is required to bring them in conformity with child and victim-friendly judicial systems.

81. According to the article 7.1 of the Rome Statute of the International Criminal Court, "For the purpose of this Statute, «crime against humanity» means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: [...] (c)enslavement; [...]»Enslavement» means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children [...].

82. Not ratified yet. Advocacy campaign is underway to influence the legislative body.

83. See Annex 3: United Nations High Commissioner for Human Rights *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

3.B. CURRENT PROGRAMMES AND PROJECTS

3.B.1. National Campaign Against Child Abuse (NCACA)

1. Following the First World Congress Against Commercial Sexual Exploitation of Children (CSEC) held in Sweden, August 1996, a Mozambican programme was established to respond to recommendations aimed at fighting commercial exploitation of children.⁸⁴ As a result, a Core Group was established to run a **National Campaign against Child Abuse (NCACA)**.⁸⁵

2. Activities aimed at combating child abuse, using the slogan “breaking the silence” were undertaken involving advocacy, media and awareness-raising. On 16 June 2000, the **National Campaign against the Sexual Abuse of Children**⁸⁶ was formally launched in the border area of Ressano Garcia near South Africa, with the aim of drawing the attention of citizens and governments of both countries to the need to fight sexual abuse and trafficking. The launch was attended by 3000 people, including the Minister of Women and Social Welfare. The Mozambican Campaign became part of the **International Campaign against Child Trafficking**⁸⁷ launched in Europe in October 2001 by the International Federation of Terre des Hommes. This provided an opportunity for Mozambican NGOs to gain access to knowledge and the capacity to articulate their message for combating the problem at different levels. Mozambique’s campaign has four main components, namely: prevention; protection, rehabilitation and capacity-building.

The goals of this campaign are to:

- create increased public awareness regarding child trafficking;
- lobby the government to ratify and implement the Palermo Protocol and the Hague Convention no.33, to implement the UN Convention on the Rights of Children (CRC), and the ILO Convention 182;

84. See Annex 1.

85. Network consists of umbrella NGO, ADDC- “Associação dos Defensores dos Direitos da criança” i.e. Association of Defenders of Child Rights, and executive team of 5 national NGOs “Organização da Mulher Moçambicana”(OMM), “Centro de Reabilitação Psicossocial Infantil e Juvenil” (CERPIJ), Rede da Criança, CONTINUADORES, Foundation for Community Development (FDC)), 3 international organizations (Terre des Hommes Germany, UNICEF, Save the Children), 3 Ministries (Ministry of Defence, Ministry of Home Affairs and Ministry of Women and Social Welfare Coordination) and one religious institution (the Christian Council of Mozambique (CCM).

86. This campaign regards child trafficking for all purposes as child abuse and a violation of the Convention of the Rights of the Child.

87. Website of the International Campaign against Child Trafficking: <http://www.stop-childtrafficking.org/site/Campaign.707.0.html>

- lobby the government to establish bilateral and multilateral agreements for protection of child victims of trafficking in the destination and transit countries;
- promote voluntary repatriation of victims of trafficking;
- establish a database on human trafficking;
- create networks at national and regional levels to assist victims of trafficking and combat trafficking;
- educate society about the rights of children; and to
- ensure appropriate health services for the victims and their social reintegration.

3. At the **first regional meeting on child trafficking**, hosted by Mozambique, in 2001, the scope of the problem in Southern Africa and recommended areas of research to be conducted in each country were identified.

4. The launch of the **South African Network Against Trafficking and Abuse of Children (SANTAC)** Regional Campaign against Child Sexual Abuse and Trafficking in 2002, took place in Mozambique. Campaign members involved high profile personalities with outstanding records in the defence of children's rights to serve as supporters of the campaigns at national and regional levels.⁸⁸ Graça Machel⁸⁹ was invited to be patron. She, in turn succeeded in persuading Archbishop Desmond Tutu to join. This network is composed of Mozambique, South Africa, Namibia, Swaziland, Zambia, Zimbabwe, Angola and Malawi. Graça Machel is regularly consulted and invited to participate in activities. The campaign has included:

- lobbying a Parliamentary Commission to take action to provide protection for trafficked children in South Africa and Mozambique;
- training police on the issue and on ways of protecting children's rights (three police stations were given training as a pilot project on both child trafficking and other violations of children rights);
- providing legal assistance for child victims of sexual abuse and trafficking in Mozambique;

88. Mozambique lobbied the Minister of Women and Social Welfare, H.E. Ms. Virgília Matabele, and Fernanda Teixeira, the President of Mozambique's Red Cross.

89. Graça Machel, widow of the first president of Mozambique, Samora Machel, and wife of Nelson Mandela, was the first woman Minister in Mozambique. She served as Minister of Education in Mozambique in the first independent Government for more than ten years. She was a Member of the Parliament until before the first democratic elections in 1994 when she decided to establish a Foundation for Community Development. Since then, she has dedicated her efforts to assist children victims of landmines and of all forms of abuse within and outside Mozambique. Based on this background, she was invited to be Patron of the Regional Campaign.

- identifying trafficked children at a centre for street kids in South Africa; and
- setting up a shelter for children deported from South Africa near Ressano Garcia, the main crossing point between Mozambique and South Africa, where the South African authorities leave deported children and adults.⁹⁰

5. A **national training workshop** was organized by “SNJ”- the National Association of Mozambican Journalists - in partnership with Terre des Hommes. This event, which aimed at creating an understanding of child trafficking as an emerging challenge in Mozambique, offered an opportunity for journalists to learn and discuss media ethics in protection of child rights. This resulted in a growing interest in reporting cases in major mass communications. The media has devoted substantial coverage to campaign activities through reporting press releases; participation in meetings with government officials as well as informal meetings organized for information dissemination. Furthermore, nation-wide debates were organized by every TV channel and radio station. Journalists also reported on alleged trafficking of human organs in Nampula.

3.B.2. Prevention Through Awareness-Building Projects

Frontier guard police and Court Magistrates were sensitized and convinced to develop a special interest in combating human trafficking in their areas of influence. The outcomes were encouraging as all parties showed interest in discussing the issue further and running joint programmes.

The police requested that training be provided to their staff and cadets at training centres and are considering the inclusion of a module on trafficking in their academy curriculum.

On August 30, 2004, the Attorney General Dr. J. Madeira nominated a liaison person to work with the National Campaign to assist in prosecuting perpetrators in case of proven negligence of the police authorities. FE-CIV (Forum de Educação Cívica), an Institute for Civic Education, started a program to train police agents, border control units and migration officials on trafficking issues, including legislation that can be applied to punish the traffickers. During the training courses international instruments for child protection, as well the Protocol to Prevent, Suppress and

90. Dottridge M (2004) *Kids as Commodities? Child Trafficking and What to do about it*, Terre des hommes.

Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) are disseminated.

Information and promotional materials were produced and distributed to over 10,000 members of the public, mainly children. Four key messages were disseminated: (1) child trafficking exists; (2) children's rights include the right of children to be free from being trafficked, (3) trafficking is much more than just sexual exploitation; and (4) child trafficking is an issue that is interlinked with others.

The use of sporting events has been adopted as a strategy to reach more people. In June 2004, 100 children soccer players in promotional clothing participated in a friendly international match between Mozambique and Ghana watched by 40,000 people and broadcast by the national TV channel. The captains of both squads carried held the ceremonial banner: "One goal against child abuse and trafficking, fair play".

The national campaign organizers promote initiatives aimed at mobilizing young people to form school clubs to prevent child abuse and trafficking. In December 2004, 70 young school-going artists attended a 3-day workshop celebrating the interim Global Action Day against Child Trafficking. They learned about causes, types, profiles and effects of child trafficking and the legislative barriers limiting the fight against trafficking and abuse. They also reflected on the best ways to motivate their peers to discuss child-friendly prevention techniques that comprise the adoption of sports, visual arts, drama and debates. This initiative took place in the districts of Xai-Xai and Namaacha, Chókwe, Bilene Macia and Manjacaze.

ECPAT International⁹¹ has provided support through Rede da Criança to empower young people as peer counsellors and in awareness-raising about child trafficking, by enlisting young 'victims' of trafficking to speak with both potential victims and law enforcement bodies.⁹²

3.B.3. Social Reintegration Projects

A component of community development has been introduced in National Campaign activities. This initiative consists of an agricultural programme for production of surplus food and creation of food security in high-risk areas. There is also a component of training and skills development. The project is implemented in Mahubo and Maputo provinces.

91. The ECPAT acronym stands for 'End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes'.

92. UNICEF (2003) *Trafficking in Human Beings Especially Women and Children in Africa*, p. 32, Innocenti Research Centre.

3.B.4. Protection Projects

1. The Ministry of Women and Social Action has provided six major hospitals with counsellors to help women and children who are victims of violence, including trafficking. Counselors receive basic training in trafficking and those in Maputo Central Hospital report that trafficked persons have been assisted in the past year.⁹³
2. The Ministry of Women and Social Welfare is drafting a Plan of Action for Child Protection.
3. The ADDC (Associação dos Defensores da Criança -Association of Defenders of Child Rights), is offering legal assistance to marginalized children, mainly victims of sexual abuse and trafficking, and also disseminates information on child rights.
4. ADDC provides child protection services in five police stations. More than 800 policemen were trained in cooperation with the Ministry of Home Affairs/Interior. This Ministry established children and women-friendly police stations intended in part to protect trafficked persons, in Maputo, Beira, Nampula and several large towns in Gaza province.⁹⁴ The Ministry of Home Affairs aims to establish 16 Child Protection Units in strategic police stations country-wide.
5. The Ministry of Women and Social Action and other agencies worked together with UNICEF to launch a national campaign for birth registration of children. The majority of children in the country had not been formally registered, which limits their access to education and health care.
6. UNICEF Mozambique has also produced a fact sheet on trafficking that could be used as the basis for a legal framework.
7. On May 2, 2006 Mozambique inaugurated a shelter in Moamba, Maputo, funded by Terre des Hommes, Germany.

3.B.5. Rehabilitation Projects

1. A faith-based organization is running a shelter house in Ressano Garcia, assisting victims of child trafficking and sexual abuse. In May 2006, FECIV (Forum de Educação Cívica) inaugurated an improved shelter house in Moamba district, which has a capacity of accommodating 80 people. Trains regularly depart from South Africa for Mozambique, carrying about 800 irregular migrants. A considerable number of them are

93. US State Department (2005) *Trafficking in Persons Report*.

94. US State Department (2005) *Trafficking in Persons Report*.

Mozambican children who entered South Africa irregularly. Children assisted in the shelter have told stories of the inhumane conditions to which they were subjected. The information gathered is being used in an advocacy campaign aimed at encouraging the Governments of Mozambique and South Africa to improve their processes for handling such persons in order to avoid double victimization.

2. The Central Hospital of Maputo has established a pilot project offering psychosocial support for child victims of abuse. This unit, run by CERPIJ (Centro de Reabilitação Psicológica Infanto-Juvenil) has treated about 400 children, including victims of trafficking.

3. Terre des Hommes has promoted cross-border collaboration between South African and Mozambican NGOs and links have been established with the Amazing Grace Centre, also known as the Malelane Care Centre, 50 kilometres from the border, in Mpumalanga Province. Some children sheltered there are from Mozambique and have been encouraged to return home voluntarily.

3.B.6. Lessons Learned

High Profile Spokesperson

The presence of a high profile spokesperson (Graça Machel) identified with the campaign has helped mobilize political will from both the President and the Government of Mozambique, which has included attendance at the launch of the 2002 SANTAC campaign. The spokesperson also participated in media events and made a tremendous contribution to getting key issues of the fight against trafficking on the public and political agendas.

Benefits/Outcome of Training Journalists in Human Trafficking

Journalists were trained in depth on the links between national trafficking and the triad operating in Africa, Europe and Asia. They were able to understand the vulnerability of a country such as Mozambique that has six international land borders and more than 2700 km of coastline, with as much as 40% of its territorial border being unguarded. They were taught to address the problem of trafficking in line with the UN definition, and also to look at it in the local perspective, such as the public perception of Tatá Papá, Tatá Mamã (sugar daddy). The question of avoiding sensationalism and not disclosing names of victims and witnesses was addressed. They were asked to be more investigative and didactic so that people can learn defence and self protection mechanisms from their articles.

Provision of Information to 10.000 Persons

Mozambique has a more aware society today on trafficking issues. The Members of Parliament, the President, Attorney General and Ministers of Home Affairs and of Justice are aware of the need for legislation in the country and have made public statements in this regard. There are many national organizations which were formed e.g. Drama Forum Against Child Trafficking in Zambezia⁹⁵, Rede Came- (Network Against Child Abuse and Trafficking) (which issues a bi-monthly newsletter). 400 children from Organização dos Continuadores Moçambicanos who were in a summer camp festival representing 128 out of 131 districts were trained on trafficking issues and they were able to say in the press that they were very pleased with learning about prevention of all forms of child abuse and trafficking. There are more international organizations involved such as IOM, UNODC, UNESCO, UNICEF, Save the Children Norway, WLRI/CEDPA, USAID, and the Norwegian and British and American Embassies. Most of them are either running and funding research or providing technical assistance programmes to fight trafficking. As of May 2006, WLRI and Rede Came in collaboration with the Ministry of Justice have started a process of drafting the anti-trafficking legislation in Mozambique. The recently released study on trafficking of children in Mozambique “Tatá Papa Tatá Mamã”, will help legal drafters in this process.

Cross-Border Collaboration Between NGOs

This collaboration supports organizations in Mozambique and South Africa, including high level government representatives who participated in rallies at both countries’ borders and committed themselves to fighting trafficking. Mozambican organizations have concrete cases of people who were trafficked and who were rescued. Police from South Africa and Mozambique are engaged in discussion with NGOs to share operational experiences dealing with victims, rescuing of victims and the way traffickers operate. NGOs have regular cross- border meetings at a number of levels.

Engaging Children in Campaigns

The engagement of children was crucial. They marched in border areas in protest against trafficking and were able to engage widely in discussions on their perception of trafficking and the learned self-protection mechanisms. In many instances they were exposed to public speaking.

95. Zambezia is a Mozambican province.

Lack of Specific Legislation

The absence of legislation to support counter-trafficking efforts continues to provide opportunities for traffickers to operate and strengthen their connections at national and international levels.

Targetting Women

There are currently no prevention activities that specifically target adult women. This is a significant gap and needs rapid correction.

4

Recommendations

Trafficking interventions in Mozambique have variously addressed prevention, protection and direct assistance.

Despite these efforts, significant inroads into the problem do not appear to have been made. Initiatives have been largely:

- gender unresponsive;
- lacking in a rights-based development perspective;
- unresponsive to factors creating a demand for trafficked persons;
- micro projects, unlinked to macro processes and hence unsustainable; and
- lacking in an integrated multi-sectoral approach.

Trafficking has a complex socio-economic and political basis linked to larger, global processes. It is not simply a social or moral problem to be treated with casual initiatives, as they do not address poverty or related issues of vulnerability and discrimination in strategic or sustainable ways. Trafficking is a development concern, which requires a balanced, layered and integrated approach, built on a foundation of rights-based principles and standards.

While there are clear indicators of trafficking activity, involving both women and children, the data, specifically on women, is patchy and incomplete. Yet, given the extreme levels of poverty in Mozambique and the vulnerability to trafficking to which this exposes women and children, the potential for the growth of trafficking and the infiltration of criminal groups to exploit it is very high.

It is essentially this potential that is addressed in these recommendations. Therefore the focus of the recommendations in this paper is on prevention.

Prevention requires long-term thinking and interventions on three levels – primary (stopping things before they happen), secondary (limiting the number of cases that occur) and tertiary (limiting the extent of the cases and their damaging impact.)

The following recommendations are proposed in compliance with these requirements:

1. Sign, ratify, and implement the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol).

2. National legislation on trafficking in persons should, at a minimum:⁹⁶

- define precisely the crime of trafficking in accordance with international standards, and include expressly all exploitative practices covered by the international definition of trafficking such as debt bondage, forced labour, and forced prostitution;
- ensure that definitions of trafficking reflect the need for special safeguards and care for children, including appropriate legal protection;
- ensure that trafficked persons are not punished for any offences or activities related to their having been trafficked, such as prostitution and immigration violations;
- ensure that victims of trafficking are protected from summary deportation, or return where there are reasonable grounds to suspect that such return would present a significant security risk to the trafficked person or to his/her family;
- consider temporary or permanent residency in countries of transit or destination (reflection delay) for trafficking victims in exchange for testimony against alleged traffickers, or on humanitarian and compassionate grounds;
- ensure that victims of trafficking are offered the possibility of obtaining compensation for damages suffered;

96. IOM (2003) *Seduction Sale and Slavery: Trafficking in Women and Children for Sexual Exploitation in Southern Africa*.

- provide for proportional criminal penalties to be applied to persons found guilty of trafficking, including offences involving trafficking in children or offences committed or involving complicity by State officials; and
- proceeds of trafficking, and related offences, to be used for the benefit of trafficked persons.

3. National Leadership

- Identify a national government official as the country's trafficking focal point, who will lead and chair a National Trafficking Task Force. This official will be granted authority and autonomy to act both nationally and internationally. Ideally this position will respond to the highest offices of government, such as the Prime Minister's Office.
- Develop terms of reference and provide resources to a National Task Force on Trafficking.
- The National Task Force on Trafficking will bring together relevant ministries, agencies, intergovernmental organizations, NGOs, and representatives of civil society to develop and implement policy to combat trafficking.
- This group will develop policy and a National Action Plan; advise on legislation and develop standard operating procedures and guidelines for the various implementing partners.
- The National Action Plan will incorporate all forms of activity to combat trafficking in persons: prevention, protection, prosecution and direct-assistance.

4. Direct Prevention Activities

Direct prevention includes education and effective law-enforcement but also involves addressing root causes. By definition it demands the empowerment of people at the most basic levels of social organization; it requires their active involvement and fosters decision-making by communities about how to maintain the safety and well-being of its members.

- NGOs, local government institutions and law enforcement personnel work with community leaders through development committees or other existing structures (men and women) to form partnerships to combat trafficking as a manifestation of insecurity.
- Economic empowerment of women and girls which enhance their access to productive resources and markets and ensure sustainable economic mobility.

- Interventions that include visiting high-risk groups: such as young women in rural areas, migrating women, uneducated women.
- Enlisting the support of the media to document the means, actions and outcomes of human trafficking.
- Consistent and persistent support to staff engaged in active border monitoring and investigation to ensure their ready access to information and other resources.
- Working with former ‘victims’ as peer counselors and spokespersons with community organizations to support prevention activities.
- Interventions that target businesses involved in facilitating the trade, such as transport companies, long-distance truck drivers, taxi drivers, bus companies; job agencies and recruitment offices; consular personnel responsible for visas.
- Attending to basic needs through provision of short-term humanitarian assistance to families at risk to avert fostering or sale of children.⁹⁷

Civil society organizations are encouraged to:

- Establish community education programmes for the prevention of child abuse and trafficking, with children as the main actors of the program. The initiative will consist of awareness-building in schools and other places through drama, songs, dance, sports, speeches and debates on harmful practices to women and children.
- Train community leaders and families on gender issues in order to transform attitudes to gender roles and women’s right; to recognize and support women’s paid and unpaid economic contribution and reduce their domestic work burden; address the perceptions of the role of women and men in association with the phenomenon of trafficking. Such a strategy may secure the support of community leaders in the fight against trafficking.

5. Education, Training, Awareness-Raising

Large-scale, expensive information campaigns are of questionable value if not targeted to specific, identifiable audiences, if no action is demanded and if the campaign results are not evaluated. When resources and the scale of the challenge are disproportionately balanced, it is vital to set

97. Dottridge M. (2004) *Kids as Commodities? Child Trafficking and What to do about it*, Terre des hommes. [See Diagram 6 for differing factors at work in child trafficking and different opportunities to intervene].

priorities and clear goals. It is likely that sustained, concerted campaigns aimed at specific high-risk groups and readily identifiable social and professional groups will be most effective.

- Expand opportunities and improve access to formal education for women, girls and boys at all levels and in non-conventional streams.
- Ensure a match between better education and available job opportunities.
- Incorporate gender and human rights concerns like trafficking into school curricula.
- Incorporate awareness and information into informal education activities, clubs/sports/religious aimed at reaching children and youth.
- Better skills training and education for girls linked to viable, sustainable income generating activities.
- Promote legal literacy in marginalized communities and improve access to affordable legal assistance.
- Legal update courses for law enforcement to include gender and rights training and relevant trafficking legislation information.
- Conduct information campaigns that are targeted to high risk communities about safe forms of migration.
- Strengthen training for law enforcement personnel, immigration and customs officials, prosecutors and judges, labour inspectors, diplomats and teachers and other relevant officials on trafficking prevention.
- Introduce effective evaluation and monitoring of all training programmes in order to measure success and replicate, record lessons learned and modify training accordingly.
- Develop 'Training of Trainers' courses for local NGOs, civil authorities and other community actors in order to extend outreach of awareness and information activities.

6. Research and Data-Collection

Prevention strategies which are not linked to routine, coordination data/research collection and analysis are likely to be 'shots in the dark.'

- Government capacities need to be strengthened to standardize the collection of statistical information and baseline data and to conduct policy-oriented research. Researchers need to develop

methodologies appropriate to the range of causes and effects of trafficking for women, men, girls and boys.

- Ensure the disaggregation of migration data on the basis of age, gender, nationality, date and place of entry and departure, place of visa renewal, overstay and deportation.
- Little is known of trafficking of adult males. Further research is needed to distinguish between legal migration, smuggling and trafficking – and for what purposes.
- Establish channels of communication and share and disseminate information on trafficking in persons on a regional basis to support the development of appropriate prevention strategies.
- Inter-disciplinary, pro-active research needs to be carried out into the structures, networks, trade commodities and conduct of organized crime in the region, in order to forestall their incursions and thereby prevent human trafficking.
- Research is required into the resurgence and conduct of discriminatory cultural practices and beliefs. While these appear to be harmful primarily to girl children, a more complete understanding is needed of their cause, purpose and the possibility for beneficial as well as harmful effects.

All these activities should be linked to and informed by the growing body of information on International Best Practices.

5

Conclusion

Populations vulnerable to trafficking are growing in Africa, which increases the supply of potential victims for traffickers and the damaging effects on all segments of African society. Some of the outcomes are likely to be:

Irretrievable depletion of human capital

- Negative effect on labour markets.
- Denial of access to education necessary to break the cycle of poverty and illiteracy that creates trafficking conditions.
- National labour force ill-equipped to compete in global economy where success is based on skilled workers.
- Fewer people left to care for elderly and sick.
- Social demographic imbalances.
- Loss of human resources elsewhere, to other countries.

Undermining public health

- AIDS cost to public health system.
- Exposure to AIDS, STDs, violence, dangerous working conditions, poor nutrition, addictions.
- Not likely to participate in child immunization programmes.
- Psycho trauma from experiences.
- Life of crime addiction and sexual violence.

Breakdown in social fabric

- Loss of family support network makes trafficking easier, undermines relationships, weakens ties of family affection and influence, interrupts passage of cultural values and knowledge from one generation to the next, thus weakening the core of African society.
- Victims increasingly will have nowhere to go.

Crime

- Links to other criminal networks, drugs, weapons.
- Profits funnelled into other criminal activities, car theft rings, drugs, terrorist groups.

Undermining government authority

- Thwarts government attempts to exercise authority, undermines public safety.
- The failure of government to meet its fundamental responsibility, undermines its ability to combat corruption in law enforcement and judiciary.

Human rights violations

- Perpetuates social inequality and injustice.

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ANNEX 1

The First World Congress Against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, 28 August 1996, recommended ten tasks for all 122 Governments represented in the meeting. As follows:

- **Accord** high priority to action against the commercial sexual exploitation of children and allocate adequate resources for this purpose;
- **Promote** stronger cooperation between States and all sectors of society to prevent children from entering the sex trade and to strengthen the role of families in protecting children against commercial sexual exploitation;
- **Criminalise** the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalise all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalised;
- **Review** and **Revise**, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;
- **Enforce** laws, policies and programmes to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;
- **Promote** adoption, implementation and dissemination of laws, policies, and programmes supported by relevant regional, national and local mechanisms against the commercial sexual exploitation of children;
- **Develop** and **Implement** comprehensive gender-sensitive plans and programmes to prevent the commercial sexual exploitation of children, to protect and assist the child victims and to facilitate their recovery and reintegration into society;
- **Create** a climate through education, social mobilisation, and development activities to ensure that parents and others legally responsible for children are able to fulfill their rights, duties and responsibilities to protect children from commercial sexual exploitation;
- **Mobilise** political and other partners, national and international communities, including intergovernmental organisations and non-governmental organisations, to assist countries in eliminating the commercial sexual exploitation of children; and

- **Enhance** the role of popular participation, including that of children, in preventing and eliminating the commercial sexual exploitation of children.

ANNEX 2

Excerpts from - Profile of Sexual Exploitation of Children⁹⁸

There is no typical profile of those who sexually exploit children and they “cannot be distinguished by any specific inner quality, personality trait or even sexual proclivity.”⁹⁹ Their only distinguishing feature is that they sexually exploit children. This they do “in a range of social settings contexts, for a variety of reasons.”¹⁰⁰ The people who have sex with children vary from those who choose to engage in this activity, to those who do not care to those who do not realize that their sexual partner is a child. It “is (therefore) impossible to speak of *the* sex exploiter in the sense of a single type of person who possesses some particular or unique set of characteristics.”¹⁰¹ (Emphasis in the original)

It is however possible to distinguish certain distinct categories of sex exploiters within this amorphous group. These categories are: pedophiles, situational sex exploiters, and preferential sex exploiters.

First and most easily distinguishable - but in the minority - are **pedophiles**, adults who have a marked preference for sex with pre-pubescent children.

Secondly, there are those who do not care whether or not their sexual partner is a child and have sex with children without questioning the age of the partner. Most noticeable in this group are those generally referred to as “sex tourists”. Whilst there are some among this group who travel specifically to have sex with children most however would, in “normal” circumstances, not choose to have sex with a child, but for a variety of reasons do so. These reasons include: the freedom of a holiday in a foreign

98. Excerpt from the UNESCO commissioned research study (2005) *Human Trafficking, especially of Women and Children in Southern Africa (South Africa, Lesotho and Mozambique)*, coordinated by Elize Delpont, Mhlava Consulting Services (South Africa).

99. O’Connell Davidson, J. (2001) *The Sex Exploiter*, NGO Group for the Convention on the Rights of the Child, p. 7

100. *Ibid*, p.7.

101. Moela, S. (19 September 1999) “Not All Girls have the Luxury of a Real Childhood”, in *City Press*.

“exotic” location, being drunk or affected by drugs, ignorance or lack of care in recognizing that an offered partner is under-age. This group is referred to as **situational sex exploiters**.

They engage in sex with children because they are usually morally and/or sexually indiscriminate and wish to ‘experiment’ with child sexual partners, or they have entered into situations in which children who match their ideals of physical attraction are sexually accessible to them. Alternatively, certain un-inhibiting factors are present which allow them to either delude themselves about the child’s true age or about the nature of the child’s consent.

However, the globalized flow of money has increased demand for commercial sex, and many exploiters are ... often regular-users of commercial sex workers, who do not distinguish on the basis of age. In the South African context they have been described as “men of all ages, colours, creeds and religions.”¹⁰²

Thirdly, there are those whose demand for sex with children is based on a belief that children are less likely to have had multiple partners, and so are less likely to transmit infection. This group falls into the category of those regarded as **preferential sex exploiters**.

.... the majority of those who sexually exploit children are first and foremost **situational sex exploiters** who are regular prostitute users. They become child sexual exploiters through their prostitute use, rather the reverse. Unlike preferential sex exploiters and paedophiles, situational exploiters do not consistently or consciously seek out children as sexual partners, and it is often a matter of indifference to them whether their sexual partners are 14 or 24, providing they are ‘fit’ and ‘attractive’. This type of offender cannot necessarily be described as sexually “perverse”¹⁰³ (in the sense of deviating from culturally prescribed sexual norms). The physical characteristics that he or she is attracted to often conform to cultural ideals of ‘youthful’ feminine or masculine beauty, and not to cultural ideals of childlike innocence.

Children mature physically at very different rates, so that a 14 or 15 year old girl, for example, can combine the physical characteristics associated with adult woman with attributes of youth that are much admired. It has been observed in this regard, “It is also worth noting here that many (of the) models used in the production of pornography aimed at ‘normal’, and not pedophile men, are actually under the age of 18, and an adult who

102. *Idem*.

103. Kelly, L. (November 2001) *From Aspirations to Intervention: Trends, Issues, Priorities and Lessons Learned: Keynote to the COE Conference Protection of Children Against Sexual Exploitation*, European Preparatory Conference for Yokohama, Budapest.

is sexually aroused by the sight of someone who is legally and chronologically a child, but physically ‘mature’ and/or close to cultural ideals of sexual beauty, cannot necessarily be understood as sexually or psychologically ‘aberrant’.”¹⁰⁴

ANNEX 3

Human Rights Guidelines on Trafficking (OHCHR)

The *Recommended Principles and Guidelines on Human Rights and Human Trafficking* have been developed in order to provide practical rights-based policy guidance on the prevention of trafficking and the protection of the rights of trafficking victims.

The aim of these Guidelines is to promote the mainstreaming of human rights into national, regional and international anti-trafficking laws, policies and interventions.

The Principles and Guidelines are used as the main framework and reference point for the work of the Office of the UN High Commissioner of Human Rights. These Guidelines were presented by the High Commissioner for Human Rights to the UN Economic and Social Council in 2002.

Guideline 1: Promotion and protection of human rights mainstreamed in all activities to prevent and end trafficking in human beings.

Guideline 2: Identification of trafficked persons and traffickers, distinguishing between victims of trafficking and migrant smuggling and identifying traffickers, including those who are involved in controlling and exploiting trafficked persons.

Guideline 3: Research, analysis, evaluation and dissemination, for the elaboration of effective anti-trafficking strategies on the basis of accurate and current information, experience and analysis.

104. See for instance Molo Songololo (2000) *Trafficking of Children for Purposes of Sexual Exploitation: A Report* Cape Town, p. 37. Koen, K. and Van Vuuren, B. (2002) *Children in Domestic Service the Case of the Western Cape*, Terre des hommes, Switzerland.

Guideline 4: Ensuring an adequate legal framework in accordance with international standards and instruments.

Guideline 5: Ensuring an adequate law enforcement response against trafficking, with the cooperation of trafficked persons and other witnesses.

Guideline 6: Protection and support for trafficked persons without discrimination, paying due attention to the needs of the victims

Guideline 7: Preventing trafficking in human beings, taking into account the trafficking demand as a root cause, and factors that increase trafficking vulnerability, such as inequality, poverty and all forms of discrimination and prejudice.


Guideline 8: Special measures for the protection and support of child victims of trafficking taking into account the best interest of the child and paying particular attention to the views of the child as well as to his or her rights and dignity in any action undertaken on his or her behalf.

Guideline 9: Access to adequate and appropriate remedies making trafficked persons more aware about their right to remedies.

Guideline 10: Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel to take effective measures to prevent their nationals and employees from engaging in trafficking and related exploitation.

Guideline 11: Cooperation at the international, multilateral and bilateral level and coordination between States and regions, in particular between those involved in different stages of the trafficking chain.

(From OHCHR (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Geneva)



Mozambique is mainly a country of origin and transit for human trafficking activities and experiences both internal and international human trafficking flows.

Women and children make up the vast majority of the human trafficking chain in Mozambique. This is a result of push factors that are rooted in poverty, inequality and discrimination, resulting in survival strategies that expose the most marginalized to exploitation and abuse. Pull factors include the lure of opportunity and huge economic differentials that make even relatively poor neighboring regions seem a likely source of livelihood; as well as the lucrative trade in adoption and organ transplants.

In Mozambique, a lack of legislative and policy frameworks hinders the development of a comprehensive approach to diverse but related demands of prevention, protection and prosecution.

Various national and regional campaigns against child trafficking have been launched since 1996. Following these events, programmes were initiated in different areas like awareness-building projects, protection, social reintegration and rehabilitation.

However, many challenges remain. The dramatic increase in the AIDS epidemic, the persistence of harmful cultural practices, the growth of the reach and influence of organized crime and the persistent loss of young women and children to sexual and forced labour exploitation require concerted and constant attention.

To better combat trafficking in human beings in Mozambique, and the attendant damaging effects throughout Mozambican society, will require the energy, talents and resources of government, international organizations, NGOs and civil society.