

Building resilience against exploitation in Senegal and Kenya in the context of Covid-19

Research Summary

September 2021

Authors: Dr Alison Gardner & Dr Phil Northall, the Rights Lab, University of Nottingham



Research by:



University of
Nottingham
Rights Lab



This is a Research Summary of *Building Local Resilience to Modern Slavery and Human Trafficking after Covid-19: Action Research in Senegal and Kenya*. This thematic summary draws-upon and complements more detailed full country reports for Senegal and Kenya, available on the Rights Lab's website at www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/.

The research was led by the University of Nottingham in collaboration with the US-based NGO Free the Slaves, and funded by the Modern Slavery and Human Rights Policy and Evidence Centre (the Modern Slavery PEC) through the Arts and Humanities Research Council (AHRC). The views expressed in the report are those of the authors and not necessarily of the Modern Slavery PEC. This project was funded through an open call for proposals to examine the impacts of the Covid-19 pandemic on modern slavery.

Introduction

Although many states have acted quickly to mitigate the spread of Covid-19, the impact of the pandemic for modern slavery and human trafficking is not yet fully understood. Lockdown measures and the consequent economic slowdown carry multiple risks for an increase in severe forms of exploitation, but as yet there is limited analysis on the longer-term implications of these policies.

The purpose of this study was to understand how systemic factors that contribute to resilience against exploitation are being impacted by Covid-19 in urban centres within Senegal and Kenya. The research provides evidence towards effective targeting, adaptation and implementation of anti-slavery interventions in the wake of Covid-19. It offers suggestions on how to limit negative impacts arising from the pandemic and where to direct policy, practice and funding attention for ongoing benefit.

Methodology

This research was based on a framework of 'social determinants' of community resilience against exploitation proposed by Gardner, Northall and Brewster¹ (see figure 1). Resilience in this context is defined as the adaptive capacity for a community to prevent, identify and respond to cases of exploitation, and promote a context conducive to sustaining freedom. Our previous research suggests that factors underpinning resilience can be structural or legislative, but may also exist at the local level in the form of local institutions, cultural and social norms. They also interact with individual, personal and psychological factors to create a context that can promote or inhibit risks.

In Kenya and Senegal we worked with our local field partners, Free the Slaves, to conduct a stakeholder-mapping exercise and literature review to understand the context and implementation of anti-trafficking policies prior to Covid-19. We then interviewed 22 different stakeholders in Senegal and 25 stakeholders in Kenya to explore how Covid-19 was impacting pre-existing assets and vulnerabilities affecting resilience against exploitation at a community level.

1. Gardner, A; Northall, P and Brewster, B (2020) Building Slavery-Free communities: A Resilience Framework, Journal of Human Trafficking, available at <https://doi.org/10.1080/23322705.2020.1777828>

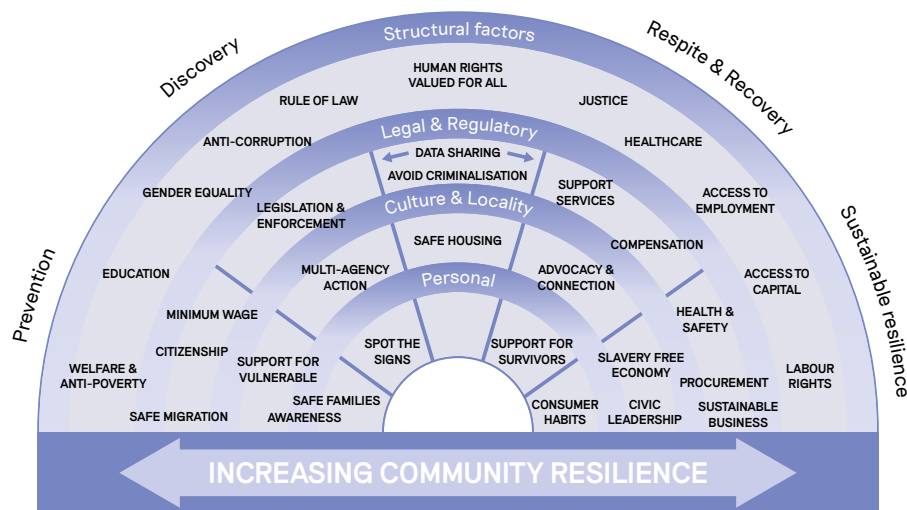


Figure 1: Social determinants of community resilience against exploitation

A note on terminology

Participants in both Kenya and Senegal were clear that the term ‘modern slavery’ is not recognised or widely used in their context, as well as representing colonial undertones.

We have therefore in general used ‘exploitation’ in our report or used specific terms such as slavery, servitude, forced and compulsory labour, human trafficking and early or forced marriage, where appropriate. When referring to the issue as a whole and associated actors we use the phrase ‘anti-trafficking sector’.

Key contextual factors in Senegal and Kenya

Kenya and Senegal were selected as examples of sub-Saharan states in East and West Africa with a number of similarities which allow for a two-case comparison.² Both countries are established democracies that have achieved strong economic growth over the past two decades, with similar levels of Gross National Income per capita. Although Senegal reports a higher proportion of its population living in poverty and a lower proportion in primary education, the Senegalese population has a slightly higher life expectancy at birth.³ Both states have enacted stringent policy responses to Covid-19 and have experienced relatively low levels of mortality from the virus to date, compared to countries in Europe or the US.⁴ Both are also source, transit and destination countries for victims of trafficking and have passed anti-trafficking laws which align with international standards as established by the United Nation’s 2000 Protocol to Prevent Suppress and Punish Trafficking in persons (the ‘Palermo Protocols’.) Both were rated as ‘Tier 2’ by the US Trafficking in Persons (TIP) report until recently, although Senegal was placed on the tier 2 watch-list in 2020 and in 2021.⁵ The Global Slavery Index ‘government response’ rankings rated both countries as 5 (with the maximum rating being 7*⁶).

2. See World Bank (no date) World Development Indicators Databank available at <https://databank.worldbank.org/source/world-development-indicators>

3. World Bank (no date) World Development Indicators Databank available at <https://databank.worldbank.org/source/world-development-indicators>

4. Thomas Hale, Noam Angrist, Rafael Goldszmidt, Beatriz Kira, Anna Petherick, Toby Phillips, Samuel Webster, Emily Cameron-Blake, Laura Hallas, Saptarshi Majumdar, and Helen Tatlow. (2021). "A global panel database of pandemic policies (Oxford Covid-19 Government Response Tracker)." Nature Human Behaviour.

5. Office to Monitor and Combat Trafficking in Persons. 2021. '2021 Trafficking in Persons Report.' U.S. Department of State. <https://www.state.gov/reports/2021-trafficking-in-persons-report/>

6. Minderoo foundation (2019) Measurement, Action, Freedom: An independent assessment of government progress towards achieving UN Sustainable development Goal 8.7. Minderoo Foundation.

Key findings

Factors impacting on resilience against exploitation prior to Covid-19

Whilst important local differences existed, many of the policy problems and adopted solutions relating to exploitation in Kenya and Senegal were common to both settings.

An overview of the structural, regulatory, policy and community factors influencing resilience against exploitation in both Senegal and Kenya prior to Covid-19 shows that they share many common challenges, but also have a few key differences in context and policy response. **In both countries, the majority of anti-trafficking work by government and NGOs focusses on the exploitation of children**, indeed in Senegal no adults were referred to support services for victims of trafficking in 2019.

In Senegal the most widely-recognised form of exploitation is institutionalised forced begging by children living in residential Quranic schools (*daaras*). Commercial sexual exploitation is frequently associated with sex-tourism in major cities, tourist resorts and the mining industry. Exploitative child labour is also recognised to occur within artisanal mining, the informal adoption practice of *confiage* and through mistreatment of apprentices. In Kenya child sexual exploitation is frequently associated with tourism in the coastal region, but has also been identified in other urban settings. Exploitative child labour similarly occurs in domestic service, agriculture, fishing, cattle-herding, street vending and begging.

Factors impacting on resilience against exploitation in Senegal and Kenya, prior to Covid-19

| Senegal | Shared factors | Kenya |
|--|--|--|
| <ul style="list-style-type: none">• Response focus on forced begging associated with <i>daaras</i> system• Practices of <i>confiage</i> and <i>mbaaran</i>• Legal protections for sex workers• Incomplete national framework for victim support | <ul style="list-style-type: none">• Response focus on children (sexual exploitation, sex tourism and labour exploitation.)• Early / forced marriage• Poverty• Informal labour• Unequal access to birth registration• Unequal access to education• Gender inequalities• Slow legal processes• Lack of training for law enforcement• Lack of community recognition / acceptance | <ul style="list-style-type: none">• Exploitation of adults in Gulf Co-operation Countries (GCC)• Challenges associated with internally displaced people• Criminalisation of sex workers• Existence of a national framework for victim support |

One key difference between the two countries was the level of attention given to potential exploitation of adult workers migrating to the Gulf Cooperation Countries (GCC). It is estimated that between 57,000 and 100,000 Kenyans live in GCC Countries, particularly UAE, and in Kenya government agencies and local and international anti-trafficking agencies were active around the topic. In the case of Senegal, the 2021 TIP report noted that a framework is still required to regulate overseas labour recruitment.⁷

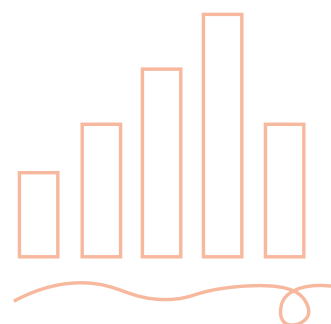
Shared structural factors impacting on vulnerabilities to exploitation include poverty, precarious or informal employment, inconsistencies in birth registration, shortfalls in access to education, and gender inequalities. Cases of early and forced marriage are a significant issue for both Kenya and Senegal, alongside accompanying issues including unequal access to education for boys and girls, practices such as Female Genital Cutting and a higher level of financial precarity for women. However, our interviews indicated that these issues are not always recognised or addressed as part of action against 'modern slavery' or 'human trafficking'.

Kenya also faces a particular challenge in relation to the presence and vulnerability of displaced people, driven by political unrest in Burundi, Tanzania and Uganda, conflict in Somalia, and election violence, ethnic conflict and environmental displacement in Kenya.

Although both states have in place a legal framework to criminalise human trafficking, interviewees for this study identified slow legal processes and a lack of training for judiciary and law enforcement agencies as limitations for implementation in both settings. Kenya has a national framework for victim support including a National Referral Mechanism, National Shelters Network and Victim Protection Act, although respondents identified significant challenges in applying these legal remedies.

There were significantly differing legal stances on sex-work leading to varied outcomes for victims of sexual exploitation. In Kenya, interviewees noted that sex workers were frequently criminalised, even when they were victims of human trafficking. In Senegal, sex work is legal and Senegalese sex workers have some protection and health provision under law, but the practice of Mbaaran (offering sexual favours in return for material gain) is sometimes recognised as a practice that is used to exploit children.

In both settings interviewees also noted that there was an absence of agreement between international definitions of slavery or trafficking and practices that were deemed to be exploitative by local communities. For example, respondents in both countries noted that the social acceptability of child labour and domestic work presented significant cultural and institutional risk factors for both settings. Forced begging associated with exploitative daaras in Senegal was also a practice that was supported by many communities, in line with local religious practices advocating alms-giving.



7. Office to Monitor and Combat Trafficking in Persons. 2021. '2021 Trafficking in Persons Report: U.S. Department of State. <https://www.state.gov/reports/2021-trafficking-in-persons-report/>

Implications of the pandemic for vulnerabilities to exploitation and future work to address modern slavery and human trafficking

The first months of the pandemic resulted in stringent government action in both Kenya and Senegal.⁸ Policy responses included suspension of international air travel, closed borders, limiting inter-regional travel, prohibition of inter-city travel, restrictions on public gatherings, school closures, and curfews. Although many of these measures were relaxed in mid-late 2020, a resurgence of the virus in 2021 has resulted in continuing restrictions. Governments have also instigated fiscal responses including funding for health, social protection and economic stimulus.

Just as many of the underlying social, economic and political challenges faced by Kenya and Senegal were shared prior to Covid-19, our research also highlighted numerous impacts to structural, legal, and local cultural and institutional determinants of community resilience against exploitation. Although these did not always impact directly on anti-trafficking responses, the pandemic significantly increases longer-term risks and vulnerabilities which may create conditions promoting exploitation in the months and years ahead. These include:

Structural factors

- Increased economic pressure for families, high levels of poverty, and the loss of housing, heightens pressure for children to work. A Kenyan interviewee also expressed concerns about the potential for increases in orphanage trafficking.
- Decreased access to ante- and post-natal healthcare provision, resulting in a reduction in birth registration, may lead to subsequent challenges for children in securing access to education and other benefits of citizenship.
- Closure of schools creates a greater risk of children being trapped in abusive settings, or being subject to practices such as Female Genital Cutting or early marriage. Many children have also missed opportunities to obtain key qualifications, with potential generational impacts for long-term earnings.
- Digital exclusion and increased gender inequalities due to differential access to education with boys' education sometimes being prioritised over that of girls'.

Legal and regulatory issues

- Legal processes for addressing human trafficking that were already slow are now experiencing further delays.
- Closure of borders increases the likelihood of hazardous migration, for example via high-risk sea crossing routes to the Canary Islands from Senegal.
- In Kenya there were also challenges repatriating people who experienced trafficking abroad (for instance from Gulf Co-operation Countries countries).

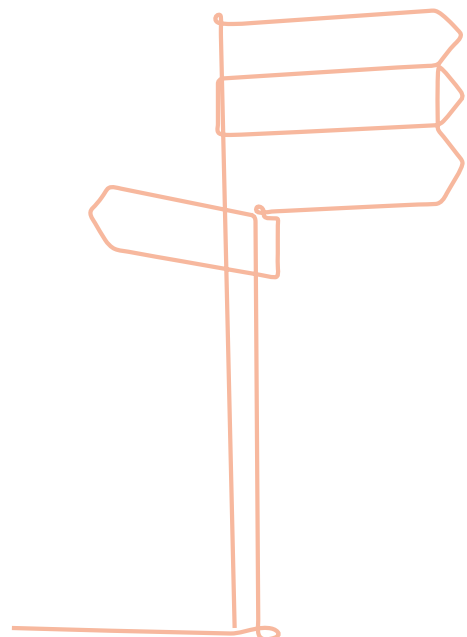
8. Thomas Hale, Noam Angrist, Rafael Goldszmidt, Beatriz Kira, Anna Petherick, Toby Phillips, Samuel Webster, Emily Cameron-Blake, Laura Hallas, Saptarshi Majumdar, and Helen Tatlow. (2021). "A global panel database of pandemic policies (Oxford Covid-19 Government Response Tracker)." *Nature Human Behaviour*.

Local, cultural and institutional issues

- Membership and powers of trade unions have been decreasing due to job losses and increased precarity.
- Interviewees suggested that increased stress and pressure in family settings was leading to greater tension and violence, resulting in increased family breakdown and numbers of children turning to the streets.
- Lockdowns and travel restrictions have had a direct impact on anti-trafficking activity due to a reduced ability to operate normal activities and a reduction in interactions with government and international agency officials.
- Fewer people in communities are available to assist in reporting concerns.
- Government resources have necessarily been re-directed to pandemic mitigation and support.
- In Senegal shelters experienced additional pressure as a result of the 'zero children on the street' initiative. In Kenya many shelters had to shut as they were unable to support clients safely.
- Survivors and anti-trafficking NGOs report numerous negative impacts from lockdowns and reduced access to work upon the physical and mental health of survivors.

This data indicates that it will be important for the anti-trafficking sector to work closely with actors addressing structural, regulatory and institutional issues, in order to ensure that initiatives designed to tackle exploitation are not undermined by broader challenges.

In addition to the diverse policy and practice impacts associated with Covid-19, interviews indicated that some positives were emerging. One example was the move towards more proactive collaboration across the anti-trafficking sector through technology.



Common challenges for anti-trafficking interventions

1. Terminology, the need to develop a shared understanding of concepts.

In both Kenya and Senegal the terms modern slavery and human trafficking were not resonant, and were viewed as deriving from international law. This problem increases the barriers that government and NGOs face in developing shared objectives, mitigates against developing a broader conception of exploitation and also hampers efforts to engage communities. Developing a more widely understood definition and language around the concept would help in facilitating future collaboration, both within countries and with international partners.

2. Addressing the gap between policy, legislation and implementation

Both countries showed evidence of an 'implementation gap', underpinned by a number of common problems. These included:

- A lack of alternative choices for individuals to pursue lower-risk pathways to income generation;
- Limited awareness of the law and associated rights, both within enforcement agencies and local communities, and insufficient resources to support implementation;
- Social norms that supported continuation of exploitative practices within communities;
- A need for greater community ownership and leadership of anti-exploitation activity.

3. Coordination of efforts

Laws are often drafted in organisational 'silos', and policies or programmes that can help to mitigate or eradicate exploitation are sometimes not well-connected. A lack of coordination and inter-agency working can lead to duplication of activity, difficulty budgeting and allocating resources, and an inability to map and validate activity that is taking place. Opportunities for improved collaboration were identified in both settings:

- Improving communication between international stakeholders and local organisations, including making greater use of local knowledge;
- Ensuring clear and persistent coordination of policy implementation efforts by the government, at both national and local levels;
- Co-ordinated training on the law and provisions available;
- Supporting and resourcing collaboration between state and civil society partners;
- Making stronger connections between different types of policy and service provision, connecting social and economic development and anti-exploitation work.

4. Improving existing data

Finding effective and safe ways to share data between agencies frequently represents a challenge for multi-agency policy implementation. However, in the context of Covid-19, data collection has become even more essential as a means to understand how different elements of exploitation are evolving alongside the pandemic.

Recommendations

We suggest that the wide-ranging impacts of Covid-19 across all aspects of community resilience to exploitation infer a need for existing international funders and NGOs to reassess the theories of change underpinning anti-exploitation policies and implementation in the region.

Reframe the language and focus of anti-trafficking work

- International, government and civil society stakeholders should take time to agree terminology that reflects a shared understanding of the exploitation they wish to address. This terminology should also be appropriate and meaningful within local contexts and include terms that are recognisable to local communities.
- The existing focus on children in anti-trafficking work should be widened to include adults, families and the role of communities.

Adopt a whole-systems perspective on funding and policy implementation

- In light of the structural challenges that increase vulnerabilities to exploitation, Policymakers should connect and incorporate anti-trafficking measures with development-focused interventions (such as work to address the socio-economic drivers of educational disadvantage or gender inequalities).
- International funders of anti-trafficking interventions should consider funding these prevention-focused activities as well as more targeted measures such as victim identification and support.
- Governments should review and address impacts of the pandemic for anti-exploitation co-ordination and collaboration, from central to local levels and with civil-society organisations.
- Governments should ensure that a survivor-centred approach is adopted in relation to law and policy, including protecting victims from criminalisation. They should also invest appropriately to ensure that resources are available for shelters and support.

Build on local knowledge and expertise

- Funders should draw more extensively on local and grass-roots expertise, including local academic institutions, to plan and design effective interventions. More extensive use could be made of local languages to communicate law, policy and concepts relating to exploitation, and alternative communication methods explored.
- NGOs should leverage close relationships with donors to educate them on the most effective strategies within their local contexts.
- Actors and stakeholders at all levels – including religious actors and institutions – should be involved in planning and implementation of anti-exploitation policies.

MODERN SLAVERY & HUMAN RIGHTS

POLICY &
EVIDENCE
CENTRE

Led by the Bingham Centre

The Modern Slavery and Human Rights Policy and Evidence Centre was created by the investment of public funding to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to overcome it. With high quality research it commissions at its heart, the Centre brings together academics, policymakers, businesses, civil society, survivors and the public on a scale not seen before in the UK to collaborate on solving this global challenge.

The Centre is a consortium of six academic organisations led by the Bingham Centre for the Rule of Law and is funded by the Art and Humanities Research Council on behalf of UK Research and Innovation (UKRI).

Our partners:



University of
Nottingham
Rights Lab



UNIVERSITY OF HULL | WILBERFORCE
INSTITUTE

**The
Alan Turing
Institute**



The Modern Slavery and Human Rights Policy and Evidence Centre is funded and actively supported by the Arts and Humanities Research Council (AHRC), part of UK Research and Innovation (UKRI), from the Strategic Priorities Fund.

Modern Slavery and Human Rights Policy and Evidence Centre
c/o British Institute of International and Comparative Law
Charles Clore House, 17 Russell Square, London, WC1B 5JP

A company limited by guarantee
Registered in England No. 615025
Registered Charity No. 209425

office@modernslaverypec.org

www.modernslaverypec.org