



Kenya

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Definition of trafficking

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.

In Kenya, people are trafficked on promises for better pay abroad, better life; good earnings; child marriage; forced marriage.

Kenyan Laws

Counter Trafficking in Humans Act, No. 8 of 2010 Kenya Citizenship and Immigration Act, 2011 Constitution of Kenya, 2010 International laws ratified by Kenya as per article 2(5) constitution Proceeds of Crime and Anti Money Laundering Act, 2017 Victim protection Act No.17 of 2014 Prevention of Terrorism Act No. 30 of 2012

Common nationalities trafficked to/through Kenya

Nepalese Indians Ugandans Tanzanians

Reason for trafficking

Sextortion Prostitution Child labour Sell for organs Cure for HIV Aids

Actors

Parents Agents Guardians Relatives Children's homes

Why Kenya as the transit point for victims

Indian Ocean, which is the major link for the East African region Conflicts Weak enforcement mechanisms Weak border point control Corruption Entry into Somalia for terrorists Humanitarian disasters, vulnerability in situations of crisis Trafficking of heroin, cocaine, cannabis and amphetamine-type stimulants (ATS) into and through Eastern Africa is increasing International airports in Nairobi, Kenya, and Addis Ababa, Ethiopia are key entry points for illicit drugs into the region, due to the frequent commercial flights from Asia and the Middle East The seaports of Dar es Salaam and Mombasa are also entry points favoured by drug traffickers

Key causes for the growth in trafficking include:

The growing domestic market for illicit drugs in East Africa and the entire African continent Frequent international flights Inadequate trafficking controls, making Eastern Africa a convenient transit point for drug trafficking to the African continent at large, Europe and North America Corruption amongst law enforcement and customs officers based at the seaports and airports

Challenges in handling trafficking cases

Lack of safe houses for the victims Language barrier Lack of interpreters Long trial procedures due to complexity of trafficking cases Lack of specialized courts to handle trafficking cases Victims charged under the immigration laws instead of the perpetrators Perpetrators are never arrested Terrorism

Authorities efforts to fight these crimes

UNODC Office of Public Prosecution Judiciary Police-ATPU Immigration Department Victim Protection Unit

Statistics which reflect the situation

Relatively new area Many cases prosecuted as immigration cases-victims We have less than 50 cases at Milimani Law Courts specifically on trafficking Major trafficking cases never get to the courts Trafficking cases ongoing are for perpetrators who bring in challenged children to beg for their own economic empowerment

Social awareness on trafficking

A major concern Lack of knowledge on the existing laws Ignorance

Way forward

Training of judicial officers, prosecutors and police on trafficking laws
Establishment of specialized courts to deal with trafficking cases
Creating awareness on the various forms in which trafficking manifests itself
Introduction of a training course on the Kenyan schools on important laws to the students
Economic empowerment to women and girls