



***Ouagadougou Action Plan to Combat Trafficking In Human Beings,
Especially Women and Children***

Introduction

This booklet contains the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children. The Ouagadougou Action Plan was adopted by Ministers for Foreign Affairs, Ministers Responsible for Migration and Ministers Responsible for Development from Africa and EU Member States and AU and EC Commissioners and Other Representatives gathered in Tripoli, The Great Socialist People's Libyan Arab Jamahiriya from 22-23 November 2006.

Preface

It is my delight to present to you the publication of the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (commonly referred as the *Ouagadougou Action Plan*).

The *Ouagadougou Action Plan* is a reaffirmation of the international instruments on trafficking in person and provides specific measures and recommendations to tackle trafficking in human beings in general and African women and children in particular. It also provides justification as to why the special focus is granted to women and children in Africa. Women and children are entitled to all rights and require legal protection in conditions of freedom, dignity and security due to their vulnerability. The discrimination based on gender and reduced agency on part of children exacerbates the problem of trafficking in children. The situation of women and children remain critical in Africa and the increasing phenomenon of sex tourism and other sexual exploitation and abuse of women and children is a scourge to humankind.

The Ouagadougou Action Plan forwards actionable measures that could address this plight of African women and children. It stipulates a three-pronged strategy of prevention, provision and prosecution. The Banjul Summit [EX.CL/276 (IX)/ Assembly/AU/JUN 2006] urged Member States to allocate adequate resources and to strengthen their capacity for the implementation of the recommendations forwarded in the Ouagadougou Action Plan. Moreover, the Africa-EU Strategy for Partnership and the Lisbon Action Plan have also made specific recommendations for joint action in harnessing the contribution of migration to development, and combating trafficking in human beings and the promotion of human rights. The AU Commission was requested, in collaboration with International Organization for Migration and other partners, to advocate for the implementation of the Ouagadougou Action Plan.

The core objective of this publication is to enable government agencies in charge of migration, and trafficking related issues (Ministries of Social Affairs and Social Development, refugee and immigration agencies, Ministries of Justice, Ministries of Foreign Affairs of member states), regional institutions and RECs, international institutions and NGOs as well as academic and research institutions to access the Ouagadougou Action Plan. This will help in the effective concretization of the principles in the action plan at national and sub-regional level. Our hope is that by disseminating the action plan, we will be able to harness and increase the efforts of RECs and Member States in spearheading the revision of their criminal codes, national policy and legislative framework on trafficking in persons.

The Commission will closely monitor the implementation of the Ouagadougou Action Plan and will report back to the Summit and other AU policy-making organs and Member States on the progress made and constraints faced.

The AU Commission will continue to count on the active involvement of member states and development partners in the implementation of the Ouagadougou Action Plan.

In conclusion, the AU Commission would like to extend its appreciation to the partners which made the publication of these documents financially possible.

Adv. Bience Gawanas,
Commissioner for Social Affairs
The Commission of the African Union
Addis Ababa, May 2009

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ANNEX IV

**OUAGADOUGOU ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN
BEINGS, ESPECIALLY WOMEN AND CHILDREN AS ADOPTED BY THE
MINISTERIAL CONFERENCE ON MIGRATION AND DEVELOPMENT,
TRIPOLI, 22-23 NOVEMBER 2006**

OUAGADOUGOU ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS, ESPECIALLY WOMEN AND CHILDREN

The European Union and African States:

Reaffirming their commitments to, among others, the following relevant International and Regional legal instruments:

- The Universal Declaration of Human Rights (1948);
- The UN Convention on the Elimination of all Forms of Discrimination against Women (1979);
- The Beijing Declaration and Platform of Action (1995);
- The UN convention on the Rights of the Child (1989);
- The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000);
- The Declaration of the World Summit for Children (1990);
- ILO Convention on worst form of child labour (1999);
- A World Fit for Children- UN General Assembly Special Session on Children (2002)

Having due regard to:

- The Constitutive Act of the African Union (2002);
- The African Charter on Human and Peoples Rights (1981) and its Protocol relating to the Rights of Women (2002)
- The African Charter on the Rights and Welfare of the Child (1990);
The African Common Position on Children (Declaration and Plan of Action 2001);
- The African Common Position on Migration and Development (2006);
- The Treaty on the European Union (1992)

- The European Convention on Human Rights (1950)
- The Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002)
- The EU Council Framework Decision on combating trafficking in human beings (2002);
- The EU Plan of best practices, standards and procedures for combating and preventing trafficking in human beings (2005);
- The EU Strategy for Africa (2005);

Recognising that women and children occupy unique and privileged positions in the society and are entitled to all rights and require legal protection in conditions of freedom, dignity and security;

Concerned that the situation of women and children remain critical, in particular in Africa, due to the socio-economic situation and harmful cultural traditional practices;

Also deeply Concerned about the increasing phenomenon of sex tourism and other sexual exploitation and abuse of women and children;

Conscious that effective actions to prevent and combat trafficking in human beings, especially in women and children, require a comprehensive regional and international approach involving countries of origin, transit, and destination, that includes measures to prevent such trafficking, punish traffickers and to protect the victims of trafficking, including of their human rights;

Convinced that reinforcing the UN Convention against Transnational Organised Crime with a joint international Framework for Action between Europe and Africa for the prevention, suppression and punishment of trafficking in human beings, particularly women and children, would be useful in preventing and combating the crime;

Determined to deal, through effective cooperation, with aspects of the problem of trafficking in human beings, especially women and children;

Have resolved therefore to adopt the following Action Plan:

GENERAL PRINCIPLES

- Trafficking in human beings, within and between states, is a scourge which states are determined to address.

- Measures to prevent and combat trafficking in human beings should be based on respect for human rights including protection of victims, and should not adversely affect the rights of victims of trafficking. Special attention should be given to the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children. The best interest of the child, including as recognised in existing international conventions, shall be considered paramount at all times.
- The empowerment of women and girls through national policies is an important part of combating trafficking. A gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in human beings.
- Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies under stress as well as non-inclusive societies, corruption, lack of education and human rights violations including discrimination, increased demand for sex trade and sex tourism are among the root causes of trafficking in human beings and must be addressed.

I. Prevention and Awareness Raising

States should:

- Ensure education and training, including life-skills, awareness raising and counselling, as key preventive measures to combat trafficking in human beings.
- Endeavour to provide viable employment or other livelihood opportunities for youth in general and in particular for young women at risk, especially in regions prone to trafficking.
- Promote the empowerment of girls and women in their national policies.
- Adopt specific measures to promote the rights of the child and protect children from trafficking.
- Raise awareness about trafficking in human beings through engagement of the mass media and information campaigns;
- Promote training of those in key positions, in particular the police authorities in African countries, and capacity building to combat trafficking in human beings.

- Take measures to improve the registration of births and the provision of identity documents.
- Take measures to improve the economic and living conditions of families and extended families.
- Mobilise support of families, NGO:s, local communities, other members of civil society and businesses to combat trafficking in human beings and promote best practices.
- Establish rehabilitation centres to assist victims of human trafficking, especially women and children and ensure their safety, protection and facilitate their recovery and social reintegration.
- Take measures to reduce the demand for services involving the exploitation of victims of trafficking in human beings.
- Take measures to eliminate harmful customs and traditional practices and to counter cultural stereotypes, which can lead to trafficking in human beings.
- Commission further research and information, including on the extent, forms and root causes of trafficking.
- Collect and exchange information on the means and methods used by the traffickers.

II. Victim Protection and Assistance

States should:

- Base their policies, programmes and other measures for victim protection and assistance on international human rights instruments, including those relating to the rights of the child and of women, forced labour, child labour and trafficking in human beings.
- Identify victims of trafficking so as to provide them with appropriate assistance and protection, taking fully into account their special vulnerabilities, rights and needs.
- Find the most appropriate measures to ensure protection and assistance to victims of trafficking, especially for children and their families, taking into account, in particular, the rural and urban divide.
- Adopt appropriate measures for the protection of victims of trafficking and provide them with information on their legal and other rights in the

country of destination as well as the country of origin in case of repatriation.

- Encourage victims of trafficking to testify in the investigation and prosecution of cases of trafficking in human beings, by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children.
- Adopt specific measures to avoid criminalisation of victims of trafficking, as well as stigmatisation and the risk of re-victimisation.
- Endeavour to provide victims of trafficking with short- and long-term, appropriate, psychological medical and social assistance in order to promote their full recovery.
- **Consider adopting legislative or other appropriate measures that permit victims of trafficking to remain in their territory, temporarily or permanently, and give appropriate consideration to humanitarian and compassionate factors.**
- Take special measures to address the plight of children-headed households, especially girls.
- Promote an HIV/AIDS sensitive approach and protect the dignity and human rights of victims of HIV/AIDS, taking the special needs of children into account.

III. LEGISLATIVE FRAMEWORK, POLICY DEVELOPMENT AND LAW ENFORCEMENT

Legislative Framework

States should:

- Sign, ratify and fully implement the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention, as well as other relevant regional and international legal instruments
- Adopt and review, as appropriate, legislation, policies and programmes to implement the above mentioned Convention and Protocol and other relevant regional and international legal instruments.
- Take measures to combat criminal organisations involved in trafficking in human beings.

- Ensure the effective prosecution of those suspected of involvement in trafficking in human beings, and deterrent penalties for those found guilty of trafficking.
- Introduce, where it does not exist, a comprehensive legislative and institutional framework that cover all aspects of trafficking in human beings in line with the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- Amend or adopt national legislation in accordance with regional and international legal instruments so that the crime of trafficking is precisely defined in national law and ensure that all practices covered by the definition of trafficking are also criminalised.
- Consider legislation to provide for administrative, civil or criminal liability of legal persons or their representatives for trafficking offences in addition to the liability of natural persons.
- Make legislative provisions for confiscation of instruments and proceeds of trafficking and related offences.
- Consider legal measures which would provide victims of trafficking the possibility of obtaining compensation for damage suffered.
- Adopt legal provisions to severely punish traffickers/offenders and for the protection of victims of trafficking.
- Adopt policies for the protection and support of victims of trafficking and protection from harm by traffickers, criminal networks and pimps.
- Ensure that their laws and administrative practices provide information to victims about the status of relevant criminal and other legal proceedings, and that the status of these proceedings are considered prior to any repatriation of the victim.
- Encourage victims of trafficking to testify in the investigation and prosecution of cases of trafficking in persons by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children.
- Adopt legislation to prevent recruitment and use of children in armed conflicts, demobilise all combatants aged below eighteen; and develop programmes for their rehabilitation and social reintegration.

Policy development

States should:

- Initiate or expand efforts to gather and analyse data on trafficking in human beings, including on the means and methods used, on the situation, magnitude, nature, and economics of trafficking in human beings, particularly of women and children. Systematic research and effective methodologies for such data collection and exchange of information should be advanced.
- Consider developing a National Action Plan which, in a comprehensive manner, outlines all necessary measures to combat trafficking in human beings.
- Consider establishing a multi-disciplinary National Task Force on trafficking in human beings, to formulate and implement National Action Plans. The National Task Force should bring together relevant ministries and agencies to formulate policy and take action against trafficking, and in this regard involve Inter-Governmental Organisations, Non-Governmental Organisations, and other representatives of civil society, as appropriate.
- The National Task Forces could also monitor and report through their respective governments to the appropriate regional and international bodies on the progress of the implementation of the National Action Plans.
- Include trafficking in human beings in the poverty reduction strategies at national level and allocate the necessary budget for combating this crime.

Law Enforcement

States should:

- Consider creating special units, within existing law enforcement structures, with a specific mandate to develop and effectively target operational activities to combat trafficking in human beings, as well as establishing special national focal points.
- Consider establishing direct channels of communication between their competent authorities, agencies and services, including special units and focal points. They should further, where appropriate, establish joint border patrols trained in the prevention of trafficking in human beings and strengthen existing ones.

- Consider the establishment of joint investigation units and enact laws for the extradition of the traffickers /offenders.
- Provide and strengthen training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the prevention of trafficking in human beings. The training should focus on the methods used in preventing such trafficking, prosecuting the traffickers, and protecting the rights of victims, including protecting the victims from the traffickers. This training should encourage co-operation with non-governmental organisations and other elements of civil society.

IV. CO-OPERATION AND CO-ORDINATION

States should:

- Enhance multi-disciplinary co-ordination and co-operation at the national and regional level with a view to ensure an integrated approach to victims of trafficking, taking into account the specific needs of adult and children victims.
- Enhance and exchange documentation of experiences and lessons learned regarding recovery, repatriation and reintegration, in order to develop and provide appropriate short- and long-term assistance to the victims of trafficking.
- Enhance bilateral and multilateral co-operation between European and African countries, countries of origin, countries of transit and countries of destination, regarding identification, assistance, protection, repatriation and reintegration of victims.
- Develop and facilitate co-operation between governments, inter-governmental, international and non-governmental organisations and relevant actors of civil society in order to strengthen the overall capacity to assist the victims, including by educational measures and/or work opportunities for the empowerment of victims.
- Consider the creation of focal points at national and regional levels to collect, analyse and distribute information on trafficking in human beings, and to co-ordinate efforts to prevent trafficking.
- Encourage co-operation at bilateral, regional and sub-regional levels on all aspects of trafficking in human beings, including prevention, investigation, prosecution and protection of and assistance to victims, fully reflecting the important role of inter-governmental organisations, NGO:s and other members of civil society.

- Encourage development of Regional Action Plans to combat trafficking, taking into account the need for international, regional and bilateral co-operation, in addressing the transnational dimensions of trafficking in human beings. Regional and sub-regional organisations may consider establishing a specialised unit for the co-ordination of the efforts to combat trafficking in human beings.
- Develop collaborative efforts between governments, international, inter-governmental and non-governmental organisations to mobilise resources to combat trafficking in human beings.
- Establish a mechanism at regional levels, in collaboration with governments, international, inter-governmental and non-governmental organisations and the civil society to follow- up on implementation of the Action Plan.