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

Summary of key themes

May 2021



This is a summary of the research project *Building Local Resilience to Modern Slavery and Human Trafficking after Covid-19: Action Research in Senegal and Kenya*. This thematic summary draws-on and complements more detailed full country reports for Senegal and Kenya, available on the Rights Lab's website at <https://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 UK Government's 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 highlight 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 antislavery 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.

Our key recommendations are that the wide-ranging impacts of Covid-19 across all aspects of anti-slavery resilience suggest a need for international funders, governments and NGOs to reassess the theories of change underpinning anti-exploitation policies and implementation prior to Covid-19. In order to respond effectively to the pandemic it will be necessary to:

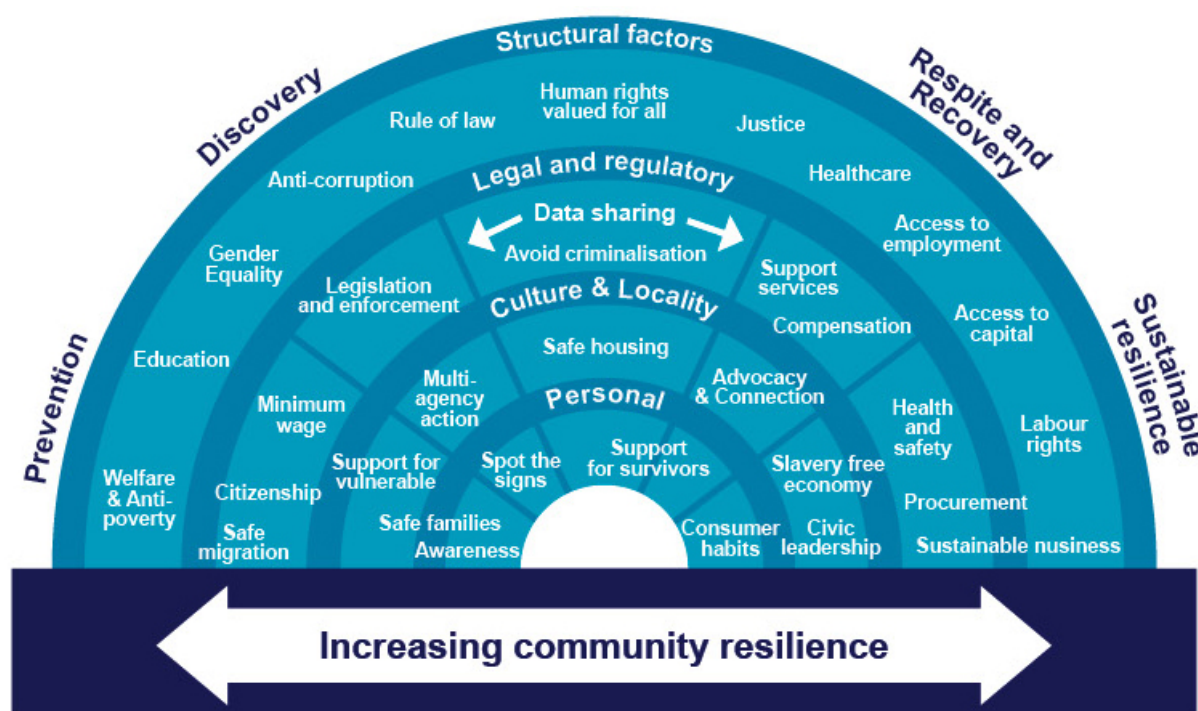
- Reframe the language and focus of anti-trafficking work;
- Adopt a whole-systems perspective on funding and policy implementation; and
- Build on local knowledge and expertise.

# Methodology

This research was based on a framework of ‘social determinants’ of community resilience against exploitation formulated by Gardner, Northall and Brewster<sup>1</sup> (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, and cultural and social norms. These also interact with individual, personal and psychological factors to create a context that can promote or inhibit risks.

In both Kenya and Senegal we worked with our local field partners, Free the Slaves to map key stakeholders engaged in anti-slavery work at the local level. These stakeholders included humanitarian and development actors, multilateral actors, national and local governments, community leaders and NGOs. We also undertook a literature review to understand pre-existing assets and vulnerabilities interacting with resilience against exploitation prior to Covid-19. We developed questionnaires to explore how Covid-19 was having an impact on resilience. Our field based team interviewed 22 different stakeholders in Senegal and 25 stakeholders in Kenya. Interviews were then coded against our resilience framework to help us understand how social determinants influencing resilience against exploitation were being impacted by Covid-19, and what additional issues, not highlighted within our framework were emerging as important.

**Figure 1: Social determinants of community resilience against exploitation**



<sup>1</sup> 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>



## 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, and is hampered by colonial associations.

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. 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 (see Figure 2)<sup>2</sup>. 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 (see Table 1). Both states have enacted stringent policy responses to Covid-19 and have experienced relatively low levels of mortality to date, compared to countries in Europe or the US<sup>3</sup>. 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<sup>4</sup>. The Global Slavery Index ‘government response’ rankings rated both countries as 5 (with the maximum rating being 7\*)<sup>5</sup>.

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

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<sup>3</sup> 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*.

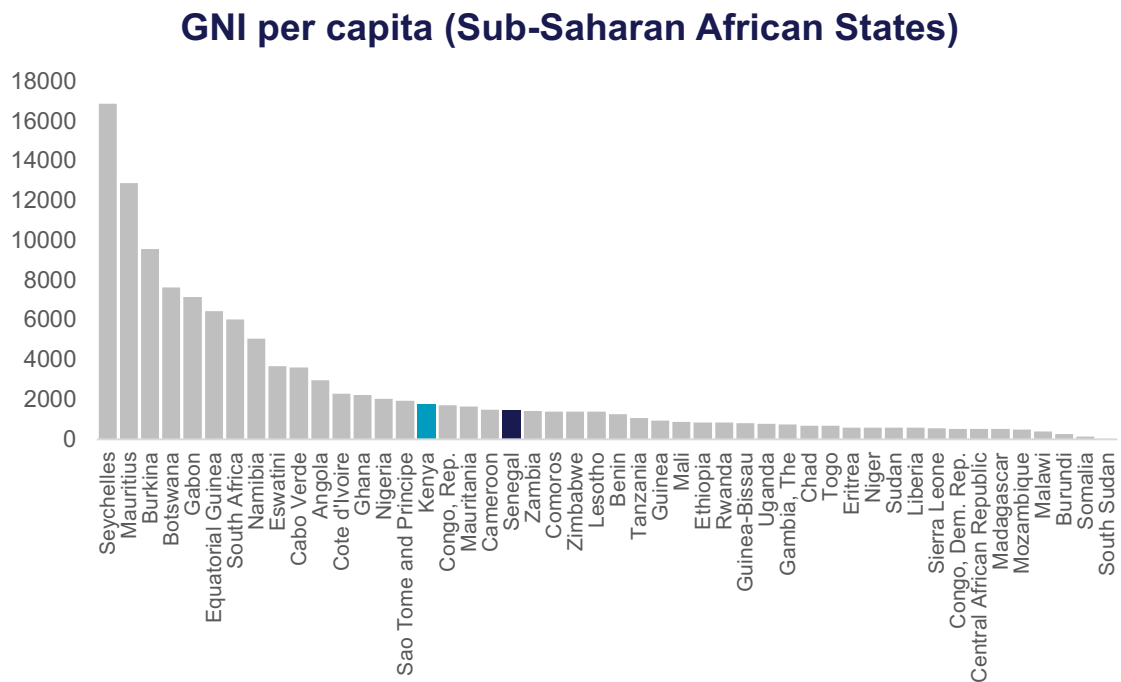
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<sup>4</sup> Office to Monitor and Combat Trafficking in Persons. 2020. ‘2020 Trafficking in Persons Report: U.S. Department of State. <https://www.state.gov/reports/2020-trafficking-in-persons-report>.

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<sup>5</sup> Minderoo foundation (2019) Measurement, Action, Freedom: An independent assessment of government progress towards achieving UN Sustainable development Goal 8.7. Minderoo Foundation.

**Figure 2: (Source: World Bank)**



**Table 1: Comparative statistics (Source: World bank)**

Indicator	Source	Senegal	Kenya
Population	World Bank	16, 296, 364	52, 573, 973
Poverty headcount ratio	World Bank	46.7%	36.1%
Life expectancy at birth	World Bank	69	67
GDP (US \$)	World Bank	23,578 billion	95,503 billion
School enrolment (primary)	World Bank	82%	103%
GNI / Capita (US \$)	World Bank	1460	1750

# 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 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.

**Figure 3: Factors impacting on resilience against exploitation in Senegal and Kenya, prior to Covid-19**

Senegal	Shared Factors	Kenya
<p>Focus on forced begging associated with <i>daaras</i> system</p> <p>Practices of <i>confiage</i> and <i>mbaraan</i></p> <p>Legal protections for sex workers</p> <p>Incomplete national framework for victim support</p>	<p><b>Focus on Children</b> (sexual exploitation, sex tourism and labour exploitation)</p> <p><b>Early / forced marriage</b></p> <p><b>Poverty</b></p> <p><b>Informal labour</b></p> <p><b>Unequal access to birth registration</b></p> <p><b>Unequal access to education</b></p> <p><b>Gender inequalities</b></p> <p><b>Slow legal processes</b></p> <p><b>Lack of training for law enforcement</b></p> <p><b>Lack of community recognition / acceptance</b></p>	<p>Exploitation of adults in Gulf cooperation countries</p> <p>Challenges associated with internally displaced people</p> <p>Criminalisation of sex workers</p> <p>Existence of a national framework for victim support</p>

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 57000 and 100000 Kenyans live in GCC Countries, and in Kenya government agencies and local and international anti-trafficking agencies were active in highlighting exploitation risks faced by these workers. In the case of Senegal, the 2020 TIP report has noted that a framework is still required to regulate overseas labour recruitment.

Shared structural factors impacting on 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, 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 internally 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 sex workers have some protection and health protection under law, but the practice of *Mbaraan* (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 acceptance 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.





# Implications of the pandemic for work to address Modern Slavery and Human Trafficking

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 common impacts arising from the pandemic, many of which exacerbated the pre-existing challenges.

These included:

## Structural factors

- Increased economic pressure for families and loss of housing, which in turn increased the pressure for children to work. A Kenyan interviewee also expressed concerns about increased orphanage trafficking, due to increased vulnerability.
- Decreased access to healthcare settings including birth registration.
- Closure of schools, also resulting in greater risk of children being trapped in abusive settings, or being subject to practices such as female genital cutting or early marriage. Many children missed opportunities to obtain key qualifications, with potential long-term impacts for earnings.
- Digital exclusion and increased gender inequalities particularly in relation to access to education.

## Legal and regulatory issues

- Legal processes for court cases and compensation relating to cases of exploitation were already slow, and are experiencing further delays due to the pandemic.
- Closure of borders increasing the likelihood of hazardous migration, such as the reopening of high risk routes to the Canary islands from Senegal.
- In Kenya there were also challenges repatriating victims from abroad (for instance from GCC countries).

## Local, cultural and institutional issues

- Membership and powers of trades unions decreasing due to job losses and increased precarity.
- Increased stress and pressure in family settings leading to greater tension and violence.
- An 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 available to assist in reporting concerns.
- Government resources were 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.
- Impacts 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 combat exploitation are not undermined by broader challenges.

In addition to the policy problems associated with Covid-19, interviews indicated that there have been some positives emerging. One example was the move towards more proactive collaboration across the anti-trafficking sector, through technology.



# Common challenges for anti-trafficking interventions

In addition, our interviews revealed that there were also a number of wider thematic challenges for anti-trafficking interventions that were common between the two settings. These particularly highlighted the importance of tailoring policy and programme interventions to match the local social, economic, political and institutional context, and of gaining the understanding and support of communities.

## 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' between policy and legal frameworks and lived experience, 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.

# Conclusions

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

Recommendations for improvement include:

## **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-focussed 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-focussed 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.



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Printed June 2021.

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