

A CRITICAL ANALYSIS OF THE LEGAL AND INSTITUTIONAL CHALLENGES IN THE FIGHT AGAINST HUMAN TRAFFICKING IN CAMEROON

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ABSTRACT

The growing number of State Parties to the United Nations Trafficking Protocol is an indication of a positive political will of member States to combat human trafficking in the globe. However, there are quite a number of challenges hampering the effective combat against human trafficking in Cameroon. These challenges include but are not limited too; assessing the scope of the problem of trafficking, lack of awareness, poor victim identification, lack of collaboration between stakeholders, limited access to justice among others. In this vein; the paper seeks to analyze the legal and institutional challenges in the fight against human trafficking in Cameroon. The methodology employed in this article is purely doctrinal which is based on both primary and secondary data which enable us to unravel these challenges. The paper concludes with some robust recommendations which if effectively implemented and enforced will go a long way to remedied these obstacles impeding the fight against human trafficking particularly in Cameroon and the world at large.

Keywords: Legal, Institutional, Challenges, Fight, Critical, Legal, Human, Trafficking, Cameroon

INTRODUCTION

The Protocol to Prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized crime defines Human Trafficking as:

The recruitment, transportation, transfer, harboring 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. Exploitation shall include, at a minimum, the sex exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organsⁱ

It has been Centuries since slavery and the slave trade were abolished. It is however believed that, the world is experiencing a new form of slavery known as human trafficking. This is a highly complex subject, with different perspectives which are as diverse as its available data. The common thought that only Women and children can be trafficked is false. Men like women and children, are at risk of being trafficked for different reasons. Studies have however shown that women and children make up the most vulnerable group of trafficked persons.

The practice of trafficking always operates under the radar, making the acquisition of reliable information about the various patterns used by traffickers and the exact number of trafficked persons difficult. Trafficking as a business owes its existence to some underlying causes like inequalities between and within countries, increasingly restrictive immigration policies and growing demand for cheap disempowered labour. Some other factors which spur individual vulnerability to trafficking include poverty, violence and discrimination amongst others.

The practice of human trafficking transcends borders, with Cameroon not being an exception. The existing socio-economic and political climate in Cameroon, prompts Cameroonian women to migrate within and out of Africa to the Middle East and some parts of Europe, where they become victims of human trafficking. Once trafficked, these women live under oppressive and almost unbearable working and living conditions in the destination countries. Victims face physical and sexual assault, denial of salary, sleep deprivation, withholding of passports and confinement.

The growing number of State Parties to the United Nations Trafficking Protocol is an indication of positive political will of member States to combat human trafficking. Ratification however, is not sufficient to ensure the effective implementation and impact on the ground.ⁱⁱ Reports of the Secretariat to the Conference of Parties to the Convention, an analysis of existing regional and national action plans and corresponding evaluation reports, recent publications such as the Global Report on Trafficking in Personsⁱⁱⁱ and annual United States Department of state's trafficking report on Cameroon all serve to highlight some key challenges in the response to trafficking in persons.^{iv}

There are quite a number of challenges hampering the effective combat of human trafficking in Cameroon. These challenges are both legal and institutional in nature. They include but are not limited too; assessing the scope of the problem of trafficking, Lack of awareness, poor victim identification, lack of collaboration between stakeholders, limited access to justice among others.

LEGAL CHALLENGES IMPEDING THE FIGHT AGAINST HUMAN TRAFFICKING IN CAMEROON

The legal challenges impeding the fight against human trafficking in Cameroon include the following:

Assessing the scope of the problem

Before the government can develop policies and programs to adequately address the problem of human trafficking, it is paramount for it to understand the scope and nature of the problem. A glance at the 2011 Law against trafficking in Cameroon gives the impression that the government is aware of the nature of the problem of trafficking in persons, especially when it pertains to women and children. There is however the question of if the government actually understands the scope or magnitude of the problem of trafficking. This is worrisome, if attention is paid to the manner in which trafficking is addressed in the country.

The estimated number of women who are trafficked within and out of the country is enormous and disproportionate to the amount of attention given to the problem. The number of victims trafficked who are given assistance in terms of rehabilitation is minute, when compared to those still in captivity and unattended to. Only a handful was repatriated from the Middle East through MINREX as seen in official reports, while hundreds remain in captivity.^v

Access to justice

Another challenge in the fight against the trafficking of Cameroonian women is the victim's access to justice. There is a wide gap between the number of trafficking cases filed in courts around Cameroon and the number of trafficking convictions. Even when prosecution efforts have improved, trials remain lengthy, and the number of convictions disproportionately low, which is a deterrent for most victims.^{vi}

Traffickers also have the resources to intimidate those who challenge them. Some of the survivors are being threatened against filing charges.^{vii} Corruption in the judiciary also plays a role in making access to justice a challenge in the fight against human trafficking Cameroon. Traffickers because of the lucrative nature of their trade may influence the rate at which justice is dispensed. The government needs to develop a survivor's protection program to assure victims and their families of their safety and financial survival. Justice has to be more accessible to victims and the application process less restrictive.

There are also reports of NGOs advising survivors to settle litigations with their traffickers out of court, due to lack of access to justice, caused by the Anglophone crisis which has prompted the in activity of courts in certain areas in the North West and South West Regions of the country.^{viii} Traffickers need to know that they will be punished; otherwise, trafficking will always be lucrative.

INSTITUTIONAL CHALLENGES IMPEDING THE FIGHT AGAINST HUMAN TRAFFICKING IN CAMEROON

The institutional challenges impeding the fight against human trafficking in Cameroon include the following:

Lack of awareness

The lack of awareness and shared understanding of what constitutes human trafficking is also a challenge in combatting the crime. Looking at Cameroon's social construction, there is an unconscious acceptance of trafficking for forced labour. The practice of poor families giving out children through middle men to more privileged families against an agreement for education or vocational training is instructive. These children who are mostly girls are meant to babysit the children of their masters, but they end up doing all the house chores with little or no rest and salary. Parents and those middle men/ women who give out these children are not aware their actions constitute trafficking in persons. Some have never even heard of the phrase. Those who have heard about human trafficking erroneously think those girls will need to be moved across borders for there to be human trafficking. There is therefore a dire need for the population to be sensitized on the subject matter.

Victim identification

This can be by the victim herself or by law enforcement.

Victim Self-Identification

Victims may not know they are victims according to state and international laws.

Victims often do not identify themselves as such. While one may expect more self-reporting by young people particularly in the form of requests for assistance to social service agencies and organizations, former victims often report that during the time they were being trafficked, they did not consider themselves to be victims of human trafficking. Rather, they often viewed their exploitation at the hands of traffickers as a necessary means of survival in the absence of support from family.^{ix} Additionally, many young people's hesitance to perceive themselves as victims may be part of their response to the trauma of their experience or a means of self-empowerment. This failure to view oneself as a victim is likely reinforced by the continued refusal of many in law enforcement to view victims as such.

Victim identification by law enforcement officers

Many officers in law enforcement across the country have been slow to recognize that sex-trafficked teenagers are victims of a serious crime rather than voluntary participants in a consensual sex trade. The lack of training means that many trafficking cases go unrecognized and unreported. The same is true of social service and child welfare agencies: A lack of training means that trafficked youths and those at risk may go unrecognized as victims by service

providers and child welfare advocates. In addition, even when local authorities have been trained and are on the lookout for these cases, the hidden and underground nature of this crime means that cases often fail to catch the attention of law enforcement. An untrained law enforcement officer may categorize a trafficking case under illegal immigration or smuggling, which is detrimental to the effort of the government in combatting trafficking.

Individual Attitudes

Avoiding attitude that bias individuals from identifying or helping victims of human trafficking is primordial in the fight against trafficking in Cameroon. Trafficking is not reserved for a particular area or group of people, although it is more common in the North West, South West, West, Littoral, Northern and East Regions of Cameroon.^x Trafficked victims have no particular look, age or size. It may be the girl next door whom you see always washing and cleaning, the lady at the bar counter or that one hawking groundnuts in the streets. Cameroonians have to abandon the "not my business" attitude and report any suspicious activity in their vicinity or neighborhood.

Socio-political crisis

Cameroon has been rocked a series of crisis since 2016. The country is fighting occupation in the North with Boko-haram, insurgency and influx of refugees in the East, and secessionists in the North West and South West Regions in what is known as the Anglophone crisis. The Anglophones of Cameroon who make up 20% of the population feel marginalized. Their frustrations surfaced dramatically at the end of 2016 when a series of sectoral grievances morphed into political demands, leading to strikes and riots.^{xi} These crises have caused families to abandon their sources of livelihood to save their lives. A cross section of this vulnerable population which consists of women have made their way to less troublesome cities within and out of the country, where they are sold as sex slaves, while others experience forced labour, all in the name of seeking for food and shelter. The trafficking situation has been made worse by these crises, and the government has become overwhelmed.

Insufficient financial resources

A frequent challenge in the practical implementation and monitoring of anti-human trafficking activities is the allocation of sufficient financial resources. The main challenges identified in

the prevention, protection and prosecution efforts lie in the following areas: knowledge and research, capacity-building (of law enforcement and judicial personnel) and development, and monitoring and evaluation. These are efforts which require assembling a group of people who need to be catered for at various intervals. Movements are inevitable during the monitoring and evaluation process, as well during special trafficking operations and trainings. Lack of finances will therefore slow down progress or even make it impossible. This situation has been rendered worse following the economic hardship in the country which is caused by the unending crises the country is experiencing. NGOs alleged the government did not proactively investigate trafficking offenses but relied on NGOs to conduct preliminary investigations^{xii} and bring cases to its attention. This may be as a result of lack of financial resources.^{xiii}

Porous borders

There has been a decline in border controls in many parts of the world in the past few decades. Well-intentioned international agreements which were put in place to promote free trade and cross-border movement have facilitated smuggling and trafficking of humans.^{xiv}

The free movement of persons and goods in the whole of the Central African Economic and Monetary Community (CEMAC) is official.^{xv} With the introduction of this agreement and its subsequent amendments, it is now possible to move within at least five neighboring countries without showing a passport.^{xvi} Therefore, once a trafficker brings a woman or a forced laborer into the African community, that person can reach different markets without detection. This condition facilitates entry into different countries, making the fight against the trafficking of humans challenging.

Capacity building needs

There is evidence of a judge prescribing a sentence of two and a half year imprisonment to a defendant for his involvement in human trafficking. A sentence which is severely less than the minimum penalty of ten years imprisonment prescribed for human trafficking by the Cameroon Penal Code.^{xvii} This grave fault can be ascribed to lack of knowledge on trafficking issues on the part of the judge.

Member States are faced with different challenges in preventing and combating trafficking in persons, not only because the extent and nature of the problem varies but also due to varying capacities across countries and regions. Building the capacities of judges and law enforcement is crucial in the fight against human trafficking. The government's inability to provide technical assistance to members of these corps is a grave challenge in the fight against this heinous crime of trafficking.

Data management

Data management is an often neglected but very integral tool in the fight against trafficking. It takes years to standardize data collection processes and consolidate information. Once a country decides to invest in a strong data management system, it becomes easier for it to identify hotspots and emerging trends such as spikes in potential trafficking cases in conflict areas or the vulnerability of displaced people to illegal recruitment.

It is imperative to put in place a comprehensive database of trafficking cases in Cameroon. Information from victims including repatriated Cameroonians will help the government study the recruitment and placement strategies of traffickers. Once this data is available, it will also become easier to blacklist abusive employers and recruitment agencies, monitor the services provided in destination countries, thereby providing Cameroonians with more targeted protective information.

Holistic partnership

It is impossible for any single agency or organization to respond comprehensively to all of the elements of human trafficking. Traffickers range from opportunistic individuals to sophisticated criminal organizations. Addressing human trafficking requires the ability to identify and serve victims and to investigate and prosecute traffickers. Community education and awareness can contribute to these efforts by increasing support and funding as well as generating leads on potential victims and traffickers. Therefore, it is important to think creatively about all of the agencies, organizations, businesses, and individuals who might be able to contribute something in the fight against trafficking. A sincere and transparent collaboration between the government, NGOs, and the community at large is essential in the fight against human trafficking. There is a need to take a more holistic partnership approach in

tackling the problem. In this respect, UNODC fully recognizes the importance of mobilizing the support of NGOs, IGOs, and governments.

Collaboration begins at the national level, but is equally important at the bilateral, regional and international levels. This is because one case of trafficking may involve more than one country or even continent. A concerted effort is needed to help States identify and reach agreement on what constitutes “good practice” in order to ensure that anti-trafficking initiatives become more effective and that funds allocated to stopping trafficking are used more effectively.

Absence of a supervisory mechanism

Like the Palermo Protocol, the 2011 law on trafficking has no supervisory authority to enforce its implementation. This is a very big challenge in that; there would be little or no pressure on states or agencies to respect the said law. There is therefore a dire need for the state to put in place, a supervisory body to monitor the respect of the regulatory mechanisms put in place for the fight against human trafficking in Cameroon.

Trafficking in humans is a despicable crime that robs thousands of people off their human dignity and rights. It is for these reasons that there is a strong need to combat this crime. States (Cameroon inclusive) have appended their signatures on the Palermo Protocol which specifically prohibits this crime, and have gone steps further to enact national legislations to combat it. It is not enough to enact Laws against trafficking. The enacted laws must be enforced and supervisory bodies put in place to enable their implementation.

As demonstrated above, there are numerous challenges which hinder the proper implementation of the regulatory frameworks which are in place like the lack of collaboration between actors or stakeholders and even between states, porous borders, faulty identification, capacity building, and lack of financial resources, poor data management and even lack of awareness of the crime of human trafficking. Unless these challenges are surmounted by individuals and the state of Cameroon, there is a likelihood that, trafficking in Person, will become the new normal in the country.

CONCLUSION AND THE WAY FORWARD

Conclusively; the growing number of State Parties to the United Nations Trafficking Protocol is an indication of a positive political will of member States to combat human trafficking in the globe. However, there are quite a number of challenges hampering the effective combat against human trafficking in Cameroon. In this paper; we have identified some of the challenges which are not limited too; assessing the scope of the problem of trafficking, lack of awareness, poor victim identification, lack of collaboration between stakeholders, limited access to justice among others. This paper has analyzed the legal and institutional challenges in the fight against human trafficking in Cameroon. The methodology employed in this article is purely doctrinal which is based on both primary and secondary data which enable us to uncover and unravel these emerging challenges. The paper concludes with some robust recommendations among which are to increase public awareness of the phenomenon as part of a comprehensive strategy to combat trafficking in human beings. With greater public awareness of the problematic nature of trafficking, the public's resolve to prosecute offenders should interfuse with law enforcement efforts to combat trafficking.

In line with sensitization, it is also recommended that awareness or publicity campaigns must ensure that legal concepts are translated into vernacular languages to facilitate the understanding of anti-trafficking policies.

We further propose for the creation of victim shelters. It has also been shown in this research that Cameroon does not have enough shelters that specifically cater for victims of human trafficking. More resource centers should be established to shelter victims, provide counseling and information, advice on legal assistance, protection, rehabilitation and reintegration. Transit shelters at certain key border crossings should also be established to house these victims for immediate care.

Moreover; any comprehensive counter-trafficking strategy should target the underlying conditions that make persons vulnerable to trafficking in the first place. Governments however including that of Cameroon, tend to deal with trafficking as a criminal law problem which requires only criminal law answers. This is not always the case, as alleviating the suffering of the ailing population is paramount. According to the UNODC, the primary factors that

facilitate trafficking in persons which are referred to as the “push” and “pull” factors ultimately centers on poverty, inequality, and all forms of discrimination and prejudice.

REFERENCES

1. General Assembly of the UN on 15 Nov 2000 and opened for signature from 12 to 15 Dec 2000 at the Palazzidi Giustizia in Palermo, Italy, and at UN headquarters in New York until 12 Dec 2002.
2. United Nations Office on Drugs and Crime Vienna, International Framework for Action to Implement the Trafficking in Persons Protocol, United Nations New York, 2009, p.6.
3. *Global Report on Trafficking in Persons* is mandated by the General Assembly through the 2010 United Nations Global Plan of Action to Combat Trafficking in Persons. It covers 148 countries and provides an overview of patterns and flows of trafficking in persons at global, regional and national levels, based primarily on trafficking cases detected between 2016 and 2019. As UNODC has been systematically collecting data on trafficking in persons for more than a decade, <https://www.unodc.org>. Accessed 29/8/2021.
4. *ibid.*
5. United States Department of state TIP report on Cameroon 2019. <https://www.state.gov>, accessed 27/8/2021
6. *Ibid.*
7. *Ibid.*
8. 2018 Trafficking in Persons Report - Cameroon - Refworld<https://www.refworld.org>, accessed 25/8/2021
9. Awah Francisca a survivor whose story was earlier shared had this identification defect.
10. 2018 Trafficking in Persons Report - Cameroon - Refworld<https://www.refworld.org>, accessed 25/8/2021
11. Cameroon's Anglophone Crisis at the Crossroads<https://www.crisisgroup.org › central-africa › cam>
12. NGOs usually acquire funds from foreign donors, and can boost of financial resources, especially since they have undivided attention as to how the resources are to be used.

13. United states Department of state 2018 TIP report on Cameroon.
14. P., Andreas, “The Transformation of Migrant Smuggling across the U.S.-Mexico Border,” in *Global Human Smuggling Comparative Perspectives*, David Kyle and Rey Koslowski, eds. (Baltimore, MD: Johns Hopkins University Press, 2001), p.107.
15. Signed in 2013 on free movement in Central Africa, the country has ratified the abolishment of visas for the nationals of CEMAC member countries.
16. E., Joyce, “Transnational Criminal Enterprise: The European Perspective,” in *Transnational Crime in the Americas*, ed. Tom Farer (New York: Routledge, 1999), 99-115; <http://www.answers.com/topic/schengen-area-1> (accessed August 15, 2009).
17. Ibid.

ENDNOTES

ⁱ General Assembly of the UN on 15 Nov 2000 and opened for signature from 12 to 15 Dec 2000 at the Palazzidi Giustizia in Palermo, Italy, and at UN headquarters in New York until 12 Dec 2002.

ⁱⁱ United Nations Office on Drugs and Crime Vienna, International Framework for Action To Implement the Trafficking in Persons Protocol, United nations New York, 2009, p.6.

ⁱⁱⁱ *Global Report on Trafficking in Persons* is mandated by the General Assembly through the 2010 United Nations Global Plan of Action to Combat Trafficking in Persons. It covers 148 countries and provides an overview of patterns and flows of trafficking in persons at global, regional and national levels, based primarily on trafficking cases detected between 2016 and 2019. As UNODC has been systematically collecting data on trafficking in persons for more than a decade, <https://www.unodc.org>. Accessed 29/8/2021.

^{iv} *ibid.*

^v United States Department of state TIP report on Cameroon 2019. <https://www.state.gov>, accessed 27/8/2021

^{vi} *ibid*

^{vii} *ibid*

^{viii} 2018 Trafficking in Persons Report - Cameroon - Refworld
<https://www.refworld.org>, accessed 25/8/2021

^{ix} Awah Francisca a survivor whose story was earlier shared had this identification defect.

^x 2018 Trafficking in Persons Report - Cameroon - Refworld
<https://www.refworld.org>, accessed 25/8/2021

^{xi} Cameroon's Anglophone Crisis at the Crossroads
<https://www.crisisgroup.org> › central-africa › cam

^{xii} NGOs usually acquire funds from foreign donors, and can boost of financial resources, especially since they have undivided attention as to how the resources are to be used.

^{xiii} United states Department of state 2018 TIP report on Cameroon.

^{xiv} P., Andreas, “The Transformation of Migrant Smuggling across the U.S.-Mexico Border,” in *Global Human Smuggling Comparative Perspectives*, David Kyle and Rey Koslowski, eds. (Baltimore, MD: Johns Hopkins University Press, 2001), p.107.

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^{xvii} *ibid*