



**MINISTRY OF LABOUR AND SOCIAL PROTECTION OFFICE OF
THE CABINET SECRETARY**

SPEECH BY THE CABINET SECRETARY

MR. SIMON K. CHELUGUI

**DURING THE COMMEMORATION OF THE WORLD DAY
AGAINST TRAFFICKING IN PERSONS**

30TH JULY 2020

The Chief Administrative Secretary, Ministry of Labour and Social Protection

Your Excellency the Ambassador of the United States of America to Kenya, Mr. Kyle McCarter

Your Excellency the British Deputy High Commissioner to Kenya, Ms. Susie Kitchens

Regional Representative of the United Nations Office on Drugs and Crime, Mr. Amado Philip de Andres

Chief of Mission IOM Kenya Country Office, Ms. Sharon Dimache

The Director of Public Prosecutions, Mr. Noordin M. Haji

Chairperson of the Counter Trafficking in Persons Advisory Committee, Mr. George Masese

Chairperson of the National Trust Fund for Victims of Trafficking, Hon. Major (RTD) Marcus M. Muluvi

Representatives of our Social Partners and Development Partners joining us virtually

Representatives from Government Ministries, Departments and Agencies

Ministry Staff,

Members of the Fourth Estate,

Distinguished Guests,

Ladies and Gentlemen,

Good morning,

I am delighted to join you during this occasion to mark the World Day Against Trafficking in Persons.

Kenya is a signatory to the **Palermo Protocol**, which addresses the Prevention, Suppression and Punishing of Trafficking in Persons, especially Women and Children which we acceded to on 5th January 2005 and later domesticated through the Counter Trafficking in Persons Act, 2010. We must therefore treat trafficking in persons as a serious crime which often goes unreported; and a violation of human rights.

Trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, or 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 which at a minimum includes, the exploitation of the prostitution of others or other forms of

sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Globally people are trafficked for sexual exploitation; forced labour; forced begging; forced marriage; child sale and child soldiers; removal of organs; and other forms of exploitation and abuse. Unfortunately, Women at 49% and girls at 23% rank highest among all victims of trafficking. In Kenya, the most prevalent forms of trafficking are labour and sexual exploitation.

It is important to note that the crime of trafficking in persons is not only a cross-border phenomenon but also an internal phenomenon. Here in Kenya, the most prevalent internal trafficking in persons involves child trafficking from rural areas to urban areas for exploitation as domestic workers. From July 2019 to date, 612 cases of child labour have been reported on the Child Protection Information Management System (CPIMS).

This year the World marks this Day under extraordinary circumstances following the outbreak of COVID-19 pandemic. To curb the spread of COVID-19, our government introduced a raft of measures, which has significantly reduced the spread but have also led to the un-intended consequence of job losses. Due to these job losses, there is an increase in the number of people falling below the poverty line and hence increasing their vulnerability to trafficking.

Similarly, some of the measures introduced to contain the spread of the COVID-19 are exposing victims of trafficking to further exploitation especially because some of these measures have led to limited access to services as most victim assistance programmes have scaled down operations. For example, identification of victims, which is difficult under normal circumstances, has become even harder in the face of the COVID-19 pandemic. There has also been reported increase in child sexual exploitation which is one form of trafficking. Further, the increase in online activities especially among the young people has increased their vulnerability to online recruitment.

In addition, due to cessation of air travel, we have noticed that some victims who had been identified for repatriation back to their countries cannot travel. Similarly, despite the efforts being made by the Street Families Rehabilitation Trust Fund, which is under my Ministry, to reduce the number of street families, we are noticing the worrying return of people begging on the streets, especially children which increases their vulnerability to both internal and cross-border trafficking.

The theme for this year's celebration, "**Committed to the cause –working on the frontline to end human trafficking**", focuses on the first responders to human trafficking, the persons working in different sectors to identify, support, counsel and seek justice for victims of trafficking and challenging the impunity of traffickers. The COVID-19 crisis has made the work of the frontline workers harder since it has become difficult to identify, screen and rescue the victims while at the same time protecting themselves from the virus.

Let me therefore take this early opportunity to thank all the frontline workers who have continued working under these harsh realities to protect victims and prosecute perpetrators of human trafficking in the face of the Covid-19 pandemic; you are our heroes today.

Ladies and Gentlemen

While trafficking in persons affects all countries, some countries are more vulnerable than others. Even though Kenya has been identified as a source, transit and destination country for cross border trafficking, we have made major strides in this fight against trafficking in persons guided by the globally agreed upon action plan parameters of **Prevention, Protection, Prosecution and Partnerships**.

Some of the Government achievements towards countering trafficking in persons include: Implementation of the Counter Trafficking in Persons Act, 2010 through establishment of the multi-agency Counter Trafficking in Persons Advisory Committee

that coordinate counter trafficking in persons activities; operationalization of the National Assistance Trust Fund for Victims of Trafficking; development of the National Referral Mechanism for assisting victims of human trafficking in Kenya which provides guidelines for a standardized system of identification, assessment, referral, holistic support, assistance and reintegration of victims of trafficking in Kenya. So far these guidelines have been disseminated in 16 Counties.

Other achievements include; capacity building of law enforcement officers which has been done in conjunction with UNODC, IOM, GIZ, and NGOs leading to more than 600 law enforcement officers being trained on issues related to counter trafficking in persons. Similarly, in collaboration with Non-Governmental Organizations, we have undertaken sensitization of communities, especially those in border counties on prevention measure in trafficking in persons.

In addition, from 2018 to date, my Ministry has rescued over 1,500 victims of trafficking of various nationalities besides managing to get 61 convictions with numerous other cases going on in various courts in the country. To reduce vulnerability, the Government has put in place various programmes including the Inua Jamii Cash Transfer Programme that targets older persons, Orphans and Vulnerable Children and Persons with Severe Disability, some of whom are in the category most vulnerable to trafficking.

Under the State Department for Labour, we launched the “Kenya Labour Migration Information Website” in January 2019 in conjunction with IOM to streamline labour migration and hence ensure it is safe and orderly. Similarly the Ministry has been vetting all local private employment recruitment agencies by an inter-ministerial committee to make sure that any Kenyan going to work in foreign market does so within the law and is well protected.

We have also made progress in counter trafficking in person through the help we have received from our partners. In particular, the government of The United States of America, through the UNODC supported the development of the previous National Plan of Action on Counter Trafficking in Persons 2013-2017; the development of the National Referral Mechanism for Assisting victims of Trafficking, development of the Standard Operating Procedures for the preparation of police file for trafficking in persons in Kenya, Prosecutors Manual and capacity building of law enforcement officers.

Similarly, government of The United States of America continues to offer our country technical assistance in implementing recommendations of the US Trafficking in Persons Annual Report which ranks countries into four tiers determined by a country's victim assistance support system and continuing efforts to address prevention, protection and prosecution.

The 2020 Report has ranked our country in Tier 2, meaning that though we have done a lot to counter trafficking in persons, we still have pending issues to deal with and we are hopeful that the US Government through its Embassy in Kenya, will continue collaborating with us in this endeavor.

Let me also note the support we have received from the government of The United Kingdom in the establishment of the DCI Child Protection and Anti Trafficking Unit centers in Nairobi and Mombasa, provision of equipment and vehicles and also supporting capacity building of law enforcement officers.

Ladies and Gentlemen,

For a country to effectively deal with human trafficking, it must have a strong, comprehensive and robust anti-trafficking law. As a country, we have been implementing the Counter Trafficking in Person (CTiP) Act since 2012.

However, to move to the next level, My Ministry is committed to review the Act to align it to the Constitution and also to address the new dimensions in Trafficking in Persons. It is for this reason that the review of this Act is one of my Performance Contract targets in this financial year.

Besides having a robust anti-trafficking law, the other pillars in countering trafficking in persons is protection of victims. Towards this end, we have identified the need to establish a Government-run shelter for victims of trafficking rather than the current situation where most victims of counter trafficking are held in cells and even at times Prisons. I therefore appeal to our development partners for support in this endeavour.

As I conclude, , let me state that my Ministry will continue to coordinate the sector by providing the Secretariat functions and strengthening partnerships with relevant actors. Going forward, let me restate that the key priority areas will be; review of the current law, victim protection, prosecution of traffickers, capacity building of law enforcement agencies and creation of awareness to communities, more so the segments at higher risk of trafficking namely children, women, migrants, refugees and Internally Displaced Persons.

Let me take this opportunity to appreciate the partners that have been working with us in this area, who include;-Government Ministries and Departments particularly the role played by DPP and DCI, UN agencies such as IOM, and UNODC; US Embassy, the British High Commission; GiZ; and international and local Non-Governmental Organizations.

The former UN Secretary-General, the late Kofi Annan, once said “**Slavery cannot be relegated to the annals of history so long as men, women and children are still being coerced, drugged, tricked and sold to do dangerous and degrading work against their will**”.

Ladies and Gentlemen, we must end this crime of trafficking in persons, and may I call upon all of us to stand up against this dehumanizing act against humanity.

Thank you and May God Bless you all.