

**UNHCR**  
Strategy and  
Regional Plan  
of Action

# SMUGGLING AND TRAFFICKING FROM THE EAST AND HORN OF AFRICA

**EXECUTIVE SUMMARY**



# Background

Increasing reports of the dire consequences of abuses related to smuggling and trafficking of human beings along the East and Horn of Africa to the Middle East, North Africa and Europe led the United Nations High Commissioner for Refugees (UNHCR) to establish a Working Group in late 2011.<sup>1</sup> The objective was to assess the impact of this phenomenon on UNHCR's persons of concern and encourage mobilisation of harmonized and consistent efforts to address it. UNHCR Offices in the region have continued to work, in consultation with State authorities and other organisations, to address the impact of the smuggling and trafficking activities on refugees, asylum-seekers and stateless person who are moving alongside other migrants.



Djibouti authorities increase efforts to combat smugglers and traffickers leaving their coast on precarious transports via the Gulf of Aden.

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Given reports of heightened human rights violations, and the widespread reach of criminal networks having regional repercussions for migration, a broad-based approach, including enhanced partnerships with other concerned actors, was considered necessary. The Working Group, which is composed of staff members from UNHCR headquarters and field offices from various divisions and bureaux, was tasked with gathering information and analyzing the phenomenon; activities which have informed the development of the **Strategy** and **Regional Plan of Action** which are summarized in this document.

Given the multi-faceted nature of the issue and current protection, security, political and strategic challenges inherent in the context, the Strategy asserts the need for collaboration and cooperation amongst key stakeholders and recognizes the value of adopting a comprehensive, solutions-oriented regional approach. The Regional Plan of Action aims to assist stakeholders to implement the Strategy.

<sup>1</sup> The situation of those fleeing the East and Horn (as well as the Great Lakes region) who take the route towards Southern Africa is dealt with through a separate mechanism, initiated in September 2010. Under the auspices of the Government of Tanzania, a joint IOM-UNHCR regional conference was held in Dar es Salaam, Tanzania, on "Refugee Protection and International Migration: Mixed Movements and Irregular Migration from the East and Horn of Africa and the Great Lakes Region to Southern Africa". Participants agreed on a regional strategy and plan of action structured around six areas: (1) legislative reform and review of policy; (2) capacity building; (3) operations; (4) communications and outreach; (5) data collection and analysis; (6) cooperation and coordination. Since the conference a number of countries in the region have been implementing projects such as the training of border guards or reviews of their relevant legal frameworks to address irregular and mixed migration including human trafficking and smuggling. (see <http://www.unhcr.org/4c7fa9b89.html> for more information) Therefore, this strategy and plan of action focuses on the situation of those fleeing the East and Horn of Africa who take the routes to the east, west and north.



Dozens of Ethiopian migrants wait to be registered by the International Organization for Migration (IOM) . By mid November 2010 the IOM had registered nearly 2,000 Ethiopians, from a population the Yemeni government estimated at 6,000, and had chartered planes to fly them back to Ethiopia before the end of the year. © UNHCR / H. Macleod

The smuggling and trafficking phenomenon in the East and Horn of Africa to the Middle East, Europe and North Africa has national, regional and inter-regional dimensions. Those directly affected are Ethiopian, Eritrean, Somali and Sudanese asylum-seekers and refugees as well as migrants. Smuggling, trafficking, kidnapping and associated crimes of torture and rape are reported by those affected in Sudan, Ethiopia, Egypt, Djibouti and Yemen.<sup>2</sup>

In April 2012, almost 2,800 new arrivals from Eritrea were registered in Kassala camp, East Sudan, and by July the numbers had dropped to just over 800 people arriving that month. A further decrease induced by the rainy season resulted in 400 newly arrived Eritreans in Kassala in October. In the beginning of 2012, Shire camp in Ethiopia was seeing between 800-1000 new arrivals per month. After a drop due to the rainy season, figures of new arrivals are picking up again and in October, Shire registered 570 new arrivals.

In Israel, the number of new arrivals has reduced since June 2012. In July there were less than 300 new arrivals and less than 60 in November. This is a marked decrease from an average monthly arrival of 1000-1500 in previous months and is likely the result of the existence of an almost completed fence along the Sinai border, as well as the impact of the application of the Anti-Infiltration Law. In Yemen, up until end of October 2012, some 90,000 persons from the Horn of Africa have arrived on the shores of Yemen; 70,000 of which are Ethiopians and the rest from Somalia. In 2011, a record of some 103,000 persons arrived in Yemen, 75% more than the previous year (2010).

<sup>2</sup> Analysis of the situation of UNHCR persons of concern in Egypt, Ethiopia, Eritrea, Israel, Yemen and Sudan and of the protection concerns they face is based on UNHCR sources, estimates, victims' testimonies and public information sources.

## Overview of Protection Concerns

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- 1 **Refoulement and deportation** of Eritreans, Ethiopians and Sudanese from Israel, Sudan, Egypt, Yemen and Djibouti.
- 2 **Violation of the right to life and protection against torture:** Deaths continue to be reported on several borders as a result of shooting of persons engaged in irregular border movements. Systematic torture and inhumane treatment, including through extortion and hostage-taking by kidnappers/traffickers are commonly reported.
- 3 **Abduction and bondage:** Unknown numbers have been abducted, including from refugee camps. Increasing numbers of asylum-seekers arriving in Israel and Yemen report abduction and involuntary movement to Israel and the Egyptian border. Ransom demands for victims of trafficking are rampant.
- 4 **Trafficking of human beings/organ trafficking:** Various individual testimonies indicate abduction for the purposes of ransom or of human trafficking. There are also reports of organ trafficking, though these are not easily substantiated.
- 5 Most of the cases involve **smuggling** of asylum-seekers, refugees and migrants alike, starting from Egypt, Eritrea, Ethiopia and Sudan, towards Israel, Yemen and beyond.
- 6 **Sexual violence** is reported and rape of women is common following abduction and throughout forced detention.<sup>3</sup> Rape of men, although less common, is also reported.<sup>4</sup>
- 7 **Detention** remains a serious concern in Israel, Egypt, Yemen, Djibouti and Sudan. Access to legal services by those detained remains limited.
- 8 Victims often do not have **access to health and psycho-social services**.
- 9 **Unaccompanied and separated children (UASC)** leaving Eritrea are arriving in large numbers in Eastern Sudan for purposes of family reunification. In Sudan children below 15 years cannot access asylum processes and have to be recognised under the UNHCR mandate.
- 10 Some transit countries continue to consider these movements as illegal border crossings for economic reasons and hence deny **access to asylum procedures**. Some states **detain** all arrivals, while in others asylum-seekers do not approach UNHCR or the asylum authorities.
- 11 **Need for protection-sensitive border management systems** in Egypt, Sudan, Yemen, Djibouti and Israel.
- 12 **Limited durable solution options in first countries** of asylum for refugees in Ethiopia, Yemen, Djibouti and in Sudan and in transit/destination countries.
- 13 **Limited opportunities, including access to livelihoods in countries of asylum** is a serious challenge and often results in onward movement.

<sup>3</sup> In late 2010, an Israeli-based NGO, *Physicians for Human Rights*, a first port of call for migrants, asylum-seekers and refugees after release from detention in Tel Aviv, reported that more than half of the 165 abortions they had conducted between January-November 2010, had been as a result of rape whilst in detention in the Sinai. UNHCR, Israel has compiled 15 Reports on abuse of asylum-seekers through testimonies from survivors interviewed at an Israeli detention facility and 1,303 women were referred for gynaecological treatment, the majority of who are thought to have been through the Sinai.

<sup>4</sup> A *Jerusalem Post* reported, Ben Hartman, in his article 'African migrants brutalized en route to Israel' in February 2011 describes "Rape is also used as a weapon of terror and control against men, [...], One of the men admitted that several men in his group were raped as well, as punishment for trying to prevent the rape of the young women."

# I. Strategy

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Aftu Reda, 23 and Zarai Bayro, 22 walked from their home town in Ethiopia, Bakele, for 15 days to reach Bosasso. During their journey they were robbed of the 400 Birr they had but managed to raise the \$ 25 each needed to cross. They tried to get across on a fishing boat carrying about 100 other people. The boat capsized but fortunately they were rescued. Now back in Bosasso they are trying again to raise money to attempt to cross for a second time. © UNHCR / A. Webster

## Key Elements

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Given the complex nature of the evolving humanitarian crisis, featuring severe human rights violations with a direct impact on refugees and asylum-seekers, an effective Regional Strategy to combat this phenomenon is imperative. The UNHCR Strategy suggests targeted interventions to address the protection needs of refugees, asylum-seekers and stateless persons affected by smuggling and trafficking in the region, through coordination and partnerships for a regional and solutions-oriented approach.

**The Strategy aims to enhance the protection of affected persons of concern by:**

- 1 Identifying Solutions for Refugees and Promoting Alternatives to the Use of Smugglers
- 2 Enhancing Inter-State Cooperation and Government Capacities to provide Protection<sup>5</sup>
- 3 Strengthening Partnerships to Address the Problem and Provide Effective Responses for those Affected
- 4 Raising Awareness of the Phenomenon and Strengthening Communication of its Effects

Collaborative national and regional action with States, mandated organisations and key stakeholders is considered the best way forward to address the various stages of the phenomenon.

<sup>5</sup> UNHCR has produced Eligibility Guidelines for asylum-seekers from Somalia in 2010, for those from Eritrea in 2011 and Guidelines on asylum-seekers from Ethiopia are expected to be published in 2013. UNHCR Eligibility Guidelines are issued by the Office to assist decision-makers, including UNHCR staff, Governments and private practitioners, in assessing the international protection needs of asylum-seekers from a given country.

## II. Regional Plan of Action<sup>6</sup>

A Regional Plan of Action, summarized below, will enable implementation of the Strategy and is complemented below by non-exhaustive examples of possible activities to implement each key element of the Strategy. The UNHCR 10-Point Plan forms the basis of the Regional Plan of Action.

### 1) Identification of Solutions and Alternatives for Response

The development of protection-based solutions for UNHCR persons of concern who have been, or are at risk of being trafficked/smuggled needs to take into account the profile and specific needs of the concerned individuals/ group. Examples of solutions/alternatives based on particular themes include:

#### 1 Family Unity

- Explore the feasibility of voluntary return of unaccompanied and separated children (UASC) to countries of origin for family reunification;
- Establish/Improve mechanisms to address the needs of UASC in countries of asylum, including family tracing and family reunion in country of asylum in line with international standards;
- Upon return, establish/strengthen child protection and monitoring mechanisms.

#### 2 Self-Reliance, Education and Access to Livelihoods

- Review self-reliance programs and access to livelihoods in urban and camp situations in countries of asylum for optimum gain for the affected population;



<sup>6</sup> Please see UNHCR's *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, January 2007, Rev.1, <http://www.unhcr.org/refworld/docid/45b0c09b2.html>. And UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in Action*, February 2011, <http://www.unhcr.org/refworld/docid/4d9430ea2.html>.

Victims of smugglers often require treatment for severe burns caused by exposure to sea water, motor oil, human waste and the sun during the sea crossing.  
© UNHCR / J. Björvinsson



- Study the Ethiopian “out-of-camp” policy, for its further improvement and expansion elsewhere;
- Expand education opportunities, especially for adolescents, including formal primary and secondary education, Accelerated Learning Programmes and post-secondary opportunities, ensuring quality and protection.

### 3 Resettlement

- Review the current policy on third country resettlement in relation to refugees from countries of asylum;
- Implement strategic and targeted use of resettlement opportunities, including for most vulnerable among newly arriving refugees.

### 4 Voluntary return

- Facilitate voluntary repatriation to country of origin on individual and country specific basis;
- Ensure access to documentation and proof of nationality.

### 5 Return to previous country of asylum

- Facilitate returns where effective protection is in place and improved protection will be made available;
- Facilitate transfers and other return mechanisms with appropriate protection safeguards. e.g. Readmission Agreements for affected persons of concern to a previous country of asylum;
- In the absence of alternative solutions, facilitate the return of persons not in need of international protection to their countries of origin, with due attention to vulnerable categories and persons with specific needs, in line with UNHCR’s policy on *“The return of persons found not to be in need of international protection to their country of origin: UNHCR’s role”*;
- Encourage assistance and reintegration upon return to receiving countries.

### 6 Migratory solutions

- Advocate for legal access to complementary humanitarian status/legal work/migratory schemes in countries of asylum and the region, where available.



## 2) Inter-State Cooperation and a calibrated Regional Approach

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Facilitate Inter-State cooperation to combat human trafficking through a range of capacity-building activities to assist States with the dual challenges of:

- a) Managing mixed migration flows, identifying and addressing protection needs of persons in need of international protection (who have been or are at risk of being trafficked/smuggled), and strengthening refugee protection capacities;
- b) Developing anti-trafficking and anti-smuggling legislative frameworks and enhanced law enforcement and prosecution activities.

Examples of solutions/ approaches in this area include:

### ① **Support Institutional and Legislative Developments** by:

- Strengthening protection-sensitive asylum systems/border management in receiving states, including through identification, reception, profiling, referral, support, assistance and reporting mechanisms for persons of concern;
- Strengthening the harmonization of national institutional and legal approaches related to asylum, migration, counter trafficking/smuggling, border management/ security, data management, justice and rule of law;



Marines patrol the coast in an attempt to crack down on smugglers transporting refugees and migrants.  
© UNHCR / J. Björgvinsson

- Addressing detention, refoulement, lack of documentation and other protection concerns affecting victims of trafficking/ smuggling of concern to UNHCR;
- Advocating for access to and monitoring of detainees;
- Capacity building for Government counterparts and facilitating best practice exchanges.

**2 Strengthen Prevention and Access to Justice, Criminalization and Rule of Law** through:

- The adoption of a victim-centric approach in the identification and prosecution of perpetrators; advocacy for the criminalization of trafficking, smuggling and related crimes in countries of origin and of asylum, in response to organized criminal activities;
- The promotion of access to justice and redress mechanisms, including through traditional justice systems.

**3 Promote Inter-State Cooperation, Dialogue and Foster Political Will** by:

- Facilitating inter-State cooperation and high-level dialogue towards identification of regional and comprehensive solutions;
- Using multilateral and bilateral opportunities strategically;
- Following-up on relevant pledges made by States, including at the *Ministerial Inter-governmental Event on Refugees and Statelessness in December 2011*.

### 3) Collaboration and Partnership across the range of Stakeholders

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Targeted partnerships and concerted action is crucial to providing an effective and comprehensive protection response to address the situation of persons of concern, who have been or are at risk of being trafficked or smuggled, and in ensuring adequate long-term solutions.

Examples of solutions/ approaches in this area include:

- ① **Engage with refugee/asylum communities/diaspora** through self-protection and community-based mechanisms; and promote consultations on prevention, awareness-raising, law enforcement, family reunification, alternative solutions and return monitoring;
- ② **Engage with UN and other international/regional partners** at the global, regional and local levels and explore partnerships with regional actors and mechanisms;
- ③ **Engage with Governments and donors** more forcefully including with development agencies to explore the strategic use of diplomatic representations, in sending and receiving countries;
- ④ **Engage with Civil society and implementing partners** strategically on advocacy, prevention, information, access to justice and access to services; review and strengthen implementing partners' capacity/programs for targeted protection and assistance to persons of concern.



The entry to the detention centre where Somalis and Ethiopians found crossing via road and smugglers' boats, wait for transport to a camp. The detention centre is an old jail. The jail, built to hold 20 detainees, now holds more than 200 people at a time.  
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A 12 year-old boy near Shire just after crossing the border.  
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#### 4) Concerted Advocacy and Awareness-raising aimed at Prevention

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Stakeholders undertake a range of awareness-raising, public information campaigns/ advocacy to alert populations to the dangers associated with illegal migration in the region, as well as to the alternatives to irregular migration available for persons of concern. These may be targeted at:

- 1 **Traditional institutions and communities** through targeted advocacy to change attitudes toward those being smuggled/trafficked;
- 2 **Advocacy** by engaging strategically on media campaigns, mass information campaigns and targeted advocacy, at the global, regional and local level, including with refugee communities through the establishment of a regional information portal and use of social media channels;
- 3 **Advocacy encouraging governments** to take action against perpetrators including through effective legal provisions and their pro-active implementation.



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