

# ENHANCING STAKEHOLDER COLLABORATION FOR IMPROVED BORDER MANAGEMENT TO REDUCE CROSS-BORDER CRIMES

## Desk Study Report



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## Section 1: Abstract

The desk study report aims to identify challenges and opportunities for improving border management to reduce cross-border crimes. This study provides an overview of the international and national legal frameworks that address cross-border crimes and migration. The study includes the drivers of irregular migration, adverse outcome of cross border crimes and human trafficking, a review of relevant international and regional instruments, such as the 1951 United Nations Convention Relating to the Status of Refugees, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. The study also explores the role of national laws and policies in addressing cross-border crimes and migration.

## Section 2: Introduction

Multiple events, including climate crisis, the COVID-19 pandemic, and numerous international conflicts, have had transformative effects on the trends and patterns of both internal

and international migration in recent years.

According to the International Organization for Migration's 2022 World Migration report, there were approximately 281 million international migrants, approximately 3.6 percent of the world's population, in 2020, up from 272 million in 2019 and over 100 million more than estimated in 2000 (McAuliffe and Triandafyllidou 2021, 3). On account of this volume, the United Nations (UN) 2030 Agenda for Sustainable Development, adopted in 2015, "recognizes migration as a core development consideration [and] recognizes migrant women, men and children as a vulnerable group to be protected, and as agents of development" (Vidal 2018, p.13).

Terrorists and transnational criminal organizations, as well as individuals who are foreign fighters for terrorism, continue to violate border laws by smuggling firearms, ammunition, and explosive materials, drugs, illegal merchandise, and people (GCTF, 2020). Human trafficking and illicit migration are two human rights violations affecting every country

in the world. This is due to the fact that vicious crimes are highly profitable sources of income for criminals. Indeed, human smugglers overcharge migrants to facilitate them to illegally cross a border undetected, while human traffickers exploit human beings by improper means such as force, fraud, or deception. Both of these practices can lead to exploitation through sexual means, being forced to work in mines, agriculture, domestic service, begging, or even having organs trafficked (IOM, 2016).

The smuggling of migrants is not the same as human trafficking, even though it may be hard to establish a proper distinction between the two phenomena. Indeed, there are differences between definitions associated with the two types of crimes. The smuggling must be consensual, and it must be transnational. The phenomena of human trafficking concerns people transiting among nations or within a country. Both crimes may occur along the same routes, and the crime of smugglers can even turn into a human trafficking case. The only clear difference

is that human trafficking is a crime generally occurring against an individual while smuggling human beings among borders is a crime against the State. Both crimes can be associated with some sort of related violence and exploitation.

## Section 3: Conceptual definitions

Several authors have attempted to address the issue of definitional clarity in recent years (Laczko Gramegna, 2003). To overcome this issue and to make this desk research consistent and structured, we will have to base it on a specific set of definitions that could generally be applied at the global level.

### 3.1: Border Management

It is usually defined as “the government functions of migration, customs, and excise, and policing, with the aim of controlling and regulating the flow of people and goods across a country's border/boundary in the national interest (particularly economic

development, security, and peace). Border management also includes the maintenance of boundary beacons that mark the physical limits of the country's territory. Border management is a collaborative process between a country and its neighbors. It cannot be done unilaterally, and it is most effective and efficient when done regionally" (Wafula Okumu, 2011). "Border management can be defined as a process of governing the movements of people and goods across national boundaries, through the use of a range of policy measures and operational activities that are designed to regulate, secure and facilitate international travel and trade." (World Bank, 2018)

### 3.2: Irregular Migration

It is migration that occurs outside of the legal-institutional frameworks established by states. It applies equally to emigration and immigration, although the right to leave one's country is now enshrined in international law as an asymmetrical principle (without the corresponding right to enter another)" (Baldwin-Edwards, M. 2008). According to the

UN Protocol Against the Smuggling of Migrants by Land, Sea, and Air, migrant smuggling is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefits, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident" (UNODC, 2000).

### 3.3: Human Trafficking

Human Trafficking is the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women, and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. The traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims. The crime of human trafficking consists of three core elements: the act, the means, and the purpose. Physical and sexual abuse, blackmail, emotional manipulation, and the removal of official documents are used by traffickers to control their

victims. Exploitation can take place in a victim's home country, during migration or in a foreign country.” (UNODC, 2021). Human trafficking victims suffer exploitation in various forms, such as trafficking for labor exploitation, sexual exploitation, organ removal, child trafficking, and others. The United Nations Office on Drugs and Crime's (UNODC) 2016 Global Report on Trafficking in Persons highlights that trafficking for sexual exploitation and forced labor are the most prevalent forms of human trafficking.

### 3.4: Migration

Early theories sought to explain migration as the result of simple decision-making processes, “the result of an individual calculation based on positive factors at destination and negative factors at origin,” (Lee 1966 as cited by Scarott 2020). Since then, scholars have taken diverse approaches to understand migration, its causes, and its effects. International frameworks focused on addressing, monitoring, and protecting migration have been developing since the latter half of the twentieth century.

However, because of conflicting approaches, there remains no international consensus on a legal definition. The International Organization for Migration (IOM) has emerged as the primary intergovernmental body tasked with monitoring and regulating international migration. Intending to standardize the definitions used in legislation and legal frameworks worldwide, the IOM published a Glossary on Migration in 2019 (Pécoud 2020). The Glossary defines migration as: “*the movement of persons away from their place of usual residence, either across an international border or within a state*” (IOM 2019, p. 137).

Under the umbrella of migration, two terms exist to help clarify the direction of the migratory movement: emigration and immigration. The 2019 Glossary defines **emigration** as:

*“from the perspective of the country of departure, the act of moving from one's country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence”* (IOM 2019, p. 64).

Alongside this definition, the National Migration Policy of Ghana notes that “international human rights norms provide that all persons should be free to leave any country, including their own, and that only in very limited circumstances may States impose restrictions on the individual's right to leave its territory” (Government of Ghana 2016, p. 90). Conversely, the 2019 glossary defines immigration in the same way, but “from the perspective of the country of arrival” (IOM 2019, p. 103). Some international organizations, like the International Rescue Committee (IRC), make explicit distinctions between migration and immigration, with the former referring to a more regular process of movement for seasonal work or other reasons, and the latter referring to “someone who makes a conscious decision to leave their home and move to a foreign country with the intention of settling there” (Scarott 2020, p.12).

The above terminology typically implies migration within the bounds of international law. All other migration is commonly considered irregular. The IOM defines irregular migration as the:

*“movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit, or destination”* (IOM 2019, p. 64).

Scholar Khalid Koser considers this to include the actions of any migrants “who enter or remain in a country without authorization, those who are smuggled or trafficked across an international border, unsuccessful asylum-seekers who fail to observe a deportation order and people who circumvent immigration controls” (Koser 2018, p. 44). Koser, among others, favors the terminology of *irregular* migration over *illegal* migration, as the latter implies criminality and may present unnecessary challenges for asylum claims (Koser 2018, pp. 44-45).

However it is referred to, migration outside the existing laws and regulations can pose risks to national and international security. One such risk is that of cross-border crime which can be defined as:

“any conduct which jeopardizes the legally protected interests in more than



*one national jurisdiction and which is criminalized in at least one of the states/jurisdictions concerned” (Passas 2017, p.13).*

While these crimes can take many forms, such as drug trafficking, arms sales, or terrorist acts, those involving human victims, including migrants themselves, have drawn much attention in recent years, often referred to as crimes of human trafficking or trafficking in persons (complete definitions and a discussion of these terms are presented below).

## Section 4: : Drivers of Irregular Migration

There are economic and non-economic determinants that serve as drivers of migration, especially from Africa to Europe. These determinants could be classified into two categories: *Push* and *Pull* factors. Push factors are the reasons people leave a country, while pull factors are the reasons they move to a particular country. Push and Pull factors can be grouped under three main classes: .

- **Socio-political,**
- **Demographic and economic,**
- **Environmental**

Among Socio-political factors, war, conflict, and government persecution based on ethnicity, religion, race, politics, or culture can push people to leave their country. Demographic and economic migration is related to labor standards, unemployment, and the overall health of a country's economy. Pull factors include higher wages, better employment opportunities, a higher standard of living, and educational opportunities. Factors concerning demographic and economic dynamics could therefore be related to labour standards, unemployment, and the overall health of a country's economy. Meanwhile, environmental factors could be exemplified by the action to flee natural disasters, without forgetting the severe role that climate change play in it (Winterdyk and Jones, 2020).

### 4.1 Global trends

By the nature of these crimes, it is difficult to find a reliable statistic describing these phenomena at the global level.

In 2009, the UNDP tried to estimate the amount of irregular international migrants smuggled over a decade. Indicatively, it had been estimated that, roughly, 50 million migrants were smuggled globally. Indeed it is difficult to get available data on annual global reports on migrant smuggling trends, and data on human trafficking and illicit migration are scarce and limited to those retrieved from the port of arrival, and sometimes those accosted by border management teams. (Laczko and McAuliffe, 2016). Due to the increasing public attention on irregular immigration, governments started monitoring specific migration corridors in order to have an indication of the scale of this phenomenon. For instance, in 2016, 181,000 migrants crossed the Mediterranean alive, landing on the Italian coasts of Lampedusa from Northern African coasts. Majority of them had used services offered by criminal organized groups (IOM, 2016), who are managing an industry built on human misery estimated to be worth as much as USD 10 billion or more per year (Ferrier and Kaminsky, 2017). Given the entirety of the estimated worth of profits generated by this business, it is

important to collect information to manage it as much as possible.

#### 4.1 Trends in Ghana

Emigration from Ghana was on a low scale in the early years when the country gained independence in 1957. In the 1960s, it mainly concerned students and skilled professionals who moved to the United Kingdom (UK) and the United States of America (USA), while others emigrated to other African countries. The countries of destination were the results of Ghana's colonial past. Indeed, Ghana was the epicenter, for almost 150 years, of the British slave trade, which accounted for millions of Africans shipped to the Americas and the Caribbean. A new immigration peak was reached between the 1970s and 1980s, during a decade of severe political and economic instability. In 2021, it has been estimated that 46% (forty-six percent) of Ghana's emigrants are highly skilled, the highest rate in West Africa. This is a huge issue for Ghana as it loses a high percentage of its own human capital, a fundamental asset for any country

On the other side, Europe has strategized means to regulate illegal

immigration while fighting connected crimes. Indeed, in a publication from a one-year project implemented by the German Council on Foreign Relations (DGAP) in 2021, it became clear that there is a great interest in Europe in understanding the phenomena of irregular migration, the causes, and the possible set of alternative actions available to tackle the issue. The latter is given by the fact that half of all European immigrants are from the ECOWAS region. Despite a close relationship between Europe and Ghana on migration, contrasting interests remain. "Ghana's interests in the diaspora, labor migration, and regional free movement are often at odds with Europe's focus on irregular migration and return policies" (DGAP, 2021). Unfortunately, there is a problem with coordinating the divergent interests of the implementation of different policy initiatives. This also turns to overlook earlier initiatives and policies from previous administrations.

Although emigration has been increasing at a faster rate than immigration since 1990s, Ghana continues to be an important country of destination for citizens of neighboring countries.

Indeed, Ghana is a beacon of peace, an example for the Western Africa region with its emerging economy, increasing standard of living, and political stability given its successive eight peaceful Presidential Elections.

Consequently, it was estimated that those irregular immigrants entering the country are mostly nationals from West Africa and 0.2 million elsewhere in Africa. Looking at the distribution of West African illegal immigrants, 2.6 million are from Nigeria<sup>1</sup>, and 0.3 million are among Burkinabe nationals, Togolese, Ivorians, Nigeriens, and Malians. Ghana raised the issue of irregular immigration since it was connected with the smuggling of weapons and drugs. The latter spiked severe security concern<sup>2</sup>.

Indeed, together with illicit migration, the smuggling of weapons and drugs has become a common cross-border crime across West Africa Nations. This crime is perpetuated by those criminal groups who also engage in human trafficking. Ghana enacted the Human Trafficking Act in 2005<sup>3</sup> which seeks to prohibit all forms of trafficking in Ghana. Despite the latter, a n d m a k i n g

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1 [https://www.ghanaweb.com/GhanaHomePage/foreign\\_affairs/foreigners.php](https://www.ghanaweb.com/GhanaHomePage/foreign_affairs/foreigners.php)

2 <https://web.archive.org/web/20131003143053/http://news.peacefonline.com/news/201205/114645.php>

3 The Ghana Human Trafficking Act, 2005 (Act 694) has the objective to suppress human trafficking, punish perpetrators of the offence of human trafficking, and develop strategies to rescue, rehabilitate and reintegrate victims of the offence.

significant efforts to meet the minimum standards for the elimination of human trafficking, Ghana is yet to reach this goal. The challenges militating against the achievement of the objectives are many and varied. Lack of shelter facilities for victims who have been rescued, delayed investigations in most regions, inadequate evidence collection, weak collaboration between prosecutors and police, and a lack of experienced state attorneys hampered the prosecution of suspected traffickers (Report, US Department of State, 2021)

In the 2021 Trafficking in Persons Report developed by the U.S. Department of State, which analyzed the subject over five (5) years, it was revealed that human traffickers exploit domestic and foreign victims in Ghana. Children in the northern regions of Ghana are sent, through intermediaries or relatives, to work in the south during school breaks or the dry season. Ghanaian children are exploited in forced labor like fishing, domestic service, street hawking, begging, pottering, artisanal gold mining, quarrying, herding, and agriculture, especially cocoa.

The report highlighted the example related to the fishing industry of the Volta Lake area, in which more than half of the children working there were born in other communities, and most of them were “victims of forced labor, not allowed to attend school, given inadequate housing and clothing, and controlled by fishermen” (ibid).

The Volta Lake is one of the world's largest artificial lakes and has existed since the early 1960s through the construction of the Akosombo Dam. Fishermen report that fish stocks are decreasing making it difficult to survive on fishing alone. The latter is cited as a key reason children are needed, meanwhile, the driving force behind child trafficking in Ghana does have other roots.

One of these is given by the fact that "child trafficking is actually a distortion of the old cultural practice of placement (of children to live) with relatives or townspeople," says Joe Rispoli, Head of the Counter-Trafficking Department of the International Organization for Migration (IOM) in Ghana. "And many parents don't know the value of education; for them, it's more immediately valuable for their children to learn how to fish" (UNODC, 2021).

While boys work in hazardous conditions, girls are mostly exploited for tasks such as cooking, cleaning fish, and preparing fish for the market, and are vulnerable to sexual abuse and forced marriage. Traffickers lure Nigerian women and girls to Ghana with the promise of good jobs and coerce them into commercial sex to pay exorbitant debts for transportation and lodging.

Traffickers also exploit some Ghanaian and Nigerian labor migrants in commercial sex and demand more money for transit and document costs. Sex trafficking exists nationwide but is most prevalent in the Volta, Northern, Bono, and Bono East and is growing in the oil-producing Western Region (Report, 2016). Moreover, traffickers seized passports and physically and sexually abused Ghanaian and Nigerian women/girls in sex trafficking. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, particularly Italy, Germany, the Middle East, and other parts of West Africa

Volta, Western, Bono, Bono East, Northern (Tatale, Saboba Districts, etc), North East (Chereponi, Bunkpuruguet),

Upper East (Bawku, Bongo, Kassena Nankana Districts, etc), Upper West (Lambussie District) and Savanna (Bole District) are among regions/Districts where “irregular migration, human trafficking (particularly for children); smuggling of goods and other border-related crimes are perpetuated. Especially in the Cocoa and fishing areas, Ghanaian children are usually trafficked from their home villages to work in the fishing industry and Cocoa farms. Usually, these trafficked children live in meagre conditions and work long hours every day, these kids are exploited by fishermen desperate to feed their families and earn a living along the banks of Lake Volta.

## Section 5: Legal Frameworks

Migration is a complex and multifaceted issue that involves a range of legal frameworks at the international, regional, and national levels. These legal frameworks play a critical role in shaping the rights and responsibilities of migrants and the obligations of states with regard to migration. In this context, it is important to understand the key legal frameworks for migration and their significance.

## 5.1 Migration under International Law

Despite a lack of consensus on the most pressing causes, many studies have reached a similar conclusion: the scale and frequency of large-scale migration are increasing and will continue to increase in the coming years (Dao, 2021). To encourage international cooperation and bolster protections for displaced peoples, the UN General Assembly unanimously adopted the New York Declaration for Refugees and Migrants in 2016.

The UN's summary of the New York Declaration cites the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as the normative basis of all refugee protections extant under international law (UNHCR 2018). In partial fulfillment of the goals laid out in the New York Declaration for Refugees and Migrants, the UN General Assembly adopted the Global Compact for Safe, Orderly, and Regular Migration.

The 2018 Compact, although not legally binding, contains three guiding principles:

**Common understanding, shared responsibilities, and unity of purpose,** with a focus on identifying and moderating both the benefits and potential adverse effects of international migration (UN General Assembly, 2018, p.2). The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol is a fundamental instrument in international law that provides the legal definition of a refugee and outlines the rights and protections afforded to refugees.

The convention and its protocol were adopted in response to the large-scale displacement of people following World War II, with the aim of ensuring that refugees receive protection and assistance. The Convention defines a refugee as any person who is outside their country of origin and cannot return due to a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group

The 1967 Protocol extends the application of the Convention to refugees from any country, regardless of the date when they became refugees.

The Convention and Protocol establish the principle of non-refoulement<sup>4</sup>, which prohibits states from returning refugees to a country where their life or freedom would be threatened. The Convention also recognizes the right of refugees to access employment, housing, education and healthcare, and to move freely within the territory of the state in which they are present.

The International Covenant on Civil and Political Rights (ICCPR) is a treaty adopted by the United Nations General Assembly in 1966. It sets out a comprehensive set of civil and political rights that are binding on states parties to the Covenant. The ICCPR applies to all individuals, including migrants, regardless of their legal status, and seeks to protect their fundamental human rights and freedoms.

The ICCPR covers a wide range of rights, including the right to life, freedom from torture and inhuman or degrading treatment, freedom of thought, conscience, and religion, freedom of expression, the right to participate in public affairs, the right to marry and found a family, and the right to freedom of movement. It also recognizes the right to work, the right

to an adequate standard of living, and the right to education. In addition, the ICCPR provides for the establishment of independent bodies, such as human rights committees, to monitor the implementation of the Covenant by state parties and to receive and consider individual complaints. The ICCPR also requires states to ensure that any limitations on the enjoyment of rights are compatible with the Covenant and that the rights are enjoyed without discrimination of any kind.

## **5.2 Regional Frameworks and Charters**

The African Union (AU)'s Migration Policy Framework and Plan of Action for 2018-2030 identified key issues and guiding principles for migration governance in the future. Among the goals are regional cooperation, diaspora engagement, collaboration on border governance, and attention to irregular migration for purposes of enhancing national and international security (African Union 2018). The Framework also notes that migration trends are changing, and thus governments should adapt policy to address new challenges and account for evolving regional priorities.

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<sup>4</sup> Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.



In a policy brief on rural-urban migration in the region, researchers Eva Dick and Benjamin Schraven note that many African boundaries drawn during the colonial era cut through existing ethnolinguistic groups and trade routes. These historical circumstances have made contemporary measures, including free movement regulations, necessary to promote regional economic integration and prevent significant border disputes (Dick and Schraven 2021). In 1979, the Economic Community of West African States (ECOWAS) introduced its Protocol on the Free Movement of Persons, Right of Residence, and Establishment, seeking to promote the free movement of people and trade within the region (McAuliffe and Triandafyllidou 2021).

However, ECOWAS's lack of enforcement and monitoring capacity, in addition to insufficient security provisions and training, led many states to hesitate to implement the Protocol out of concern for national security and to pass their own laws regulating cross-border trade and migration (McAuliffe and Triandafyllidou, 2021, and Opanike and Aduloju, 2015).

### 5.3 Legal Frameworks in Ghana

There have been attempts to tackle this canker at both national and international levels. In 2001, the Economic Community of West African States (ECOWAS) developed a plan of action to combat human trafficking with a special focus on criminal justice responses. Along the same path, in 2010, the United Nations (UN) launched its global plan of action to fight human trafficking. The plan urges Governments to take coordinated and consistent measures to curb this type of crime. The latter was proposed in the UN's 2016 Sustainable Development Goals (SDGs), specifically target 8.7 (UNICEF, 2017).

Meanwhile, in Ghana, the legal framework on trafficking was strengthened in 2005 through the anti-trafficking bill named Human Trafficking Act (HTA) (Act 694). In addition, in 2007 Ghana signed and ratified the United Nations Convention against Transnational Organized Crime. Subsequently, series of initiatives were implemented to reach this goal.

The Human Trafficking Secretariat (HTS), which is managed by a thirteen-member management board, was created to facilitate the prevention, and combating trafficking cases in Ghana.



It also has the goal to sensitize the public on human trafficking and create a peaceful environment to accelerate national development. Other initiatives implemented at National level include the establishment of the Anti-Human Trafficking Unit (AHTU) at the Ghana Police Service, and the Anti-Human Smuggling and Trafficking in Persons Unit (AHSTiP) at the Ghana Immigration Service. While both corps aim to build the capacity of immigration officials to detect cases of trafficking and smuggling, the first conducts investigations into allegations of human trafficking and seeks to prosecute offenders, the second is an operational unit set up to investigate and arrest human trafficking and smuggling offenders.

In 2015, Ghana's Ministry of Interior published the country's first National Migration Policy (NMP). The Policy begins with an acknowledgement that to yield the benefits of internal and international migration flows, those flows must be regulated to some extent.

Among the policy objectives listed in the document are enhancing the potential of migration for socioeconomic development, facilitating the dissemination of accurate migration data, and "promoting a comprehensive and sustainable approach to migration management" (Government of Ghana, 2016, p. 14). In 2015, the Government of Ghana signed the Child Protection Compact (CPC), a four-year partnership with the Government of the United States of America.

The initiative aims to address child trafficking by strengthening the government's capacity to identify child trafficking cases, effectively investigate and prosecute traffickers, prevent trafficking from occurring, and reintegrate victims (WESTAT, 2016). In 2016, Ghana and La Cote d'Ivoire signed an agreement to establish a formal basis of cooperation in the fight against cross-border child trafficking and child labor (WFCL).

It is important to note that the latter agreement is the first of its kind for Ghana, while Cote d'Ivoire has signed similar agreements with neighboring countries. To conclude, between 2017 and 2021, Ghana presented its National Plan of Action for the Elimination of Human Trafficking in Ghana. The National Plan of Action was to significantly reduce the scale of trafficking and, most importantly, the underlying social challenges leading to the phenomena of child trafficking. However, Marilyn Amponsah, Director of the International Children's Desk for the Ministry of Women and Children's Affairs, stresses that the Ghanaian Government will need external assistance to be able to reach the goal.

She focused her remarks on what the international community could do, for instance, to help build local capacity on human trafficking-related topics, finance micro-credit schemes to prevent and combat human trafficking and provide the equipment necessary to perform day-to-day administrative tasks.

IOM decided to follow up with the previous remarks and provided, under certain conditions, micro-credit assistance to some of the traffickers who have released the children.

In addition to that, IOM rescued children from trafficking situations, offering medical checks and treatment, and psychological counselling, to bring them back to their families, while preparing them to attend school to get basic education. However, insufficient resources limited the success of their action (UNODC, 2021b). Moreover, IOM listed an additional two core challenges that occurred during their efforts to curb human trafficking and irregular immigration in Ghana.

The first challenge was linked to a lack of means of transportation, which makes it difficult to reach certain areas on time. The second challenge was their limited ability to offer the children as much counseling as it would be needed. On the Government's side, a lack of adequate resources for law enforcement continued to hinder investigations and prosecutions. In addition to that, the "government did not adequately address corruption in trafficking crimes, including alleged complicity from officials who facilitated trafficking, and it did not amend the anti-trafficking regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker was a parent or guardian of the child victim."

## Section 6: Adverse Outcomes: Cross-border Crimes and Human Trafficking

While acknowledging the benefits of both internal and international migration in Ghana, especially in terms of enhancing economic development, the Migration Profile also acknowledges several dangers that have arisen due to large-scale, and especially irregular, migration in Ghana. The report notes that “Ghana is a source, transit, and destination country of victims of human trafficking” (IOM 2020, p. 15). In Ghana's own National Migration Policy document, the Department of the Interior classifies the phenomena of trafficking and migrant smuggling as forms of irregular migration, which it notes is occurring at an increasing rate among ECOWAS countries (Government of Ghana 2016, 35).

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, adopted by the General Assembly resolution in November 2000, is the primary international document dealing with issues of human trafficking, its causes, and its effects.

The Protocol defines trafficking in persons as:

*“The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion [...] for the purpose of exploitation. Exploitation shall include, at a minimum, the 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 organs” (United Nations, 2000, p. 2).*

The Protocol also notes that any “recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation” also constitutes trafficking in persons, regardless of whether it involved any form of coercion, as listed in the previous article. Human trafficking occurs both within and across national borders through complex networks that are difficult to identify and disrupt (IOM 2021).

Ghana also passed its own legislation dealing with the issue of human trafficking. The 2005 Human Trafficking Act and its 2009 amendment “prohibits human trafficking and other offenses related to human trafficking and provides for the arrest and prosecution of offenders. The Act also establishes a Human Trafficking Management Board to oversee the implementation of the Act” (Government of Ghana 2016, p.114).

According to the International Organization for Migration, human trafficking occurs in nearly all countries. Because victims are often disadvantaged due to socioeconomic inequalities, human trafficking, like migration, is included in the 2030 Agenda for Sustainable Development (IOM, 2021). In addition to socioeconomic vulnerabilities, migrants may also become vulnerable to human trafficking as a result of the act of migrating itself, especially in situations such as escaping violent conflict, the direness of such situations driving many to exploitative employment (IOM, 2021).

The travel restrictions brought on by the COVID-19 pandemic led to an

increase in irregular migration, limiting options for individuals in extreme situations and leading some to estimate that human trafficking cases could nearly double in the next year (IOM 2021).

According to Data from the Counter-Trafficking Data Collaborative (CTDC), most victims of trafficking in Africa remain within their original region, many are children, and most are trafficked for forced labor, such as fishing or domestic work, rather than sexual exploitation (CTDC as cited by IOM, 2021).

There is sizeable public awareness of the adverse effects of human trafficking, but the specific scope and nature of those adverse effects are still to be studied. A systematic review of past studies conducted in 2015 found that victims of human trafficking reported significant issues relating to both mental and physical health, including depression, anxiety, stomach and head pain, and a higher risk for infection – especially those which are sexually transmitted (Ottisova et al. 2015, p. 317). The COVID-19 pandemic has likely exacerbated experiences of these adverse effects, as it has hindered the provision of social services in many areas (IOM, 2021).

The effects of human trafficking go beyond the individual level. A report from 2011 found that trafficking has economic impacts, including a loss of future productivity and remittance flows, as well as social impacts, such as those experienced by the families and communities of victims (M'Cormack 2011).

These socioeconomic impacts are pertinent in cases involving women, especially mothers, as their absence often leads to neglectful circumstances for the children left behind (M'Cormack 2011).

## Section 7: Recommendations

- The fight against human trafficking and irregular migration should generally be treated with urgency to protect women and children, who are usually the victims, from those who perpetuate this practice. Efforts should aim at sustaining the campaign against the practice and involving communities so that they can relate to the anti-trafficking law and related policies and programs
- The successful design, implementation, monitoring and evaluation of migration-related policies and programs hinges on a coherent plan by all relevant stakeholders in Ghana. This report strongly recommends the establishment of an official institutional framework for the implementation of the National Migration Policy (NMP). As recommended by the NMP, a Ghana National Migration Commission should be established and sufficiently resourced, so it can assume the key role in migration and border management in the country
- Report recommends regular updates to the Ghana Migration Profile, under the leadership of the Migration Commission, which will ensure that policymakers have access to relevant and up-to-date migration data and analysis to inform their decision-making. Good practices from other countries, such as making legal provisions for updating the Migration Profile, should be explored
- The Government should resource the Ghana Statistical Service (GSS) to mainstream migration into relevant surveys, including the 2030 survey. This will lay a foundation for the mainstreaming of migration in the country based on evidence

- The plan to allow the GIS officials, especially those at the borders to use weapons/guns must be implemented urgently. According to the officers, some of the criminals and the arm robbery cases recorded at the borders involve the use of guns and very modern guns, but they do their work without any weapon to protect themselves, or to at least, deter criminals
- Border residents should be educated on the various roles of security agencies so that they can follow relevant protocols and avoid interfering with the security agency's work
- Road and communication networks in border communities should be improved to help security agencies respond more quickly in an emergency;
- A sustained and intensive education must be embarked upon at all border districts to educate the citizens on legal cross-border business or migration and what constitutes illegality at the border crossing. From our interactions with the community

members and the security officers at the borders, the basic challenge between the two revolves around the border crossing. The residents think the security agencies are denying them of their right to trading and therefore livelihood no matter the type of activity they engage in

- CSOs must be mainstreamed into the fight against cross border crimes, including trafficking and irregular migration. They could support with data, investigations and community education and interface engagements.

## Conclusion

**M**igration is a natural and increasingly common occurrence in human society. However, it is also highly complex, as it involves movement over national borders into jurisdictions with different cultures, laws, and policies.

Events like extreme weather, global

pandemics, international and internal armed conflicts, and long-standing economic disparities are making forced displacements more frequent, driving many individuals into circumstances of desperation.

In this context, existing national laws and regulatory frameworks for migration are more frequently circumvented, posing risks to the security of both prospective host countries and migrating individuals.

To mitigate the adverse effects of irregular migration, governments around the world must collaborate to bolster existing laws and regulations, develop new frameworks, and build the capacity to implement and enforce them in a way that prioritizes supporting vulnerable communities and victims of cross-border crime.

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