

AALBORG UNIVERSITY

# Trafficking of Adults for Forced Labour in Kenya

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Gender, Intersectionality and Policy

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## **Abstract**

Human trafficking is the recruitment and exploitation of a person often involving deception or coercion. People are trafficked for three main reasons: (commercial) sexual exploitation, forced labour, or organ removal. Sex trafficking has been researched extensively in the past two decades and has also received a lot of attention in the media, and so this research focuses on human trafficking for forced labour.

The study is geographically limited to Kenya, which has a high unemployment rate and struggles to deal with human trafficking. The research question is: why are men and women being trafficked for forced labour in Kenya and what are their experiences? The research focuses on experiences of human trafficking and the issues with prevention, and uses gender as both a methodology as well as a theoretical framework to guide the research planning and analysis. In addition, there is a special focus on intersectionality.

20 people were interviewed for this research. This includes 12 victims of trafficking (VoTs) and eight key informants. Out of the 12 VoTs, eight are female and four are male. Key informants include staff from organisations that work on human trafficking and/or migration as well as people that work on the grass roots.

It was found that VoTs are motivated to migrate for labour due to the high unemployment rate in Kenya and low wages; they felt unable to earn enough money in Kenya to support themselves and their families and sought out opportunities elsewhere. VoTs showed agency in the migration decision and made the decision to migrate either by themselves or with their family.

While the VoTs made the decision to migrate, they did not consent to being trafficked. They were deceived by recruiters to accept offers of work who used the VoTs' lack of knowledge to lure them. VoTs were most commonly deceived about the amount of salary but at times also about the type of work and location of work. There is some evidence that those with higher education levels, especially women, are more likely to be deceived about the type of work available.

It was also found that VoTs suffer from different types of exploitation once trafficked. This includes lack of food and rest, being overworked, coercion and threats, and physical and sexual violence. Female VoTs are more likely to face sexual harassment and violence than male VoTs. There is evidence that Kenyan women who migrate outside of the region to the

Middle East might suffer from sexual violence not only because of their gender but also because of their race; their experience of sexual violence is thus an intersectional one.

VoTs reported issues with distrust with their families and the community. Other people did not believe VoTs had returned from working abroad without money. However, women reported this issue less, and there is evidence that the fact the local media reports cases of women being trafficked to the Middle East helps families believe female VoTs. VoTs themselves showed distrust towards authorities and were reluctant to report their cases to the police. They cited corruption and inaction of the police force as reasons for this. Those that did try to report their case to the police were turned away.

There is evidence that gender plays a role in the experiences of VoTs. In addition to female VoTs being more likely to suffer from sexual violence, they experienced more control. Furthermore, gendered norms and cultural practices dictate what type of employment VoTs are recruited for; women are generally recruited for house work and men for manual labour such as construction work.

It was found that lack of access to information contributes to human trafficking; victims are unaware of the dangers. Furthermore, as people from the lower classes have less access to media and to information and women in that social group are generally less educated than men, lower class women might be at a greater danger of being trafficked. An awareness campaign that takes into consideration issues with access to information, gender, and intersectionality is needed to curb human trafficking.

Certain policy changes could reduce human trafficking for forced labour in Kenya. Regulating out-migration could reduce human trafficking without reducing labour migration. This could include monitoring employment agents or suspending them. Also, a single entity that either handles out-migration or monitors employment agents should be created. Additionally, bi-lateral agreements between Kenya and destination countries or a regional (East-African) agreement similar to that of the Colombo process could reduce human trafficking by regularising labour migration.

## **Preface**

At the end of July 2014 I travelled to Nairobi, Kenya for the first time. A few days later I started an internship at Awareness Against Human Trafficking (HAART), a Nairobi-based NGO, where I stayed until end of the year. When I arrived there, I thought I knew something about human trafficking but it turned out I knew little, especially about trafficking in Kenya. The Western media does not discuss how African men, women and children are trafficked within their countries, within Africa and to destinations in the Middle East, Europe and North America. The focus of the European media is on sex trafficking to western Europe, and on those who dream of a better life being illegally smuggled across the Mediterranean; a passage that some do not survive. After spending some time reading about trafficking in Kenya, listening to victims' stories and talking to the staff and volunteers at HAART, I became aware of how neglected a topic trafficking in Kenya is, but also how common it is.

This led me to investigate the issue further. After returning from Nairobi, I spent a month at the Nordic Africa Institute library researching human trafficking and modern day slavery in Africa, and then felt ready to return to Nairobi to do field research. During March, I met with staff from IOM and RMMS, I spoke to a several HAART staff and volunteers, and interviewed 12 victims of trafficking. I got to know the stories, the system, and the issues around human trafficking, and started to see some patterns. Two themes emerged quickly from this interview material: lack of awareness regarding human trafficking and lack of repercussions for traffickers. However, these themes did not become my main concern. I started to analyse the issues of gender and intersectionality in relation to human trafficking for forced labour. Then, I started to examine what could be done to prevent human trafficking, and what needs to be taken into consideration.

I would like to thank the Nordic Africa Institute for inviting me to use their superb library for researching the literature, Awareness Against Human Trafficking (HAART) and especially Sophie Otiende, Jakob Christensen, Hannah Chege and Winnie Mutevu for assisting me with finding interviewees and providing research assistance, and my supervisor Diana Højlund Madsen for providing guidance along the way.

Anni Alexander

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## **Glossary of terms**

HAART	Awareness Against Human Trafficking, a Nairobi-based NGO
ILO	International Labour Organization
IOM	International Organization for Migration
NGO	Non-governmental organisation
RMMS	Regional Mixed Migration Secretariat
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of Trafficking

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## 1. Introduction

“I was working harder than I ever had, under nearly intolerable conditions – and still, I hadn’t received a single Egyptian pound. How could I endure this for two or three years? [...] The reality of bondage came to me as a dark and dire revelation.”  
(Juma 2006, p.153)

Selina Juma is a Kenyan woman who, after losing her job in Kenya, sought employment as an au pair abroad (Juma, 2006). Selina ended up working for a family in Egypt where she was ill-treated, made to work long hours and her passport was taken away (Ibid). In the end, she was helped to escape the situation by human rights organisations in Egypt and an American woman she knew (Ibid). Selina received no direct compensation for her work at any point (Ibid).

Selina’s story depicts the plight of those who have been trafficked for forced labour. Human trafficking, at times referred to as modern day slavery, is a violation of human rights. It is the movement of people within or across borders by means of usually force or deception (Jordan, 2002) for sex work, forced labour or for the purpose of organ removal.

An interest for researching human trafficking in Kenya arose while completing an internship in the autumn of 2014 at an NGO called Awareness Against Human Trafficking (HAART), which is a Nairobi based NGO trying to curb human trafficking in Kenya. It was established in 2010 (HAART, n.d.) and is celebrating its fifth birthday this year, and while it is a relatively new and small NGO, it is growing quickly. HAART organises awareness workshops in the communities in and around Nairobi to educate people on human trafficking, assists victims of trafficking, and works on prosecuting the offenders (Ibid). In addition, HAART cooperates with other organisations and works on policy (Ibid). At this time, HAART has a real need for research on human trafficking and so this research is done in co-operation with them. This has also allowed me access to VoTs and other individuals to interview for this study.

Kenya is a source, destination and transit country for trafficking of women, children and men (US Department of State, 2014). While Kenya now has a counter-trafficking law which was passed in 2010 and came into effect in 2012 (RMMS, 2013), human trafficking is still a big problem in Kenya and there has been little academic research done on this topic. In the human trafficking literature, there is a focus on sex and child trafficking, and less attention has been paid to trafficking for forced labour (Chuang, 2006). In addition, the focus on the local media in Kenya is on external human trafficking. There is a lack of research as

well as lack of awareness on trafficking for forced labour and on internal human trafficking. By researching trafficking for forced labour it is possible to start closing the gap in knowledge as well as create awareness of this issue.

The aim of this project is to investigate the experiences of human trafficking of adults for forced labour within Kenya and find out ways to improve counter human trafficking work. The research question is: **why are men and women being trafficked for forced labour in Kenya and what are their experiences?** This includes questions on who is trafficked, how they are recruited, where they are trafficked, how they are exploited and what is the attitude of the police when a case is reported to them.

This research combines two theories in a single framework. First of all, literature on human trafficking works as the underlying theoretical framework. It limits the topic to a particular phenomenon, and then to a particular geographic location. Secondly, gender theory is added to the human trafficking theory to get a gender sensitive theory on human trafficking. Gender theory is the theory that guides the analysis for the most part; in order to see the gender inequalities which exist in the human trafficking phenomenon, a gender sensitive theory is required. Within gender theory there is also a particular focus on intersectionality.

Current research on human trafficking and gender suggests that men and women are exploited differently due to gender roles and gendered values in the society (Herzfeld, 2002). Women represent the majority of trafficked people; they are willing to take risks to flee gender-based oppression (Chuang, 2006). By employing gender theory as part of the framework, it is possible to analyse the gendered nature of exploitation and human trafficking. The gender theory is built on texts by prominent gender theorist starting from Simone de Beauvoir and her ground breaking notion of one becoming a woman rather than being born one, thus claiming that gender is a construct (Beauvoir, 1949). Special attention is paid to the concept of agency which has been examined within post-colonial feminism in particular. In addition, the gender theory in this study includes literature from the field of gender and migration as human trafficking can be considered to be part of the broader framework of migration studies. Furthermore, there is a focus on intersectionality; intersectionality helps draw out differences within groups and prevents one to homogenize a group. For example, by utilising intersectionality here one is less likely to treat female VoTs as a homogeneous group.



Human trafficking has increased in Sub-Saharan Africa in recent years and many countries find it difficult to deal with the issue due to inadequate policies (Adepoju, 2005). The push factors for trafficking in the area are poverty, unemployment, and broken homes (Ibid). Traffickers use the victims' hopes of a better future to lure them into being trafficked (Fitzgibbon, 2003). As mentioned earlier, Kenya is not only a source country, but also a destination country. People from other East African countries are trafficked into Kenya for sex tourism and forced labour (RMMS, 2013). While many studies focus on sex trafficking and child trafficking, there has been research on trafficking for forced labour. It is estimated that over 100,000 trafficked people in Sub-Saharan Africa are in forced labour (Belser, 2005). In addition to international trafficking, people are trafficked internally in Sub-Saharan countries.

Gender is used as a methodology in this study. All steps of this research are influenced by the acknowledgement that gender, gendered notions and structures impact phenomena, events and experiences. All research questions are viewed from this standpoint. In addition, gender is one of the main analytical focuses. However, while not utilising feminist theory in the analysis, this research is informed by post-colonial feminism and its notions on treatment of third world women in western feminist research. The work of C.T. Mohanty is the most prominent in this respect.

An important note needs to be made on the vocabulary used in this research. In human trafficking research and counter human trafficking work, many related and at times overlapping terms are used. However, in a different context these same terms can refer to different phenomena. One example is human trafficking vs. modern day slavery. While the following theoretical framework chapter draws from literature on modern day slavery, it is important to distinguish between it and human trafficking. Modern day slavery refers to all slave-like employment and is often used in the media and non-academic literature. Human trafficking not only involves exploitation of people but also recruitment, transportation and deception. Thus, it is possible for someone to be in modern day slavery without having been trafficked, as in the case of Mauritania where people can be born as slaves (see for example Bales, 2012). Therefore, the literature on modern day slavery is discussed in relation to exploitation but not in relation to the other aspects of human trafficking.

Another example is how the term forced labour can be used to refer to both situation related and un-related to human trafficking. While the literature review includes data on

both human trafficking related and unrelated types of forced labour, in the analysis forced labour refers to a form of exploitation related to human trafficking and does not refer to forced labour situations un-related to human trafficking.

Furthermore, there is a debate on whether those who have been trafficked should be referred as Victims of Trafficking (VoTs) or as Trafficked Persons (TPs). This debate is related to the general debate on the term 'victim' and whether it is an appropriate way to describe someone who has survived a violent and/or exploitative situation. From a gender perspective, it is also related to this association between femininity and passivity; women, considered as feminine beings, in many societies have traditionally been expected to be passive and lack agency, and thus can be seen as victims. There are two issues with the use of the term 'victim' and its association with women: first, not all victims of trafficking are women and secondly, many victims (both men and women) have had an active role in deciding to migrate. However, the term victim is used instead of trafficked persons in this research. The reason for this choice is twofold: firstly, HAART uses this term due to the fact that they want to acknowledge the criminality of human trafficking and because it is a term used by other (larger) organisations, and secondly, this term recognises the people's position in human trafficking situations and acknowledges that they have usually been deceived or coerced into an exploitative situation.

This paper is divided into three major chapters. The following chapter goes over the literature and includes subchapters on human trafficking literature, gender theory, and gender and human trafficking. The subsequent chapter is the methodology chapter followed by the analysis chapter.

## **2. Theoretical framework**

### **2.1. Literature on human trafficking**

In this section, general literature on human trafficking is explored in order to get a broad picture of the phenomenon as well as of the research into the issue. Literature is drawn from both academic sources and from research produced by organisations. The objective is to get an overview of human trafficking as a global phenomenon and explore trafficking in Africa and specifically Kenya as well as look into what the major research areas are within the human trafficking literature. This section is divided into three sections with the first section

covering human trafficking in general, the second section focusing on forced labour as a form of exploitation, and the third and final section looking at human trafficking in Kenya.

By getting a clear overview of the existing literature on human trafficking, one can get an understanding of the phenomenon, how it is defined in international policy and the issues that exist in current research. As this research aims to start to fill some of these gaps in knowledge on human trafficking in Kenya, one needs to first understand what the gaps are.

### 2.1.1. Defining human trafficking

The expanse of human trafficking literature has grown in recent decades, although our knowledge of the mechanics and the scope of trafficking remain fairly superficial (Pharoah, 2006). This is due to two things: the issues surrounding data collection and the issues of the use of definitions (Ibid). Firstly, VoTs are often scared or ashamed to report the crime, even to researchers, and thus accessing the information can be difficult for any researcher (Ibid). Furthermore, the activities are often hidden, which makes it difficult to obtain data on them (Ibid). Secondly, there are so many, at times conflicting, definitions being used in research on human trafficking, which can lead to confusion and a limited scope (Ibid). All of these issues impact the research and its scope in a negative way.

Human trafficking literature generally looks at the phenomenon within the discourse of law, immigration, or women's rights (Zimmerman, 2007). Most often, human trafficking is conceptualized as part of forced or illegal migration. Migration as a field is broad and includes both internal and cross-border migration as well as voluntary and involuntary migration. In addition, studies on migration can focus on different migrant groups, such as female migrants, higher education/academic migrants, or labour migrants. While many migrate voluntarily, there are those who are forced to do so, either by a situation such as a war or by a person such as a trafficker. In addition, some voluntary migrants end up being exploited after the initial migration and so the voluntary nature of their migration can be put into question. Human trafficking is widely considered involuntary, forced or irregular migration.

In order to get an international consensus on what is meant by trafficking in persons, a protocol was formulated. After two years of negotiations (Pharoah, 2006), it was finalized, and 80 countries signed it in 2000 (Doezema, 2002). According to the Palermo Protocol

“'[t]rafficking in persons' shall mean the recruitment, transportation, transfer, harbouring 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 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".  
(UN, 2000 p.2)

Examining the Palermo Protocol there are three elements to trafficking: activity (such as recruitment or transport), means (such as coercion or deception), and purpose (exploitation). In those states that have signed it, the protocol offers a largely valid and binding definition of the phenomenon (García Schmidt, 2008). For this research, it is important to note that while Kenya did not sign the protocol, the accession of the protocol took place there in 2005 (UNODC, 2015).

While the Palermo Protocol offers a fairly clear definition of trafficking, there is still some difficulty in defining victims of trafficking due to the difficult division between voluntary and involuntary migration. It is not feasible to assume that migrants can be neatly divided into involuntary migrants who have been trafficked to work in slave-like conditions in an unregulated economy and to voluntary migrants who migrate legally and work in the formal economy (Anderson and O'Connell Davidson, 2003). Zimmerman (2007) states that distinguishing "trafficking" from related or overlapping forms of exploitation is challenging both practically and conceptually. There are at times a confusion whether to classify a particular situation as trafficking or as something else.

The phenomenon that human trafficking is most confused with by media and the larger population is smuggling. Smuggling is considered as an essentially voluntary and time-bound event. With smuggling, intermediaries are paid to assist migrants to cross borders illegally and their relationship between the migrants and the intermediaries end once the migrants reach the destination (Ollus, 2004 qtd in Pharoah, 2006). However, in trafficking deception, coercion, or fraud is used to lure the individual and the purpose of the act is exploitation (Pharoah 2006). Two things set these two phenomenona apart: the intention and the outcome. In smuggling, the intention is to cross the border illegally but once that is done, the relationship between the smuggler and the smuggled is supposed to end. In trafficking, however, the intention is to exploit the trafficked person, which leads to them being used for various purposes at the destination. It is important to note that smuggling is always transnational and does not include exploitation; however, it is possible for a smuggling situation to turn into human trafficking.

One issue with defining human trafficking in research is that it does not describe a single experience but is rather an umbrella term covering many different kinds of

experiences (Pharoah, 2006). Human trafficking is not just a singular issue; it withholds a variety of agendas, interests and orientations (Quirk, 2011). It is not limited to sexual exploitation but expands to immigration, migrant labour, smuggling, organised crime, and perhaps most importantly to structural inequalities (Ibid). Quirk (2011) agrees that the recent interest in trafficking has helped raise awareness of all forms of contemporary slavery, but also argues that the concept of trafficking has limitations. Trafficking only focuses on slavery type practices that include transit or transfer, therefore placing it within the larger phenomenon of migration and excluding for example forced labour that is not as the result of movement (Quirk, 2011). Although many legal entities perceive human trafficking as part of illegal or irregular migration, this can be complex. Chapkis (2003) argues that human trafficking is a form of economic migration due to the root causes of trafficking. While VoTs' victimization does not often involve kidnapping or imprisonment per say, it does usually include abusive working conditions and high debts (Chapkis, 2003). However, placing human trafficking within economic migration could diminish the experiences of exploitation. By examining the current literature, one can see that there is therefore a potential for a debate on within which framework human trafficking should be placed.

However, while the relationship between migration and human trafficking is complex and at times antagonistic, some terminology from migration studies can be beneficial when studying human trafficking. Migration literature distinguishes between push and pull factors for migration. One can also examine the push and pull factors for trafficking. *Push factors* are the financial, political, psychological, physical or social conditions in places of origin that drive people to migrate (Zimmerman, 2007). *Pull factors* are the opportunities associated with the destinations (Ibid). They may include employment opportunities, improved standards of living and greater freedoms (Ibid). Pull factors are often the thought of as solutions to the push factor that drove a person to look to migrate (Ibid).

Global economic and political processes influence trafficking (Wennerholm, 2002). Economic liberalisations have opened borders between countries, thus facilitating the mobility of populations (Ibid). These can be considered pull factors for human trafficking. Causes for trafficking are complex; however, some of the root causes are poverty and unequal gender relations (Ibid). These can be considered push factors for human trafficking. Poverty and unemployment can make people consider migrating. Occasionally, traffickers directly approach their victims or their victims' families and make lucrative job offers (Martin, 2006). Furthermore, a situation that begins as a voluntary movement may end up being coerced (Ibid).

There are a few issues with the current research on human trafficking. When examining the research on human trafficking in South Africa, Pharoah (2006) found that none of the studies available used control groups. This means it is not possible to evaluate how the experiences of trafficked people differ from those of other groups (Pharoah, 2006). Thus, there is no available data on for example how the experiences of trafficking differ from experiences of other irregular migrants.

Furthermore, in research as well as in practice, differentiating between different types of trafficking can be difficult as some trafficked persons face different types of exploitation. A study on Tanzanian child prostitutes found that out of the 246 girls interviewed at least half worked in some kind of debt bondage (Ibid). They were required to sell sexual services to repay (Ibid). Furthermore, the research found that 25% of the girls had worked as child domestic workers before being recruited into prostitution (Ibid). It can thus become difficult to clearly state that trafficked persons like the ones in this study were trafficked for a certain type of exploitation.

Much of the current research, especially by international organisations and government entities, tries to estimate the numbers of trafficking victims. Feingold (2011) argues that one should not pay much attention to the numbers on trafficking provided by various sources, both governmental and non-governmental, as they lack statistical rigor. Feingold (2011) bases his argument on the fact that those sources rarely provide access to their methodology of acquiring such information and there is no indication of the origin of those figures. The fact that the global estimates of victims of trafficking vary between 500,000 and 4 million (see Feingold, 2011) is an indicator of this. Therefore, one should be careful when reading numerical data on human trafficking.

Persons are transported and trafficked internally within their national borders, regionally and internationally (Zimmerman, 2007). However, internal trafficking has received considerably less attention than international trafficking from poorer to wealthier countries (Ibid). Especially when looking at human trafficking from a migration policy or legal perspective, wealthy (Western) countries have more of an incentive to curb international human trafficking that crosses their borders than pay attention to the internal trafficking that happens in many developing countries.

In research and general discourse, trafficking generally falls within the category of "irregular migration" (Ibid). Furthermore, the sex industry is the primary focus of human trafficking research in many countries (Belser and Andress, 2009). As the focus often is on human trafficking as a form of illegal or irregular migration and/or on sex trafficking, the

majority of the literature looks at sex trafficking into Europe and North America and within South East Asia or trafficking in West and Southern Africa. Comparatively little has been written about human trafficking in other places of the world, especially internal trafficking or on forced labour as a form of exploitation. However, the following chapter looks at the research that does exist on forced labour.

### 2.1.2. Forced labour

In order to research human trafficking for forced labour, both terms need to be defined. As human trafficking was defined and discussed in the previous chapter, forced labour is defined and discussed here.

Forced labour has been recognized by the ILO since 1930 when it passed the *Forced Labour Convention* (Neumayer and de Soysa, 2007). In the convention, forced labour is defined as ‘work or service, which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ (Neumayer and de Soysa, 2007; ILO, 2008). Today, ILO (2014) defines forced labour as following:

“Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.”

This definition has been challenged by those who study labour conditions and migrant workers. The concern is that this rigid binary between voluntary labour and forced labour is not helpful as labour types are heterogeneous (O’Connell Davidson, 2010; O’Neill, 2011; qtd in Lewis et al., 2014). It has been argued that this definition de-links forced labour from labour exploitation (Lewis et al., 2014).

In 2005 an ILO study estimated that there are 12.3 million people in forced labour globally out of which 2.4 million are victims of trafficking (Cox and Marks, 2006). According to an ILO (2005) estimate 44% of those in forced economic exploitation are men and boys while they represent only 2% of those in forced commercial sexual exploitation. Globally forced labour represents only 18% of all trafficking cases according to an UNODC estimate (Tomkinson, 2012); however, according to a study by the UNODC (2012) forced labour is more common at 49% than sexual exploitation (36%) in the region of Africa and the Middle East. However, there is little knowledge on how these numbers were arrived at, and so they should be considered as estimates.

Belser and Andress (2009) examined why forced labour has continued to thrive. They found two labour market deficiencies that contribute largely to the problem (Belser and

Andress, 2009). Firstly, labour markets are defined by asymmetric information (Ibid). Therefore, not all information is available to all parties and this creates an unequal balance of power. Information is especially important in the process of labour recruitment (Ibid). If the imbalance of access to information is not corrected by regulations, recruiters can easily deceive employees (Ibid). Secondly, the agents in labour markets, employers and employees, have unequal bargaining power (Ibid). Employers are able to impose bad working conditions or violate existing agreements if labour regulations and institutions are weak and cannot control the situation (Ibid)

Analysing recruitment for forced labour is important as recruitment is the first step of an employment relationship (Ibid). By analysing recruitment systems one can start to understand how people enter forced labour (Ibid). Belser and Andress (2009) identified different recruitment mechanisms ranging from forced systems utilising abduction to systems maintained by illegal, semi-legal or legal recruiters. Deception is the means most commonly used in forced labour (Belser and Andress, 2009). Means of coercion can also be used in recruitment; in addition, coercion is often utilized by the employers to keep the employees from leaving (Ibid). These elements of coercion or deception often take place in human trafficking as well and recruitment for human trafficking and for forced labour are closely related.

As noted earlier, exploitation is an important element of human trafficking. Forced labour is a form of exploitation that can happen to VoTs and the form of exploitation focused in this research. However, it is important to note that not all forced labour derives from trafficking (Flynn 2007; van der Anker 2009; qtd in Lewis et al., 2014); it is possible for non-trafficked people to face forced labour as well. Therefore, it is important to distinguish whether a victim of forced labour was transported or not in order to ascertain whether they were trafficked or not.

Andress and Belser (2009) argue that forced labour and human trafficking cannot be successfully addressed with a narrow focus on criminal law; instead a broader approach that tackles the issue of labour market governance. Andress and Belser (2009) state that labour inspectors and the monitoring of recruitment practices are crucial in stopping forced labour. Good labour market practices not only prevent exploitation and punish offenders; they also offer ways of recourse and protection for the victims in the forms of labour tribunals and labour unions (Andress and Belser, 2009).



It is clear that forced labour can be studied as its own phenomenon outside the human trafficking framework. However, an argument can be made that those who ended up in forced labour through human trafficking are more vulnerable than those who did not. First, many human trafficking victims are far away from home, sometimes in a different country than their nationality. They may not know anyone at their destination, speak the local language or have the means to contact their family at home for assistance. Secondly, their immigration status can be questionable putting them at risk of imprisonment and deportation. Therefore, it can be argued that there is a need to study forced labour due to human trafficking separately from forced labour in general or at least separate the data.

### **2.1.3. Human trafficking in the Kenyan context**

In Africa, the human trafficking literature focuses on southern and western Africa, primarily South Africa and Nigeria. Human trafficking in Kenya has been researched little, although the US Department of State recognizes Kenya to be a source, transit and destination country and places it on Tier 2 in its annual *Trafficking in Persons Report*, which means the government does “not yet fully comply with such standards but are making significant efforts” to do so (US Department of State, 2014). Therefore, trafficking of people has been recognized to be a problem in the country.

Legislation to prevent human trafficking in Kenya is in place. However, although Kenya passed the Counter-Trafficking in Persons Bill in 2010 which became operational in October 2012, the bill has been poorly implemented (RMMS, 2013), and thus has limited impact on human trafficking in Kenya. However, if implemented and operational, the law would provide stringent punishments for convicted traffickers as it subscribes a 30-year jail term or a fine of 30 million Kenyan Shillings which is equivalent of approximately USD 400,000 in January 2015 (IOM, 2011a).

Kenya, a country with a population of around 45 million, has a young population with 60% of the population being under the age of 24 (CIA World Factbook, 2014b). Comparatively, only 30% of the population in Denmark is under the age of 24 (CIA World Factbook, 2014a) with similar numbers to that in other European and Western countries. Kenya is struggling with unemployment; with the unemployment rate of 40% it has one of the worst unemployment rates in the world (Ibid). With a young population which is becoming more and more educated and the high unemployment rate, the country is a popular source country for migration. US Department of State estimated in 2006 that in the previous year there was between 20,000 and 30,000 Kenyans employed in the Middle East (IOM, 2008).

Poverty and globalization are often cited as push factors for human trafficking (Laczko, 2002; Chuang, 2006; Bales, 2007; Cameron and Newman, 2008; Shelley, 2010; Lee, 2012). This is also true in sub-Saharan Africa where, in addition to poverty, unemployment and broken homes are considered reasons for trafficking in persons (Adepoju, 2005). Traffickers take advantage of the victims' hopes of a better future and desperation to lure them into being trafficked (Fitzgibbon, 2003). Push factors for wanting to migrate in Kenya include the lack of education and employment opportunities. As unemployment is high, many young Kenyans are looking for employment opportunities abroad and it is not surprising that some of them are caught in trafficking situations.

According to a UNODC study on human trafficking, only 15% of trafficked people in East Africa are trafficked to the Middle East, while the majority of victims stay in their country of origin or in the sub-region (UNODC, 2012), although trafficking to the Middle East is the focus of the media. In 2014, the UNODC found that adults represent 26.5% of all VoTs in sub-Saharan Africa, with men representing roughly 22% of all adult VoTs (UNODC, 2014). However, it is important to note that UNODC studies are based on reported cases in select sub-Saharan countries, and thus these figures may not be completely accurate. Nevertheless, as accurate numbers do not exist globally or especially for Kenya, one needs to utilize the numbers available while staying critical of how the researchers arrived at those numbers.

While it is not the topic of this study, it is important to note that there are other types of trafficking present in Kenya apart from trafficking of adults for forced labour. While many Kenyans are looking for jobs within the country and abroad and are looking to migrate for work, which can lead to them being trafficked, Kenya is also struggling with terrorism which has led to another type of trafficking. There are reports that al-Shabab, a Somali terrorist group, is actively recruiting soldiers in Kenya (Burrige, 2014; Haslam, 2015). There is also evidence that al-Shabab is recruiting children under the age of 18, with some under the age of 14 (Botha, 2014). In addition to this, trafficking of children within Kenya is relatively common with approximately 20,000 children trafficked annually (Odhiambo et al, 2012). Kenyan children are being trafficked to work in domestic work, agriculture, the fishing industry or for sex work (Migiro, 2014).

## 2.2. Gender theory

The previous chapter focused on human trafficking and forced labour. The literature on these phenomena has not integrated gender in the analysis. Therefore, in order to analyse human trafficking for forced labour through a gendered lens, one needs an overview on the literature and theory on gender. Thus, this section focuses on gender as a theoretical framework. The aim is to first get a good overview of the theory and its history in general paying special attention to the notions of Simone de Beauvoir, Judith Butler and postcolonial feminism. Then the theory of intersectionality, which can be considered a type of gender theory, is introduced. The section is divided into three subsections: first, gender theory and gender inequality is explored in general, second, intersectionality is examined, and thirdly gender roles and structures are explored in the Kenyan context.

### 2.2.1. What is gender and gender inequality?

For several decades starting from the 1940s and Simone de Beauvoir's (1949, p. 301) statement "One is not born but rather becomes a woman", gender has been considered a social construct (Sharp, 2011). Gender is differentiated from (biological) sex by this notion that unlike sex, gender is constructed. What made this statement significant is that Beauvoir was arguing that feminine and masculine traits were the result of learned social roles rather than of biological difference (Ibid). Cultural norms and practices dictate what is considered 'properly' male or female in a given time and place. Rubin (1975, p.159) called it a sex/gender system: a "set of arrangements by which a society transforms biological sexuality into products of human activity and in which these transformed sexual needs are satisfied". According to Rubin, it is through this system that sex becomes gender.

These cultural norms and practices on what is properly male or female have had a diverse influence on society. For example, traditionally the private sphere has been considered feminine and the public sphere masculine. In addition, the labour market is usually gender segregated; certain jobs (mainly care related work) is considered suitable for women while there are other jobs, especially those that require physical strength, that are considered suitable for men. Gender researchers have also noted that there is a salary discrepancy and female dominated jobs generally have lower wages than male dominated jobs. Thus, not only is there a gender division but work performed by women is valued less at least in monetary value.

Judith Butler (1990) has argued against gender being something static and stable but instead being active; gender in her argument is 'doing', thus something active and changing. Gender is not something that is derived from biological sex but an identity formed from performances of gender which are repeated (Butler, 1990). It is a particular type of process: it is "a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being." (Butler, 1990, p.43-44). Therefore, gender is performative (Butler, 1990).

Gender entered development discourse in the 1970s, and since then African countries have increasingly taken the concept on board in practice as well as policy (Prah, 2013). In development discourse, gender is supposed to transform power relations between women and men and move them to a position where they have equal access to opportunities and resources (Ibid). Patriarchy has renewed presence in development discourse, although in the 21<sup>st</sup> century it appears not in its original form (Ibid). Now, patriarchy is considered complex, dynamic and hierarchical and it does not refer to a simple pattern of power men have over women (Ibid). Like gender, patriarchy is relational (Ibid). It is different in different times, cultures and contexts.

In addition, gender has been integrated in migration studies; since the 1970s there has been gender and migration research. Prior to that migration was considered a male phenomenon (Dugbazah, 2012). Much of this literature has focused on migrant women but also on gender relations. It has been found that "migration engenders changes in a family" (Parreñas, 2005, p.317). In addition, one aspect has been researched in the 21<sup>st</sup> century: global care chains. Studies have found that children are often looked after by a female family member (Parreñas, 2005) as reproductive labour is often associated with women (Parreñas, 2001). Care chains refer to links between women who do care work; for example, a family in the United States might need a nanny as both partners work outside the home, they hire a Filipina woman to take care of their children, who in turn leaves her children to either a female family member or another woman to be looked after. It shows the gendered nature of care work. The works of Arlie Russell Hochschild and Rhacel Parreñas are two of the most prominent researchers discussing the issue of care chains.

Gender theory is often linked with feminist research. While first wave feminism, which included the suffragette movement, focused on advocating for women's rights and insisted that it was gendered beliefs that caused women's inequality, and second wave feminisms started to discuss gender as a construct and focused on patriarchalism, third wave feminist

examine how definitions of women are cross-cut by other power relations such as race (Sharp, 2011). There is no single subjugated category of 'women' but instead women in developing countries can be adversely affected by the privileges of Western women (Ibid). Therefore, "the experience of gender is transformed by the effects of other differences such as class, race, age, nationality and sexuality" (Sharp, 2011, p.433).

However, a small distinction between the feminist research and gender research can be made. In many social science studies, gender is a primary category used for analysis. In feminist research, gender analysis is the basis for critique of social and political relations and systems (Harstock, 1974; Harding, 1987; Smith, 1987; Reinharz, 1992; qtd in Marshall and Young 2006). Feminist research not only utilizes gender analysis; it takes a (political) stance on women's empowerment and equality in relation to men and much of feminist research originates from a standpoint that women are unequal to men. For example, liberal feminists often focus on unequal opportunities while critical feminist focus on power and patriarchy (Marshall and Young, 2006). Feminist research also usually utilizes the categories of men and women and research focuses on women's experiences, opportunities and interest. Gender theory, however, can go beyond the categories of men and women and research gender without focusing on women and their experiences. Gender theory can look at femininities and masculinities, and gender relations, and focuses on non-essentialised categories. It is important to note that feminist research tends to ignore the fact that the current gender structures and systems can disadvantage men as well as women. Much as society places gendered expectations on women, there are gendered expectations for men as well, and not meeting those expectations can result in exclusion and discrimination. While feminist research has a political standpoint and agenda (to improve women's equality), gender theory is less political. As this research does not focus specifically on women, women's rights or women's empowerment, feminist theory is not the most appropriate theoretical framework.

However, while the aim is not to take an outright feminist position, this research acknowledges the fact that women are often unequal to men and in general men hold power in society. Gender theory is utilized here as a method that looks at differences between people and examines gendered notions, traditions and beliefs that affect peoples lives. In addition, this research does not assume all men to be in the position of power but leaves room for the suggestion that men can be disadvantaged by the constructions of gender and the gendered structures of power. However, although not utilising feminist theory in the

analysis, this study is informed by notions of postcolonial feminism and tries to avoid essentialising or victimising the experiences of African women and men.

Postcolonial feminism critiques the Western perspectives on class, gender, race and sexuality (Chavez, 2009). It examines the colonial legacies and how they impact the relationship between people from the first world and those from the third world (Ibid). It is related to both postcolonial theory and feminism. Postcolonial feminism objects to the way Western feminism has homogenised all women, depicting third-world women as not only victims but as traditional and powerless (Ibid).

Since the 1980s there has been recognition to the fact that there have been issues with the representations of African women; the focus has been on poverty and the victimhood of women (Oyewumi, 2011). The work of Chandra T. Mohanty has been formidable in forming these critiques. Mohanty (1988) argued that Western feminist writing exercised power over third world women homogenizing them and portraying them as oppressed; the oppression of women as a group is assumed and leads to the portrayal of third world women as sexually constrained, poor, uneducated and victimised. Mohanty (1988, p.64) states “western feminist writing on women in the third world must be considered in the context of the global hegemony of western scholarship”. While Mohanty criticises Western feminism for universalizing, she later states that her intention was not to place Western and non-Western feminisms in opposition of each other (Mohanty, 2003). Mohanty (2003) argues that by examining differences one can see the commonalities and connections; thus, by focusing on gender relations and the position of women in one local context, one can see the commonalities it has with other contexts. Mohanty’s arguments also become central when examining agency. Mohanty (1988; 2003) has argued that there is a lack of agency afforded to non-Western women; this is discussed later in chapter 2.3.1.

Due to the issues of Western feminism, African scholars on gender often see feminism as *Western* feminism; the notions of feminism are formulated by Western (white) women and do not as such fit the African context. There has been a history of ‘silencing’ African gender theorists (Kolawole, 2004). They have had difficulty being heard and their research being considered valid. There are now African women who are looking for alternative gender concepts in order to avoid the resistance to and controversies around feminism (Ibid). Oyewumi (2011, p.1) states that

“studies on Africa should not rely on Western-derived concepts to map the issue of gender in African societies, but instead must ask questions about the meaning of gender and how apprehend it in particular times and places”.

Therefore, gender is not only socially constructed but also historical (Oyewumi, 1997; 2011); it is context and time dependent. Oyewumi (1997; 2011) argues against the universalising nature of Western feminism and states that the fact that gender is constructed means that gender cannot act the same way across time and space. One cannot assume the social organisations of one culture to be universal (Oyewumi, 1997). This means gender is dynamic and gender relations are changeable (Oyewumi, 1997); much of today's gender research relies on this and researchers hope to bring about change by creating knowledge on gender. When conducting research on gender in Africa, one needs to consider these critiques of Western feminist research on gender and try not to look at the issues in Africa through a Western understanding of gender and gender inequality in order to avoid re-enforcing this power hierarchy between Western and non-Western researchers and theorists.

By being informed by the notions and arguments of post-colonial feminist and African gender scholars, one can aim to produce research that does not homogenize women or portray African, or in this particular case Kenyan, women as victims; powerless, poor and helpless. This can also be extended to African men: one should not portray them as victims simply because of their race, ethnicity, or income level. By taking into consideration other factors than gender, one can examine the heterogeneousness of people and their experiences. This leads to the utilisation of intersectionality described in the following chapter.

### **2.2.2. Intersectionality**

Intersectionality has been used in gender studies in recent years to explore differences between people of the same gender by intersecting gender with other identity categories. The term intersectionality was first introduced by Kimberlé Crenshaw (Crenshaw, 1989; 1995; Lykke, 2010; Simien, 2007; Yuval-Davis, 2006). Crenshaw wanted to portray the employment issues black women had in the United States (Crenshaw, 1989; Yuval-Davis, 2006) and focused specifically on the intersection of gender and race. Crenshaw wanted to build a tool for analysing and resisting exclusion and discrimination of minority women (Lykke, 2010). However, implicit theorising on intersectionality had been done before the term was coined by Crenshaw; the concept of intersections of power differentials and normative identity markers already existed in feminist theory (Ibid). For example, post-colonial feminist authors such as bell hooks and Chandra T. Mohanty had already criticised Western, white, middle-

class feminism for ignoring race in feminist research, and therefore disregarding the dual subordination minority women encounter.

Identity politics has been criticised by Crenshaw for having a narrow focus. She argues that in identity politics race, gender and other identity categories are often treated as negative frameworks, and differences within groups are ignored which contributes to tension among groups (Crenshaw, 1995). When examining identities of black women, identity politics focuses on one category: either identity as a “woman” or a “person of colour” but not both (Ibid). This ignores the multiple positions of subordination black women experience simultaneously. Moreover, the intersectional experience is greater than the sum of sexism and racism; hence analysis needs to include intersectionality (Crenshaw, 1989). Crenshaw (1995) argues that modern feminist as well as anti-racist discourses have not considered intersectional identities but ignored them. This failure of feminism to include race in the analysis often reinforces the subordination of minority people (Ibid). Similarly, the failure of anti-racism to challenge patriarchy means that anti-racist movements' strategies often reinforce the subordination of women (Ibid).

Intersectional analysis usually begins with the lived experiences of people who have been excluded and neglected (White, 2007). The objective is to examine how different categorisations are interwoven (Lykke, 2010). Intersectionality dismisses the idea that identity categories are separable; it recognises that no social group is homogenous and race-sex groups are heterogeneous (Simien, 2007). Therefore, it highlights the simultaneous nature of oppression and emphasises the need to move beyond additive models (Ibid). It is also necessary to note that individuals can experience both disadvantage and privilege at the same time through their combined statuses of class, gender, and race (Ibid).

While categories such as race and gender are considered socially constructed, it does not mean they are not significant (Crenshaw, 1995). They have real effects on people. Furthermore, it is important to consider how power is concentrated on some categories and is exercised against others (Ibid). The metaphor of crossroads, which Crenshaw used, intends to show how anti-discrimination policies and identity politics which take into consideration either race/racism or gender/sexism but not both concurrently, misconstrue the position of minority women (Lykke, 2010).

It has been argued that one of the weaknesses of intersectionality is the endless number of differences that are significant at any given point while it is impossible to take them all



into account at once (Ludvig 2006). Thus, intersectionality starts to get blurred with questions on who defines which differences are given importance, and when and why this happens (Ibid). Furthermore, it has been argued that while there has been an attempt to stay away from additive approaches and move to an understanding of intersectionality, the methodologies used sometimes result in an additive approach (Jordan-Zachery 2007). In addition, intersectional theory has been accused of focusing on gender and race paying less attention to other categories (Meyer, 2012).

Intersectionality is particularly relevant theoretical framework when examining VoTs' experiences of exploitation. Once people are trafficked abroad and particularly if the destination is outside the region or origing and has a different culture and the people are of a different race, the intersection of gender and race becomes relevant. Therefore, intersectionality is utilised in this study to examine the intersectional experience of exploitation abroad. In addition, one can examine the intersection of gender and class. Class is a way to classify people according to their economic circumstances (Western, 2010). It is often divided into lower, middle and upper classes, and jobs are indentified to belong to one of these classes (Ibid). One needs to note, however, that jobs relating to the middle and upper classes often require a higher level of education and so class is not only about an income level on a particular year but also the education obtained. Pierre Bourdieu also links culture to class and argues that different classes have different cultures, cultural habits and values (Ibid).

### **2.2.3. Gender roles and structure in Kenya**

Kenya as a society is patriarchal (Wangila, 2007). For example, men own most property, and in many communities women and children are considered the property of men (Ibid). However, gender is not the only organising category in creating the hierarchy in Kenyan society; age and social status are also factors (Ibid). Thus, one cannot assume all Kenyan women to be subjugated in relation to men (Ibid). For example, in an urban setting, middle-class women can have a higher status than lower class men in many respects.

While Kenya is a diverse country and different tribes have different customs, traditions, and structures, due to the mixing of people as a result of modernisation and urbanisation and the creation of the Kenyan state with its laws, policies and structures, there are gender roles and structures that apply to the nation as a whole. Throughout African history, women have been in control of domestic work and agriculture (Falola and Amponsah, 2012). Women's domestic responsibilities tied them to the home and prevented them from

engaging in active public roles and working in the public sphere, with the exception of a few powerful women who had ritual and political responsibilities in the society (Ibid). Colonialism and how it disrupted the economic system in African societies (Falola and Amponsah, 2012; Presley, 1992 qtd in Wekesa, 2013) made it necessary for many women to work outside the home so that they could help provide for their families (Falola and Amponsah, 2012), although at the same time this process of restructuring enhanced male domination (Presley, 1992 qtd in Wekesa, 2013).

The colonial ideologies structured gender relations (Wekesa, 2013). However, while women started to work outside the home, the colonial rule re-emphasised gendered work; this made it more difficult for women to transform from their domestic roles to public roles (Falola and Amponsah, 2012). Researchers have debated whether the colonial restricting of economies affected women's socioeconomic activities positively or negatively (Ibid). While some argue that the effects of colonial capitalist exploitation and their ideologies about proper gender roles deteriorated women's socio-economic independence in Africa, others have suggested that it freed women from the patriarchal power men had over women; it allowed women access to education, economic independence, and divorce (Ibid). Falola and Amponsah (2012) point out that African women have not been victims in all situations, whether influenced by patriarchal institutions or colonial rulers. For example, Kenyan women have publicly objected to the traditional women's roles and the strenuous physical labour imposed on them (Falola and Amponsah, 2012).

In Kenya, like in many African countries, women's exclusion from decision-making processes has historically shaped and perpetuated gender inequities (Wekesa, 2013). Furthermore, the majority of colonial policies and practices further discriminated against women (Ibid). Gender inequalities that exist today in Kenya are rooted in economic, patriarchal, political, and socio-cultural ideologies and structures (Ibid). Femaleness in most Kenyan communities is associated with caretaking, modesty, obedience, dependence and reproduction (Wangila, 2007). On the contrary, maleness is associated with leadership, strength, authority, and the ability to bear physical pain (Ibid).

The old constitutions of Kenya had many issues in regards to gender equality (Wekesa, 2013). For instance, they were discriminatory towards women in relation to property rights, marriage, child support, and political representation (Ibid). However, the new constitution which was passed by a referendum in 2010 has the principle of equality between women and men as a central pillar (Ibid). It increases women's participation in political decision-making

at all levels and grants them the right to own property (Ibid). Furthermore, it strengthens women's citizenship: whereas before it was possible for a Kenyan woman to lose her citizenship if she married a foreigner (not applicable to Kenyan men), the new constitution provides equal citizenship status for all Kenyans regardless of sex, and thus women no longer face the prospect of losing their citizenship (Ibid). While the new constitution is positive towards women's rights and gender equality, the fact that "there has been resistance in accepting that women can attain one third of representation in elective and appointive positions is in itself telling how deeply male chauvinism seems to be entrenched in Kenya" (Wekesa, 2013, p.19). Women who champion for their rights and for equality are often portrayed as divorced, single or urban based (Ibid). Therefore, those who are trying to improve gender equality can face fierce opposition and attempts at labeling them as people living a lifestyle considered 'Western'.

When looking at gender in modern Kenya from a statistical point of view, it is evident that there are many issues with gender equality in Kenya. The Global Gender Gap Report of 2014 ranks Kenya as number 37 out of 142 countries in the world in relation to gender equality (World Economic Forum, 2014). It scored 0.726 (0.00 being no equality and 1.00 being full equality) (Ibid). While Kenya ranked high or fairly high in primary education enrollment and estimated earned income, it ranked poorly in having women in the parliament and in secondary and tertiary education enrollment (Ibid), which indicates that Kenyan girls are more like than boys to not complete secondary or tertiary education. While Kenya has made progress, as it ranked number 99 and scored 0.650 in 2011, especially in economic and political participation (Ibid), Kenya is still not close to having equality between men and women.

### **2.3. Gender and human trafficking**

It has been shown that migration is gender-structured: not only do men and women migrate for different reasons, migration also has different consequences for them (Dugbazah, 2012). For example, there is mounting evidence that migrant care and domestic workers (who are often but not always women) face the most extreme forms of labour exploitation (Lewis et al., 2014).

When human trafficking is examined from a gender perspective, the focus is often on sex trafficking of women and girls. It is linked to the debate on sex worker's rights, legalization

of prostitution and women's rights in general. There appears to be no literature on gender and human trafficking without the focal point being trafficked women. The existing research has not examined trafficking of men from a gender perspective or explored trafficking for forced labour through gendered lenses.

Women are thought to constitute the majority of victims of trafficking as they are considered vulnerable to deception and exploitation (Tomkinson, 2012). The current trafficking discourse focuses on sexual exploitation making other types of labour exploitation invisible (Ibid). This can have a massive impact on the numbers provided by different sources, and there are serious flaws in using numbers provided by service providers such as law enforcement and immigration officials. For example, the Dutch and German police only collect data on trafficking of children and women for sexual exploitation (Pharoah, 2006), which can distort the figures and suggest trafficking for sexual exploitation represents a larger portion of trafficking cases than it actually does in reality. Thus, trafficking for forced labour and trafficking of men might be more common than is presently thought.

The exploitation of trafficked people is influenced by traditional gender divisions and the gendered division of labour. Many societies have gendered notions about what kind of work is suitable for men and women. Most often, men are expected to be physically strong and able, and thus they are more often exploited in industries such as fishing and agriculture. Women, on the other hand, are expected to be good in house-work, and so they are often trafficked for domestic work (Hetzfeld, 2002). In addition, women are trafficked for sex work (Ibid). In addition, a person's ability to find alternative employment may be affected by their gender. They may need to be the "right gender" for the work available in their community (ILO, 2008).

Within a feminist framework, human trafficking has often been treated synonymously with trafficking of women for sexual exploitation (prostitution or other forms). Within this framework human trafficking is considered a violation of women's rights; it can even be considered as a form of violence against women (Zimmerman, 2007). While within this framework it is recognized that trafficking can affect women differently than men, women can often be more vulnerable than men, and are more often trafficked for or end up in sexual exploitation, portraying the gender issues of human trafficking as violations of women's rights excludes the possibility that trafficking of men can occur for gendered reasons as well. If one is to look at the gendered notions, traditions and beliefs that impact trafficking, one needs to step out of the framework of women's rights.

In practice, VoTs also have issues with access to justice. Jordan (2002) calls for trafficking laws to be applied to all people equally: men and women should have equal access to assistance, justice and protection. However, in reality men might have a harder time accessing assistance. This can be because of men's reluctance to report their cases to the police or because of gendered notions regarding consent and innocence which is explored next.

### **2.3.1. Issues of consent and innocence**

Consent in relation to human trafficking is a complex issue. In regards to law and policy, it has been questioned whether people who seek to migrate are truly victims of trafficking. This also relates to innocence: if one has sought to migrate and ends up being trafficked, are they an "innocent" victim? This leads to another question: does a person need to be innocent in order to be considered a victim of trafficking?

This leads to questions on agency: is one innocent if they have shown agency in the migration process? Agency within gender theory, and in particular gender and development, has been explored by researchers in the past few decades. Agency relates to activity rather than passivity (Hewson, 2010). Those who are constrained or controlled lack agency (Ibid). Hewson (2010) divides types of agency into three categories: individual agency, proxy agency and collective agency. Individual agency is one person acting on their own behalf, proxy agency is one person acting on behalf of another for example an official acting on behalf of the government, and the collective agency is a group of individuals collaborating (Hewson, 2010).

Agency in gender and development is defined as women's ability to make decisions and choices (Wilson, 2008). Mohanty discussed the intersectional experience (without using the term 'intersectionality') and agency. Mohanty (1988) objects to the depiction on third world women as victimised and ignorant; a depiction that suggests a lack of agency. Wilson (2008) agrees that third world women are depicted as powerless in Western feminist discourse. Kabeer (2000), although examining agency in regards to labour market decisions, makes an argument that one needs to consider the constraints on agency. These constraints, which are context dependent, limit agency. Therefore, one cannot assume firstly that everyone has the ability and freedom to make any decision they wish, and secondly that exploited people do not have agency at all.

The media produces stories which are centered on naïve girls who have been sold to sexual servitude and experience terrible abuse (Quirk, 2011). Women, who display agency

and autonomy are largely absent from these stories (Ibid). In this kind of compelling narrative it is clear who is the exploiter and who the exploited and there is a clear parallel with slavery (Ibid). This kind of story makes an excellent case for immediate rescue (Ibid). These types of stories can also be very appealing for NGOs and other organisations that work in the field of trafficking or women's rights to use for awareness or fundraising as they create sympathy for the victims. However, these kinds of stories create two issues for the greater awareness on human trafficking. First, it reproduces and thus confirms the notion that trafficking is constrained to sex trafficking involving women and children, excluding other types of trafficking and adult men as victims (Ibid). Secondly, portraying trafficking victims as innocent girls poses issues for those victims who do not fit the narrow image of a VoT (Ibid). As mentioned earlier, proactive migrants can also find themselves in trafficking situations, and they may have had some previous awareness of the situation that awaits them (Ibid).

Many victims of trafficking choose to migrate voluntary, although they may make this decision based on fraudulent information (Ibid). This raises the question on to what extent bad outcomes can be connected to individual choices and thus there is an issue of consent (Ibid). Quirk (2011) argues that consent should be inconsequential in severe cases of abuse but points out that this is not how it always works in practice and there is an excessive focus on "innocent" victims. Feingold (2011) points out the frustration when dealing with the issue of consent in government institutions; he states that it is difficult to get governments to accept that giving consent to cross a border illegally does not give consent to possible exploitation after the crossing.

As the majority of victims that NGOs and governments face are women and children (partly because they represent the overall majority of trafficking victims and partly because at times male victims are less likely to report the crime), these actors have at times a condescending attitude towards the victims. The women are often seen as vulnerable and passive who need to be rescued (Jordan, 2002). A gendered notion regarding activity and passivity can be detected here: traditionally, men are expected to be active, while women are expected to be passive and in need of protection. However, the reality can be very different. Many victims of trafficking, both men and women, are strong and risk-taking individuals (Ibid). They exert their agency in deciding to migrate but unfortunately became victims of trafficking (Ibid); they or their families seek help from the traffickersto migrate (IOM, 2008). Many victims have compelling reasons for migrating which remain once they are freed (Jordan, 2002). In order to shift the focus from trafficked people as objects, a human rights

framework needs to be utilized; this allows the victims of trafficking to become rights bearers (Ibid).

The Palermo Protocol depicts the trafficked people as innocent victims and the traffickers as guilty and as agents (Bhabha and Zard, 2006). It does not consider all the grey areas (for example VoTs can look for traffickers themselves and thus have agency in the situation). Furthermore, this dichotomy leads to a situation where women and children are assumed to be victims of trafficking, whereas men are assumed to be smuggled (Ibid). Thus, in this situation women have the benefit of society associating femininity with innocence. As trafficking victims are usually offered more protection than those who are smuggled, a person can lose out by being classified as smuggled (Ibid). The legal framework conceptualises all trafficked people as victims, whether they see themselves as such or not.

### **3. Methodology**

In this section the methodology of this study is explored and explained. First, as the study utilises qualitative methods, these methods are explored. In the second section, the field research process and methods are explained. The third section explores the ethical consideration.

#### **3.1. Qualitative methods, gender, and content analysis**

This research has a relatively small sample size and is not randomised which is why the aim is not to provide quantitative results; instead qualitative methods are used. Qualitative research can be considered an umbrella term for a multitude of attitudes towards conducting research that is aimed at discovering how people experience, interpret, and produce the social world (Mason, 1996). While qualitative research is often placed in opposition of quantitative research, it not a uniform way of inquiry (Sandelowski, 2004). Instead, it includes a variety of philosophical and methodological positions that at times contradict one another (Ibid). Qualitative research aims to produce descriptions and interpretations of people, practices, and events that shape and are shaped by them which are of relevance (Ibid).

While gender can be seen as a theory, it is also a method of inquiry. Scholars doing research from a gender perspective have stated that 'traditional' methodologies and methods are not scientifically objective (Beetham and Demetriades, 2007). Instead, they do not acknowledge the bias towards the male perspective (Ibid). An important thing to note about

gender research is that there is no single 'correct' methodology or method but a multitude of appropriate approaches (Ibid). Utilising gender as a theory is also a methodological stance. In this research, gender inequality, gendered notions, beliefs and structures, and power are taken into consideration throughout the research process. The main aim is to bring to light the importance of gender not only as a research tool but how it affects people's experiences, position in society and opportunities with the hope that this knowledge will help to enhance women's empowerment and change gendered institutions.

In addition, this study is informed by post-colonial feminism as mentioned in chapter 2.2.1. Post-colonial feminism critiques the way white, Western feminist depict people, especially women, from third world countries as weak, powerless and effectively agentless. Western feminism has depicted third world women as people in need of rescuing and who cannot help themselves. Post-colonial feminism critiques this kind of patronising analysis. This study recognises this critique as valid and aims to avoid essentialising the experiences of the VoTs as experiences of Africans, and aims to avoid depicting the VoTs as weak, powerless and helpless simply because they are from a developing country.

Content analysis is a method especially utilised in gender studies (Rudy et al., 2010). It is used to make statements about the impact, meaning, or producers of communications (Breuning, 2011). There are roughly two types of content analysis: quantitative and qualitative. Often content analysis uses quantitative indicators and some would even argue that quantification is an essential aspect of content analysis (Ibid). However, others see it as preferable but not essential (Berelson, 1952; Holsti, 1969; qtd in Breuning, 2011). Content analysis uses a coding method to analyse a text in a systematic and empirical manner (Breuning, 2011). However, content analysis should not be reduced to coding (Ibid).

Content analysis can also be seen as a strategy that explores the presence of concepts in images, speeches or texts such as interviews and articles (Mathison, 2005). Researchers evaluate the meanings and presence of words and concepts and make interpretations of the texts (Ibid). Conceptual content analysis establishes the frequency and existence of concepts often by examining the most frequently used concepts or words (Ibid).

While content analysis often relies on quantitative methods, it can also still be utilised in qualitative research. While quantitative content analysis is transparent, it also has limitations (Breuning, 2011). Qualitative content analysis can work beyond these limitations as it can detect nuances not seen in quantitative analysis, although it is also often less systematic than



quantitative content analysis (Ibid). Babbie (2004) points out that when engaging in qualitative content analysis one must search for contradicting evidence and report such finding in order to prevent one from focusing only on elements that confirm expectations.

In this study, qualitative content analysis is utilised to locate patterns and examine the content of the interview material. Each transcript is read and key words and answers to particular questions of interest are marked and colour coded. For example, to examine the types and forms of exploitation all replies giving information about this particular issue are marked.

### **3.2. Field research methods and demographics**

For this study, primary data was collected in Nairobi, Kenya during March 2015. Primary data consists of interviews and the interviewees can be divided into two groups. Firstly, semi-structured interviews were held with key informants, such as employees of IOM and RMMS, field volunteers of HAART who work with victims of trafficking, and HAART staff. HAART staff interviewed include the CEO Radoslaw Malinowski, the programme manager Jakob Christensen, and counselor Khayundi Bwali. Most key informants are identified by name but for example some HAART volunteers who work in the grass roots and may be in contact with traffickers are identified only as HAART volunteers and as key informants to protect their identity. They are usually associated with at least one grass roots organisation and collaborate with HAART on human trafficking cases and awareness work.. The number of key informants interviewed is 8. The questions aim to find out information about the prevalence of human trafficking in Kenya, and the experiences of victims and the communities. A full list of the questions is in the interview guide for key informants (Annex 3).

Secondly, semi-structured interviews were held with adult VoTs. The number of victims interviewed is 12. They are asked questions about their experiences of being trafficking, including about their life before, the recruitment process, and the exploitation. First, broad questions were presented in order to allow them to tell their story in their own words. This was then supplemented with detailed questions if needed. Full list of question is available in the interview guide for VoTs (Annex 2).

All interviews, 20 in total, were recorded with an audio recorded. After the interview, a transcription of the interview was produced. The audio recordings do not contain personal

information of the interviewees, but before the interviews all interviewees were asked to provide basic demographic information which was kept separate from the recordings.

As this sample of victims of trafficking was snowballed through HAART, there was little control over getting a varied demographic group due to issues with access. The only criteria was that they had to be Kenyan, they had to be victims of trafficking for forced labour and that they had to have been adults (over the age of 18) when they were trafficked. While there was no criteria for destination country, all the VoTs had been trafficked to Arab countries. Both men and women are represented in this data, the majority of them have some secondary or higher education and most of them live in or near Nairobi (see Annex 1). All the men in this sample reported having completed secondary school as did four women (50%). As only three people (all women) out of 12 do not have any secondary education, it is difficult to examine the impact of obtaining secondary or further education on the experiences of trafficking. Furthermore, there are twice as many women (8) as men (4) in this sample due to issues with access and limitations with time, which can have an effect on the results.

Most of the interviewees did not list a profession in the questionnaire. None of the interviewees have a Bachelors degree or higher, although three of them had done a training course in college after high school. However, the education they completed and the employment and income prospects suggest that they all belong to the working class. There are some differences between them though. Those with secondary education or a college certificate could expect a better income if the employment situation in Kenya was better. In addition, those who had owned a small business prior to being trafficked may have come from a better financial background as they had had money to start their businesses. While this data can give indications on the intersectional experience of the working class, this study does not include a comparison group of middle or upper class people which puts limitations on the analysis.

### **3.3. Ethical considerations**

There are some important ethical considerations that are worth noting on. First, there is the issue of anonymity. Many key informants wish to be anonymous as being known by the public could cause issues with safety and the continuity of their work. In addition, and perhaps more importantly, the anonymity of victims that are interviewed needs to be guaranteed to protect them and their families. Therefore, no full names are recorded on the interview notes or presented here. Additionally, no physical descriptions of those interviewed are given in order to protect their anonymity. In order to portray their stories in

this research while protecting their identity, they are recognised only by their interview number, and no details of where they live, where they are from or exact location of where they were trafficked to is given.

Secondly, as many of those interviewed for this study speak Swahili which is a language the interviewer speaks very little, a translator is needed. This translator was provided by HAART and is bound by confidentiality. The translator received research training and training on issues of confidentiality to insure that the anonymity of the interviewees is protected during the entire process. As a translator is required, the actual discourse of the interviews cannot be examined in detail through discourse analysis as the translation is dependent on the accuracy of the translator. While the interviews are recorded and given to a local transcriber who provides an English transcription, the transcriber is not a professional translator. Therefore, the accuracy of the transcriptions also relies on the accuracy of the transcriber to provide translations as well. Therefore, the analysis focuses on the content and not the discourse of the interviews.

Thirdly, one needs to consider the position of the interviewer and the relationship between the interviewer and the interviewee. While many of the interviewees are women, race, ethnicity and age are also factors that affect the relationship between the interviewer and interviewees and place them in different positions within society. In addition, male interviewees may feel reluctant to confide to a Western female researcher. As the interviewer is not local and is Western, there is a possibility that the interviewees conceal or alter information. In addition, the interviewees for the most part have had no prior contact with the interviewer, and thus there might be issues with trust that can also lead to concealment of information. Furthermore, the presence of a local translator may have an effect on the interview situation. There might be those who are not comfortable talking at the presence of a translator who might be from a different tribe or of different gender. However, every attempt was made to make sure the interviewer and translator remain neutral and that the interviewees are comfortable with the situation.

#### **4. Analysis**

In this section, the data collected is analysed using a gender framework. Gender theory and knowledge on gendered notions, beliefs and traditions in Kenya frame this analysis and intersectionality is used as a theory when appropriate.

First, experiences of trafficking are examined. Data is drawn mainly from the interviews with victims of trafficking but is also complemented by interviews with key informants who have knowledge about experiences of trafficking victims. Both literature on human trafficking and gender theory are used in analysing the topics, and intersectionality is especially utilised in chapter 4.3. The subsections cover the motivations for migration, recruitment and deception, forms of exploitation, issues with distrust, distrust for authorities (e.g. police), agency, assumptions about human trafficking, and evidence of internal trafficking.

Second, in the last chapter issues with labour migration and policy are examined. First, issues regarding human trafficking for forced labour and labour migration are explored and the policy issues regarding human trafficking and labour migration in the Kenyan context are examined. Second, possible policy changes that could reduce human trafficking in Kenya are explored. The data is drawn from the findings presented in the previous chapter and from the key informant interviews. Theoretically this chapter relies on the literature on human trafficking and forced labour, but data is also examined through a gendered lens. The aim of this chapter is to give suggestions for policy changes that could reduce human trafficking.

#### 4.1. Motivations for migration

*"Now, travelling is not our wish we have to look after children our families we have to look after them. Now Kenya there are no job opportunities. Now, when an opportunity come everyone want that opportunity to go and look for good life. We don't travel because actually we are well and what and what, we travel cause of poverty and lack of jobs." (Interviewee 1)*

While recruitment is often identified as the first step in human trafficking, this approach suggest that one person in the process is being active (the agent) and the other passive (the victim). However, all the VoTs interviewed for this study suggested they had a active role in the process. They had already considered migrating and many looked for middle men or agents to help them. Most people stated the reason for looking for a job opportunity abroad as un- or under-employment and poverty in Kenya.

*"My life before I travelled, there were so many challenges. There were no jobs so I had to travel. [...]I was a taxi driver here, [but] there was not enough money to sustain myself here." (Interviewee 1)*

*"Before I travelled I was working as a bar lady. Then I decided to travel because the work that I was doing, the children the money was less than the school fees and other things, they were difficult for me to do it for my children and my mother. I was paid Ksh5000 [50 USD] per month."* (Interviewee 8)

This is also suggested by key informants interviewed for this study:

*"Having completed my first few sessions of counseling I felt that most of the trafficking victims lie within the poverty line. So they basically come from very poor backgrounds but that's not to say that the middle class cannot be trafficked. It's because of the lack of employment in Kenya."* (Khayundi Bwali, counselor at HAART)

Literature on human trafficking has shown that poverty and unemployment are common push factors for human trafficking globally and in Africa. In addition, as noted earlier, Adepoju (2005) argues that broken homes is also a push factor in sub-Saharan Africa. Some of the VoTs reported that issues in the family had motivated them to look for opportunities elsewhere. This appears to affect women in particular; two of them reported having been in an abusive marriage prior to migrating and few reported being abused by other family members. Thus, there seems to be a connection with gender based violence and women's motivations for migration. Male VoTs did not cite issues in the family as a reason for migration. Some VoTs were also single parents and many had sole responsibility for taking care of their children financially.

*"I decided to get married I stayed in the marriage for two years and it was a struggle. My husband was mistreating me because I had no money and education until 2008 where we divorced [and] I was left alone with my kids."* (Interviewee 4)

*"I was married and had my own home but we had some disagreements with my husband so I decided to run away. That's when I ran away from home and met a friend of mine who took me to an agent then we planned on how to go to Libya."* (Interviewee 7)

*"I looked at myself and the problems that I had with my mom, the quarrels and I thought that this is the chance. I should grab it and when I come I will have more money. I will just take my kid, have even if it's a small shop and life would be okay."* (Interviewee 11)

In addition to these push factors, there are pull factors to consider. VoTs reported having heard positive things about working abroad; most were enticed by the promised high salaries while a few had also heard about good jobs being available. In addition, the demand for labour in particular job sectors act as a pull factor; the Middle Eastern countries have a demand for construction workers and domestic workers. The existence of these opportunities draws migrant workers to the region. Women who have traditionally not worked outside the home in Kenya but taken care of housework and children have the

opportunity to migrate to perform the same kind of tasks and be paid for it. Together these push and pull factors made the VoTs seek out labour migration opportunities.

There is clear evidence that human trafficking for forced labour is related to labour migration and share some elements. Literature has shown that regular and irregular labour migrants have agency in the migration decision and seek out opportunities to work. They want to work elsewhere to support themselves and their families and they seek out better job opportunities. They may also be assisted by a third party. In human trafficking for forced labour, the VoTs intended to migrate regularly for labour. It is the means (such as deception) and the exploitation that sets human trafficking apart from regular and irregular labour migration. The intention of the migrant as well as part of the process on both cases is the same, and therefore human trafficking for forced labour can be explored as part of general migration.

By looking at the motivations for migration from a gender perspective, initially there seems to be no gender difference. All reported their motivation ultimately to be the ability to earn more money than they were and wanting to provide for their family which usually included children. However, none of the male VoTs described family discord or being a single parent as motivation for migration while this was true with most of the female VoTs. This may suggest that being a single parent or having problems with a spouse or another family member may courage women to migrate for labour. Several female VoTs also reported having experienced violence and abuse at home prior to making the decision to migrate. As mentioned earlier, there appears to be a connection between gender based violence and women's motivations for migration; two of the female VoTs reported escaping spousal abuse as a cause for migration. If a woman decides to leave an abusive marriage or another type of an abusive family situation, they find themselves in need of income to support themselves and their family, often increasing the necessity to migrate for labour and increasing their despair to find employment quickly.

## **4.2. Recruitment and deception**

*"Someone told me about it and we met an agent in Nairobi. [...] it was a friend who told me." (Interviewee 1)*

While many looked for labour migration opportunities, there was still recruitment taking place. While recruitment refers to an action done by one person to another, recruitment in human trafficking is more complex. Most VoTs responded that they had been introduced to a middle man or an agent by a friend or a family member meaning that there

was a third person involved. In some cases, the agent is someone they already know. As seen in the literature, this is not unusual (see Martin, 2006).

*"At first it was my aunt who introduced me to the agents. She said that people are travelling outside and there is nothing that is needed any money or passport everything is ready all you do is accept to go. She also said the salary was good." (Interviewee 5)*

*"When the opportunity came about I met a friend of mine who explained to me how they can get me a passport. She told me she will take me to Libya. [...] There was a neighbor, my friend, the agent is my neighbor." (Interviewee 10)*

While it would be easy to assume that the recruiters are strangers, only one was approached by a stranger; the majority of recruiters use their networks and rely on others to connect them with people they know who are interested in travelling abroad. The one person who was approached by a stranger was a single mother struggling to take care of her child and grandmother after her brother died of AIDS. She was working at a supermarket during the day, and at night she would go to clubs to dance with men to earn more money. One night she was approached by a man:

*"There was a man who was there. He called me and told me, "How are you?" I said, "I'm fine." "Why can't you get something for you to do? There are works in Dubai, Jordan and what, I can send you somewhere. You go talk to the person then the person can take you." (Interviewee 9)*

Getting a job abroad often incurs expenses. Most had to pay expenses and a fee to the agent or middle man. One woman was told to pay 25,000 Kenyan shillings (approx. 250 USD) each to her two agents once she got back; she was indebted to her agents while working abroad. Another one arranged a similar agreement with her agent: they agreed that the fee of 40,000 shillings (approx. 400 USD) would be deducted from her salary. The agent fees varied from 10,000 shillings to as much as 80,000 shillings (approx. 800 USD) which one woman paid to her agent. People borrowed money and sold things to gather money; one man sold his business and took all the money he could to pay for the expenses.

*"I pay him 20,000 [...] which I borrowed from my dad." (Interviewee 1)*

*"I paid for the air ticket but also bribed the agents. [In total I paid] thirty eight thousand [Kenyan shillings]. I sold my business, I carried even the pocket money." (Interviewee 2)*

Another man also used everything he had to be able to travel abroad for work:

*"I studied from primary school to high school. Then, from there I practiced welding at the polytechnic and finished that. And then that's why I also started doing welding jobs, until when I opened my own small workshop. [...] I then worked for two years. From there is when I met a friend of mine who told me*

about jobs in Dubai. And *I had just been bought a welding machine by my mother so I sold it to get passport money.*" (Interviewee 3)

As noted in the previous chapter, there is a demand for labour in the Middle East that acts as a pull factor. However, it is also important to note that the labour market there is gender segregated. The data shows that there is a clear gendered division of labour. Men are recruited for construction work, mechanical work and manual labour; one man had a useful skill (welding) and was recruited for that skill. Three out of four men were recruited for male dominated jobs; one man was not recruited for any particular job but was told that construction work was available at his destination. Women on the other hand were recruited for predominantly female dominated jobs, mainly housekeeping but also other care work and cleaning. In fact, six out of eight women had been recruited for female dominated jobs and all of them ended up in a female dominated job. In addition, having completed a course or having experience in a field other than housekeeping did not have an effect on what type of work the female VoTs ended up performing; one woman had completed a course in IT but ended up as a housekeeper. This reinforces the gendered division of labour as well as the gendered notions about appropriate work for men and women; it reinforces the binary division into men and women and men's and women's work.

There is clear evidence of deception taking place during recruitment. As noted by Belser and Andress (2009), deception is the most common tool in recruitment for forced labour; this is also evident in this study. While many knew which country they were headed from the start, one was deceived about the destination.

*"At first I was to go to Dubai but my agent didn't tell me the truth so I found out the last minute I was leaving the country to Dubai and I had already paid him some money. She gave me another person who took me to another friend of his, then my visa was for Libya."* (Interviewee 7)

In addition, five out of 12 (one man and four women) were promised jobs that they did not end up getting and one man was not promised a particular job at all. All the women ended up working as housekeepers, although four (50%) had been promised different jobs as a nanny, an office cleaner, or at supermarkets or hotels (see Annex 1). The two women who had been promised non-care or housekeeping related work at a supermarket and at a hotel had completed secondary education.

*"She [the agent] told me that I am going to work in a supermarket as a maybe in a front office because those people are not that much learned, as long as I know I can communicate in English."* (Interviewee 9)



"I was going to work at a hotel; it had the name of the hotel and my off days and how much I was to get." (Interviewee 7)

Interviewee 7 was promised a salary of 50,000 Kenyan shillings to work at a hotel in Dubai but the last minute found out she was going to Libya. When the destination changed, she was meant to do house work for a monthly salary of 200 USD (which is less than half of the original salary). Another woman was told she was going to be a nanny for a seven year old boy but was not explained anything about the conditions of work and she knew very little about what to expect. She too ended up working as a housekeeper. Another one was promised cleaning work:

"You'll go to clean the office, but when you get there you are a housekeeper." (Interviewee 10)

One man, who had finished secondary school and had a small business in Kenya, had been promised a job as a supervisor but ended up in manual work loading lorries.

"I was told I was going to work as a supervisor in a good company only to go there and find out I was going to load tracks. [...] we had to load a lorry the carrying 50kgs of bags" (Interviewee 2).

While all the VoTs interviewed for this study were expecting to get a job in a Middle Eastern country, people can be trafficked with promises of business deals as well. One key informant (a HAART volunteer) described a case where business people from the Busia region in western Kenya had been lured to a house outside Nairobi with promises of helping them travel to the Middle East so that they could import goods to Kenya and sell them. However, once at that house, it became clear to them that they were not travelling to the Middle East; the trafficker said they would be travelling to Mombasa to entertain tourists. Fortunately, they were able to return home shortly after.

Not only are people being deceived about the type of work they will be getting in the destination, they are cheated about the amount of money they will receive. Recruiters (middle men and agents) in Kenya promise them good salaries; an amount of money they would struggle to earn in Kenya. The VoTs most commonly reported having been promised more than 20,000 Kenyan shillings a month (approximately 200 USD), one as much as 60,000 shillings. In general, women were promised lower salaries than men, usually between 20,000 and 30,000 Kenyan shillings compared to 40,000. This shows that salaries in female dominated jobs tend to be lower as the work is not appreciated as much as work in male dominated professions. Domestic work in particular appears to be undervalued.

"Okay the problem with the contracts, somebody just comes and tells you to sign here and then they move without letting you read anything because they are in a hurry. [...] The agent told me that the salary was 40,000 so after going there I found nothing like that. [...] I think the first time I got my salary was about two months and it was 18,000." (Interviewee 2)

"The agent will tell you it's about 25,000 [Kenyan shillings], when you get there they tell you it's about 17,000. [...] They told us your starting salary is 25,000 after three months you will get up to 30,000. But when you go there they tell us our salary is 17,000." (Interviewee 10)

As many of them were earning less than 10,000 Kenyan shillings a month in Kenya, the money that was promised appeared appealing to them especially as many of them were promised accommodation and food on top of the salary. This means they could have saved most of that salary and come home with money to pay for school fees for their children or with the capital to build a house or start a business. However, once they arrived at their destination, things changed. There were incidences of employers deducting one to three months salary to cover expenses, although the employee had not been told about this in Kenya, and being regularly un- or under-paid. In the most extreme cases, VoTs were only paid a small portion of their salary, and in most cases they were able to save very little or no money.

Many of the VoTs stated that they had not been given a written contract or they had not been given time to read the contract. As some had not finished secondary school, there is also a chance that even though they had been given a chance to properly read the contract they would not have understood the entire document. Some of them also mentioned having been rushed by the agent when they were signing the contract. This is confirmed by Jakob Christensen from HAART who stated that

"[p]eople don't know how to sign a contract or they don't know how to read the legal language or they don't know if it's good contract and then the trafficker's solution is having a tactic of doing everything really fast so you don't have time to think. So you just sign it."

As the VoTs in this study all represent the working or lower class, it is difficult to assess their experience of recruitment or human trafficking in general from an intersectional gender/class point of view due to the lack of comparison group. As noted earlier, there is some evidence that those who are better educated, are often promised better or higher level jobs in order to recruit them and make the opportunity to travel more appealing. This appeared especially true in the cases of women who had secondary education, as they were likely to have been recruited for jobs other than housekeeping. Kenyan media has also reported cases of Kenyans with higher education being recruited for manual labour and

work that they are over qualified for. In a recent case, several Kenyan men who had been educated in fields such as architecture and engineering were being forced to work in manual construction work in Angola (Daily Nation, 2015). This suggests that deceiving those with higher levels of education about the nature of work is not uncommon. However, as the sample of this study is small and there is no comparison group, clear determinations cannot be made.

### 4.3. Forms of exploitation

*"I was starting to work at 7Am and I finish to work at 1pm at night. The second family were the worst because [they] was threatening me. Sometimes they were giving me food, sometimes they were not giving me food."* (Interviewee 8)

Exploitation can be considered as the action that sets human trafficking apart from other regular and irregular labour migration. VoTs reported many types of exploitation starting with non-payment of salary already partly covered in the earlier chapter and including denial of rest and food depicted in the above excerpt, and physical and sexual abuse. One issue all the VoTs reported is that they had had their passports seized once they reached their destination; there was no gender division on this. This is a form of control as without a passport it is difficult to move within a foreign country or return to your own country. It is usually the employer who keeps the passport, and if the employee wants to leave before the contract is finished, the employer might use the passport as leverage or as a way to coerce the person to leave without being paid.

*"They asked me for my passport but I refused but they said it was a rule. I still refused to give them then they took me to the Libya agents. [...]The agents snatched it [the passport] from me and gave the owner of the house."* (Interviewee 4)

*"They take my passport. When I was coming back I don't already have any passport. I travelled without a passport. [...] I told them that I don't want to stay in Libya again. They refused me my passport and some amount of money. "* (Interviewee 8)

*"It was very difficult to get [a plane ticket back to Kenya] because once you go there they take your passport, they keep your passport."* (Interviewee 12)

Once an employer has possession of the passport, they can use it to coerce the employee. One woman reported that when she wanted to leave, her employer told her she can only have her passport back and leave the house if she does not ask for the money she is owed. In addition, two of the VoTs reported that they had been given false passports to cross the border. Thus, they immigrated illegally which put them in a precarious position: they had difficulty returning to Kenya because of the lack of legal documents and were scared of being treated as a criminal if found by the local police. This meant they could not report their abuse locally. This also portrays how complex the phenomenon of human trafficking is; as Quirk (2011)

noted there is no singular experience of human trafficking, and it can also include illegal immigration usually associated with smuggling.

As mentioned earlier, many had been deceived about the salary. In addition, many had issues with getting paid at all or by not being paid directly.

"Them only paid us the first month and the second month, from there it is problem." (Interviewee 2)

"When I worked there she told me that she want to send my money in Kenya. Not to give me the cash, they want to send me my money in Kenya. When she was sending my money, they ate half of the salary." (Interviewee 8)

"When I asked them about my money; they tell me, "I will give you." No money. They don't give me money, [but] I work." (Interviewee 9)

Some employers used violence or a threat of violence as a deterrent from asking about the salary. The man who is a trained as a welder went through extreme abuse. He had been promised a salary of 1000 USD a month to work as a welder on an oil drill but once he arrived in Dubai, things changed. He had been told he would be working up to eight hours a day but in fact was made to work 11 hours a day. He was only paid the first month and after that he did not receive any payment. He also reported problems with getting enough sleep and food. After about a year, his employer told him they are taking him to South Sudan to work and he will be paid what he is owed once he arrives there. But things went from bad to worse. Getting enough food became a bigger problem:

*"In southern Sudan there is no food. Not like in Dubai at least in Dubai you can get some bread and water. There in Southern Sudan you have to drink water from the Nile river. The water is so dirty, but if you don't drink, you die. There is another, what do we call them, sweet potatoes. They grow under the desert. That was our food. You are working here and you are going like 20km to look for food. Because there is no food. They are not giving you food."* (Interviewee 3)

In addition, he endured physical abuse, suggested sexual abuse taking place, and saw others being killed:

"You are being beaten. You sleep outside. You cannot run away because it is very far. [...] The desert is very hot. [...] *When you refuse to work, they tie your hands. They take you around 100km and leave you there. Then the vulture, they get the food. In Southern Sudan if you don't work, if they are not going to kill you, the manager will sleep with you. You become his wife. [...] We got beaten many times. [...] You can't complain. You'll die.*" (Interviewee 3)

He also had an accident while working where a machine cut off two of his fingers. He received no medical assistance until he returned to Kenya later and now has limited hand function.

Interviewee 12 was approached by his friend who told him about opportunities in Dubai. The friend helped him organise his travel but did not organise a job for him; he explained there will be people at the airport looking for employees. Interviewee 12 arrived in Dubai only to find that there is no job and no-one looking for employees at the airport as his friend had told him. He struggled to find a job by himself and ended up living on a roof of a building as he did not have money to pay rent. In the end he found a job as a newspaper deliverer. His friend who had organised his trip had told him he would be earning as much as 60,000 Kenyan shillings a month working construction but he now found himself earning about 20,000 shillings instead.

*"It wasn't enough. That forced me to start outside jobs because after finishing to work in the newspaper I was trying some other places so that I can be able to save money and send some home and remain with some.[...] It paid my rent and my food and nothing else." (Interviewee 12)*

Physical abuse was reported by several of the VoTs. Often it was done by the employer but at times it was also the agent who committed the offences.

*" I told the agents that I needed a house that I can communicate with the people in in English. When I told the agent that, he got mad at me and started beating me. [...] I told them to deport me to my country until they find me a good house that understands English and that we can be able to communicate. The agents became cruel and continued beating me up saying they can't deport me and all they will do is take me to the police they beat me up until they were pointing a gun at me." (Interviewee 4)*

In addition, working long hours and not having enough food or proper food was a common issue. It was reported by all the VoTs.

*"Long hours, I was waking up at seven and go to sleep at 2am. When they cook they normally left it for me though it was something to just hold the stomach not really enough and if there visitors at their place they would also keep some for me." (Interviewee 4)*

*"I was working for long hours from six in the morning to 1am. [...]The problem with them was the food they could cook freshly bought food but I would eat the remnants or the food that has stayed in the fridge for almost a week but I got used to." (Interviewee 5)*

*"They told us there is no off. There is no working hours. [...] [I finished at] eleven at the night because you have to finish all the work.[...] It's your good luck if the food is not finished. If it's finished, you will just be told maybe eat bread. " (Interviewee 10)*

Women were more likely to have the experience of being controlled as they were living housekeepers, and thus lived at their place of employment. They were not allowed to leave the house unaccompanied and were reliant on their employer for food. They also reported having to work until late at night. In contrast, 3 out of 4 men lived outside of their workplace

and their off-time and movements were not controlled by their employer. However, men reported issues with inadequate and overcrowded housing, and not having enough money to buy food. The differing experiences divided by gender is the result of the gender segregated labour market and the system of hiring domestic workers that is in place in many Middle Eastern countries. As women are considered suitable for domestic work due to their gender and are hired as domestic workers in the Middle East, their visa is tied to their employer, and they live at their place of employment, they are much more likely to be controlled by their employer. Their work takes place in the private sphere and the system places the employer in a position of power. Men on the other hand are hired to jobs considered suitable for their gender that take place in the public sphere and they live outside of their workplace. This gives them more freedom of movement and often more controlled working hours. Thus, gender structures and cultural practices put male and female VoTs in different types of employment and different positions.

If one complains about the hours or the conditions of work, the employer usually refuses to listen or take a complaint seriously. One woman was told that as the employer had “bought” her from the agent, she had to work:

*“They tell you: “you come here to work and you must work. I have already bought you. You either give me back my money or you work.” [...] the baby is told by the mother: “I bought this for you. Everything you want you have to tell her to do, she don’t have the right to say no” ” (Interviewee 10)*

The issue here is that the employer had paid fees to a middle man or agent and felt as they had bought an employee rather than just employed someone.

As men usually had more freedom of movement and did not live at their place of work, they were in closer proximity to the wider community. Two of the male VoTs had bad experiences with the police at the destination country:

*“Dubai is well but the people who we were living with were very discriminative. Like sometimes if maybe a robbery happens in your place, like us, the black people had a lot of problem. All of us were taken to the police station then we were chose some, if maybe the station officer hates you he’ll pick you and maybe you’d remain in jail.[...] The people who are stealing there are Nigerians but they don’t differentiate between a Nigerian and a Kenyan person and a person from Ethiopia. They know all black people are the same.” (Interviewee 12)*

*“Now the room [where we lived] was for prostitution so the police came in looking for the prostitutes and when they knocked we didn’t open so they broke the door and entered. We were beaten almost to death not knowing why then they took us to the station still beating us up. Before the company knew where we were, we had already been bruised and injured. We stayed in the cell for about three weeks. [...]they*

thought we were the ones doing the prostitution and that we were gaining from that. [...]We only ate once in a day because they thought we were gay and therefore they cared less about us. [...] (Interviewee 2)

After Interviewee 2 and his companions were released from prison, they returned to work discovering they had to work harder than ever to compensate for the lost time. At the same time, the room where they had been living in had been closed by the police so they had no where to live. At times, they slept under the truck they used at work so that they could start work early.

In addition to physical abuse and denial of rest and food, many of the VoTs reported racism on part of the employer or other people at the destination country. Some of them reported being ignored and called names such as 'dog', while a few described also physical actions.

"Our country is cool and even good; it is even a peaceful country. In Saudi Arabia there was a lot of racism and you cannot work where there is racism. [...]they were calling our names. [...] They called us names in Arabic language.[...] Something like dog, you have no common sense" (Interviewee 1)

"First thing they ask you your religion. If you are not a Muslim, they just take you as if you are a dog.[...] Even ladies they call you dogs, donkeys." (Interviewee 10)

There is thus an issue with race and religion that affects the experiences of VoTs. Being black and Christian in a Middle Eastern and predominantly muslim country can result in being the target of racist and anti-Christian sentiments. However, there is no evidence of a gender division; both men and women reported acts of racism. Therefore, this does not appear to be a gender/race intersectional experience. However, as seen in the above excerpts, it might be a race/religion intersectional experience. Interviewee 10 suggest that she was called names due to her religion; she was called similar names as the others such as dog. This suggest that black muslim workers in the Middle East might be treated better by their employer and the society due to them sharing a religion. However, due to the sample size and lack of comparison group including Kenyan muslim migrant workers, clear determinations cannot be made.

While all the VoTs were selected for this study because they had been trafficked for forced labour instead of other types of exploitation, labour exploitation is not the only type of exploitation some of them experienced. As noted earlier,one man talked of sexual harassment or abuse taking place. In addition, female VoTs reported being sexually harassed or abused.

"He [the employer] was trying to rape me. The time his wife and his children were out, *he was trying to come and try to rape me*. Even he was telling me, the one for back, it is the good one." (Interviewee 6)

"Sometimes I could be left with the husband alone in the house. *Now this person started touching me sometimes and doing what*. I said, "No. I don't want you to touch me any more," because I heard rumors that if you get in touch with Arabs you will be killed." (Interviewee 9)

Another woman also reported that she was sexually abused by the husband when the wife was out. He also brought his friends around to rape her. One woman reported that her employer sexually harassed her because she is black; he told her she should submit because she is black.

"Sometimes the skin color, the husband could tell me that I am boosting and I am dark and Asian ladies are very easy going so he wondered why I am boasting. *That I am dark and should not resist.*" (Interviewee 9)

Therefore, she was not harassed just because she is a woman but because she is a black woman; her experience of sexual violence is an intersectional one where gender and race intersect. If she was of another race, for example white or Arab she may not have been attacked. She was disadvantaged and targeted not only because of her gender but because of her race put her lower on the perceived hierarchy. However, the words of the employer also suggest that she was not attacked simply because she is black but because she is a non-Arab, an *other*; he had suggested to her that he had sexually harassed Asian women as well. The situation later turned to threats:

"He said, "If you try to shout, I'll say to my wife that you are the one telling me to have sex with you. So you will be brought in jail because here, this is my wife, it is recommended. You are the maid, I can say anything and you can be jailed forever."" (Interviewee 9)

The fact that female VoTs often suffer from sexual violence is an issue noticed by the counselor at HAART, Khayundi Bwali. She stated that:

"The few women I have talked to they go through a lot of hard labour, long working hours, at times you are being raped. [...] *For the women, there is a lot of sodomy and rape and in ways that are very extreme.*"

One key informant (a HAART volunteer) and some of the VoTs suggested that there is shame attached to the experience of sexual exploitation which can have an impact on the way others treat them once they return home. In addition, while all the VoTs had been recruited for labour, the issue of sexual abuse puts the intentions of the employer into question. However, without further research into the intentions of employers, one cannot confirm whether sexual abuse was an intended form of exploitation or not. Thus, one cannot



confirm whether the VoTs who suffered sexual harassment or abuse had been recruited for labour only or for labour and sexual exploitation.

During the exploitation face gender roles were being reproduced. Women were expected to perform tasks often assumed suitable for women. In addition, they were likely to experience sexual harassment or abuse. Men were also expected to perform tasks suitable for their gender. While many of them reported being overworked, men were expected to do heavy lifting and other physically demanding jobs considered suitable for their gender.

*"We were going with a lorry carrying about three hundred bags for fifty, ten and twenty kilograms so we used to carry them full of rice wheat and everything. We never ate anything or slept well, we had no money and the working hours were eight hours. [...]They used to extend the working hours you come in at 7am then you work until 7.30pm" (Interviewee 2)*

The gendered notions of the culture in Kenya and at the destination country dictate how people are treated; whether their work is considered demanding enough to demand a high salary, what kind of work they perform, and whether they are expected to perform sexual acts. As is common in many cultures, women were expected to perform care work. These gender divisions reinforce the binary division and strengthens existing gender roles.

From examining both the recruitment and the exploitation, one can see that all the VoTs had been in forced labour according to the definition of forced labour described in chapter 2.1.2. They were deceived about the type of work they would be doing and about the salary they would receive, and the employers used withholding of passports and violence or threats of violence to control them. As noted earlier, Belser and Andress (2009) suggested that one of the reasons forced labour takes place is asymmetric information. This is also evident in this study; the VoTs did not have access to all the information which put them in a position where their lack of knowledge could be taken exploited. They did not hold knowledge about working conditions and their rights which could have potentially protected them.

#### **4.4. Issues with distrust**

*"Actually I came here with nothing. When I was in JKIA [airport], I had only 3,000 Kes [approx. 30USD], only. Yeah, I didn't have any other money. Now when you come here, friends, relatives, they think that when you came from that place and come here as in you were abroad, now you have money. Whereby it took a lot of months and many months for them to understand that I don't have money. [...]Everyone wouldn't understand that I don't have money here." (Interviewee 1)*

Once they had returned home, the VoTs shared their experiences with family and friends. As portrayed in the above excerpt, they had experiences of not having been believed by others. The VoTs reported experiences of people not believing that they had been working

abroad and had come back to Kenya with nothing; people assumed they had money they were hiding.

*"I have not even bread to take to my children. [...] Others are seeing me like I'm not good and the way we was seen before they take me, was talking bad. I go to outside country and I come back with nothing. [...] Some were believing like my mum were believing but others like my brother and my sister they were not believing. Because they was expecting me to come with a lot of money and I come with nothing.[...] Before I went to Libya their [children's] father was trying to help me to pay school fees on the children, but when I got to Libya and come back, he refused to do anything for my children [...] because he thought that I came with money. [...] He didn't believe that I come with nothing." (Interviewee 8)*

*"People from my area think that once you go abroad you are going to make money. At once you come without money; you become the mock of the town. They talk about it, they create fun of you. [...]Most of them think that I'm lying to them. Even most of my relatives do think like that." (Interviewee 12)*

This appears to be the biggest issue when it comes to distrust: other people do not believe that exploitation has taken place and distrust those who have returned which puts the VoT in an uncomfortable position. They may not have money for rent, food and children's school fees, but cannot ask for help if they are assumed to have money. One man also reported having experiences where people got mad at him for not lending them money.

*"Someone may come and maybe ask you to give him some cash. Once you tell him you don't have, you create enmity amongst people by that. If you don't provide them with money, they say that you are just denying them." (Interviewee 12)*

Another man came back to Kenya only to not be believed by his wife who then moved out of their house leaving him to take care of their children.

*"When I came back, I just stayed at home with my wife who later got tired with me and left for seven good months with three children. I didn't know where to start so I was always in the house. I started to think Dubai, another Dubai in Kenya. My wife left me with children, struggling and people speaking so I was feeling bad to go to people. I feel bad." (Interviewee 2)*

His family did not believe him when he said he had come back to Kenya without money.

*"There is this time I asked them to help me but they didn't because they thought I was pretending. As if when you go there they think you go out to a country like that they know you have a lot of money but ironically we were struggling." (Interviewee 2)*

Both women and men reported having this issue and there was no clear gender division on this. However, the reactions the male VoTs received seemed to be harsher; they were more likely to report having long standing issues with their families and relatives after returning to Kenya. While there were women who reported having on issues with their families and friends over distrust, this appears to be less common and shorter in duration, and being

trafficked affected family relations less than it did with male VoTs. One woman reported that her family believed because they had heard of similar things happening to other women:

*"Even if is not only me, they have already heard some stories, not only one person, a lot of people are complaining." (Interviewee 10)*

This would suggest that the fact that abuse endured by Kenyan women abroad is shown in the media and discussed in communities protects them and helps family members believe their story and trust them. As abuse endured by Kenyan men is far less often reported, this might work against them.

#### **4.5. Distrust for authorities**

*"Yeah I spoke to the police. [...] I told him what happened. He told me that I have to go to foreign affairs office." (Interviewee 3)*

Once a VoT returns to Kenya they have the option of reporting their case to the police. As there is legislation regarding human trafficking in Kenya, in theory the victim could have means of legal recourse. However, none of the VoTs in this study stated that they had formally reported their cases to the police for legal action. As seen in the above excerpt, the police in Kenya does not necessarily take action if a VoT tries to report their case. Many of the VoTs explained that they had had previous bad experiences with the police or they knew the police would not take action. The VoTs stated not having faith in the police or the system, and corruption as other reasons for not reporting their cases to the police; these are issues also mentioned by many of the key informants.

*"I thought it will be just a waste of time and I know the Kenyan police. Before I went to Libya, that month, I remember it was December 12<sup>th</sup>. My husband beat me so much. It was very bad that I had to report that case to the police in my area. And they didn't take any action, they are not serious.[...]If you want someone to help you there you have to give them money and I didn't have that money even to waste. So I decided let it be." (Interviewee 7)*

A couple of the VoTs had a clear notion that once you return you just need to be grateful to be back and move on with your life; no recourse should be taken.

*"When I say that I arrived with no even injuries like other friend that we were with them in JKIA I just tell God let it forgive them." (Interviewee 1)*

*"You see here in Kenya, even if you go to court nothing will begin. So you to be back to your country you just thank God for that and finish everything. Because if you want to follow, you don't have money to follow up on things. You just leave everything to God and you start another life." (Interviewee 10)*

Khayundi Bwali, counselor at HAART, had counseled 10 victims of trafficking and had found that all of the had been abused before; eight had suffered childhood abuse and the two

others other types of abuse. Thus, there seems to be a high correlation between having been abused and ending up as a victim of trafficking. The earlier abuse also appears to normalise it; if one have been abused before, exploitation due to trafficking may seem normal to them which can affect VoTs desire to report their case to the authorities. However, few had tried to report their case but had been turned away saying they should contact their agent or another authority to sort it out and move on with their lives. This depicts the issues with law enforcement in Kenya.

*"They listened to my story and they told me after I gave the agent I see the agent I report to the police station. He would pay me the rest of the money that was supposed to be paid. [...] whoever now will complain don't travel, whoever will complain is upon him or her. They told me as long as you are not injured you are okay. You have learnt. Go preach that gospel to others "* (Interviewee 1)

*"Maybe they care but they will send me back to the agency because the police don't have... I don't know. Maybe they will tell me, "Go to the agency and try to sort it out." "* (Interviewee 10)

There is no evidence that having completed secondary education affects the VoTs experiences of dealing with authorities; they all reported either not being interested in reporting their case or having had a negative experience when they tried to report. However, while the interviewees did not disclose during the interviewees that they had been discriminated against based on their gender by the police, Khayundi Bwali, a counselor at HAART, has received disclosures of this kind from victims of trafficking:

*"There are two I spoke to who said they reported their case to the police but nothing was done about it. In fact, for them, they were told, "You are men. You need to learn through that." They reported it, they filled in a form but nothing until today that has been done about it.*

*There is a gender bias for example a man can never tell you openly like when you are doing, if asked to say to just screen a man and say, were you raped or were you sodomized, he wont say it. It's until they are in closed doors and it's just one on one that they will finally tell me yes this happened to me."*

This suggests that men might be turned away by the police because of their gender and that they would have a harder time reporting their cases to the police or another authority as they would feel uncomfortable sharing the necessary details of what had taken place. Thus, men are being discriminated against because of their gender and the gendered beliefs in Kenyan society which state that men need to be strong and not complain. Bwali also suggest that female VoTs are not the only ones suffering from sexual abuse; men are less likely to report it making it invisible in the data.

#### 4.6. Agency

"It was not so simple because I was doing casual work. I was a house help and sometimes in a week I could go for two to three days at times I couldn't get someone to work for. I even tried selling papers in the supermarkets but it didn't work for me that am why *I decided to look for another alternative.*" (Interviewee 5)

Victims of trafficking are sometimes depicted as helpless and innocent. There is feeling that only if they are completely innocent in the process of trafficking, do they deserve sympathy or assistance. Often having no agency in the process is considered a sign of innocence. However, in this group of VoTs, all of them played an active role in the initial process. As portrayed in the above excerpt, they made a decision to migrate. Most of them sought out opportunities to travel; either they looked for opportunities themselves or decided to meet an agent after being told about them by family or friends. Few said that they actively chased their agents to speed up the process if it was taking too long. They all made a clear decision to migrate abroad for work and saw this as a great opportunity to make more money. They used phrases like 'I decided to' to describe the recruitment process and they show clear agency in the decision-making process. Most of them reported struggling financially, and many of them already had children before they decided to travel and stated that they chose to migrate for work because they needed to support their children.

"I had a business when I stopped working so it didn't sustain us because we were always fighting in the house so when it became worse *I decided I want to go outside for myself.*" (Interviewee 7)

Statements like this show clear agency in the migration decision. However, in many cases there were constraints to their agency. Many of the VoTs struggled financially and felt they had no choice but to look for work abroad if they wanted to support their children. Had they had the opportunity to earn a decent salary locally, they would not have considered migrating. This can be considered as a constraint on their agency. In addition, female VoTs were also more likely to need the assistance of extended family to migrate: all of the female VoTs had children at the time of migration but only one woman reported having left her children at the care of their father. Instead, most of them left their children in the care of their sister, mother or grandmother. On the contrary, the children of male VoTs were looked after by their mothers, not by extended family. This shows that gendered care chains occur in Kenya due to migration; children are much more likely to be looked after by a female family member than a male one. Therefore, female VoTs most likely needed to negotiate their migration decision with their families as they needed their help to look after their children, while male VoTs needed to negotiate only with their spouse; this could be a

constraint on the agency of women. In addition, while the VoTs showed agency in the migration decision-making process, this does not mean they consented to being trafficked. In their minds, they were consenting to migrating for labour and they were expecting decent working conditions and good pay. In all cases, both of these expectations were not met and in some cases there was clear sexual and/or physical abuse.

In addition, many showed agency in deciding not to report their case to the police once they had returned. Although their agency was severely limited during the exploitation phase, once they returned to Kenya the VoTs had more freedom to make decisions. Many thought about reporting their case to the police but ultimately chose not to. They were free to consider their options and make a decision. However, one could argue that the fact that the VoTs knew about police corruption and ineffectiveness constrained their agency; they were not choosing between not reporting and reporting and getting results, but between not reporting and likely being turned away by the police unless they gave a bribe.

Consenting to migrate for labour does not give consent to being exploited for their labour and abused. While the VoTs made a labour migration decision, the situation turned from regular labour migration to human trafficking, which they were not expecting. The VoTs were not prepared for deception taking place. While many had heard about people being abused abroad from others or the media, one cannot trust the media to provide all the information to people. Some stated they had not heard about human trafficking or abuse experienced by labourers abroad. This could be because of lack of access to media. Many people in Kenya live without electricity, and therefore do not have a television or other devices they can use to access media. The issue of asymmetrical information information contributes to the issue of human trafficking and constrains the VoTs agency.

*"You can imagine these are people who come from areas where if you lived you will buy water, so really if you need electricity what are you going to do but if you had a TV it's usually communal. You know within a particular bar or a stretch that you can go sit and then you watch the news. One the gap was that not everyone was able to access this information." (Khayundi Bwali, counselor at HAART)*

This issue of access to media could also be examined from an intersectional point of view. As those who do not own a television or another device to access media due to financial reasons or who do not have the literacy skills to read the major newspapers are generally people of lower classes, this puts them at greater risk of being deceived. In addition, as women from lower classes are generally less educated than men of the same social standing, this puts lower class women at a disadvantage. They are likely to have less access to information than

lower class men or the middle class. They are disadvantaged on account of both gender and class that operate simultaneously which limits their access to information, constrains their agency and limits their opportunity to make an informed decision.

There were a few cases where people had heard of other being abused in Middle Eastern countries but they chose to migrate anyway. In these cases, the VoTs reported having heard both positive and negative things about working in the Middle East and decided to take the risk having a strong belief that they would be lucky and not end up in a bad situation. This is further discussed in the following chapter.

#### 4.7. Assumptions about human trafficking

*"There is always this person who comes back from Saudi Arabia or Libya or Dubai or Denmark for that case and says I was okay, nothing happened to me. So you always have people who look at that person was fine so let me just go and see how it is but you will not make money" (Khayundi Bwali, counselor at HAART)*

Some of the VoTs have tried to educate other, such as friends and people in the community, about the dangers of trafficking. They had had experiences where they had heard about someone planning to travel to the Middle East for work and they tried to speak to these people about their own experiences and what the risks are. As seen in the above excerpt, often they had no luck preventing people from travelling as the person may have heard also positive stories about working in the Middle East and believe that there's always a chance it will be a good experience for them as well. People who are desperate to find work and make a living appear to be willing to take the risk and they appear to believe that they will not be one of those people who have bad experiences with labour migration. Thus, there is an assumption that "it will not be me" to whom human trafficking happens to.

*"When someone tells me they want to go to Dubai I tell them to sit down and counsel them. But there are those who are ignorant you tell them and they still go but they come back after three to four months they say they now understand what I was telling them. [...]they are treated very badly." (Interviewee 2)*

*"I have a friend who is leaving and I tried to talk to her but she wouldn't listen to me. She wants to go. [...] That was just, she tells me maybe I was unlucky because she knows people who were paid well and have lived there for long but not in Libya. She wants to go in Lebanon. [...] I told her it's not what they say that you will find there. But she still wants to go." (Interviewee 7)*

In addition, one of the VoTs had heard first hand about others being exploited abroad but decided to travel anyway.

"I was speaking there, the lady told me: "I'll never work as a maid again." I asked her "Why, why are you talking like that?" She used to be in Saudi Arabia. She told me, "No. I will never work as a maid again." *I thought maybe she is just telling me that so that I could not go. Like killing my dreams.* I said, "No, I just have to confirm to myself what is happening." (Interviewee 9)

It might be that they do not understand or know about everything that might go wrong and do not take into consideration all the risk because they are not aware of them. Khayundi Bwali, counselor at HAART, suggested people underestimate the risks:

*"It's only that you go, they think that you will just be overworked, that's not the thing. You could actually come back dead, you could be thrown out of a building, there are different things that could happen to you and also the sexual abuse."*

In some cases even experiencing human trafficking first hand may not deter people from travelling again. Interviewee 5 had been trafficked to Saudi Arabia for forced labour and had been under-paid and overworked there. She had also had issues with getting enough food. Shortly after she had returned to Kenya from Saudi Arabia, she was introduced to agents who take people to Libya. Her cousin was in Libya and she had heard good things about Libya from her. This convinced her to travel again and try her luck. This case shows that having been trafficked once does not deter people from seeking out possibilities to migrate again putting them at risk of being re-trafficked, and that getting positive first hand information from someone they know can make people to choose migrating for labour.

No evidence was found that gender or education level affects these assumptions about human trafficking. Both male and female VoTs had been likely to underestimate the risks or not be aware of the risks of migrating for labour and having completed secondary education did not improve VoTs' ability to estimate risks. Thus, there is no evidence of an intersectional experience taking place or affecting VoTs' awareness of risks.

In this study, 2/3 of the VoTs are women. There is also a general belief that trafficking victims, at least for the most part, are women. When asked who usually gets trafficked, the VoTs responded that it is usually (young) women and they get trafficked for house work. Both male and female VoTs stated that the usual victims is a woman. However, it is clear from the data that Kenyan men get trafficked also; what is unclear is what the percentages are. The question is whether women do represent the absolute majority of trafficking victims or whether men are not reporting their cases to authorities or being portrayed in the media, and thus are not seen in the data. As seen earlier, there might be issues deterring men from reporting their cases such as gender discrimination and unwillingness to report sexual abuse. In addition, lack of access to information can have an effect on the data available. If people



equate human trafficking with sex trafficking or trafficking of women and children, they may not consider men as potential victims. Thus, men might not report their cases and others might not report having heard of male VoTs if they are not aware that men can be a victims of trafficking as well.

Finally, a note about assumptions regarding internal trafficking. As all the VoTs in this study had been trafficked abroad, they had direct experience with external trafficking only. They did not disclose being trafficked internally at any point. When asked if trafficking takes place inside Kenya, many denied it saying that Kenya is safer: they had an idea that if someone does not pay you or mistreats you, it is easy for you to leave and return home soon. While they seemed to recognise that people can be taken to work inside Kenya and exploited, they did not appear to consider it as trafficking as they felt it is easy for the victim to get out of the situation. This may be because they had experienced at times extreme difficulties returning home; many had ran away from their place of employment and struggled with getting their passport back and a ticket home. As one does not need a passport or a plane ticket, which can be very expensive, to travel within Kenya, the VoTs seemed to feel that Kenyans exploited for their labour within the country are not really trafficking victims.

*"I know in Kenya we don't treat some people like that. Mistreating them, without food, overcharging hours to work, the salary. Then when I ask to work somewhere, that person will tell me, "We are going to pay this money," and he cannot change his mind after you work. He will pay you that money. Yes, but when you go there [abroad], you are told that you are going to pay 30k, then when you are there you have been paid 10k, so the better is here. To stay in Kenya." (Interviewee 6)*

*"Some people are not paying you, some others are overworking you. But in Kenya if you finish a month and she gave me just 2,000, you take your stuff then go back to your home. In Kenya it's quite good because when you finish and you see that they are overloading you and give you less money than they told you, you just take your things and go back to their family." (Interviewee 8)*

*"It's not possible [to traffic somebody internally] because when you traffic me and take me to Kisumu, and you started mistreating me, I'll just walk out and find my way back home. These people where they take the advantage is because we use airplanes. And now you cant go, you don't know where to go to get back to your country." (Interviewee 10)*

The VoTs do not see the issue with internal trafficking as important as the issue of external trafficking as it is easy to travel within you own country and return home if things go wrong. They also appear not to recognise internal trafficking as a form of human trafficking but equate human trafficking with external trafficking. However, internal trafficking might also seem very normal to them which is why they do not recognise it to be an issue.

"Most of the time with these victims, before they are trafficked externally most of them are trafficked internally. And *they don't even understand that they have been trafficked*. It's because in the African culture it's very normal for me to, if I am in need of a house help and there is this lady upcountry that has eight children and doesn't know what to do with them, she can't take them to school. She will tell me why don't you just take my fifteen year old she can come and work for you, and that happens a lot. So she comes to my home and I will mistreat her and maybe give her very little food, she sleeps very little hours in the night, has to be awake at five to prepare for the day. So *that's very normal*." (Khayundi Bwali, counselor at HAART)

While the VoTs do not regard internal trafficking as a form of human trafficking or do not see it as serious as external trafficking, there is evidence that internal trafficking is taking place in Kenya. This is explored in the next chapter.

#### 4.8. Evidence of internal trafficking

"I have witnessed rural girls moving to urban areas they are given very little salary and much work.[...] They are sometimes not given a good place to sleep and nice food to eat." (Interviewee 5)

Although this study has focused on external trafficking of Kenyans, the aim was to also look for data on internal trafficking. Internal trafficking, especially in Kenya and Sub-Saharan Africa, is an under-researched topic and needs to be paid attention to. Both RMMS representative Dr. Melissa Phillips and IOM staff member interviewed for this study pointed out that external trafficking is highlighted at the expense of internal trafficking. This research was not originally limited to external trafficking but as I was unable to locate victims of trafficking who had been trafficked inside the country who were available for an interview, the VoTs interviewed for this study have all been trafficked externally to Arab countries. However, as noted in the previous chapter, it is possible that some of them have been trafficked internally at some point but it did not come up in the interviews due to assumptions about human trafficking.

While direct data on internal trafficking was not uncovered, anecdotal evidence from the data suggests that internal trafficking takes place in Kenya and is relatively common. Many of the VoTs interviewed for this study stated they had heard of women and girls being taken to work as housekeepers and not being paid properly and possibly being abused. Interviewee 1 had heard of a woman who had been trafficked to Nakuru who was forced to have sex with men in the house:

"Whereby it was poverty which made her get trafficked. Was done bad things and actually she was helped by mothers and neighbors. She was just a house girl. Actually she was employed as a house girl and she found herself she is going with

the husband of that family and the workers, [...]forcing her [to have sex with them].”

Others also talks of girls being trafficked inside Kenya:

”I heard from some girls were taken from Kisii up to Mombasa [to work]. They were young girls.” (Interviewee 3)

”Yeah I know one girl who was here in Nairobi. They told her they will pay her 5,000 per month and when they take that girl, a very small girl. They go and overworked the girl. They took her to work in the garden and then when the girl finished a month they gave her just 2,000 instead of the 5,000. [...] I think now she is fourteen years because she had just completed her class eight last year.” (Interviewee 8)

While these cases involve underage girls, Jakob Christensen from HAART also shared a case of a woman who had been working in Nairobi when she was approached with a promise of a good job in Kisumu. When she arrived in Kisumu, there was no job and she was raped.

In addition to internal trafficking happening to girls and women in Kenya, there is evidence of it happening to boys as well. One VoT reported a case of a boy who had been trafficked internally in Kenya and who died from injuries sustained at work.

”Well, little children, there was a guy in fact, that boy died. *He was taken from Nakuru to Nairobi.* He was forced to build such things, to carry heavy things. The last thing that happened to him, the boy dislocated his back, his spinal cord. So it brought some problem, led to his death.” (Interviewee 12)

Many things contribute to the prevalence of internal trafficking in Kenya. Jakob Christensen from HAART pointed out that there are cultural practices in Kenya that add to the issue of internal trafficking; this includes child labour and child marriages. Other key informants interviewed for this study also described cases of internal trafficking. An IOM staff member stated that girls and young women are being trafficked internally for sexual exploitation, and children can be trafficked to cities to become street beggars. Another key informant described a case of a woman from a poor background who had been brought to Nairobi to work as a housekeeper.

”She comes from a poor background and a famine area, so she agreed to work, and she has worked for two weeks. Now she works there and the husband from the house comes to sleep with her. When she tried to tell the wife, she said it’s okay since she pays her. When she went to hospital she was tested and got diagnosed with HIV. [...]. And she gets paid half her salary so that she doesn’t leave.[...] The man had also gave her 1000 kes when he raped her. He used force.” (HAART volunteer)

As with external trafficking, poverty contributes to the prevalence of internal trafficking. The same volunteer shared a case of her own son being trafficked from Nairobi to Oloitoktok near the Tanzanian border to work at a hotel:

“He used to work in hotels where then a friend told him that he would find a better job with more salary than he had. They [the man and two other men] were taken to some hotel where they were overworked and they never changed clothes due to the fact that they were told to go with just one attire. They slept on the floor and ate very little, the payment was Ksh7,000 compared to the Ksh18,000 that [he] was getting here in Nairobi.”

In addition, a HAART employee was able to share a recent case of internal trafficking. Sophie Otiende (personal communication, 19 March 2015) told about a young woman from western Kenya who was brought to Nairobi to work as a housekeeper. She was not paid and there was evidence that sexual exploitation could have taken place. The woman managed to run away from the house but receiving help was difficult as she does not speak English or Swahili. Finally, she was able to find someone who speaks her language and assisted her. The woman has two children and there is a history of spousal abuse.

The anecdotal evidence suggests that internal trafficking affects mainly children and young women. However, the data can be obscured by assumption about human trafficking; if one does not consider overworking and underpaying an adult man to be a serious offence, they may not consider it as human trafficking the way they would if the victim in question was a child or a young woman. In addition, this is a small sample and no firm conclusions can be drawn from this data about the prevalence of internal trafficking in Kenya or the gender or age division of victims of internal trafficking.

#### **4.9. Issues with labour migration, and policy considerations**

Examining the data, human trafficking for forced labour seems very connected to labour migration. Motivations of VoTs appear similar to what one would expect from those of regular labour migrants. Issues with unregularised out-migration, unmonitored agents and the lack of agreements between sending and receiving countries affect both victims of human trafficking and labour migrants. The difference between human trafficking for forced labour and labour migration is not the motivations of the people but how the process takes place and the consequences. The data shows that it is a combination of luck, awareness and access to knowledge that can determine whether a labour migrant migrates safely or ends up being trafficked. Therefore, human trafficking for forced labour is closely related to the wider phenomenon of labour migration.

By examining the recruitment and the deception taking place, it is evident that one of the issues contributing to human trafficking of adults for forced labour in Kenya is that agents are not properly monitored and there are no obvious repercussions for deceiving those intending to migrate for labour. There are no active policies governing the work of agents or a supervising body that monitors them. This results in labour contract violations; people are deceived about the working conditions, salary and at times even location of the job or nature of work. Agents are not required to protect those they recruit and do not take responsibility of what happens at the destination. This means that while some labour migrants find good agents who do not deceive and traffick them, others are not as lucky and end up as victims of trafficking.

An issue that contributes to the continued action of the agents is the lack of awareness and corruption in the Kenyan police force. As seen in chapter 4.5, most VoTs did not try to report their cases to the police due to distrust. They have had experiences of police inaction and corruption which deters them from trying to report a case of human trafficking. Those that did try to report were turned away. The police often appears unaware of what human trafficking is, how it works and who should be punished for it, and how human trafficking differs from regular labour migration.

In addition to the exploitative actions of agents, lack of clear regulations, and corruption and lack of awareness among the law enforcement, there are structural issues within the government that contribute to the existence of human trafficking for forced labour:

*"Many countries don't have the right kind of department or organization make up to assist migrants going to labour countries, it wasn't something that they had to think about. So suddenly sometimes it sits between foreign affairs, immigration and no one is quite clear who is responsible and that I think is also kind of critical because when it sits across ministries or when there is no one responsible, these things do fall through the cracks." (Dr. Melissa Phillips, RMMS)*

Thus, by creating a single entity within one ministry that is solely responsible for migration could help regularize out-migration and reduce exploitation. This entity could either monitor agents or work as a centralised employment agency for labour migrants; in both forms regularisation and monitoring of labour migration could shift many people from the category of victim of human trafficking to the category of regular labour migrant.

Most commonly VoTs are not assisted by the Kenyan embassies abroad. They find themselves in trouble in a foreign country with no assistance offered to them. The Kenyan government is failing to protect its citizens abroad which also contributes to the issue of

human trafficking; traffickers know that the VoTs are vulnerable and cannot receive help from their own government and they use this knowledge to coerce and threaten the VoTs. If embassies had better resources and knowledge about how to assist Kenyans who working in the area and if the embassies took a stand and tried to protect Kenyan citizens, human trafficking could be reduced. Many VoTs did not contact their embassy and those who tried found that there was no functioning Kenyan embassy at that country. This is reiterated by a key informant:

"You might have a little knowledge and awareness but what do you do, you might not have an embassy in that country. You might not be able to get to your embassy, so I think there is also an issue about access." (Dr. Melissa Phillips, RMMS)

Having functioning embassies at countries where many Kenyans live and work is ultimately about protecting people. However, simply being present in a country does not offer a required level of protection; it is also about taking a stand against abuse of your citizens.

"I think there is one thing about the country itself caring about its nationals, and at a diplomatic level being very authoritative and strong when issues occur. There are countries like Indonesia that have made very strong statements or stopped sending people when injustices were occurring [...]. [...]the Philippine's is a great example of not only coordinated support and coherent kind of ministry arrangements but also standing up and advocating for their citizens rights in other countries." (Dr. Melissa Phillips, RMMS)

Kenya needs to increase access to embassies to protect migrant workers. Additionally, the embassies need clear instructions on how to assist victims of trafficking or other stranded migrants.

Another way to reduce violations of labour rights is bi-lateral agreements with Middle Eastern; Kenya and other labour producing countries should explore this possibility. However, there are larger contracts that effect entire regions that could be explored as a possibility.

"I think it's the Colombo process where the South Asian countries have negotiated the standard template of the labor agreement and that allows the destination countries to not shop between different state." (Dr. Melissa Phillips, RMMS)

The South Asian countries are trying to work together to reduce the exploitation of migrant workers abroad and learn from each others best practices (IOM, 2011b). The process aims to stop destination countries choosing migrant workers from countries with loosest or non-existent labour contracts or protections measures. Dr. Phillips also pointed out that when Ethiopia banned private employment agencies in 2013, the number of advertisements for

people to go to work in countries such as Saudi Arabia rose in Kenya. She also stated that putting bans on migration does not offer a solution:

"You can put every barrier in place but while there is an opportunity there [a foreign country], people will go. People will go through other countries to migrate out."

By making people look for alternative routes to out-migrate, they are put in greater risk of ending up in the hands of smugglers; a situation that can also turn into trafficking. If East African countries were to work together to create a regional policy for migrant workers, this could stop for example the Gulf countries from shopping between different states to look for the most favourable conditions for them. This could ultimately protect East African migrant workers, including Kenyans.

However, as was pointed out by Dr. Phillips from the RMMS and Jakob Christensen from HAART, changing policies and practices in Kenya is not enough: there needs to be changes made in the destination countries as well. The destination countries need better policies to protect migrant workers within their borders; migrant workers should have the right to change employers without issues, have access to their passports, and have access to recourse if there are any issues regarding contracts, salary or working conditions. Dr. Phillips pointed out that this is something that some organisations have focused on, and international organisations could work on it and "play a bridging role".

The lack of regulations results in exploitation taking place and usually loss of remittances. The VoTs had intended to migrate for labour in order to earn a larger salary they could save or send home. As there were issues with being under- or unpaid, most of them failed to earn the amount they had planned and many failed to save anything. This was a loss of income not only for the VoTs and their families but also for Kenya. Some developing countries have streamlined their labour migration; they have good policies and practices in place to ensure safe migration and maximise remittances. Labour migration is a development strategy for them and an important part of their economy; one of the most prominent examples of this is the case of the Philippines which has managed to maximise remittances by regulating labour migration and protecting its citizens abroad. Kenya is failing to do so, and thus there is a loss of income for the country. If labour migration was regularised, human trafficking reduced and migrants were paid regularly and what had been agreed upon, the amount of remittances could increase, which could be profitable for the migrants as well as for the Kenyan economy.

In order to target human trafficking specifically as a form of irregular labour migration, an awareness campaign which reaches everyone regardless of access to media should be organised. Intersectionality should be taken into consideration when creating a campaign; while middle classes have greater access to information, lower class women are being disadvantaged due to their class and gender and need to be targeted to prevent them from becoming victims of trafficking. By creating awareness, the asymmetry of information is reduced and people can make decisions based on more accurate information. While HAART is already working on creating awareness especially in the Nairobi area, a larger campaign which reaches the rural areas is needed.

When creating policies and laws regarding human trafficking and labour migration, gender issues need to be taken into consideration. At the moment there is clear evidence that men are less likely to report being victims of trafficking than women, and there should be a collaborative effort to reduce the gender parity. There needs to be more awareness on men as VoTs; there should not be a high threshold for them to report their cases to the police, other authorities, or NGOs providing assistance. Awareness campaigns should portray men as possible victims and try to reduce the stigma associated with sexual abuse of men. This could lead to an increase of male VoTs reporting their cases and seeking assistance which could help their rehabilitation and would make them more visible in the data. In addition, the specific needs of women and their position in society needs to be taken into consideration. There needs to be awareness that female victims of trafficking for forced labour are also likely to suffer sexual harassment or abuse which needs to be considered when creating policies regarding assistance to victims; however, these policies cannot exclude the possibility of men as victims of sexual abuse.

In addition, policies as well as awareness and assistance work need to consider the intersectional experiences of victims. Lower class women appear to be targets for recruiting for housework which puts them in a precarious position: often the employers in the Middle East exercise power which can amount to exploitation over the employees due to the fact that the work is performed in the private sphere. Black Kenyan women might also be targets of sexual abuse in the Middle East because of their race and gender. While organisations working on the issue such as HAART may have taken class and gender into consideration and know that people of different classes and different genders belong to different risk groups, they do not have an intersectional approach in their work examining for example the risks and needs of lower class black women in Kenya who are intending to out-migrate. By



utilising intersectionality it would be possible to identify specific risk and needs of these groups and possibly target them more efficiently.

To conclude, what becomes clear by examining the data is that external labour migration needs to be regularised in order to protect people. At the moment people are migrating via various routes and by using various means, and the government is unaware of how many Kenyans are working abroad at any one time. For example, the role of agencies needs to be reconsidered. As seen in chapter 4.2., agents take advantage of the lack of knowledge of potential migrants and do not have a standardised way of assisting people to migrate abroad for labour. Contracts are unclear and unenforced and migrants end up being exploited. This leads to exploitation and the loss of remittances. By standardising out-migration, Kenya could reduce exploitation and increase remittances; this could be done by banning agencies and creating a centralised body that works as an agency. Another option is to reduce the number of agencies, making official agencies require certification and monitoring them closely.

## 5. Conclusion

This research focused on why human trafficking takes place in Kenya and on the experiences of victims of trafficking. The aim was to find out how and why Kenyan men and women are being trafficked. The data shows that VoTs are motivated to migrate for labour but end up being trafficked instead. It was found that reasons for people wanting to migrate are unemployment and low salaries in Kenya, poverty and at times discord in the family. In addition, irregularities in the system contribute to the issue; due to the fact that there is no protection measures offered by the Kenyan government to those who want to migrate abroad for labour, people are at larger risk of being trafficked.

Gender roles are reinforced and reproduced in the human trafficking process and gendered cultural norms and practices affect the experiences of VoTs. For example, people are recruited for gender specific and appropriate jobs. Care work is considered appropriate for women, and they are often promised lower salaries than men due to the nature of work they are being recruited for. Female VoTs are more likely to suffer sexual harassment and violence. In addition, gendered care chains were created as female VoTs often left their children to be looked after by female family members.

Global care chains and how migration affects the family is touched upon in this study. While it was shown that human trafficking for forced labour contributes to the formation of

care chains much to the same way as regular labour migration, the effects of this was not studied. In addition, it was found that human trafficking at times created distrust within family structures creating discord. However, as only VoTs and not their partners or family members were interviewed, it was not studied how human trafficking for forced labour affects gender relations within the family. This has been researched in migration studies regarding regular labour migration and should be studied in relation to human trafficking in the future.

From an intersectional point of view, indicators were found that women with secondary education are more likely to be deceived about the nature of work they will be performing. In order to allure them, recruiters promised them good position in fields other than care work. However, these turned out to be false promises. Yet, as the sample is small, one cannot make firm conclusions about this. In addition, there is some evidence that Kenyan women are sexually exploited not only because they are women but because they are black women; racism affected their experience of sexual violence. Thus, their experience of exploitation is an intersectional one.

In regards to forms of exploitation, it was found that the most common are under- or non-payment of wages and overworking. In addition, receiving little food and adequate housing were reported by the VoTs. VoTs were also regularly threatened and faced racism. In more extreme cases, VoTs suffered from physical and sexual abuse.

While this study showed that there is overlap of different types of exploitation and people, especially women, who have been trafficked for forced labour can also experience sexual abuse, it did not explore the effects the sexual exploitation has on the victims and their lives. This could be researched further. As female VoTs seem to be more likely to experience sexual violence, they may have very different experiences of returning home than men. A few of the female VoTs and one key informant suggested that there is shame in being sexually exploited and people consider women who have gone through it as unclean. This can have a very negative impact on female VoTs experiences of returning home. However, it was also suggested that male VoTs are less likely to report sexual exploitation, and this should be taken into consideration.

It was also found that victims of trafficking face distrust from their families and the community once they return to Kenya. Other had difficulty believing that they had travelled abroad for work but had returned with little or no money. However, women were less likely

to report this issue; there are indications that the fact that stories of Kenyan women being exploited abroad are portrayed in Kenyan media makes it easier for female VoTs' families to believe that trafficking had taken place and that they are not lying.

Furthermore, VoTs themselves displayed distrust for the authorities, particularly the Kenyan police. Most did not wish to report their case to the police; some stated the reason for this as having knowledge of corruption and inaction within the police force. In addition, it was found that those that did try to report their cases were turned away; either they were told to contact another entity or that they should move on with their lives.

This study also explored the agency of VoTs. It was found that the VoTs showed agency in their decision to migrate. There was no gender difference in this, and both men and women were active agents in the initial migration process. However, this does not mean they consented to being trafficked and exploited.

While this study looked at the exploitation of trafficked people, it does not provide any knowledge on how the experiences of VoTs differ from those of other (irregular) migrants. Therefore, it fails to produce comparative research; the lack of this type of research has been criticised (see Pharoah, 2006). In order to analyse this, a comparative study with a control group is needed. The study would need to locate other migrants for the control group, interview them with the same questions given to the VoTs, and then compare them in order to see if there are unique aspects to VoTs experiences or whether other migrants share some of the experiences of VoTs. Due to limitations in time and access to potential interviewees, this study was not able to achieve this kind of comparison that would require a much larger data set.

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## Annexes

### 1. Demographic information

	Gender	Age	Education *	Profession	Children	Residence	Recruited for	Employed as
1	Male	29	Secondary sch	-	2	Outside Nairobi	driver	driver
2	Male	40	Secondary sch	Business owner	5	Near Nairobi	supervisor	Manual labour
3	Male	31	Secondary sch, course in welding	Welder	2	Outside Nairobi	welding	welding
4	Female	27	Year 7	-	2	Nairobi	nanny	Care work and House-keeping
5	Female	30	Secondary sch	-	1	Nairobi	House-keeping	House-keeping
6	Female	23	Primary sch	-	2	Nairobi	House-keeping	House-keeping
7	Female	41	Secondary sch	Business owner	2	Nairobi	Hotel work	House-keeping
8	Female	31	Form 2	-	2	Near Nairobi	House-keeping	House-keeping
9	Female	23	College	IT	1	Nairobi	At super-market	House-keeping
10	Female	34	Primary	-	3	Nairobi	Office cleaner	House-keeping
11	Female	24	Secondary	-	1	Outside Nairobi	House-keeping	House-keeping
12	Male	33	College	Works with computers	2	Near Nairobi	No job promised	Delivery man

\* In Kenya primary school is 8 years and secondary school is 4 years. Year 7 is the seventh year of primary school and Form 2 is the second year of secondary school.

## 2. Interview guide for victims of trafficking

Main question	Sub-question	Intention
Can you tell me about your life before you were trafficked?	How long did you go to school for?	To ascertain causes, push factors
	Did you have a job?	
	Did you look for work locally?	
	What were the problems finding work?	
	Were you responsible for other people?	
	Had you considered migrating for work and why?	
How did you find the opportunity to get this job/to migrate?	Were you approached by a recruiter, did a friend or family member tell you about it or did you look for the opportunity yourself?	To ascertain the facts about the recruitment/transportation process and the involvement of recruiters.
	How was the process?	
	What were the conditions agreed on?	
Can you tell me about your work?	Type of job, hours of employment, wages, location	To examine the forms of exploitation
	What were all the tasks you were supposed to do?	
	Forms of exploitation (Physical, sexual etc.)	
	Did you have friends there or other support? Were you in contact with people at home?	
How did you get out of that situation and how did that go overall?	Did they receive help and from whom, how did the employee react?	To explore ways people escape trafficking and the difficulties they face
	Did you report the case to authorities? How did they react?	
	How did your family react when you returned?	
	Do you feel you have been believed by everyone (family, authorities etc)? Why/why not?	
Do you know other people who have been trafficked?	Age, gender, destination, type of exploitation	To find other stories and possible interviewees

### 3. Interview guide for key informants

Main question	Sub-question	Intention
Can you tell me about your organisation and what it does?	Name, work area, programmes	To ascertain background on organisation
	Does it have a human trafficking programme?	
	Is human trafficking a problem they work with in some way?	
Can you tell me about your work specifically?	Responsibilities, tasks, ways of working	To ascertain knowledge on the persons role in organisation
	How long has worked in that capacity	
What do you know about human trafficking in Kenya?	As a phenomenon, media, in general	To examine their knowledge of human trafficking in Kenya
	Specific examples of victims	
	Why it happens and to whom?	
	What are the problems that prevent protecting people from human trafficking?	
What do you think would need to be done to stop human trafficking in Kenya?	What laws or policies are needed? What protection measures?	Suggestions for policy changes
	How could your organization stop human trafficking in Kenya?	
Do you have specific victims' stories to share with us that involve forced labour exploitation?	Location (internal or external)	To get victims' stories and example cases
	What kind of exploitation, details about victim	
	Did you/they report it to the authorities (police, government)? What happened?	
Do you know any victims of forced labour who could possible give me an interview?	Contact details or passing on my information	To get more interviewees