

TYPES OF FORCED LABOUR AND SLAVERY-LIKE ABUSE OCCURRING IN AFRICA TODAY

A Preliminary Classification

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Mike Dottridge

Types of Forced Labour and Slavery-like Abuse Occurring in Africa Today

A Preliminary Classification

A Hopeless Task?

Most people in Africa think they know what is meant by the term “slavery”. Talking to two representatives of Anti-slavery International in Khartoum in 2000 (one of them the author), Sudan’s Deputy Minister of Foreign Affairs, a clergyman from the south of the country, said it was ridiculous to suggest that “slavery” was occurring in his country nowadays, as everyone knew it had been common in the Middle Ages and had long since ceased to occur. Despite the inaccuracy of his assertion as far as Sudan was concerned, he was right in observing that public opinion considers slavery to be an abuse which occurred in historical times rather than today.

In regions of the world where slavery was formally abolished, but where slaves continued living in the same places, just as dependent on their “former” owners as before, it has also been unclear for more than a century what criteria should be used to assess whether “former” slaves are still being subjected to some abuse linked to slavery and whether further action is required to end this. Former slaves and their descendants have been subjected to discrimination and abuse on account of their status on every continent. However, the world’s renewed interest in slavery has put the limelight back on countries such as Mauritania and Niger, as well as focusing on more recent cases. Over the past five years, Western media have focused on the predicament of Dinka women and children in Sudan who were abducted from their homes and forced to live and work in the Arabic-speaking communities which abducted them; teenage migrants from Mali who were being whipped for not working hard enough on cocoa farms in Côte-d’Ivoire; and pre-puberty boys and girls working full time as live-in servants, both in their own countries and abroad, in countries such as Benin and Gabon. The media in sub-Saharan Africa has reported on such cases,

as well as a wide range of others which journalists felt were abusive. However, when it comes to action by governments or others with the power to prevent or eliminate abuse, relatively little is done, suggesting that those in power are not yet sure what it is that they are supposed to be stopping. And this in turn probably reflects the ambiguous attitude of public opinion.

In economies where little cash circulates and most people's livelihood depends on social relationships which they are not free to simply walk away from, concepts such as "forcing people to work" and "keeping others in servitude" generally seem irrelevant or difficult to apply. Yet undoubtedly women, men and children in Africa who are forced to earn a living against their will or subjugated by others suffer as much as people in similar situations in other parts of the world. Measuring that suffering and identifying cases which Africa should not tolerate in the 21st century is not easy. The various classifications proposed in this article are a preliminary attempt. They list the types of coercion to which people are subjected, identify ways in which men, women and children enter a situation in which they can be forced to work for others, and list some the most common forms of servitude reported to be occurring in sub-Saharan Africa today.

Most similar reviews of abuse start by presenting a series of definitions of what constitutes abuse and proceed to measure whether specific cases fall under these definitions or not. The problem with this approach is that the terminology developed in Europe and North America over the past two centuries—the one now codified in international law—is confusing, in particular because various terms have been defined for specific purposes, but are sometimes redefined to mean something different. In the 1920s, for example, the League of Nations adopted a definition of slavery, while the International Labour Organization (ILO) adopted a definition of forced labour which was felt to refer primarily to situations in which the indigenous inhabitants of colonised countries were required to work for the colonial authorities. Over time, however, the ILO redefined the term "forced labour" to refer to everything which the League of Nations meant by slavery, as well as other abuse which the United Nations (UN) subsequently defined as "servile status" in the 1950s.

This article attempts to address the wide range of circumstances in which people are required or forced to work for others, in situations which are nowadays referred to variously as "slavery", "forced labour", "servitude", "servile status" and "contemporary forms of slavery". Instead of examining the definitions of each of these and identifying cases with relevant characteristics, this article presents three tables, making a preliminary effort to classify three issues which are separate but related. These are:

1. forms of coercion reported in Africa to force people to work or earn money for others (or to which Africans are subjected by other Africans outside Africa);
2. the ways in which Africans enter situations of slavery-like abuse and forced labour today;

3. and, finally, the types of slavery-like abuse and forced labour reported to be occurring in Africa today.

A short discussion of terminology and legal definitions comes afterwards. The justification for this approach is that coming up with an all-encompassing definition and criteria which can be applied to measure whether any specific case is “abusive exploitation”, yet alone constitutes “forced labour”, “slavery” or “servitude” is probably a hopeless task. It will remain particularly difficult in Africa as long as there is little consensus within the continent about what, on the one hand, constitutes “abusive exploitation” and what, on the other, are more-or-less acceptable forms of employment within traditional and informal sectors of the economy.

Types of Coercion Used to Make People Work for Others Today

The ways found to force, oblige or trick people into working for others are very varied. The following table sets out nine techniques reported in Africa in recent years.

TABLE 1. — NINE TYPES OF COERCION USED EXPLICITLY OR IMPLICITLY TO MAKE PEOPLE WORK

1. Threats or actual acts of violence—abductions, killings, murder, mutilation, rape, beatings, confiscation or destruction of economic resources.
2. Other threats of retaliation of a political sort, explicit or implied, signifying that a person in power will make life unpleasant for another.
3. Invoking the authority of government officials to keep people in their current predicament (e.g. telling a person descended from slaves that the police are ready to recapture him or her if they try to run away), including situations in which prisoners are forced to work for prison guards or others without remuneration or in other abusive circumstances.
4. Threats (explicit or implied) of divine or supernatural retaliation.
5. Economic coercion imposed via a loan and consequent debt (regarded by the UN as abusive and known as “debt bondage” when the value of the work carried out far exceeds the value of the original loan); referred to in some African legislation as “pawning” when a child or person other than the debtor is sent to work off the debt.
6. Holding on to a migrant’s passport or other official identity documents in circumstances where the migrant fears that being caught by the police without their identity document will cause them more severe abuse than if they obey the orders of the person controlling them.
7. Geographic or social isolation, for example in the desert or in a community where someone does not speak the same language as others.
8. Economic dependency, including cultural practices which prevent women being economically self-sufficient (such as a prohibition on women owning or inheriting land or livestock).
9. Invoking kinship relations (e.g. implying that someone is giving unremunerated labour because they are “one of the family” or a member of the household).

It is fairly obvious straight away that these nine types of coercion involve the application of very different forms of pressure. How can the experience of having a gun pointed at you (by the member of a criminal gang or an armed political group) be compared to the more abstract threat of supernatural retaliation, yet alone the economic and social complexities in which women and other members of households are kept dependent on others? Nevertheless, all nine occur to underpin abusive exploitation, even if one of the more direct forms of coercion listed between “1” and “6” is usually used to back up those listed as “7”, “8” and “9” when the person involved was not born into the family concerned.

Threats of divine or supernatural retaliation are unlikely to be effective when applied to non-believers, but in much of Africa and also among the African diaspora on other continents, faith is strong and often carries with it strong fears. This has been exploited in southeast Ghana to persuade families to send pre-puberty girls to spend their lives in religious shrines working for a priest, to expiate the sins of relatives¹. It has also been used in Nigeria’s Benin City to increase the pressure on young women migrants leaving the country to follow orders and to earn money in the sex industry once they arrived in Italy or elsewhere in Europe (Prina 2003: 19-32).

The types of coercion involving economic dependency and invoking kinship relations (identified as “8” and “9” in Table 1) are those which appear at first sight least probable as causes of abusive exploitation, for they concern social and cultural adaptations within households to the unequal power relations between various household members. Yet, over time, cultural norms become just as compelling reasons for behaving in particular ways as more direct threats; possibly more so, as they are internalised in children from a young age and are regarded as “normal” by all members of the society in question. Creating a web around members of a household who are descended from slaves, which has the effect of making them part of the family while keeping them in a permanent situation of subordination, is an effective way of keeping workers obedient, as well as difficult for outsiders to penetrate in order to propose alternatives for those descended from slaves. “What,” the head of a household may ask, “is the difference between requiring my son to do the work I tell him to do and requiring other members of the household likewise to obey my order? Even if their remote ancestors were enslaved by mine, nowadays we treat them as family members.”

Rather than reviewing specific examples of all nine of these forms of coercion in Africa, it seems appropriate to look more carefully at just one country where the issue of slavery has been in the headlines recently, the Republic of Niger. In March 2005 the government intervened to prevent the release of 7,000 people who were said to be in servitude, claiming that

1. International Needs Ghana (http://www.africaexpress.com/internationalneedsghana/program_cont1.htm), 2004.

they were not being subjected to abuse. The following month, the leader of a Niger-based organisation campaigning against slavery, Timidria, was detained. Timidria had developed a set of criteria several years earlier to assess whether an individual was still being subjected to slavery on account of being descended from slaves (Association Timidria & Anti-slavery International 2004: 13). Timidria was founded at the beginning of the 1990s to represent the interests of the descendants of slaves in Niger's Tuareg (*Kel Tamasheq*) community, but subsequently widened its scope to other slave descendants throughout Niger. It identified nine different characteristics which occurred when slave descendants were still being treated as subordinates rather than equals, in situations of servitude if not full slavery:

1. working without receiving any payment;
2. being subjected to acts of violence by others without being protected by the law;
3. having no formal social status and consequently no right or opportunity to express his or her own views;
4. having no permanent property rights or right to leave property to heirs (i.e. property is considered to belong to others);
5. having no freedom of movement (requires someone else's permission to move around);
6. unable to marry anyone who does not have the same status;
7. only able to eat what someone else allows them to eat;
8. not allowed to address a person considered to be of higher ("noble") status;
9. not able to decide how to use his or her own time, as this is controlled by someone else.

Many of these are indicative of a person's social relations rather than direct evidence that the person concerned has to obey orders and work for someone else. They also reveal the constraints placed on people, rather than the nature of the fears or power which persuades slave descendants to do as they are told in the first place. Timidria eventually concluded that just three criteria were key indicators of slave status in Niger at the beginning of the 21st century:

1. a lack of remuneration;
2. decisions concerning marriage (i.e. whether the person to be married, man or woman, makes their own decision on whom to marry, or whether the decision is made by others);
3. children's attendance or non-attendance at school (children descended from slaves are less likely to attend school regularly than others in the same community).

Of course, "indicators" that slavery-like abuse is occurring are not the same as the forms of coercion to which its victims are subjected. However, Timidria's conclusions were interesting. The main problem with these simple indicators, however, is that they apply to far more people than just

those being forced to work for others. They helped identify a large number of Nigeriens still suffering from the stigma of slavery, considerably more than those still experiencing servitude or forced labour.

Ways in Which People Enter Situations of Forced Labour, Servitude or Slavery Today

A second way in which cases of slavery-like exploitation can be analysed today is on the basis of the ways in which people enter their abusive relationship with those who subsequently exploit them. Here again, the circumstances are very varied. They include the following.

TABLE 2. — EIGHT WAYS IN WHICH PEOPLE IN AFRICA ENTER SITUATIONS IN WHICH THEY ARE FORCED TO WORK FOR OTHERS

Form of entry or recruitment	Circumstances in which this form occurs
1. Abduction	Particularly in situations of political conflict and violence. Also in peaceful situations in which there is perceived to be a “market” for children or adults who have been abducted. To complicate matters, abduction is still a socially accepted way of acquiring wives in some regions. The UN High Commissioner for Human Rights issued a specific report on the abduction of children in Africa for the UN’s Commission on Human Rights in 2005 (UN High Commissioner for Human Rights 2005).
2. Sale	It is rare today for adults or children to be sold anywhere in the world in exchange for money, except in the case of women who are trafficked and sold (occasionally auctioned) before reaching their final destination (with such cases reported mainly in Europe). Cases of illicit inter-country adoption of children from African countries are reported to have involved either parents or middlemen in control of young children taking money in exchange for a child. Parents often take an “advance” when a child migrates to work elsewhere, but this is not the same as a “sale”.
3. Debt	This involves taking an advance in money or kind and incurring a debt, commonly to finance migration, which has to be worked off by the person incurring the debt or by a relative (sometimes referred to as a “pawn”), i.e. debt bondage.
4. Receiving orders from individuals in authority	This occurs when people are too afraid to disobey people in authority and people who wield political influence or are able to use violence (through possession of guns or other weapons), whether or not those exercising authority are doing so on behalf of a government.

5. Imprisonment	Prisoners arrested for either criminal or political reasons are required to do as they are told. Convicted prisoners are routinely subjected to forced labour (which is considered legitimate by the UN and ILO in some circumstances). However, both prisoners awaiting trial and convicts are considered by these two organisations to be subjected to abuse when they are made to work for a private individual, such as a prison guard, or a private company which remunerates the prison authorities rather than the individual prisoner. In some African countries hiring out prisoners in this way has become institutionalised as a way of generating enough income to feed prisoners.
6. Deception	Parents are “deceived” by promises made by an intermediary who recruits their children and promises them a brighter future, or to send their earnings back to their parents, but who then either fails to deliver on these promises or keeps a child in debt bondage. Adult migrants are also routinely deceived by recruiters, who usually use additional means to keep control of them (such as threats, debt or confiscating a passport).
7. Birth/Descent	The person concerned is born into a form of servitude, sometimes meaning he or she may be transferred (given away) without their consent from one household to another. Cases of this sort were reported in the 1990s in both Mauritania and Niger.
8. Marriage	It is difficult to distinguish cases in which marriage is used specifically to exploit the labour of married women from many other situations associated with marriage. While it is easy to condemn the unequal division of labour between husband and wife as a product of patriarchy, it is evident that some cases are much more abusive than others. In a few instances marriage is used to gain control over a woman who is not subsequently treated in any of the conventional ways associated with marriage, but who is forced, for example, to earn money for her husband in prostitution. In contrast, some brides are abducted but not subsequently kept in servitude. Some girl victims of abduction (in Sudan and elsewhere) have married members of the household which abducted them and chosen to stay, even when offered the possibility of returning home. In 1956 the UN listed the “levirate” (compulsory remarriage with a brother or relative of a widow’s late husband) as a form of servile status, but the practice is still common today.

Today’s Reality—Forms of Abusive Exploitation Reported to Be Occurring in Africa in the 21st Century

The next table lists nine forms of abusive exploitation which have been reported in Africa in recent years and which are associated with the forms

of coercion listed in Table 1 and the forms of “recruitment” listed in Table 2. Several of these forms of abusive exploitation are sub-divided further.

This classification refers to cases of exploitation which occur in three different situations. Firstly, at the level of an entire community or society, involving political or religious figures who are regarded as having a significant degree of legitimacy within the society concerned. Secondly, cases involving members of one society being exploited elsewhere, in a different society, either as a result of political conflict or migration, where the victims are relatively vulnerable and cannot defend themselves in the same way as they could if they remained at home. Thirdly, cases occurring within the domestic sphere and associated with what are perceived to be tradition and culture. These three different situations are not used to categorise the various cases listed in Table 3, as what happens in reality frequently involves overlapping categories, particularly in situations marred by political violence.

TABLE 3. — CATEGORIES OF ABUSIVE EXPLOITATION REPORTED TO BE OCCURRING IN AFRICA TODAY

Category	Sub-categories
1. Adults and children forced to work for others in the context of political violence	1.1 Forced recruitment into armed groups (including militias, armies and insurgent groups) 1.2 Forcing civilians to work for armed groups 1.3 Abductions: victims are taken to live and work elsewhere
2. Adults and children forced to work by conventional political authorities	2.1 By traditional chiefs 2.2 By political authorities more generally (public works/communal tasks) 2.3 Forced labour in prisons, particularly exploitation of political detainees or pre-trial prisoners for the personal benefit of individuals
3. Adults and children forced to work by individuals with religious authority	
4. Cases related to traditional slavery and slave status	
5. Services which the members of one social (or ethnic) group are required to provide to another	
6. Migrants forced to work (or earn money) for others after moving to a different place or country	6.1 Within the same country (rural/urban, rural/rural or urban/urban) 6.2 From country of origin to another African country 6.3 From an African country to a country outside Africa

7. Children forced to work—other than for their own parents	7.1 Pre-puberty children working away from home (particularly as domestics)
	7.2 Children recruited as soldiers and prostitutes
8. Cases related to the status of women and marriage	8.1 Cases in which wives are subjected to coercion to force them to carry out activities which are not usually associated with marriage
	8.2 Levirate

This table requires further comment to explain what some categories involve and to cite some examples of the categories occurring today.

Examples of Cases Today

Forcing People to Work for Others in the Context of Political Violence

Category 1 in Table 3 is probably the one which receives most attention in the media. The cases arise in the context of armed conflict and sometimes stop when conflicts end (but often persist for months or years while gunmen remain in positions of power).

Most reports of forced recruitment into armed groups focus on children. However, civilians are reported to have been forced to work in a non-combatant role for one or other party to an armed conflict in many parts of Africa. Numerous cases of this sort were reported in Mozambique during the 1980s, mostly involving RENAMO. In the 1990s, similar cases were reported in Liberia both during periods of fighting and in the lulls in between, when armed groups turned their attention to more conventional economic activities, such as forcing children to mine diamonds.

A recent report compiled by the UN on abductions of children in Africa (UN High Commissioner for Human Rights 2005) presents information on recent abductions in Liberia, Sudan and Uganda. Both adults and children (girls as well as boys) have been forced to join military units in countries experiencing armed conflict. In 2003 the ILO estimated that some 300,000 children under 18 had been recruited to fight in conflicts in sub-Saharan Africa (Dumas & De Cock 2003), but did not attempt to distinguish those recruited by force from others. Estimates of the numbers involved by mid-2005 were significantly lower.

In most countries, however, the bulk of the information available about abductions is anecdotal. The two countries where patterns of abductions have been subjected to greater scrutiny are Uganda and Sudan, with the patterns in both continuing for more than a decade. Cases were reported in Sudan from 1988 onwards, mainly involving Dinka women and children who were seized

in Northern Bahr el-Ghazal by Baggara militiamen (the Baggara are Arabic-speaking communities, Misseriya and Rizeigat, living in South Darfur and Western Kordofan, whose economies were traditionally based on cattle herding). By the end of the 1990s, charities based in Europe were collecting money by offering to buy the freedom of abductees, and making estimates of the total number of victims which appeared as exaggerated and unreliable as the technique they were using for securing releases. According to a summary of the most recent detailed independent research findings, published in July 2003:

“[...] the research has established the names and identifying details of more than 12,000 people violently abducted from Northern Bahr el-Ghazal and Abyei between 1983 and 2002. In that period there were over 2,000 raids. Fewer than seven hundred of the abductees are recorded as having returned to the South, leaving over 11,000 still unaccounted for. In addition to the abductees, more than 5,000 people are recorded as having been killed in the raids” (Rift Valley Institute Slavery & Abduction Project 2003: 6).

In 2004, the UN agency for children, UNICEF, reported slightly more optimistically that 1,842 abductees had been located and retrieved and 1,497 had been reunited with their families (UN High Commissioner for Human Rights 2005: 7). The vast majority of the women and children abducted in Sudan appear to have been put to work looking after livestock (large numbers of which had been stolen from Dinka communities in Northern Bahr el-Ghazal), while some were employed as domestic servants. For example, a young man interviewed by the author in Nyala in government-controlled South Darfur during 2000 reported that he had been captured by soldiers in uniform while he was looking after cattle, not far from the town of Aweil in Northern Bahr el-Ghazal, during the rainy season in 1997 or 1998. A soldier took him north on the train used by government forces. When he arrived in the town of Nyala, he was taken first to the barracks and later to a soldier's home outside, where he lived with the soldier's mother and brother, doing domestic chores and visiting the town's market to buy food. After three months, members of the Dinka community in Nyala challenged the soldier for whom he was working and he was allowed to leave.

In other cases, several years after being abducted, teenage boys were reported to have settled in villages to run shops or perform other roles, and on reaching puberty many girls are reported to have been married to men from the Baggara communities which had abducted them (Anti-slavery International 2001: 19).

Various estimates have been made of the number of children abducted by the Lord's Resistance Army from Acholi communities in the north of Uganda, many suggesting that the total since 1988 comes to 20,000 or more. In March 2003 Human Rights Watch estimated that some 5,000 children had been abducted between June 2002 and March 2003 alone, after

a lull the previous year (Human Rights Watch 2003: 2). At the end of 2004 UNICEF estimated the total to be around 12,000 children, with at least 3,000 forcibly taken from their homes and forced into combat and servitude between October 2003 and June 2004 (UN High Commissioner for Human Rights 2005: 5). The large number of girls abducted who were subsequently obliged to become the “wives” of officers in the Lord’s Resistance Army meant that babies were being born and children brought up within the insurgent group who would have no experience of “ordinary” society outside the insurgent group.

There is no doubt, therefore, that armed conflict provides a context in which children and adults are both abducted and forced to work for armed groups, both those with government backing (as in the case of Sudan) and those fighting against government forces (as in Uganda).

Adults and Children Forced to Work by Conventional Political Authorities

Category 2 in Table 3 had a relatively higher profile during the colonial period. In countries where memories of oppressive forced labour obligations during the colonial period persist, it is this form of exploitation which members of the public generally assume is being referred to by the term “forced labour”. A variety of cases of this sort have been reported since independence, with local paramount chiefs sometimes invoking “tradition” to justify making people work for them in an unremunerated way and with one-party regimes cloaking the obligation to perform forced labour with such terminology as “animation” and “traditional communal tasks”.

The norms with respect to prisoners being forced to work also differ in Africa from those in other regions, with prisoners awaiting trial routinely required to work (although UN and ILO conventions only envisage prisoners already convicted of a crime being required to work). Here too abuse of power has been frequent. Some of the worst cases were reported in the late 1980s while President Hissène Habré was Chad’s head of state: political detainees who had been neither charged nor tried were in effect used as private slaves by members of the security forces.

Adults and Children Forced to Work by Religious Authorities

Defining the parameters of Category 3 remains controversial because of the strong legitimacy enjoyed by both religious leaders and religion in general. After a five-year campaign focused on the predicament of girls and women confined to shrines in southeast Ghana, a new law was adopted in 1998 making it a crime to subject a person to “ritual or customary servitude”. In Senegal the predicament of Koranic students begging or working to earn

money for their teachers has been the subject of critical comment for more than a decade. In July 2003, a Malian newspaper, *L'Essor*, reported that boys aged between 10 to 15, together with some young adult men, who had come from Burkina Faso to pursue their religious studies with a religious leader in Mali, had been set to work full time on rice farms in the Upper Niger valley (International Labour Office 2005: 45). The newspaper noted that the cases involved abuse, as the students had to hand over all their earnings to their teacher, but did not spend any time studying their religion.

Cases Related to Traditional Slavery and Slave Status

Cases in Category 4, related to traditional slavery and slave status, are complicated because of the wide-ranging discrimination practised against people descended from slaves in many parts of Africa (as well as outside Africa). While such discrimination constitutes abuse and has scarcely been addressed properly anywhere in the continent, it does not usually entail making the people concerned work for their traditional owners. The resulting confusion, as well as the entrenched interests of governing elites in many countries, has meant that the predicament of slave descendants who have never stopped being exploited has been ignored for decades by both the UN and other inter-governmental organisations, as well as by many social scientists.

In Niger it seemed that this predicament was going to be addressed when a law prohibiting “servile status” (in French, “*condition servile*”) was adopted in June 2003, but less than two years later, when the head of Timidria was detained, it appeared that the government was intent on not recognising that any descendants of slaves in Niger still had a “servile status” which required remedying.

In Mauritania a somewhat similar hiccough occurred in the 1980s. The military government headed by President Mohamed Khouna Ould Haidalla acknowledged that slavery and the exploitation of the descendants of slaves were still causing problems in the country and announced in 1980 that slavery was to be abolished. A decree issued in 1981 suggested that slave owners would be paid compensation. However, before any action was taken to implement the decree, President Ould Haidalla was overthrown in a coup led by his vice-president, Maaouya Ould Sid' Ahmed Taya, under whose leadership successive governments have denied that any outstanding issues connected with slavery remain to be solved. Nevertheless, over the past twenty years a succession of cases have come to light showing that nomadic households continue to employ people descended from slaves to carry out manual work and that the relationships between employers and workers retain many of the characteristics of slave owner and slave.

For example, a woman named Aïchana mint Abeid Boilil left the family she had lived with and worked for all her life in 1995. However, her employer refused to allow her to take two of her children with her. When

she called on the authorities for assistance, the former employer even claimed that he was the father of the two children (which she vehemently denied). She eventually sought the assistance of a Nouakchott-based organisation, sos-Esclaves (sos-Slaves), which has never been recognised or given legal status by the government, but which persists in documenting cases of slavery and supporting the claims of victims of slavery. Her testimony was passed to a local newspaper, revealing that she had been “lent” by her employer to other members of the family, but had not been consulted about the work she did, where she worked or for whom. Government censors intervened to prevent publication of the article. The Minister of Justice apparently intervened, and some time afterwards her two children were returned to her (Amnesty International 2002: 20). sos-Esclaves has continued to issue regular reports documenting cases concerning the exploitation of descendants of slaves and various forms of discrimination against them, all of which the government of Mauritania claims to be untrue.

Services which the Members of One Group Provide to Another

Category 5 involves members of a specific ethnic group, people or caste being obliged to perform work or services for members of another social group, in particular when there is unequal exchange between the groups. Once again, distinguishing between acceptable social relations and traditions and unacceptable exploitation can be difficult, particularly when there are unequal power relations between the groups and there is a long history of discrimination or racism. Throughout central Africa, for example, forest-dwelling peoples such as the BaTwa are routinely the subject of discrimination by others. In the southwest of the Central African Republic and northeast of the Congo (Brazzaville), forest dwellers who traditionally exchanged goods with non-forest dwellers have frequently become trapped in an exploitative relationship in which the suppliers of non-forest goods regard themselves as the controllers or “owners” of the forest dwellers concerned. While some services might reasonably be provided by a community or ethnic group with special skills, they seem to amount to servitude and unacceptable exploitation when associated with debt bondage or coercion.

In parts of West Africa like Senegal, the status of social groups associated with traditional occupations, such as blacksmiths, has been the subject of public discussion, mainly with the purpose of ending discrimination against members of such groups. The existence of hereditary occupations does not constitute an abuse *per se*; however, if those belonging to occupational castes are ostracised or prevented from engaging in other forms of work, it is evident that abuse is occurring.

Forced Labour Linked to Migration

It is cases in Category 6 which have refocused the attention of the international community on the issue of forced labour over the past decade, even

if the industrialised countries are more concerned with illegal immigration than about the exploitation of migrants who have been trafficked. The cases of Africans trafficked to destinations outside Africa have received more attention than cases of abused migrants within Africa. The two groups which have received particular attention are women from Benin City and Edo State in Nigeria migrating to Italy and other European Union countries, and women from Ethiopia migrating to Lebanon and other parts of the Middle East. Nigerian women arriving in Italy have earned money there through commercial sex (Prina 2003: 54), while most Ethiopian women arriving in Lebanon have been employed as domestic servants (Kebede 2001: 3). As the first occupation is regarded by governments (in both the women's country of origin and the country where they earn money) as far less acceptable than the second, the cases of Nigerians have routinely been labelled as "trafficking", while the cases involving Ethiopians and other women from East Africa have not. However, evidence presented by Prina and Kebede suggests that migrant domestic servants in Lebanon are subjected to even more oppressive forms of forced labour than migrant sex workers in Italy. In both cases women migrants are victims of debt bondage, with the value of the work they are required to do to pay off the costs of their migration vastly exceeding their actual travel costs. However, women from Ethiopia and other East African countries are reported in many cases to be confined to the residences of the households they work for in Middle Eastern countries as virtual captives, in the same way as migrant women domestics from non-African countries such as the Philippines and Sri Lanka are restricted to their employer's residence. Nigerian women in Italy are not reported to be subjected to such restrictions on their freedom of movement, even though other women (mainly from South-Eastern Europe) forced into prostitution there are.

Within Africa, the predicament of migrants has received significantly less attention in recent years, although the abuse to which migrants have been subjected by other migrants, as well as by their host population, has been highlighted in the past, for example in the case of migrants working in mines in South Africa. From 1996 onwards the predicament of child migrants within West Africa (Category 7) became the subject of comment, both pre-puberty children working as domestic servants and older children working as agricultural labourers, water sellers and in other occupations (UNICEF 2002). While there was near unanimity that many children were being abused, some authors and organisations related such cases to trafficking and situations of near slavery, while others perceived it as abusive child employment or "child labour".

Cases Specific to Children

This muddled focus—whether the exploitation of children is wrong because it sometimes amounts to near slavery and involves children being subject

to serious abuse, or because it constitutes child labour and violates laws which stipulate a minimum age for entering employment (which is routine in most of Africa²)—has made it more difficult to distinguish between tolerable cases of child employment and cases which are unacceptable because they are extremely abusive. On some occasions journalists use terms associated with slavery to describe relatively routine cases of working children, perhaps because they reckon this will attract the interest of both their editors and readers. In others, cases which have the hallmarks of slavery are simply placed side-by-side with other cases of child employment. The result has been that countries such as Mali have introduced restrictions on the migration abroad of all teenage Malians, even though only some were being subjected to treatment which Malians regarded as abusive (Castle & Diarra 2003: 180-185).

Nevertheless, there is evidence that, among African migrants, it is children who are subjected to the worse abuse and exploitation today, both children leaving their villages and travelling to towns within their own countries, and children travelling to other countries, such as pre-puberty girls from the Republics of Togo and Benin who are taken to Gabon, usually to work for households whose members themselves come from one of the same two countries. The exploitation of Beninois children in Gabon prompted official action in the Republic of Benin to stem the emigration flow even before the case of a ship carrying West African children to Gabon, the *Etireno*, received international publicity in April 2001. However, once again, both the publicity and confusion about what exactly is objectionable in such cases have been impediments to effective action. Is it the fact that Beninois children are subjected to abuse while working as domestic servants which constitutes the problem, or the fact that they experience abuse in a foreign country? Or might it be that children taken abroad endure worse dangers, for example while transiting through Nigeria and being taken in canoes across the Bight of Benin? The extensive practice in Benin, as in other parts of West Africa, of sending a child to live and work for the household of a relative or friend has meant that government ministers in Benin have refused to condemn the employment of very young children outright, even though the tradition has become commercialised and many of the children concerned (referred to as “vidomegons”) have absolutely no safeguard to protect them from gross abuse.

2. A survey of households by UNICEF in 25 African countries during 2002 revealed that 40 per cent of children aged between 5 and 14 were working full time in what are now known as the “worst forms of child labour”, such as slavery, trafficking, forced recruitment for the purposes of armed conflict, prostitution and pornography or hazardous work, a total of 31 million children out of 77 million in the countries concerned. UNICEF, Division of Policy and Planning, Strategic Information Section, *Child Labour and School Attendance in sub-Saharan Africa: Empirical evidence from UNICEF's Multiple Indicator Cluster Surveys (MICS)*, (draft internal publication), UNICEF, New York, September 2002 (UNICEF 2003: 51).

It took some time after the April 2001 press reports that 200 child slaves were aboard the *Etireno* for accurate facts to emerge. When the ship arrived back at its port of departure, Cotonou in Benin, on 17 April 2001, 43 children disembarked, three of them babies accompanied by women who appeared to be their genuine mothers and 40 others aged from five to 17 (16 girls and 24 boys), 31 of whom were not accompanied by a parent (Dottridge 2004: 17). Thirteen of the 40 were from Benin itself, but the others had come from further away in order to reach Gabon via Cotonou, including eight from neighbouring Togo and 17 from Mali. Five were aware that a financial transaction had taken place before they left home. A further eight reported that they had been accompanied by an adult they did not know, who was taking them to work in Gabon. Four of the children from Benin knew that they would be working for at least eight years in Gabon to pay off the costs of their trip. Among the children from Togo, four (two girls and two boys) reported that between 100,000 and 250,000 CFA Francs (US\$215-535) had been paid for them to make the trip from Togo, money which was also to be repaid from the money they earned by working. From the point of view of the Gabonese authorities, the children would have been “illegal migrant workers”, but their indebtedness (whether real or alleged) meant that most of them would have no option but to work in a form of servitude after their arrival in Libreville. Commenting on the links between child trafficking, child labour and illegal migration in a report about West Africa, UNICEF (2002: 7) observed:

“Whether child trafficking is regarded as a child labour issue, an illegal migration issue, or a juvenile justice issue, there is, in every case, a tendency to overlook the underlying economic and cultural factors behind trafficking, thereby placing the trafficked child somewhere in a vast pool of ‘social deviance’. There is little perception that trafficking is, first and foremost, a violation of human rights—particularly the right of the child to be protected from any form of economic exploitation, to preserve family relations and to grow up in a nurturing family environment.”

Of course, it is not only children who leave their home or the place where they were born who are forced to work. Most children have no choice about whether they work or not, for they are required to take on household duties by their parents and to contribute to the household’s income in various ways. Boys routinely work on the family farm and girls either undertake domestic chores, such as collecting water, or contribute in other ways. As such children are rarely allowed to keep any money for themselves, many prefer to leave and work elsewhere, even if their earnings are meagre and they are subjected to near slavery—as long as they end up with some material gain. While working for your parents or extended family, even if you have no option to refuse to do so, is not usually tantamount to being forced to work for someone else, the fact that it is the norm in so much of Africa makes it more difficult to object to young children being sent away to work for others.

Cases Related to the Status of Women and Marriage

Cases involving girls and women being made to work for their husbands or their husband's family (Category 7) are, if anything, even more ambiguous and less easy to assess in terms of forced labour or servitude than those of child workers. After all, this is the usual situation which most teenage girls find themselves in upon marriage, at least in societies where brides routinely move to live with their new husband's family. It is clear that marriage is used to acquire control over girls' and women's labour and that this is sometimes done in a deliberately abusive way. However, the high degrees of social acceptance in some countries of polygamy and of the marriage of teenage girls to much older men make it difficult to differentiate between cases with slavery-like or forced labour characteristics and other cases of marriage. This in turn means that severely abusive cases are not being singled out or addressed.

Extreme examples of marriages in which women are subjected to abuse along the lines of slavery involve women of slave descent being used as concubines by men in the households for which they work (or which "owned" their ancestors) and women being forced to earn an income for their husbands by prostitution. While such cases appear to be relatively rare, cultural practices affecting women's status, particularly their lack of economic independence, result in women being forced to marry and work for others in many rural communities both in Africa and elsewhere. Despite risks due to HIV/AIDS and other sexually transmitted infections, for example, widows in many communities in East and Southern Africa continue to be required to remarry promptly with a relative of their dead husband.

Some efforts have been made to distinguish between routine marriages and those which have the characteristics of forced labour or servitude. The term "servile marriage" has been used by some social activists to refer to marriages which are particularly abusive, as a first step towards developing an agenda for change by social activists and others. In the early 1990s a journalist commissioned by a non-governmental organisation identified eleven characteristics of "servile marriage" (Tailor 1993). The key elements which were identified involved a woman's lack of choice and lack of economic independence, and the use of physical coercion and violence in the context of marriage. As in the case of the nine criteria associated with slavery in Niger mentioned above, the suggestion is that there is a servile marriage "syndrome" in which a bride or married woman experiences several different forms of abuse at once. Not all the following situations have to occur simultaneously for a marriage to be regarded as "servile":

TABLE 4. — ELEVEN CHARACTERISTICS OF "SERVILE MARRIAGE" IDENTIFIED BY DEBBIE TAILOR

1. She enters marriage as part of an exchange of goods or money with significant economic as well as ritual value, over which she has no control, especially where her virginity carries an economic price.
2. She is not consulted over the choice of spouse and may not refuse to marry him.

3. She is below the age of majority when she marries, especially where her husband is older, or where she is expected to reside with her in-laws.
4. She is prevented by her husband or his kin from controlling her fertility.
5. She has reduced parental rights over the children of the marriage.
6. She has less control of, access to, or inheritance of, family income or property.
7. She is subject to being raped, beaten or murdered without recourse to law or society for protection or redress.
8. She is subject to arbitrary authority and routine humiliation by her husband, which is condoned by society, on the basis of her assumed inferiority.
9. She is secluded, prevented from earning an income, or otherwise restricted in her behaviour according to rules which do not apply to her husband.
10. She is intimidated by threat of violence, divorce or the withholding of food or money into working longer hours than her husband; and
11. She is forbidden to leave the marriage or intimidated into staying by violence, threat or penury, or extreme social disapprobation.

Over the past decade social development specialists have repeatedly emphasised that improving the status of women in sub-Saharan Africa is the key to bringing about other forms of social development. Nevertheless, while forced marriage has received attention in the context of human trafficking, forced and “servile” marriage in traditional settings have received little attention from the international organisations issuing reports about slavery and forced labour. In part this may be because the label of “servile marriage” appears too complicated to apply, but undoubtedly it is also because of the extreme sensitivity surrounding marriage as an institution.

Relating these Categories to Definitions in International Law

The examples cited in this article indicate that people have found many different ways of forcing others to work for them, both in Africa and elsewhere.

All of the cases mentioned involve what the UN today calls “contemporary forms of slavery” (a phrase adopted in the 1980s to distinguish what is going on today from the trans-Atlantic slave trade and other horrors of the past) and what the ILO calls “forced labour”. The fact that two international institutions apply different terminology to much the same cases is confusing and may be one reason why there has been so little effective action to eliminate them. However, a plethora of other terms are used as well. In France, the term “modern slavery” made its appearance in the late 1990s, when the country marked the 150th anniversary of the abolition of slavery in France’s empire and woke up to the fact the domestic workers were still employed in France in situations of slavery in 1998.

For most of the 20th century there was a recognition that people were being oppressed and forced to work in a wide range of circumstances which were unacceptable; some of these were invented by dictatorships, but most were classified as “traditional practices” used in towns and the countryside all around the world to support the social order and enable the powerful to require the poor to work for them for little or no remuneration. UN and ILO conventions and other treaties defined a series of relevant terms. These include “slavery” itself, but also forced labour, servitude, servile status, serfdom, peonage, debt bondage and bonded labour³. The term “trafficking”, which began to be used in English at the beginning of the 20th century to describe women being moved from one country to another to earn money in forced prostitution, was finally redefined by the UN in 2000 to refer to coercive forms of recruitment into all forms of slavery and forced labour, as well as to situations in which a pimp was taking money from a woman earning an income from commercial sex. The definition is contained in a Trafficking Protocol adopted by the UN in November 2000, the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”, linked to a new UN Convention against Transnational Organized Crime adopted at the same time.

The ILO started using the term “forced labour” in 1930 to refer principally to cases in which governments or government officials obliged people to work, usually in colonies. However, here too the term was redefined, not by a new treaty, but by the ILO’s own experts and annual conferences. In this case the scope of the term has been widened to cover all cases in which people are threatened with some kind of penalty if they refuse to work for someone else, whether a company or a private individual. The same term also continues to be applied to forms of prison labour which are considered to violate international standards. In the late 1990s the ILO began to focus on this issue once again and in 2001 it published its first “Global Report” on the topic. The ILO issued a second of these reports in May 2005, estimating that some 12.3 million people are victims of forced labour around the world, of whom a relatively small proportion, estimated at 660,000, are believed to be in sub-Saharan Africa and 260,000 in the Middle East and North Africa (International Labour Office 2005: 13).

The various efforts of the UN and ILO to define what constitutes abuse also identified a range of forms of exploitation which affect women and children in particular. A additional convention on the issue of slavery adopted by the UN in 1956 (the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery) identified three practices involving marriage which it condemned as “servile status” in its Article 1(c). These involve women being sold into marriage,

3. The meaning and legal basis of these terms are explained in WEISSBRODT & ANTI-SLAVERY INTERNATIONAL (2002).

as well as all cases of “levirate” in which widows are automatically remarried to, or “inherited” by a male relative of their dead husband. However, at the outset those drafting this convention were concerned that the practice of a bridegroom (or his family) giving money or goods to the bride’s family (bride wealth) was itself an indication that women were being sold into marriage, an interpretation which social anthropologists were quick to challenge. Subsequent efforts by the UN to assert women’s human rights largely abandoned the terminology of slavery and servitude, identifying a broader swathe of oppressive practices in the UN’s Convention on the Elimination of All Forms of Discrimination Against Women (1979). However, an assertion that women and girls remain disadvantaged both socially and economically, and consequently are more likely than men to end up in situations of near slavery, came in 2000, with the UN’s adoption of a Trafficking Protocol, the title of which suggests that it applies “especially” to women and children. While one UN organisation, UNICEF, has focused attention on the abuse of girls’ human rights which occur when they are involved in early marriage, the predicament of women routinely involved in “servile marriages” with some of the characteristics mentioned in Table 4 continues to receive little attention.

The circumstances in which children are regarded as victims of unacceptable exploitation are even less well defined, although there have been countless attempts to sum up in a few sentences what is unacceptable. As in the case of brides and wives, the principle obstacle is the universal perception that what happens inside the home, in the domestic sphere, should not be subjected to the same rules and scrutiny as abuse which occurs outside the home, in public or in conventional workplaces. Children routinely work for their families, both on household tasks and contributing to the household economy by working or earning money outside. Many different types of exploitation play on this ambiguity to maintain their hold over both women and children.

The other obstacle to getting a clear idea of what constitutes forced labour or servitude when it comes to children is that children can be made to obey order or follow instructions much more easily than adults, particularly young children who are dependent on older people for basic needs, such as food and shelter. During the 20th century, the ILO adopted numerous conventions on child labour, most of which were designed principally for industrialised counties. In 1956 the UN made an attempt to define what was unacceptable in more universal terms, describing a “servile status” involving children and defining it in the same Supplementary Convention which addressed the sale and inheritance of brides. However, the UN drafters were unable to come up with a phrase or term to encapsulate the forms of exploitation they wanted to prohibit, with the result that the ban which was proposed was almost universally ignored. Article 1(d) of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery called on governments to abolish or abandon:

“Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”

As in the case of women, the UN subsequently adopted an all-encompassing convention on children’s rights, the Convention on the Rights of the Child (1989). However, in response to reports that cases of child exploitation were increasing rather than declining, in 1999 and 2000 the UN and ILO adopted a further four separate treaties which concern the exploitation of children: two protocols to the UN Convention on the Rights of the Child, one about the recruitment of children as soldiers and the other concerning the sale of children and child prostitution; the UN Trafficking Protocol which has already been mentioned; and an ILO convention seeking to ban what were called the “worst forms of child labour” (ILO Convention 182, the Worst Forms of Child Labour Convention). The ILO convention identified four categories of “worst forms”, one of which involves “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”. However, in many countries there is still a high degree of uncertainty about quite how many forms of child employment this convention applies to.

Despite, or perhaps because of, the plethora of legal terms and treaties, there is a vast gap between the forms of exploitation with slavery-like characteristics which international organisations think are supposed to be banned and those that public opinion in most countries (in Africa and elsewhere) regards as unacceptable. Nevertheless, there seems to have been a gradual realisation over the past decade that “contemporary forms of slavery” are in fact widespread and not confined to a few remote spots of the world, such as the frontier between north and south Sudan or Brazil’s Amazon forest.

The formal definitions attached to legal terms give some indication about the social and employment relationships which the governments of the world consider to be abusive and unacceptable. In place of the criterion of “ownership” which is associated with slavery in historical times, we now see references to notions such as “control”, “coercion” and “dependence”. The UN Trafficking Protocol, for example, refers to “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...”. It is far from clear, however, how such terms should be interpreted in the case of a twelve-year-old girl who has been married and moved to the household of her new husband without being consulted, to perform tasks and services about which she has little choice.

There are signs that after a period of almost forty years, from 1960 until the mid-1990s, in which the possibility that slavery or slavery-like exploitation persisted in Africa was generally denied, such cases are now receiving more attention and the hardship endured by those involved may be remedied. However, there are still many obstacles to be overcome before consensus is agreed about what constitutes abuse and what does not, yet alone what action is appropriate to bring abusive situations to an end. The different terms currently used to refer to similar forms of abuse, along with the fact that the same terms are sometimes used to describe very different situations, all have the effect of muddling both politicians, academics, journalists and ordinary people. As a result, yet more research is required in countries throughout Africa to highlight forms of exploitation which are causing harm to the men, women and children concerned, as well as discussion at national level in many more African countries about the forms of abuse which it is considered a priority to end.

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ABSTRACT

Various ways in which people are forced or coerced into working for others in sub-Saharan Africa today, including some linked to historical slavery, are examined in this article. They are categorised according to the types of coercion used and the circumstances in which people enter situations in which they are forced to work for others. Recognising that the idea that involuntary work constitutes an abuse is difficult

to apply in a region where both wives and children routinely have no choice but to work for the head of their household, the article categorises cases in three separate tables. Table 1 identifies nine types of coercion used to force people to work for someone other than a member of their own family. Table 2 lists eight ways in which people in Africa enter situations in which they are forced to work for others. Table 3 categorises the various forms of abusive exploitation reported to be occurring in Africa into eight categories and is followed by examples of some of these. Finally, the article reviews the terminology used by international organisations for describing these situations and observes that in most of Africa members of the public are not sure what practices should or should not be tolerated.

RÉSUMÉ

Types de travail forcé et de violations analogues à l'esclavage en Afrique aujourd'hui. Classification préliminaire. — Nous examinons dans cet article par quels moyens certaines personnes sont contraintes ou forcées de travailler pour d'autres dans l'Afrique subsaharienne d'aujourd'hui, y compris les méthodes liées à l'esclavage traditionnel. Tout en admettant qu'il est difficile d'appliquer l'idée selon laquelle le travail non volontaire constitue un abus dans une région où les femmes et les enfants n'ont généralement d'autre choix que de travailler pour le chef de leur foyer, cet article établit trois types de cas, répertoriés en trois tableaux. Le premier identifie neuf types de coercition exercée pour forcer des personnes à travailler pour quelqu'un qui n'est pas de leur famille. Le deuxième tableau énumère huit manières dont les gens en Afrique arrivent à des situations où elles sont forcées de travailler pour d'autres. Le troisième classe en huit catégories les diverses formes d'exploitation abusive rapportées en Afrique, et des exemples sont donnés pour chacune d'entre elles. Enfin, l'article examine la terminologie utilisée par les organisations internationales pour décrire ces situations, et observe que, dans la plus grande partie de l'Afrique, l'opinion n'arrive pas à déterminer clairement quelles pratiques peuvent être tolérées.

Keywords/Mots-clés: Coercion, forced labour, servitude, slavery, trafficking/*Coercition, travail forcé, servitude, esclavage, trafic d'êtres humains.*