

DIPLOMAT WORKER TRAFFICKING A COMMON CRIME

Diplomats involved in slavery

JANA-MARI SMITH

Authorities have found that globally, diplomats are often guilty of domestic worker trafficking in the countries of their posting.

A lesser-known, but not uncommon human trafficking problem that has gained increased publicity in recent years, is domestic worker trafficking by foreign dignitaries.

At a recent briefing with foreign press centre journalists in Washington, DC, Martina Vandenberg, a human rights lawyer who has fought extensively to address the issue, said the problem is not limited to the United States. “This isn’t happening just in the United States. Trafficking by diplomats in capitals is a problem across the world.” Towards the end of 2017, in what was described as a landmark case in the United Kingdom, the Supreme Court found in favour of two domestic workers who accused their diplomatic employers, from Saudi Arabia, of a range of abuses and labour trafficking.

The ruling was hailed as a ‘major breakthrough’ for low-paid domestic workers in diplomatic households there, when the court gave the green light to the domestic workers that they could take their claims to an employment tribunal.

Substantial problem

Vandenberg noted that of the forced labour cases involving foreign workers her firm has tackled, 80% of cases involved either foreign diplomats or people from the World Bank, International Monetary Fund and other international organisations.

She said the pattern is the same in New York.

“It’s not thousands, or even hundreds, but in terms of the forced labour cases we see, it’s a significant proportion.”

Many other similar cases are resolved behind the scenes where settlement agreements are sealed from the public record.

Many diplomats and their countries of origin have used immunity to shield the accused dignitaries from prosecution, but lawyers have increasingly found ways to navigate around the seemingly solid immunity barrier.

“The audacity of diplomats to think that they can come to the United States and have no accountability is obnoxious,” Vandenberg noted.

She has worked on cases where diplomats owe tens of thousands or hundreds of thousands of US dollars in back wages, in addition to the often mental and physical abuse suffered by the domestic worker.

One tool to hone in on high placed diplomats is to wait until their full immunity is downgraded to “residual



DIPLOMATIC TROUBLE: 2013 protesters taking to task an Indian diplomat accused of exploiting her domestic worker and keeping her in forced labour.

PHOTO: NAMPA/AP

immunity”, after they retire or switch posts. Residual immunity only applies during office hours, leaving the diplomat vulnerable to lawsuits after hours. “Every court in the United States who has looked at this, say that when you hold your domestic worker in forced labour, when you rape your nanny in your home, that is not part of your official duties,” Vandenberg, the founder and CEO of the Human Trafficking Legal Centre, said.

Another move is to ask an alleged diplomatic trafficker’s government to waive immunity. If this fails, US authorities can expel the dignitary from the country and pursue legal avenues to prosecute.

What changed?

Advocates agree that in many cases, domestic workers had previously worked for their diplomatic employers in their country of origin under decent circumstances.

But, once they agree to join their employer at an official diplomatic posting, some diplomats cease the increased power imbalance between worker and employer, underscored by the safe cloak of immunity.

“It’s quite common. The reason the domestic worker chose to come to the United States and continue working for their employee, is because things were all right before and they believed they would be paid even more. But generally, they are not even paid what they were paid before,” Katherine Solis, from Ayuda, a legal service for low-income immigrants, said.

Advocates argue that the shift from just employer to abuser should highlight the “systemic” issues that pave the way for abuse by diplomats and others. Weak worker protections, isolation, and a state “unwilling or unable to protect the worker” are fertile conditions that “allow trafficking to flourish”, Jean Bruggeman, executive director of Freedom Network USA, argued.

“In their home country, they had those connections that protected them. When they come to the US on an isolating visa that ties them to their employer and limits their opportunities, they are suddenly at risk, with nothing else changing, and an employer who has immunity.”

She proposed that increased worker protections and visa flexibility, among other fixes, would decrease the risks of exploitation and trafficking.

Still, in many cases, diplomats are not held accountable, often because domestic workers fear, for varied reasons, to reach out for help.

A report issued last year by the National domestic Workers Alliance and Institute for policy studies found that among all reported cases of human trafficking of domestic workers in the US, 78% of survivors were threatened with deportation if they reported abuse. Moreover, the seizure of passports, non-payment, long working hours, in addition to verbal, physical and sexual abuse, created a suffocating climate of fear.

The report further slammed the immigration policies of the current administration, including increased raids, over-policing of immigrant populations and other issues as increasing the risks of human trafficking of vulnerable workers.



KNOW MORE: Health minister Dr Bernhard Haufiku says the youth must be taught on the importance of when to start a family. PHOTO: NAMPA

unplanned children are either in the care of one single parent, mostly the



HIGH RISK: Several cases have come to light in recent years involving diplomats standing accused of keeping domestic workers in slave-like conditions. PHOTO: WIKIPEDIA COMMONS

Long-standing problem

In a 2016 paper on diplomatic abuse of domestic workers and the legal hurdles posed by immunity, Vandenberg and her co-author, Sarah Bessel, noted that “trafficking of domestic workers by diplomats and international organisation employees is not a new phenomenon.” Vandenberg and Bessel wrote that while the United States has made significant improvements in recent years in prosecuting diplomats, challenges remain. “The United States is one of a few countries that prosecutes diplomats and other foreign officials for abuse and trafficking of domestic workers. In most countries, these cases are relegated to voluntary mediation panels or employment tribunals, if they are pursued at all.” Still, criminal prosecutions even in the United States are rare and when they happen, they often involve officials with a lesser status, and thus lesser degrees of immu-

nity. The authors traced this hesitancy to tackle the problem to fear of souring relations between nations, or the “troubling conundrum that lurks at the heart of diplomatic relations.”

The paper concluded that although the US government has “started down the path of prevention, prosecutions must also increase to deter would-be abusers. And while advocates look forward to a day when there will be no more diplomatic trafficking cases to prosecute or litigate, that day is a long way in the future.”

“Namibian Sun journalist Jana-Mari Smith was in the United States on invitation by the US Department of State’s Foreign Press Centre. She was joined 19 other journalists from around the world to take part in an international reporting tour to create awareness and gain insight into combating human trafficking through prevention, protection and prosecution.

mother, or the grandparents.

“We need to face the empowerment of contraceptives head-on because if we do not, we will keep on making policies without tackling the bottom cause of what leads us to those policies,” he said.

Speaking at the same event, First Lady Monica Geingos echoed the health minister’s call, adding that education on contraception will help curb the level of poverty in the country.

Geingos emphasised that government cannot plan for enough schools if there is no guideline on what it is planning for.

“When you look at teenage preg-

nancy statistics and the number of unplanned children, it shows when it comes to government having to provide for sufficient infrastructure,” she said.

Namibia is a signatory to the Convention on the Rights of the Child and the launch of the ECD Framework served part of a three-day co-ordination conference with government ministries and agencies as well as development partners in support of the framework.

The event, which ends on Wednesday, is being held under the theme ‘Act together – Investing in the Early Years of our Children for a Prosperous Nation’.

No pangolins, no grass

JANA-MARI SMITH

Unless the serious threat of pangolin extinction in Namibia is addressed, the country could likely see a critical reduction in the carrying capacity of rangeland for domestic stock and wildlife.

Pangolins play a crucial role in maintaining the nutrient quality of soils and aid the decomposition cycle, providing a healthy substrate for the growth of vegetation.

But, in recent years, Namibia has witnessed a severe spike of illegal trade in pangolins for the Asian market.

Globally, all eight species of pangolin face extinction, including the only species of pangolin that occurs in Namibia - the Temminck’s ground pangolin *Smutsia temminckii*, also known as the Cape pangolin or scaly anteater.

While research into population numbers is scant in Namibia and elsewhere, many worry about the impact of their loss on the environment.

In response, a public-private initiative to raise awareness of pangolin poaching and their ecological value was launched in July 2017.

Partners of the outreach programme include the Ministry of Environment and Tourism, the Namib-

ia Chamber of Environment (NCE), and the Wildcat Foundation.

In addition, a police and defence force offensive was launched to curb trafficking.

Threat to species, threat to farming “Pangolins are far more valuable in our environment than killed for illegal Asian markets,” says Dr Chris Brown of NCE.

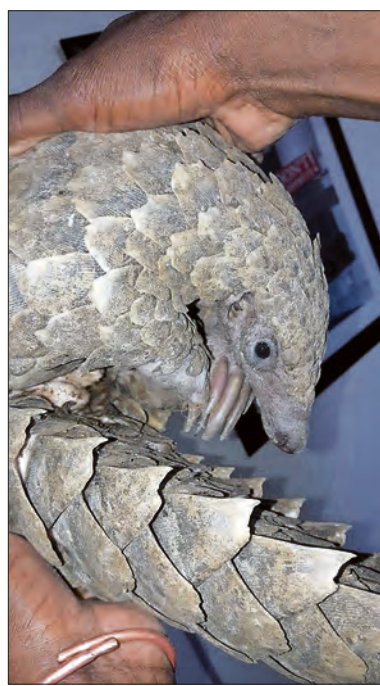
Pangolins eat billions of ants and termites thereby minimising the impact of these insects on grasslands and crops, as well as on fence poles, homesteads and other infrastructure.

Brown says research has shown that one pangolin can consume around 70 million termites per year. Without pangolins, those 70 million termites are estimated to consume 7 000 kilogrammes of grass annually.

“That is equivalent to the amount of grass that two beef cows would consume in a year. So, a farm with 10 pangolins could run 20 more cows more than a farm where the pangolins have been removed.”

The value of the additional cows would be around N\$200 000, Brown estimates.

“Extrapolated to the central and north-eastern regions of Namibia where pangolins are most common,



HORRIFIC: Authorities in Namibia have rescued several pangolins, which are often severely traumatised and need various health checks before they can be released into the wild. PHOTO: CONTRIBUTED

the national impact could be at least N\$600 million in reduced production by the agricultural and wildlife sectors.”

Brown points out that these are preliminary figures and that more detailed research is needed to bet-

ter understand the economic impact of killing pangolins.

The NCE has teamed up with the Namibian University of Science and Technology (NUST) to study pangolin biology.

But quantitative assessments of the ecosystem services provided by pangolins are urgent, as is an in-depth analysis of the economic implications of extinction or a severe population reduction.

“It is a general trend, however, that we significantly underestimate the role that individual species play and only appreciate the extent of the impact of their loss after they have gone,” Brown says.

Police work pays off

An anonymous 24/7 hotline and SMS service (081 413 2214 or 081 423 2231), launched six months ago, have led to more smugglers being arrested and more live pangolin being rescued.

Compared to past years in which an average three to five cases of pangolin smuggling per year were reported, 37 cases of pangolin trafficking have been reported in the Kavango East and West, Khomas, Zambezi, Otjozondjupa and Oshana regions in recent months.

A total of 81 suspects were arrested and 20 live pangolins were seized and released at safe sites.

The animals are usually kept in atrocious conditions by poachers

and must be rehabilitated and monitored prior to release.

Thirty-four pangolin skins have been confiscated.

A number of investigations into wildlife crime syndicates, international links and trade routes are ongoing.

Posters and information cards advertising the pangolin hotline (call or SMS 081 413 2214) have been distributed widely among rural communities, especially in north-eastern Namibia, backed up by radio discussions in local languages and articles in the print media.

Serious threat

Pangolin populations across the globe have been decimated by poaching and illegal trafficking.

All eight species are categorised as threatened in the International Union for the Conservation of Nature (IUCN) Red Data lists.

Pangolins are killed for similar reasons in Namibia and Asia: meat, traditional potions, ornaments and good-luck charms.

The surge in pangolin trafficking in Namibia has been linked primarily to the high demand in Asia.

The pangolin is the most trafficked wild mammal in the world, with an average of 20 tonnes of pangolins and pangolin parts being trafficked each year.

Pangolin scales have no proven medicinal properties.

AMTA urged to please local producers

ILENI NANDJATO

With efforts to establish a market for local producers, and arrange imports of much-needed fresh produce into the country, the Agro-Marketing and Trading Agency (AMTA) has entered into a public-private partnership agreement with Fysal Fresh Produce to operate from the national fresh produce hubs nationwide.

A government entity, AMTA is ambitious that Fysal’s experience in the trade of fresh produce will be beneficial to drive the agro-trading agency’s mandate of assisting local producers to have a market for their products by targeting both the Angolan and South African markets where Fysal also operates. On Monday, AMTA launched their partnership with Fysal at the Ongwediva Fresh Produce Business Hub which was attended by former

president Hifikepunye Pohamba, the regional governors for Oshana, Oshikoto and Kavango West, and the business community of the north. Pohamba said that in order to encourage local farmers to produce, agents and AMTA must be able to pay farmers value for their products and not buy products at a giveaway prices.

“If we are to encourage people of this country to produce let us make them happy. Whenever they produce they must get offers that will make them want to produce again. What is the point of people producing but their produce is going to be sold at giveaway prices?” Pohamba asked. Pohamba said that this year he has been told by mahangu farmers in the Kavango that they produced a many tonnes of mahangu but they decided not to sell this because AMTA was offering them a reduced price for their product. “If this is true, you do not

expect these people to produce anything this rainy season because there is nothing motivating them to produce. Let this not to be true because it is against our national objectives,” he said. The AMTA CEO, Lucas Lungameni, said that by having Fysal on board, the hubs will be able to boost local production. It was also highlighted that the aim was to ensure that Fysal includes local produce whenever they are transporting fresh produce to Angola and South Africa, and when they return they bring along products which are not locally produced.

“We are gathered here today as stakeholders of the fresh produce sector to witness the official welcoming of one of the biggest marketing agents launching their operations with us. Fysal will be our biggest agent that will be operating from our national fresh produce business hubs.

We are confident in their rich and vast experience in the fresh produce industry and we believe it will boost local production, as well as consumption, of local fresh produce,” Lungameni said. AMTA has two national fresh produce hubs with modern storage facilities at Ongwediva and Rundu, and a collection point at Windhoek. The Ongwediva Fresh Produce Business Hub was inaugurated by Pohamba on 4 May 2013. Fysal has now joined three agents, Stampriet Fresh Produce, Afri Fresh and Olushandja Horticulture Producers, who are currently operating from the Ongwediva hub. After touring the Ongwediva hub on Monday, Pohamba said that he

was happy to see that what the government thought when they were establishing the AMTA is moving in the right direction. Fysal’s group chairperson Thomas Indji said that for the past two decades Fysal Fresh Produce has served the northern regions with pride and as they go forward, they seek to serve them even better by creating a ready market for the local producers. “This has been made possible by our strategic partner AMTA who have afforded us an opportunity to serve as a wholesale agent at Ongwediva, Rundu and Windhoek. Our aims are to extend economic benefits to the northern regions through the stimulation of the domestic fresh produce activities,” Indji said.

FOCUS

MINING

FOCUSING ON WOMEN IN MINING AND MINING TECHNOLOGY

The 7th Namibian Mining Expo and Conference is set to take place as from the 25th of April.

In support of the industry as a whole and the forthcoming Expo in particular, Namibia Media Holdings (NMH) will publish a mining focused edition.

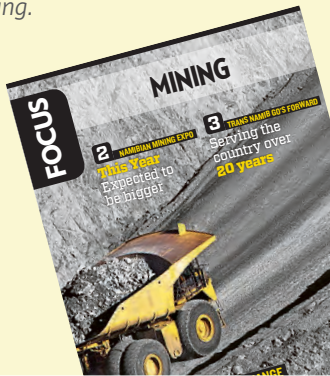
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Empower youth on contraceptive use

NAMPA

Young people should be empowered on the use of family planning, health minister Dr Bernhard Haufiku said at the launch of the Integrated Early Childhood Development Framework ongoing in Windhoek.

Haufiku said the youth should be empowered with the knowledge and skills to be able to make decisions on when to start a family.

“I believe that if there is proper planning on the youth side on when to have a family, there will be less unwanted children and abortions.”

He said there will also be more parents who are aware that up to four years of age, a child needs to be in Early Childhood Development (ECD) programmes.

He further stressed that many people who have unplanned children do not consider ECD programmes as the idea is to merely survive.

Coupled with that, many of the