This Lessons Learnt Booklet was developed and printed with financial resources from the European Union through the Regional Political Cooperation Programme of the SADC Secretariat.

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The RPC programme’s overall objective is 'to promote peace and security as a basis for economic growth and the eradication of poverty in the SADC region.'

****

Its key results areas include:

Result Area 1: Democratic institutions in the region are strengthened through consolidated institutionalisation of the SADC Principles and Guidelines Governing Democratic Elections;

Result Area 2: Regional capacities to prevent and manage conflicts reinforced;

Result Area 3: Enhanced regional capacity in respect of disaster risk reduction, disaster management and the coordination and support of humanitarian assistance; and

Result Area 4: Raised awareness, cooperation and action against trafficking in persons, especially women and children, in the SADC region.
ACKNOWLEDGEMENTS

The SADC Secretariat would like to express its gratitude to the government agencies and stakeholders in the SADC Member States that provided lessons learnt in implementing national responses to trafficking in persons resulting in the compilation of this ‘lesson learnt booklet’. These lessons were compiled as part of the 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019) implementation review. The draft lessons were presented during the validation process in Gaborone, Botswana, in April 2016, after which they were improved to incorporate the inputs from Member States and regional stakeholders. The efforts of all Member States and stakeholders that participated in that process are fully appreciated.

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It is hoped that the lessons documented in this booklet will be instrumental in enhancing the region’s response to TIP.

SADC Secretariat
Gaborone, Botswana
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<table>
<thead>
<tr>
<th>ACRONYMS</th>
<th>Description</th>
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<tbody>
<tr>
<td>BNC</td>
<td>Bi-National Commission</td>
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<tr>
<td>BNLTEH</td>
<td><em>Bureau National de Lutte contre la Traite des Etres Humains</em> (Madagascar)</td>
</tr>
<tr>
<td>BPS</td>
<td>Botswana Police Service</td>
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<tr>
<td>BTV</td>
<td>Botswana Television</td>
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<tr>
<td>CORA</td>
<td>Combating of Rape Act (Namibia)</td>
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<tr>
<td>DIS-MOI</td>
<td>Droit Humains Océan Indien</td>
</tr>
<tr>
<td>DPCI</td>
<td>Directorate for Priority Crime Investigation (South Africa)</td>
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<td>DPP</td>
<td>Directorate of Public Prosecutions (Swaziland)</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>ERT</td>
<td>Emergency Response Team (Swaziland)</td>
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<td>EU</td>
<td>European Union</td>
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<td>HSRC</td>
<td>Human Sciences Research Council</td>
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<td>IOM</td>
<td>International Organisation for Migration</td>
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<td>ISRI</td>
<td><em>Instituto Superior de Relações Internacionais</em> (Mozambique)</td>
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<td>J&amp;E</td>
<td>Justice &amp; Equity (Canada)</td>
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<td>JPCDS</td>
<td>Joint Permanent Commission on Défense and Security</td>
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<td>NGO</td>
<td>nongovernmental organisation</td>
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<td>NPA</td>
<td>National Prosecuting Authority (South Africa)</td>
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<td>PGR</td>
<td><em>Procuradoria-Geral da República</em> (Mozambique)</td>
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<tr>
<td>POCA</td>
<td>Prevention of Organised Crime Act (Namibia)</td>
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<tr>
<td>RPC</td>
<td>Regional Political Cooperation (SADC programme)</td>
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<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
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<td>SARDC</td>
<td>Southern African Research and Documentation Centre</td>
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<td>SARPCCO</td>
<td>Southern African Police Chiefs Cooperation Organisation</td>
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<td>SAPS</td>
<td>South African Police Service</td>
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<td>SOM</td>
<td>Smuggling of Migrants</td>
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<tr>
<td>SPDTS</td>
<td><em>Syndicat des Professionnels Diplomés en Travail Social</em> (Madagascar)</td>
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<tr>
<td>TIP</td>
<td>Trafficking in Persons</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>ZITF</td>
<td>Zimbabwe International Trade Fair</td>
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</table>
1.0 INTRODUCTION

Trafficking in persons (TIP) is a heinous crime that remains a public concern in southern Africa. When the Southern African Development Community (SADC) adopted the 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019) in Kinshasa, Democratic Republic of Congo (DRC), in 2009, the regional bloc sent a clear message that its Member States considered preventing and combating TIP as a priority that required focused attention and concerted efforts across southern Africa.

The Strategic Plan of Action, among others, identifies ‘research and information sharing’ as an important strategic intervention area in the fight against TIP, and this ‘Lessons Learnt’ booklet responds to that priority action.

The Plan of Action further calls for the documentation and sharing of experiences and effective practices on preventing and combating TIP. These lessons are critical for benchmarking and informing other Member States and relevant stakeholders as they craft and implement initiatives to effectively respond to the challenge of TIP, and the despicable effects that it has on societies and on countries in the region.

The objectives of the booklet are:

i. To document lessons learnt across the region showing the effective implementation of the Strategic Plan of Action, and the subsequent implementation of the Combating Trafficking in Persons component of the Regional Political Cooperation (RPC) programme of the SADC Secretariat that commenced in 2013; and

ii. To share the lessons learnt with Member States and relevant stakeholders with the aim of improving their capacity to respond to the crime of TIP.

The criteria used to identify the lessons learnt include:

a. The story’s relevance to at least one of the strategic priority areas of the 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019). These include:
   i. Legislation and Policy Measures;
   ii. Training for Skills Enhancement and Capacity Building;
   iii. Prevention and Public Awareness Raising;
   iv. Victim Support and Witness Protection;
   v. Coordination and Regional Cooperation;
   vi. Research and Information Sharing; and
   vii. Resource Mobilisation

b. The possibility of deriving clear and helpful lessons from the actions of the parties involved, including public sector organisations, law enforcement agencies, local nongovernmental organisations (NGOs), international organisations, and the private sector;

c. Some element of innovativeness: an effective practice may show a new way of implementing a programme that is more effective or saves resources in preventing and combating TIP; and

d. Time frame: the research for the lessons covered the period 2009 to 2016.

The lessons documented in this booklet do not, in any way, present ‘best practices’ in preventing and combating TIP. Rather, they are documented for the purpose of sharing experiences in addressing TIP in the SADC region so that Member States and relevant stakeholders can learn from each other’s experiences.
2.0 LEGISLATION AND POLICY MEASURES

There is growing recognition of trafficking in persons as a major hindrance to development and access to full human rights around the world. The crime of TIP is one of the priority areas that SADC Member States have committed to preventing and combating.

An enabling policy and legislative environment is an underlying factor in preventing and combating TIP in the region, and the majority of SADC Member States have enacted national legal instruments that criminalise TIP, while policy measures have also been developed to guide implementation of interventions to prevent and combat TIP.

Table 1: SADC Member States’ progress in developing national anti-TIP legislation

<table>
<thead>
<tr>
<th>Country</th>
<th>Title of national legislation on trafficking in persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>Lei sobre a Criminalização das Infracções subjacentes ao Branqueamento de Capitais, Lei 3/2014 [Law on Criminalisation of underlying offenses to Money Laundering] (Article 19 addresses trafficking in persons). Provisional Criminal Code (Articles 177 and 183 address slavery, servitude and trafficking in persons). However, the provisional code is not yet in force.</td>
</tr>
<tr>
<td>Botswana</td>
<td>The Anti-Human Trafficking Act, No. 32 of 2014</td>
</tr>
<tr>
<td>Democratic Republic of Congo (DRC)</td>
<td>Loi N° 09/001 du janvier 2009 portant protection de l'enfant [Child Protection Code, Law 09/001, which includes a chapter on Child Trafficking] **Preparations were in place to draft and enact specific legislation on TIP at the time of concluding the research</td>
</tr>
<tr>
<td>Lesotho</td>
<td>Anti-Trafficking in Persons Act, No. 1 of 2011</td>
</tr>
<tr>
<td>Malawi</td>
<td>Trafficking in Persons Act, No. 3 of 2015</td>
</tr>
<tr>
<td>Mauritius</td>
<td>Combating of Trafficking in Persons Act, No. 2 of 2009</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Trafficking in Persons Law, No. 6 of 2008</td>
</tr>
<tr>
<td>Namibia</td>
<td>Prevention of Organised Crime Act, No. 29 of 2004 (Section 15 covers trafficking in persons), and Child Care and Protection Act, No. 3 of 2015 (Chapter 14 addresses child trafficking) **Preparations were in place to enact specific legislation on TIP at the time of concluding the research</td>
</tr>
<tr>
<td>Seychelles</td>
<td>Prohibition of Trafficking in Persons Act, No. 9 of 2014</td>
</tr>
<tr>
<td>South Africa</td>
<td>Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013</td>
</tr>
<tr>
<td>Swaziland</td>
<td>The People Trafficking and People Smuggling (Prohibition) Act, No. 7 of 2009</td>
</tr>
<tr>
<td>United Republic of Tanzania</td>
<td>The Anti-Trafficking in Persons Act, No. 6 of 2008</td>
</tr>
<tr>
<td>Zambia</td>
<td>The Anti-Human Trafficking Act, No. 11 of 2008</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>Trafficking in Persons Act, No. 4 of 2014</td>
</tr>
</tbody>
</table>

Source: Member States

Despite the numerous instruments that criminalise TIP in SADC Member States, conviction rates remain overly low in the region. The prosecution and successful conviction of any perpetrator is, therefore, an accomplishment that can serve as an inspiration to other SADC Member States.

The sections below present the various lessons learnt on developing and implementing legislation measures on TIP in the region:

2.1 Wide stakeholder consultations critical to trafficking in persons legislative and policy development

The number of SADC Member States that have enacted legislation on trafficking in persons increased significantly since 2009 when the 10 Year SADC Strategic Plan of Action on Trafficking in Persons, especially Women and Children (2009-2019) was adopted.

In recent years, countries such as Botswana (2014), Malawi (2015), Seychelles (2014), and Zimbabwe (2014) have enacted their respective anti-TIP laws, while DRC and Namibia are in the process of drafting and subsequently enacting their legislation on TIP.
In 2015, Madagascar enacted an amendment to its TIP legislation, becoming the first country in the region to amend its law that had been originally enacted in January 2008.

In addition to principle legislation, some Member States have also developed secondary legislation aimed at operationalising their respective laws.

Eight (8) countries in the region had developed national plans of action on TIP by the time this lessons learnt booklet was compiled. These are Lesotho, Madagascar, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

The process of developing both principle and secondary legislation was a result of wide stakeholder consultations to ensure ownership and a coherent response at national level.

This is particularly so considering that the fight against TIP requires a multi-sectoral approach to maximise on limited resources, eliminate incoherent or contradictory interventions and to ensure a more effective response.

The SADC Secretariat, through the RPC Programme, supported a stakeholder consultation workshop on the Draft Bill on Combating of Trafficking in Persons in Namibia in October 2013.

The Ministry of Gender Equality and Child Welfare coordinated the participation of Ministries of Justice; Agriculture and Forestry; Home Affairs; Labour and Social Welfare and Finance to review the draft Bill prior to its tabling in Cabinet.

In another example, Seychelles’ participatory approach in validating the National Strategic Framework and Action Plan to Combat Trafficking in Persons in November 2013 had representation from law enforcement agencies, health, social welfare, media, trade unions, department of labour, national youth council and civil society representatives who all ensured an integrated approach to increase efficiency and effectiveness of service delivery.

This validation workshop was jointly supported by SADC Secretariat, through the RPC Programme, and the United Nations Office on Drugs and Crime (UNODC).

Widespread engagement is beneficial to the process of legislation development as it provides an opportunity for stakeholders to identify and propose corrective interventions to bridge gaps and needs on the ground.

It facilitated information sharing particularly on the different stakeholders’ interventions on TIP and identify common interests for cooperation.

2.2 Namibia: Absence of specific TIP law not ideal, but not necessarily a barrier

Friday, August 10, 2015 saw the delivery of the first conviction on a trafficking in persons case in Namibia.

The High Court in Windhoek convicted a young woman, Ms Johanna Lukas, aged 23 years at the time of the delivery of judgement, of violating the Prevention of Organised Crime Act (POCA), No.29 of 2004 and the Combating of Rape Act (CORA), No.8 of 2000.

It was the State’s case that Lukas lured young girls under the age of 15 years from poor communities in Swakopmund for sexual exploitation, reportedly by a man of South African origin. Ms Lukas allegedly enticed the girls by promising that the man, named as Marthinus (Martin) Pretorius1, would buy them laptops, cell phones and would offer them money.

As explained during the trial by an expert, whose presence was facilitated by UNODC, traffickers exploit the vulnerability and immaturity of children through a grooming process which entails creating an apparently loving and caring relationship to establish trust and loyalty, while “slowly normalizing exploitative behaviour”2.

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The case came to the fore in 2012. Mr Pretorius, who was second suspect in the case, fled the country while Lukas, and her co-accused, named as Ms Gwen Nelwembe, a Zambian national, were arrested and incarcerated in October 2012.

Ms Lukas was subsequently convicted on five counts of contravening section 15, read with section 1 of the POCA (Trafficking in Persons), and four counts of contravening section 2(1)(b), read with sub sections 1,2(2), 2(3), 3, 5, 6 and 7 of the CORA.

Box 1: POCA’s section on trafficking in persons

Section 15  Any person who participates in or who aids and abets the trafficking in persons, as contemplated in Annex II of the [United Nations] Convention [against Transnational Organised Crime], in Namibia or across the border to and from foreign countries commits an offence is liable to a fine not exceeding N$1,000,000 (approximately US$ 72,400)\(^3\) or to imprisonment for a period not exceeding 50 years.

POCA, No.29 of 2004

Her cumulative sentence of 52 years was ordered to run concurrently. Therefore, Ms Lukas will serve an effective 13 years in prison.

Meanwhile, Interpol, in collaboration with South Africa’s Directorate for Priority Crime Investigation (DPCI), also known as the Hawks, arrested Ms Lukas’ fugitive accomplice, a former South African police officer, in Brakpan on the East Rand in South Africa on 29 March 2016.\(^4\)

Extradition processes had commenced at the time of compiling this publication, with the suspect expected to be extradited to Namibia.

The SADC Protocol on Extradition, which was signed on October 03, 2002, and entered into force in 2006, makes provisions for State Parties to extradite to other State Parties “any person within its jurisdiction who is wanted for prosecution or the imposition or enforcement of a sentence in the Requesting State for an extraditable offence.”\(^5\)

While Namibia does not yet have a specific anti-TIP law, the country has effectively used existing legislation to prosecute and convict perpetrators of TIP, as evidenced in the Lukas case.

Furthermore, Namibia requested for expert advice from the UNODC, an approach that contributed to the successful conviction of the accused.

Likewise, the involvement of Interpol and the assistance of South Africa’s Hawks led to the arrest of Ms Lukas’ accomplice. This shows the importance of joint actions to ensure perpetrators are successfully apprehended and prosecuted.

2.3 South Africa takes stern action against abuse of ‘ukuthwala’

The South African government has taken a strong stance against ukuthwala, a cultural practice that has been abused resulting in early and forced marriages.

In 2010, the case of a 14 year old girl from Eastern Cape who fell prey to the practice was brought before a Wynberg court in Western Cape, becoming the first case involving the practice to be brought before a South African court.

\(^3\) As at 01 August 2016


The girl, who had just finished Grade 7, found herself in ‘modern-day slavery’ when she was sold for R8,000 (then valued at approximately US$1,050) in February 2010 and forced into early marriage to 32 year old Mvumeleni Jezile.  

When the girl initially escaped, her uncle and grandmother, who had participated in the negotiations for the marriage, took her back to Jezile at his home in Brown’s Farm, Philippi, where she was raped several times and physically abused. She later escaped again and reported the abuse to the police.

Delivering the judgement, the Wynberg Regional Court Magistrate, Daleen Greyvensteyn, castigated the abuse of culture, tradition and religion leading to young girls experiencing servitude and sexual exploitation.

“It’s intolerable that very serious crimes such as trafficking [in persons], rape and assault are committed under the guise of culture, tradition and religion,” Greyvensteyn said.

According to the Cape Argus, the magistrate further discouraged the abuse of customs for one’s own gratification arguing that “both parties to any marriage must consent thereto.”

The Jezile case brought to the fore the need for awareness and action against the abuse of cultural practices such as ukuthwala, which means ‘to carry’ in Xhosa and Zulu. The practice has been traditionally “used to bypass extensive and lengthy marriage rituals.” The Department of Justice and Constitutional Development has called the practice “a condoned albeit abnormal path to marriage targeted at certain girls or women of marriageable age.”

The South African constitution makes provision for the recognition of cultural practices, “provided that persons exercising cultural rights may not do so in a manner that is inconsistent with any other provisions of the Bill of Rights.”

Moreover, the South African government has incorporated the custom of ukuthwala in various other legislative instruments to ensure that such cultural practices are not abused by traffickers.

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Box 2: What South African law says about ukuthwala

Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007): Having sex with a child without her consent, following her kidnapping and abduction (ukuthwala), constitutes rape in violation of the Criminal Law (Sexual Offences) Amendment Act, 2007 (section 15). This Act, which is known as the Sexual Offences Amendment Act, 2007, prohibits sex with a person without their consent as well as sexual activities with a child (section 16-18). The Act also prohibits the sexual exploitation of children by parents and others (section 17). Parents or relatives and others who collude in or aid and abet the ukuthwala of a girl-child commit the crime of sexual exploitation of children, and can also be charged under Section 71 (Trafficking in Persons) of the Sexual Offences Act.

Recognition of Customary Marriages Act, 1998 (Act 120 of 1998): Both the bride and the bridegroom must consent to marriage. The age of consent is 18 years of age. If one of the parties is under 18 years of age, parental consent is an additional requirement for a valid marriage. If this cannot be obtained the permission of a Commissioner, a Judge of the High Court or the Minister of Home Affairs must be sought. However, this is subject to the provisions of the Sexual Offences Amendment Act, 2007, which sets the age of consent to sex at 16.

Prevention and Combating of Trafficking in Persons Act, 2013 (Act 07 of 2013) Parents and relatives that hand over a child into forced marriage for financial or other gain can potentially be prosecuted under Section 4 read with Section 1 of the Act. The Act prohibits the recruitment, sale, supply, procurement, transportation, transfer, harbouring, disposal or receipt of persons by means of the use of threat, force, intimidation or other forms of coercion; or by abusing vulnerability, for the purpose of exploitation.


During the Jezile court case, the National Prosecuting Authority (NPA) waived the component to do with cultural norms as they proved to be detrimental to a person's basic human rights. Jezile was sentenced in February 2014 to an effective 22 years in jail for three counts of rape, TIP and assault.

The NPA welcomed the sentence commenting that, at that time, it was the most severe penalty handed to someone convicted of TIP in South Africa.10

2.4 South Africa: Stiff penalties imposed to deter traffickers

The fate of Lloyd Mabuza, a South African high-profile businessman then aged 62 years, was sealed in November 2014 when he was convicted on four counts of trafficking in persons and four of rape and sentenced to eight life sentences, ordered not to be served concurrently.11

Mr Mabuza’s co-accused, Ms Violet Chauke, aged 22, from Mozambique, was found guilty on three counts of both crimes for which she received a suspended sentence of 20 years and was ordered to be immediately deported back to Mozambique.

It was reported that the two had abducted five (5) girls, aged between 10 and 16 years, and held them captive in Rhenosterhoek, in Mpumalanga province of South Africa. The victims had been sexually assaulted for four years, between 2009 and 2012, before they were finally rescued.12

The reason behind the great difference between the two sentences handed to Mr Mabuza and Ms Chauke shows the pernicious effects of TIP on an individual, in this case Ms Chauke, over the longer term. Ms Chauke was in pre-school when she and her sister, Juliet, were trafficked to South Africa where Mr Mabuza turned them into sex slaves. Ms Chauke eventually gave birth to Mr Mabuza’s child at the tender age of eight, after which the baby was sent to Mozambique.

In the end, Mr Mabuza lost interest in her, when she reached her late teen years, and employed her in his timber business. On the other hand, Juliet had another job with which Ms Chauke sometimes assisted. When Mr Mabuza grew tired of his ‘slaves’, the term that Magistrate Lamprecht used to refer to these victims, he ordered Juliet to go to Mozambique to collect younger girls, a task which she was paid for. The five who were brought to South Africa in 2008 were all very excited, as Juliet had promised them and their families a brighter future. They were deceived by promises of better education and that Juliet would take care of all the arrangements.

Once the girls had been smuggled across the border and taken to Rhenosterhoek, Juliet and Ms Chauke taught them how to participate in Mabuza’s particular sexual rituals. This lasted for four years, until his arrest on December 18, 2012.

Ms Chauke was captured and having endured so much herself at the hands of Mr Mabuza, the court felt that a lesser sentence was justified. Her sister, Juliet, however, absconded to Mozambique and has not been arrested since.

The stiff sentences given to the offenders show that TIP is considered a serious crime that requires maximum sentences possible.

Despite challenges faced in the long trial, the sentence marked a victory for the State in the fight against TIP and the public was made aware of the dire effects of the scourge whereby a victim had, by virtue of her circumstances, become a perpetrator herself.

2.5 Tanzania hands down 30 year jail sentence on trafficker

In 2014, the Kisutu Resident Magistrate’s Court in Dar-es-Salaam sentenced Mr Omprakash Babu Singh, the owner of the entertainment company, Dhamaka Entertainment Centre Limited, to 30 years imprisonment or a fine of 15 million Tanzanian shillings (approximately US$ 6,900) for trafficking in persons.

Mr Singh, an Indian national, settled in Tanzania in 2010 and opened the Hunters Club, his first dancing and night club in the country, in Dar-es-Salaam in 2011. After a few months, he opened a second club called Continental Night Club. The two clubs, operating under the Dhamaka Entertainment Centre label, employed 22 young girls recruited from India and Nepal to perform in the two locations.

The convict recruited these young girls and brought them to Tanzania under the pretext of finding them decent employment. Instead, the girls were sexually exploited by the patrons of these two clubs.

In addition to the sentence handed down to the trafficker, the magistrate ordered the confiscation of three cars that were allegedly being used by Mr Sing in his illegal business.

The magistrate also directed Mr Singh to pay salaries for the girls for a period of 12 months and to take care of all expenses relating to their repatriation to their respective home countries.

This particular conviction is a clear indication of firm legal actions against illegal practices relating to TIP in line with the country’s Anti-Trafficking in Persons Act of 2008.

The fight against TIP in the country has also been intensified with the launch, in August 2015, of the Anti-Trafficking in Persons Regulations 2015 and a National Anti-Trafficking in Persons Action Plan (2015-2017).

This case also provides a useful lesson that asset forfeiture, particularly of the proceeds of the crime, helps in funding repatriation and reintegration of victims of TIP, as well as in financing the national response to TIP.

2.6 Enforcement of anti-trafficking in persons legislation critical regardless of status

Madagascar was one of the first countries in the SADC region to enact legislation on trafficking in persons. The legislation, titled Loi N° 2007-038 du 14 Janvier 2008, was amended in 2014, again being one of the first laws criminalising the crime to have been revisited to strengthen several provisions.

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14 As at 01 August 2016
The amendment resulted in Loi N° 2014-040 du 20 janvier 2015 being passed.

When the amended legislation was adopted, the national office responsible for preventing and combating TIP (Bureau National de Lutte contre la Traite des Etres Humains - BNLTEH) was set up to coordinate the national response to the crime, including activities implemented by the private sector and the media.

The BNLTEH has also played a critical role in advocating for and advancing capacity building initiatives targeted at key stakeholders.

Skills enhancement of key players, especially prosecutors, on TIP legislation and the application of the law in TIP cases, has been instrumental in prosecuting perpetrators of TIP, regardless of their positions in society.

For example, a former senior government official and his assistant were formally accused of TIP and detained in October 2015. The former official acted as the representative of an international recruitment company based in Saudi Arabia.

The Malagasy subsidiary company was located in Mahazoarivo, from where the recruitment of Malagasy workers, eager to migrate and work abroad, was carried out.

This is despite the fact that in 2013, the government of Madagascar had banned labour migration to risky countries particularly those in the Middle East that the Malagasy government had not yet signed treaties with to prevent labour exploitation.

On September 25, 2015, the police raided the recruitment agency and rescued over 100 women who were processing applications for work. The young women confirmed to the investigating officers that they had spent a significant amount of money to be able to obtain jobs in Saudi Arabia.

The accused was charged with felony. The matter was still before the courts at the time of compiling this publication.

The Malagasy lesson shows that the crime of TIP is sometimes committed by respectable people in society. However, effective enforcement of legislation guarantees that the investigation and prosecution of TIP cases respects no boundaries or status in society.

3.0 TRAINING FOR SKILLS ENHANCEMENT AND CAPACITY BUILDING

Training and capacity development are essential components for an effective response to trafficking in persons as they help in the strengthening of skills, competencies and, more generally, enhancing the ability of people to better deal with the crime.

SADC Member States acknowledge that training courses for skills enhancement and capacity building are essential requirements to succeed in detecting TIP and in taking appropriate measures to apprehend and prosecute perpetrators, especially since traffickers often change their modus operandi.

SADC Secretariat frequently organises capacity building sessions in the region to enhance the skills of front-line officers such as police, immigration officers, customs officers, prosecutors, magistrates, and social workers, amongst others.

These training courses are often organised in collaboration with the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), UNODC, and the International Organisation for Migration (IOM).

The following lessons were learnt under this thematic area:

3.1 National training of trainers should be prioritised for wider reach

A greater focus should be on national training of trainers in order to attain more numbers of officers trained on trafficking in persons, as well as providing them with customised country-specific training on the crime.

This came out of a SADC regional training of trainers for law enforcement officers that was held in Mbabane, Swaziland, in early 2015.

Figure 1: Training of law enforcement officers on TIP in Mozambique ©SADC Secretariat

SADC Secretariat frequently organises capacity building sessions in the region to enhance the skills of front-line officers such as police, immigration officers, customs officers, prosecutors, magistrates, and social workers, amongst others.

These training courses are often organised in collaboration with the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), UNODC, and the International Organisation for Migration (IOM).

The following lessons were learnt under this thematic area:

3.1 National training of trainers should be prioritised for wider reach

A greater focus should be on national training of trainers in order to attain more numbers of officers trained on trafficking in persons, as well as providing them with customised country-specific training on the crime.

This came out of a SADC regional training of trainers for law enforcement officers that was held in Mbabane, Swaziland, in early 2015.
The regional training, jointly coordinated by SADC Secretariat and SARPCCO, through the Interpol Regional Bureau, was held with the following objectives:

i. To enhance law enforcement officers' skills and expertise on TIP investigations;
ii. To build the capacity of law enforcement officers to effectively respond to TIP;
iii. To facilitate sharing of experiences and cases on dealing with TIP in Member States; and
iv. To facilitate rolling out of the regional training to Member States to create a bigger critical mass of trainers on TIP.

A number of thematic issues were addressed during the training. These included the differences between trafficking in persons and smuggling of migrants (SOM); understanding the national, regional and international legislative frameworks addressing transnational organised crime such as TIP and SOM; travel document forgery.

The training also focused on victim identification, interviewing and assistance, and witness protection; and legislative application, and mutual legal assistance in criminal matters.

The training drew a number of recommendations including:

i. More training courses should be conducted at the national level to reach a wider audience of stakeholders;
ii. The training should include other stakeholders including the police service, immigration, customs, labour officials, social workers, etc; and
iii. Police training curriculum should include modules on TIP to create basic knowledge on TIP and other transnational organised crimes (see also Lesson 3.4, specifically on Namibia's police curriculum).

The regional training, attended by officers from 11 SADC Member States, was facilitated by experts drawn from SADC Secretariat; SARPCCO; IOM; South African Police Services (SAPS); and US Homeland Security Investigations (US Embassy in South Africa).

The training was supported by the SADC Secretariat through the RPC Programme funded by the European Union.

3.2 Media training on trafficking in persons important to raise awareness

The SADC regional training of trainers for media practitioners on trafficking in persons was held in Gaborone, Botswana, from 13th to 15th June 2016, with journalists and information practitioners from 14 Member States in attendance.
The regional training of trainers aimed to:

i. Introduce media practitioners to issues of transnational organised crime, with a specific focus on TIP, SOM and irregular migration;

ii. Orient the media on the state of TIP response in the SADC region;

iii. Enhance the media’s capacity to investigate and appropriately report on TIP in the SADC region; and

iv. Foster media advocacy to shape opinion, influence agenda and arouse interest of the public and policy-makers through consistent, reliable and responsible coverage of TIP issues.

The training sought to capacitate media practitioners on what they can “do to prevent human trafficking from ever happening or even spiralling out of control.”

The training was officially opened by Botswana’s Deputy Secretary for Safety and Security in the Ministry of Defence, Justice and Security, Mr Ikwathaeng Bagopi, who emphasised that the media is a key resource in preventing and combating TIP.

“The media has the capacity to reach wide audience and communities in remote and hard to reach places, hence cooperation with this strategic partner in fighting trafficking in persons is essential,” said Mr Bagopi.

The Head of the European Union Delegation to Botswana and SADC, Ambassador Alexander Baum, stressed that everyone, including media practitioners, has a personal, collective and legal responsibility to fight TIP.

Ambassador Baum further highlighted the SADC-EU cooperation through the RPC Programme that supports SADC Member States to establish and implement national-level legislation on TIP; raise awareness on the crime; and build capacities of various stakeholders to identify and assist victims, investigate and prosecute the traffickers and those abating the crime.

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The Head of SADC Gender Unit, Dr Joseph Pitso, said that it was “important that the media is able to clearly define trafficking in persons versus smuggling of migrants, and report factual information always cognisant of basic human rights and victim sensitivity.”

This was echoed by Mr Bagopi who talked of “the need for the media to fully understand the complexity of the crime of trafficking in persons” to enable “Member States to effectively and efficiently respond to the crime, and its associated consequences.”

The lack of understanding of these related crimes—TIP, SOM and irregular migration—has resulted in the media mistakenly reporting SOM cases as cases of TIP.

The media training was in line with the implementation of the 10 Year SADC Strategic Plan of Action to Combat Trafficking in Persons, especially Women and Children (2009-2019), which identifies capacity building and public awareness raising as key priorities contributing towards effectively preventing and combating trafficking in persons.

The facilitators were drawn from the SADC Secretariat, SARPCCO, UNODC, IOM, and the Southern African Research and Documentation Centre (SARDC).

The training was supported under the European Union-funded SADC RPC Programme.

### 3.3 Law enforcement officers trained on trafficking in persons in Mozambique

Mozambique law enforcement officers and relevant stakeholders were trained on trafficking in persons in December 2015.

The training, organised by the Government of Mozambique and SADC Secretariat, aimed to achieve the following objectives:

i. To introduce law enforcement officers to the subject of TIP and associated concepts;
ii. To discuss Mozambique’s legislative response to TIP;
iii. To discuss the role of law enforcement officers in responding to TIP;
iv. To orient the participants to the SADC regional TIP data collection system, and effective practices in TIP data collection and management; and
v. To facilitate in-country coordination and experience sharing on TIP in the country, as well as experiences from other parts of the SADC region.

The law enforcement officers were introduced to the concept of TIP and its dire consequences and were apprised of the difference between TIP and SOM.

Mozambique’s legislative response through the implementation of the Trafficking in Persons Law No. 6 of 2008, which was one of the first TIP Acts to be enacted in the SADC region, was also highlighted.

Facilitators for the training were drawn from SARPCCO, UNODC, IOM and the United States Embassy (to South Africa).

The major lesson from the training of law enforcement officers in Maputo is that cooperation between relevant stakeholders and expert organisations is important in order to effectively develop the capacity of key service providers to respond to the crime of TIP in an effective manner.

The training was in line with the objectives of the Regional Political Cooperation (RPC) Programme funded by the European Union under Contribution Agreement 308781 signed in December 2012.18

### 3.4 Namibia: Training for criminal justice practitioners on trafficking in persons welcomed

The Office of the Prosecutor General of Namibia, in partnership with the UNODC, in August 2015 conducted a training of trainers for criminal justice practitioners on trafficking in persons.

The training in Swakopmund, Namibia, focused on victim-centred investigations and prosecutions.

The training was officially opened by the Prime Minister of Namibia, Mrs Saara Kuugongelwa-Amadhila.

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“The sad truth about the cruel acts of human trafficking is that it mainly affects the most vulnerable (women and children) among us, and trafficking perpetrators often escape detection and thus do not bear the consequences of their horrendous acts,” said Mrs Kuugongelwa-Amadhila during the official opening.10

The training was attended by 33 participants drawn from a variety of sectors including:

i. The Prosecutor General’s Office;
ii. Namibian Police Force (Nampol);
iii. Ministry of Home Affairs and Immigration;
iv. Directorate of Customs and Excise (Department of Revenue Management);
v. Ministry of Labour, Industrial Relations and Employment Creation; and

After the training, the participants now form part of a pool of trainers on TIP to cascade the training in their respective institutions around the country.

This training was in line with UNODC’s counter-TIP efforts to support SADC Member States to develop and implement investigation on TIP, and improve on prosecution and adjudication of the crime of TIP.

The training, which also aimed to enhance the capacity of criminal justice practitioners in Namibia to effectively identify victims of this heinous crime, was conducted by experts from IOM, UNODC and the US Homeland Security Investigations.

In other developments, Nampol has also introduced a curriculum on TIP that it uses to train its law enforcement officers on TIP.

As a result of these efforts, a critical mass of trainers is being created in the country to better address this multi-faceted crime.

3.5 Zimbabwe: Training of trainers’ refresher courses critical to trafficking in persons response

Refresher courses for trainers on trafficking in persons are critical to the effective implementation of national efforts to prevent and combat trafficking in persons.

The Government of Zimbabwe, cooperating with UNODC and IOM, conducted a training of trainers for key service providers in Kadoma, in August 2014.

The participants were drawn from agencies such as Ministry of Home Affairs; Zimbabwe Republic Police; Zimbabwe Revenue Authority; Department of Immigration Services; Registrar General’s Office; Parliament of Zimbabwe; Office of the President and Cabinet; and the Ministry of Public Service, Labour and Social Welfare.

The training zeroed in on the Trafficking in Persons Act, No. 4 of 2014, which had just been enacted, in order to form a basis for understanding the legislative response to TIP in the country.

Subsequent to this training, the Ministry of Home Affairs collaborated with the UNODC, IOM and SADC Secretariat to conduct a refresher course in June 2015 for the participants who had been trained in 2014.

The refresher course, which was conducted in Harare, also took stock of the activities that had been carried out by the respective departments to roll-out the August 2014 training in the country.

Among the follow-up activities after the 2014 training included public awareness during national events such as the Zimbabwe Agricultural Show in August 2014 and the Zimbabwe International Trade Fair (ZITF) in April 2015.

In addition, the Department of Social Welfare had already commenced rolling out the training in Mashonaland West province, with the support of IOM country office.

This example from Zimbabwe shows that refresher courses and rolling out of the TOTs to the various provinces and/or districts in the country are necessary if the national response is to be implemented comprehensively.

4.0 PREVENTION AND PUBLIC AWARENESS RAISING

The old adage that says “prevention is better than cure” remains true to the regional and national efforts to prevent and combat trafficking in persons in the SADC region.

One of the most effective ways of controlling the occurrence of a crime is through preventing an individual from becoming a victim in the first place.

The 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019) puts emphasis on, amongst others, extensive efforts towards prevention through awareness raising campaigns that would result in “increased psychosocial competencies such as understanding and consciousness of the problem and skills on how to avoid or prevent trafficking [in persons], as well as recognition that trafficking [in persons] is a crime.”

Several SADC Member States have embarked on sensitisation campaigns to inform communities about the dangers related to TIP.

The following sections document the various lessons learnt in implementing prevention and awareness raising initiatives in the region.

4.1 Botswana commemorates World Day against Trafficking in Persons

The Republic of Botswana became one of the first countries in the SADC region to commemorate World Day against Trafficking in Persons on 30 July 2015.

Figure 3: World Day against TIP commemoration march in Palapye, Botswana ©SADC Secretariat

The commemoration, at Kediretswe Primary School grounds in the town of Palapye, was held under the theme ‘Human Trafficking is Real: Do Not Become a Victim’

The objectives of the commemoration were:

i. To raise the public’s awareness on TIP in Botswana and the SADC region;

ii. To stimulate debate and build knowledge on TIP in Botswana; and

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iii. To raise awareness on Botswana’s Anti-Human Trafficking Act, No.32 of 2014, and related legislative frameworks.

The commemoration was a result of the collaboration between the Botswana Ministry of Defence, Justice and Security; SADC Secretariat and UNODC.

The commemoration guest of honour and Member of Parliament for Palapye, Mr Moiserale Goya, highlighted Botswana’s commitment to raising awareness on TIP in the country.

He emphasised that Botswana, like all countries in SADC, and the rest of the world, abhors this heinous trade, which regards other human beings as tradable commodities.

Mr Goya further emphasised the need for Member States to share intelligence on TIP leading to the arrest and prosecution of traffickers.

This resonated well with the call by UNODC Regional Representative, Ms Zhuldyz Akisheva, who pointed out the importance of countries cooperating to address TIP.

The Director of the Directorate of the Organ on Politics, Defence and Security Affairs, Mr Jorge Cardoso, applauded SADC Member States for being party to international and regional legislative frameworks on TIP, and for developing laws to criminalise TIP in their respective jurisdictions.

The day’s proceedings were also attended by various government departments; members of the diplomatic community; the European Union Delegation to Botswana and SADC; as well as the traditional leadership, business community and residents of Palapye.

The Commemoration was supported through resources from the European Union-funded RPC Programme of the SADC Secretariat.

4.2 Swaziland: multiple approaches to raising awareness on trafficking in persons

Swaziland commemorated the World Day against Trafficking in Persons in a memorable way in 2015.

Awareness was raised through cultural programmes that form part of Swaziland’s rich culture. The event was attended by approximately 3,000 people.

The commemoration was attended by, inter alia, Dr Sibusiso Dlamini, Prime Minister of Swaziland, and cabinet ministers, further showing their commitment towards preventing and combating TIP in Swaziland.

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Box 3: World Day against Trafficking in Persons

The World Day against Trafficking in Persons was formally proclaimed by the United Nations General Assembly (UNGA) Resolution A/RES/68/192 on 18 December 2013.

The day, commemorated every 30 July, seeks to raise “awareness of the situation of victims of human trafficking and for the promotion and protection of their rights.”

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The Prevention of People Trafficking and People Smuggling Secretariat and its task force members have also participated in weekly radio programmes discussing relevant TIP topics.

Other platforms used also include bi-weekly newspaper articles, occasional slots on TIP aired on the national television station, Swazi TV, as well as talks in churches and schools to sensitise religious leaders, the community and students on how to better protect themselves from the vice, and to report any suspicious activity.

All these efforts are highly appreciated by local communities and by organisations involved in the prevention and combating of TIP.

As a result of the public awareness raising efforts, the number of reported cases at police stations and on the toll free number ‘975’ has increased to an average of 30 calls per day.
Not all cases have to do with TIP though, and officers refer the cases to the appropriate organisations and departments in line with a detailed referral mechanism (see Lesson 5.1).

All cases reported to the media, the police, the hotline, the Secretariat or the Office of the Director of Public Prosecutions (DPP) are taken to the tripartite committee consisting of the Police, the DPP and the Secretariat for appropriate action. The tripartite committee also takes on board any criminal element in terms of TIP legislation or any other laws.

Swaziland is reaping the benefits of intensive public awareness raising efforts and the availability of a toll free number (975) that has seen an increase in reported cases.

4.3 Door-to-door campaigns bring trafficking in persons issues to the fore in Lesotho

Lesotho’s 48th independence was celebrated differently with a door-to-door campaign on trafficking in persons in the Mafeteng and Berea districts from October 1 to 4, 2014.

The purpose of the campaign was to sensitize locals about the problem of TIP focusing on how they could identify TIP activities and take appropriate action.

The campaign emphasized the importance of cooperation in fighting the crime of TIP, making people aware that the crime cannot be overcome in isolation and that the effort of each and every person is required to prevent this scourge.

The public awareness campaign was integral in highlighting some of the cultural norms and values that might perpetuate discrimination against women and children, thereby making them vulnerable to being trafficked.

The campaign was carried out in collaboration with the Tsana-Talana and Tebe-Tebe community councils, as well as chiefs and councilors of the respective councils, and volunteers.

Approximately 1,200 households were reached during the campaign, after which a number of suspected TIP cases were reported to the police by residents of the two communities.

This public awareness campaign in Lesotho was an innovative way to reach out to those sectors of the population that might otherwise not have access to information on TIP, as well as not having access to the medium used to transmit such information.

The message about TIP was brought to households and the public was sensitized in their own comfort zones.

This shows that public awareness raising should go beyond the conventional forms of the widely used media if a wider audience is to be reached.

Additionally, it shows that awareness raising can contribute to more reports of criminal activities that would have otherwise not been reported on.

4.4 Police drama series raises awareness on trafficking in persons in Botswana

Botswana’s popular crime drama series, ‘Itshireletse’, is one of the platforms used to raise awareness on trafficking in persons in the country.

The drama series has aired on Botswana national television station, BTV, every Sunday evening since 2006.

Itshireletse is a vernacular word meaning ‘protect yourself.’ The crime drama series was introduced by the Botswana Police Service (BPS) with the aim to teach Botswana residents on “how to protect themselves and their property against criminals.”

The Ministry of Defence, Justice and Security has introduced the issue of TIP to the drama series since April 2016 to encourage the population to watch out for incidences of this crime.

As a way to cut costs of prevention and public awareness raising, the government has incorporated TIP as a component of an on-going programme thus reducing the need for additional financial resources to launch a new and separate activity.

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In addition, Botswana’s defence, justice and security ministry has also embarked on spirited efforts to sensitize stakeholders through consultative meetings aimed to:

i. Create a common agenda among all role players and stakeholders in combating TIP;
ii. Outline current and emerging TIP trends in the international and national contexts; and
iii. Sensitize stakeholders about TIP.

Meanwhile, public forums on TIP were also organised under the auspices of The Botswana Society, a non-governmental organisation that seeks to preserve the cultural heritage of Botswana through advancing “knowledge of Botswana in all disciplines and on all aspects of the nation’s cultural, scientific and environmental heritage.”

The forums paid particular attention to child trafficking and the status of response in the country and the SADC region at large.

Public discussions around TIP are a good example of another type of sensitisation campaign that can usefully involve survivors of TIP to enable them to share their personal experiences.

This, however, has to consider the sensitivity of the issues and consider the suffering that the survivors would have endured during their exploitation.

In cases where survivors narrated their ordeals, their testimonies helped the audiences to realise the seriousness of the crime, and emphasised that Botswana is not immune to TIP.

The Botswana example shows that a number of platforms can be used to raise awareness, including tapping into popular television shows and public forums.

4.5 Mozambique raises trafficking in persons awareness through song

A Mozambican songstress, Elisa Lisete James Humbane, popularly known as Lizha James, has shown a keen interest in raising public awareness on trafficking in persons through music.

Her song, ‘Stop Tráfico’, has received widespread acclaim for tackling TIP, especially child trafficking, a problem quite prevalent in the SADC region.

The song describes child trafficking and through it, the singer raises awareness about this problem in Mozambique as well as in other parts of the world.

Some translations of the song include: “the innocent are at risk and they lack protection. And there are adults taking advantage of the children who are naive. Some are married off without their consent and many minors are trafficked”.

Stop Tráfico was released in 2011, as part of a project funded by the American Embassy in Mozambique and implemented by Rede Came, a non-governmental organisation that introduced and coordinated the National Campaign against Child Abuse and Trafficking in Mozambique in 2003.

Many people have been made aware of TIP through this song which has been used as an innovative medium to reach a wide coverage.

Music has been used world-wide as an effective tool for awareness raising, and Stop Tráfico has helped in spreading the message in Mozambique and beyond.

4.6 Trafficking in persons awareness a permanent feature on the South African calendar

Awareness raising is now a permanent feature on the South African calendar as the first week of October every year is the designated National Trafficking in Persons Week.

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In October 2015, a number of activities to raise awareness and educate the public about TIP were carried out across the country.

The events involved government departments, the National Prosecuting Authority (NPA), civil society organisations and international organisations such as the International Organisation for Migration (IOM).  

*News24* reported that “curbing the scourge of human trafficking is a key priority of the National Prosecuting Authority (NPA)” and that the week is used to “reinforce awareness around fighting this form of modern day slavery.”

Several information outreach activities were also launched during this special awareness week, whereby IOM, accompanied by South Africa’s Directorate for Priority Crime Investigation (DPCI), also known as the Hawks, visited communities under Tshwane Region 5 (Cullinan, Roodeplaat, and Rayton) to conduct dialogues and information sessions in partnership with the City of Tshwane.

This was yet another innovative way to reach the population during a whole week set aside to highlight the heinous crime of TIP. The week also served as an opportunity for South Africans to join hands and speak out against the crime.

The National Trafficking in Persons Week is coordinated by the NPA and events are aimed at raising public awareness on the scourge of TIP.  

This shows that having activities revolving around designated days, such as World Day against TIP, or weeks, such as the National Trafficking in Persons Week, helps in reaching wider audiences and sensitising them on the crime.

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The South African case also highlights that cooperation among stakeholders is critical for effective awareness raising on TIP.

4.7 Seychelles raises awareness on trafficking in persons through the media

Seychelles embarked on a two-month media campaign to raise awareness on trafficking in persons in late 2014.

The campaign, which was launched on November 24, 2014, ran between November 25, 2014, and January 24, 2015, following the successful launch of the National Strategic Framework and Action Plan to Combat Trafficking in Persons (2014-2015).

The media campaign was titled ‘Ouver ou lizye’ in the vernacular Creole language, translated into ‘open your eyes’.28

The setting up of the inter-ministerial committee in 2015, with an allocated a budget of approximately US$54,000, was key to ensuring proper follow up of the awareness campaign and implementation of the National Strategic Framework and Action Plan.

As part of this campaign, the government of Seychelles developed an official website (www.tip.sc) and the ‘TIP Seychelles’ Facebook account to further educate the general public on how to identify and report TIP offences.29

The website serves as the first anti-TIP communication platform in Seychelles, thus allowing members of the public to access readily available information on TIP and to better protect themselves and their loved ones against TIP.

The public will also be able to report suspected cases to the relevant authorities for further investigation.

This is an example of successfully embracing technology and social media in raising awareness on TIP. It is, therefore, important that such platforms including official Facebook accounts and websites are kept updated.

The above are examples of prevention and awareness raising campaigns that use innovative ways to reach the masses. People at all levels are made aware of the scourge, be it through a song in a local language by a famous artist or through cultural programmes which form part of one’s culture. Local people are also given the chance to speak up through phone-in programmes on national radio, if they need clarification, or engage in social media discussions on issues revolving around trafficking in persons.

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29 Ibid
5.0 VICTIM SUPPORT AND WITNESS PROTECTION

Victims of trafficking in persons are, in most cases, subjected to experiences that could jeopardise their physical health or put their lives at risk. Hence, being a victim of any crime can be a difficult and stressful experience.

There can be a wide range of after-effects to such trauma and it is not easy for victims to forget the suffering they would have endured.

For example, in the 'ukuthwala' case in South Africa (see Lesson 2.3), it was reported that the rescued survivor suffered “insomnia and nightmares because of the ordeal, and [was] withdrawn since her forced marriage.”

Understanding and empathising with victims can help them to cope better. Several SADC Member States have victim assistance programmes, although most of them are implemented in a sporadic and inconsistent manner.

Victim support and protection across SADC Member States is offered mainly through food assistance; clothing; shelter; safe housing; counselling; psychological support; medical aid, including hospitalisation if needed; vocational training; legal aid; rehabilitation programmes; reintegration in the family and in schools; support to attain relevant travel documents; economic support; and repatriation services.

The majority of this assistance is provided by non-State actors that include IOM and other NGOs.

For example, the IOM regional office in Pretoria works through its country offices in southern Africa and beyond to assist respective governments to provide comprehensive services to victims of TIP, “with the aim of achieving sustainable results, particularly where the protection of victims is concerned.”

In the case of Zambia, IOM Zambia upgraded three government-affiliated shelters and trained the shelter staff to meet the minimum requirements for providing protection services to victims of TIP.

This did not only contribute to the overall quality of available services, but also contributed to national capacity to implement the protection-specific provisions of Zambia’s Anti-Human Trafficking Act No. 11 of 2008.

Furthermore, IOM South Africa has assisted a substantial number of victims trafficked to and within South Africa mainly for sexual and labour exploitation.

The assistance ranged from the provision of shelter, ‘dignified packages’ of essential items, medical and psychological support, legal assistance when needed, and repatriation and reintegration of identified survivors.

It can be noted that IOM has been instrumental in offering comprehensive assistance to victims of TIP. The IOM lesson also shows that the effective provision of assistance to survivors of TIP can be achieved when State and non-State actors cooperate and work in a coordinated manner.

5.1 Swaziland launches trafficking in persons victim identification guidelines and referral mechanism

The Kingdom of Swaziland launched guidelines for identification of victims of trafficking in persons and referral mechanisms to govern the assistance accorded to survivors of TIP.

The publication, titled Victim Identification Guidelines and Referral Mechanism for Assisting Victims of Human Trafficking in the Kingdom of Swaziland: a practical guide to identifying, referring and assisting victims of trafficking, was launched by the Prime Minister of Swaziland, Dr Sibusiso Dlamini, in Mbabane on November 02, 2015.

32 Ibid
In his launching remarks, Dr Dlamini applauded the Guidelines as “key operational tools that deal with two issues - how do you identify a victim and, having done that, how do you go about looking after the victim - in a standardised manner, consistent with the approach of our international partners.”

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The Prime Minister also underscored the importance of collaboration and coordination at national level and the need to train frontline officers to effectively respond to the crime of trafficking in persons. 34

The development of the Guidelines was spearheaded by the Prevention of People Trafficking and People Smuggling Secretariat, which was set up under the purview of the Prime Minister’s Office in October 2010.

The Secretariat, which seeks to oversee all programmes in respect to combating TIP in Swaziland, acts as the government advisor on issues related to TIP, be it on international obligations or any other plan of action that needs to be addressed based on the evolutionary trends of TIP.

It also coordinates multi-sectoral activities to prevent and combat TIP, including working with stakeholders on pillars such as prevention, prosecution, protection and partnership. Moreover, it ensures that the national legislation meets international standards and is reviewed and amended as and when necessary.

In addition to developing and launching the Guidelines, the Secretariat has also facilitated the development of the National Strategic Framework and Action Plan to Combat People Trafficking (2013-2015).

Swaziland was the first country in the SADC region to establish a full-time Secretariat dedicated entirely to the fight against TIP and an Emergency Response Team (ERT), composed of front-line practitioners who are mandated to attend to individual TIP cases.

This has made Swaziland’s approach a “practice recognised by other SADC Member States as a model to follow”. 35 The establishment of a dedicated Secretariat in the fight against transnational organised crime such as TIP is critical to ensure effective coordination of the activities being implemented in-country.

5.2 Madagascar: Union of social workers established to support victims of TIP

A civil society organisation that advocates for combating child sex tourism and trafficking in persons in Madagascar, as well as providing support to identified victims, has received widespread acclaim, including international accolades, for their work.

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The National Union for Social Workers (Syndicat des Professionels Diplômés en Travail Social - SPDTS) was established in 2005.

According to the Trafficking in Persons Report (2015)\(^{36}\), the SPDTS provides counselling services for victims of TIP that would have been trapped in abusive situations abroad.

SPDTS also assists in integrating the victims into their respective families, financially supports those in need of medical attention, provides temporary shelter whilst the search for the victim’s family is underway, and coordinates with the police and legal officers for the provision of appropriate assistance as well as the renewal of travel documents.

The SPDTS remains a partner of the government, and works especially through the Ministry of Population, Social Protection and Women in the implementation of national and international commitments, in respect to victims’ assistance and protection.

The SPDTS was also instrumental in the development and subsequent adoption of the National Plan of Action on Trafficking in Persons (Plan national de lutte contre la traite des personnes, 2015-2019).

The Malagasy lesson shows that cooperation between State and non-State actors is critical for the successful provision of victim support. Through its cooperation with non-State actors such as SPDTS, the government of Madagascar has implemented victim support and protection programmes that would have been otherwise challenging to implement.

6.0 COORDINATION AND REGIONAL COOPERATION

Local coordination and cooperation amongst stakeholders implementing programmes to prevent and combat trafficking in persons exist in many countries in the region.

This facilitates the establishment and strengthening of channels of communication between major stakeholders in the country for sharing of information, intelligence and trends on TIP.

The following sections present a few examples where cooperation has resulted in successful implementation of the national and regional response to TIP.

6.1 SADC-UNODC collaboration gives birth to Regional Trafficking in Persons Database

The SADC regional database on trafficking in persons became a reality in 2014 through collaboration between the SADC Secretariat and the UNODC.

The database was established as a direct response to concerns expressed by SADC Member States over persistent dissemination of TIP data that would not have been subjected to proper validation.

Member States argued that such data cannot be said to be reflective of the true picture of TIP in the region unless it has been validated by the relevant stakeholders.

The absence of reliable statistics also hampers regional and national responses to the crime, as the scope of TIP will be largely obscured.

The objectives of the database include:

i. To facilitate the collection, management and dissemination of reliable statistics on TIP in the SADC region;

ii. To provide reliable data that will inform Member States’ and stakeholders’ response to the scourge of TIP;

iii. To provide regular analytical reports on the scope and trends of TIP in the SADC region; and

iv. To facilitate information sharing on TIP amongst Member States and stakeholders.

The database was piloted in Lesotho and Swaziland, and the lessons learnt from the pilot phase were used to further strengthen the database’s functionality, as well as informing the process to follow in each Member State.

The database had been rolled out to Madagascar, Mozambique, Namibia, Seychelles, Zambia and Zimbabwe, in addition to the pilot countries, by the time of compiling this publication.

Lessons continue to be documented during the process of rolling out the database to help in strengthening the system.

The successful development of the database shows the benefits of cooperation between the various agencies fighting the scourge of TIP in the region.

In addition, it is important that a specified central point for the dissemination of statistics on TIP is established in accordance with the respective Member States’ legislative and strategic frameworks on TIP.

SADC Secretariat’s database-related activities are part of the European Union-funded SADC Regional Political Cooperation Programme.
6.2 Collaborative efforts yield development of policy frameworks in Seychelles
National and regional collaboration facilitated the development of policy measures to prevent and combat trafficking in persons in Seychelles.

The collaboration, involving members of the Seychelles National Coordinating Committee on Trafficking in Persons, and cooperating partners including SADC Secretariat, UNODC and IOM was instrumental in the development of the \textit{Strategic Framework and National Action Plan to Combat Trafficking in Persons}, launched in 2014\textsuperscript{37}, as well as the \textit{Standard Operating Procedure and Referral Mechanism for Assistance to Victims of Trafficking} (2015).

The National Coordinating Committee on Trafficking in Persons was established in 2012 and was legalised by the \textit{Prohibition of Trafficking in Persons Act, No 9 of 2014}, in line with Part IV of the Act.

Training of front-line officers has also been carried out in Seychelles through the collaboration of the various stakeholders.

This example further emphasises the importance of national, regional and international cooperation in preventing and combating TIP, particularly through the development and implementation of the relevant policy frameworks.

6.3 South Africa: Multi-sectoral cooperation critical to development of policy frameworks on trafficking in persons

In response to the prevalence of trafficking in persons in South Africa, a multi-sectoral national task team spearheaded the development of a national action plan to fight TIP.

The \textit{National Strategic Plan for Addressing Trafficking in Persons, 2014}, which acknowledges that South Africa is a lucrative market for traffickers and provides a market for the services of victims of TIP, prioritises a comprehensive response to TIP that focuses on prevention, investigation and prosecution, protection, partnership and monitoring and evaluation.

The Plan seeks to encourage partnerships between the government, non-State actors, and the community in order to monitor and address causes and contributing factors to TIP, among other crimes.\textsuperscript{38}

The development of the National Strategic Plan was a result of the efforts of the stakeholders that are members of the national task team.

These include, among others, the departments of Justice and Constitutional Development, Home Affairs and Social Development, as well as NPA, SAPS, civil society representatives and international organisations.\textsuperscript{39}

The task team has also facilitated the revival of provincial and district TIP response teams, in collaboration with the provincial governments.

Moreover, SAPS’ Organised Crime Unit has set up the ‘Human Trafficking Desk’ for a targeted response to the crime.

Meanwhile, the Child Protection and International Social Services directorates in the Department of Social Development are implementing a strategy for the prevention of child trafficking and supporting foreign child victims in the process of repatriation.

The South African experience shows that multi-sectoral cooperation is critical to the development of policy documents and implementation of appropriate actions to prevent and combat TIP.

\begin{itemize}
  \item \textsuperscript{38}South Africa National Strategic Plan for Addressing Trafficking in Persons, 2014
  \item \textsuperscript{39}South Africa tackles human trafficking awareness raising. Available at \url{http://www.southafrica.info/services/rights/trafficking-240215.html#W0_0ceO4nU}, accessed on 12 April 2016
\end{itemize}
6.4 Cooperation key to enhancing response to trafficking in persons in Mauritius

Trafficking in persons is a complex crime that requires cooperation of various stakeholders to effectively address it.

Cooperation on tackling TIP has proved effective in Mauritius where a non-governmental organisation, Droit Humains Océan Indien (DIS-MOI), in collaboration with the Government of Mauritius and a number of development partners, have striven to strengthen national capacity to prevent and combat TIP, an issue that has been affecting Mauritius.40

With Mauritius facing a range of challenges in the TIP fight, including the need to reduce the delay from the time of arrest of offenders to the time when their cases are finalised; sensitising vulnerable families; and providing medical, holistic psychosocial support to traumatised survivors of TIP, among others, there is scope for cooperation with non-State actors such as DIS-MOI.

In November 2015, DIS-MOI, whose objectives include awareness raising on the existence of TIP in Mauritius and Rodrigues, started implementing, in collaboration with relevant stakeholders, a one-year pilot project aimed at “Strengthening Criminal Justice Responses to Human Trafficking in Mauritius.”

The project, which was financed by various Ministries and other organisations, such as the Mauritius Police Force and the Media Trust of Mauritius, showcases that there is growing support of public-private partnerships to combat the growing global scourge of TIP.

As part of the implementation of the project, a workshop was organised in collaboration with Justice & Equity (J&E) Canada and a number of development partners in November 2015 to raise awareness among legal and law enforcement officials, and those who provide assistance to victims of TIP.

The workshop was attended by major stakeholders drawn from a wide range of sectors in Mauritius with the aim to tighten measures and implement more aggressive action against this scourge.

It is worth noting that an Inter-Ministerial Committee, chaired by the Attorney General, was set up in December 2015 to look into issues on TIP for an improved and coordinated response. In addition, a National Action Plan on TIP was being prepared at the time of compiling this publication.

The above example demonstrates that collaboration between relevant stakeholders is important to effectively address TIP in any country.

6.5 Joint Permanent Commissions critical to peace and security in SADC

Cooperation on peace and security matters is critical to the achievement of the SADC peace and security agenda.

Member States in the region have bilateral arrangements, through the Joint Permanent Commissions on Defence and Security (JPCDS), whereby they cooperate on issues that include trafficking in persons.

This is in line with the SADC Protocol on Politics, Defence and Security Cooperation 41, which promotes regional coordination and cooperation on security and defence matters, as outlined in Article 2(2)(d).

The Commissions have been used to address a number of security matters that affect concerned Member States.

For example, the JPCDS involving Botswana and Zimbabwe has dealt with public security matters that include TIP, smuggling, irregular migration, and other forms of transnational organised crime.42

Among the existing JPCs include the Angola/Zambia; Botswana/Namibia; Botswana/Zambia; South Africa/Zimbabwe; Zambia/Mozambique; Zambia/Zimbabwe; and the Zimbabwe/Mozambique joint permanent commissions.

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In addition, Bi-National Commissions (BNCs) also exist between Member States such as South Africa and Botswana, South Africa and Mozambique, and South Africa and Zimbabwe, whereby engagement is at the Head of State level to address common interests in various sectors.

These Commissions are a useful mechanism to address transnational organised crime collaboratively. It is important, therefore, that SADC Member States strengthen their efforts within the framework of the JPCDS and BNCs, and other available bilateral arrangements to effectively prevent and combat TIP.

6.6 SADC countries cooperate to facilitate effective and safe repatriation of survivors of trafficking in persons
Cooperation between SADC Member States is a necessity to ensure effective investigation and prosecution of reported cases, as well as to facilitate safe repatriation of survivors of trafficking in persons.

Mozambique set up the cross-border coordination working group with South Africa in 2012 and subsequently with Zimbabwe in 2015 in order to improve cooperation among key actors for enhanced protection of children, especially survivors of TIP.

The mechanism, sustained in the three countries that are constantly engaging with their relevant counterparts, has been key in identifying and agreeing on border referral mechanisms to facilitate effective and safe repatriation of children and to follow up on cases related to child trafficking.

The cross-border mechanism has also provided a platform for developing guidelines for the repatriation of children. The guidelines clearly indicate the roles and responsibilities of each stakeholder involved, making it possible for a more efficient service delivery, thus avoiding duplication of resources.

This is a good example where regional cooperation through cross-border coordination between neighbouring countries has enriched their communication and crafted guidelines to facilitate appropriate repatriation of children, including child victims of TIP.

6.7 Zimbabwe: Partnership instrumental in making parliamentary sensitisation a reality
Stakeholder collaboration was pivotal in making the trafficking in persons sensitisation workshop for Zimbabwe parliamentarians possible in November 2014.

The parliamentarians were drawn from the Parliamentary Portfolio Committee on Defence, Home Affairs and Security Services.

The sensitisation workshop was also attended by officers from the Parliament of Zimbabwe, Officer of the President and Cabinet, and the Ministry of Home Affairs.

The objectives of the workshop were as follows:

i. To sensitize the Defence, Home Affairs and Security Services Parliamentary Portfolio Committee on TIP broadly, and specifically on the Zimbabwe TIP legislative framework;

ii. To equip the Parliamentary Portfolio Committee with the necessary knowhow and capacity to engage the legislative framework and to reach out to other members of parliament and their constituents (the public at large);

iii. To strengthen the Committee’s ability to exercise its oversight function with regards the implementation of the TIP legislative framework; and

iv. To facilitate planning of the Committee’s prevention activities with a focus on public awareness raising, as well as strengthening legislation enforcement.

The country’s Ministry of Home Affairs collaborated with the SADC Secretariat, UNODC and IOM to facilitate the workshop, which was held in Kariba.

This collaboration was evidence that partnerships are instrumental to the successful implementation of regional and national responses to the crime of TIP.

The SADC Secretariat covered the conference package; IOM catered for road travel to and from Kariba for the participants and facilitators; while UNODC covered costs related to documentation and technical expertise. Experts from all the involved organisations facilitated the sensitisation workshop.

The lesson learnt from this activity was that in cases where there is no specific TIP budget allocated by the government and that no single organisation can cover all the financial costs related to an activity, partnerships and cost-sharing can enable the implementation of the activities in question.
7.0 RESEARCH AND INFORMATION SHARING

Research and the sharing of information provide the basis for effective response to trafficking in persons.

In addition to a considerable number of research and information sharing initiatives being conducted by regional organisations such as SADC Secretariat, and international organisations such as UNODC and IOM, including the annual TIP reports by the US Department of State, several studies have also been carried out at national level in the region.

This section explores the various lessons learnt in conducting research and information sharing on TIP in the SADC region.

7.1 Disaggregation and validation of crime data vital to SADC regional response

The disaggregation of Member States’ crime data is critical to informing the regional response to various criminal activities in the SADC region.

While all Member States collect statistics of criminal activities committed in their jurisdictions, some countries encounter challenges of disaggregating the data and appropriately managing it.

For example, in some cases, statistics on trafficking in persons are collated together with statistics on smuggling of migrants and irregular migration, without a clear demarcation of each criminal activity.

This was observed during the SADC regional research on TIP that was conducted in 2014 and 2015 with the aim of determining the nature, extent and impacts of TIP in the SADC region.

The research, conducted as part of the European Union-funded SADC Regional Political Cooperation Programme, was commissioned against the backdrop of a number of media and research reports on TIP in the SADC region whose validity and accuracy had been consistently questioned by Member States.

During the research, it was established that various agencies within the Member States collect data on TIP for divergent reasons based on their respective mandates, and in most cases, these agencies rarely communicate amongst themselves.

As such, if the data from these agencies is not validated, it will not tally resulting in the absence of uniform statistics on the crime in each country.

It is, therefore, important that a centralised national TIP data management and dissemination point is established in each Member States, with a mandate to collect, validate and disseminate statistics on the crime.
This is one of the objectives of the SADC regional database on TIP that was established in 2014 as a collaborative venture between SADC Secretariat and UNODC (see Lesson 6.1). Inadequate capacity of first-responders in identifying cases of TIP and differentiating them from associated criminal activities such as SOM is another challenge faced in the region. This has, in some cases, resulted in statistics on TIP being confused with statistics on SOM. Therefore, capacity development initiatives should be implemented to ensure that the front-line officers and service providers are able to differentiate between TIP, SOM, and irregular migration, and that these three aspects are appropriately documented. This will result in reliable statistics being collected and disseminated to inform evidence-based interventions at the national and regional levels.

7.2 South Africa, a hub for trafficking in persons, study says

A ground-breaking research exercise on trafficking in persons in South Africa found trafficking for prostitution, pornography, forced marriage, domestic servitude, forced labour, begging, and criminal activity including drug trafficking as the main forms of exploitation experienced in the country.43

The report by the Human Sciences Research Council (HSRC), titled ‘Tsireledzani: understanding the dimensions of human trafficking in southern Africa’, remains South Africa’s most comprehensive study on TIP to date. ‘Tsireledzani’ is a Venda word meaning ‘let’s protect each other’ 44 and is the name of the South African government’s initiative to combat TIP.45

The Tsireledzani initiative is headed by the prosecuting authority (the NPA) and involves government departments, international organisations and civil society partners.46 The programme received financial support from the European Union.47

The study highlights the fact that South Africa continues to be a hub and destination for victims of TIP and that serious intervention is necessary to curb this practice, which targets mostly women, girls and boys for a variety of reasons including prostitution, pornography, domestic servitude and forced labour.48

The Tsireledzani research report bemoaned the lack of official systems for recording cases of TIP in the region, which makes it difficult to collect and analyse accurate statistics on the crime.

The study identified a number of TIP flows including South Africa as destination country for victims from outside Africa as well as those from other African countries; domestic TIP whereby victims are recruited and exploited within South Africa; South Africa as a transit country; and South Africa as a source country for victims being trafficked for exploitation abroad.

46 Ibid
47 ILO. Op cit.
48 Ibid
The vulnerability of people with albinism was also highlighted as they were more susceptible to being trafficked due to the belief that their perceived ‘white’ skin has potent ritual powers.

This study was instrumental in disclosing facts and figures on TIP in the country and also helped in the formulation and promulgation of the Prevention and Combating of Trafficking Act 7 of 2013 as well as the development of the National Strategic Plan for Addressing Trafficking in Persons, 2014.

The Tsireledzani research report is a result of a collaborative effort by the NPA, SAPS, the Department of Justice; the Department of Home Affairs; the Department for Social Development; the Department of Labour; and non-State actors including IOM; UNODC; and Molo Songololo, a national NGO that supports and empowers child or youth victims of sexual abuse, sexual exploitation and child trafficking.

This provides a very good example of research being conducted to obtain a more detailed national picture of TIP that has led to appropriate interventions in order to better combat TIP and protect people at risk in South Africa and other countries from this heinous crime.

The Tsireledzani report was published by HSRC on behalf of the NPA in 2010, at a time when South Africa and the SADC region were preparing for the 2010 FIFA World Cup.

7.3 Women and children are most vulnerable to trafficking in persons in Mozambique

Mozambique is both a source of and transit country for victims of trafficking in persons.

These were the findings of a recent study conducted in Mozambique titled Tráfico de Pessoas em Moçambique, em particular, de crianças (Trafficking in Persons in Mozambique, in particular the children).

According to the 2014 study, the crime is also committed within the country where mainly female victims are recruited from rural to urban areas for sexual and labour exploitation.

Evidence from the study also pointed out that women and children were the main victims of TIP, used primarily for labour and sexual exploitation.

The research identified Mozambique as the main corridor for TIP in the region, while South Africa was seen as the main destination of victims of TIP.

The study concluded with recommendations that include the approval of a National Plan to Prevent and Combat Trafficking in Persons, as well as strengthening cooperation with countries in the SADC region in addressing the crime.

The research, conducted by the Institute of International Relations (Instituto Superior de Relações Internacionais – ISRI), was commissioned by the Prosecutor General’s Office (Procuradoria-Geral da República – PGR) and funded by Save the Children in Mozambique.

It aimed to better understand and assess the extent of TIP in the country, with particular emphasis on how the scourge, which is prevalent in Mozambique and the SADC region, involved or impacted on children.

The Mozambique research is a good example of studies that are conducted at the national level and came up with recommendations that can be used for better and more evidence-based policy making on TIP.

7.4 SAPS: quarterly threats and trend analysis helps fight crime

A robust data management system is an important enabler in the fight against organised crime.

The South African Police Service (SAPS), through its DCPI (the ‘Hawks’), has embraced principles of data management and compiles national analysis reports on trafficking in persons and smuggling of migrants after every three months.

The DCPI collects and analyses the information with the aim of illustrating a picture on organised crime, particularly TIP, in the country.

The threat situation analysis reports are compiled in order to enhance the Hawks’ understanding of the nature of transnational organised crime and its impacts on South Africa and the southern African region. The reports also analyse the trends of the reported cases during the quarter, compared to the preceding quarters, as well as documenting the modus operandi used in committing the identified crimes. By grouping the cases according to provinces, this helps in identifying hotspots of the crimes in the country, and providing an understanding of the DCPI’s response to the identified cases of TIP and smuggling of migrants.

The analysis reports conclude with recommendations to strengthen the national response to TIP and smuggling of migrants, making them relevant tools in fighting the crime in the country. This presents a useful lesson on both research and information sharing, and monitoring and evaluation, as the collected data can be used to map trends over time, and show the impacts of the activities being implemented at the national level.

7.5 Lesotho: experiential learning yields Anti-Trafficking in Persons Regulations

Friday November 6, 2015, was a special day in Lesotho as the Anti-Trafficking in Persons Regulations that provide clarity on roles and responsibilities of stakeholders in implementing legislation on trafficking in persons were gazetted.

The Regulations were promulgated in response to Section 56 of the Anti-Trafficking in Persons Act, No. 1 of 2011, which provides for the Minister to make regulations guiding the implementation of the legislation.

The country’s Anti-Trafficking in Persons Act specifies, among others, that the regulations would provide for the manner in which victims are identified, interviewed and treated; standards and norms for the operation of referral centres; collection of data and exchange of information on TIP; and the establishment and management of the Victims of Trafficking in Persons Fund.

The gazetting of the Anti-Trafficking in Persons Regulations was a culmination of efforts both at the national and regional levels. For example, in May 2014, Lesotho embarked on a study tour to South Africa to exchange experiences on anti-TIP legislation implementation.

The Lesotho delegation met with officials from IOM as well as South Africa’s Departments of Home Affairs; and Justice and Constitutional Development.

The consultations in South Africa resulted in an outline that informed the process of drafting the Anti-Trafficking in Persons Regulations in Lesotho.

Some of the lessons learnt during the study tour were that:

i. Experience sharing is essential as it helps in developing capacity for Member States in combating TIP, as well as in enhancing Member States synergies;

ii. The drafting and subsequent implementation of the Anti-Trafficking in Persons Regulations require a multi-sectoral and multi-stakeholder approach;

iii. Widespread stakeholder consultations are necessary for the successful drafting, finalisation, implementation and ownership of Implementing Regulations and other legislation (see Lesson 2.1);

iv. A well-structured information system is an essential tool that informs the national response to the crime of TIP;

v. There is need for training of relevant stakeholders to enhance their capacity to implement the Regulations; and

vi. Monitoring and evaluation are key components governing the application of Anti-Trafficking in Persons Regulations.

The exchange visit was co-facilitated by SADC Secretariat and UNODC through financial support from the European Union as part of the RPC Programme of the SADC Secretariat.
8.0 RESOURCE MOBILISATION

Resource mobilisation is an important priority area to ensure continued and sustainable running of programmes on trafficking in persons in the SADC region.

This is achieved through the optimum use of available financial resources as well as securing new and additional funding.

The sources of the financial resources for TIP interventions in the SADC region are varied, and are either internal or external.

For example, there are several international cooperating partners that provide financial resources for preventing and combating TIP in the region.

These include the European Union, which funds the Regional Political Cooperation (RPC) Programme of the SADC Secretariat that seeks to, among others, ‘raise awareness, cooperation and action against trafficking in persons, especially women and children, in the SADC region.’

It is worth noting too that some Member States in SADC have also supplemented external funding mechanisms with their internal resources to sustain TIP activities in their respective jurisdictions.

In some cases, asset forfeiture has been used to raise resources to repatriate and provide assistance to victims of TIP (see Lesson 2.5).

However, resources to fund initiatives in response to TIP are difficult to secure, and resource-pooling and cost-sharing among stakeholders has been instrumental in getting the activities successfully implemented.

8.1 Operationalisation of national funds critical to victim support

Mobilising resources to facilitate the implementation of anti-trafficking in persons interventions in SADC Member States is a daunting task that countries in the region have to contend with.

The majority of Member States have encountered challenges with mobilising financial resources to facilitate implementation of their anti-TIP activities.

In some cases, financial resources have been provided by multilateral agencies such as the European Union that has funded several interventions in the region, in particular the anti-TIP activities through the SADC Regional Political Cooperation Programme.

However, Member States have also entrenched resource mobilisation in their respective TIP laws through the creation of national funds.

For example, the Botswana Anti-Human Trafficking Act of 2014 establishes a Victims of Trafficking Fund with the main purpose of providing assistance to victims of TIP.
Section 28 of the Act provides the various sources of the Fund, that include, among others, “moneys that may be appropriated by the National Assembly for the purposes of the Fund” and proceeds of the crime that may be confiscated accordingly.

A Victims of Trafficking Trust Fund was also established in Lesotho in accordance with the Kingdom’s Anti-Trafficking in Persons Act of 2011 (section 45).

The Act specifies that the Fund shall be resourced by “voluntary contributions to the Fund from individuals, organisations and the private sector; money that Parliament may approve for payment out of the Consolidated Fund into the Fund; grants from bilateral and multilateral sources; proceeds from confiscation of property connected with trafficking; and money from any other source approved by the Minister responsible for Finance” (section 47).

Section 47 of the Act provides the various uses that the Fund support, with a particular focus on victim assistance and capacity development.

In Madagascar, the legislation provides for the confiscation of property, assets and proceeds of crime and use such funds to resource the coffers that are managed and administered by the national office coordinating the response against TIP, the BNLTEH (article 36).

Meanwhile, Malawi’s Trafficking in Persons Act of 2015 makes it the responsibility of the government to “adequately fund the [National Coordination Committee against TIP] to enable it to perform its duties and functions and exercise its powers effectively” and the Committee may also receive grants and donations to resource its activities (section 50).

In addition, the Anti-Trafficking Fund consists of money appropriated by Parliament for payment into the Fund; grants or donations; money realised from proceeds of confiscation, seizure or sale of property connected with TIP; or money from a source approved by the Minister and Minister responsible for Finance (section 51).

The Fund can be used to finance “the training of enforcement officers, protection officers or any other personnel engaged in any capacity to effect the provisions of the Act; and the provision of care, assistance and support to victims of trafficking in persons” (section 52).

Similarly, the Prohibition of Trafficking in Persons Act of 2013 in Seychelles establishes a Trafficking in Persons Fund that consists of ‘moneys allocated from the Consolidated Fund; donations received for the purpose of the Fund; and other sources as may be determined by the [responsible] Minister’ (section 25(2)).

The Fund’s purpose includes payment of expenses related to provision of victim support as well as payment of compensation in accordance with the country’s Prohibition of Trafficking in Persons Act of 2013 section 18.

A similar fund also exists in Tanzania, where the Anti-Trafficking in Persons Act of 2008 establishes The Anti-Trafficking Fund (section 25).

The Fund, according to section 26, consists of “such amount of money as may be appropriated by the Parliament; voluntary contributions from individuals, NGOs and private sector; grants and donations from bilateral and multilateral organizations; any sums of money or property which may in any manner become payable to or vested in the fund; and such other sums of money which may be disbursed for the Fund.”

The Act stipulates that the Fund can be used “to support the basic material needs of victims of trafficking in persons; for training of victims of trafficking in persons; for tracing the families of victims of trafficking in persons; and for any matter connected with the rehabilitation and reintegration of victims of trafficking in persons” (section 27).

One of the first SADC Member States to enact law on TIP, Zambia, also made provisions for the establishment of the Human Trafficking Fund.

According to section 102(2) of the Anti-Human Trafficking Act of 2008, the Fund consists of “voluntary contributions for the Fund from any person; such monies as Parliament may approve for purposes of the Fund; and any grants from any source within or outside Zambia approved by the Minister responsible for Finance.”

The purpose of the Fund includes provision of “basic material support of victims; skills training of victims; tracing the families of victims; and any other matter connected with the rehabilitation and reintegration of victims in their best interest” (section 102(3)).

Although the majority of the SADC Member States established the funds in accordance with their respective laws, it is imperative that these Funds are operationalised.

Without the operationalisation of the Funds, the anti-TIP interventions in the Member States will remain inadequately resourced.