

A large, red octagonal stop sign with a white border. The word "STOP" is written in bold, white, sans-serif capital letters across the center. The sign is positioned on a blue background, and its right edge is partially obscured by a torn, light-colored paper edge.

Stop Human Trafficking

United to fight 'trafficking in persons' in the SADC Region



*Trafficking in Persons in the SADC Region:
a baseline report*

July 2016

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PREFACE



SADC Member States emphasised their commitment towards preventing and combating trafficking in persons when they 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, in 2009. The Strategic Plan of Action acknowledges that women and children are particularly vulnerable to trafficking in persons as a result of the inequalities that are rooted in social systems, such as patriarchy, that are prevalent in most societies in the region.

Trafficking in persons is a public security concern in SADC Member States as it is around the world. The impacts of this crime are far-reaching, affecting individuals, communities and the wider region thereby depreciating the socio-economic status of the region's citizens to mere commodities, as well as impacting negatively on SADC's peace and security agenda.

In response to this prevalent malady, SADC Member States adopted the *10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)* in order to have a comprehensive and coordinated response to the crime. The Strategic Plan of Action aims to provide a platform for sharing information, experiences and expertise; building the capacity of all stakeholders and identifying effective practices in implementing activities towards preventing and combating trafficking in persons in the region. Due to the dearth of reliable data on the crime, the SADC regional research on trafficking in persons was conducted in 2014 and 2015 responding to the 'research and information sharing' priority as outlined in the Strategic Plan of Action.

The resultant research report, titled '*Trafficking in Persons in the SADC Region: a baseline report*', was compiled from data gathered from government departments and relevant stakeholders in Member States, as well as regional and international organisations working in the field of trafficking in persons. The research responds to the limited availability of region-wide representative data that can build a knowledge base on trafficking in persons in the SADC region. It also complements other research initiatives conducted globally, in the region, and in respective Member States on trafficking in persons. The report, therefore, consolidates the findings in these researches as well as generating knowledge specific to the SADC region. The main findings indicate that the majority of the countries in the region act as source and transit countries, while some countries are primarily destination countries for victims of trafficking in persons in the region. In addition, there have been several convicted cases involving internal or domestic trafficking in persons in some Member States. It is, therefore, important for Member States to intensify their efforts against the trafficking in persons criminal syndicates.

The response to trafficking in persons is inadequate without comprehensive national legislation criminalising the practice. It is encouraging to note that to date, 13 of the 15 Member States have enacted and are implementing specific legislation on trafficking in persons. However, challenges still exist with regards the enforcement of such legislative frameworks, thereby making skills enhancement of key service providers a key component of the regional response if the region is to effectively prevent and combat the crime. This research report provides an assessment of the various forms of exploitation that the victims (or survivors) of trafficking in persons endure, and identifies the groups that are vulnerable to exploitation by the criminal syndicates. It maps the trafficking in persons flows in the SADC region, and provides an understanding into the various strategies employed by the traffickers in recruiting their victims. In addition, it outlines some of the push, pull and enabling factors that drive trafficking in persons in the region. The report further underscores the importance of continued public awareness raising on the crime of trafficking in persons, targeted specifically at vulnerable and remote population groups.

I am hopeful that the information presented in this publication will inform SADC Member States' response to trafficking in persons, and raise awareness of the crime in the SADC region. The recommendations call for the intensification of efforts towards the effective prevention and combating of trafficking in persons in the region. Emphasis should also be on the collaborative implementation of initiatives within Member States and across the region to ensure that such criminal activities are not committed in SADC. It is also anticipated that this regional research report will provide an impetus for sector-specific and country-specific research and experience sharing on the crime in the SADC region.

In this regard, the SADC Secretariat is committed to facilitating the development and implementation of policies that will ensure effective prevention, reporting and combating of transnational organised crime, such as trafficking in persons in the region.



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Executive Secretary
SADC Secretariat
Gaborone, July 2016

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The Secretariat would also like to thank the European Union for supporting the SADC regional response to TIP through the Regional Political Cooperation (RPC) Programme, a programme of the SADC Secretariat from 2013 to 2017. The Programme seeks to implement the *10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)*, a strategy that was adopted by SADC Member States in 2009. This research was conducted under the auspices of the RPC programme.

The implementation of the regional response to trafficking in persons has benefited from the cooperation of various regional and international cooperating partners and expert organisations. Their experiences in preventing and combating trafficking in persons were instrumental in conducting and finalising this research process.

The Secretariat is also indebted to the Technical Assistant and team that conducted this research. In addition, the support that the process received from the various Directorates and Units at the SADC Secretariat is fully appreciated.

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LIST OF ACRONYMS AND ABBREVIATIONS

AIDS	Acquired immune deficiency syndrome
AU	African Union
AU COMMIT	African Union Commission Initiative against Trafficking
BNLTEH	Bureau National de Lutte contre la Traite des Etres Humains (Madagascar)
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DPP	Directorate of Public Prosecutions (Swaziland)
DRC	Democratic Republic of Congo
EU	European Union
GBV	Gender-based violence
HIV	Human immunodeficiency virus
HSRC	Human Sciences Research Council
ICPO-INTERPOL	International Criminal Police Organization (ICPO-INTERPOL)
ICT	Information and communication technology
IDP	Internally Displaced Person
ILO	International Labour Organization
IOM	International Organization for Migration
JPC	Joint Permanent Commission on Defence and Security
KRA	Key result area
LMPS	Lesotho Mounted Police Service
MCRD	Millennium Centre for Research and Development
MGECW	Ministry of Gender Equality and Child Welfare (Namibia)
NAMPOL	Namibia Police Force
NCP	National Contact Point
NCCTIP	National Coordinating Committee on Trafficking in Persons (Seychelles)
NGO	nongovernmental organisation
NPA	National Prosecuting Authority (South Africa)
OECD	Organization for Economic Cooperation and Development

OHCHR	Office of the High Commissioner for Human Rights
OPG	Office of the Prosecutor-General (Namibia)
OSCE	Organization for Security and Co-operation in Europe
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the UNTOC)
PGR	Procuradoria-Geral da República (Mozambique)
PPCP	Public-private community partnership
POCA	Prevention of Organised Crime Act
REC	Regional Economic Community
RPC	Regional Political Cooperation
SADC	Southern African Development Community
SADCC	Southern African Development Coordinating Conference
SAPS	South African Police Service
SANTAC	Southern Africa Regional Network against Trafficking and Abuse of Children
SOM	Smuggling of migrants
SOPs	Standard Operating Procedures
SPA	Strategic Plan of Action
STI	Sexually Transmitted Infection
TIP	Trafficking in Persons
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organised Crime
USA	United States of America

GLOSSARY OF TERMS

Documented migrants or those in a regular situation are persons that are authorised to enter, stay and perform remunerated activity within the State of employment in terms of the national laws of that State and the international agreements to which the State is a party.¹

Forced labour means all work or service exacted from any person under the threat of any penalty and for which the said person has not offered themselves voluntarily.² It is important to note that there are two main elements to the definition of forced labour:

- (i) the work or service is exacted under threat of a penalty; and
- (ii) the work or service is undertaken involuntarily (ILO 2009).

Fraudulent travel or identity document is one that:

- (i) has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorised to make or issue the travel document on behalf of a State; or
- (ii) has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
- (iii) is being used by a person other than the rightful holder.³

Illegal entry into a State is defined as crossing borders without complying with the necessary requirements for legal entry into the receiving State.⁴

Irregular migration means the movement that occurs outside the regulatory norms of the sending (source), transit and receiving (destination) countries.⁵

Labour exploitation involves making employees work in conditions that are unacceptable by labour standards. These could include long working hours, working in environments that put the health of the employee at risk, etc. It is of paramount importance that the indicators between forced labour and labour exploitation are clearly differentiated, and that the implementation of the various pieces of laws is properly guided. ILO (2009:3) argues that Governments 'should provide clear policy guidance on the "grey areas" of labour exploitation that may spill over to forced labour.'

¹ Article 5(a) of the International Convention on the Rights of All Migrant Workers and Members of their Families.

² See Article 2 of the *Forced Labour Convention, 1930 (No. 29)*, available online at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C029. There are, however, exceptions for work required by compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law (provided that the work or service is carried out under the supervision and control of a public authority and that the person carrying it out is not hired to or placed at the disposal of private individuals, companies or associations), in cases of emergency, and for minor communal services performed by the members of a community in the direct interest of the community. Additionally, the *Protocol of 2014 to the Forced Labour Convention, 1930*, reaffirms the definition as provided for in the Convention, and includes specific action against trafficking in persons for the purposes of forced or compulsory labour. See *Protocol of 2014 to the Forced Labour Convention* available online at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174672:NO

³ Article 3(c) of the Protocol against the Smuggling of Migrants by Land, Sea and Air (supplementing the United Nations Convention against Transnational Organised Crime).

⁴ Article 3(b) of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

⁵ For a detailed discussion of irregular migration and other migration terms, see <http://www.iom.int/key-migration-terms>

A **migrant worker** is a person who “is engaged or has been engaged in a remunerated activity in a country of which [they are] not a national”.⁶

Smuggling of migrants (SOM) means “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.⁷

Trafficking in persons (TIP)⁸ means:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Table 1: Distinction between trafficking in persons and smuggling of migrants

	Trafficking in persons (adults)	Trafficking in persons (children)	Migrant smuggling
Victim's age	Over 18	Below 18	Irrelevant
Mental element	Intention	Intention	Intention
Material element	<ul style="list-style-type: none"> • Act • Means • Exploitative purpose 	<ul style="list-style-type: none"> • Act • Exploitative purpose 	<ul style="list-style-type: none"> • Act: procurement of illegal entry • Purpose: for financial or other material benefit • May turn into trafficking when smugglers take advantage of the position of vulnerability of the undocumented migrants
Consent of the trafficked or smuggled person	Irrelevant once the means are established	Irrelevant. Means do not need to be established	The smuggled person consents to the smuggling
Transnationality	Not required	Not required	Required
Involvement of an organised crime group	Not required	Not required	Not required

Source: Adapted from UNODC (2009)

Undocumented migrants or migrants in an irregular situation are those that do not comply with the definition of documented or regular migrants.⁹

Victim/survivor of TIP¹⁰:

⁶ Article 2(1) of the International Convention on the Rights of All Migrant Workers and Members of their Families

⁷ Article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air

⁸ Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereinafter referred to as the Palermo Protocol). The protocol supplements the United Nations Convention against Transnational Organised Crime (UNTOC). In this report, ‘trafficking in persons’ and ‘human trafficking’ are used interchangeably.

⁹ Article 5(b) of the International Convention on the Rights of All Migrant Workers and Members of their Families.

¹⁰ In this report, the terms ‘victims of TIP’ and ‘survivors of TIP’ will be used interchangeably.

- i) For the purposes of provision of support and protection,¹¹ victim of TIP means “any natural person who has been subject to trafficking in persons or whom the competent authorities, including the designated non-governmental organisations where applicable reasonably believe is a victim of trafficking in persons, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted”.¹²
- ii) For all other purposes, means, “a person who has suffered harm, including mental and physical injury, emotional suffering, economic loss or substantial impairment of the person’s fundamental rights through acts [that constitute trafficking in persons]”.¹³
- iii) Includes, “where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization”.¹⁴

¹¹ Including information, basic benefits and services, general protection, protection of children, protection of data and privacy, relocation, recovery and reflection period, temporary or permanent resident permit, return of victim to legislating State, repatriation of victim to another State, verification of legitimacy and validity of documents upon request. See Articles 19-22, 25, 26, 30-34 of the UNODC Model Law Against Trafficking in Persons.

¹² See Article 5 (v) (including the commentary) of the UNODC Model Law against Trafficking in Persons, pp. 22-23.

¹³ Ibid.

¹⁴ Ibid.

1.0 INTRODUCTION

Trafficking in persons (TIP) is a long-standing feature of the socio-economic landscapes both in developed and developing nations. TIP is a cause for concern because it is intertwined with human rights violations (UNESCO, 2006:19). In this report, human rights violation is loosely translated to show the infringement of people's rights by the perpetrators, whether as individuals or as part of a syndicate. The Organisation for Economic Cooperation and Development (OECD) identifies three facets of the relationship between TIP and human rights violations:¹⁵

- i) The root causes of TIP such as poverty, discrimination, general insecurity and violence indicate that the emergence of TIP often occurs where people have been deprived of their human rights;
- ii) The process of TIP itself constitutes the violation of the human rights of victims, including the right to freedom and security of the person; the right to freedom from servitude or slavery; the right not to be subjected to cruel, inhuman or degrading punishment; and the right to freedom of movement; and
- iii) Victims of trafficking may be subjected to human rights violations at the hands of governments, for example, as a result of policies that prioritise their arrest, detention and deportation for offences related to their status.

While generating significant revenues for perpetrators every year (HSRC, 2010:135 and Wheaton et al 2009), TIP retards the socio-economic advancement of victims and has a detrimental impact on their communities' and nations' developmental trajectories.

A number of global initiatives have aimed to address TIP. An important measure was the recognition of TIP as a transnational organised crime within the scope of the *United Nations Convention against Transnational Organised Crime (UNTOC)*, which was adopted in 2000. UNTOC is supplemented by three Protocols, one of which is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (hereinafter referred to as Palermo Protocol), which was adopted in the same year.

Both UNTOC and the Palermo Protocol provide guidelines for State Parties to comprehensively prevent and combat TIP through a wide range of measures aimed at the prevention of TIP, protection of victims and prosecution of traffickers. To date, all SADC Member States have either ratified or acceded to both UNTOC and the Palermo Protocol (see **Table 2**). As such, these Member States are bound to introduce legislative, policy and practical measures to prevent and combat TIP within their respective jurisdictions.

¹⁵ OECD Governance and Democracy Division 'Trafficking in Persons as a human rights issue' accessed at <http://www.oecd.org/dac/gender-development/44896390.pdf> on 30/06/2016.

Table 2: SADC Member States are party to global legislative frameworks on TIP

Country	United Nations Convention against Transnational Organised Crime		Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	
	Date of signature	Date of ratification or accession (a)	Date of signature	Date of ratification or accession (a)
Angola	13.12.2000	01.04.2013	–	19.09.2014 (a)
Botswana	10.04.2002	29.08.2002	10.04.2002	29.08.2002
Democratic Republic of Congo (DRC)	–	28.10.2005 (a)	–	28.10.2005 (a)
Lesotho	14.12.2000	24.09.2003	14.12.2000	24.09.2003
Madagascar	14.12.2000	15.09.2005	14.12.2000	15.09.2005
Malawi	13.12.2000	17.03.2005	–	17.03.2005 (a)
Mauritius	12.12.2000	21.04.2003	–	24.09.2003 (a)
Mozambique	15.12.2000	20.09.2006	15.12.2000	20.09.2006
Namibia	13.12.2000	16.08.2002	13.12.2000	16.08.2002
Seychelles	12.12.2000	22.04.2003	22.07.2002	22.06.2004
South Africa	14.12.2000	20.02.2004	14.12.2000	20.02.2004
Swaziland	14.12.2000	24.09.2012	08.01.2001	24.09.2012
United Republic of Tanzania	13.12.2000	24.05.2006	13.12.2000	24.05.2006
Zambia	–	24.04.2005 (a)	–	24.04.2005 (a)
Zimbabwe	12.12.2000	12.12.2007	–	13.12.2013

(a) = accession

Source: United Nations Treaty Collection

In 2007, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was established by the following agencies:

- International Labour Organization (ILO);
- International Organization for Migration (IOM);
- Office of the United Nations Commissioner for Human Rights (OHCHR);
- Organization for Security and Cooperation in Europe (OSCE);
- United Nations Children's Fund (UNICEF); and
- United Nations Office on Drugs and Crime (UNODC).

This initiative recognises the importance of a cooperative approach and promotes partnerships and coordination amongst State and non-State stakeholders including business, academia, civil society and the media to effectively combat TIP.

Meanwhile, the UN General Assembly adopted the *UN Global Plan of Action to Combat Trafficking in Persons* in 2010. While it recognises the existing international and regional initiatives to combat TIP, the Global Plan of Action seeks to galvanise Member States to take concrete measures towards prevention, protection and prosecution of TIP. Importantly, it calls for the strengthening of partnerships at national, regional and international levels, adding the fourth 'P' [partnerships] to the generally recognised three 'Ps' [prevention, protection and prosecution] for responding to TIP.

1.1 About the Southern African Development Community

The Southern African Development Community (SADC), is a grouping of 15 Member States that aims to “achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration”.¹⁶ SADC Member States have committed to cooperating in several sectors including food security, land, agriculture, human resources development, industry, trade, investment and finance, and social welfare¹⁷, as well as politics, defence and security.¹⁸ The regional organisation was established in 1980 as the Southern African Development Coordination Conference (SADCC), and became the Development Community (SADC) in 1992.¹⁹ This research was carried out in SADC Member States as detailed in **Section 2**.

1.2 Legislative response to TIP in SADC

SADC has taken a firm stand to address TIP. Several of its key legal instruments and strategic frameworks that detail measures to address TIP and/or associated criminal activities include the:

- *10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)*;
- *SADC Protocol on Gender and Development (2008)*;
- *SADC Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO)*;
- *SADC Protocol on Mutual Legal Assistance in Criminal Matters (2002)*;
- *SADC Protocol on Extradition (2002)*;
- *SADC Code of Conduct on Child Labour (2000)*; and
- *SADC Protocol on Combating Illicit Drug Trafficking in SADC (1996)*.

Importantly, the *10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)* was specifically adopted to guide efforts to combat TIP in the SADC Region. The Strategic Plan of Action (SPA) outlines the principles that should underpin efforts to combat TIP in the region. It also outlines the minimum requirements for a comprehensive response to the crime of TIP and identifies eight strategic priorities to be implemented by Member States at both national and regional levels. **Box 1** lists the strategic priorities:

Box 1: Strategic Priorities for Action identified in the 10 Year SPA

Priority #1:	Legislation and policy measures
Priority #2:	Training for skills enhancement and capacity building (on trafficking in persons)
Priority #3:	Prevention and public awareness raising
Priority #4:	Victim support and witness protection
Priority #5:	Coordination and regional cooperation
Priority #6:	Research and information sharing
Priority #7:	Monitoring and evaluation
Priority #8:	Resource mobilisation

Source: SADC Secretariat (2009)

¹⁶ See Article 5(1) (a) of the Treaty Establishing the Southern African Development Community (1992). The 15 Member States of SADC are Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

¹⁷ Article 21(3) of the SADC Treaty (1992).

¹⁸ See the SADC Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO), a key implementation framework for the Protocol on Politics, Defence and Security Cooperation: <http://www.sadc.int/index.php?cID=203>.

¹⁹ For a detailed discussion on the history of SADC, see <http://www.sadc.int/about-sadc/overview/history-and-treaty/>

Furthermore, SADC Member States, together with other African States have adopted legal instruments that include the *African Charter on the Rights and Welfare of the Child* (1990), the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa* (2003), and the *African Youth Charter* (2006). These instruments call African Union (AU) Member States to prevent, condemn and address TIP, especially women and children. As SADC is one of the eight (8) AU regional economic communities (RECs)²⁰, the legislative framework at the AU level is also applicable in the SADC region.

In addition, AU and European Union (EU) Member States adopted the *Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children* in 2006. This Action Plan calls for action in relation to prevention and awareness raising, capacity building of institutions, training and capacity building of criminal justice officials and measures to support protection and rehabilitation centres for victims of TIP. In 2009, the AU Commission adopted the AU Commission Initiative against Trafficking (AU COMMIT) as a campaign to consolidate and galvanise the AU's efforts and other global, regional and national initiatives to combat TIP.

Individual SADC Member States have also signed and ratified various international instruments that oblige State Parties to take action to prevent TIP, identify, prosecute and punish offenders, and to protect and support victims of trafficking. These include UNTOC and its Palermo Protocol, the *United Nations Convention on the Rights of the Child* (CRC), the *Convention on the Elimination of All forms of Discrimination against Women* (CEDAW); and the *ILO Convention on the Worst Forms of Child Labour* (No.182, 2000). Table 3 shows other relevant Conventions, apart from UNTOC and Palermo Protocol, ratified by SADC Member States.

Table 3: Relevant global conventions ratified or acceded to by SADC Member States

Country	CEDAW	Convention on the Rights of the Child (CRC)	ILO Forced Labour Convention No. 29	ILO Abolition of Forced Labour Convention, No. 105	ILO Worst Forms of Child Labour Convention, No. 182
Angola	17.09.1986a	05.12.1990	04.06.1976	04.06.1976	13.06.2001
Botswana	13.08.1996a	14.03.1995a	05.06.1997	05.06.1997	03.01.2000
DRC	21.04.1983	27.09.1990	20.09.1960	26.11.1990	20.01.2001
Lesotho	22.08.1995	10.03.1992	31.10.1966	14.06.2001	14.06.2001
Madagascar	17.03.1989	19.03.1991	01.11.1960	06.06.2007	04.10.2001
Malawi	12.03.1987a	02.01.1991a	19.11.1999	19.11.1999	19.11.1999
Mauritius	09.07.1984a	26.07.1990a	02.12.1969	02.12.1969	08.06.2000
Mozambique	21.04.1997a	26.04.1994	16.06.2003	06.06.1977	16.06.2003
Namibia	23.11.1992a	30.09.1990	15.11.2000	15.11.2000	15.11.2000
Seychelles	05.05.1992	07.09.1990a	06.02.1978	06.02.1978	28.09.1999
South Africa	15.12.1995	16.06.1995	05.03.1997	05.03.1997	07.06.2000
Swaziland	26.03.2004a	07.09.1995	26.04.1978	28.02.1979	23.10.2002
Tanzania	20.08.1985	10.06.1991	30.01.1962	30.01.1962	12.09.2001
Zambia	21.06.1985	06.12.1991	02.12.1964	22.02.1965	10.12.2001
Zimbabwe	13.05.1991a	11.09.1990	27.08.1998	27.08.1998	11.12.2000

a = accession

Source: Adapted from UN and ILO ratification records as at 31 August 2015

²⁰ The other RECs are the Arab Maghreb Union (AMU), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), and the Intergovernmental Authority on Development (IGAD).

In addition to these efforts, SADC Member States have enacted comprehensive legislation aimed at combating TIP since 2008. **Table 4** shows the titles of legislation developed in SADC Member States.

Table 4: SADC Member States' progress in developing national anti-TIP legislation

Country	Title of national legislation on trafficking in persons
Angola	<i>Lei sobre a Criminalização das Infracções subjacentes ao Branqueamento de Capitais, Lei 3/2014</i> [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.
Botswana	The Anti-Human Trafficking Act, No. 32 of 2014
Democratic Republic of Congo (DRC)	<i>Loi N° 09/001 du janvier 2009 portant protection de l'enfant</i> [Child Protection Code, Law 09/001, which includes a chapter on Child Trafficking] <i>Preparations were in place to draft and enact specific legislation on TIP at the time of concluding the research</i>
Lesotho	Anti-Trafficking in Persons Act, No. 1 of 2011
Madagascar	<i>LOI N° 2014-040 du 20 janvier 2015</i> [Anti-Trafficking in Persons Law No. 40 of 2014] <i>amending LOI N° 2007-038 du 14 janvier 2008</i> [Anti-Trafficking Law No. 38 of 2007].
Malawi	Trafficking in Persons Act, No. 3 of 2015
Mauritius	Combating of Trafficking in Persons Act, No. 2 of 2009
Mozambique	Trafficking in Persons Law, No. 6 of 2008
Namibia	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) <i>Preparations were in place to enact specific legislation on TIP at the time of concluding the research</i>
Seychelles	Prohibition of Trafficking in Persons Act, No. 9 of 2014
South Africa	Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013
Swaziland	The People Trafficking and People Smuggling (Prohibition) Act, No. 7 of 2009
United Republic of Tanzania	The Anti-Trafficking in Persons Act, No. 6 of 2008
Zambia	The Anti-Human Trafficking Act, No. 11 of 2008
Zimbabwe	Trafficking in Persons Act, No. 4 of 2014

Source: Member States

In addition to principle legislation, and in line with their respective legislative frameworks, a number of Member States have also drafted subordinate legislation, including policies, national action plans, referral mechanisms, and standard operating procedures (SOPs) to guide their response to the crime of TIP within their jurisdictions.

Although SADC Member States have adopted several national, regional and international legal and policy measures to combat TIP over the past few decades, the critical questions relate to how these measures can be effectively implemented to enable the Member States to effectively address the challenge of TIP in the region.

2.0 BACKGROUND, OBJECTIVES AND SCOPE OF THE RESEARCH

2.1 Background to the research assignment

The research was undertaken under the auspices of the EU-funded SADC Regional Political Cooperation (RPC) Programme. The overall objective of the RPC Programme is to promote peace and security as a basis for economic growth and poverty reduction in SADC. The Programme's purpose is to strengthen SADC's capacity to implement its mandate to effect regional integration in the areas of politics, governance, peace and security. The RPC Programme has four key result areas (KRAs) relating to democratic institutions, conflict management, disaster risk reduction and management, and TIP.

This research was undertaken under the fourth KRA, which seeks to raise awareness, cooperation and action against TIP in the SADC region. This is detailed in Box 2 below.

Box 2: Main activities under the RPC Programme's KRA 4

4.1 Strengthening SADC Secretariat's capacity to effectively facilitate, monitor and evaluate the implementation of the Regional Strategic Plan of Action on trafficking in persons;

4.2 Developing and strengthening inter-state cooperation and capacity in the combating of trafficking in persons; and

4.3 Strengthening the capacity of stakeholders in the region to effectively combat trafficking in persons, especially women and children.

The design and implementation of the activities for the RPC Programme's KRA 4 are informed and guided by the *10 Year SADC SPA on Combating TIP (2009-2019)*.

2.2 Objectives of the research

The global objective of this research was "to develop and strengthen inter-State cooperation and capacity in combating trafficking in persons in SADC". More specifically, the research sought to determine the nature, extent and impacts of TIP in the SADC region. It is anticipated that the research findings will inform the implementation of the SADC SPA on Combating TIP, of the RPC Programme's KRA on TIP, as well as other initiatives implemented in SADC Member States towards combating the crime. The research was commissioned against the backdrop of a number of media and research reports about the extent of TIP in the SADC region that Member States constantly raised concerns over their validity and accuracy on the situation regarding TIP in the SADC region.

2.3 Scope of the research

This identifies the nature, causes and extent of TIP in SADC, with a specific focus on:

- Collecting data on the trends in the number of victims of trafficking in SADC Member States since 2008; including the key origin, transit and destination countries;
- Identifying the social groups that are most vulnerable to TIP;
- Identifying the push and pull factors contributing to TIP and the factors enabling the trafficking of persons in the region;

- Identifying strategies employed by perpetrators to recruit and control victims;
- Identifying the forms of exploitation to which victims of TIP are subjected;
- Identifying the impacts of TIP on victims and communities; and
- Making recommendations as to how Member States can effectively address TIP.

3.0 RESEARCH METHODOLOGY

The research methodology combined a review and analysis of primary and secondary data on TIP.

3.1 Review of secondary sources

The following secondary sources of data were consulted:

- legal instruments and policy documents at international, regional and national levels;
- official government data and reports on TIP;
- data and reports from international organisations, non-governmental organisations (NGOs) and civil society organisations (CSOs) working on TIP;
- academic books, journal articles and research reports; and
- media reports.

3.2 Primary data collection

The primary data collection involved interviews with key informants in SADC Member States and regional stakeholders involved in counter-trafficking activities. Information was collected largely through email questionnaires and telephone interviews. In addition, four (4) Member States—Namibia, Mozambique, South Africa and Zimbabwe—were consulted for in-depth data collection through face-to-face interviews.

The following criteria guided the selection of the Member States for face-to-face interviews:

1. *Diversity in progress with the enactment of specific legislation to combat TIP:* This was important to gain deeper knowledge of the dynamics, strengths and weaknesses of current national and regional counter-TIP measures and to better understand the support and capacity needs of Member States. It was, therefore, necessary to include Member States that pioneered the introduction of specific anti-TIP legislation in the region (Mozambique), Member States that recently enacted specific legislation (South Africa and Zimbabwe), and those that were yet to enact legislation specific to combating TIP (Namibia).
2. *Geographical representation:* it was necessary to capture the dynamics of TIP in different parts of the region and to include both landlocked (Zimbabwe) and coastal Member States (Mozambique, Namibia and South Africa).
3. *Diversity in relation to TIP flows:* A review of literature had shown that TIP is taking place internally within SADC Member States as well as intra-regionally within Member States. Reports suggested that victims are also trafficked from other regions and continents into SADC and vice versa. In addition, some SADC Member States are transit points for TIP between different regions or continents. It was considered worthwhile for the chosen Member States to reflect the different flows of TIP and identify their dynamics to ensure the appropriateness of responses thereto.
4. *Diversity in relation to income levels:* It was necessary to include Member States at different points of the spectrum from low- to high- level incomes.

5. *Diversity in relation to population size:* The selection considered the diversity in population size in the SADC region, and included those Member States with relatively small populations, as well as those with large populations in the region.

Table 5 provides a matrix indicating the application of the criteria in the choice of the Member States for the case studies.

Table 5: Choice of Member States for case studies

Member State	TIP Act	GDP per capita* (US \$)	Population (million)	Geographic size (sq. km)	Border	Bordering States	Reported TIP flows
Mozambique	Yes (2008)	697	25,042	799,380	Coastal	Malawi, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe	Source, transit and destination
Namibia	No	5,309	2,238	825,615	Coastal	Angola, Botswana, South Africa, Zambia	Source, transit and destination
South Africa	Yes (2013)	6,485	54,002	1,220,813	Coastal	Botswana, Lesotho, Mozambique, Namibia, Swaziland, Zimbabwe	Source, transit and destination
Zimbabwe	Yes (2014)	1,056	13,447	390,757	Landlocked	Botswana, Mozambique, South Africa and Zambia	Source, transit and destination

Source: SADC Statistical Yearbook, 2014

Key informants who were invited to participate in the research were drawn from the following:

- i) Government departments, inclusive of the law enforcement departments in the respective Member States;
- ii) Regional and international intergovernmental bodies;
- iii) National, regional and international CSOs, NGOs and the private sector; and
- iv) Researchers conducting national or regional research on TIP within the SADC region.

3.2.1 Data collection, analysis and validation

In order to capture information on the diversity of activities and experiences of the various stakeholders, six different questionnaires were drafted to target the following stakeholders:

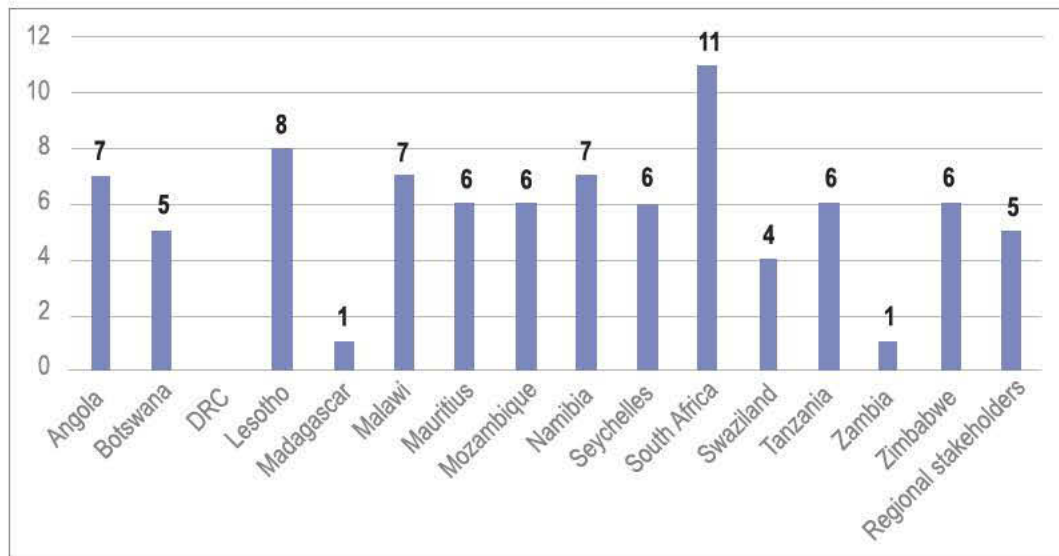
- Criminal justice agencies;
- Agencies involved in providing victim support and witness protection;
- Agencies involved in prevention, awareness raising and advocacy activities;
- Departments of immigration and labour in Member States;
- Agencies or individuals involved in research activities; and
- Agencies involved in capacity development or training activities.

A list of contacts in each Member State and regional bodies was compiled drawing from SADC Secretariat's contacts, contacts from the relevant government departments and international organisations addressing TIP issues in the Member States, as well as contacts obtained from media and research reports, and online directories.

A snowballing sampling technique, whereby one respondent recommends another potential respondent for data collection, was also used to identify potential participants through referrals from key informants who participated in the study.

Figure 1 provides a breakdown of the questionnaires that were submitted per Member State and by regional stakeholders. Additional information was sourced to complement the submitted questionnaires, while for DRC and Zambia, the collected information was insufficient to provide a detailed analysis on TIP in these countries.

Figure 1: Breakdown of questionnaires submitted by Member States and Regional Stakeholders



A validation workshop was held from 28th to 30th April 2015 where the preliminary findings from the research were presented and critiqued. National and regional stakeholders made submissions to improve the research report. Stakeholders were subsequently given additional time to further consult with their counterparts in their respective Member States and submit additional information to supplement the preliminary findings. This process was concluded in January 2016.

3.2.2 Strengths and limitations of the study

This research endeavoured to cover the whole of the SADC region, allowing for a more holistic understanding of the nature, extent and dynamics of TIP and the counter-TIP activities in the entire region. As a result, the research collected some information to shed light on how TIP is perceived in the region, and how Member States are responding to this phenomenon.

The research process also factored in Member States validation of the findings. The validation conducted in April 2015 identified gaps that resulted in Member States and organisations working in the area of migration and TIP submitting additional information to fill in the identified gaps.

Meanwhile, time constraints, as well as the sensitivities and ethical implications associated with involving victims of TIP and traffickers made it impossible to include them in this study. Nevertheless, a significant number of respondents that had interacted with victims of TIP, as part of their organisations' mandates, provided useful information particularly on the victims' experiences and circumstances.

The respondents also identified a number of challenges relating to the availability, accessibility and reliability of data on TIP in the region, including:

1. *Limited tools and expertise to identify cases of TIP:* Comprehensive TIP legislation is relatively new in the region, and several Member States are in the early stages of developing implementation tools such as SOPs and referral mechanisms to identify and assist TIP victims and detect cases of TIP. At the time that this study was conducted, the majority of SADC Member States were still in the process of fully capacitating their front-line officers to identify and handle cases of TIP. Consequently, these officers were likely to confuse TIP with often-related crimes such as SOM, irregular migration, abduction, forced prostitution and rape (Allais, 2013: 279-280).
2. *Non-disaggregation of data kept by agencies providing victim support and protection:* Generally, TIP falls under the broader mandate of most State and non-State institutions providing victim assistance and protection. The mandate of these institutions typically covered groups such as persons in need of psycho-social support, victims of gender-based violence (GBV), labour violations victims, vulnerable migrants, and vulnerable children.

These agencies assisted TIP victims only as part of their broader mandate and assisted them on the basis of their perceived needs (shelter, counselling, food etc) without interrogating the circumstances that led them to being trafficked. Their records largely summarised the number of persons assisted and indicated the nature of assistance provided without indicating how many of the assisted people were actually TIP victims.

3. *The lack of centralised TIP data management systems in SADC Member States:* Various agencies were collecting data on TIP for various reasons based on their respective counter-TIP activities, with very few Member States having centralised data collection and management systems specific to TIP data. This presented challenges in reconciling the data that the different stakeholders in the same Member State had submitted.

However, a number of strategies were adopted to reconcile the conflicting data received from some Member States for the purposes of this research. The respondents' specific mandates were considered where conflicting data was submitted. For example, where police and prosecuting authorities presented conflicting data on the number of TIP cases investigated and prosecuted, priority was given to police data on TIP cases reported and investigated, and to the prosecuting authorities for data on TIP prosecutions.

In recognition of the data challenges at the national and regional levels, SADC Secretariat and UNODC collaborated to develop a Regional Trafficking in Persons Database, whose objectives include strengthening of Member States' data collection capacity. The SADC regional TIP database was still in its infancy at the time of compiling this research report.

4. *Limited evidence about the driving factors and impacts of TIP:* Given the limited availability of data on TIP, there have been limited opportunities to test assumptions about the push, pull and enabling factors driving TIP and the impacts of TIP. Information provided by some respondents based on actual cases of TIP provided good indicators of driving factors and impacts, and corroboration was sought from existing literature.

5. *Challenges in obtaining TIP statistics:* Several challenges were encountered in accessing existing TIP statistics in Member States. These challenges included lengthy procedures to obtain clearance to access the statistics. Some respondents attributed these challenges in obtaining data to the sensitivity of TIP data in Member States.

Notwithstanding the above limitations, the research provides a baseline on the trends, dynamics and impacts of TIP in the SADC region. It is anticipated that over time, improved national TIP data management systems will further enrich the knowledge base on TIP in the region. It is further anticipated that this regional research will provide some impetus for the commissioning of in-depth national studies on TIP.

4.0 RESEARCH FINDINGS

The research sought data on the following:

- Data on victims of TIP identified;
- Data on cases of TIP reported and prosecuted;
- TIP flows in the region;
- Push, pull and enabling factors driving TIP;
- Social and gender groups that are most vulnerable to TIP;
- Modus operandi used by traffickers to recruit, exploit and control victims;
- Forms of exploitation to which victims are mostly subjected; and
- Impacts of TIP on the victims, and more broadly on their communities and Member State.

In order to minimise concerns about data validity and accuracy, this research focused on documented cases of trafficking identified by State and non-State stakeholders directly involved in the identification, investigation and prosecution of cases and those involved in assisting victims. In selected cases, however, the data collected at Member States level was not disaggregated between TIP and SOM.

4.1 ANGOLA

In February 2014, Angola enacted the Law on Criminalisation of offenses underlying Money Laundering (*Lei sobre a Criminalização das Infracções subjacentes ao Branqueamento de Capitais, Lei 3/2014*), which defines and criminalises TIP. Article 19 of this law specifically addresses TIP, while the following articles are also of relevance:

- | | | |
|------|-------------|---------------------------|
| i. | Article 18: | slavery and servitude |
| ii. | Article 20: | sex trafficking |
| iii. | Article 21: | pimping |
| iv. | Article 22: | pimping of minors |
| v. | Article 23: | sex trafficking of minors |

The country's provisional draft of the criminal code also addresses TIP and related crimes, as expounded in a number of articles including Article 177 (sex trafficking) and Article 183 (sex trafficking of minors).

4.1.1 *Data on victims and cases of TIP*

Mindful of the fact that Angola's law criminalising TIP was relatively new at the time of conducting this research, it was difficult to collect statistics that would, in absolute terms, indicate the TIP flows to, from and within the country. However, it was largely acknowledged that Angola is mainly a source and destination country for victims of TIP, while domestic TIP reportedly took the form of forced child labour in cattle grazing lands along the Angola-Namibia border. Respondents also provided responses based on their general understanding of the phenomenon, and on their experiences implementing the national response to TIP and other transnational organised crimes.

4.1.2 Push, pull and enabling factors driving TIP

Respondents indicated that poverty and political unrest were some of the push factors driving TIP in Angola. It was suggested that the desire to migrate for a better life is one of the factors pushing victims into TIP situations, with people from outside Angola viewing the country as an economic hub where they could earn better incomes, thereby putting themselves at risk of exploitation by TIP syndicates. The demand for cheap labour and the commercial sex industry were identified as some of the pull factors behind TIP. Porous borders, corruption and ease of travel between countries were believed to be enabling TIP.

4.1.3 Groups vulnerable to TIP

Women, boys and girls were identified as the most vulnerable gender groups to TIP, while the poor and the unemployed were the social groups that were vulnerable to TIP the most. The illiterate and displaced persons were also seen as potential victims of TIP, while the perception that Angolan companies pay more (salaries) puts prospective labour immigrants at risk of exploitation.

4.1.4 Strategies used by traffickers

The promise of employment and the influence of family members were amongst the strategies believed to be used by traffickers, with perpetrators also using the promise of education to lure their victims. Traffickers also isolate and restrict victim's movement and deprive them of their travel documents, while in some cases, violence, threats and debt bondage were employed to keep the victims under the traffickers' control.

4.1.5 Forms of exploitation

Victims of TIP were subjected to sexual exploitation, labour exploitation and forced labour, with a case of child forced labour reported along the Angola-Namibia border. Servitude was also suggested as another form of exploitation experienced particularly in domestic work and in agriculture, construction and mining sectors.

4.1.6 Impacts of TIP

Emotional trauma and physical and mental health disorders were identified as the impacts of TIP on victims. Beyond the effects on the victim of TIP, it was also reported that TIP results in the violation of human rights, the breakdown of human capital and the breakdown of the social fabric²² in society.

²¹ **Breakdown of human capital** involves the decimation of someone's capacity to contribute to their own livelihood. In the context of TIP, this relates to the impacts of the exploitation that the survivors of TIP will have experienced in removing their capability to earn a decent living.

4.2 BOTSWANA

Botswana has a fairly new legislation criminalising TIP. The *Anti-Human Trafficking Act*, No.32, was assented to in August 2014. The law imposes a fine not exceeding BWP500,000 (approximately US\$46,400)²³ or imprisonment for a term not exceeding 25 years, or both, to anyone convicted of the crime. The fine rises to not more than BWP1,000,000 (approximately US\$92,800) or a prison term not exceeding 30 years, or both, in the event that a person is convicted of aggravating circumstances that include, *inter alia*, organ removal, slavery or forced labour, forcing one to participate in obscene publication or display, or sexual exploitation. The Act was yet to be implemented by the time that this research report was compiled.

4.2.1 Data on victims of TIP and criminal cases

At the time that this research was conducted, there were no definitive cases of TIP that had been prosecuted in the country. However, respondents reported that between 2010 and 2014 (prior to the enactment of this Act), 10 incidents involving some elements of TIP had been identified. Upon investigation, it was concluded that these incidents did not qualify as TIP cases as the essential elements of the crime were missing. However, there were several media reports of survivors of TIP in 2015, including a reported case of a man who was trafficked to work on South African farms at the age of eight (8) years in 1974, only to be rescued in 2014 (Mojalemotho 2015).

In response to the global and regional threats imposed by the crime of TIP, the Ministry of Defence, Justice and Security, which is the lead agency on the anti-TIP activities in the country, was coordinating capacity enhancement for law enforcement officers and raising public awareness on TIP. However, in light of the absence of official data on definitive cases of TIP, the information provided by the respondents in the following sections was based on perceived cases of TIP and/or respondents' general understanding of TIP.

4.2.2 Mapping TIP flows

Respondents identified Botswana as a source of victims trafficked particularly to Canada via South Africa, while there was also a reported incident whereby Botswana served as a transit country for victims who were trafficked from Ethiopia to South Africa. In addition, the reported case of a man trafficked to work on farms in South Africa as an eight year old boy in 1974 (Mojalemotho, 2015) is an indication of intra-regional TIP whereby TIP victims are potentially trafficked from Botswana to other parts of the SADC region for exploitation.

²² Breakdown of social fabric refers to the removal of the ties that bring families and communities together, the ties that make them value family bonds and caring for each other. When people go through exploitation of significant proportions, such ties are often broken.

²³ The financial exchange rates used in this report are as at 08th July 2016

4.2.3 Push, pull and enabling factors driving TIP

Respondents identified poverty, unemployment, lack of income-generating opportunities, and the desire to seek greener pastures as the key factors pushing TIP. They reported that TIP in the country was being driven by the demand for cheap and docile labour. They also indicated that porous borders, the ease of travelling between borders, and cultural norms were potential enabling factors for TIP in Botswana.

4.2.4 Groups vulnerable to TIP

Women, boys and girls were identified as the most vulnerable gender groups, while the poor, the unemployed, the orphaned and the illiterate were the social groups most vulnerable to TIP. Media reports also indicated that the most vulnerable to TIP included those experiencing difficult social conditions either because they are orphaned or have encountered poverty and unemployment (Simon, 2015:18).

4.2.5 Strategies used by traffickers

Traffickers reportedly used false promises of employment and education to lure victims of TIP. In some cases, they used the influence of family members who have control over victims. It was also suggested that traffickers may resort to abduction of victims.

4.2.6 Forms of exploitation

Respondents reported that victims of TIP were likely to be subjected to forced labour and labour exploitation, mainly in the agricultural sector.

4.2.7 Impacts of TIP

It was reported that TIP results in human rights violations and crime, in addition to undermining public health and breaking down the social fabric. In the case of the survivor of TIP who had spent almost 40 years as a farm labourer in South Africa having being trafficked at the age of eight years, his reintegration into society was hampered by community resistance to the reintegration process (Mojalemotho 2015). This is an indication that TIP has far-reaching consequences particularly on the individuals, as well as the communities that they will have originated from (Shelley 2010:75), and evidence that rehabilitation and reintegration present challenges to both the survivor and the community too.

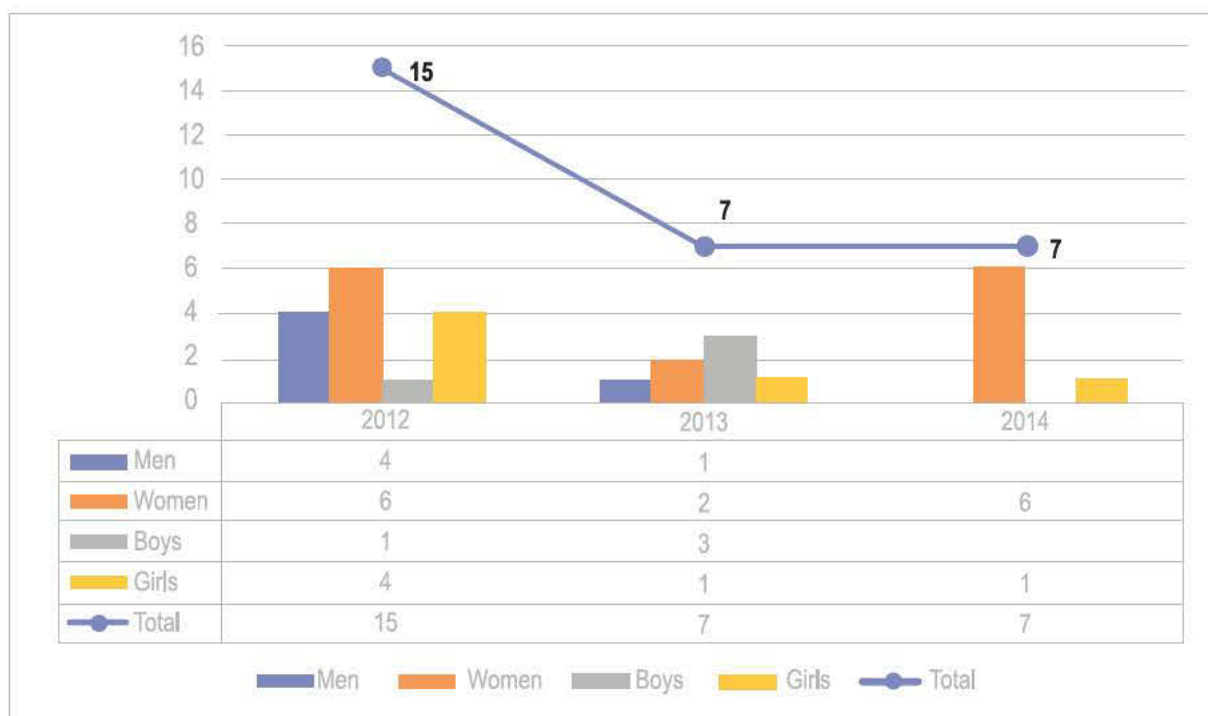
4.3 LESOTHO

Lesotho's Anti-Trafficking in Persons Act, No. 1 of 2011, was the first statute that Lesotho's Parliament enacted to address the challenge of TIP in the country. A crime of TIP in Lesotho attracts a fine of one million Maloti (LSM1,000,000), an equivalent of US\$67,000, or imprisonment for a period of 25 years, while child trafficking attracts a fine of LSM2,000,000 (US\$134,000) or life imprisonment. Subsequent to enacting legislation on TIP, the Lesotho Multi-Sectoral Committee on Trafficking in Persons developed the National Anti-Trafficking in Persons Strategic Framework and Action Plan (2014-2016), which, among others, acknowledges that there is a dearth of information on TIP in the country. It also acknowledges that Lesotho is both a source and destination country for victims of TIP.

4.3.1 Data on victims and cases of TIP

Figure 2 indicates the number of victims identified by Lesotho Mounted Police Service (LMPS) showing that women and girls are the majority of victims of TIP officially identified in the country since 2012. Since 2011, when the first suspected TIP case was reported, two cases have been concluded while 10 more were, by January 2016, still before the courts. The first concluded case involved a Chinese national accused of sexual exploitation of a fellow national. The accused was convicted and sentenced to 15 years imprisonment, of which 10 years were suspended. However, he later appealed against conviction and sentence. In another case, an Ethiopian national was arraigned before the courts for forcing another Ethiopian citizen into domestic servitude. The case, however, was acquitted for insufficient evidence.

Figure 2: Identified TIP victims in Lesotho (2012-2014)



Source: LMPS

4.3.2 Mapping TIP flows

Lesotho was viewed as predominantly a source and transit country for TIP. However, the country serves as a destination country for TIP to a limited extent. South Africa was identified as the primary destination for victims of TIP from Lesotho, as was found in previous research (UNESCO, 2007:24-25). Some victims were trafficked to other African countries including Uganda, as well as to Asia, Europe and the United States of America (USA).

Lesotho's geographical positioning in relation to South Africa is seen as making it a convenient transit point for TIP victims and perpetrators from other countries to South Africa, whereby victims and traffickers travel to the O. R. Tambo International Airport in Johannesburg, South Africa, whereupon they would connect to Lesotho through the Moshoeshoe International Airport. Once they are in Lesotho, they would obtain temporary travel documents enabling them to re-enter South Africa (usually by road) purporting to be Lesotho nationals (De Sas Kropiwnicki 2010a:43). Identified victims were largely trafficked through Lesotho from Ethiopia as well as Asian countries including Bangladesh, China, India and Pakistan.

Lesotho was viewed as a destination country for victims of TIP particularly from neighbouring countries such as South Africa and Zimbabwe, even though this was to a lesser extent. There was also a reported case of a victim who was trafficked from Ethiopia for exploitation in domestic servitude by another Ethiopian citizen resident in Lesotho. In addition, victims were reportedly trafficked from Asian countries of Bangladesh, China and India.

Domestic TIP was also identified in Lesotho, with victims recruited mainly from rural areas to urban centres such as Maphotsoe, Maseru and Quthing. Victims of internal TIP were reportedly trafficked for domestic servitude and commercial sexual exploitation (women and girls), while boys were mainly exploited as livestock herders.

4.3.3 Push, pull and enabling factors driving TIP

Poverty and unemployment were the main push factors driving TIP from and within Lesotho. The growing number of orphans and vulnerable children as a result of HIV and AIDS was cited as a push factor, in addition to GBV, natural disasters and political unrest, though to a lesser extent.

TIP in Lesotho has been linked to the history and culture of migration, whereby adult men migrate to work on the mines in South Africa, women are primarily employed in the domestic work and agricultural sector, while young men are employed in construction and infrastructure development projects (De Sas Kropiwnicki, 2010a: 41). TIP was also linked to vulnerability against a backdrop of low incomes and high unemployment. This put Basotho (citizens of Lesotho) at risk as traffickers exploited their vulnerability and desire to migrate by offering them transport or promising to find jobs for them in their preferred destination countries.

The demand for cheap and docile labour and demand in the commercial sex industry were pointed out as pull factors driving TIP. Porous borders and the ease of travel between neighbouring countries were most frequently cited as the enablers of TIP. In addition, corruption enabled traffickers to act with impunity (UNESCO, 2007:24). Furthermore, it can be argued that the relatively simple procedures for obtaining emergency travel documents also facilitates TIP, as indicated in **Section 4.3.2** whereby temporary travel documents were obtained by foreigners purporting to be Basotho (De Sas Kropiwnicki, 2010a).

Cultural norms forcing young girls into early marriages were also viewed as contributing to TIP within the country. It was suggested that cultural expectations for children to provide for their parents and elders forces them to take risks and leads to their vulnerability to TIP (UNESCO, 2007:32) while technological advancements such as the use of Internet was seen as facilitating the recruitment of victims of TIP (De Sas Kropiwnicki, 2010a:47).

4.3.4 *Groups vulnerable to TIP*

Women and children, especially girls, were argued to be the gender groups most vulnerable to TIP. Men were also identified as another vulnerable gender group, although to a lesser extent than women and children. On the other hand, young men were believed to be vulnerable to TIP as they are expected to marry and support their families, which may force them to accept promises of employment from traffickers (De Sas Kropiwnicki, 2010a:50).

The poor and the unemployed were pointed out as the social groups most vulnerable to TIP, in addition to the orphaned (HSRC, 2010:108-9). The illiterate, people living with disabilities, people living with HIV and AIDS, and the internally displaced were least cited as social groups that were vulnerable to TIP. It was also reported that even the unemployed university graduates were a vulnerable social group to the scourge of TIP, as they would become desperate to secure jobs. Globally, the educated are known to contract smugglers to smuggle them into countries where stringent barriers prohibit their entry, and become vulnerable to labour trafficking in the process (Shelley, 2010:28).

It was also highlighted that the elderly were vulnerable to TIP in Lesotho. These were mainly lured by false promises for old age grants in South Africa. However, there was no clear indication of the forms of exploitation that they were subjected to in South Africa.

4.3.5 *Strategies used by traffickers*

According to respondents, traffickers largely used false promises and deception to lure their victims, including promises of employment, education or a better lifestyle. Previous research also shows that some traffickers lured victims to migrate by promising them a romantic relationship or marriage (De Sas Kropiwnicki, 2010a: 57-58).

Traffickers also reportedly recruited victims by securing the cooperation of their family members and guardians. Several respondents reported that some traffickers abducted their victims. Although this strategy was less widely reported, it was common for internal TIP for forced marriage.

It was highlighted that traffickers may also control their victims through threats and violence and by retaining or destroying their identity and travel documents. Debt bondage, isolation and restriction of victims' movement were also cited as part of the strategies employed by traffickers to control their victims, while in some cases drugs were used to subdue and control victims of TIP.

4.3.6 *Forms of exploitation*

Reported cases in Lesotho show that victims of TIP were largely subjected to sexual exploitation and forced marriage. Other forms of exploitation included forced labour and labour exploitation and domestic servitude. Previous research on TIP in Lesotho also indicates that some victims of TIP were subjected to exploitation in organised crime such as drug smuggling, theft and TIP (De Sas Kropiwnicki, 2010:64). The research by De Sas Kropiwnicki further reports that some child victims were trafficked for illegal adoptions, while other victims had their organs removed for heart and cornea transplants (p.64).

4.3.7 Impacts of TIP

Victims of TIP were reported to have suffered from psychological trauma as well as physical, mental, sexual and reproductive health disorders. It was also reported that the social well-being of victims is usually impaired and some victims turn to substance use and abuse as a result of the ordeal that they will have gone through. TIP resulted in the violation of human rights of the victims, and the breakdown of social fabric resulting from the separation of victims of TIP from members of their families. TIP was also noted to be undermining the public health system in the country.

4.4 MADAGASCAR

Madagascar was one of the first countries in the region to enact a law on TIP, Law No. 2007-038 of 14 January 2008 (Loi N° 2007-038 du 14 janvier 2008), which was instituted to amend and supplement certain provisions of the Penal Code, particularly those on TIP and sex tourism. However, having identified gaps in this law, Madagascar enacted Law No. 2014-040 of 20 January 2015 (Loi N° 2014-040 du 20 janvier 2015) that focuses specifically on fighting TIP. In addition, the Bureau National de Lutte contre la Traite des Etres Humains (BNLTEH) was established in the Prime Minister's Office mandated with coordinating and harmonising activities on preventing and combating TIP in Madagascar.

4.4.1 Data on victims and cases of TIP

While there was no data obtained from Madagascar before 2014, two cases of TIP were reported in 2015. The cases included victims that were reportedly trafficked to Kuwait, Lebanon and Saudi Arabia, among other countries.

4.4.2 Push, pull and enabling factors driving TIP

Poverty and unemployment were identified as the key push factors. This was consistent with the findings from across the SADC region where poverty and unemployment were pushing people into circumstances that made them vulnerable to being exploited by TIP syndicates.

4.4.3 Groups vulnerable to TIP

Women and girls were viewed as susceptible to TIP, while the poor, orphaned and illiterate were identified as the social groups most vulnerable to TIP.

4.4.4 Strategies used by traffickers

Traffickers were reported to be using a wide range of strategies especially by promising would-be victims employment. Furthermore, traffickers tapped into the influence of some family members to ensure that they would smoothly recruit their victims.

4.4.5 Forms of exploitation

Some of the forms of exploitation that the identified victims were subjected to included sexual exploitation and labour exploitation. It was reported that the Ministry of Tourism once ran a campaign against sex tourism and highlighting that whoever was convicted of sex tourism with a minor was liable to imprisonment for a period of 10 years as outlined in the law of 2008 (*Law No. 2007-038 of 14 January 2008*).

4.5 MALAWI

Malawi began the process of drafting specific anti-TIP legislation in 2008, and the *Trafficking in Persons Act*, No. 3, was enacted in 2015. Prior to the enactment of the legislation, the absence of TIP law had been attributed for the difficulties encountered by the Malawi government to effectively trace reported alleged cases of TIP (Mhango, 2012).

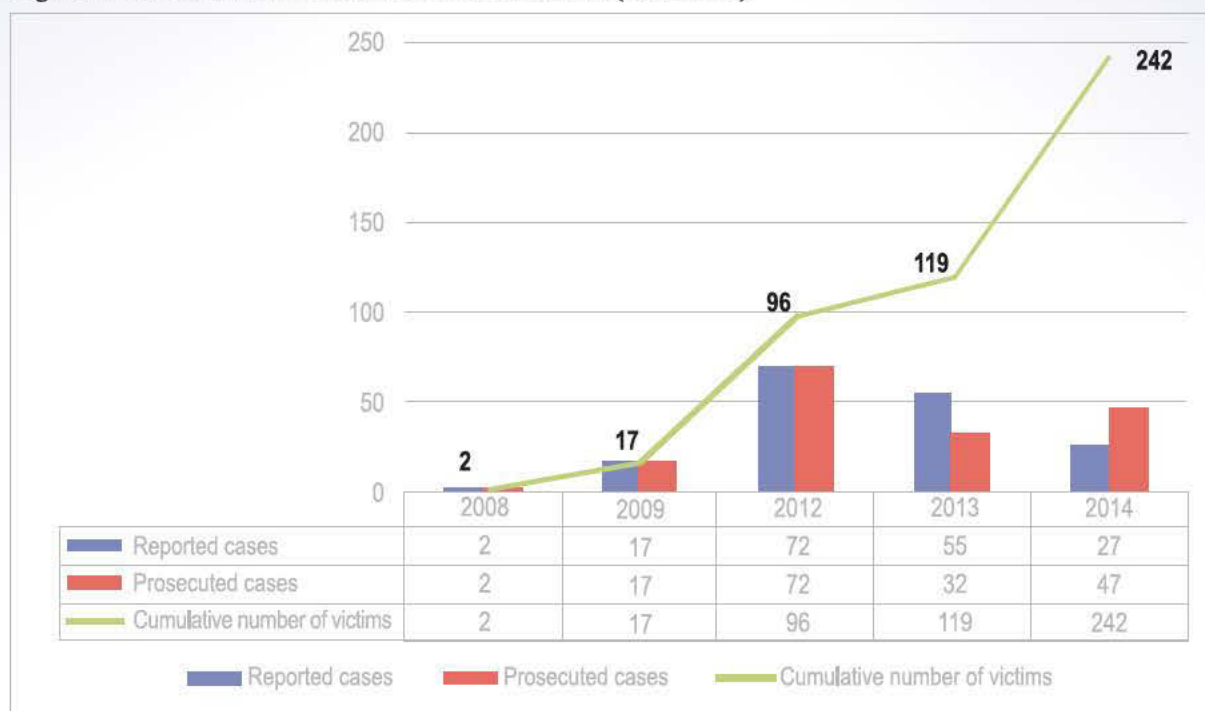
Before the Act was enacted, Malawi had already begun to implement a number of counter-trafficking measures alongside the process of legislative and policy development. These interventions included the training of stakeholders on TIP; the provision of protection and support to victims; and activities aimed at prevention, awareness raising and advocacy. Importantly, the criminal justice system had begun to identify and investigate cases of TIP, which were being prosecuted under other pieces of legislation such as the *Penal Code (Chapter 7:01)*, the *Child Care, Protection and Justice Act, No.22 of 2010*, and the *Employment Act of 2000* (as amended).

The *Trafficking in Persons Act* imposes a prison term of 14 years on anyone convicted of the crime, while child traffickers can receive a maximum penalty of 21 years imprisonment. The law explicitly indicates that there will be no option of a fine. In aggravating circumstances as outlined in Section 16(1) of the Act, life imprisonment will be imposed without an option of a fine. The Act commenced its application on 01st November 2015, meaning that cases are now prosecutable under the Act.

4.5.1 Data on victims and cases of TIP

Figure 3 depicts data on the number of victims of TIP identified and the number of cases reported and prosecuted. However, it must be emphasised that there is no clear demarcation between data on TIP and smuggling of migrants in Malawi, meaning that the data presented in this report also includes data on smuggling of migrants, the percentage of which is not known. It is important, therefore, that national capacity is built to enable the segregation of this data. Data on identified victims was also not disaggregated by sex or age, while it was not available for 2010 and 2011. The available data indicates a significant increase in the number of victims of TIP as well as smuggled migrants identified during the period under study.

Figure 3: TIP and SOM cases and victims in Malawi (2008-2014)

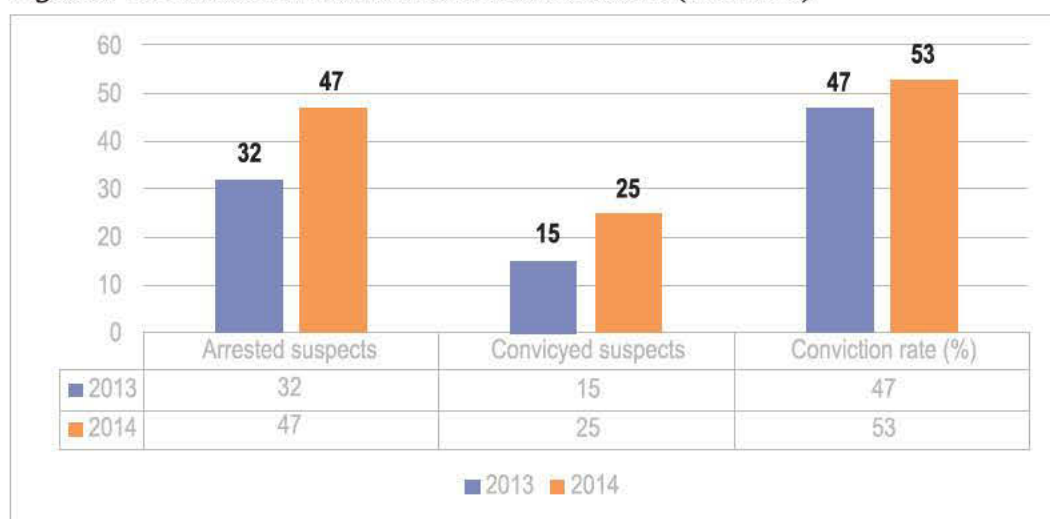


Source: Malawi Police Service

The data shows that the Attorney-General's Office prosecuted all the cases that were reported in 2008, 2009 and 2012. In 2013, about 58 percent of the reported cases were prosecuted, while some of the remaining cases were carried over for prosecution in 2014.

In 2013 and 2014, the Malawi Police Service compiled data on the number of suspected traffickers and smugglers arrested and convicted. The data is presented in **Figure 4**.

Figure 4: TIP and SOM arrests and convictions in Malawi (2013-2014)



Source: Malawi Police Service

A conviction rate of 53 percent in 2014, well before the enactment of the *Trafficking in Persons Act*, No.3 of 2015, is evidence of the capacity of the investigation and prosecution agencies in addressing reported cases of TIP and SOM. However, without a clear delineation of the cases of TIP from those of SOM makes it improbable to provide an informed analysis of the trends of TIP in Malawi and of the capacity of national stakeholders to effectively respond to TIP in the country.

4.5.2 Mapping TIP flows

Available data indicated that Malawi is a source country for TIP with victims exploited in other SADC countries, as well as in Europe and Asia. These findings are confirmed by previous research on TIP in Malawi (Matewere, 2012). It was also reported that the country is a transit and destination country for victims of TIP from other countries outside the SADC region, particularly from the Horn of Africa and Asia. There were reports of TIP taking place within the country's borders as well. **Table 6** indicates the TIP flows for Malawi.

Table 6: TIP and SOM flows to, from and within Malawi

<i>Victims trafficked from (Source country)</i>	<i>Victims trafficked to (Destination country)</i>	<i>Transit route(s)</i>
Malawi	Tanzania	Chitipa and Karonga
	Mozambique	Phalombe, Mulanji, Tete
	South Africa	Mozambique, Zimbabwe
	Zambia	Zimbabwe
	United Arab Emirates, Dubai, Pakistan	
	Europe	
Ethiopia, Mozambique, Somalia and Zambia	South Africa, Zambia	Malawi
Asia eg Pakistan; Horn of Africa eg Ethiopia; and Zambia	Malawi	
Regions such as Dedza, Machinga, Mangochi, Mchinji, Mulanje, Ntcheu, and Thyolo	Cities and districts such as Kusungu, Blantyre, Lilongwe and Mzimba. Rural areas for labour exploitation as cattle herders	Internal TIP

4.5.3 Push, pull and enabling factors driving TIP and SOM

Poverty and unemployment were mentioned as pushing victims into TIP and SOM in Malawi, while both TIP and SOM were linked to political unrest, natural disasters, and HIV and AIDS. Prior research indicates that poverty, lack of parental support and educational opportunities pushed child victims into TIP (MCRD, 2008:14-15). In addition, it was suggested that some children are trafficked as a result of pressure from their peers who would have become successful after migrating (MCRD, 2008:15).

The 2012 Malawi National Conference on Child Labour in Agriculture cited intense land pressures in the southern region of the country ‘where the per capita average landholding size can be as low as 0.1 ha [hectares]’ as contributing to ‘migration for work and trafficking for child labour of children from the southern region to other regions of the country’.²⁴ With the population growth rate in Malawi pegged at 3.14 percent for 2014, the third highest in the SADC region (SADC Secretariat, 2016), the land pressure might further exacerbate child trafficking for child labour in the country.

Meanwhile, the demand for cheap and docile labour internally and in destination countries such as Mozambique and South Africa were seen as pull factors driving TIP and SOM in and from Malawi. The commercial sex industry was also identified as a pull factor, particularly for TIP to other countries. The demand for human body parts for *muti* (traditional medicine) was cited as a pull factor driving TIP in the country, though to a lesser extent (MCRD, 2008:13-15).

Porous borders, corruption and ease of travel between countries were viewed as enabling factors for TIP. In addition, social and cultural norms allowing child marriage were seen as another enabling factor for TIP. It was suggested that societal norms that view children as a source of wealth and income for their families prompt parents to condone early marriage and child labour in situations that amount to TIP, both of which are illegal practices under the *Child Care, Protection and Justice Act*, No.22 of 2010. However, Malawi has shown commitment to deter early marriage through a national marriage law that raised the legal marriage age from 15 years to 18 years, in line with an AU campaign on ending child marriage.²⁵ The *Child Care, Protection and Justice Act*, in Section 79, imposes life imprisonment on anyone convicted for child trafficking. The Act further outlaws child marriages in Section 81, stipulating that no person shall force a child into marriage or force a child to be betrothed (Government of Malawi, 2010).

It was also argued that the delayed enactment of specific anti-TIP legislation and lack of awareness about TIP in communities also enabled the crime in the country. Furthermore, the weak systems for birth registration of Malawian children, that existed before compulsory universal registration was introduced through the *National Registration Act of 2009*, also rendered Malawian children vulnerable to TIP by traffickers who try to exploit existing loopholes.

4.5.4 Groups vulnerable to TIP

Women, boys and girls were viewed as most vulnerable to TIP in Malawi. Men were also cited as potential TIP victims. The TIP researches carried out in the past in Malawi focused on children and identified both boys and girls as vulnerable groups (Matewere, 2012; MCRD, 2008).

The poor, unemployed, illiterate and the orphaned were the social groups identified as most vulnerable to TIP, in addition to people living with albinism who were perceived to be vulnerable to ritual murders. However, the link between these ritual murders for human body parts and TIP in Malawi should be further interrogated. Children with disabilities, homeless children or those living on the streets, and the internally displaced persons (IDPs) were also identified as vulnerable to TIP, with children living with disabilities being largely used for child begging purposes.

²⁴ See the conference Outcome Document available at http://www.ilo.org/wcmsp5/groups/public/-ed_norm/-ipec/documents/meetingdocument/wcms_190327.pdf

²⁵ See <http://pages.au.int/cecm>

4.5.5 Strategies used by traffickers

It was suggested that some traffickers lure victims with false promises of employment and education, while others promise marriage to lure female victims (MPS, 2014:12). It was also indicated that traffickers recruit victims by promising them identity and travel documents, which are difficult to obtain in the country.

TIP in Malawi usually involved a number of perpetrators working together, and those who ultimately exploit victims usually operate through intermediaries who recruit victims in their home areas (CSR, 2008:11; MCRD, 2008:15-16). Traffickers also reportedly secured the consent or influence of family members who have control over the victims, particularly in cases involving child victims (MCRD, 2008:35). It was also suggested that traffickers also had a tendency of threatening to harm family members should they refuse the traffickers access to victims. Previous research in Malawi reports that traffickers secured the cooperation of the traditional leadership in villages by giving them gifts and promising to secure education and employment for their fellow villagers' children (MCRD, 2008:15). In rare cases, some traffickers reportedly abducted their victims.

In other instances, traffickers were reported to have isolated victims, restricted their movement and used violence and threats to control them, while they also retained or destroyed the victims' identity or travel documents. Some victims were subjected to debt bondage as part of the traffickers' strategies to keep the victims completely subservient to the traffickers. The use of addictive drugs to control and exploit victims was argued to be in use, albeit to a lesser extent.

4.5.6 Forms of exploitation

Victims of TIP were reported to have been subjected to sexual exploitation and forced marriage, both internally and in neighbouring destination countries. While it was suggested that only female victims are subjected to sexual exploitation, there is existing research that indicates that boys have also been subjected to sexual exploitation, particularly in lakeshore areas (CSR, 2008:10; Martens et al, 2003:3), where young boys are used for the production of pornographic material mainly by foreign sex tourists (Martens et al, 2003:56). Media reports have also argued that Malawian children are trafficked into neighbouring Tanzania for sexual exploitation or forced labour particularly in the fishing industry, as well as to other countries within the SADC region such as Mozambique, South Africa and Zambia (Mhango 2012).

There were also records of two TIP cases, one of which involved a victim who was forced into marriage (Blantyre Child Justice Court, 2015), while the other involved two victims that were forced to work as bartenders and were sexually exploited (*The Republic v Veronica Bulla*, 2015). In the case against Veronica Bulla, it was reported that the victims were young girls aged 12 and 13 years and attending school prior to their ordeal, and had been deceived into believing that the trafficker had secured them jobs as housemaids in Blantyre (Mkandawire, 2014).

In addition, victims were also subjected to forced labour and labour exploitation internally and in neighbouring countries such as Mozambique (tobacco farms), South Africa (domestic sector) and Tanzania (fishing industry) (Mhango, 2012). In some cases, traffickers were reported to have removed victims' body parts for ritual purposes. It was suggested that the exploitation of victims is often accompanied by physical abuse. Trafficked children often endure exploitative conditions: receiving little or no wages, working long hours, and subjected to physical and sexual abuse (MCRD, 2008:21-22).

4.5.7 Impacts of TIP

The research discovered that TIP results in human rights violations, crime, the breakdown in social fabric, breakdown in human capital, as well as undermining public health and government authority, whereby democracy, rule of law, and accountability of governments are undermined as a result of the scourge of TIP (Shelley, 2010:66). In the case of the two girls that were reportedly exploited by Bulla, there was reference to trauma and emotional instability as some of the impacts that the girls experienced during their exploitation and after their rescue (Mkandawire, 2014).

4.6 MAURITIUS

Mauritius amended the Child Protection Act 30 of 1994 in 2005 to make child trafficking a criminal offence. The country acceded to the Palermo Protocol on 24 September 2003 (see Table 2). To give effect to the Palermo Protocol, the Combating of Trafficking in Persons Act, No. 2, was enacted in 2009 to comprehensively combat TIP in the country.

4.6.1 Data on victims and cases of TIP

Official data provided indicates that a total of 64 victims were identified between 2010 and April 2015. Female victims constitute the majority (89 percent) of the identified victims, while male victims constitute 11 percent. Figure 5 details the number of victims identified since 2010

Figure 5: TIP victims in Mauritius (2010- April 2015)



Source: Government of Mauritius

Between 2010 and 30 April 2015, 21 cases of child trafficking, two (2) cases of TIP and 24 cases related to TIP were reported. **Figure 6** indicates the number of TIP cases reported during this period.

Figure 6: TIP cases reported in Mauritius (2010-April 2015)



Source: Government of Mauritius

Almost all the identified cases were prosecuted under the *Child Protection Act* or *Criminal Code Act*, which carry heavier penalties than the *Combating of Trafficking in Persons Act, No. 2 of 2009*. At the time of compiling this report, there were six cases reported in 2014, investigations of which were being conducted under the *Combating of Trafficking in Persons Act*.

On the other hand, child labour, which is one of the forms of exploitation that child victims of TIP often experience, is also prohibited under the *Employment Rights Act of 2008*. The Act prohibits the employment of children (defined as those under the age of 16) and also prohibits the employment of young persons (defined as those other than children but under the age of 18) on work that is likely to jeopardise their health, safety, physical, mental, moral or social development, or interfere with their education.

4.6.2 Mapping TIP flows

There was no data establishing Mauritius as a source or transit country for victims of TIP. Despite the fact that there was no official record of Mauritians being trafficked to other countries, it was indicated that out of those proceeding to foreign countries for study or work, the possibility for a few being involved in activities like prostitution could not be discarded. It is also worth noting that labour migration flows show that the textile and construction sectors in Mauritius employ a sizable number of migrants from countries such as Bangladesh, China and Madagascar. However, there have been no reports of exploitation received in these sectors.

4.6.3 Push, pull and enabling factors driving TIP

Poverty and unemployment were identified as the push factors driving TIP in Mauritius. In terms of the pull factors, respondents considered that demand for cheap labour was a driver of TIP in the country. Some respondents indicated that the easy and quick financial gains from the exploitation of victims could also be another factor driving demand for victims of TIP. Furthermore, it was argued that the erosion of moral and social values were enablers for TIP.

4.6.4 Groups vulnerable to TIP

Women and girls were seen as the gender groups that were most vulnerable to TIP in the country. The poor, the unemployed, the illiterate and the orphaned were also identified as the social groups most vulnerable to TIP.

4.6.5 Strategies used by traffickers

Traffickers used the following strategies to recruit, control and exploit victims:

- a. promise of employment and the influence of family members as the recruitment strategies;
- b. threats and violence;
- c. administering addictive drugs to victims; and
- d. isolation of victims and restriction of their movement.

While the official records do not show much of these elements of TIP, a few isolated cases where the victims were sexually exploited were reported in the media.

4.6.6 Forms of exploitation

Victims were reported to have been subjected to sexual exploitation, forced labour and labour exploitation in Mauritius. From January 2006 to April 2015, 19 cases of child employment were detected. The majority of the cases were prosecuted.

4.6.7 Impacts of TIP

Victims suffered from psychological trauma as well as physical, mental, sexual and reproductive health disorders as a result of TIP. It was also reported that the social well-being of victims was impaired and that some victims turned to substance abuse as a result.

The violation of human rights and the perpetration of crime were some of the broader impacts of TIP reported in Mauritius. It was also suggested that TIP undermines public health, causes the breakdown of human capital, and the breakdown in the social fabric.

4.7 MOZAMBIQUE

Mozambique was one of the first SADC Member States to enact legislation criminalising TIP through the *Trafficking in Persons Law No. 6 of 2008* [Lei n° 6/2008, de 9 de Julho]. The law makes the crime of TIP punishable by imprisonment of between 16 and 20 years (Article 10). Mozambique is also one of a few countries that make the publication and advertising of material that promote TIP punishable by law, with those found guilty of such a crime liable to between two (2) and eight (8) years imprisonment (Article 15). In 2011, Mozambique passed a law on extradition (*Lei no 17/2011, de 8 de Julho*) guiding extradition procedures concerning requests made by Mozambique to other countries and making it possible for TIP suspects to be extradited to requesting countries. In addition, the country ratified several international instruments that deal with transnational organised crime (see **Tables 2 and 3**).

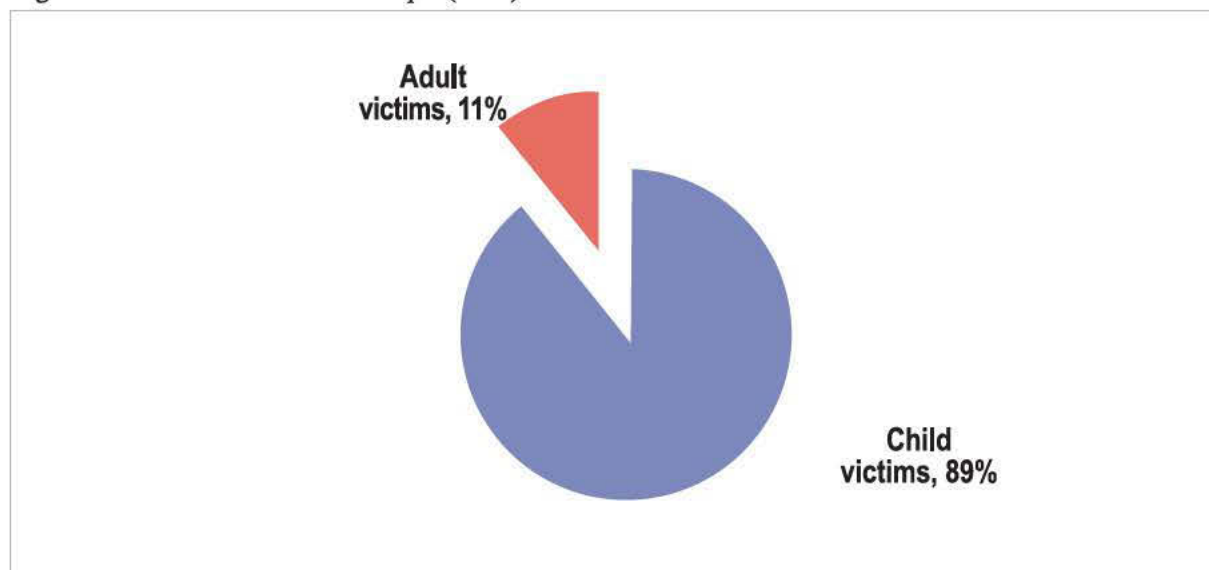
Awareness raising campaigns, and capacity development and training programmes are implemented in collaboration with a number of national, regional and international stakeholders that include SADC Secretariat, IOM, the Southern Africa Regional Network against Trafficking and Abuse of Children (SANTAC) and UNODC. Mozambique has also established cross-border coordinating initiatives particularly with South Africa and Zimbabwe, allowing for pooling of efforts in fighting TIP among these three countries.

4.7.1 Data on victims and cases of TIP

The data on TIP victims that was obtained in Mozambique was for the year 2014 only, although the legislation has been in place since 2008. Respondents also presented data on TIP cases in Mozambique dating back to 2011, although the number of identified victims for the years 2011, 2012 and 2013 were not indicated.

The obtained data shows that approximately 53 victims of TIP were identified in 2014, with 89 percent of them being child victims (see **Figure 7**). This implies that children are among the most vulnerable groups to TIP in Mozambique. However, the data provided was not sex-disaggregated.

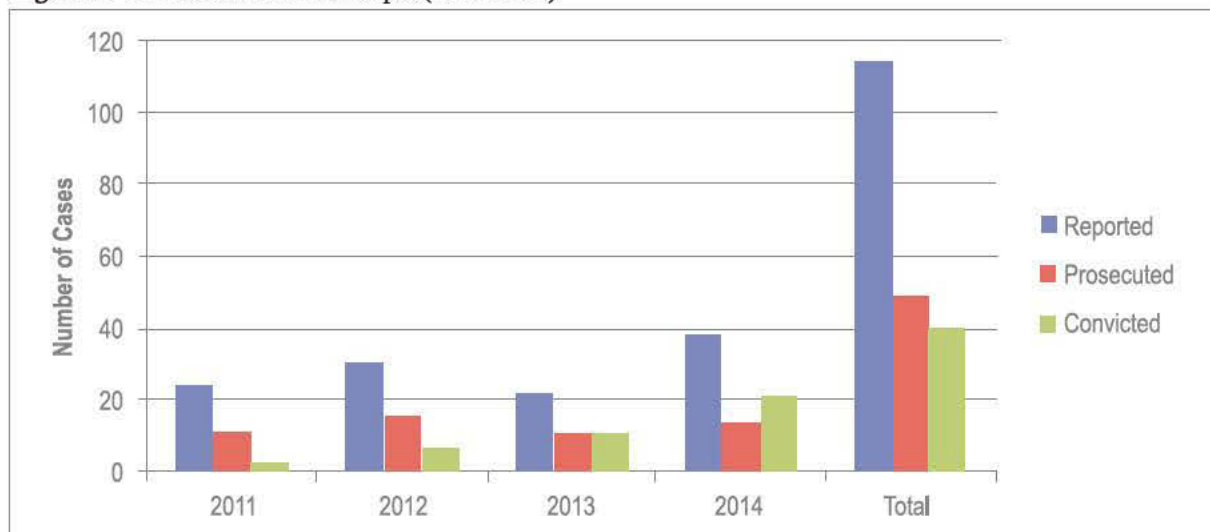
Figure 7: TIP victims in Mozambique (2014)



Source: Attorney-General's Office

Available data also indicated that a total of 114 cases of TIP were reported between 2011 and 2014. Of these, 49 cases were prosecuted and 39 convictions obtained, as presented in **Figure 8**. Of the 49 prosecuted cases, a conviction rate of 79.6 percent was achieved, providing evidence of the capacity of the country in conducting effective investigations and prosecutions of reported TIP cases and indicative of the national priority that has been placed towards preventing and combating the crime. However, the fact that approximately 43 percent of the reported cases have been prosecuted might show the need to expedite investigations and prosecutions and clear the cumulative backlog of cases of TIP.

Figure 8: TIP cases in Mozambique (2011-2014)



4.7.2 Mapping TIP flows

The dearth of substantial documented information about TIP flows in Mozambique was highlighted. As such, to a large extent, responses during the research were mainly informed by respondents' knowledge of irregular migration flows in Mozambique. PGR (2014:43) identified Mozambique as both a source of and transit country for victims of TIP, while the crime was also viewed as being committed internally where mainly female victims are recruited from rural to urban areas for sexual and labour exploitation. There was broad consensus that Mozambique is primarily a source country for victims of TIP and that South Africa is the principal destination country for TIP victims originating from or transiting through Mozambique. The respondents also indicated that victims were trafficked within the region to Angola and Malawi, and further afield to Europe.

Mozambique's proximity to South Africa and the relative ease of entering South Africa from Mozambique were highlighted as possible factors making Mozambique an ideal transit country for victims trafficked to South Africa. However, there was limited data on the number of victims transiting through Mozambique because they were likely to be deported owing to their undocumented status. This is particularly a challenge where capacity to differentiate between TIP and other transnational crimes such as SOM is limited. As such, it is important that immigration and border officials understand the differences, and are adequately guided on the standard operating procedures and referrals in the event that they have identified the essential indicators of TIP.

It was suggested that victims were trafficked from Zimbabwe, the Great Lakes countries and from the Horn of Africa to South Africa using Mozambique as the transit point (UNESCO, 2006, 24). Some victims were also reportedly flown from as far as Asia to Mozambique and then driven across the border into South Africa. With regards Mozambique being a destination country for victims of TIP, respondents cited undocumented instances of the presence of victims of TIP from nearby countries such as Malawi, Rwanda, Tanzania, Zimbabwe and (to a limited extent) South Africa. There were also reports of victims being trafficked to Mozambique from India by Indian nationals.

There was limited documented evidence of internal TIP too. It was, however, acknowledged that there were high volumes of movement from less developed to more developed provinces in search of a better life, while some Mozambican nationals (especially children) were subjected to sexual and labour exploitation within the country.

Table 7: TIP flows to, from and within Mozambique

Victims trafficked from (<i>Source country</i>)	Victims trafficked to (<i>Destination country</i>)	Transit route(s)
Mozambique	South Africa	Resanno Garcia border
	Angola, Malawi, Europe	
The Great Lakes region (Burundi, DRC, Kenya, Rwanda, Tanzania, and Uganda); Horn of Africa (e.g. Ethiopia); India; Pakistan; and Zimbabwe	South Africa	Mozambique
India; Malawi; Rwanda; South Africa; Tanzania; and Zimbabwe	Mozambique	
Rural areas: Gaza, Inhambane, Manica, and Zambezi	Urban areas: Beira, Cabo Delgado, Maputo, Nampula, and Pemba	Internal TIP

4.7.3 *Push, pull and enabling factors driving TIP*

Poverty and unemployment were indicated as key push factors driving TIP. These factors, combined with declining social protection, were believed to have contributed to some people's desperation to migrate to earn an income. PGR (2014:65) identified poverty, sexual abuse, death of heads of households and, to some extent, parents' divorce, as some of the push factors that create socio-economic vulnerabilities that sometimes result in people being deceived by the traffickers.

Meanwhile, the HIV and AIDS pandemic was also mentioned as a push factor, resulting in large numbers of children becoming orphaned and vulnerable after the death of their parents and/or caregivers. Natural disasters, such as floods, were also identified as a push factor (UNESCO, 2006:31-32, 38; UNODC & SADC Secretariat, 2007:43-45)

Respondents also noted that the demand for cheap and docile labour and the commercial sex industry were the most significant factors contributing to TIP. Specifically, the demand for cheap labour in Mozambique's farming, mining, domestic and commercial (informal trade) sectors, as well as South Africa's farming sector and the demand from the commercial sex industry within the country and in other Member States in the region such as Angola, South Africa and Tanzania were identified as pull factors for TIP in Mozambique.

The demand for body parts for ritual purposes and organ harvesting were also suggested as pull factors driving TIP in Mozambique, with the organs mainly harvested in other countries in the region such as South Africa (UNESCO, 2006:22-23). There were reports of ritual murders particularly of people with albinism. It is important that these cases are further interrogated especially regarding how they are connected to TIP in the country.

Corruption by officials, particularly at borders, was identified as one of the factors enabling traffickers to commit the crime in addition to porous borders between Mozambique and neighbouring countries, as well as the lack of adequate administrative systems for verifying identity when issuing birth certificates for children and when travelling with children (UNESCO, 2006:29, 34).

A number of socio-cultural norms were also viewed as enabling TIP in Mozambique. These include expectations that children should work to increase family income. Sometimes parents were viewed as too willing to send their children to live with relatives without ensuring their safety and well-being at the destination, which further exposes the children to potential exploitation. In addition, beliefs that sleeping with 'pure' young girls cures or delays HIV infection further increase young girls' vulnerability to TIP for sexual exploitation (UNESCO, 2006:21, 38).

4.7.4 Groups vulnerable to TIP

Children were identified as the most vulnerable to TIP in Mozambique (PGR, 2014:48), while women were more vulnerable to TIP than men. Women's vulnerability arises from gender discrimination that results in their limited educational and employment opportunities, and migration systems that favour male migration to their exclusion (UNESCO, 2006:32-35).

The poor, the orphaned and the unemployed were seen as the social groups most vulnerable to TIP in addition to the illiterate. However, caution must be exercised in assuming that all victims of TIP are poor, unemployed and illiterate. In a number of cases, victims of TIP tend to be dissatisfied with their prevailing circumstances and desire to earn a better living elsewhere. The personal outlook of these victims is influenced by, but cannot be simply reduced to, their employment status, wealth or education.

In addition, people with albinism have also been identified as a vulnerable group particularly for superstition or ritual purposes with incidences being reported in Nampula, Tete and Zambezia provinces. However, it should be emphasised that there is a need for further investigation into these reported cases and their connection to TIP.

4.7.5 Strategies used by traffickers

Respondents reported that traffickers largely rely on deception to recruit victims. The traffickers lure victims with false promises of employment, an education (especially for child victims), and the promise of a better life elsewhere. Traffickers also exploit the vulnerable situations that prospective migrants find themselves in, and promise to smuggle them into South Africa (UNESCO, 2006:20, 34; UNODC & SADC Secretariat, 2007:43-45).

Familiarity and trust between traffickers and their victims or the victims' families, was attributed as a factor facilitating TIP in Mozambican society. Traffickers, therefore, operate in communities where they are known or through recruiters who are known in the targeted communities. Respondents also reported that traffickers rarely abduct their victims.

Traffickers typically control their victims through violence and threats, isolating and restricting victims' movement, debt bondage, and retaining or destroying victims' travel documents. In some cases, traffickers rape their victims to destroy their self-esteem before selling them into prostitution or servitude (UNODC & SADC Secretariat, 2007:46).

4.7.6 Forms of exploitation

Victims of TIP, who are mostly women and girls, were subjected to sexual exploitation as sex slaves and in the commercial sex industry, both in Mozambique and in destination countries. In addition, some female victims of internal TIP were forced into marriage in parts of Mozambique (UNESCO, 2006:37; UNODC & SADC Secretariat, 2007:43-46). Furthermore, boys were also sexually exploited by traffickers (UNESCO, 2006:37).

Victims of TIP were often subjected to forced labour and labour exploitation in various sectors and occupations. While women and girls were more likely to be trafficked for domestic servitude, men and boys were likely to be subjected to forced and exploitative labour in mines, farms, and in informal trade. Meanwhile, child victims were sometimes forced to sell drugs, cigarettes and alcohol.

Some respondents reported of incidences of TIP for human body parts for ritual purposes and organ harvesting. PGR (2014:43) concurred arguing that the possibilities for human organ removals for ritual purposes could not be totally discarded. However, respondents were cautious about drawing conclusions tying ritual murders exclusively to TIP and argued that such stories should be further investigated. By contrast, previous research argued that some victims of TIP had their body parts or organs removed (UNESCO, 2006:30).

4.7.7 Impacts of TIP

Victims of TIP suffered emotional and psychological trauma, mental health disorders, and physical and sexual health afflictions. It was also reported that victims' behaviour ranged from aggression and violence to a sense of resignation or denial. Some victims reportedly went as far as protecting their perpetrators from prosecution, while in other cases the victims were stigmatised by their own families and the wider communities.

Human rights violations and upsurge in crime were highlighted as some of the broader consequences of TIP. Some respondents also argued that TIP undermines government authority, and also cited the breakdown in social fabric, with disintegration of families being experienced. TIP also resulted in the breakdown of human capital as victims were denied the opportunities to reach their fullest potential. Notably, TIP resulted in the disintegration of moral values, as traffickers were praised for facilitating migration and employment in some communities, while the criminal activity also created insecurity and fear in communities, making people afraid to leave children unattended to on their way to schools or at cinemas and parks.

4.8 NAMIBIA

At the time that this research was concluded, Namibia was yet to enact legislation specific to the crime of TIP. However, in early 2015, the country promulgated the Child Care and Protection Act, No. 3 of 2015, which, in Chapter 14, specifically addresses child trafficking. This compliments the Prevention of Organised Crime Act (POCA) No. 29 of 2004 (as amended by Amendment Act 10 of 2008). Section 15 of the POCA imposes a fine not exceeding one million Namibian dollars (N\$1,000,000), approximately US\$67,000, or imprisonment for a term that can get to a maximum of 50 years.

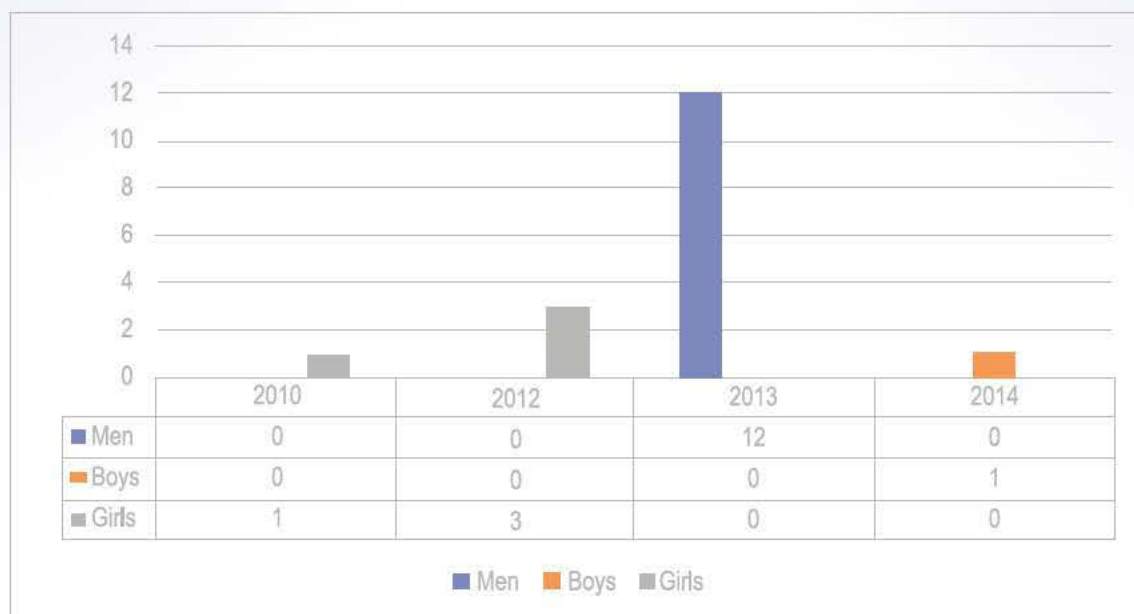
In addition, there were a number of activities being carried out in Namibia to address the challenge of TIP. These included the drafting of the legislation, carrying out research surveys, conducting trainings for criminal justice practitioners and public awareness raising on the crime (New Era, 2015).

4.8.1 *Data on victims and cases of TIP*

Stakeholders in the country reported a dearth of data on TIP due to the absence of a specific anti-TIP Act in the country. Some respondents reported that the absence of data is also partially due to the sensitivities around TIP in the country. Some cases were reported in the media but, due to the delayed reaction of the criminal justice system, there were no formal investigations. The limitations in information sharing amongst stakeholders in the country resulted in a number of cases not coming to the police's attention. There were also reports of the movement of young children, particularly of the San and Zemba communities, to different parts of Namibia where they were exploited in domestic work while others were sexually abused (New Era, 2014).

However, despite the absence of legislation, some Namibian law enforcement officers and criminal justice practitioners were trained on TIP, which has enabled them to identify and investigate a few cases of TIP. These cases have been prosecuted under alternative legislation, such as POCA, the Combating of Rape Act of 2000 and the Labour Act of 2007, depending on the circumstances of the case. Figure 9 depicts the number of victims identified in Namibia since 2010.

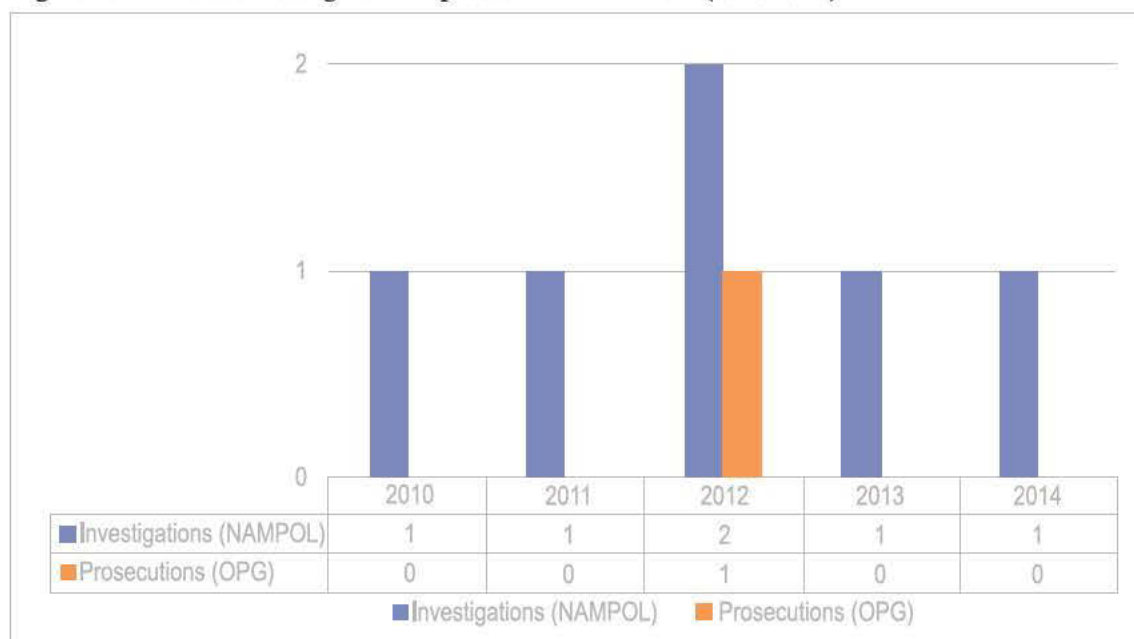
Figure 9: TIP victims in Namibia (2010-2014)



Source: Namibia Police Force (NAMPOL)

As of 2015, the Office of the Prosecutor-General (OPG) reported that it had only prosecuted one case of TIP, which was reported in 2012 and concluded in August 2015. The *State v Lukas* case was prosecuted under POCA and the Combating of Rape Act, No. 8 of 2000. The accused was convicted on nine counts, with the sentences, totalling 47 years, ordered to run concurrently. As such, the accused will serve an effective 13 years in prison.

Figure 10: TIP cases investigated and prosecuted in Namibia (2010-2014)



Source: NAMPOL, OPG

4.8.2 Mapping TIP flows

The dearth of official data on TIP cases makes it difficult to identify the TIP flows involving Namibia with certainty. Namibia has also encountered internal TIP with victims mainly drawn from rural to urban areas. For example, the *State v Lukas* case that was convicted in 2015 involved internal TIP of two young girls for sexual exploitation.

4.8.3 Push, pull and enabling factors driving TIP

The absence of substantial evidence and experience of dealing with concrete cases of TIP in Namibia was cited as contributing to limited knowledge of the push, pull and enabling factors driving TIP. However, poverty, unemployment, lack of education and family instability were identified in prior research as some of the key factors pushing victims into TIP (Kiremire, 2010:160, 169-70; MGECW, 2009:66). For example, in the *State v Lukas* case, the presiding judge acknowledged that the exploited minors 'fell prey to [Lukas'] greed because of their poor backgrounds' (State v Lukas, 2015:8). The demand for cheap and docile labour acted as a pull factor, while the commercial sex industry was also driving TIP (Kiremire, 2010:142-43).

Poor border control, lack of surveillance and screening equipment, lack of trained personnel and weaknesses in the birth and identity registration system were identified as enabling TIP to take place (MGECW: 2009, 24, 66). Traffickers also exploited the opportunities presented by the cultural practice of sending children to live with other relatives, which further exposed these children to exploitative environments. Furthermore, cultural practices that harm and disempower women and children, that include tolerance of violence against women and children, early marriage and parents' expectations that children should take care of them were seen as facilitating TIP (MGECW, 2009:34-35, 66).

4.8.4 Groups vulnerable to TIP

Most respondents indicated that girls were especially vulnerable to TIP in Namibia, largely for sexual exploitation. The poor, unemployed, orphaned and illiterate people were also viewed as the most vulnerable social groups to the crime of TIP. In the judgement for the *State v Lukas* case, the presiding judge recognised that the poor and children were particularly vulnerable to TIP, and argued that:

'The poverty of a child must never become a license for others to exploit them for financial greed or for others' sexual gratification. The poor in our society, especially children, need our empathy and support, not to feed greed and sexual deviance' (State v Lukas, 2015).

The growing number of child-headed households largely due to AIDS-related deaths further exposed communities, particularly orphans, to potentially being trafficked for various forms of exploitation (Kiremire, 2010:160-170; MGECW, 2009:66). Indigenous and remote communities, such as the San and Zemba communities, were not spared either. In fact, one of the cases identified by NAMPOL involved the potential trafficking of 12 men from the San community for labour exploitation on South African farms.

4.8.5 Strategies used by traffickers

In many reported cases, traffickers promised their victims employment or education or secured influence of victims' family members. In some cases, perpetrators were using social media applications such as Facebook and WhatsApp to recruit victims. It was also reported that traffickers sometimes abducted their victims. It was argued that Lukas 'used her position of power over the minor children to expose them to sexual exploitation' while she might have been used by the perpetrator, named in court papers as Pretorius, to recruit the minors by the 'lure of money' as outlined in the judgement.

4.8.6 Forms of exploitation

Respondents indicated that victims of TIP were largely subjected to forced labour and labour exploitation as domestic and farm workers, while some also encountered sexual exploitation. Previous research on TIP in Namibia suggested that victims were exploited in other sectors including charcoal production, construction, fishing and vending (MGECW, 2009:31).

4.8.7 Impacts of TIP

Victims of sexual exploitation are often exposed to the risk of contracting sexually transmitted infections (STIs), are vulnerable to physical abuse and rape, while the sexual abuse and exploitation might result in unwanted pregnancies for victims (Kiremire, 2010:173-78). In the case of Lukas, the impacts of her criminal activities also extended to her own family whereby her mother suffered stress and financial burden of taking care of the family, including Lukas' children, while Lukas was incarcerated.

4.9 SEYCHELLES

Seychelles adopted the *Prohibition of Trafficking in Persons Act, No. 9 of 2014*, and developed the *National Strategic Framework and National Action Plan to Combat Trafficking in Persons (2014-2015)* in 2014. The *Standard Operating Procedure and Referral Mechanism for Assistance to Victims of Trafficking* was also launched in 2015. The TIP law imposes a maximum sentence of 14 years, which can also include a fine of not more than SCR500,000 (approximately US\$37,000) while child trafficking has a maximum sentence of 25 years, which can also include a fine not exceeding SCR800,000 (approximately US\$60,000).

According to the country's National Coordinating Committee on Trafficking in Persons (NCCTIP, 2014), information about TIP in Seychelles is very limited. It also argues that 'some economic and social sectors have been linked to the potential for exploitation, particularly of women and girls, to a lesser extent boys, and migrant workers' (NCCTIP, 2014:6).

4.9.1 Data on victims and cases of TIP

The country's TIP legislation and policy frameworks were at an early stage of implementation at the time of data collection. Respondents could, therefore, not provide official data on the number of victims of TIP or the number of cases reported and prosecuted in Seychelles.

4.9.2 Mapping TIP flows

There was limited information obtained on Seychelles' status as a source, transit or destination country for victims of TIP. However, a report by the UN Special Rapporteur on TIP, suggested that Seychelles was a destination country for victims of TIP (Ezeilo, 2014:5).²⁶ The report identified women from Eastern Europe as some of the victims trafficked into the country for sexual exploitation. It also pointed out potential cases of trafficking of victims from Madagascar, Mauritius, Nepal, Philippines and Sri Lanka for domestic servitude in Seychelles. It further suggests that victims were potentially trafficked from Bangladesh, China, India, Kenya, Madagascar, the Philippines and Sri Lanka for labour exploitation in Seychelles' construction and fishing sectors.

The Special Rapporteur also indicated that there were potential incidents of internal TIP within the country. These were linked to the sexual exploitation of Seychellois girls by their boyfriends, pimps or family members. The report suggested that girls, and possibly boys, were forcibly prostituted to high-end foreign clients.

4.9.3 Push, pull and enabling factors driving TIP

The absence of officially documented cases of TIP made it difficult to collect conclusive evidence on push, pull and enabling factors driving TIP in Seychelles. However, poverty and unemployment generally emerged as the push factors driving TIP in the island state, in addition to the desire for a materialistic lifestyle that leads people to hastily marry mainly foreigners in the hope of living a better life abroad. The demand for cheap labour and the commercial sex industry act as the pull factors driving TIP, while corruption and the ease of travel are the main enabling factors for TIP.

The UN Special Rapporteur on TIP reported a number of pull and push factors driving TIP in Seychelles including poverty and drug addiction that push victims into trafficking for sexual exploitation. The report suggested that TIP was partially driven by the demand for commercial sexual services amongst locals, tourists and migrant workers in the country. In terms of labour exploitation, the report indicated that foreign victims were driven into TIP by poverty and lack of economic opportunities in their countries of origin (Ezeilo, 2014:5-7).

4.9.4 Groups vulnerable to TIP

Women and girls were identified as the gender groups most vulnerable to TIP, with men vulnerable to a lesser extent. By contrast, the UN Special Rapporteur's report identified all gender groups as being vulnerable to TIP (Ezeilo, 2014). The various sectors where the victims were reportedly exploited, either in domestic servitude, sexual exploitation, or construction and fishing, would arguably determine the gender and social groups targeted for exploitation in that particular sector.

The poor, unemployed, orphaned and illiterate were identified as the most vulnerable social groups to TIP. Additionally, people living with disabilities were also seen as being vulnerable to TIP. However, it was not clear what form of exploitation that the people living with disabilities were subjected to. The TIP Special Rapporteur's report similarly indicated the vulnerability of the poor and the unemployed, as well as children whose parents tried to push them into earning an income to sustain their families.

²⁶ The findings were based on interviews conducted by the Special Rapporteur with State and non-State stakeholders in Seychelles in 2014. A press statement on the visit is available at http://www.mfa.gov.sc/static.php?content_id=36&news_id=699 (accessed on 04 September 2015).

4.9.5 Strategies used by traffickers

The promise of employment or education and the influence of family members were cited as the strategies used by traffickers to recruit victims, while traffickers were also believed to be using abduction as another means for recruiting their victims. Traffickers also used drugs, violence and threats, and retained or destroyed victims' identity or travel documents, while they sometimes subjected their victims to debt bondage, isolated them or restricted their movement.

4.9.6 Forms of exploitation

Sexual exploitation, forced labour and labour exploitation were identified as the forms of exploitation to which victims of TIP were largely subjected in the country, findings that were similar to those outlined in the UN Special Rapporteur's report.

4.9.7 Impacts of TIP

Victims of TIP experienced emotional trauma as well as physical, mental, sexual and reproductive health disorders. Some victims ended up abusing addictive substances. TIP also presented the likelihood of the social well-being of victims being impaired as a result of being trafficked.

In the absence of concrete data on the nature, extent and modalities of TIP, the respondents could only give their opinions on the broader social consequences of TIP on the community and the country. The majority highlighted the violation of human rights, crime and the breakdown of social fabric amongst the broader consequences. In addition, TIP was attributed to the undermining of the government authority and public health.

4.10 SOUTH AFRICA

South Africa enacted the *Prevention and Combating of Trafficking in Persons Act, No. 7* in 2013. With the exception of a few provisions which are yet to be operationalised, the Act came into effect on 9 August 2015.²⁷ In March 2015, the Department of Social Development published and invited stakeholders to comment on draft regulations that aim to provide guidance on victim identification, protection and support.²⁸ Subsequently, in August 2015, the Department of Justice and Correctional Services issued the *Prevention and Combating of Trafficking in Persons Regulations Relating to Prosecutor's Referral of Suspected Victims of Trafficking in Persons, NO.R. 737*.

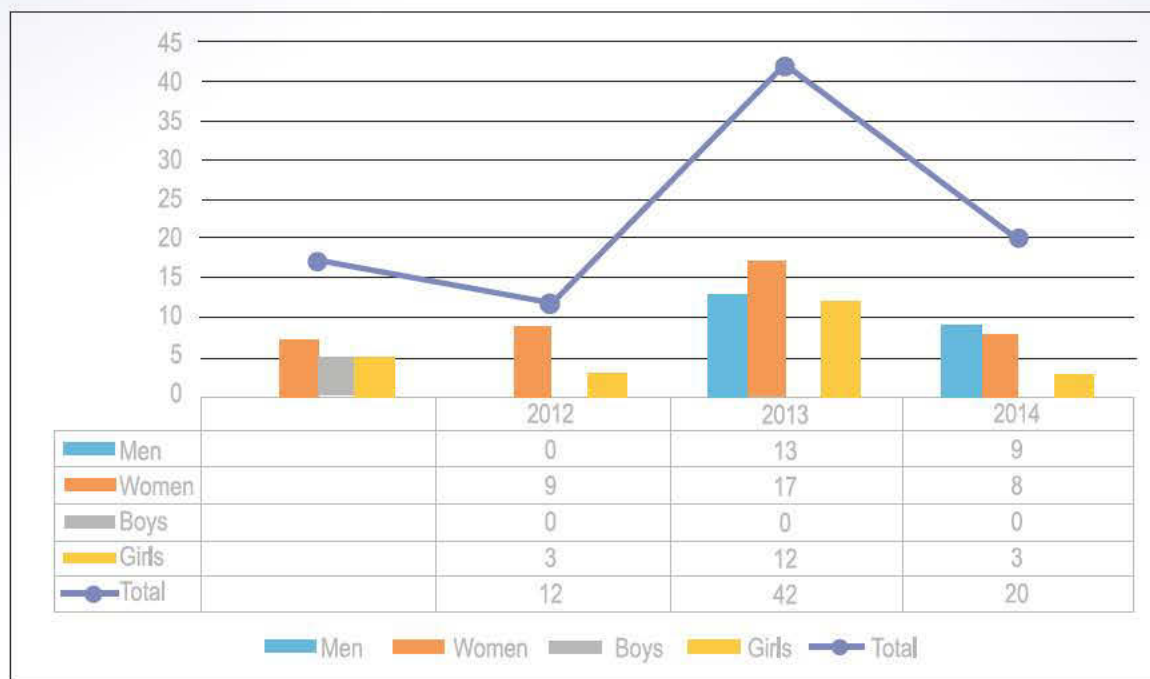
4.10.1 Data on victims and cases of TIP

Although the *Prevention and Combating of Trafficking in Persons Act* was enacted in 2013, statistics of victims of TIP have been collected since 2008. Data on the number of victims was provided by the National Prosecuting Authority (NPA), the South African Police Service (SAPS) and the IOM mission in South Africa. The data differed significantly across the three institutions, and the inconsistencies point to the need for centralised TIP data systems in Member States. The data from SAPS, NPA and IOM is presented in **Figures 11, 12 and 13** respectively.

²⁷ In terms of Government Gazette of 7 August 2015 (No. 39078: http://www.gov.za/sites/www.gov.za/files/39078_proc32.pdf), published on 7 August 2015, all provisions of the Prevention and Combating of Trafficking in Persons Act, with the exception of sections 15, 16, and 31(2)(b)(ii) came into effect. The latter provisions respectively relate to i) protective measures (including a recovery and reflection period) for purposes of investigation and prosecution in respect of foreign victims of TIP; ii) facilitation (including through the issuance of temporary visitor's visas) of investigation or prosecution in case of foreign witnesses; and iii) the duty of the Director-General of Home Affairs to inform a victim who is to be repatriated about any arrangements that have been made for their reception in the country to which they are to be repatriated.

²⁸ General Notice No. 152 of 2015.

Figure 11: TIP victims in South Africa (2011-2014)



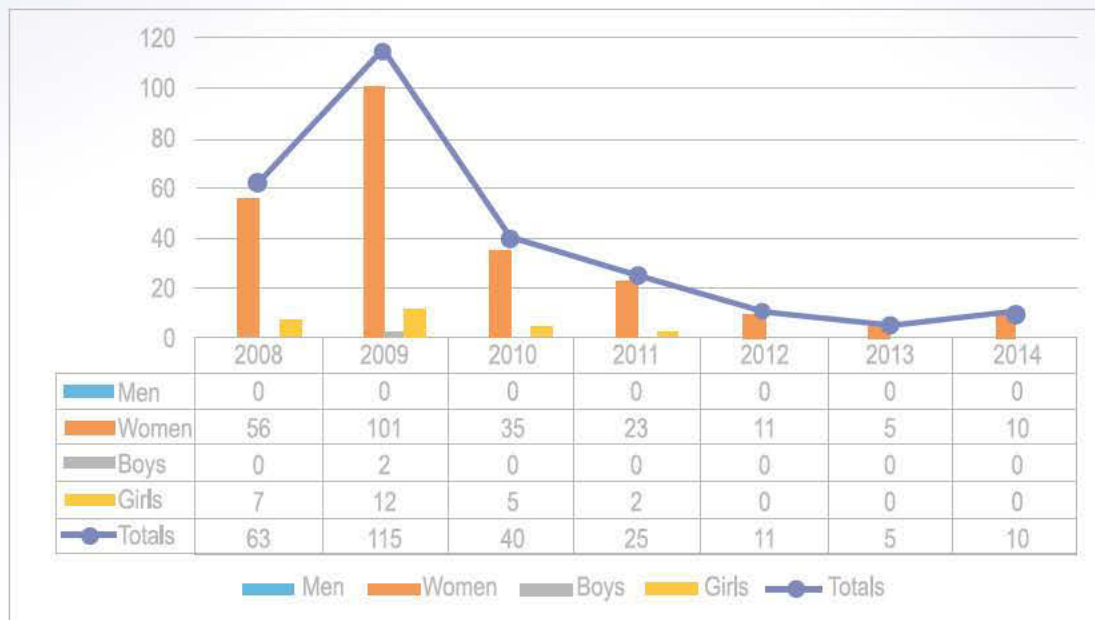
Source: SAPS

Figure 12: TIP victims in South Africa (2008-2013)



Source: NPA

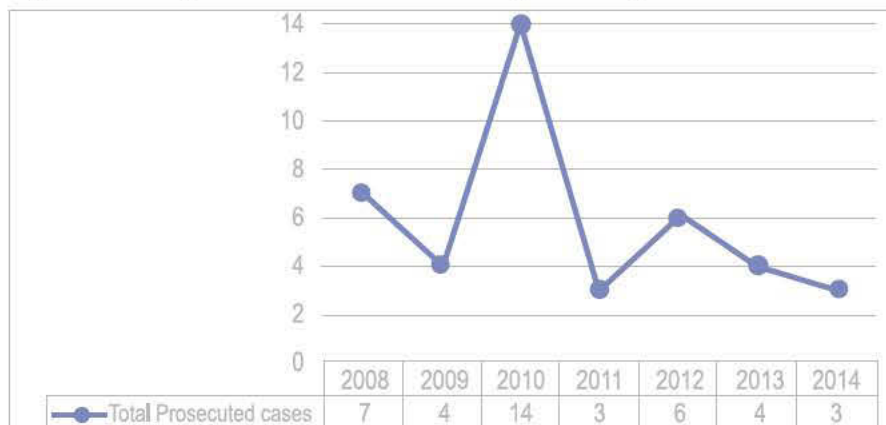
Figure 13: TIP victims assisted by IOM in South Africa (2009-2014)



Source: IOM South Africa

The NPA also provided data on the number of TIP cases that have been prosecuted in South Africa since 2008. Prior to the enactment of the *Prevention and Combating of Trafficking in Persons Act* in 2013, traffickers were prosecuted under different pieces of legislation for offences akin to trafficking, such as, forced prostitution, labour, immigration and child care. In addition, a number of high-profile cases were prosecuted and convicted before the law came into effect in 2015, such as the *State v Aldina dos Santos* who was sentenced to life imprisonment in 2011 for child sexual exploitation, while in the *State v Lloyd Mabuza* and another, the perpetrator was given eight (8) life sentences in 2014 for TIP for sexual exploitation.²⁹

Figure 14: TIP prosecutions in South Africa (2008-2014)



Source: NPA

²⁹ See address by South Africa's Deputy Minister of Justice and Constitutional Development at the 13th UN Congress on Crime Prevention and Criminal Justice in Doha, Qatar, on 14th April 2015: https://www.unodc.org/documents/congress/workshops/workshop2/Statement_J_Jeffery_South_Africa_.pdf accessed on 30 June 2016

4.10.2 Mapping TIP flows

South Africa was reported as primarily a destination country for TIP. As Table 8 indicates, victims were trafficked to South Africa from the SADC region, other African countries, and from Asia and Europe. In addition, South Africa's air transport links to international destinations makes it a transit point mainly for inter-continental TIP between Africa and other continents.

South Africa was also viewed as a source country for victims trafficked to destinations in Africa and to other continents such as Asia and Europe. Media reports detailed the trafficking of two children from Mpumalanga in South Africa to Malawi by a woman who falsely promised to send them to the United Kingdom (UK) to further their education (SANews, 2015). The children were reportedly abused in Malawi before being rescued by the South African Department of Social Development's International Social Services and the International Criminal Police Organisation (ICPO-INTERPOL). It remained unclear how widespread such incidences were.

Table 8: TIP flows to, from and within South Africa

Victims trafficked from (Source country)	Victims trafficked to (Destination country)	Transit route(s)
South Africa	Brazil, China, Switzerland, Thailand, USA, Venezuela, Middle East	—
SADC Member States	Various destinations in Europe, Asia, North and South America	South Africa
Angola, Bangladesh, Cambodia, China, DRC, Eastern Europe (Bulgaria, Romania, Russia, Ukraine), Eritrea, Ethiopia, India, Indonesia, Lesotho, Malawi, Mozambique, Nigeria, Pakistan, Rwanda, Swaziland, Thailand, Zimbabwe	South Africa	Mozambique, Lesotho, Swaziland, Zimbabwe, Zambia
Small towns and rural areas eg in the Northern Cape and Eastern Cape, and rural Kwa-Zulu Natal	Large urban centres eg Cape Town, Durban, and Johannesburg	Internal TIP

4.10.3 Push, pull and enabling factors driving TIP

Poverty and unemployment were viewed as the push factors behind TIP. However, caution must be exercised before oversimplifying the link between factors such as poverty and unemployment, on one hand, and the possibility of being trafficked, on the other. The desire for a better life and better opportunities elsewhere was also identified as a source of vulnerability for victims of TIP.

HIV and AIDS, in some instances, acted as a push factor, particularly in child-headed households. Instability in the home environment, domestic violence and abuse were also cited as factors that push people to desire to escape from home, while political unrest and natural disasters, particularly in source countries, were believed to have pushed some victims to South Africa.

Respondents identified several factors that potentially enable TIP. Firstly, porous borders between South Africa and its neighbours provided entry points for victims of TIP to enter or leave South Africa. Another enabling factor was corruption, particularly amongst border officials. In response, South Africa introduced stricter border controls, and new immigration regulations in 2015 mainly for people travelling with minors, arguing that the new regulations were going to assist in curbing child abduction, kidnapping and trafficking.³⁰

³⁰ For an overview of the immigration regulations, see <http://www.dha.gov.za/index.php/statements-speeches/600-overview-of-the-new-immigration-laws-and-regulations-and-their-implications-by-home-affairs-director-general-mkuseli-apleni> (accessed 07 September 2015).

The cultural practice of *ukuthwala* was also cited as a factor enabling internal TIP. *Ukuthwala* is ‘a form of abduction that involves kidnapping a young girl or young woman by a man and his peers with the intention of compelling her family to endorse marriage negotiations.’³¹ In its original form it was condoned as an unconventional path to marriage of girls or women of marriageable age, but did not involve rape or consensual sex with the girl until the marriage requirements were concluded. The South African government has voiced against the abuse of the practice, arguing that no cultural practice is above the law, and encourages people to report such incidences to the police and other community leaders.

4.10.4 *Groups vulnerable to TIP*

Women and girls were pointed out as most vulnerable to TIP, with men and boys less vulnerable. It is worth noting that all gender groups should be considered vulnerable to TIP because they fulfil the demands for different forms of exploitation differently. Women and girls are likely to be subjected to sexual exploitation, forced marriage and domestic servitude, while men and boys are likely to endure labour exploitation in sectors such as farming. However, it was also argued that the over-emphasis of the vulnerability of women and girls appears to have overshadowed the recognition of men and boys as potential victims of TIP.

The poor, unemployed and orphaned were identified as the social groups most vulnerable to TIP, in addition to the illiterate. It is important to discourage the stereotyping of victims as poor, unemployed and uneducated, as in South Africa, some victims were reportedly recruited through the use of the social media, suggesting that they had access to such technology, were tech-savvy, and relatively affluent. In some cases, even the highly educated people who have limited access to better opportunities in their communities and were, therefore, desperate for any opportunity to migrate, also became vulnerable to TIP.

4.10.5 *Strategies used by traffickers*

In most TIP cases reported in South Africa, traffickers used false promises to recruit their victims. The primary strategy involved promising the victims employment through individuals or ‘recruitment agencies’. Traffickers also promised to provide victims with an education, while in some cases they convinced their (female) victims that they were in love with them and persuading the victims to relocate with the traffickers. Some traffickers were increasingly using social media applications such as Facebook and Mxit to connect with and recruit their victims.

Traffickers also secured the cooperation of family members who had some influence over victims, especially child victims. This was mainly in relation to child victims, as was reported in the Mpumalanga case whereby two girls were reportedly trafficked to Malawi on the pretext that they were being taken to the UK to further their studies. It was further reported that, in some cases, traffickers abducted victims, albeit to a limited extent. In some instances, a ‘second wave recruitment’, whereby a victim of TIP was sent to recruit victims in their original communities was also employed. In the *State v Lloyd Mabuza* and another court case, his co-accused claimed that she, at one point, was also Mabuza’s victim before she was then used to recruit girls from Mozambique (Ferrari & Bloch, 2014).

31 For a detailed discussion on the practice of *ukuthwala*, see <http://www.justice.gov.za/brochure/ukuthwala/ukuthwala.html> (accessed 07 September 2015).

There were a wide array of strategies used by traffickers to control and exploit their victims, such as the use of addictive drugs, violence and threats, retention or destruction of victims' identity and travel documents, and debt bondage. Sometimes traffickers also isolated victims and limited their contact with people who speak the same language as the victims. In addition, some traffickers threatened to report the victims to the police or immigration authorities regarding their undocumented status or involvement in illegal activities such as prostitution.

Some traffickers manipulated their victims into believing that they (the traffickers) were 'kind' to their victims. This helped in cultivating a sense of loyalty and making victims reluctant to report, or provide evidence against, their traffickers. In other cases, traffickers conducted rituals using the victim's body tissues (eg blood or hair) and forced victims to take oaths of loyalty to the traffickers. The traffickers scared the victims telling them that they would be attacked by spirits if they broke their oaths. It was also reported that in other instances, traffickers forcibly impregnated female victims and used the children to manipulate the victims into staying with them and not plan an escape.

4.10.6 *Forms of exploitation*

Victims were largely subjected to sexual exploitation, including commercial sexual exploitation and sexual slavery, both in South Africa and in other destination countries. The majority of sexual exploitation cases involved female victims. Forced labour and labour exploitation were also reported to be taking place in South Africa and in other destination countries where victims from South Africa were exploited. Victims were exploited for their labour in various sectors including domestic (female), farming (male and female) and mining (male).

Forced marriage was identified as another form of exploitation of female victims of internal TIP in the context of *ukuthwala*. *Ukuthwala*, which is reportedly practised particularly in the Eastern Cape province, has been reported to be involving cases of "kidnapping, rape and forced marriage of minor girls as young as twelve [12] years, by grown men [sometimes] old enough to be their grandparents."³² However, there are a number of legislative options available for victims of *ukuthwala* as presented in **Box 3**.

³² See South Africa's Department of Justice and Constitutional Development's detailed discussion on *ukuthwala* available at <http://www.justice.gov.za/brochure/ukuthwala/ukuthwala.html>

Box 3: Legislative options available for victims of ukuthwala

Child Care Act: Health care professionals, social workers, educators, and staff and managers of children's homes have a duty to report the ill treatment of children and young people in care;

Children's Act: The Children's Act provides that in all matters involving children, the best interest of the child are of paramount importance. It also stipulates the age of consent to marriage as 18 years;

Domestic Violence Act: A victim of Ukuthwala may apply for a protection order under the Domestic Violence Act against family members involved in her abduction;

Rights under Criminal Law: A girl or woman that has been subjected to Ukuthwala may lay a charge of abduction, kidnapping, rape and trafficking in persons;

Family law: A girl-child or woman that has been subjected to Ukuthwala has a right to have the marriage annulled and, where appropriate, claim maintenance;

Civil remedies: A girl-child or woman may also claim damages for all harmful consequences of the Ukuthwala. This may include pain and suffering, missed educational opportunities, and long-term medical needs;

Victim's Charter: The Victim's Charter holds law-enforcement officers to specific standards, including victim participation and accountability to the victim; and

Social assistance: It is open to a victim of Ukuthwala to approach the South African Social Security Agency or any Department of Social Services for a social grant for their children.

Source: South Africa Department of Justice and Constitutional Development ³³

Although the *Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013* does not explicitly identify ukuthwala as a practice, it outlaws forced marriage.

It was also reported that traffickers often force male victims, especially those trafficked from Bangladesh and Pakistan, to marry South African women in order to legalise their status in the country. In such cases, forced marriage is not the ultimate goal of the trafficking process. Rather, it facilitates the continued exploitation of the male victims. Other less common forms of exploitation included forced begging, forced drug smuggling, and illegal adoptions.

None of the respondents had encountered cases involving the removal of organs for transplants since the *State v Netcare Kwa-Zulu (Pty) Ltd* case of 2010 (Allain, 2011). ³⁴ In this case, a hospital chain in South Africa (Netcare) and its doctors admitted to charges of illegal kidney transplant operations carried out between June 2001 and November 2003 involving mainly Brazilian, Israeli and Romanian citizens (some of them being children). The recipients of the organs paid the hospital between US\$100,000 and US\$120,000, while the donors were initially paid around US\$20,000. The fee to the donors eventually dropped to an average of US\$6,000 per kidney. While the facts of the case point to TIP, they arose before South Africa's enactment of anti-TIP legislation. As such, the accused were charged under the *Human Tissues Act of 1983* and the *Prevention of Organised Crime Act of 1998*. A confiscation order of approximately US\$466,839 and a sentence of approximately US\$493,875 were imposed on the hospital group. In addition to removal of organs for transplants, there have been concerns of removal of body parts for ritual purposes. However, there is need for thorough investigations into reports of removal of victims' body parts for 'ritual purposes' so as to ascertain whether these cases are indeed linked to TIP.

³³ Available at <http://www.justice.gov.za/brochure/ukuthwala/ukuthwala.html> (accessed 10 October 2015)

³⁴ A detailed description of the case law can be found at https://www.unodc.org/cld/case-law-doc/traffickingpersons/crimetype/zaf/2010/state_v_netcare_kwa-zulu_limited.html (accessed 07 September 2015) and in Allain (2011)

4.10.7 Impacts of TIP

Most victims reportedly suffered emotional trauma as well as mental, physical, sexual and reproductive health disorders. Some victims resorted to substance use and abuse negatively affecting their interactions with others. On the whole, TIP primarily resulted in crime, human rights violations and a breakdown in the social fabric, it undermined government authority and public health, as well as diminishing the human capital.

4.11 SWAZILAND

Swaziland enacted the *People Trafficking and People Smuggling (Prohibition) Act, No. 7*, in 2009, becoming the only country in the SADC region to have explicitly combined TIP and SOM issues in the same legislation. Since the enactment of the legislation, Swaziland developed the *Swaziland National Strategic Framework and Action Plan to Combat People Trafficking (2013-2015)*, which details the activities planned for implementation in the country in response to the scourge of TIP and SOM. The *Victim Identification Guidelines and Referral Mechanism for Assisting Victims of Human Trafficking* in Swaziland that provides a practical guide to identifying, referring and assisting TIP victims was also developed and finalised in 2015.

4.11.1 Data on victims and cases of TIP

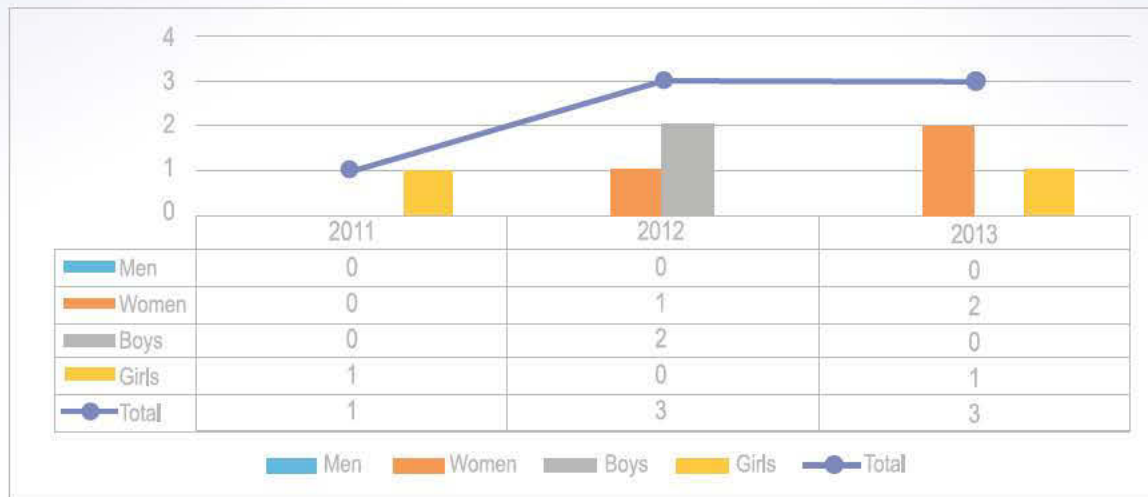
Table 9 and **Figure 15** present data on TIP victims and smuggled migrants identified in Swaziland since 2011. The data, slightly variant, was provided by two different entities, the Swaziland Prevention of People Trafficking Secretariat and the Directorate of Public Prosecutions (DPP) in the Ministry of Justice and Constitutional Affairs. The data presented by the Swaziland Prevention of People Trafficking Secretariat was based on the victims/ survivors identified and referred to the Secretariat for assistance. The victims who were provided with shelter included nine (9) victims of TIP and 20 smuggled migrants. Of the nine victims of TIP, there were two (2) female victims while the rest were male victims. The data provided by the two agencies differ with regards the specific number of TIP victims particularly for 2011, 2012 and 2013.

Table 9: TIP victims and smuggled migrants in Swaziland (2011-2015)

Year	TIP [Age (years)]		SOM [Age (years)]		Sex		Total	Nationality
	0-18	18+	0-18	18+	F	M		
2011	0	0	0	7	1	6	7	Indian
2012	2	6	2	7	6	11	17	Chinese, Mozambican, Nigerian, Ugandan
2013	0	0	0	0	0	0	0	N/A
2014	0	0	0	1	0	1	1	Bangladesh
2015	1	0	0	3	1	3	4	Mozambicans
TOTAL	3	6	2	18	8	21	29	

Source: Swaziland Prevention of People Trafficking Secretariat

Figure 15: TIP victims in Swaziland (2011-2013)

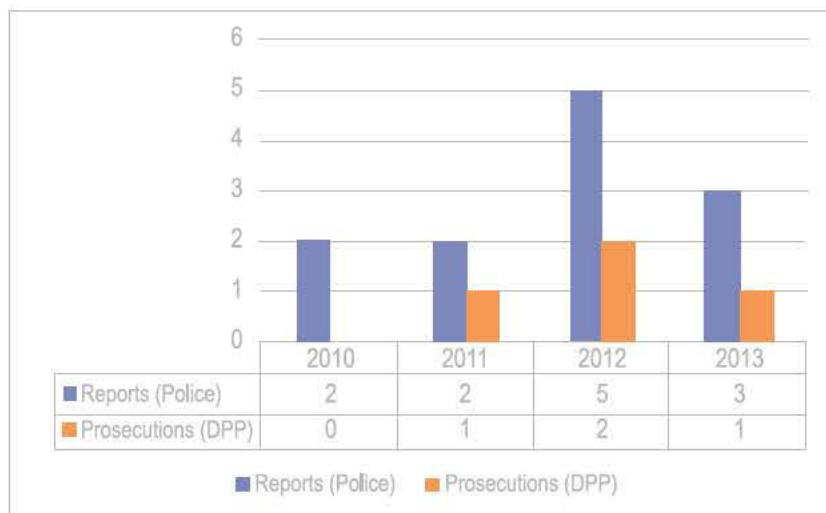


Source: DPP

It must be highlighted that victims of TIP and smuggled migrants identified in Swaziland were treated under the same legal provisions, and were similarly provided with care and protection support. This has resulted in the reviewing of the legislation to clearly demarcate the type of assistance that the victims of TIP and smuggled migrants receive.

The statistics provided by the Prevention of People Trafficking Secretariat in Swaziland show that the majority of the victims (66 percent) were aged 18 years and above. It can also be observed that there were more male victims of TIP and smuggled migrants than women. This probably is an indication of the migration patterns between Swaziland and other countries in the region, particularly South Africa where men migrate to for labour. **Figure 16** provides data on the reported cases and prosecutions since the enactment of the *People Trafficking and People Smuggling (Prohibition) Act* in Swaziland.

Figure 16: TIP cases reported and prosecuted in Swaziland (2010-2013)



Source: Royal Swaziland Police Service and DPP

4.11.2 Mapping TIP flows

Swaziland was viewed as predominantly a source and transit country, and, to a lesser extent, a destination country for TIP, with South Africa being the primary destination for victims trafficked from Swaziland. Swaziland was used as a transit country for victims trafficked to South Africa from as far as Asia. Furthermore, the country was reported as a destination country for victims of TIP from other African countries and from Asia. Internal TIP was reported as taking place within the country, with victims being trafficked from rural to urban areas.

Table 10: TIP flows to, from and within Swaziland

Victims trafficked from (Source country)	Victims trafficked to (Destination country)	Transit route(s)
Swaziland	South Africa	
	South Korea	South Africa, China
	Canada	South Africa
Uganda	South Africa, Brazil, USA	Swaziland
China, Mozambique	South Africa	
Bangladesh, Mozambique, Nigeria	Swaziland	
Rural areas	Urban areas	Internal TIP

4.11.3 Push, pull and enabling factors driving TIP

Poverty, unemployment and HIV and AIDS were cited as the most significant factors pushing victims into TIP from and within Swaziland, as was also identified in previous research on TIP in Swaziland (HSRC, 2010:101-3).

The pull factors behind TIP included the demand for cheap and docile labour, and the demand for victims for sexual exploitation. The key enabling factors were porous borders, corruption amongst officials and relative ease with which people travel between and enter countries illegally. In addition, the ease of obtaining fraudulent identity and travel documents, which can facilitate the movement of victims; the limited public awareness about and recognition of TIP as a criminal offence; and the absence of regulations to harmonise the anti-TIP legislation with the criminalisation of undocumented migration were other TIP enabling factors cited in Swaziland. The criminalisation of undocumented migrants and the thin line between TIP and SOM were likely to make victims of TIP less likely to approach law enforcement agencies for fear of being treated as irregular migrants and face imminent deportation.

4.11.4 Groups vulnerable to TIP

Women, boys and girls were pointed out as the most vulnerable to TIP. The statistics provided by the Prevention of People Trafficking Secretariat show that men were particularly at risk of both TIP and SOM. Additionally, women and girls were more vulnerable to internal TIP than men and boys. The poor, unemployed, illiterate and orphans were the social groups identified as most vulnerable to TIP. Significantly, the HSRC reveals that even children who are not orphaned are sometimes vulnerable to TIP due to pressures to earn a living so that they can take care of their parents and siblings (HSRC, 2010:103).

4.11.5 *Strategies used by traffickers*

Traffickers mainly used false promises to lure victims, including promises of employment, education and, to a lesser extent, marriage and conference attendance. Traffickers were usually known to their victims or in the victims' communities. They also exploited their position of trust with the victims or the victims' families in order to lure their victims (HSRC, 2010:102-4).

Traffickers were most likely to control victims through debt bondage or by retaining or destroying victims' identity or travel documents, and sometimes used shame as a tool to control victims and prevent them from reporting to the police (HSRC, 2010:104).

4.11.6 *Forms of exploitation*

Victims trafficked to, from and within Swaziland were likely to be subjected to sexual exploitation, forced labour or labour exploitation. Forced labour was mentioned as a less common form of exploitation that victims encountered. There were also reports of children trafficked from Swaziland to South Africa to enable their traffickers to claim child care grants that the South African government provides for caregivers. However, there were no statistics for such cases.

4.11.7 *Impacts of TIP*

Victim of TIP identified in Swaziland endured emotional trauma and mental health disorders, and their social well-being was impaired, as they failed to relate with other people. Aggression and intolerance were some of the traits often exhibited by survivors of TIP.

Human rights violations were among the broader impacts of TIP, while there were also suggestions that TIP was likely to result in the breakdown of human capital and the social fabric, undermine public health, and increasing crime levels in affected communities.

4.12 TANZANIA

Tanzania enacted the *Anti-Trafficking in Persons Act, No. 6*, in 2008, becoming one of the first SADC countries to enact legislation criminalising the crime of TIP. The country's *Standard Operating Procedures for Identification and Assistance to Victims of Trafficking in Persons*, that were drafted to facilitate 'systematic investigation of cases of human trafficking as well as providing necessary assistance to victims', were launched in 2015. Additionally, regulations for the establishment of centres for protection and assistance to TIP victims, and for the prevention of TIP as well as protection and treatment of victims, were published in 2015.

The *Tanzania National Anti-Trafficking in Persons Action Plan (2015-2017)* identifies the *Immigration Act of 1995*, *Law of the Child Act, No. 21 of 2009*; *Penal Code CAP 16 (R. E 2002)*; *Children Act, No. 6 of 2011*; and the *Penal Act, No. 6 of 2004* as some of the pieces of legislation that complement the *Anti-Trafficking in Persons Act of 2008* in addressing TIP crimes in the country.

4.12.1 Data on victims and cases of TIP

Approximately 74 victims of TIP were identified in 2014 as shown in **Figure 17**.

Figure 17: TIP victims in Tanzania (2014)



Source: Ministry of Health and Social Welfare

With 73 of the identified victims being female, this shows that women and girls are the most vulnerable to TIP in the country.

4.12.2 Mapping TIP flows

Tanzania was viewed as a source, transit and destination country for TIP. Victims were trafficked from the country to South Africa, Middle East (especially Dubai, Oman and Saudi Arabia) and Asia, while the country was used as a transit country for victims from the Horn of Africa being trafficked to South Africa and Europe. Victims were trafficked from Burundi and Asian countries to Tanzania. In addition, internal TIP from Tanzania's rural areas to urban centres such as Dar-es-Salaam was also reported. **Table 11** maps TIP flows to, from, through and within Tanzania.

Table 11: TIP flows to, from and within Tanzania

Victims trafficked from (<i>Source country</i>)	Victims trafficked to (<i>Destination country</i>)	Transit route(s)
Tanzania	South Africa	Malawi
	China Middle East (especially Dubai, Oman and Saudi Arabia) and the Far East	
Horn of Africa	South Africa, Europe	Tanzania
Burundi, China, India, Nepal, The Philippines	Tanzania	
Rural areas eg Iringa, Singida, Mbeya, Dodoma, Tanga, Shinyanga and Manyara regions	Urban areas such as Dar-es-Salaam, Arusha, Kilimanjaro, Zanzibar and Mwanza regions	Internal TIP

4.12.3 Push, pull and enabling factors driving TIP

Poverty and unemployment were mentioned as push factors driving TIP in the country, in addition to HIV and AIDS and political unrest (Kamazima, 2009:21-23). Meanwhile, TIP was being fuelled by the demand for cheap labour and the commercial sex industry.

Porous borders made it easy for traffickers to operate their businesses and cross into and out of Tanzania without being apprehended. Corruption amongst government officials and the relative ease with which people travel between and enter the country illegally were identified as factors enabling TIP. In addition, historical and cultural practices of sending children to wealthier families to work in exchange for food were being exploited to facilitate TIP in Tanzania (Kamazima, 2009:22-23).

4.12.4 Groups vulnerable to TIP

Women and girls were viewed as the most vulnerable groups to TIP as shown in **Figure 17**. Boys and men were also viewed as vulnerable to TIP, although to a much lesser extent. The poor and unemployed were cited as the social groups most vulnerable to TIP, while the orphaned and illiterate were also susceptible to being trafficked for various forms of exploitation.

4.12.5 Strategies used by traffickers

Traffickers recruited their victims using false promises of employment and education, and took advantage of family members who have influence over would-be victims (Kamazima, 2009:23-27). While traffickers sometimes retained or destroyed victims' travel documents, they also threatened or used violence against victims, isolated them, or used debt bondage to control and exploit them.

4.12.6 Forms of exploitation

Victims of TIP were reported to have been subjected to sexual exploitation and labour exploitation in the domestic, construction, mining and fishing sectors (Kamazima, 2009:27-31; Mhango, 2012). Forced labour and forced marriage were other forms of exploitation that the victims were subjected to. Some victims of TIP were also reported to have had their body parts removed for ritual or other purposes.

4.12.7 Impacts of TIP

TIP was believed to have led to a breakdown in human capital and the violation of human rights, while it was reported to have broken down the social fabric and resulted in increased incidences of criminal activities. It was also suggested that TIP undermines public health and government authority.

4.13 ZIMBABWE

Zimbabwe enacted the Trafficking in Persons Act, No.4, in 2014. Prior to the enactment of the Act, the Government of Zimbabwe had promulgated temporary measures to prosecute cases of TIP, the Presidential Powers (Temporary Measures) (Trafficking in Persons Act), 2014. The regulations were operational for a period of six months leading to the enactment of the Act. Despite the dearth of TIP data in the country, published literature argues that the country is largely a source of and transit country for victims of TIP (HSRC, 2010:119; UNODC & SADC Secretariat, 2007:24).

4.13.1 *Data on victims and cases of TIP*

No data was readily available on TIP cases and on victims of TIP in Zimbabwe. This was largely because the country's comprehensive TIP legislation was only enacted in early 2014 when the temporary regulations were gazetted. However, some respondents provided information about TIP based on their respective mandates, without providing explicit statistics on the crime.

During the course of the research, there were media reports of two criminal cases that were before the courts. In the first case, which occurred between July 2013 and February 2014, a female Zimbabwean cross-border trader was accused of trafficking two women to Angola where they were forced to engaged in sex work while she collected the proceeds. The victims managed to escape and were returned to Zimbabwe whereupon they reported to the police (Laiton, 2014). Lupande (2014) reported that the accused, who was charged under the Criminal Codification and Reform Act, had been sentenced to an effective one and half years in prison. In the second case, a female recruitment agent based in Zimbabwe was charged with TIP for attempting to recruit 22 women to work as domestic workers in Saudi Arabia. She denied the charges arguing that she was a recruiting agent for a company based in Saudi Arabia (Kanambura, 2014). The case had not been concluded by the time this research report was finalised.

In early 2016, there were widespread media reports of Zimbabwean female nationals who were repatriated from the Middle East, particularly Kuwait, where they had been reportedly exploited in domestic servitude (Razemba, 2016).

4.13.2 *Mapping TIP flows*

According to respondents, prior research and the media reports, Zimbabweans were trafficked to neighbouring destinations such as Botswana and South Africa, as well as to Middle East (Kuwait) and Asian destinations, particularly China and India (Dodo & Dodo, 2012:148; Kanambura, 2014). The country was also viewed as a transit country for victims trafficked to South Africa from the DRC, Ethiopia and Somalia, and also a destination country for victims of trafficking, albeit to a lesser extent (Kanambura, 2014). Respondents also reported that victims were trafficked to Zimbabwe from China, Ethiopia, Pakistan, Rwanda, and Somalia, and were in many cases trafficked by their fellow nationals.

Table 12: TIP flows to, from and within Zimbabwe

Victims trafficked from (Source country)	Victims trafficked to (Destination country)	Transit route(s)
Zimbabwe	Angola, Botswana, China, India, Middle East (Kuwait) and South Africa	–
Ethiopia, Somalia, Uganda	South Africa	Zimbabwe
China, Ethiopia, India, Malawi, Mozambique, Pakistan, Somalia, and United Kingdom	Zimbabwe	–
Rural areas	Urban areas	Internal TIP

4.13.3 *Push, pull and enabling factors driving TIP*

The predominant push factors for TIP identified were poverty and unemployment. It was also pointed out that vulnerability was greater amongst those who were unaware of the crime of TIP and how it unfolds. HIV and AIDS was reported as a push factor because it has left multitudes of children orphaned (approximately 889,339 as of December 2014)³⁵ and vulnerable.

The political and economic challenges experienced at the turn of the millennium were also credited as push factors as they made Zimbabweans too eager to migrate to other countries, making them vulnerable to further exploitation by traffickers (Gumbo, 2008:48-51).

The demand for cheap labour and the commercial sex industry were highlighted as the key pull factors driving TIP in Zimbabwe and in other destination countries, while porous borders and corruption were seen as the key enabling factors as they facilitate transnational TIP between Zimbabwe and its neighbours. Zimbabweans' visa-free access to most neighbouring countries was also identified as facilitating cross-border TIP.

Meanwhile, socio-cultural norms about mutual family support were believed to be enabling traffickers to recruit family members by promising to pay for their education or providing them with a job. The presence of family members in foreign countries was highlighted as inspiring potential victims to migrate and making them vulnerable to TIP. It was also argued that until 2014, the lack of comprehensive anti-TIP legislation provided loopholes for traffickers to escape prosecution or to be prosecuted for a lesser offence. The lack of public awareness on the crime of TIP and on the legislative options available means that the majority of the victims neither report nor provide evidence against their exploiters. In addition, since the Trafficking in Persons Act is still in its early stages of implementation, capacity within the law enforcement sector to appropriately identify, investigate and prosecute cases of TIP is still limited.

4.13.4 *Groups vulnerable to TIP*

Women and girls were identified as the most vulnerable groups to TIP, especially for sexual exploitation, while the poor, unemployed, illiterate, orphaned and vulnerable children were viewed as the social groups most vulnerable to the crime. However, it cannot be absolutely ascertained that only the illiterate are more likely to be trafficked, as educated people can also be trafficked.

³⁵ See <http://www.nac.org.zw/about/hiv-aids-situation> for the AIDS situation in Zimbabwe.

4.13.5 *Strategies used by traffickers*

False promises for employment (De Sas Kropiwnicki, 2010b:29-31; Gumbo, 2008:53-54) and education were some of the traffickers' most common strategies for recruiting victims. In the cases of Zimbabwean women exploited in Kuwait, it was reported that 'most of the victims were lured through advertisements in the local media and were promised hefty salaries, good working conditions, air tickets and [further] education' (Razemba, 2016). Promises for marriage were the less common strategies employed by the traffickers to recruit the victims.

It was mentioned that some traffickers controlled victims by confiscating their travel and identity documents (Dodo & Dodo, 2012:148; Gumbo, 2008:53-54). Another strategy involved isolating victims and restricting their movement to control and exploit them.

4.13.6 *Forms of exploitation*

Sexual exploitation, sexual slavery³⁶, forced labour and forced marriage were highlighted as the forms of exploitation to which victims trafficked to and from Zimbabwe were subjected (Dodo & Dodo, 2012:147-8; Gumbo, 2008:40-44). Victims of TIP were also subjected to forced or exploitative labour, including in domestic servitude (De Sas Kropiwnicki, 2010b; Razemba, 2016; UNODC & SADC Secretariat, 2007:33-36).

4.13.7 *Impacts of TIP*

The impacts of TIP on victims are multi-layered and include emotional trauma, physical health disorders, sexual and reproductive health disorders (such as STIs). Furthermore, TIP impairs the social well-being of victims. Referring to the direct impacts of TIP on victims, one respondent argued that: 'It kills the soul, and results in a loss of confidence. Victims often do not trust strangers, and even family members. It is very difficult for them to reintegrate. Some of the victims end up having unwanted children.' Human rights violations and the breakdown of social fabric, as a result of the strain that is placed on family relations and family resources, were some of the broader impacts of TIP identified in Zimbabwe. It was also suggested that TIP undermines government authority as it results in a loss of confidence in public institutions, including law enforcement agencies. It was further emphasised that TIP threatens national security.

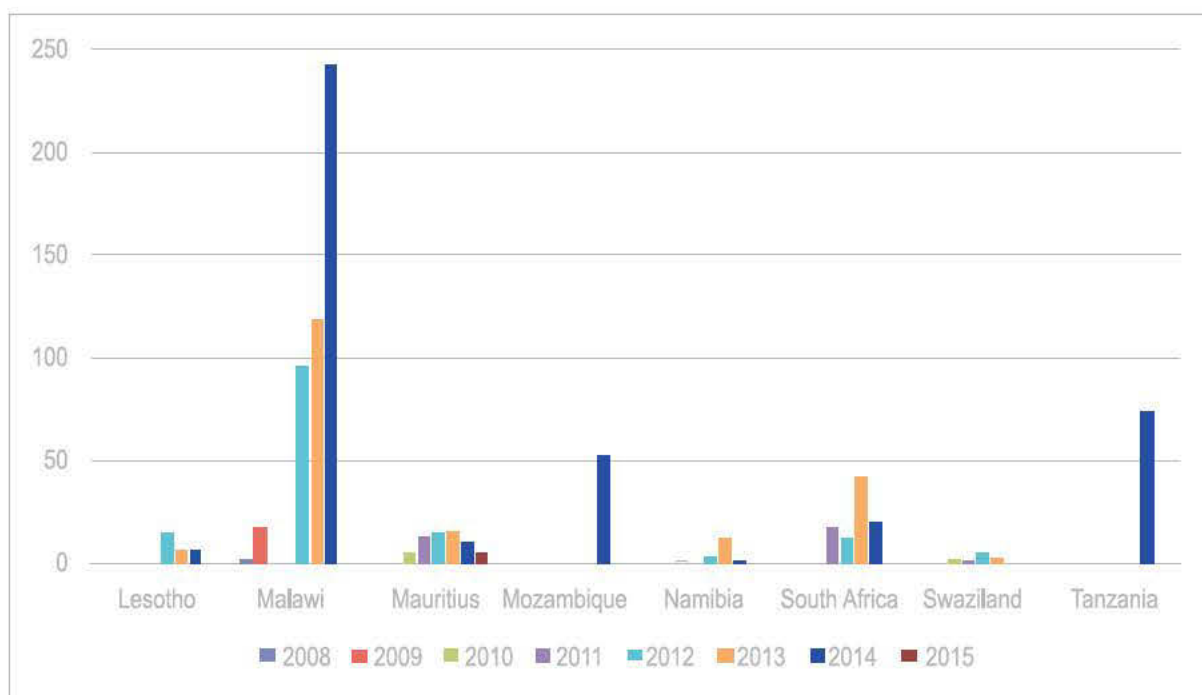
³⁶ For example, the trafficker may hold the victim captive and force the victim to have sex with them and in some cases, with their friends

5.0 SYNTHESIS OF FINDINGS ON TIP IN THE SADC REGION

5.1 Data on victims and cases of TIP

Eight countries (Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland and Tanzania) provided official data on the number of victims identified and/or cases prosecuted since 2008.³⁷ With the exception of Malawi, whose data covered both TIP and SOM, these Member States identified less than 50 victims per year. Given the limited availability of official data, the trends of TIP in the region cannot be definitively determined. Respondents suggested that rather than pointing to the insignificance of TIP in the Member States, these low numbers point to the challenges in identifying incidents and victims of TIP in the region.

Figure 18: TIP victims identified in selected SADC Member States (2008-2015)



Note: Malawi's data includes both TIP and SOM

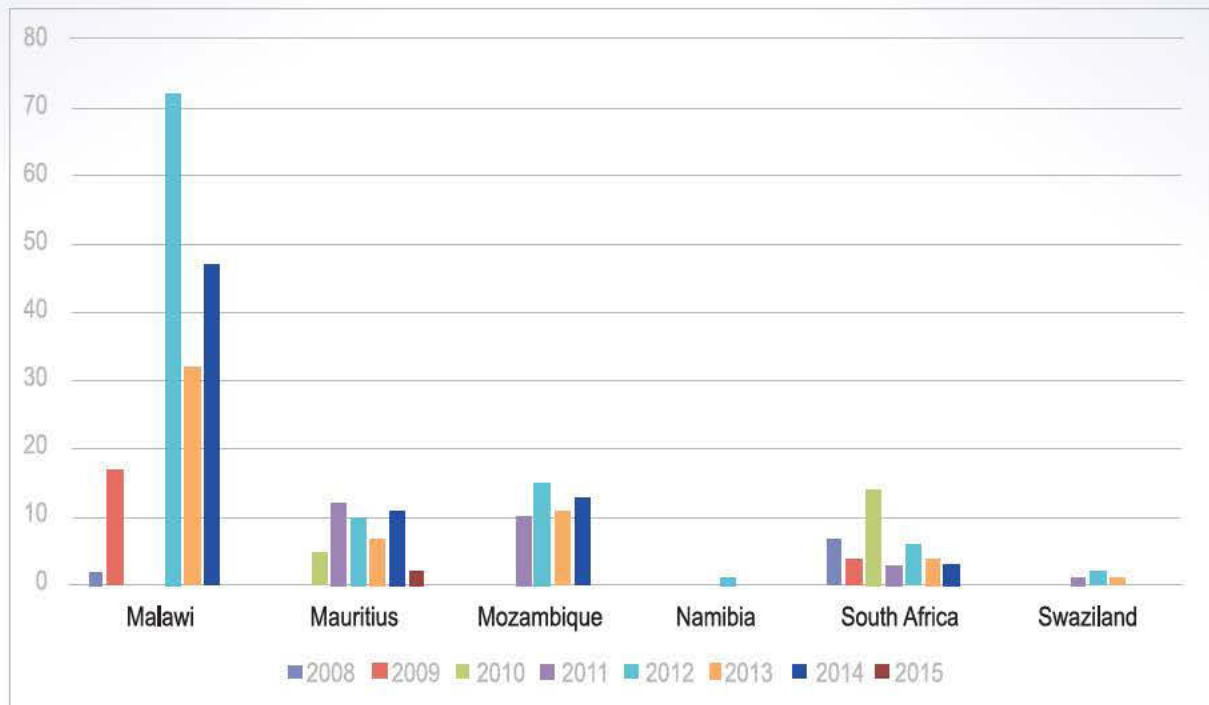
Source: Member States

Six countries (Malawi, Mauritius, Mozambique, Namibia, South Africa and Swaziland) submitted data on TIP investigations and prosecutions since 2008. **Figure 19** indicates the number of TIP cases investigated and/or prosecuted in each Member State.³⁸ It shows that the majority of these Member States prosecuted less than 15 cases per year since 2008. It was suggested that these numbers point to the limited capacity to detect, investigate and prosecute TIP cases within the region.

³⁷ Where a Member State's police and prosecuting authority provided conflicting data, the data provided by the police was preferred, as they come into direct contact with victims.

³⁸ Where a Member State's police and prosecuting authority provided conflicting data, the data provided by the prosecuting authority was preferred, as it is more immediately involved in criminal prosecutions.

Figure 19: TIP prosecutions in selected SADC Member States (2008-2015)



Note: Malawi data includes both TIP and SOM, while the data for Mauritius includes cases of child trafficking, ascertained TIP cases and cases related to TIP

Source: Member States

5.2 Mapping regional TIP flows

TIP in the SADC region generally follows the following patterns:

Internal in Member States: TIP within individual SADC Member States. This is also referred to as domestic TIP;

Intra-regional TIP: between different SADC Member States;

Inter-regional TIP: between SADC Member States and countries in other African regions; and

Inter-continental TIP: between SADC Member States and countries in other continents such as Asia and Europe.

South Africa was highlighted as the primary destination country for TIP within the SADC region, and as the primary transit country for inter-continental TIP. South Africa is mainly used as a transit country owing to its developed air transport infrastructure and its connectedness to the rest of the world, as well as its access to maritime transport. While South Africa was also identified as a source country for victims of TIP, it was reported that these victims were more likely to be trafficked outside the continent rather than to other African states.

Other SADC Member States were identified as source and transit and/or destination countries, with the majority being identified as mainly source and destination countries. A number of SADC Member States were identified as transit countries for victims trafficked to South Africa as well as to the Middle East. Island Member States such as Mauritius were less likely to be transit countries, as they do not share land borders with other Member States. Data from all Member States shows that internal TIP was being practised, although the extent was difficult to determine due to the policy emphasis on transnational TIP.

5.3 *Push, pull and enabling factors driving TIP*

Poverty, unemployment and lack of income-generating opportunities were highlighted as the significant push factors driving TIP in the SADC region. HIV and AIDS were identified as push factors in most Member States because they have increased the number of orphaned and vulnerable children. Natural disasters, such as floods and droughts, as well as political challenges in source countries were viewed as push factors particularly for victims of TIP who were exploited in economically advanced countries such as South Africa. The demand for cheap and docile labour was cited as a pull factor driving TIP, in addition to demand for labour in the agriculture, fishing, mining and domestic sectors. Another identified pull factor was the demand in the commercial sex industry. Sexual exploitation also took place in the context of forced marriages and the use of victims as sex slaves.

The demand for human organs for transplants was found to have played a limited role in driving demand for victims of TIP. The *State v Netcare Kwa-Zulu (Pty) Ltd* case in South Africa was cited as one instance of TIP for organ transplants. However, caution must be exercised when linking the demand for human body organs for ritual purposes exclusively to TIP, unless it is conclusive that the elements of TIP are evident in the case.

A number of factors enabling TIP within the SADC region mainly related to deficits in the legislative, administrative and institutional systems in Member States. These include lack of specific anti-TIP legislation or shortcomings in its implementation in Member States. The majority of front-line law enforcement officials in SADC Member States still lack adequate capacity to identify and investigate TIP cases. Limitations in the national identification registration system in some Member States such as Malawi, Namibia and Mozambique, were suggested to be enabling traffickers to traffic children without being apprehended. The difficulty of obtaining travel documents and the ease of obtaining fraudulent documents also facilitated traffickers' activities.

Porous borders between Member States were cited as another factor enabling TIP. There are large tracts of unpatrolled areas along borders between neighbouring countries, which allow traffickers to undertake transnational organised criminal activities. Weak systems for surveillance and security (e.g. cameras and biometric data) at border posts also enabled traffickers to transport victims through official border posts while corruption by officials was also cited as a factor enabling traffickers to circumvent legal procedures for entering another country. However, some countries in the region have been putting mechanisms in place to detect traffickers and other criminals at ports of entry. For example, when South Africa introduced 'biometric capturing at ports of entry' in 2015, they argued that this was intended 'to prevent the use of fraudulent documents, protect visitors from identity theft and to stop criminals and immigration violators from entering [South Africa]'.³⁹

³⁹ See statement by the Minister of Home Affairs available at <http://www.dha.gov.za/index.php/statements-speeches/721-statement-by-home-affairs-minister-malusi-gigaba-during-the-inspection-of-the-pilot-project-on-biometric-capturing-at-ports-of-entry-on-lambo-international-airport>

The proliferation of cross-border and international transport and the relaxation of visa requirements in some Member States were argued to have created more opportunities for traffickers. On the other hand, it was also argued that the high costs of travel, challenges in obtaining passports, lack of information about travel options and restrictive labour migration policies pose challenges for people wishing to legally migrate. As such, traffickers exploit these opportunities and pose as ‘facilitators’ and take advantage of unsuspecting victims. This ‘gate-keeper’ role also enables traffickers to control and exploit victims once they have reached their respective destinations.

Developments in information and communication technology (ICT), including access to the Internet and the extensive usage of social media platforms, were seen as providing spaces for traffickers to connect with and recruit victims. Lack of awareness about TIP in communities, as well as in the law enforcement agencies, was also identified as an enabling factor for TIP in the region. Steele (2013:676) suggests that responses to TIP should not just focus on raising the public’s awareness, but should also equip the public with the tools that they can use to avoid and combat the crime.

It was also suggested that some cultural norms facilitated TIP in a number of Member States, although this was mainly linked to internal forms of TIP. The most common example related to the tradition of mutual support in extended families, which provides for people to foster and educate relatives’ children. This practice, identified mainly in Malawi, Mozambique, Namibia and Zimbabwe, leads many parents to willingly send their children to relatives with the hope that their children will earn a better living. It was reported that some children in these situations ended up in domestic servitude and, in some cases, did not even attend school thereby deviating from what would have been the initial plan. Such practices were further complicated by the parents’ views that their children were ‘better off’ earning a living elsewhere than living in poverty. Declining moral values, the commodification of human beings and greed on the part of traffickers were seen as fuelling TIP. Meanwhile, in some countries where migration was rife, especially for the youth looking for better opportunities in other countries, it was noted that such a culture of migration was also enabling TIP. There were also controversies around linking TIP to some culturally acceptable practices such as ukuthwala that is practised in some countries such as South Africa. However, in the case of South Africa, government endeavoured to discourage this practice through legislative means (see Box 3).⁴⁰

5.4 Groups vulnerable to TIP

Women and girls were identified as the most vulnerable gender groups to TIP in the SADC region and largely subjected to sexual exploitation, labour exploitation and forced labour. Women and children are mainly vulnerable as a result of their low social and economic status, as well as lack of investment in the girl child (Shelley, 2010:16). Male victims were largely subjected to labour exploitation and forced labour. With regards the male gender group, boys were seen as more vulnerable to TIP than men. Some respondents cautioned against dismissing men as potential victims, and highlighted their vulnerability to labour exploitation and forced labour in various sectors. It was further stressed that anyone can be a victim of TIP depending on the demand that the traffickers will be intending to satisfy.

40 See http://www.gov.za/sites/www.gov.za/files/speech_docs/ukuthwala.pdf

The poor, unemployed and orphaned were mentioned as the social groups most vulnerable to TIP. However, the stereotype that most victims of TIP were illiterate and poor was challenged as there were instances where educated people were lured into TIP by the promise of better jobs, as shown in the case of Zimbabwean women exploited in Kuwait. Furthermore, the use of more sophisticated methods of recruiting victims, such as social media and emails suggests that some victims were relatively affluent. It was argued that it is important to focus on the victims' desire for a better life elsewhere, which makes them vulnerable to traffickers.

Other groups that were viewed as vulnerable to TIP included people living with disabilities (eg in Lesotho, Malawi and Seychelles), people living with albinism (eg in Malawi and Mozambique) and displaced people (eg in Angola, Lesotho, Malawi and Tanzania). People living with albinism were mainly targeted for ritual murders as there were beliefs that their skin and body organs made stronger traditional medicine for ritual purposes (HSRC, 2010:17). Meanwhile those living with disabilities were vulnerable to TIP for forced begging. Furthermore, in Namibia, members of indigenous communities such as the San and Zemba were reported to be vulnerable to internal TIP for forced labour and labour exploitation. However, vulnerability of these social groups specifically to TIP requires further investigation.

5.5 Strategies used by traffickers

Traffickers employed several strategies to recruit and control their victims. The strategies depended on the circumstances of the victims and their relationship with the perpetrators. It was suggested that traffickers take time to study prospective victims so that they could identify their areas of vulnerability and use them to their advantage. One respondent suggested that:

“[the strategy] depends on who [the victims are], where they are coming from, [and] how much knowledge they have. [The traffickers] change strategies depending on the status of the victim.”

Traffickers rarely abducted victims or recruited them by force. In some cases of abduction identified, it was mainly child victims of TIP that were involved.

In most cases, recruiters were known to their victims or introduced themselves to victims—either in person, via social media or by email—and built a relationship with them to gain their trust. Recruiters promised victims a better life through migration, employment or further education. Some traffickers lured victims by promising marriage or some form of relationship once they have reached their intended destinations. Victims were reported to have gone with traffickers willingly, and, on reaching the destination, discovered that they had been deceived. Traffickers also persuaded children's parents and guardians to release them, as was the case in the Mpumalanga case whereby the alleged trafficker convinced the girls' grandmother that she was taking them to the UK where there were better opportunities for them before she eventually took them to Malawi.

Traffickers employed a wide range of strategies to control their victims. These strategies, which included isolation of victims and restriction of their movement, for example by locking them in a house, depriving them of money, and restricting their ability to communicate, were largely similar across the region. Debt bondage involving large sums of money, particularly in cases of transnational TIP, was another strategy used by traffickers to keep victims under their control. Traffickers reportedly withheld the victims' salaries to recover the victims' travel and other expenses. Some traffickers constantly inflated the amounts that the victims 'owed' them, or did not disclose such amounts, as a way of keeping the victims in perennial bondage.

Traffickers retained victims' identity and travel documents, while in selected cases they used drugs to exploit and control their victims. Traffickers also used violence and threats of harm to the victim or their families. In other reported cases, traffickers used some form of psychological control by claiming that they could use traditional medicine to harm the victims if they disobeyed them or tried to escape. It was also suggested that some traffickers forcibly impregnated female victims and used their children to control them.

5.6 Forms of exploitation

Victims of TIP in the SADC region were subjected to different forms of exploitation including sexual exploitation, labour exploitation and forced labour. Female victims, especially girls, were more likely to be subjected to commercial sexual exploitation than male victims. Forced marriage of girls and women was also reported in some countries in the SADC region, such as Malawi, Mozambique and South Africa. Forced labour and labour exploitation were taking place in a number of economic sectors, including agriculture (men and boys), mining (men and boys), domestic servitude (women and girls), livestock herding (boys), informal trade (children), and fishing (men and boys). Some of these victims who were recruited from the region but exploited in other countries were reportedly subjected to domestic servitude, especially in the Middle East.

Some less common cases of exploitation were also reported in some Member States. The first relates to the trafficking of children from Swaziland to South Africa to claim child care grants that are available to South African citizens. Traffickers would exploit the historical ethnic and social ties between South Africa and Swaziland and use fraudulent documentation to claim these benefits. The second was the exploitation of children, particularly those living with disabilities, for begging. It was reported that traffickers stationed victims at strategic locations in cities, forced them to beg and collected their 'earnings'. The third was exploitation as child soldiers particularly in conflict situations (Shelley, 2010:50).

5.7 Impacts of TIP

Victims of TIP mostly experienced emotional trauma and mental health disorders. The latter includes depression, suicidal thoughts, and poor concentration. Their social well-being was impaired, making it difficult for them to trust anyone and to reintegrate into their respective communities. In some cases, they suffered from physical health disorders and sexual reproductive disorders, while substance use and abuse, violence, rape and unwanted pregnancies were also cited as other impacts experienced by victims of TIP.

Human rights violations, increased crime, the breakdown in social fabric, and the breakdown in human capital also resulted from TIP, while it was believed that TIP undermines government authority as well as public health.

6.0 CONCLUSION AND RECOMMENDATIONS

The crime of trafficking in persons (TIP) presents a relatively new policy area in SADC, and most Member States are in the early stages of recognising the problem, understanding its complex nature and developing and implementing legislation to combat the crime. Most Member States within the region have less than ten years in implementing comprehensive legislation to prosecute traffickers, to protect and support victims and to prevent TIP. Procedures for identifying victims of TIP and for investigating and prosecuting cases of TIP are at an early stage of implementation in those Member States that have developed the procedures. Member States' systems for recording and collating TIP data are at an even more nascent stage.

About half of the SADC Member States provided official data on the number of victims identified since 2008, and in some cases, the data was not sex- or age- disaggregated. Less than half of the SADC Member States had official data on the number of TIP cases reported, investigated and prosecuted in 2008, and a few could indicate how many of these cases resulted in convictions. The data gathered indicated that the majority of these Member States officially identified less than 50 victims and prosecuted less than 15 cases per year, far lesser than those often cited in media and global research reports on TIP. However, these findings are not evidence that TIP is insignificant in the SADC region, but rather highlight the need to strengthen TIP data collection and management systems in the region, as well as conducting in-depth studies on TIP in each Member State.

Several Member States were in the process of improving their systems for reporting and collating TIP data. The establishment of the SADC regional TIP database, which provides a uniform system to collate TIP data from Member States, was anticipated to contribute to improving the quality and reliability of TIP data over time in the SADC region.

Given the limited availability of official data on TIP, one cannot draw definitive conclusions about the sex, age, and nationality of victims and mapping of TIP flows. There is limited information to clearly identify the demographic characteristics of traffickers, their organisational formation, and the strategies that they use to recruit, exploit and control victims. Findings on the factors driving TIP and the impacts of TIP are preliminary at this stage, and stand to be more rigorously tested as the availability and reliability of TIP data improves over time.

The following recommendations are grouped according to the eight (8) strategies priorities for action identified in the *10 Year SADC SPA on Combating TIP (2009-2019)*. An additional priority area on 'investigation and prosecution' was included based on the findings from the research. It is important to emphasise that while the recommendations are grouped according to the priorities for action, they are in fact interlinked and are complementary, and a number of them overlap across priority areas for action.

Priority Area	Member States are recommended to:
Legislation and policy measures	<ul style="list-style-type: none"> i. Develop appropriate anti-TIP legal and policy instruments, as well as the appropriate tools to facilitate implementation of legislative frameworks; ii. Review, amend and strengthen existing TIP legislation to effectively integrate emerging issues in combating TIP; iii. Strengthen the enforcement of existing legislation on TIP; iv. Expedite the harmonisation of TIP legislation with other pieces of legislation to facilitate effective application of the legislative frameworks; v. Develop the capacity of law enforcement officers and service providers to understand the provisions of the legislation and their respective roles in implementing and enforcing such legislation; vi. Develop clear guidelines that differentiate between the various forms of exploitation in order to ensure that the crimes are prosecuted under appropriate pieces of legislation; vii. Raise awareness on relevant TIP instruments in communities to enable the communities to fully understand their significance and role in combating TIP; viii. Establish platforms for the sharing of information and experiences on legislation and policy development and implementation, for example through workshops, regional database on TIP, and country-to-country experiential learning visits, etc.
Investigation and prosecution	<ul style="list-style-type: none"> i. Develop human and financial capacity of the police, prosecuting authorities, as well as the whole judicial system to effectively investigate and prosecute TIP cases; ii. Identify TIP as a priority crime and assign it to special investigative and prosecuting units (other than sexual offences units); iii. Strengthen investigation and prosecution processes to integrate a victim-centred approach to investigating and prosecuting TIP cases; iv. Intensify efforts to curb corruption amongst state officials that often hinder investigation and prosecution of TIP cases; v. Encourage cooperation between law enforcement agencies and prosecuting authorities in the investigation and prosecution of TIP cases; vi. Clarify the roles of different service providers in reporting, investigating and prosecuting TIP cases through the use of appropriate SOPs and referral mechanisms; vii. Enhance inter-State cooperation in intelligence sharing and prosecution of TIP cases within the framework of global and regional protocols such as the <i>SADC Protocol on Mutual Legal Assistance in Criminal Matters</i>, and <i>Protocol on Extradition</i>.
Victim support and witness protection	<ul style="list-style-type: none"> i. Establish dedicated state shelters for victims of TIP and provide adequate security and resources for such places of safety; ii. Ensure that there are adequate shelters for all gender groups; iii. Develop and enforce guidelines detailing minimum requirements and/or standards for the shelters and places of safety; iv. Take appropriate measures to accredit the facilities and staff at general shelters to ensure that they have the right capacity to assist various categories of victims; v. Establish SOPs to guide victim identification and victim assistance and to provide for referral systems; vi. Raise general awareness on the existence of service providers and first responders where victims of TIP can receive assistance; vii. Raise and allocate resources for repatriation, family reunification, rehabilitation and reintegration of victims of TIP;

Priority Area	Member States are recommended to:
Victim support and witness protection	<ul style="list-style-type: none"> viii. Strengthen cooperation between stakeholders in source and destination countries to facilitate repatriation, rehabilitation and reintegration of victims of TIP; ix. Share lessons and effective practices on victim assistance among Member States; x. Promote capacity building of service providers involved in victim support and witness protection.
Prevention and awareness-raising	<ul style="list-style-type: none"> i. Establish toll-free hotlines to facilitate reporting of potential TIP cases; ii. Enhance media's capacity to effectively communicate on TIP; iii. Facilitate and strengthen multi-sectoral cooperation, incorporating government departments, private sector, civil society, media, research institutions, etc, to implement communication, training and public awareness raising initiatives on TIP; iv. Promote community involvement in raising awareness, prevention and detection of TIP; v. Share effective practices and experiences on prevention and awareness raising activities to combat TIP in order to foster learning between Member States.
Research and information sharing	<ul style="list-style-type: none"> i. Establish new platforms and strengthen existing ones at national and regional levels to share information on TIP, for example through the SADC Regional Database on TIP; ii. Enhance knowledge management activities on TIP, including gathering, management and dissemination of data on TIP; iii. Establish centralised platforms for TIP information management and dissemination; iv. Develop and disseminate national directories of service providers involved in anti-TIP work; v. Conduct periodic national and regional researches and situational assessments on TIP; vi. Promote research on TIP through centres of excellence, and cooperation with research organisations and academic institutions in studying the scope and trends of TIP.
Coordination and regional cooperation	<ul style="list-style-type: none"> i. Share good practice and useful lessons on national anti-TIP coordinating structures to facilitate learning in Member States in effective implementation of their respective responses to TIP; ii. Establish bilateral and multi-lateral cooperation between source, transit and destination countries, extending beyond the SADC region; iii. Strengthen joint commissions, for example within the framework of the Joint Permanent Commissions (JPCs) on Defence and Security that exist between SADC Member States, to effectively combat TIP; iv. Strengthen the capacity of regional institutions to undertake initiatives and create platforms for regional exchanges and cooperation; v. Strengthen coordination and cooperation in Member States, including through the development and operationalisation of Referral Mechanisms.
Skills enhancement and capacity development	<ul style="list-style-type: none"> i. Strengthen capacity of law enforcement officers and service providers on TIP prevention and prosecution, and protection of TIP victims; ii. Facilitate the rolling out of training of trainers on TIP in Member States; iii. Conduct capacity assessments and skills audits specific to TIP in Member States to facilitate resource pooling for effective implementation of anti-TIP activities in Member States; iv. Develop comprehensive training and capacity development plans to facilitate systematic efforts in enhancing capacity within institutions and in Member States;

Priority Area	Member States are recommended to:
Skills enhancement and capacity development	v. Develop tools to assess the effectiveness and impact of training programmes and implement measures to address the constraints identified in these assessments.
Planning, monitoring, evaluation and reporting	<ul style="list-style-type: none"> i. Strengthen data gathering capacity to enable Member States to meet their monitoring and reporting obligations as part of the <i>UN Global Plan of Action to Combat Trafficking in Persons (2010)</i>⁴¹; ii. Establish uniform planning, monitoring, evaluation and reporting guidelines and indicators at national and regional levels for monitoring, evaluation and reporting on TIP; iii. Facilitate sharing of experiences on systems and indicators adopted for the monitoring, evaluation and reporting on TIP; iv. Raise awareness on existing strategies to combat TIP in the region, such as the <i>10 Year SADC SPA on Combating TIP (2009-2019)</i>, and the <i>UN Global Plan of Action to Combat Trafficking in Persons (2010)</i>; v. Develop strategies to intensify efforts to share national and regional monitoring and evaluation reports on TIP.
Resource mobilisation	<ul style="list-style-type: none"> i. Promote public, private and community partnerships (PPCPs) on combating TIP, facilitating collaboration and pooling of financial and non-financial resources for effective implementation of TIP responses at Member States and regional levels; ii. Develop and strengthen capacity for effective resource mobilisation and management; iii. Facilitate resource mobilisation within the framework of existing national resource mobilisation and management strategies; iv. Facilitate the operationalisation of the Victim Funds that are established by Member States laws on TIP; v. Develop strategies to identify and quantify the incidental contributions that State and non-State stakeholders make towards combating TIP in the course of conducting their every-day mandates.

41 The United Nations Global Plan of Action to Combat Trafficking in Persons was adopted by the UN General Assembly in 2010 (see https://www.unodc.org/documents/human-trafficking/United_Nations_Global_Plan_of_Action_to_Combat_Trafficking_in_Persons.pdf)

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