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Long-term Assistance and Services for Research (LASER)

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RESEARCH INTO THE NATURE AND SCOPE OF TRAFFICKING IN PERSONS IN SOUTH AFRICA:

RESEARCH REPORT

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ABOUT LASER PULSE

LASER (Long-term Assistance and Services for Research) PULSE (Partners for University-Led Solutions Engine) is a five-year, \$70M program funded through USAID's Innovation, Technology, and Research Hub, that delivers research-driven solutions to field-sourced development challenges in USAID partner countries.

A consortium led by Purdue University, with core partners Catholic Relief Services, Indiana University, Makerere University, and the University of Notre Dame, implements the LASER PULSE program through a growing network of 2,700+ researchers and development practitioners in 61 countries.

LASER PULSE collaborates with USAID missions, bureaus, and independent offices, and other local stakeholders to identify research needs for critical development challenges, and funds and strengthens the capacity of researcher-practitioner teams to co-design solutions that translate into policy and practice.

EXECUTIVE SUMMARY

Khulisa Management Services (Khulisa) in partnership with the University of the Witwatersrand (Wits), received a sub-award through Purdue University/LASER PULSE in association with the USAID-funded Long-Term Assistance and Services for Research Award (7200AA18CA00009 LASER) in May 2020 to conduct research on Trafficking in Persons (TIP) in South Africa. This work represents a collaboration between USAID/Southern Africa, USAID/ITR, and the Department of Science and Innovation (DSI), South Africa. This research provides evidence on the nature and magnitude of TIP in South Africa. The national TIP study was conducted between 2020 and 2022. Ethical approval was gained from the University of the Witwatersrand (H20/05/35).

The national study aims to develop an evidence-based framework which:

- a) Scopes the magnitude and nature of trafficking (especially labor trafficking);
- b) Assesses the current nature and TIP response based on data extracted from the field at provincial and national levels;
- c) Identifies where the GOSA can develop or strengthen multi-sectoral counter-trafficking interventions; and
- d) Delivers reusable TIP indicators for future longitudinal analysis.

Despite numerous calls over the past 15 years for the South African government to create and manage a centralized TIP evidence database in South Africa (Legget, 2004; Van der Watt, 2015; Van der Watt, 2020; Pharoah, 2006), the true prevalence of TIP remains unknown.

Aspirations, rigorous methods, and debilitating challenges are intrinsic to the conceptualization and performing of numerous research studies into TIP prevalence estimates (Farrell & De Vries, 2020; Farrell et al., 2019; Fedina & DeForge, 2017; Raphael, 2017; Zhang, 2022). The research team was not oblivious of the need to navigate the "social, political, and economic challenges" (Zhang, 2022:1) of this study. Overpromising an unequivocal statistical statement of exactly 'how big' the TIP problem in South Africa would have been foolish. Instead, the researchers recognized the pitfalls and challenges of researching TIP in South Africa, and every attempt was made to prevent the shortfalls and challenges identified in other studies. Exploring the realities and multilayered complexities of TIP was a priority, and therefore the research aims to collect a 'mosaic of evidence' and 'constellation of circumstances'. Prevalence 'insights' instead of prevalence 'estimates' are at the heart of this study. Given the lack of a centralized database on South African TIP data, a mosaic of evidence was deemed necessary for relevant insights into the nature and prevalence of TIP in South Africa. A mixed-method and multi-sectoral study was therefore undertaken.

The national study ('the study') integrates the various sub-studies conducted, which included:

1. A TIP landscape review in 2020 identified, summarized and interpreted previous published academic and gray literature, legislation and policy, and empirical evidence.
2. A prosecution case analysis of 44 successfully prosecuted and 79 ongoing court roll TIP cases, as well as reported incidents to three national civil society organizations, an analysis of media reports, and a review of South African Police Service (SAPS) statistics.
3. An adult victim voices study based on twelve in-depth interviews.

4. A child victim voice study analyzing thirty case files at a Child and Youth Care Centre (CYCC) in Gauteng, South Africa.
5. A labor trafficking study which analyzed migration and labor exploitation as a facet of TIP in South Africa, and included interviewing migrants, focus groups and key informant interviews.
6. A Legal and Policy Review using an online survey.
7. A Task Teams Review using an online survey.
8. A civil society study evaluated the effectiveness of ten purposefully sampled civil society organizations using a case study method.

This national study research report integrates and triangulates the data from these sub-studies. The report presents the evidence in a **"Know the Problem: Know the Response"**.

Know the Problem: Scope the magnitude and nature of trafficking

One of the biggest challenges in South Africa remains the lack of reliable official statistics on the number of TIP victims, severely constraining the TIP response by both government and civil society. Factors constraining an understanding of the true nature and scope of TIP in South Africa were documented in the TIP Landscape Review (Roper et al., 2020). These include overlapping systems of violence that obscure TIP victims, corruption and official complicity, and significant shortfalls in coordination, case recording, and official responses to TIP. As detailed in the TIP Landscape Review (op cit.), there is a growing body of local and global empirical evidence. However, these studies vary in aim, scope, methodology, and quality yet present several consistent and coherent themes and patterns.

In all the studies conducted to determine the prevalence of trafficking, it is evident that South Africa is a source, transit and destination country for victims of trafficking. The evidence convincingly shows that South Africa is a source, transit, and destination country for TIP and that both victims and perpetrators are significantly undercounted in both research and practice. Sex trafficking continues to make up the overwhelming majority of detected, reported, and prosecuted TIP cases, while labor trafficking prosecutions, similar to trends observed internationally, remain limited. The number of ongoing- and successful TIP prosecutions by the Government of South Africa is disproportionately low when compared to calls for response services and data from civil society, available police statistics, media coverage, and practitioner perceptions related to the nature and prevalence of the phenomenon in South Africa.

Much of the prosecutorial successes related to TIP are person-dependent, while transdisciplinary expertise and institutional knowledge are confined to a small number of practitioners diffused within government, civil society, NGOs, and academia. The centrality of demand as a root cause and motivation for TIP is evident in potentially multiple sex buyers who 'used the services' of adult and child victims of sex trafficking. At least five prominent adult websites have been implicated in multiple civil society calls for service, investigations, ongoing- and successful sex trafficking prosecutions related to adults and children.

The study confirms that TIP is a multilayered and complex criminal phenomenon committed by perpetrators, including single traffickers and well-organized criminal syndicates of multiple trafficking

agents and family members. Trafficking for commercial sexual exploitation¹ was documented in several ongoing TIP prosecutions and successfully prosecuted TIP cases. Although other convictions on Section 7 of PACOTIP Act could not be traced in case law, several trafficking cases referred to "clients" that were part of the trafficking ring but were not prosecuted and convicted.

The Prosecution Study confirms successes in prosecuting trafficking perpetrators. The courts applied strict penalties for TIP offenses as provided for in the PACOTIP Act. However, observation from the data is that the lack of implementation of all provisions of the PACOTIP Act significantly constrains knowledge about the nature and prevalence of TIP in South Africa. Evidence in several successful prosecuted TIP cases confirmed corruption and complicity by law enforcement officials.

The experience of victims of trafficking

Trafficking is multi-faceted. Sexual exploitation and trafficking appear to be the most prevalent form of trafficking. Drug and substance misuse and traumatic childhood experiences increased participants' vulnerability to trafficking. Considering the range of complex and layered needs the victims presented with, ongoing trauma-focused, victim-centered and culture-sensitive integrated service provision is required for victims. Exiting from a trafficking situation is the beginning of another set of challenges, where victims require ongoing support.

The challenges faced by victims of trafficking when accessing services include fear of disclosing abuse, corrupt law enforcement officials, and long waiting lists as they seek specialized medical attention. Trafficking has far-reaching consequences for the victims and their families. Social services play an essential role in the assessment, healing and recovery process of survivors of trafficking. Data gathered indicate that the corrupt behavior of law enforcers may help traffickers to recruit, transport and exploit their victims. Corruption by frontline law enforcement officials and a lack of sound knowledge on trafficking were noted.

Trafficking of children remains a concern in South Africa. Pre-trafficking push and pull factors are evident in the lives of child victims of trafficking. Families are unable to cope with the demands and difficulties that they experience, which puts children at risk of trafficking and exploitation. A disproportionate number of trafficked children are from vulnerable populations and poverty settings. However, resilience and agency were noted in many of the children. Both male and female perpetrators were identified, and their recruitment of children for exploitation happened in many different ways.

The child victim case study indicated that the age when children are rescued varies; however, this is not an indication of when a child was trafficked nor how long the child was trafficked. Boys were mainly trafficked for labor, girls for domestic servitude, forced marriage and sexual exploitation. Many routes are used for trafficking children; flows are determined by the geographical proximity of source and destination countries. Children were trafficked internally and across international borders into South Africa by taxi or plane. Not all children had legal documents or status in South Africa. Fifty percent of the cases revealed that the children did not travel alone but traveled with peers, cousins, or siblings. Several aggravating factors contributed to the victimization of the children, including education gaps, language barriers, and

¹ While "sexual exploitation" is not defined in other international instruments, the Act's definition is broad and based on the South African context, namely the commission of any sexual offence referred to in the *Criminal Law (Sexual Offences and Related Matters) Amendment Act (SORMA Act)* or any offence of a sexual nature in any other law (e.g., *Sexual Offences Act 23/1957*).

delays in service provision. The police were instrumental in identifying cases of trafficking, followed by community members and immigration officials. Healthcare settings emerged as a new identification point in the data.

Out of the 30 child files sampled, only one reported conviction and sentencing, one case was thrown out due to lack of evidence, and eight had case numbers. Challenges to the successful prosecution of human trafficking cases include unreliability of victims as witnesses – due to their confusion about the legal system, mistrust in governmental authorities and issues such as substance abuse and immigration status make their testimony less credible.

Recommendations to strengthen victim responses include early prevention and intervention; increasing the number of safe houses and shelters across the country (especially men); viable employment options and long-term support for survivors; resources and capacity to tailor the services to individual victim requirements; further legal support and compensation.

Despite the numerous challenges social workers as service providers confronted, there were elements of practice that resulted in positive short-term outcomes; high-quality care and protection for the children; and positive feedback from the child, their family, and supervisors.

Labor exploitation, migration and trafficking nexus

Trafficking in South Africa has both a domestic, regional and international ambit. The Labor Trafficking Study findings in Musina indicated that 33 percent of the migrants interviewed worked in the hospitality industry, 33 percent in the domestic sector, 8 percent in farming and three percent in the construction industry. The Labor Research Council (LRS) agreed that the exploitation of domestic workers is a growing concern in South Africa. Participants (28%) in the Labor Trafficking Study who stated that they were ill-treated in their workplace also shared that they did not raise their grievances with their immediate supervisors, stating that their employers do not care about how they feel. Workers reported that being a migrant is the most probable cause that their employers abused them. Of the participants surveyed, 89 percent indicated that they believe corruption has a role in fueling the demise of migrant workers.

Know the Response: Assess the current nature and TIP response

Legal and Policy Assessment

The desk review confirms that South African legislation meets all the minimum standards criteria (Kruger, 2016). Respondents to the Legal and Policy Perception Survey overwhelmingly (92%) indicated their satisfaction with the legislation in South Africa; however, almost all respondents (92%) felt that the current response to trafficking was *not adequate*. The greatest weakness of the current legislation and policy was deemed implementation. The survey confirmed a lack of clarity on the most basic understanding of responsibility accountability for effectively implementing the PACOTIP. Respondents were unclear over who had overall responsibility for implementing PACOTIP Act. Lack of resources was by far the highest factor hindering an effective response, cited by just over two-thirds of respondents (67%). A further 42 percent of respondents listed *lack of prosecution* and *lack of cooperation* as the two following challenges facing institutions tasked with working on TIP. The vast majority (87%) of survey respondents viewed more training and capacity building for practitioners, law enforcement, lawyers, and other stakeholders as *"extremely important"*. Survey respondents listed addressing officials and law enforcement perceived corruption and complicity as the number one priority area for effectively dealing with TIP in South Africa.

The effectiveness of TIP structure response

The establishment, management, function, the role of relevant stakeholders and participation of the Provincial Task Teams is detailed in the *National Policy Framework (NPF)* of 2019. According to Emser (2014), the National Task Teams are not fulfilling their mandate and are not sufficiently supporting the Provincial Task Teams, law enforcement and social development organizations and civil society or ensuring effective coordination mechanisms. The Task Team Review supports Emser's finding. Respondents indicated that implementation and coordination are lacking.

The effectiveness of the response to labor trafficking

Labor Inspections currently detect forced labor more than human trafficking as the current checklist and process do not include indicators of trafficking, and inspectors have limited enforcement powers. There are insufficient labor inspectors in the provinces. The Department of Employment and Labor (DOL) does not conduct inspections in the mining, maritime and fisheries industries, which are the most affected industries for labor trafficking. There was a lack of engagement and response from business forums to participate in this research. Trade unions were a missing stakeholder in South Africa's counter-trafficking efforts. Civil society organizations are active in counter-trafficking in the labor and business sector.

Assessment of the Civil Society Response

Organizations' efforts focused on preventative TIP efforts or in response to trafficked victims. There is a need for more service provision for victims involved in the prosecution process. Overall, the Civil Society Study suggests that the response by the ten civil society organizations is deemed appropriate. A systems approach and the interconnected nature of the system need to be considered to achieve an adequate response. An important area for improvement is developing secure financial income and sustainability plans. The effectiveness of partnerships varied across the government departments and provinces. Across the organizations, successful government partnerships were only possible if the organization knew a committed individual within that specific department. Without these relationships, support from the government was either poor, fragmented or non-existent. The organizations noted that government and officials lack the capacity to respond adequately to TIP.

The capacity of civil society to respond was determined by the availability of funds to employ skilled individuals to provide services and was simultaneously heavily reliant on the commitment of a few charismatic and dedicated individuals. Across the research studies, the importance of more training and capacity was noted. Civil society called for multi-sectoral training for a holistic response to TIP.

Strengthening the Response: Pathways to Impact and Indicators

Based on the National Study data synthesis, the researchers suggest prioritizing ten indicators for longitudinal research, monitoring and evaluation. Three pathways to impact were identified to strengthen the achievement of the outcomes to counter-TIP:

1. **Pathway to impact for the TIP response model** to inform and confirm the NPF response model.
2. **Pathway to impact to prevent victimization and meet victim and survivor needs.**
3. **Pathway to impact research** to improve evidence-based decision-making, influence policy and practice, and mobilize and enhance capacity to respond to TIP.

Conclusion

The National Study found that human trafficking is a growing problem in South Africa. Stakeholders need government leadership to establish a dedicated unit to provide much-needed multi-sectoral coordination oversight tied to measurable performance indicators. Recommendations are presented to strengthen the response. Implementation of policy, putting resources and capacity behind the response, dealing with corruption, and placing victims at the center of the response would contribute to increasing protection to victims and prosecution of perpetrators, thereby contributing to counter-trafficking efforts.

Policy Recommendations

1. Prioritize establishing an integrated information system to facilitate the effective monitoring and implementation of the Act, and commence TIP interventions by collating and analyzing the specific information as detailed by section 41(1)(b) of the PACOTIP Act.
2. Employ section 7 of the PACOTIP Act and sections 11 and 17 of the Sexual Offences Act as a legislative intervention to discourage the demand that fosters trafficking for sexual exploitation.
3. Promulgate the immigration provisions in Sections 15, 16, and 31(2)(b)(ii) of PACOTIP Act.
4. Review the PACOTIP Act to remove sentencing provisions that allow fines in lieu of imprisonment, especially for sex trafficking crimes.

Recommendations to strengthen the knowledge base

5. Continue to build the evidence base on the nature and scope of trafficking in South Africa for translation to policy, practice and learning.

Recommendations to strengthen the coordination, partnerships and effective implementation

6. Establish a dedicated counter-trafficking coordination unit.
7. Increase multi-sectoral capacity building to judicial, law enforcement officials and responders.

Recommendations to strengthen prosecution response

8. Develop and implement a counter-corruption strategy, which prioritizes the investigation, prosecution, and conviction of corrupt and complicit officials, employers and employees.
9. Use reported and prosecution data to inform proactive investigations and respond to the additional cohorts of victims identified.
10. Increase the number of investigations, arrests, prosecution, and convictions of perpetrators.

Recommendations to strengthen prevention

11. Enhance collaboration and cooperation between TIP civil society and support the sustainability of services.
12. Strengthen the prevention response to counter-trafficking and reduce vulnerability and victimization, particularly by escalating awareness of exploitation and trafficking to reduce victimization.

Recommendations to strengthen protection of victims

13. Strengthen the multi-level and systemic response for adult and child victims of trafficking, alongside the continuum of care.

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ACRONYMS

3Ps	Prevention, protection and prosecution
4Ps	Prevention, protection, prosecution and partnerships
ABA ROLI	American Bar Association Rule of Law Initiative
AfCFTA	African Continental Free Trade Area
APA	Africa Prosecutors Association
AU	African Union
AU.COMMIT	African Union Commission Initiative against Trafficking
CAS	Crime Administration System
CBO	Community-based Organization
CCMA	The Commission for Conciliation, Mediation and Arbitration
CJS	Criminal Justice System
COVID-19	Coronavirus (SARS-CoV-2 (2019-nCoV))
CSO	Civil Society Organization(s)
DHA	Department of Home Affairs
DOH	Department of Health
DOJCD	Department of Justice and Constitutional Development
DOL	Department of Employment and Labour
DOS	US Department of State
DPCI/ HAWKS	Directorate for Priority Crime Investigation
DSD	Department of Social Development
FCS	DPCI Sexual Offences Unit
FIFA	Fédération Internationale de Football Association
GBV	Gender based violence

GLO.ACT	Global Action against Trafficking in Persons and Smuggling of Migrants
GOSA	Government of South Africa
HIV	Human Immunodeficiency Virus
HPPB	Human Trafficking, Prostitution, Pornography and Brothels
HSRC	Human Science Research Council
IES	The Directorate of Inspection and Enforcement Services
ILO	International Labor Organization
IO	International organization
IOM	International Organization for Migration
IPID	Independent Police Investigative Directorate
IRB	Institutional Review Board
ISS	Institute for Security Studies
JTIP	United States Office to Monitor and Combat Trafficking in Persons
KII	Key informant interviews
KZN	KwaZulu-Natal
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and other
LJSA	Love Justice South Africa
LRS	The Labor Research Council
NAP	National Action Plan
NAPTIP	National Agency for Prohibition of Trafficking in Persons
NBI	National Business Initiative
NC	National Anti-trafficking Coordinator
NEDLAC	National Economic Development and Labor Council
NFN	National Freedom Network

NGO	Non-governmental Organization
NHTH	National Human Trafficking Hotline
NICTIP	National Inter-sectoral Committee on Trafficking in Persons
NOC	Network Operations Center
NPA	National Prosecuting Authority
NPF	National Policy Framework
NRRT	National Rapid Response Team
OVCTTAC	Office for Victims of Crime Training and Technical Assistance Centre
PACOTIP Act	Prevention and Combating of Trafficking in Persons Act No. 7 of 2013
PRRT	Provincial Rapid Response Team
PTT	Provincial Task Team(s)
RSA	Republic of South Africa
SADC	Southern Africa Development Community
SAPS	South African Police Service
SOP	Standard operating procedures
TIP	Trafficking in Persons
TVPA	United States Victims of Trafficking and Violence Protection Act of 2000
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNOHCHR	United Nations Office of High Commissioner for Human Rights
UNTOC	United Nations Convention Against Transnational Organized Crime

US/USA	United States of America
USAID	United States Agency for International Development
VOT	Victim of Trafficking

INTRODUCTION

This Trafficking in Persons (TIP) in South Africa research aims to provide evidence on the nature and magnitude of TIP to the Government of South Africa (GOSA) and the United States Agency for International Development (USAID). Khulisa Management Services (Khulisa) in partnership with the University of the Witwatersrand (Wits), received a sub-award through Purdue University/LASER PULSE in association with the USAID-funded Long-Term Assistance and Services for Research Award (7200AA18CA00009 LASER) in May 2020 to conduct research on Trafficking in Persons (TIP) in South Africa. This work represents a collaboration between USAID/Southern Africa, USAID/LAB/CDR, and the Department of Science and Innovation (DSI), South Africa.

The lack of trafficking prevalence data to-date have made it difficult for the South African policymakers to meaningfully deliberate on TIP policy and practice. Thus, research on TIP is a high priority in South Africa to support the GOSA in the effective implementation of the *Prevention and Combating of Trafficking in Persons Act 7 of 2013* (PACOTIP Act). Effort is required to attempt to better design TIP research so it produces meaningful data. Meaningful data includes data that can be compared, that more deeply engages with individual experiences and that enables prevalence estimates to be made. Improved evidence for researchers, policymakers and practitioners is the rationale for the research.

Purpose of the Research

The purpose of this research is to make a step change in scale and impact by focusing on robust, empirically-driven, and policy and socially-relevant studies, which are aimed at revealing the nature and magnitude of TIP in South Africa. It is envisioned that evidence-based studies will create a baseline and shed light on the complex characteristics of trafficking, and will target the underlying drivers of exploitation. The systematic collection and analysis of both quantitative and qualitative data on human trafficking is prioritized. Generating statistically sound estimates of the prevalence of human trafficking in South Africa is one of the greatest challenges facing researchers; and if resolved, it has the greatest potential to affect policy and practice in South Africa. In turn, the evidence will support efforts to have the data play a larger role in public-policy debates. Thus, this research will amplify South African institutional capacity to participate in and lead this process through partnership with United States (U.S.) institutions and engagement with the GOSA.

This Research Report presents the findings of the TIP National Study, conducted between 2020 and 2022. Ethical approval was gained from the University of the Witwatersrand H20/05/35 (Annex 1).

The National Study aims to develop an evidence-based framework which:

- a) Scopes the magnitude and nature of trafficking (especially labor trafficking) based on available evidence;**
- b) Assesses the current nature and TIP response based on data extracted from the field at provincial and national level;**
- c) Identifies where the GOSA can develop or strengthen multi-sectoral counter- trafficking interventions; and**

d) Addresses gaps and delivers reusable TIP indicators for future longitudinal analysis.

The research questions that guided the National Study were:

1. What is the scope of trafficking and how does it manifest itself in South Africa?
2. What are the experiences of victims of TIP and is policy shaped to reflect their voices? What are the gaps in support services for victims and how can these be developed, implemented and improved?
3. What are the past and present factors that have constrained both available data, and an understanding of TIP prevalence in South Africa?
4. Who are the role-players involved in TIP and is the response to counter-trafficking appropriate? In what ways does the criminal justice system require improvement to better manage trafficking crimes? What can be learnt from programs to strengthen the response?
5. What is the capacity among the key stakeholders and structures in counter- trafficking, in the field, at provincial level and in central government, and how is /should capacity be built?
6. What are the key pathways to impact to address TIP in South Africa? What are the indicators for future longitudinal analysis? What are the gaps and recommendations?

This Research Report integrates the various sub-studies conducted. The sub-studies included the following:

1. **TIP Landscape Review** (Roper et al, 2020): a review was undertaken in 2019/2020 to identify, summarize and interpret previous published academic and grey literature, legislation and policy and empirical evidence. Over 386 publications were reviewed. Gaps in TIP policy, practice and research in South Africa were identified. The Landscape Review provided a basis for the additional six sub-studies.
2. **Prosecution Case Analysis** (Dr. van der Watt): Thematic analysis of 44 successfully prosecuted and 79 ongoing court roll TIP cases (sexual, labor and other types) under both the *2007 Sexual Offences Act 32/2007 and the Act 7/2013* legislation to mine additional insights into indicators of the crime, as well as the magnitude based on witness interactions with other victims and traffickers across multiple locations. Statistics from the South African Police Service (SAPS) and reported cases from three national TIP non-government organizations were analyzed. The Prosecution Study included feedback and validation of findings with key informants.
3. **Victim Voices Study** (Dr. Warria): An Adult Victim Study captured the lived experiences before, during and after trafficking to explore vulnerabilities and gaps in services and identify aspects that need addressing and what is working or beneficial, critical aspects and interventions that could be up-scaled. Twelve adult victims participated in this study. Validation of findings included feedback with key informants, where possible.
4. **Child Victim Study** (Dr. Warria): Thirty child case files were reviewed to extract data on the trafficked experience of children in CYCC in Gauteng. This included background information, indicator identification and the services provided.

5. **Labor Trafficking Study** (Prof. Makhubele and Ms. Mafa; Ms. Leteane, Ms. Dixon and Ms. Roper): Migration and labor exploitation as a facet of TIP in South Africa was analyzed through a desktop review; 39 key informant interviews and two focus groups with migrants in Musina, Limpopo; and Key Informant Interviews (KII) with eight stakeholders.

Nine migrants participated in two separate focus groups - five males between the ages of 20-38 and four women between 20-42 years. The participants were from Zimbabwe, Mozambique, the Democratic Republic of Congo and Lesotho.

Five key informant interviews and two in-depth interviews were conducted with officials from the Department of Employment and Labour (DOL). These include a series of key informant interviews with the Deputy Director of the Directorate of Inspection and Enforcement Services (IES) and four Provincial Chief Inspectors from the North West, Free State, KwaZulu-Natal, and Mpumalanga Provinces.

6. **Legal and Policy Review** (Ms. Marx): A review of the National Policy Framework (NPF), National Action Plan (NAP) and PACOTIP Act alongside relevant legislation. This review involved a desktop review, stakeholder engagement, an online survey targeted respondents from across the TIP ecosystem in South Africa, and reviewing other aspects of the criminal justice system about TIP reduction. The survey yielded only 29 respondents. Of those, the breakdown of institutions represented are as follow:

- Civil society organizations (28%)
- Government (24%)
- International development partners (24%)
- Academics (10%)
- International non-governmental organizations (10%)
- Law enforcement (4%)

7. **Task Team Review:** A comparative analysis of the NPF Task Team structures using an online survey established to manage TIP will contribute to learning and provide recommendations to strengthen the network (Dr. van der Watt and Ms. Dixon). Despite numerous requests for potential respondents (past and present members of the nine provincial task teams), only twelve responses were received.

8. **Civil Society Study** (Ms. Roper and Ms. Dixon): Evaluated the effectiveness of ten purposefully sampled civil society (Non-government, community based and faith based organizations) programs and services across the prevention, prosecution, protection and partnership response to TIP. A case study methodology was used to allow for an in-depth quantitative and qualitative study of examples of services. Case studies allow for comparison and extrapolation of lessons learnt and emerging best practices or principles of effectiveness, which can apply to other services under similar but not necessarily identical settings.

Nine organizations were members of the National Freedom Network (NFN). Key Informant Interviews were conducted with managers of each civil society organization. The analysis included a stakeholder mapping and social network analysis.

Methodology

Ethics clearance was granted by the University of Witwatersrand (non-medical) Human Research Ethics Committee (non-medical). Approval was gained from the government departments and individual organizations prior to the key informant interviews. It should be noted that several organizations which are known to work with victims of trafficking declined to take part in the study due to their own internal policies around research on trafficking and based on the sensitivity of the cases they have worked with or are currently working on.

Informed consent was gained from each respondent prior to their participation in the research. Participation in the sub-studies was voluntary, and participants were allowed to withdraw from the study at any time, and the data that would have been collected from them would be destroyed and not used for the study or re-consented for research use. None of the participants identified dropped out of the Adult Victim Voices Study or the Civil Society Study. The research team also made the services of a psychologist available to all participants should any participants feel that they needed psychological support after discussing the contents of the interviews.

Across the sub-studies, a mixed methods approach was applied. Sampling was primarily purposeful. Snowball sampling was used in the Legal and Policy Review and Task Team Reviews. The interview and survey tools were developed based on the questions, specifications, and constructs emerging from the TIP Landscape Review (2020) and additional literature reviews specific to the seven sub-studies. The tools were peer reviewed by the research team and experts in the field. The tools are available for further use by the stakeholders for longitudinal studies.

The COVID-19 situation in South Africa hugely influenced the data collection process. COVID-19 had a significant effect on the research where most of the data that would normally have been collected using in-person methods were moved online. While this did increase the potential size of the sampling pool by making more respondents accessible than what would have been possible in person, it also increased the decline rate by relying entirely on people to opt-in. Technical difficulties may account to some extent for the low response (these include lack of electricity, unfamiliarity with accessing and completing online surveys, lack of access to the internet and data). The researchers provided telephonic and email support to respondents who reached out for assistance.

No official centralized database or databases dedicated to TIP data is in existence in South Africa. The integrated information system required by Section 41(1)(b) of the PACOTIP Act is yet to be implemented and is supposed to provide evidence on TIP prevalence, facilitate the effective monitoring and implementation of the Act, and commence TIP interventions by collating and analyzing the specific information as detailed in this section. The lack of established information systems, therefore, required an explorative, flexible, and iterative process of data collection and analysis that was made possible with a qualitative approach. One of the objectives of the study was, therefore, to present the 'essence' of available corroborating evidence from a plethora of sources. The empirical basis of this research includes both quantitative insights and qualitative themes from the following data points:

- Reporting by three national TIP Non-Governmental Organizations (NGOs) who have a presence on the provincial and national TIP Task Teams, and one national NGO that works in the area of missing persons

- Available statistics by the SAPS for the period 2007 to 2021
- Ongoing TIP prosecutions in South African Courts during 2021
- Successfully prosecuted TIP Cases in South African Courts for the period 2007 to 2022

The Adult Victim Voices Study was conducted in person and adhered to the World Health Organization (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women (contextualized to male and case file review and analysis). The adult study participants were interviewed in the shelter where they are staying. For victims not receiving assistance, there were plans to interview them in a conducive location. This was explored with the social workers of the four victims who had returned to other provinces. However, it did not seem feasible noting the in-depth nature of the interviews and the emotional support that was required during and after the interviews.

Qualitative data was analyzed using thematic coding. Data was triangulated across the tools and respondents within and across the studies.

This research report integrates and triangulates the data from the sub-studies. The individual studies are referred to by name, and the synthesized results are referred to as “the National Study”.

Unfortunately, participation in the Legal and Policy and Task Team Survey’s was worryingly low and shows a level of apathy toward participating in research, despite regular proclamations of the importance of rigorous research and accurate data requirements by government leaders. Despite several attempts to increase the number of respondents, including direct communications with senior members of the TIP community within the government, the survey responses were low.

The findings from this National Study are important in providing an in-depth understanding of trafficking in South Africa. When the studies are amalgamated, and read together, compelling generalizations can be drawn about trafficking prevalence in South Africa.

The researchers were unable to get responses from labor and migration centered organizations and institutions such as The Commission for Conciliation, Mediation and Arbitration (CCMA) and the International Organization on Migration (IOM). The researchers did not gain permission to conduct the key informant interviews with the Department of Home Affairs. In addition, the researchers were unsuccessful in engaging with business sectors due to COVID-19 challenges (such as lockdown), a lack of response to interview requests and time constraints (for both researchers and business representatives).

The detailed methodology for the various studies is presented in Annex 2.

The biographical statements of the team are attached in Annex 3. Research associates assisted in the study as part of capacity building and building a network of TIP researchers.

Structure of the Report

The Report presents the sub-studies in a “Know the Problem: Know the Response” format to inform the research-policy debates and address the research aims.

Part 1: Know the Problem presents the findings from the Prosecution Case Analysis, Adult and Child Victim Voices, and the exploration of the Labor Migration, Exploitation and Trafficking Nexus studies.

Part 2: Know the Response presents the Legal and Policy Review and findings from the survey, the NPF Task Team survey, and the civil society effectiveness review.

Part 3 of the report focuses on the emerging pathways for impact and indicators for strengthening the counter-trafficking response in South Africa.

Key findings

- The evidence convincingly shows that South Africa is a source, transit, and destination country for TIP and that both victims and perpetrators are significantly undercounted in both research and practice. Sex trafficking continues to make up the overwhelming majority of both reported cases and prosecutions, while labor trafficking prosecutions, similar to trends observed internationally, remains limited.
- The number of ongoing- and successful TIP prosecutions by the Government of South Africa is disproportionately low when compared to calls for response services and data from civil society, available police statistics, media coverage, and practitioner perceptions related to the nature and prevalence of the phenomenon in South Africa. Notwithstanding a number of notable successes in South Africa's counter-TIP efforts, the phenomenon remains a multi-layered and complex reality.
- There is a high prevalence of women, children, and men trafficked into and within South Africa.
- Evidence clearly indicates that South Africa is a source, destination and transit country.
- Perpetrators are men and women from South Africa and international destinations operating as individuals or part of organized crime syndicates.
- Lack of an efficient and integrated data management system across government departments and non-government organizations hampers determining TIP prevalence, and informing policy, practice and resource mobilization.
- South Africa has good legislation, but it lacks implementation. Inter-sectoral and multi-disciplinary capacity and resources must be increased at all response levels.
- A dedicated TIP Unit is required to lead the response. Task Teams are not functioning optimally, and must be strengthened to operate in all provinces. The Criminal Justice System requires a more robust, proactive and systemic management response, more effective collaboration between all stakeholders, authority to hold stakeholders accountable to implementation.
- The prosecution time of perpetrators is too long, and the bail policy must be amended to increase prosecution success of perpetrators.
- Evidence indicates corruption is a significant hindrance to counter-trafficking efforts. The implementation of a counter trafficking strategy is required.
- Victim journeys to healing and rehabilitation are unique and require ongoing services and commitment from government and civil society. Viable after-shelter pathways are required. More shelters are required, and integrated services delivery improved.
- There are gaps in preventative measures and early interception to reduce the vulnerability of potential victims. Public awareness of trafficking is urgently required to reduce family members perpetration and job seeker pathways to exploitation and trafficking.
- Business, trade unions, government and civil society have an important role in increasing awareness and improving practices across economic sectors, supply chains and consumers to reduce labor exploitation and trafficking.

The consolidated recommendations from across the sub-studies are detailed in the next section.

RECOMMENDATIONS

Overall, the National Study found that stakeholders need to be better coordinated to provide a multi-sectoral response in identifying, defining, supporting, apprehending, and prosecuting cases of trafficking to ensure a sounder response to the growing scope of TIP in South Africa. The implementation of the PACOTIP Act and NPF must be strengthened, and an effective response requires improvements to the Criminal Justice System.

Recommendations: Policy

Recommendation 1: Prioritize establishing an integrated information system.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Coordination unit along with SAPS, NPA, DSD, DOH, DHA and key civil society organizations	Terms of Reference for monitoring Monitoring tools Yearly monitoring report Central data and case management system and repository for information and reporting	Development in 2022 and potential implementation in 2023	Legal & Policy Review CSO report PTT Analysis Labor and Migration Report

Background and justification:

Prioritize establishing an integrated information system to facilitate the effective monitoring and implementation of the Act, and commence TIP interventions by collating and analyzing the specific information as detailed by section 41(1)(b) of the PACOTIP Act.

This further relates to trafficking prevalence and related areas such as prostitution and sex work definitions. The practice of misinterpreting and misrepresenting data and using inappropriate definitions or characterizations can often derail and delay the implementation of much-needed trafficking efforts.

Data needs to be shared and consolidated to be used effectively. This was noted as an urgent requirement for an effective and targeted sector-wide response. Use data to drive response and mobilize (and allocate) resources. Feedback on cases and service, reflecting on what was or was not successful, must be continuous and used to improve practices. Trends can be identified to reprioritize and strategize

the prevention of TIP. To ensure this, it is of utmost importance that we prioritize the collection, analysis and dissemination of accurate migration, labor and prevalence data.

In addition, SAPS must fully implement and comply with the National Instruction 4 of 2015 related to detectives at police stations, data integrity, and the capturing of TIP related matters in the SAPS CAS system.

Furthermore, it is necessary for the release of up to date TIP statistics and those of Missing Persons statistics as part of the quarterly and annual SAPS Crime Statistics. The release of up to date statistics and prosecutions data (ongoing and successful prosecutions) as part of relevant NPA and DOJCD reporting mechanisms is also required. Available media and data technologies (i.e., Dexter by MMA and Open Cities Lab and the LexisNexis Human Trafficking Awareness Index) need to be invigorated, funded, and mobilized to coax TIP prevalence insights from the plethora of historical and ongoing TIP media reporting.

Recommendation 5 is aligned to this recommendation.

Recommendation 2: Employ section 7 of the PACOTIP Act and sections 11 and 17 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 as legislative interventions to discourage the demand that fosters trafficking for sexual exploitation.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Coordinating Unit, SAPS, NPA, DSD and civil society	Further research is required to understand perpetration. Development of behavior change strategy and interventions.	Immediately	Prosecution Report

This research was unable to study perpetration due to the COVID-19 restrictions and challenges to identify and gain access to perpetrators serving sentences in South African Correctional Facilities. Further research and understanding of the perpetration is required to develop a strategy and cost interventions to discourage the demand that fosters exploitation and trafficking. Legislation exists to discourage the demand that fosters trafficking, but it must be implemented.

Recommendation 3: Promulgate the immigration provisions in Sections 15, 16, and 31(2)(b)(ii) of PACOTIP Act.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	DOJCD and DHA	Immigration provisions in PACOTIP is promulgated and implemented Training and awareness	Immediately	Legal & Policy Review Civil Society Report Labor Trafficking Report Prosecutions Report

Background and Justification

The research found the absence of the immigration provisions in the legislation fundamentally undermines the ability of the GOSA to effectively deal with the issue of trafficking of foreign nationals into, out of and through South Africa. These provisions, and the lack of commitment by the Department of Home Affairs to pass these, have consistently undermined the effective response to cross-border trafficking.

Recommendation 4: Review the PACOTIP Act to remove sentencing provisions that allow fines in lieu of imprisonment, especially for sex trafficking crimes.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
Med	DOJCD	PACOTIP sentencing provisions amended to align with international best practice.	2022-2023	Legal & Policy Review Civil Society Report

Background and Justification

The sentences for those guilty of sex trafficking have consistently been criticized for not being stringent enough to fit the crime and should be amended in accordance with global best practices. While the Act does “emphasize the gravity of the offence by requiring the courts to consider a list of aggravating factors before sentencing the perpetrator” (Kruger, 2016), it leaves open the option of a fine *in lieu* of imprisonment for serious sex trafficking crimes.

Recommendations: Strengthen the knowledge base

Recommendation 5: Continue to build the evidence base on the nature and scope of trafficking in South Africa for translation to policy, practice and learning.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Coordinating Unit, Academia, Researchers, Development Partners	Research Agenda Enhanced cooperation and collaboration between various TIP stakeholders	Ongoing	TIP research report

Background and Justification

The purpose of ongoing research is to continue to build the knowledge base of TIP in South Africa for effective policy and practice responses. The pathway to impact for translation of research illustrates how

research can inform policy and practice. The pathway activities should be coordinated and driven by the proposed TIP Coordinating Unit.

While sex trafficking remains the most reported and prosecuted form of trafficking in South Africa, the limited research into labor patterns and exploitation indicates that labor trafficking, particularly of workers in sectors prone to exploitation such as domestic work, mining, and agriculture, is likely far higher in real number terms. Poverty, inequality, and a historically resource-driven economy exploit vulnerabilities, especially rural and transnational migrant workers. The government should dedicate more resources to researching and evaluating the labor flows into historically vulnerable sectors and enhance protection and services available to undocumented migrants and individuals working in the domestic sector.

Prioritize the legally binding TIP definitions and ‘abuse of vulnerability’ as defined in the PACOTIP Act in research and policy discussions as a means to correctly identify and prevent the undercounting of TIP cases.

Fully implement and comply with SAPS National Instruction 4 of 2015 related to detectives at police stations, data integrity, and the capturing of TIP and related matters on the SAPS Crime Administration System (CAS). Recognize the NHTH as an official TIP reporting mechanism that augments other official reporting structures in South Africa.

Although South Africa is not identified amongst the countries with high prevalence of (forced) child marriages, this seems to be on the increase and further research is required to determine how prevalent it is. Other areas that also require further investigation are internal trafficking and interventions linked to prevention of trafficking.

The NPF provides a framework for monitoring and reporting, integrated into government and service providers' annual plans and performance measurements. To give effect to the NPF framework, the development of a research agenda will guide the prioritization of short and long-term activities. The inclusion of a Learning Agenda will identify how the research and evaluation priorities can lead to policy, practice and learning. Partnerships with Institutional Review Boards are also required. Institutional Review Boards, Ethics Committees, Postgraduate Research Supervisors, and Local and International Research Funders to be cognizant of the research pitfalls that stem from the use of abridged definitions of TIP, instead of the binding PACOTIP Act definition, and the omission of sources of information that is vital for evidence-based findings and policy recommendation.

The aim is:

- Increased understanding of the scope and magnitude of TIP in South Africa
- Increased understanding of the current TIP response and short-comings
- Increased understanding of gaps and opportunities for improving TIP response

The research instruments from this National Study are available for use by stakeholders to continue to conduct evaluations, analysis of reported data, and longitudinal studies. Priority indicators are provided for use across all stakeholders.

This recommendation is linked to Recommendation 1: Prioritize establishing an integrated information system.

Recommendations: Coordination, partnerships and effective implementation

Recommendation 6: Establish a dedicated counter-trafficking coordination unit

Priority level	Who responsible	Inputs required	Proposed timeline	Study Source of recommendation
High	GOSA and led by the DOJCD	Dedicated staff Consultant (potentially donor funded) All departmental buy-in, participation and held accountable for the Unit's success or failure Budget allocation	Planning in 2022, included in 2023 budget	Legal & Policy Review CSO report PTT Analysis Labor Report

Background and justification:

South Africa does not have a unit or agency dedicated to working only on human trafficking, which was raised in every individual research component of the larger research project. The feedback indicated that despite the existence of NICTIP and the Provincial Task Teams, coordination and accountability were lacking in the absence of one overarching unit with the relevant human and financial resources to effectively oversee, manage, coordinate, monitor and evaluate all TIP activities in South Africa.

Therefore, the recommendation is for the Government of South Africa to create a unit (likely within DOJCD) with the sole and overarching mandate to manage the TIP response in South Africa. This unit should be staffed by dedicated professionals with the sole mandate to work on trafficking issues in South Africa, rather than as one of many of their responsibilities. Specifically, this unit should have the necessary political backing and mandate to coordinate the government stakeholders and manage the corresponding accountability around tracking of TIP case management, prosecution, and other aspects such as quality of victim services.

Justification for the establishment of this unit includes a need for better coordination and more accountability, and coordination among all TIP stakeholders (across government, CSOs, and businesses).

The unit must have dedicated staff either employed directly or seconded from relevant departments. Budget allocations for this unit could come from existing departmental budgets (and not only the DOJCD budget).

Recommendation 7: Increase multi-sectoral capacity building to judicial and law enforcement officials and front line responders.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
Med	Proposed TIP Coordination unit along with relevant departments that would conduct/require training including SAPS, NPA, DSD, DOH, DHA	<ul style="list-style-type: none"> Training included in the proposed TIP Coordinating Mechanism Standardized training manuals Training to be continuous, not once off or ad hoc. Follow-up support after training Monitoring tools Yearly monitoring report 	Development in 2022 and potential implementation in 2023	<ul style="list-style-type: none"> Legal & Policy Review CSO report PTT Analysis Labor and Migration Report

Background and justification:

TIP-specific training should occur throughout the country and include representatives from the SAPS, NPA, legal aid organizations, civil society and other representatives from NICTIP to ensure definitional issues and other barriers to effective implementation can be eliminated through increasing knowledge, understanding each other’s roles, and understanding of the scope, ever-changing nature of trafficking and the available responses.

A systems approach to capacity building must be developed using appropriate strategies for different sectors and roles. Capacity building must move beyond the knowledge, skills and structural responses to include establishing organizational and sector attitudes and embedding effective practice across operations. It is recommended that a capacity building framework is developed by NICTIP for the sector and is then budgeted for, managed, and implemented. Recommendations from the research indicated that there is a need to invest in training that is collaborative, interactive, and practical to build capacity and improve practice.

Specific aspects of training that should be addressed include increased training and capacity of inspections, investigations and prosecution of labor exploitation and trafficking by a) increasing the number of DOL Inspection Officers, b) including TIP indicators in the DOL Inspection Officer checklist, c)

strengthening the partnership between DOL, Department of Mineral Resources, and Department of Agriculture, Forestry and Fisheries inspections to identify and coordinate responses, d) increase proactive response mandates and operations.

There is also need for on-going training on how to communicate effectively with victims whilst attending to their practical needs – especially in the absence of or before referral to psychosocial specialists.

Recommendations: Prosecution

Recommendation 8: Develop and implement a counter-corruption strategy, which prioritizes the investigation, prosecution, and conviction of corrupt and complicit officials, employers and employees.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Coordination Unit with SAPS, NPA, DOJCD	<p>Proposed dedicated TIP unit with authority to hold responders accountable</p> <p>Monitoring the performance of the response:</p> <ul style="list-style-type: none"> • Increased number of TIP cases identified, investigated • Increased number of TIP arrests and successful prosecutions and convictions • Closing the 'gap' between the number of reported and prosecuted cases 	Immediately	<p>Legal & Policy Review</p> <p>Civil Society Report</p> <p>Labor Trafficking Report</p> <p>Prosecutions Report</p>

Background and Justification

As part of the efforts to coordinate the TIP response, the proposed TIP Coordination Unit should have a special focus on identifying, investigating, prosecuting, and convicting those members of law enforcement and other public officials who are complicit in any trafficking activities.

Specific recommendations from the research call for an increase in prosecution of corrupt government, law enforcement, business, and community actors. Protect whistle-blowers (and victims) that report corruption and establish a central point for reporting corruption. Strengthen policy implementation and develop better ways to report corruption and identify corruption from prosecuted cases. This recommendation includes investigating and prosecuting corruption at border posts.

Recommendation 9: Use reported and prosecution data to inform proactive investigations and respond to additional cohorts of victims identified. Include available TIP evidence in relevant policy discussions and law reforms related to Gender-Based Violence, Prostitution Law, Migration, Labor and Employment Law

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Coordinating Unit, SAPS, NPA, DSD	Data management system Effective and proactive investigation and response by Task Teams	Immediately	Prosecution Report

Background and Justification

Evidence from the data sources used in the Prosecution Study and Victim Voices Study suggest a significant undercounting of TIP victims in South Africa. Proactive investigations and interventions are required to intervene and respond effectively to rescue and protect victims, and prosecute perpetrators.

In addition, it is necessary to include available TIP evidence in relevant policy discussions and law reforms related to Gender-Based Violence, Prostitution Law, Migration, Labor and Employment Law.

Recommendation 10: Increase the number of investigations, arrests, prosecution, and conviction of perpetrators.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Coordination Unit with SAPS, NPA, DOJCD	<p>Increased number of TIP cases identified, investigated</p> <p>Increased number of TIP arrests and successful prosecutions and convictions</p> <p>Improve use of victim impact statements in cases</p> <p>Increase the number of cases being reported and recorded</p> <p>Increase number of victims being supported to testify</p> <p>Increase the compensations being awarded to victims</p>	Immediately	<p>Legal & Policy Review</p> <p>Civil Society Report</p>

Background and Justification

Combined with available data on TIP, this research found that there is an immediate need to increase the number of investigations, arrests, prosecution, and convictions of perpetrators in the criminal justice system, especially members of international syndicates dominant in the commercial sex industry, family members who are involved, as well as others profiting from the use of forced labor.

For example, using reported and prosecution data to inform proactive investigations and respond to additional cohorts of victims identified (Recommendation 9). In addition, conducting effective proactive investigations and providing feedback on the reported incidents received by the three national civil society organizations will further assist in increasing the number of cases investigated and prosecuted. Furthermore, include labor and migration officials in the multi-sectoral response.

Recommendations: Prevention

Recommendation 11: Enhance collaboration and cooperation between civil society and government and support capacity for the sustainability of services.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
Med	Proposed TIP Coordinating Unit, CSOs, TIP umbrella entities such as the National Freedom Network	<p>Increased collaboration and cooperation through learning forums</p> <p>Improved sharing of information, data, SOPs</p> <p>Standardizing language, approaches, and referral systems</p> <p>Structured and systematic capacity building through regularized training</p> <p>Increased coordination with country embassies</p> <p>Availability of services such as translation and repatriation</p>	Systematically, over 2-3 years	Civil Society Report

Background and Justification

The network of civil society organizations is making a significant contribution to an effective response across the 4Ps. The organizations could share their experiences in responding to TIP within the NFN and across the sector, contributing to building capacity, an integrated service, and preventing duplication of efforts. In addition, organizations can share resources to build the sustainability of effective and efficient organizations, for example, by sharing how staff are supported through psychosocial wellbeing activities. The network of organizations has the potential to collaborate to mobilize resources and partnerships to address gaps or scale activities.

A high degree of consensus on what assistance provision should entail and how it could be provided is clearer in South Africa than preventative interventions among service providers. This calls for resilience building in and identifying other ‘good prevention practices’ for and with vulnerable populations. The three-tiered comprehensive system of prevention, which should be attended to in communities uniformly, to inform our understanding of prevention of trafficking of children to address primary, secondary and tertiary prevention simultaneously.

Collaboration and partnerships must be strengthened at the local level, through for example, building multi-sectoral capacity of Task Teams, Task Teams following up on reported cases, improved communication and feedback on cases, and proactive investigation.

Recommendation 12: Strengthen the prevention response to counter-trafficking and reduce vulnerability and victimization, particularly by escalating awareness of exploitation and trafficking.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	DOJCD, DHA, DOL, DSD, CSOs, SAPS, Trade Unions, Business Associations, Private Sector (coordinated by the proposed dedicated TIP unit)	<p>Empirical research.</p> <p>Strategy and resources.</p> <p>Monitoring and evaluation indicators and studies.</p> <p>Increased training for labor inspectors, and employers and employees</p> <p>Capacity and jurisdiction of labor inspectors</p> <p>SOPs drafted for investigating, prosecuting corrupt labor officials and labor brokers</p> <p>Increased and more systematic labor inspections throughout vulnerable sectors such as domestic, mining, and agriculture sectors</p> <p>Number of labor inspectors are increased, as well as their jurisdiction and implementation power</p> <p>Frequency of training for labor inspectors, and employers are increased</p>	Immediately	<p>Legal and Policy Review</p> <p>Prosecution Report</p> <p>Victim Report</p> <p>Labor Migration report</p> <p>Civil Society Report</p>

Background and Justification

The overall prevention response to counter-trafficking in South Africa requires a greater investment by increasing education and skills development, increasing TIP awareness, and addressing the underlying causes of TIP, such as the demand that fosters trafficking for sexual exploitation and forced labor (refer to Recommendation 2).

Trafficking intersects with overlapping, complex forms of discrimination and *isms* that affect marginalized individuals and communities. Recognizing the multiple forms of systemic discrimination and understanding their connection/s to trafficking is important. To develop appropriate responses, it is essential that rigorous research and evidence is available to understanding how TIP manifests and fits into practitioners' fields of work and intersections with other societal issues, such as gender issues (representation of women, Gender Based Violence, power structures) and vulnerability (unemployment, lack of skills, poverty). There is a need to increase empirical evidence on TIP in South Africa (recommendation 1 and 5) and to support intersectional advocacy and social justice.

An effective mechanism, such as the proposed TIP unit is required to drive the prevention focus (recommendation 6), and to develop a specific behavioral communication strategy and coordinate interventions across the country and stakeholders. The emerging pathway to impact focusing on victims to survivors identifies key drivers and enablers for the prevention response.

South Africa needs a concerted understanding and a systematic training regime into the manifestation, prevalence, and prevention strategies for all forms of trafficking. To do this, there needs to be an increased awareness of what exploitation and trafficking is, by all relevant parties, including employers and employees.

Emphasis should be placed on educating the public, and particularly vulnerable populations (such as women, girls, boys and migrant labor) about their rights and what is illegal for employers, risky job adverts and markets, rights of employees, and increasing consumer awareness of exploitation in products and supply chains. Civil society, government and business must collaborate to prevent exploitation and trafficking.

Business and Trade Unions need to prioritize labor exploitation and trafficking across their activities and provide coordinated efforts to prevent, investigate and take action. Business and Trade Unions require a more proactive approach rather than relying on punitive legislation. All stakeholders must emphasize exploitation and forced labor as a form of TIP at the research, policy, legislation and practice level. Encourage and engage with businesses to understand their role in preventing TIP in their business, sector and across their supply chains. Encourage stringent reviews of suppliers. Proactive efforts have the potential to enhance economic markets. Services provided by Civil Society organizations that support business efforts to reduce modern-day slavery should be expanded and scaled, supported and promoted. A proactive national recognition system needs to be developed to reward compliance, offer incentives such as training and certification, and to promote TIP compliance and 'friendly' services, products and economic sectors.

Inspectors across government departments must be trained to identify potential victims or situations of trafficking, and know what to do to respond to such cases. The proposed unit must develop a strategy to

enhance coordination between all the inspectorates. In addition, the checklist for Labor Inspectors must be reviewed to include trafficking indicators.

Recommendations: Protection

Recommendation 13: Strengthen the multi-level and systemic response for adult and child victims of trafficking, alongside the continuum of care.

Priority level	Who responsible	Inputs	Proposed timeline	Study Source of recommendation
High	Proposed TIP Unit, DOJCD, DSD, CSOs, SAPS, Safe Houses	<p>Increased the number of and resource safe houses and shelters</p> <p>Increased number of safe houses for male victims, as well as service provision for males</p> <p>Increased and improved training of staff, social workers, nurses and other frontline workers to serve TIP victims</p> <p>Increased access to court preparation and support for victims</p> <p>Improved SOPs for victims in shelters</p> <p>Increased support to victims throughout the process, including with employment during pending court cases</p> <p>Ensure a developmental rights based approach with trafficked children, focusing holistic wellbeing</p> <p>Increased skills development for adolescent and adult victims</p>	Immediately	Victim Voices Report

Background and Justification: Adults

The research clearly shows that victims of trafficking in South Africa are not adequately protected or served by social and other services. Specifically, there are not enough safe houses, shelters, and spaces at airports, borders, and communities, including safe houses for men who have been forced into sexual exploitation, debt bondage or slave labor.

The Government of South Africa should adopt a much more victim-centered approach to TIP by partnering with TIP survivors to develop interventions to prevent and address TIP. Centralize lessons from their testimonies into a database accessible for the proposed TIP Unit, DOJCD and others to learn from. Capture victim impact statements from current interventions and make them accessible in the database.

Regarding the availability of necessary services, shelters need to be better equipped with sufficient, trained staff who are committed to serving TIP victims. Shelters need trained staff across various services, for example, nurses, social workers, job counselors and psychologists. Importantly, focus on the protection and wellbeing of staff and their development. DSD and other government departments to improve registration and regulatory system practice for civil society organizations to be able to provide quality and sustained services. Shelters should also increase the length of time a victim may spend in the shelter and make it dependent on their healing rather than a time limit and increase the number of shelters and funding.

Victims are often reluctant to pursue prosecution due to the risk of re-traumatization, lack of adequate support services before, during and after the court proceeding, and lack of regular updates on TIP court cases. To ensure more victims feel empowered and safe to come forward and assist in prosecuting traffickers, there is an urgent need to increase access to court preparation and support services for victims, more communication on the progress of cases, and counseling and psychological support to parents and family members of victims. Effective communication will support the overall coordination of the TIP response. Victims can further be encouraged to testify by aiding them in applying for other work while open court cases are ongoing. Economic need and length of court cases can discourage victims from pressing charges.

Background and Justification: Children

Child victims of trafficking are not only far more vulnerable, they also require specialized prevention and protection measures. Therefore, government response and assistance measures for child victims of trafficking need to be appropriately targeted to each area of the child's development and wellbeing affected by the child's trafficking experience.

Adolescent trafficking survivors should be provided with adequate skills and development opportunities as part of their journey to healing, in addition to regular individual and group counseling sessions.

Children and youth's sense of agency and resilience should be recognized – with engagement guided by the developmental rights-based framework and the strengths-based approach.

Effective anti-trafficking prevention campaigns should consider both the audience and the message that is to be conveyed.

With child trafficking victims, there is a dire need for improved transitional support programs and regular panel discussions for each child. Permanency planning is crucial for all children.

Specific coordination should be enhanced with country embassies to assist with the availability of language interpreters and knowledge to improve support to child victims, while the frequency of updates on TIP court cases should be shortened between hearings.

PART 1: KNOW THE PROBLEM

Scope The Magnitude and Nature of Trafficking

This section begins by exploring the challenges of determining prevalence of TIP. This is followed by an analysis of available prevalence data and a discussion on the findings. The voices of adults and children are then presented. Data on migration, labor exploitation and trafficking is then presented.

The Challenge of Prevalence Statistics

Despite numerous calls over the past 15 years for the GOSA to create and manage a centralized TIP evidence database in South Africa (Legget, 2004; Van der Watt, 2015; Van der Watt, 2020; Pharoah, 2006), an official answer to 'how big is the problem?' remains elusive.

Several authors have pointed to the problematic discourse surrounding the scope, nature, and extent of TIP in South Africa (Van der Watt, 2020; Emser & Francis, 2017; Skosana & Wilkinson, 2017; Van der Watt, 2015; Wilkinson & Chiumia, 2013). This challenge is not unique to South Africa as many countries continue to grapple with the multilayered complexities inherent to documenting a crime that does not lend itself to rigorous statistical 'counting' (Cruyff, van Dijk & van der Heijden, 2017).

Aspirations, rigorous methods, and debilitating challenges are intrinsic to the conceptualization and performing of most research studies that veer into TIP prevalence estimates (Farrell & De Vries, 2020; Farrell et al., 2019; Fedina & DeForge, 2017; Raphael, 2017; Zhang, 2022). During the early stages of this project and its overlap with the onset of South Africa's COVID-19 pandemic, the research team was not oblivious of the "social, political, and economic challenges" (Zhang, 2022:1) that would have to be navigated during the research. On the one hand, settling for simplicity and reinventing the proverbial wheel was not an option. On the other, overpromising an unequivocal statistical statement of exactly 'how big' the problem of TIP in South Africa is would be foolish. Instead, the researchers recognized the pitfalls and challenges of researching TIP in South Africa, and every attempt was made to prevent the shortfalls and challenges identified in other TIP studies. Exploring the realities and multilayered complexities of TIP was a priority for the research team; working towards collecting a 'mosaic of evidence' and 'constellation of circumstances' were how they set out to achieve this. Prevalence 'insights' instead of prevalence 'estimates' are at the nucleus of this study, as was 'connecting' instead of 'conflating' the legally binding definition found in the *Prevention and Combating of Trafficking in Persons Act No. 7 of 2013* (PACOTIP). Though many of these data points have not yet been documented in South African research, prevalence insights, the factors that constrain them, and the sources from which they stem are documented.

The lack of reliable official statistics on the number of TIP victims in South Africa remains one of the biggest challenges to policymakers and practitioners alike. Consider that in 2019 the GOSA identified only 260 victims compared to 399 victims in 2017. Critics argue that these numbers only scratch the surface of the real extent of the problem. TIP in South Africa has been referred to as an 'elusive statistical nightmare' (van der Watt, 2018).

Gaining access to official trafficking data and court records of child trafficking cases in South Africa is exceptionally challenging, as only a few of these cases are reported in law reports (Kruger 2020:751). In

addition, gaining access to official trafficking data, indictments, transcripts, judgments and sentencing proceedings is difficult for several reasons, cited by Van der Watt (2020:70). A centralized repository and database on trafficking cases would assist in analyzing and triangulating data from across different data sources and facilitate use by policy, decision-makers, and researchers.

The lack of an integrated database constrains the TIP response by both government and civil society. There is concern that the data provided by civil society is not included in the current prevalence data, and at times there may be double-counting due to duplication of efforts when determining prevalence. There is a need for a standardized framework and indicators for civil society to report data. Civil society must access the data to inform their work, and a standardized and secure system is needed to provide feedback. The current reported statistics by the government are likely to be underreported and inaccurate, according to the experience on the ground of one organization. Civil society organizations are willing to support the government in building a verified statistical database. A database would significantly impact how the country manages TIP and inform the annual TIP report.

Indications are that human trafficking is rising globally and in South Africa. While a portion of the rise in TIP can be ascribed to the exacerbating circumstances resulting from the COVID-19 pandemic, several other corresponding failures to curbing this complex crime are not pandemic-related. Specifically, the U.S. State Department reports that prosecutions and the overall response to TIP by the government is declining, resulting in South Africa once again being downgraded to Tier 2 Watchlist in the annual TIP rankings (U.S. Department of State, 2021).

Due to a lack of legislation prior to 2007, the prevalence of TIP victims in South Africa before the PACOTIP Act remains uncounted.

Insights Into The Prevalence Of Tip In South Africa

The annual United States TIP Report (U.S. TIP Report) has consistently referred to South Africa as a source, transit and destination country for the trafficking of men, women and children exploited for commercial sex and forced labor. After spending two consecutive years on the tier two watch list of the U.S. Department of State ranking list in 2018 and 2019, South Africa made a short-lived return to a tier two ranking in 2020 before being downgraded again in 2021 (U.S. Department of State, 2021). Despite notable successes in prosecutions, the sentencing of traffickers to substantial prison terms, and active citizenry and leadership on the part of South African Non-Governmental Organizations (NGOs), the US TIP Report paints a bleak picture of South Africa's efforts to combat TIP, *"even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity"* (U.S. Department of State, 2021: 508).

The evidence from this study convincingly shows that South Africa is a source, transit, and destination country for TIP and that both victims and perpetrators are significantly undercounted in both research and

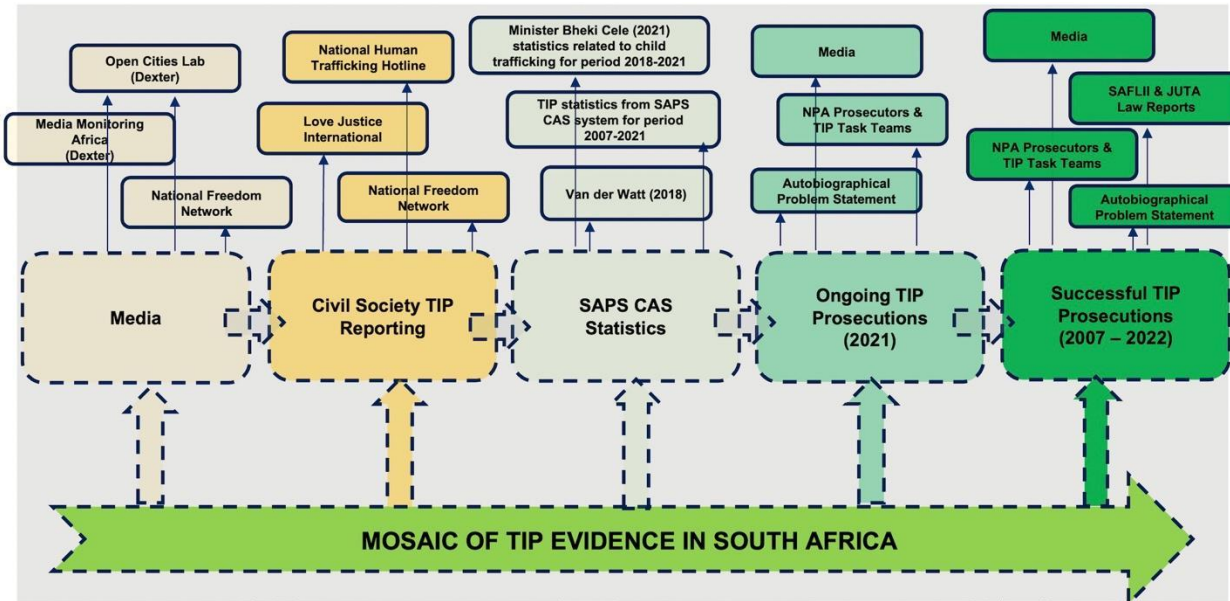
practice. Sex trafficking continues to make up the overwhelming majority² of detected, reported, and prosecuted TIP cases, while labor trafficking prosecutions, similar to trends observed internationally, remain limited³. The number of ongoing- and successful TIP prosecutions by the Government of South Africa is disproportionately low when compared to calls for response services and data from civil society, available police statistics, media coverage, and practitioner perceptions related to the nature and prevalence of the phenomenon in South Africa. Evidence shows that TIP is fueled by several factors. This includes South Africa's relentless structural inequalities, unconstrained consumer-level demand for commercial sex and forced labor, corruption and widespread indifference, and several crippling response deficiencies. Historical and ongoing research claims that TIP is "*rarely encountered*" and that there is "*little evidence of sex trafficking*" are misleading, obfuscate the day-to-day realities of adult and child trafficking victims, and fail to employ the legally binding definition of the PACOTIP Act in research. Methodological problems include the unjustifiable use of truncated definitions and conceptualizations of TIP, the undercounting of TIP victims, and the rationalization of harm. The study concludes that the cumulative effect of the aforementioned problems significantly constrains a forthright assessment of the nature and prevalence of TIP in South Africa and results in disconnected claims and harm rationalizations that are incongruent with existing laws and, chiefly, incongruent with the evidence presented in this study. The empirical basis in this research includes both quantitative insights and qualitative themes from the following data points (Figure 1):

- Reporting by three national TIP Non-Governmental Organizations (NGOs) who have a presence on the provincial and national TIP Task Teams, and one national NGO that works in the area of missing persons
- Media reports as collected by Media Monitoring Africa (Dexter), Open Cities Lab (Dexter) and a national NGO
- Available statistics by the SAPS for the period 2007 to 2021
- Ongoing TIP prosecutions in South African Courts during 2021
- Successfully prosecuted TIP Cases in South African Courts for the period 2007 to 2022

² The data collected in this study slant significantly towards the issue of sex trafficking. Labor trafficking investigations and prosecutions continue to receive scant attention in South Africa and only two labor-related TIP matters (both child labor) were successfully prosecuted in South African courts (*S vs Nancy Eze Light & S v Judite Augusta Nantumbi*). Ongoing labor trafficking prosecutions include *S v Ye* and the 'Beautiful City' case. This limitation to the research is discussed further in the 'Limitations and Challenges' section of the study, and contributes to diminished prevalence insights and the significant undercounting of TIP victims and perpetrators in South Africa.

³ The full report of the research study on prevalence insights is available as a separate document on the USAID DEC.

Figure 1 Data sources



When considered as a 'mosaic of evidence' and a 'constellation of circumstances'⁴, the evidence in this study not only accentuate the consistency and coherency of previous TIP research themes (including reports, journal articles, doctoral studies, masters studies, evidence-based media reports, and lived experience survivor autobiographies) but presents a more nuanced perspective on the nature and prevalence of TIP in South Africa. Evidence that hitherto has not been documented is introduced, and recommendations are made for criminal justice practitioners, policy-makers, institutional review boards, government data management, the media, communications and messaging strategy, local and international research funders, counter-corruption, and consumer-level demand reduction for commercial sex and forced labor.

Quantitative findings from civil society

For the period between January 2018 and December 2021, the following findings have been reported:

- The National Human Trafficking Hotline (NHTH) has received 7,554 trafficking-related cases⁵ that were registered through its online webforms, emails and calls. Collectively, Red (Crisis Calls) and Green (Tip Off's) cases for 2020 were 687 reported cases, and 513 reported cases for 2021.
- NHTH-facilitated interventions resulted in the identification of 754 adult TIP victims from at least 28 countries.
- NHTH-facilitated interventions resulted in the identification of 98 child TIP victims from at least four countries.

⁴ United Nations Office on Drugs and Crime (UNODC) (2017) Case Digest: Evidential Issues in Trafficking in Persons Cases. Vienna: United Nations.

⁵ Trafficking related cases are classified by the NHTH into 5 color coded categories, Red (Crisis Calls), Green (Tip Off's), Blue (Training and Technical assistance), Purple (referrals), and Yellow (general information). Typically the Red and Green categories pertain to victims or cases reported to authorities.

- At least 83 alleged perpetrators were identified in 63 reported TIP cases received by the NHTH where victims were rescued. Alleged perpetrators are nationals from at least 11 different countries.
- Love Justice International (LJI) have identified at least 490 potential victims of TIP from at least 29 different countries (nationalities).
- Alleged perpetrator nationalities identified by LJI include suspects from at least 22 different countries.

For the period between October 2011 and November 2021:

- The National Freedom Network (NFN) has dealt with more than 850 TIP-related calls for service.

Quantitative data from SAPS⁶

- For the period 16 December 2007 to 8 August 2015, at least 257 TIP cases were reported to SAPS under the interim pieces of TIP legislation.
- For the period between 9 August 2015 and 17 January 2022, at least 10,820 TIP cases were reported to SAPS under the PACOTIP Act. Adult victims were documented in 7,140 of these cases, child victims were recorded in 1,463 cases, and the age of the victims was 'unknown' in 2,217 cases.
- For the period between 9 August 2015 and 17 January 2022, 91 TIP reports were received by the National Directorate for Priority Crimes Investigations (DPCI) Nodal Point involving TIP from all organized crime units within the DPCI. In these cases, 522 adult victims and 102 child victims were identified. The age of victims was unknown in 6 cases⁷.
- For the period 2018 to 2021, 781 South African children were recorded by SAPS⁸ as victims of child trafficking.
- The nexus between missing persons and TIP remains largely unexplored in South Africa yet shows evidence of overlap in some successfully prosecuted TIP cases analyzed in this research. Available SAPS missing person data shows at least 23,803 adults that are still missing or unaccounted for (between 2000 and 2015) and at least 3,957 children for the same period (Van der Watt, 2018). In an ongoing study (Van der Watt, 2022), statistics made available by SAPS for the period 1 January 2000 to 1 January 2020 indicate that a grand total of 94,252 persons have been circulated as missing over a period of 20 years of which 31,545 people are either unaccounted for or still missing.

Quantitative data from ongoing prosecutions

- A total of 79 TIP-related prosecutions were ongoing in South Africa's Criminal Justice System during 2021.
- Of these, sex trafficking prosecutions made up the overwhelming majority of cases at 53, followed by forced marriage (5 cases), labor trafficking (4 cases), slavery (4 cases), illegal adoptions (1 case), attempted removal of body parts (1 case), involvement in TIP (1 case), servitude (1 case), and unknown forms of TIP (9 cases).

⁶ Due to issues related to data integrity, SAPS explicitly stated that these cases are not an accurate reflection of TIP cases in South Africa. Reasons include that TIP is dependent on police action and are *"under-reported which makes it difficult to measure."* (SAPS, 2022a), and due to *"incorrect incident allocation and the lack of a specific TIP crime code"* (SAPS, 2022b). A process of filtering information to avoid these inaccuracies, is undergoing by SAPS.

⁷ Importantly, when considering the number of victims identified in the DPCI Nodal Point cases (630 victims in 91 cases), the likely number of victims in the 11,077 TIP cases reported to SAPS is substantial.

⁸ This number was reported by the Minister of Police, Bheki Cele, in response to a parliamentary question.

- A total number of 400 TIP victims were identified in the 79 TIP-related prosecutions that were ongoing in South Africa's Criminal Justice System during 2021.
- Of these, females made up 226 of those identified and males made up 163 of those identified. The gender of victims was unknown in 11 cases.
- Adults made up 331 of those identified as victims of TIP, and children made up 64. Ages were unknown in 5 cases.
- Victim nationalities include South Africa (143), Malawi (105), Lesotho (54), Zimbabwe (43), Eswatini (21), Bangladesh (21), Mozambique (5), Ethiopia (3), Zambia (2), Nigeria (2), and unknown (1).
- A total number of 176 accused were identified in the 79 TIP-related prosecutions ongoing in South Africa's Criminal Justice System during 2021.
- Of these, males made up 123 of those charged with TIP and females made up 52 of those charged with the crime. In one case, the gender of the accused is unknown.
- TIP Accused's nationalities include South Africa (73), Nigeria (44), China (11), Bangladesh (10), Zimbabwe (8), Ethiopia (4), Mozambique (4), Lesotho (3), Pakistan (3), Malawi (2), Cameroon (2), Eswatini (1), Ghana (1), and unknown nationalities (10). Nigerian nationals are disproportionately represented in ongoing sex trafficking prosecutions.

Quantitative data from successful prosecutions

- A total number of 44⁹ successfully prosecuted TIP cases between 2007 and 2022 were identified in this research.
- Of these, sex trafficking made up the overwhelming majority of cases at 36, followed by adoption scams (2), the selling of a baby or child (2), the buying of babies (2), and labor exploitation of a child (2).
- A total of 78 primary victims (Cohort 1) were identified in these cases. These are victims that testified in the trial or who were considered a victim of trafficking but were too young to provide testimony;
- Of these, 72 were female and 6 were male.
- Children made up the majority of the TIP victims in Cohort 1 at 46, and adults at 32.
- The majority of victims were South African (61), followed by Mozambican (11), Zimbabwean (4), Eswatini (1) and Nigerian (1) nationals.
- Additionally, at least 25 victims (Cohort 2) were identified in the research who were positively screened and/or submitted statements but did not testify (illness, death, absconding from place of safety) in the trial.
- A conservative number of at least 130 possible TIP victims (Cohort 3) were enumerated in the research. These are persons that have not been formally screened as victims of trafficking but were referred to either by name or otherwise as persons who were observed and/or interacted with [in similar circumstances] by victims or witnesses during the investigation or trial.
- In 10 cases, multiple possible victims (Cohort 4) of trafficking were identified that could not be enumerated. They too were persons who were observed and/or interacted with [in similar circumstances] by victims or witnesses during the investigation or trial.
- A total of 77 traffickers were convicted in the 44 successfully prosecuted TIP cases.
- Of these, 39 were male, and 38 were female.

⁹ Three further successful prosecutions were secured after the data analysis for this study were finalized. Two were sex trafficking cases (*S v Fezeka Precious Mbambo* & *S v Xolani Mkhize* Case) and the third relates to the selling of a child (*S v Wayne & Justine Loubser*). Case references are included in the reference list.

- The majority of the convicted traffickers were South African (50), followed by Nigerian (15), Mozambican (6), Lesotho (2), Burundi (1), Bangladeshi (1), Zimbabwean (1), and Chinese (1) nationals.
- At least 108 persons of interest were identified in the 44 successfully prosecuted TIP cases who played a direct or indirect role in facilitating TIP crimes yet were not arraigned before court.
- Several sex buyers, potentially multiple thousands, who used the 'services' of TIP victims in just 10 of the 44 cases, were not investigated, arrested, or prosecuted. This is the case despite relevant sections in the PACOTIP Act and the *Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007* that criminalize these actions. In one example of online sexual exploitation (*S v Seleso*), the child victim was exploited through the use of a live streaming platform employed by her traffickers. The child victim's profile had more than 6,000 log-ins from sex buyers who spanned the globe.

Qualitative Thematic Findings

Five thematic findings were identified from the evidence in this study:

Finding 1: The PACOTIP Act as A "Sharp Prosecution Sword"

South Africa's *Prevention and Combating of Trafficking in Persons Act 7 of 2013* (PACOTIP Act), came into effect on 9 August 2015, and gives effect to South Africa's international obligations under the *Convention on Transnational Organized Crime* and its *Trafficking Protocol* by criminalizing all forms of trafficking and securing protection for victims. This study confirms notable successes in prosecuting TIP perpetrators. Considered to be a "sharp prosecution sword" (Kruger, 2016), stringent penalties for TIP offenses as provided for in the PACOTIP Act, have been imposed by courts. The courts are the watchdogs to ensure that TIP is not confused or conflated with prostitution, immigration offences, related sexual offences, kidnapping or any other offences, but that a conviction on TIP will only result if all elements of TIP, required by the PACOTIP Act, are proved (Kruger, 2022). Several prosecutors developed expertise in applying the PACOTIP Act and courts made some crucial decisions to interpret and clarify its provisions. Legislation, such as the PACOTIP Act, is therefore legally binding and must be used as the yardstick for determining what satisfies the elements of TIP, and what doesn't. This is equally important for

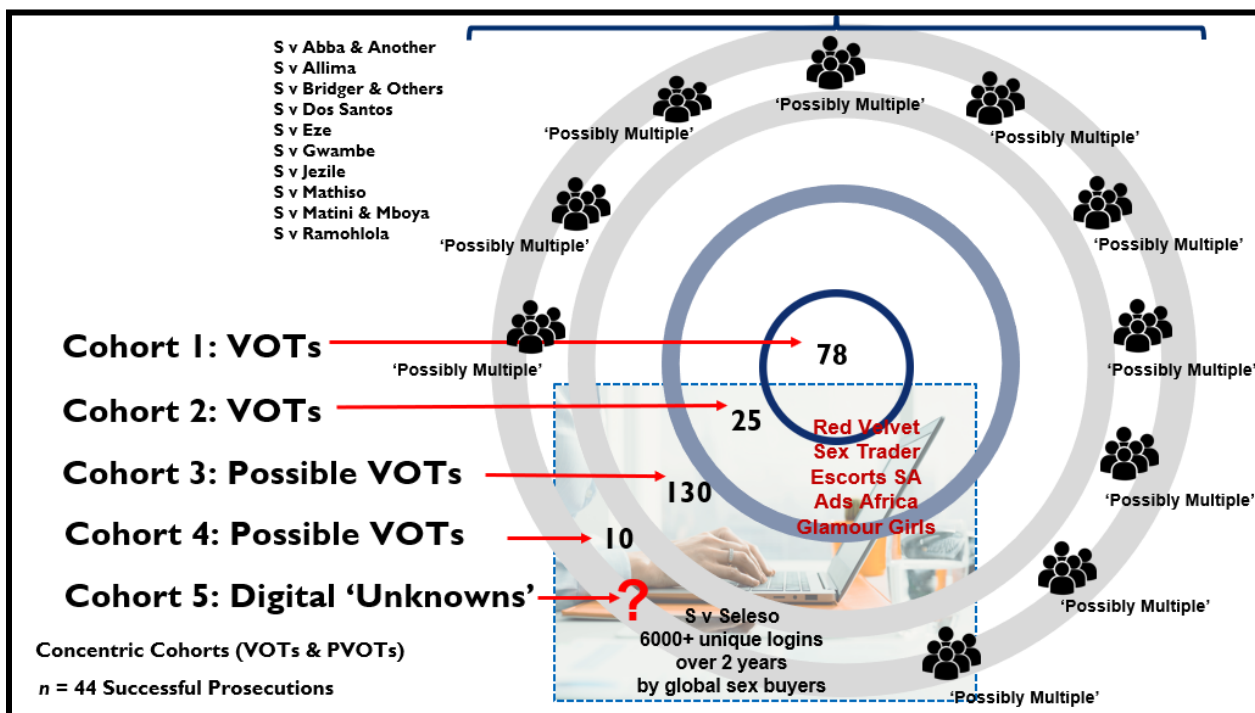
Finding 2: A spectrum of TIP perpetrators: From single traffickers to loosely connected networks of criminal actors

The study confirms that TIP is a multi-layered and complex criminal phenomenon committed by a spectrum of perpetrators. This includes single traffickers who repeatedly sexually exploit their victims, traffickers who subjugate minors in situations of forced labor and/or domestic servitude, and an example of a South African mother using an online marketing platform to advertise her baby for sale. Perpetrators also include loosely connected networks such as that of more than 20 Nigerian traffickers responsible for selling and moving sex trafficking victims between multiple residential brothels. In *S v Matini* the court observed that "traffickers could be family members, parents, partners, friends, acquaintances, pimps, business contacts, strangers or any other person", and in *S v Dos Santos* the court confirmed "a feature of this case is that the abuse of these young complainants (and the appellant's other victims) was the result of an elaborate and organized criminal enterprise." Several role-players, including police and immigration officials, drug dealers, drivers, photographers (i.e., Red Velvet), and security guards form part of the broader network of criminal actors that directly and/or indirectly perpetrate trafficking crimes.

Finding 3: The Great Undercount

Evidence from all data sources in this study suggests a significant undercounting of TIP victims in South Africa. Both ongoing prosecutions and successfully prosecuted TIP cases suggest that there are frequently more victims of trafficking than the complainants that were screened, submitted statements and/or testified in these cases. The concentric mapping of TIP victims from available data stemming from successful prosecutions provided useful insights (refer to the figure below). This exercise was based on the premise that many TIP cases, from civil society data and police investigations to ongoing and successful prosecutions, are ‘more than the sum of its parts’. TIP victims who provided testimony and those who were positively screened and participated in the spectrum of criminal justice processes were significantly eclipsed in numbers by those who remain unscreened and undetected as possible victims of trafficking. The unjustifiable use of truncated definitions and conceptualizations of TIP in some research studies contributes to the significant undercounting of TIP victims in South Africa.

Figure 2 Cohorts of victims from successful prosecution cases



Finding 4: The Commercial Sex Trade as a Vortex of Violence, Child Trafficking, and (Un)Constrained Demand

Sex trafficking and excessive sexual, physical, and psychological violence perpetrated against women and children in South Africa’s sex trade was documented in several ongoing TIP prosecutions, as well as in successfully prosecuted TIP cases. Overwhelming evidence adduced in several cases related to the commercial sex trade shows that perpetrators prey on victims’ vulnerabilities, deceiving and exploiting them at any cost to make money. Not only traffickers inflict violence and harm, but also sex buyers who violently exploit children and show very little regard for issues of agency and clear third-party control. Evidence from numerous cases in the research reflects the complex life stories of TIP victims that come from different backgrounds and age groups and whose trafficking experiences overlap in the sex trade. The role and complicity of prominent online adult websites, child trafficking, drug abuse, police corruption, and egregious violence are commonplace in these cases. Commercial sexual exploitation is fueled by sex buyers who represent the demand component. It was also clear that sex traffickers may be the

financial beneficiaries of sex trafficking operations, but that it is sex buyers who pay the money. Save for one TIP conviction (*S v Obi*), no other cases could be traced where the ‘demand’ or sex purchasing dimension of cases were prosecuted. When considering the protracted lifespans of numerous brothels implicated in successfully prosecuted TIP cases, and the evidence of multiple sex buyers who violated and exploited both the known and unknown victims in these cases, it may well be inferred that several thousands of male sex buyers were not held accountable. This is the case in a mere 10 prosecutions where multiple brothels, in separate cases, were active over a protracted period.

Finding 5: Indifference, Corruption, and Official Complicity

Overwhelming and persistent evidence confirms that corruption is an ever-present reality in South Africa with far-reaching consequences. Equally, the corruption ‘footprint’ is by no means foreign in South Africa’s TIP landscape. The issue has become an established concern in South Africa’s annual US Department of State TIP Profile (currently on the Tier 2 Watchlist), with “*official complicity in trafficking crimes, especially by police*” (US TIP Report, 2021, p. 511) persisting. Furthermore, well-known brothels historically identified as sex trafficking locations continue “*to operate with officials’ tacit approval.*” Evidence in several successful prosecuted TIP cases confirmed indifference, corruption and complicity by law enforcement officials (i.e., *S v Eze*, *S v Dos Santos*, *S v Seleso*, *S v Bridger*, *S v Obi*, *S v Odii & Another*, *S v Palan & Another*). In one ongoing prosecution (*S v Islam*), four SAPS members are on trial for TIP-related charges related to the kidnapping of 10 Bangladeshi nationals. At the time of their arrest, the accused persons had a pending Independent Police Investigative Directorate (IPID) investigation for kidnapping and related charges which suggests that their actions were not novel. All four SAPS members are still on duty. From existing research and evidence from the various sources in this study, it is clear that experiences related to indifference, corruption and/or complicity are manifold. Not only do these problems inhibit the investigation process and compromise the potential for success, but they also perpetuate and enable the crime of TIP. They significantly impact prevalence data and contribute to the undercounting of TIP in South Africa.

‘South Africa as a transit country for TIP’ and **‘the link between missing persons and TIP’** are discussed as two supplementary findings in the report. Some senior government officials question whether South Africa is a transit country, and some dismiss or treat with skepticism the reports by civil society and conclusions reached in the annual US TIP Report. When considering the relationship of corruption with irregular migration, pervasive travel and transit irregularities at South African ports of entry, and missing persons and kidnapping – all within the ambit of TIP – there is little doubt that these crimes, and the people who perpetrate them, pose a significant national security threat and diminishes the integrity of the country’s borders. Not only do they severely constrain TIP prevalence insights, but they damage South Africa’s international obligations to prevent TIP, protect the victims of TIP, and prosecute those who perpetrate the crime.

The assemblage of evidence from these sources indicates that TIP is indeed a serious, pervasive, and systemic problem in South Africa that seamlessly intersperse with other crimes and social phenomena, including gender-based violence, prostitution, organized crime, missing persons, irregular migration, child abuse, and labor disputes, to name but a few. The true nature and extent of overlap between TIP and other phenomena will only become clear when focussed and dispassionate research that employs the legally binding definition of TIP is prioritized. From frontline experiences and anecdotal evidence, areas that require further investigation into an overlap with TIP include adoption and foster care irregularities, muti killings, terrorism and terror funding, and illegal mining. The link between TIP, money laundering, and illicit financial flows have yet to be investigated and mapped by researchers. Labor trafficking detection, investigations, and prosecutions must be prioritized, and the online adult entertainment arena - implicated in ongoing and successful prosecutions - held accountable for their role in TIP-related crimes.

Law enforcement responses to TIP are overwhelmingly reactive, and the persistent calls for increased specialized and intelligence-led investigations by veteran practitioners remain unheeded. Corruption and official complicity enable and perpetuate TIP crimes in South Africa and severely constrains prevalence insights while detracting from South Africa's international obligations to prevent TIP, protect the victims of TIP, and prosecute those who perpetrate the crime.

The Voices Of Victims

Victim voices are crucial to the prevention and combating of trafficking in persons. According to Botha and Warria (2021), "partnering with victims in a manner that enables them to access their needs and rights is crucial to their healing trajectory." Therefore, social justice and human rights principles are fundamental foundations of social work and other interventions (Warria 2014).

Rights-based, trauma-informed and survivor-led culturally sensitive approaches must always inform anti-trafficking efforts. Victim voices are crucial to the prevention and combating of trafficking in persons. Indeed, collaborating with victims and survivors in ways that ensures their needs and rights are met is essential to their healing and recovery. Therefore, the principles of social justice, human rights and sustainable development are fundamental foundations of transformative anti-trafficking interventions (Warria, 2014; Botha and Warria, 2021).

The victim can feel the impact of trafficking in the short, medium and long term during the three phases of rescue, healing and recovery and reintegration. It is essential to note that each of these stages that the victim goes through is characterized by different needs, although needs overlap might occur or extend to the next stage. Therefore, different, multiple and sometimes specialized types of services offered by various professionals are needed. Considering these, assistance provision should not be viewed as a single one-off event, but rather as a long-term engaged process with different stages, actors and phases which require in-depth preparation, support and follow-up services. Exiting from a trafficking situation is often the beginning of another set of challenges involving appropriate needs assessment and service provision. In addition, this process may not always follow a linear path, and one or more intervention phases might have to be repeated.

Listening and learning from victims' experiences and turning their suggestions into concrete actions will lead to a more transformative victim-centered, survivor-led and effective approach in combating human trafficking. The voices of survivors ought to be included in all anti-trafficking efforts.

There is a paucity of literature and limited practice-knowledge on service provision with victims of trafficking in South Africa and on the ever-changing needs of victims. This research contributes to and builds on trafficking victimology in South Africa by answering the following research questions:

1. What is the scope of trafficking and how does it manifest itself in South Africa?
2. What are the experiences of victims of TIP and is policy shaped to reflect their voices? What are the gaps in support services for victims and how can these be developed, implemented and improved?
3. What are the past and present factors that have constrained both available data and an understanding of TIP prevalence in South Africa?

The evidence gathered from both Adult Victim Voices and Child Victims Study, and the subsequent analysis shows that:

- Trafficking is multi-faceted, and victims' needs are complex.
- Different forms of trafficking can be identified in South Africa. Sexual exploitation appears to be the most prevalent form of trafficking. However, poly-victimization (exposure to multiple forms of victimization) was often linked to sexual exploitation.
- South Africa is a source, transit and destination country for human trafficking.
- Victims' vulnerability is not inherent but rather created through structural inequalities and discrimination manifesting as right violations and intersecting push and pull factors fueling trafficking. These include but are not limited to poverty and loss of livelihoods, lack of opportunities, and gaps in education. Gender biases and stereotypes make certain victim profiles and forms of trafficking less visible.
- Although trafficking was mainly facilitated by family members and close relatives, there are often many victims and many perpetrators (both male and female) for each case of trafficking. These multiple victims or perpetrators can be related or unrelated.
- There were multiple individuals who identified victims, including but not limited to the police, community members, and in healthcare settings. Victims also self-identify. Although identification and referral for services are best practices and effective strategies, these interventions may be harmful if the complexity of counter-trafficking issues, discourse and policy is not understood and considered during the development and implementation of services.
- Trafficking has far-reaching consequences for the victims and their families.
- Exiting from a trafficking situation is often the beginning of another set of challenges involving appropriate needs assessment and service provision. However, victims are not homogenous or passive – they can express agency and participate in decisions that affect them and have aspirations. Therefore, responding to trafficked children should be tailored to their vulnerabilities, needs, agency and rights.
- Social services play an essential supportive role in the assessment, healing and recovery process of survivors of trafficking. The individual activities and motivation of service providers can determine the healing journeys of victims. If the post-trafficking recovery phase is handled inefficiently, it has the potential to disrupt further the individuals access to opportunities, rights, growth and development.
- The criminal justice responses fail the victims. Corruption by frontline law enforcement officials, different working definitions and lack of sound knowledge on trafficking have dented the implementation of anti-trafficking policies and programs in South Africa. Similar to other parts of the world, there were very few prosecutions and convictions.

Specific findings from the Adult Victim Voices Study indicate that:

- The preference of referring to oneself as a victim or survivor depends on their healing journey and should be viewed along a continuum.

- Domestic or internal trafficking is more prevalent than reported in the past.
- Drug and substance misuse and traumatic childhood experiences increased participants' vulnerability to trafficking.
- The challenges faced by victims of trafficking when accessing services include fear of disclosing abuse, corrupt law enforcement officials, and long waiting lists as they seek specialized medical attention.
- Men and boys are often overlooked as victims. This also extends to their recognition and inclusion as victims/survivors of trafficking and related exploitation. The harm they experience is often not reported or under reported

Specific findings relating to Child Victim Study file analysis includes but are not limited to:

- Pre-trafficking push and pull factors are evident in the lives of the child victims. A disproportionate number of trafficked child victims are from vulnerable populations and deprived, poverty-stricken settings. However, for some children and youth, the sense of resilience and agency is worth highlighting.
- The age and the gender of trafficked children has major implications for the interventions they require – post rescue. The age at which most child victims were rescued is 15 years. From a gender perspective, girls are more vulnerable to trafficking. Most girls are trafficked for sexual exploitation, domestic servitude and forced marriages, whereas boys were trafficked for labor purposes. There were several cases of double-victimization evident in the case files as well.
- Although means are not relevant to the trafficking of children, the most reported mode of transportation used was taxis and flights. There were eight cases of suspected trafficking – with the children traveling on fraudulent documents and often with people unrelated to them.
- In terms of identifying victims, the police were instrumental in identifying cases of trafficking, followed by community members and immigration officials. Identification of child victims of trafficking in healthcare settings was a new finding emerging from the data.
- Child victims mainly came from the region such as from the SADC countries. The majority came from Mozambique, followed by DRC then Zimbabwe. Almost all the trafficked children were undocumented – including the South African children who were identified. This increases their vulnerability as they grow older and puts them at risk of statelessness or being re-trafficked. Fifty percent of the cases revealed that the children did not travel alone but had traveled with peers or cousins or siblings.
- In terms of criminal justice reforms, the child victims were placed in the CYCC after the opening of the CCI. There were no CAS numbers in most of the files - except in eight files, with only one conviction and sentencing. The high probability of the lack of CAS in the files might point to cases not being opened against the perpetrators.
- The children spoke various languages, and there was often a need for an interpreter. Delays in service provision seem to have been hampered by language communication barriers. Education gaps were evident in the children's lives prior to being trafficked. These were made worse when the children could not be placed in mainstream schooling because of language barriers.

- Social workers mainly rendered a basket of services. These were complemented by psychological assessments and short-term therapies [such as grief and suicide interventions], educational initiatives at the bridging school or in mainstream schooling, family tracing and return/s with the assistance of embassies, IOM, ISS, and Save the Children. Medical interventions were provided for general ailments, forensic assessments, drug tests, age estimations, as part of travel requirements and due to the COVID-19 pandemic.
- The main reasons for the children being discharged were reunification or returning to families. This process was mainly hampered by a lack of tracing the child's family, lack of well-developed social service infrastructure in some countries, and a lack of consistent assistance from some embassies. Young adults were often returned to their countries once they turned 18.
- Families are unable to cope with the demands and difficulties that they experience. This then means that their ability to look after and protect the children is compromised and puts children at risk of trafficking and exploitation.
- CYCCs continued to accept children who were in need of care and protection – though in fewer numbers over longer periods of time. The pandemic also affected service delivery to victims – from counseling to group therapy to life skills and vocational activities. The mental state of the victims was also affected as they relapsed, thought of their families more or were just anxious about being infected with the virus.
- Lastly, schools (formal or informal) can act as sites for protection – as most children spend their time there.

The Victim Voices Studies indicate that there are challenges in prevention and early intervention, identification, referral and service provision to victims of trafficking, despite South Africa's progressive legislative and policy measures to protect a range of trafficked persons.

Trafficking of persons therefore remains a concern in South Africa. Protection of victims of trafficking is one of the core principles in international, regional and national anti-trafficking and child protection policies.

The victim studies highlight that a focus on prevention is lacking in the trafficking responses in South Africa. Understanding who is at risk of being trafficked and the nature of their vulnerability is crucial in developing and implementing counter-trafficking policies and programs. In addition, reinforcing the delivery of basic services in areas with high levels of victimization and marginalization is an indirect but efficient way to prevent trafficking.

The term "victim" indicates rights violations and that the individuals did not choose these circumstances and cannot and should not be blamed for the trafficking and subsequent events they have experienced. The term also robs the victims of their sense of agency. This finding indicates the need for more adequate terminology and the recognition that trafficked persons exist on a continuum depending on where they are in their healing and recovery process. They should also be consulted regarding how they would like to be referred to.

Any trafficked person who has exited a trafficking situation can be understood as starting another unknown journey of healing where they confront past injustices and traumatic experiences during their recovery. Providing a continuum of services, including interpretation/translation, documentation and

vocational training, which are appropriate, timely and holistic, plays an integral role in helping trafficked persons heal. The reflective professionalization of victim protection challenges practitioners working with victims to question the types of interventions available for victims, the reasoning behind their provision, the mode of delivering these services and the evaluation needed to enhance them.

The timeframe to facilitate assistance provision, in or out of the care facility, should not be rigid and restricted, and it should not negatively impact the subsequent or future phases of assistance. Best practice in managing rights violations in trafficking cases requires the adoption of transformative, multi-level, holistic inter- and multidisciplinary approaches that are not time-bound but healing and recovery influenced and focused.

Case referrals and the management of trafficking needs significant improvement, as there are glaring gaps in the South African system. Accountability of care and protection is missing, and thus, many victims are rendered vulnerable by the system that is meant to protect them. Service fragmentation causes further vulnerability to victims, as they become powerless and tend to feel hopeless and worthless when they are being processed through dysfunctional criminal justice and social services systems.

There is a need for comprehensive, integrated services and programs that are trauma-informed, survivor-led, livelihoods-focused and culturally sensitive. These evidence-based interventions must be empowering, participatory and holistic, thus facilitating rights advancement, social change and justice and encouraging meaningful participation. Indeed, the time invested in preparing, providing assistance and supporting victims of trafficking is an enormous contributing factor towards long-term healing and successful reintegration.

The issues of protection of victims of trafficking are diverse and often multiple. It is also worth recognizing that an individual victim might have experienced more than one form of exploitation in the hands of numerous exploiters and with other victims (identified, presumed or unidentified). All these need to be considered in their intervention care plan. In light of these, the mechanisms used must involve a multidisciplinary team and approach as constant interaction will be required throughout different phases of service provision – from identification to reintegration and (time-limited) follow up. Thus, immigration, criminal justice and psychosocial lenses should be applied in tandem leading to therapeutic jurisprudence for trafficked persons. This approach also calls for trafficked people's involvement in intervention development for programs and policies to be more effective and sustainable.

Care and protection of victims are intertwined with multi-layered social justice systems, and any intervention must consider these structural factors. Trafficking cases present different gender and age markers since the needs of victims differ according to several factors, including nationalities and type of exploitation encountered. These needs permeate all areas of intervention – from prevention to protection and to prosecution. To dismantle the cycle of trafficking, counter-trafficking interventions must be designed accordingly.

Practitioners should regularly reflect and engage with their professional and personal ideals versus the victims' lived experiences, dreams and expectations, cultural imperatives and the actual contexts. Further, they should question how their background, prejudices, positions of privilege or disadvantage and positionality impact assistance provision to victims of trafficking. This becomes an ideal worth pursuing in the quest to capture victims' voices authentically.

In summary, the qualitative adult and child victim study described the nature of trafficking in person in South Africa. Findings illustrated that South Africa is a source, transit and destination country. Further multi-case studies should be conducted to provide a more reliable and meaningful framework of the hidden and complex trafficking phenomenon in South Africa to identify core patterns, trends, and variations. Victims' voices alone are not enough; there is a need to include convicts' voices, practitioner reflections, community members' perceptions and additional document reviews for more holistic responses.

Designing wide-ranging gender-sensitive, culturally relevant prevention, protection and prosecution strategies is crucial in ensuring that no victim is left behind irrespective of the form of exploitation/trafficking. It also means that no form of trafficking, regardless of the number, migration status, age, nationality and gender of the victims affected, is left unaddressed. Transformative and sustainable interventions involve putting victims' voices at the forefront of interventions. It is not about a visibility competition between the various groups of victims, service providers or funders but is instead a way to safeguard victims' rights and guarantee that all victims receive adequate care, protection and justice.

The findings from the Victims Study showed that despite the challenges that social workers as service providers were confronted with, there were elements of practice wisdom which resulted in one or more of the following: i) a positive short-term outcome (for example, positive engagement with peers, improved attitude towards academics), ii) reflected a high degree of care, protection for the children (for example, demonstrating empathy, ensuring child's safety and that they are adjusting well in the CYCC) and iii) resulted in positive feedback from the child, their family and supervisor's.

Exploration Of Labor Migration, Exploitation And Trafficking Nexus In South Africa

There is growing recognition that labor exploitation of migrant workers has become a problem of global proportions. Human trafficking and other forms of extreme exploitation, including forced labor and forced marriage, now collectively under the terminological umbrella 'modern slavery', are reported to affect an estimated 40.3 million people globally, with 29.4 million considered to be in situations of forced labor (Van der Watt & Burger, 2018). Human trafficking is a multidimensional human rights violation that centers on the Act of exploitation (Zhang et al., 2014).

The United Nations (2000) defines Trafficking in Persons (TIP) as:

"...the recruitment, transportation, transfer, harboring 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".

Similarly, the PACOTIP Act 7 of 2013 defines TIP in Chapter 2 section 4(1) and 4(2) as:

4(1) Any person who delivers, recruits, transports, transfers, harbors, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of –

(a) A threat of harm

(b) The threat or use of force or other forms of coercion

(c) The abuse of vulnerability

(d) Fraud

(e) Deception

(f) Abduction

(g) Kidnapping

(h) The abuse of power

(i) The direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or

(j) The direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person, for the purpose of any form or manner of exploitation, is guilty of the offence of Trafficking in Persons.

4 (2) Any person who-

(a) adopts a child, facilitated or secured through legal or illegal means; or

(b) concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or other person in any form or manner, is guilty of an offence." (Government of South Africa/DOJCD, 2013)

The lack of trafficking prevalence data has made it difficult for South African policymakers to meaningfully deliberate on TIP policy.

Thus, updated and better research on TIP is a priority in South Africa to be able to support the South African government in the effective implementation of the PACOTIP Act (Purdue TIP Buy-in proposal, 2019).

In early 2020, Khulisa and the University of the Witwatersrand (Wits) team undertook a TIP Landscape Review (Roper et al., 2020). The Landscape Review provided an analysis of the current TIP evidence and knowledge in South Africa. The Review provides qualitative and quantitative data to reveal the knowledge base to inform the nature, magnitude and response across the four domains of prosecution, protection, prevention and partnerships in South Africa.

The review (Roper et al., 2020) in South Africa indicated that men, women, and children are trafficked for various purposes, including domestic servitude, agricultural and plantation work, commercial fishing, textile work, factory labor, construction, mining, and forced sex work as well as bride trafficking and petty crime. Business models commonly sustain exploitative practices that rely on disposable labor,

labyrinthine supply chains, and extortionate labor intermediaries. This occurs alongside weakening labor governance and protections and is underpinned by deepening social and economic divisions. Initiatives to address human trafficking require targeted actions to prevent the drivers of exploitation across each stage of the labor migration cycle to stop the types of harm that can lead to generational cycles of disenfranchisement.

Labor Trafficking Literature Review

Driven by the characteristic push-and-pull dynamics of human movement, migrant flows across South Africa's borders became a permanent fixture in the wake of 1994. One of the results of 1994 was increased freedom of movement. However, an unintended consequence is that traffickers also have more freedom to move, and South Africa lacks the capability to stem the flow (Frankel, 2016). Given South Africa's position as an economic driver on a continent comprising mainly under-developed and unstable states, it remains a desirable and preferred destination for migrants from throughout the region. Socio-economic problems in neighboring countries inevitably spill over into South Africa for migration. Research by the IOM identified highly articulated TIP networks, staffed by an alliance of human smugglers, dedicated traffickers, riverbank gangs and delinquent members of the taxi industry, responsible for the 'running' of trafficking victims from points of origin north of the Limpopo to our major metropole (Kropiwnicki, 2010; IOM, 2008). Some question whether these networks persist despite police action against perpetrators or as a result of police complicity alongside perpetrators (US Department of State [DOS], 2018; IOM, 2008).

Trafficking in South Africa operates both domestically and internationally. Domestic trafficking entails recruiting and moving predominantly women and children from rural to urban areas where they work as domestic workers, prostitutes, strippers or drug mules in the city (Bello and Olutola, 2022). International trafficking includes the transportation of men, women and children into South Africa to be exploited as either sex workers or laborers in industries such as mining, agriculture and construction. In the case of sex workers, there are often cases of South African women being trafficked internationally to Europe and the Middle East (Bello and Olutola, 2022).

The perpetual movement of people across South African borders and from rural to urban areas feeds labor supply chains into manufacturing, mining, agriculture, and other sectors of the economy. All these sectors can be exploited by informal and sometimes criminal labor brokers who provide cheap undocumented migrant labor who are desperate for employment, on the run from the police, or otherwise demoralized by their own lived experience (Shapiro, 2008). The agricultural sector, including the country's valuable wine industry in the Western Cape, is notorious for its exploitative conditions and human rights abuses that ignore workers' fundamental rights (Human Rights Watch, 2011). Even though farmers are subject to health and safety regulations, the government cannot enforce these adequately (Devereux, 2019). Human Rights Watch (HRW) found that in 2011, there were only 107 labor inspectors responsible for monitoring over 6,000 farms (Human Rights Watch, 2011). Adherence to regulations also varies between farmers who export and are therefore bound by audits of supplier farms, and those not subjected to this scrutiny (ibid). Big commercial farmers generally steer clear of suspect labor because of shareholder pressure at export destinations in places such as the United Kingdom (U.K.) or the European Union (E.U.). Smaller agricultural enterprises are more likely to use questionable, including trafficked

labor of illegal and opportunistic brokers and near-border areas in Mpumalanga and Limpopo (Frankel, 2016).

According to Warria (2020), pre-migration stressors and other conditions in labor migrants' countries of origin result in them taking unpopular low-grade jobs. In as much as most countries will not accept that they are a valuable asset to their economy, the numbers of irregular (labor) migrants will continue to grow (Van Waas, 2007) and the labor exploitation will grow as well and remain hidden.

Ultimately, TIP is underpinned by deep-seated inequality that maintains and promotes racial, class and gender divisions. These societal schisms enable perpetrators, inhibit effective legal enforcement due to underpaid police forces, and undermine the ability of vulnerable populations to resist forced labor and pursue economic liberty. These inequalities fundamentally confound governmental (central, provincial, and local) counter-trafficking initiatives; while largely precluding sustainable public education geared toward prevention, protection, and prosecution (Van der Watt, 2018; Van der Watt & Burger, 2018).

A literature review about migration within and across South African borders indicates patterns of human mobility characterized by voluntary, forced, regular and irregular migration. South Africa is by far the largest host of foreign-born nationals in Africa. The ease of entry into the country fueled by corruption and poor law enforcement is attributable to the high number of migrants in the country.

'I did not have a passport when I came here. I had to bribe police to let me in. I still do that when I have to go home and when I return. I have been living in South Africa for fifteen years without a passport.'
Migrant, Musina, 2020

The vulnerability of migrants exposes them to human rights violation acts such as smuggling, trafficking and exploitation. Exploitation forms include forced labor, marriage, prostitution, drug smuggling. Some South African citizens harbor stereotypical prejudices about foreign nationals, which negatively affect the quality of life of migrants.

Literature indicates that irregular migrants put workers at the mercy of employers who hire them to do precarious jobs that many locals perceive to be below them. Many of them are thus employed in places that are not worker-friendly and consequently subjected to specific acts of human rights violations such as sexual and/or other abuses because as Mbiyozo, (2018) states, it is difficult for migrants to find work. The status of migrant workers in the country is an important feature of labor trafficking, which manifests in low wages. These workers are either paid in cash or cardless transactions (Mbiyozo, 2018), which are not easily traced by officials from the DOL for compliance with the minimum wage stipulations.

Migrants feel like there is no recourse for them due to their lack of contract, lack of documentation, minimal employment opportunities, and lack of resources to access institutions of help (Vettori, 2017).

The DOJCD is responsible for the PACOTIP Act and the NPF, which guides the response to TIP in South Africa. The Act provides for situations of threats, force and abuse of any person, the consequences of benefitting from the services of victims of trafficking, and conduct in terms of facilitating trafficking, including that of transport carriers. Any person who intentionally engages in such conduct is guilty of an offense. The Act therefore addresses labor exploitation and trafficking, although this is not directly mentioned.

The strategy is a comprehensive overall guide to national implementation and is organized around four areas of intervention: partnership, prevention, protection and prosecution (4Ps). However, the policy does not directly address or clarify the nexus of migration, labor exploitation, and trafficking. In addition, trafficking, labor and migration are regulated across different legislation mandates across various government departments.

The migration, immigration and work visas of foreign nationals is regulated by the *Immigration Act No. 13 of 2002* by the Department of Home Affairs (DHA).

The DOL enforces seven legal Acts on employment conditions. These include the *Basic Conditions of Employment Act No. 75 of 1997*, the *Labor Relations Act No. 66 of 1995*, the *Occupational Health and Safety Act No. 85 of 1993*, and the *Employment Services Act No. 4 of 2014*.

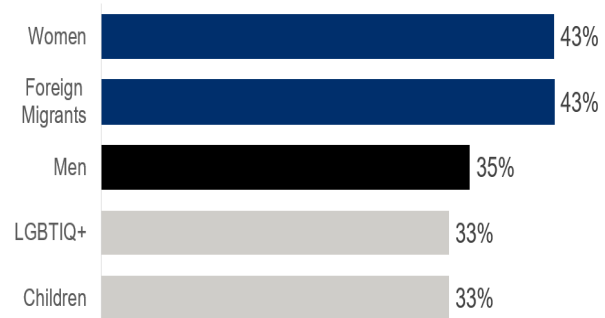
The Employment Services Act regulates and mitigates the absorption of documented migrant workers. Anyone who knowingly employs a foreign national without the correct and legal documentation breaches section 49(1) and 49(b) of the Immigration Act. Notwithstanding the above regulations, foreign nationals are entitled to claim or lay a complaint against their employer, regardless of their legal status in the country. Should a claim or complaint against the employer be laid, they are not classified as victims of forced labor or human trafficking, but are victims of exploitative conditions.

Chapter Six of the Basic Conditions of Employment Act declares it illegal to employ anyone below the age of fifteen (15) and to "cause, demand or impose forced labor". The two lines dedicated to the prohibition of forced labor in this Act do not give means of redress or codes of penalization for those contravening this provision. There is little to no reference to protect workers from exploitation and forced labor in the rest of the legal acts overseen by DOL.

The Labor Relations Act of 1995 established CCMA as an accessible public institution to settle unfair dismissal or unfair labor practices between laborers, employees and employers. The primary reference to exploitation is sexual harassment, where the CCMA has grounds to provide training on the prevention of sexual harassment. However, the Act does not directly address workplace exploitation and trafficking.

The *National Economic Development and Labor Council (NEDLAC)*, established in 1994, represents the interests of Organized Labor, Business, Community and Government concerning economic growth, the labor market, and trade and industry. Although NEDLAC reviews legislation affecting laborers and employers before it goes to parliament, it does not specifically focus on addressing trafficking and exploitation.

Overall, South Africa's labor legislation does not protect those experiencing labor trafficking. This research has found that whilst South Africa has legislation and policy to address TIP, however, the interface between labor, migration and TIP legislation is not clear. Key informants in this research indicated the challenges of working collaboratively given different mandates and understanding the nexus between labor exploitation and trafficking.



N=36

Prevalence Of Migrants Being Exploited Or Trafficked

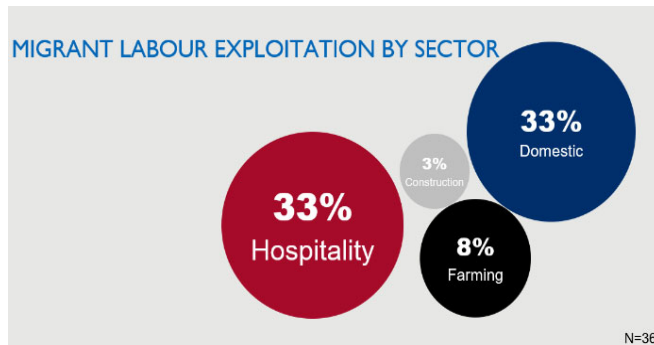
In 2017, the migrant laborers estimate in South Africa, was sitting at 2,376 million (ACMS, 2017). The number of undocumented migrants in South Africa is not known (refer to Statistics SA Media Statement of August 5, 2021 based on the Census 2011 figures).

Figure 3 Migrant study participants perception of vulnerable populations to TIP, Musinga, 2020

This Labor Trafficking Study indicated female migrants are the most vulnerable to labor exploitation. Perceptions by the migrants as to which populations are most vulnerable to trafficking are presented in Figure 3. Children who travel unaccompanied face high risks of exploitation and trafficking. Women are the most vulnerable group to trafficking because children often accompany them.

Figure 4 Migrant study participants by economic sector, Musina, 2020

During interviews conducted as part of this research, labor brokers mentioned that working conditions contributed to exploitation. The conditions in which individuals are hired are not always transparent and



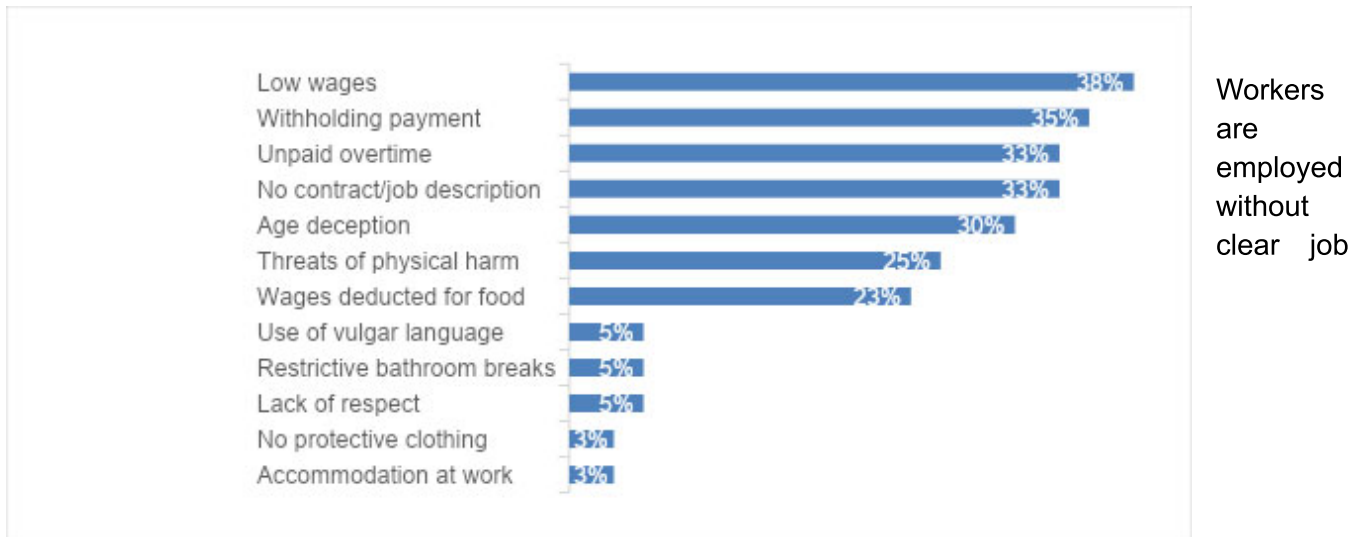
may result in unethical employment contracts. Low to semi-skilled workers in the "hot spot" sectors such as hospitality, farming, construction, domestic, retail and mining are often the victims in question. According to the International Labor Organization (ILO), 68 percent of today's forced labor occurs in private labor-intensive industries, namely manufacturing, fishing, agriculture and food processing, domestic work and construction (ILO, 2015). The Labor Trafficking Study findings in

Musina support these claims: 33 percent of the migrants interviewed worked in the hospitality industry, 33 percent in the domestic sector, eight percent in farming and three percent in the construction industry (Figure 4). The highest incidents of labor exploitation for migrants occur in the hospitality and domestic sectors, both female-dominated industries.

Participants (28%) in this labor study who stated that they were ill-treated in their workplace also shared that they did not raise their grievances with their immediate supervisors, stating that their employers do not care about how they feel. Workers reported that being a migrant is the most probable cause that their employers abused them.

These migrant workers revealed that their desperate economic situation facilitates labor exploitation by their employers. Indicators emerging from the study in Musina of possible exploitation and trafficking are presented in Figure 5.

Figure 5 Indicators of possible labor exploitation and trafficking, Musina, 2020



descriptions and key performance indicators (33%), which essentially means they will perform any and all duties allocated to them by their employer. Respondents employed in the hospitality sector shared that they perform almost all activities associated with running the business, including cleaning, serving customers, operating the till, administration work, and even supervising colleagues.

A migrant woman narrates her experience in the unregulated domestic sector:

'Without papers and education, it is hard to find work. So my fellow countrywomen and I are at the mercy of people who see us on the side of the road seeking work. This is a risk we have to take even though some of them will take you to their home, make you do all the house chores...including laundry, dishes, and cleaning, ... only to not pay you. They instead give you like R50 or just give you a plate of food. ... but we don't have a choice.'
Migrant, Musina, 2020

Despite performing all these duties, workers do not receive extra remuneration (38%). Unfortunately, there is little if anything these workers can do as they did not sign any contract stipulating their duties, duration of employment, working hours, and how much they will be paid. These conditions were cited as being characteristics of labor exploitation. According to research, lack of documentation and work contracts increase the likelihood for migrants to be fired from their jobs (Phiri, 2015; Vanyoro, 2019) with impunity.

The migrant workers and employees in government and non-governmental organizations alike pointed to the lack of exploitation policies in the workplace as one of the major factors that contribute to labor trafficking. This, therefore, means there are no guidelines of reporting exploitation incidents. Businesses and employers without labor trafficking policies are highly likely to violate regulations set out by the government, such as paid leave and payment for overtime, which was found to be true in the study's findings. The meager

On a scale of 1-10,

89%

of respondents rated the corruption level between 7-10

Source: Migrant Interviews, 2020

wages (38%) migrants receive are less than the government-stipulated minimum wage. The Labor Trafficking Study also found that some employers deduct money from salaries to pay for the workers' food (23%) and accommodation (5%). Employers and employees did not discuss this arrangement prior to the commencement of the work. In this way, the employer has on-the clock access to the workers to assign tasks when it suits them. This is an acceptable temporary relief for some migrants who have just arrived in the country and are without supportive social networks while they try to find their feet in a foreign country. However, the participants interviewed preferred to receive their total wages as they could alternatively find accommodation with relatives who were instrumental in their move to the country.

Corruption has been cited as one of the features of labor trafficking in literature. Of the participants surveyed in this Labor Trafficking Study, 89 percent indicated that they believe corruption has a role to play in fueling the demise

What exacerbates the labor exploitation of migrant workers is their lack of knowledge of labor laws and the lack of implementation of such laws by employers. Non-implementation of labor regulations is facilitated by poor monitoring by the DOL. According to Vettori (2017), establishments in the most remote areas render it difficult for the DOL to monitor and enforce labor laws and for trade unions to recruit members. However, wherein monitoring is done and employers are in contravention, corruption plays a big role in assisting employers in avoiding accountability. The Labor Trafficking Study respondents noted anecdotal incidents of corrupt officials being in cahoots with employers guilty of labor trafficking by offering bribes or paying such when they are solicited by officials who are supposed to hold them accountable for contravening the labor laws. Unscrupulous employers have their employees lie about their ages, mainly to conceal child labor. Ghaddar et al. (2018) indicate that employers and labor brokers withhold their travel documents to control workers' movements.

Corruption has been cited as one of the features of labor trafficking in literature. Of the participants surveyed in this Labor Trafficking Study, 89 percent indicated that they believe corruption has a role to play in fueling the demise of migrant workers. Many respondents indicated that South African officials are moderate to extremely corrupt. The percentages mainly were spread between the scale of 6 to 10, showing that respondents believe corruption is rife.

Corruption features at different phases of labor exploitation, from permitting irregular migrants to gain entry into the country, officials who sell documents to migrants, and labor inspectors who accept bribes from unscrupulous employers who do not follow the set labor regulations.

Lack of respect was reported as verbal abuse was identified by five percent of the migrant workers citing vulgar language and derogatory names by their employers. Workers believe they are verbally abused simply because of their origins as foreign-born nationals. This has the potential to affect how these workers perform their duties. Other dehumanizing actions by employers as noted by respondents in the study in Musina, include threatening to harm their employees physically (25%), and enforcing rigid bathroom break rules (5%).

Domestic workers (25%) who are asked to do hourly chores for their employers are also victims of labor exploitation and are not protected by the Basic Conditions of Employment Act as this legislation covers full-time workers only. This leaves many workers little room for recourse as they are not recognized as employees. Some of the study respondents noted that instead of being paid in monetary terms, some domestic workers are given food or an amount of money far below what was verbally agreed upon,

further perpetuating discrimination and violating their human rights. The Human Sciences Research Council (HSRC) study (2010) shares the premise that low-skilled women subjected to domestic servitude are mainly found in urban areas and have migrated from rural areas.

The Labor Research Council (LRS) agreed in an interview that the exploitation of domestic workers is a growing concern in South Africa. The LRS cited cases of domestic workers being bound to the workplace/work quarters, unfair salaries or wages, and other forms of gendered exploitation were shared. There is also a volatile relationship between labor brokers and trade unions. Given the separate employment regime that labor brokers will establish, issues of membership, workplace benefits and conditions are often questioned by Trade Unions. Furthermore, in South African law, if you have been employed for over three months, one can be regarded as a permanent employee. The LRS has noted incidents where labor brokers will deliberately move an employee to another workplace in order to avoid permanency and retain the employee. This was reported to frequently happen in the wholesale and retail sectors.

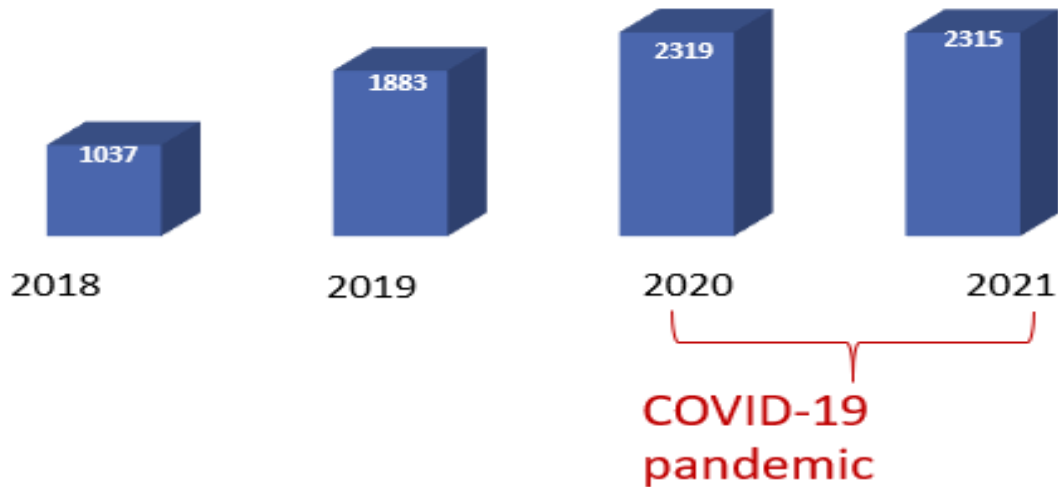
The DOL labor inspectors, during the interviews, shared incidences and pending cases of labor exploitation and trafficking. A challenge noted was how the Inspectors get the cases from the investigation stage to prosecution. This is due to the different roles and mandates of officials across Departments and challenges with reporting, coordination and working collaboratively.

A limitation of the Labor Trafficking Study is that it could not confirm the magnitude of TIP and responses in these sectors given, a) how difficult it is to reach migrants and labor, b) due to business being distant from the nationally coordinated response to TIP, and c) the lack of relevant government departments engagement to participate in this research.

Impact Of Covid-19 On Trafficking In Persons

Trafficking did not stop when South Africa was under lockdown due a) to traffickers not abiding by laws and b) official complicity. People already in the trafficked space would have continued living under trafficked circumstances. One civil society organization reported a spike in calls for job vetting. Another organization noted, based on their experience, that with COVID, forced labor, labor trafficking and labor trafficking are increasing. These claims are supported by the increased number of calls received by the NHTH during the COVID-19 pandemic (Figure 6).

Figure 6 Increase in the number of calls to the NHTH during the COVID-19 pandemic



One organization further noted that the government response to COVID-19 during lockdown meant that policing priorities changed. While organized crime and trafficking continued, this organization indicated that police focused on individuals breaking lockdown regulations – such as abiding by curfew times, illegal sale of alcohol or non-compliance with wearing masks – rather than addressing organized crime or trafficking.

Task team respondents indicated that the COVID-19 pandemic *probably* impacted TIP, and three respondents indicated that it *definitely* did. Ten respondents stated that the already vulnerable South African population has now been subjected to further grooming online during lockdown periods, to domestic violence increases in their households, and looking for low-income jobs due to the high unemployment rates. Closing of schools and the move to more online interactions has seen a trend of TIP recruitment through Facebook, and “allowing for the hidden crimes of TIP to be even more hidden”. Furthermore, three respondents mentioned that many avenues of protection or prevention had been closed due to lockdown.

NGOs also realized during COVID-19 that they needed to be prepared for post-lockdown or when business and society reopened because “*people’s lives and livelihoods was going to result in a lot of people risking their lives for opportunities that may be too good to be true*” (7). Organizations 1 and 8 also noted that COVID-19 resulted in an increase in the vulnerability of people, which would then make them more susceptible to trafficking, as they would likely accept any job without considering potential risks and consequences. As noted by these organizations, there was a likely increase in the exploitation of people rather than trafficking as people shifted into survival mode.

PART 2: KNOW THE RESPONSE

Assess The Current Nature And Response Based On Data Extracted From The Field At Provincial And National Level

This section provides a brief overview of the history of the development of the PACOTIP Act, its elements, while highlighting some of the challenges in the development of the legislation. The main aim of the section is to provide analysis of the implementation challenges and recommendations.

The desk review is augmented by data and analysis obtained through the Law and Policy Perception Survey to extrapolate perceptions and opinions of anti-trafficking officials, prosecutors and other practitioners toward the scope and nature of TIP in South Africa, as well as detailed analysis of the perceptions of respondents toward the implementation challenges of the legal and policy framework. The challenges and priorities to strengthen the policy response are discussed.

The response to labor migration, labor exploitation and trafficking is discussed from a policy and practice perspective. The nexus and continuum of exploitation to trafficking in the South African context is discussed.

Civil society plays an important role in providing services to victims, and across the 4Ps. The role, services and effectiveness of their response to TIP is presented. This includes lessons to inform future practice, and elements that can be scaled.

Finally, the effect of COVID-19 on the TIP response is discussed.

Policy And Legislation Response In South Africa

Legal and Policy Review

In 2017, The American Bar Association Rule of Law Initiative published a report in which they unequivocally link any country's ability to address the crime of Trafficking in Persons effectively, and holistically to the existence of a "clear, stable, fair, and human rights-based legal and policy framework that is specifically designed to address every facet of trafficking" (American Bar Association Rule of Law Initiative [ABA ROLI] 2017). Fortunately, ever since the enactment of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations [UN] Trafficking in Persons Protocol) in 2003, nearly 120 countries are signatories to the Protocol, and more traffickers are being convicted annually around the world (UNODC, 2020).

Despite this, there is growing evidence of the rise of human trafficking and modern slavery globally, and correspondingly, successful prosecution and conviction rates of human traffickers remain concerningly low (Farrell, Owens & McDevitt, 2014), even 'negligible' (Kangaspunta, 2015) resulting in 'vast impunity' (*ibid*). According to the US Department of State Trafficking in Persons Report (US TIP Report), there were a total of 109,216 victims of trafficking identified in 2020, with only 9,876 prosecutions and 5,271 convictions in South Africa. Alarming, while there were only 2,000 fewer prosecutions in 2020 than in

2019, the 5,271 convictions in 2020 in South Africa is almost half the 9,548 convictions in 2019 (DOS, 2021).

According to the Polaris project, human trafficking persists precisely because human traffickers perceive there to be a low risk as compared to the relatively high profit margin in the trading of human beings (Polaris, 2021). Traffickers know and understand the challenges in detecting and prosecuting these cases, and exploit the relative lack in coordination, under-resourcing of law enforcement, low level of general awareness about the crime of trafficking, and weak or under-implemented laws (*ibid*). The United Nations Office for Drugs and Crime (UNODC) confirms that some of the main challenges to an effective criminal justice response to human trafficking including a lack of resources to law enforcement, jurisdictional challenges due to the transnational nature of the crime and corresponding limitations on international cooperation, and the hesitation by victims to come forward to testify.

Additionally, the elusive nature of the crime and inherent complexities contained in the elements thereof, exacerbates the lack of an effective response. Coupled with porous borders (Kruger, 2010), and official complicity by law enforcement and other state actors (van der Watt, 2019), all currently exacerbated by the global COVID-19 pandemic (UNODC, 2021), which renders trafficking nearly impossible to detect and prosecute, let alone prevent amid so many competing law enforcement and other social and economic challenges facing the world's most vulnerable populations today.

As a major cultural, economic and tourism hub in Africa, South Africa serves as a source, transit, and destination country for trafficked men, women, and children (US Department of State TIP Report, 2021). According to a senior Hawks Official at a press conference in 2018, human trafficking in South Africa is also on the rise (Mabuza, 2018), and that was even *before* the detrimental effects of the COVID-19 global pandemic.

The lack of reliable official statistics on the number of victims of TIP in South Africa remains one of the biggest challenges to policy makers and practitioners alike. Consider that in 2019 the Government of South Africa identified only 260 victims compared to 399 victims in 2017. Critics argue that these numbers only scratch the surface of the real extent of the problem. Dr. Marcel van der Watt refers to TIP in South Africa as an 'elusive statistical nightmare' (van der Watt, 2018). An effective response to a crime of this nature will require a holistic approach across all aspects of prevention, prosecution, and protection. While preventing the crime and protecting victims who have been trafficked is critical, so is the identification, prosecution, conviction, and sentencing of the criminals and masterminds behind it. For without an effective prosecution regime, there is little or no incentive to cease participation in this lucrative industry. To assess and understand the legal and policy tools in the arsenal to deal with trafficking in South Africa, the following sections will briefly discuss the international, regional, and domestic legal framework for countering Trafficking in Persons.

International Legal Framework

Trafficking in persons, its definitions, required responses, and obligations globally is defined and governed by the UN Trafficking in Persons Protocol, Supplementing the United Nations Convention Against Transnational Organized Crime ("Protocol" or "U.N. Protocol"). Despite 117 signatories, the Protocol has been ineffective at addressing the crisis of trafficking, relegating the responsibility to remedy the crisis to individual countries (Najemy, 2010:171). While Article 3 of the Protocol clarifies the three

constituent elements of the crime (the act, the means, and the exploitative purpose), Article 5 explicitly requires countries to institute domestic legislation which correspondingly criminalizes these acts. Several regional requirements to combat human trafficking also govern the response by states within those regions.

Today more than 90 percent of countries in the world have some sort of anti-trafficking legislation which criminalizes trafficking in line with the UN Protocol. While prosecution rates have nearly tripled on average since 2003, prosecution rates remain vastly unequal for different regions of the world, where Europe still records the highest number of prosecutions, and Africa and the Americas the lowest (UNODC, 2020). The discrepancy between the number of laws and the lack of corresponding prosecution rates for human trafficking cases, highlight the important policy considerations relating to effective implementation of laws.

Regional legal and policy frameworks in Africa and SADC

Recognizing the impact, and rapid growth of TIP on the African continent, the African Union (AU) launched its own AU Commission Initiative against Trafficking (AU.COMMIT) Campaign in November 2011 with the intent to discuss policy indicators, benchmarks, monitoring mechanisms and to share and disseminate best practices on the continent (African Union, 2011). The AU.COMMIT campaign was an effort to take concrete steps to implement the *Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children* which was adopted by the Ministerial Conference on Migration and Development, in Tripoli, November, 22-23 2006. The aim of this plan was to bolster cooperation and promote best practice to address TIP between Europe and Africa by strengthening mechanisms to simultaneously protect victims and prosecute traffickers (European Commission, 2006).

The Southern Africa Development Community (SADC) is particularly affected by TIP, where it is widely considered to be a serious public security concern (UNODC, 2018). All 15 SADC member states have signed and ratified the Palermo Protocol. Most SADC members have domestic legislation which outlaws the crime, but these states still serve as source, transit, and destination countries for trafficked persons (UNODC, 2018).

One of the biggest obstacles in the region is the lack of accurate data and dearth of overall information concerning TIP. This fact underscores the inability of states to effectively deal both domestically, and regionally with TIP. From the available data, reports, and information from practitioners in the field, all indicators are that the region is failing at effectively preventing, protecting, and prosecuting trafficking crimes (APA, 2019). In response to these significant shortcomings and the general lack of effective coordination, SADC has developed several key policy and legal instruments to manage and prevent TIP, these include:

- **SADC Protocol on Gender and Development (2008)**
- **10 Year Strategic Plan of Action to Combat Trafficking in Persons, especially women and children (2009 – 2019)**
- **Harmonized SADC Regional Strategic Plan on Combating Illegal Migration, Smuggling of Migrants and Trafficking in Persons (2016 – 2020)**
- **SADC Strategic Indicative Plan for the Organ (SIPO) on Politics, Defense and Security Cooperation**

In addition, the American Bar Association Rule of Law Initiative (ROLI) partnered with the Africa Prosecutors Association (APA) between 2018-2019 to develop a road map for SADC prosecuting agencies to better identify, define, and collaborate on TIP cases and prosecutions. Working in close collaboration with prosecuting agencies from 13 SADC countries, the resulting *Combating Trafficking in Persons in Africa: A Road Map for Prosecutors in the Southern Africa Development Community* addressed the eight priority areas for addressing TIP in the SADC 10 Year Strategic Plan (APA, 2019).

Many of the TIP instruments in SADC contain specific obligations for member states. Article 20 of the SADC Protocol on Gender and Development for example, require that all parties had enacted and adopted “specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society...” by 2015 (SADC, 2008). In addition to the legislative requirements, the SADC protocol also requires states to establish other necessary mechanisms such as law enforcement, data collection and reporting on types and modes of trafficking, and to strengthen regional and international collaboration to interrupt regional and international trafficking networks (*ibid*).

The *10 Year Strategic Plan* divides TIP interventions in the region into eight priorities, of which *Legislation and Policy Measures* is listed first. The plan identifies the need to “*sign, ratify, and domesticate international and regional frameworks addressing TIP*” (SADC, 2008). In addition, the plan calls for the development of a regional model TIP legislation, in addition to harmonized national policies and legislation, and stricter protocols around travel including for travel and identity documents.

South Africa’s domestic anti-trafficking legal framework

In the case of South Africa, while the progressive Constitution of the Republic of South Africa of 1996 does not explicitly make a provision for or refer to ‘human trafficking’, it does provide for several national human rights commitments considered relevant to human trafficking (Motseki, 2018:176). Specifically, the Bill of Rights protects the rights of “all people”, placing a positive obligation on the Government of South Africa to “respect, protect, promote and fulfill” these rights of all people, including trafficked persons (*ibid*). Despite this constitutional obligation, coupled with a robust domestic legal framework, the Government of South Africa continues to lack an effective law enforcement approach to this serious crime. This was echoed in the 2021 US TIP Report which found that South Africa did not “demonstrate overall increasing efforts compared to the previous reporting period” including in increasing efforts to “investigate, prosecute, and convict criminals complicit in trafficking crimes...” and thereby once again downgraded South Africa to Tier 2 “Watchlist” status for the third time in the past four years (US TIP Report, 2021).¹⁰ In fact, according to the latest US TIP Report, South Africa actually *decreased* its efforts in anti-trafficking law enforcement (*ibid*).

This dire assessment of South Africa’s prosecution rate for trafficking cases is despite the PACOTIP Act which according to Kruger “fundamentally complies with five key international standards on the prosecution of human trafficking” (Kruger, 2016). In addition, several other pieces of South African

¹⁰ South Africa has had a tumultuous affair with the US TIP Report Tier ranking. In 2005 it was placed on the Tier 2 Watchlist and remained on the special watchlist until 2009, when it was placed back on Tier 2. After spending several years on Tier 2, South Africa was first downgraded to Tier 2 “Watchlist” again in 2018, and remained there in 2019. It was elevated to Tier 2 again in 2020 only to be downgraded again in the latest report in 2021.

legislation technically provide sufficiently stringent penalties including the *Criminal Law Amendment Act No. 38 of 2007*, the *Basic Conditions of Employment Act No. 75 of 1997*, the *Children's Amendment Act No. 38 of 2005*, and the *Prevention of Organized Crime Act No. 121 of 1998*. Critics however contend that while PACOTIP criminalized sexual and labor trafficking, with suitably harsh penalties of “up to R100 million, life imprisonment or both” (DOJCD, 2013), by allowing a fine in lieu of prison time for the crime of human trafficking, the prescribed penalties are not commensurate with those for other serious crimes such as rape (US TIP Report, 2021).

It would seem that the challenge in South Africa, as in many other country contexts, is not a lack of relevant laws, but rather in the perpetual inability for the state and other relevant stakeholders to effectively implement these laws to identify, apprehend and successfully prosecute and convict human traffickers.

BACKGROUND ON SOUTH AFRICA'S DOMESTIC ANTI-TRAFFICKING LEGISLATION

South Africa's focus on human trafficking occurred around the same time as the *UN's Palermo Protocol* and the *US Trafficking Victim's Protection Act (TVPA) of 2000* and in conjunction with the build-up to the 2010 FIFA World Cup which raised concerns among organizations who feared a potential catastrophe for potential trafficking during the tournament (Palmary & Gruchy, 2016). South Africa ratified the UN Protocol in 2004 and to comply with the international standards required by the Protocol, the South African Law Reform Commission initiated a process to develop a comprehensive anti-trafficking legal framework that same year (Kruger, 2016). The Commission's report and recommendations took four years to complete. The proposed bill was eventually presented to the Minister of Justice on March 31, 2009, then published for the public to engage and comment. The process was adjourned on the 15th of June 2009 (TIP Report 2009 cited in Najemy, 2010). The draft Trafficking Bill was later tabled in Parliament in 2010 and was debated until mid-2012. After it was approved by the National Council of Provinces (NCOP) in May 2013, the President signed the bill into an Act in June 2013 after which time it was published in the government gazette on July 29, 2013, and finally came into force in August 2015 (NPF, 2019, Palmary & de Gruchy, 2016).

The PACOTIP Act was signed in 2013 and came into effect in 2015 excluding sections 15, 16 and 31(2)(b)(ii), in respect of which the Department of Home Affairs had not yet issued regulations on how they will be implemented (NPF, 2019). According to Palmary & de Gruchy et al (2016), the process to pass an act like PACOTIP takes on average 457 days (section 75). South Africa's anti-trafficking legislation took nearly four times as long, for a total of 1,942 days before it was passed as an act.

There were several notable delays in the process – one driven by differences among the five government departments who needed to draft their plan of action on how they will execute and implement the act. One of the main culprits for delays was the DHA, according to Palmary & de Gruchy et al (2016), the department was skeptical that “undocumented immigrants” will use the Trafficking Act and its guaranteed protection towards victims for their own benefit of being offered citizenship (interviewee, Jeffrey, 2015). A particular issue that government stakeholders could not agree on was exactly how prevalent trafficking was perceived to be in South Africa and how the evidence of trafficking should be included in the policy development process (Palmary & De Gruchy, 2016).

Further delays in the timely development of a TIP legal and policy framework had to do with challenges within other separate, but relevant, legal and policy debates. None more so than the debate between two competing coalitions within the South African trafficking ecosystem specifically as it relates to the decriminalization of sex work¹¹. On the one hand was the anti-trafficking coalition, composed primarily of local civil society organizations – while on the other hand, was the rights-based coalition. The abolitionist group believed that decriminalizing sex work would lead to women and children being vulnerable to being trafficked for prostitution (Walker & Huncke, 2016). Contrastingly, the preservationists were focused more broadly on human rights issues, and believed that criminalization of sex work limits those who want to exercise agency over their bodies by selling sex. Their view was that the Trafficking Act could in fact increase the vulnerability of sex workers and migrants (*ibid*). This conflict between the two camps led to the irrevocable conflation of trafficking and sex work, which according to Walker & Huncke (2016) led to migrant/mobile sex workers being incorrectly identified as victims of trafficking, which in turn leads to challenges in prosecution including misappropriating cases as kidnapping, abduction, domestic violence, assault, labor, and civil disputes (van der Watt, 2018).

The debate over “sex work” and whether to legalize prostitution, or decriminalize and regulate it, is not unique to South Africa. In fact, these debates are even more pronounced in Europe and Canada, where there are notably contrasting approaches between for instance the Nordic and Dutch models that are frequently debated from both sides by academics and practitioners alike (Kingston, 2019; Goldberg, 2014). Raphael (2017) however points to a fundamental flaw in the attempts to include the “issue of trafficking in their deliberations on prostitution policy”. She argues that the lack of accurate prevalence data on trafficking, and more damaging, the “cherry picking” of data by both sides, have “confused the debate” resulting in public policy decisions that are “untethered to human trafficking considerations” (*ibid*, 1).

While the ongoing debates over “sex work” and prostitution may not be particularly helpful to the policy process around human trafficking, there are important lessons to be learned regarding the detrimental impact of the politicization of research methodologies and data, so clearly also present in the trafficking space. The regular cherry-picking of prevalence data, from both sides, buttressed by a disjointed media response focused more on sensation than fact-finding has done untold damage to the advancement of a cohesive approach to policy development and implementation around the issue of human trafficking.

Clearly the policy process is highly influenced by both domestic and international pressures (Palmary & de Gruchy, 2016), and according to some, particularly around an issue as complex and controversial as human trafficking, at such a critical juncture for the global anti-trafficking movement, coupled with the international focus on South Africa at that time. For all the reasons mentioned, the South African development of the PACOTIP legislation is often criticized for being flawed, and highly likely it was. Critics contend that policy makers were overly reliant on popular and other narratives rather than strict empirical evidence of the pervasiveness of trafficking in South Africa (Walker & Galvin, 2018) and driven by debates in the country between policymakers, the media and civil society organizations. The media became even more instrumental in spreading the news that human trafficking would hit South Africa like

¹¹ This report recognizes the complexities surrounding the term “sex work”. Specifically, the very different positions on the use of the term by those committed to abolishing commercial sex work, and those engaged therein. Since the purpose of this report is to focus on human trafficking specifically, it is assumed that no victim of trafficking can be considered to engage in commercial sex work by choice.

a 'heat-wave' during the World Cup (Gould, Richter & Palmary, 2010; Najemy et al., 2010.; Palmary et al., 2010). As a result, several anti-trafficking awareness campaigns were implemented, causing some level of panic among citizens by suggesting that trafficking was an imminent crisis facing women and children in South Africa (Walker & Galvin, 2018). The media hype therefore became an essential component in the development of the act as citizens relied on the media, without questioning its credibility nor asking for evidence.

Analysis of the PACOTIP Act

The Act addressed both South Africa's international obligations under various global and regional instruments (Singlee & Witbooi, 2018; Law Library of Congress, 2013), as well as the State's constitutional duty to protect trafficking victims in line with multiple constitutional rights which include (Government of South Africa, The Constitution, 1996: Sections 10, 12, 13, 21, 23, 28):

- The right to human dignity
- The right to freedom and security of the person
- The right not to be deprived of freedom arbitrarily or without just cause
- The right not to be subjected to slavery, servitude and forced labor
- The right to freedom of movement and residence
- The right to fair labor practices
- The right of children to be protected from exploitative labor practices as well as maltreatment, neglect, abuse and degradation.

Furthermore, the State is obliged to fulfill the rights enshrined within the Bill of Rights, by enacting appropriate and necessary legislation and policy (ibid, Section 7(2)). While the PACOTIP Act may not eradicate human rights abuses associated with trafficking, it improves victims' rights. The PACOTIP Act should also be of particular value to under-trained prosecutors (Kruger, 2016; Legget, 2004: 4).

The PACOTIP Act is made up of ten chapters:

- Chapter 1 describes the definitions, interpretation, and objects of Act
- Chapter 2 establishes offenses, penalties and extra-territorial jurisdiction
- Chapter 3 discusses the status of foreign victims needed to assist in investigations and prosecutions, while
- Chapter 4 deals with identification and protection of victims, including specific reporting and other requirements when dealing with a child victim of trafficking
- Chapter 5 establishes accreditation and other standards for organizations who provide services to victims of trafficking
- Chapters 6 and 7 handle compensation, repatriation and escorting of child victims of trafficking
- Chapters 8, 9 and 10 provide general provisions, administrative matters of the act and other miscellaneous matters including repealed and amended acts.

Sections of the law

The PACOTIP Act, while considered a solid TIP legislation, falls short on several important criteria, especially when it comes to effective implementation. Critics have continuously called for the amendment of Chapter 2 (13) of the law to ensure more stringent penalties by limiting the ability of judges to hand down fines in lieu of prison time (U.S. Department of State TIP Report, 2016, 2017). Further criticism by the first U.S. Department of State TIP report since the promulgation speaks both to the absence of a focus on labor trafficking, while also failing to prosecute any of the international syndicates that are known to operate the sex trafficking in the country.

Regulations

The PACOTIP Act sets out the broad legal principles for dealing with Trafficking in Persons, the practical implementation and application of the Act must be contained in subsidiary legislation and regulations in accordance with Chapter 9 which establishes that the Minister may make regulations to facilitate the functioning and mechanisms of implementation of the Act.

Given the many government departments and institutions involved in anti-trafficking, which, according to the Act includes the Ministries of Finance, Home Affairs, Health, International Relations and Cooperation, Labor, Police, Social Development, State Security, and Women, Children and People with Disabilities, and the National Director for Public Prosecutions, a host of regulations is required to ensure effective PACOTIP Act implementation.

To date, regulations and/or procedures have been established for certain agencies including SAPS, Department of Social Development (DSD), National Prosecuting Authority (NPA), and DOJCD to identify and refer victims (U.S. Department of State TIP Report, 2020). Several other regulations including the immigration provisions found in Sections 15, 16, and 31 (2)(b)(ii) and implementing regulations for the DHA have yet to be promulgated for the seventh year in a row (*ibid*, 2020), rendering parts of the PACOTIP Act without the necessary implementation guidelines. The result is that implementation between different government agencies remains unclear at times in contradiction with one another, for instance the accountability for the safe repatriation of foreign victims of trafficking (U.S. Department of State TIP Report, 2020). One academic with decades of experience in TIP in South Africa lamented in the Legal and Policy Perception Survey that “Sections 15 and 16 of PACOTIP Act are still not in force - thus important assistance to victims (temporary visas for recovery, etc.) still not been available since 2015 when the Act came into force” [sic] (2022).

“Department of Home Affairs needs to be on board and be part of the response team. Most of the perpetrators and victims are from other Countries and their status have to be verified immediately.”
View from a respondent to the perception survey 2022
Source: Legal and Policy Review Survey

One of the respondents to the Legal and Policy Perception Survey highlighted the critical nature of getting DHA involved, stating that the “...department of Home Affairs needs to be on board and be part of the response team. Most of the perpetrators and victims are from other Countries and their status has to be verified immediately (Survey respondent, 2022).

Perceptions toward the PACOTIP legislation from the Legal and Policy Perception Survey

The Legal and Policy Perception Survey aimed to gather the views from a cross-section of TIP stakeholders in South Africa. Of the respondents, 44 percent identified as a “key stakeholder” in the drafting process; 26 percent indicated that they “provided inputs into drafts of the laws and policy”; 17 percent “participated in the early planning phase, regular meetings and consultations, and 13 percent indicated that they were a “driving force/lead” on the development of PACOTIP and the NPF.

When asked to assess the legal robustness of the PACOTIP Act, respondents to the Legal and Policy Perception Survey overwhelmingly (92%) indicated their satisfaction with the legislation in South Africa. Of 29 respondents from across stakeholder categories, nearly 35 percent indicated they were “very satisfied” and a further 57 percent said they were “satisfied”. A minority of less than 10 percent of respondents were “neither satisfied, nor dissatisfied”. From the data, it is clear that perceptions toward the legal foundation of the Act is positive, and that shortcomings in legislation are unlikely the cause of the lackluster response to TIP prosecutions in South Africa.

**57%
satisfied and
35%
very satisfied with
PACOTIP Act compared to
similar regional and
international legislation**

Source: Perception Survey, 2021

One respondent to the survey explained their position this way: “I think the legal framework is adequate, but the implementation, coordination and collaboration is not. National Inter-sectoral Committee on Trafficking in Persons (NICTIP) members are not empowered to make decisions. Very fragmented process” (International development partner survey respondent, 2022).

Given so many policy development processes are often criticized for not being ‘inclusive’ or ‘consultative’ enough, the survey also asked respondents how happy they were with the drafting and approval process of the PACOTIP and NPF, to rule out any negative views toward the legislation based on perceived lack of participation in the process. Respondents though were overwhelmingly ‘satisfied’ (70%) with the development process of the Act and inclusivity of stakeholders through participation processes, with 13 percent saying they were ‘very satisfied’. A minority (17%) were ambivalent about how they perceived the process.

Strengths and weaknesses of PACOTIP Act

Strengths

Establishing one law that criminalizes all aspects of TIP, as well as the establishment of a legal framework for reporting, monitoring, and coordinating services for TIP, was an important first step in addressing the crime domestically. While the PACOTIP Act has minor shortcomings, in Kruger’s careful comparison of the South African counter-trafficking law with international prosecution standards, she finds that the new South African legislation “*fundamentally complies with the main international prosecutorial standards*” (Kruger, 2016). In fact, Kruger finds that the new law also includes several additional provisions which increases prosecutors’ ability to effectively go after trafficking offenders (ibid).

In her analysis, Kruger (2016) confirms that the South African legislation meets all the criteria to meet minimum standards including:

- Criminalization of TIP and associated conduct

- Liability of natural and legal persons
- Definitional elements of the crime of TIP
- Validity of a consent-based defense
- Appropriate punishment

The PACOTIP Act is modeled on the Palermo Protocol and forms a comprehensive framework for the effective prosecution of TIP cases (Blom, 2016: ix).

The PACOTIP Act complies with the minimum standards with a corresponding definition of trafficking (National Freedom Network, 2015) that is contained in Chapter 2 section 4(1) of the Act which defines TIP as:

4 (2) Any person who-
(a) adopts a child, facilitated, or secured through legal or illegal means; or
(b) concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or other person in any form or manner, is guilty of an offence.” (Government of South Africa/DOJCD, 2013)

The primary objective of the PACOTIP Act was to “*prevent and combat Trafficking in Persons within and beyond the borders of South Africa*” (Singlee, 2018: 22). Promulgating the PACOTIP Act was a foundational step in South Africa’s fight against the scourge of TIP, as it established a “*single codified piece of legislation*” to handle TIP cases (van der Watt, 2018: 78).

According to the 2015 U.S. Department of State TIP Report, the first since its promulgation, the PACOTIP Act officially “*criminalizes all forms of human trafficking, mandates a coordinated government program to prevent and combat trafficking, requires consolidated reporting of trafficking statistics, and outlines victim assistance measures*” (Department of State TIP Report, 2015: 340).

Weaknesses

South Africa faces a multitude of challenges to effectively address TIP, of which implementing legislation is only one. Additional and interconnected challenges include a lack in financial and human resources, low level of knowledge and understanding of TIP, lack of adequate legal and law enforcement capabilities, porous borders, absence of a national database, and many competing priorities. This section will briefly address some of the main challenges for the effective implementation of the PACOTIP Act.

Perceptions of the effectiveness of the Policy

Legal scholars, academics, and TIP stakeholders agree that the legal framework for TIP in South Africa, is, for the most part,¹² in line with global best practice (Kruger, 2016).

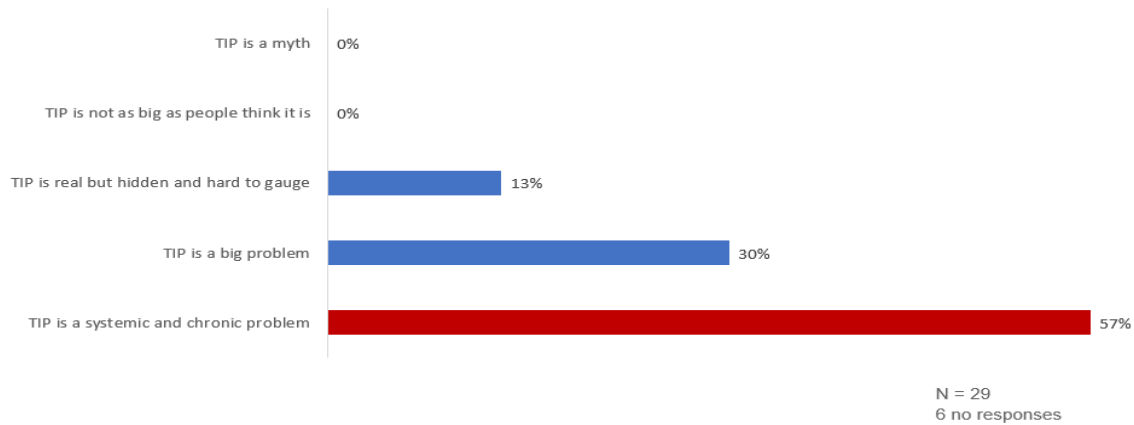
¹² Critics view the provision allowing a fine in lieu of imprisonment for sex trafficking crimes, which is not commensurate with the seriousness of those crimes, the overall penalties of PACOTIP are sufficiently stringent to be considered robust and appropriate.

Before delving into the nature of the legal response, the survey asked respondents their perception toward the *scope* and *nature* of Trafficking in Persons in South Africa.

Over 90 percent of respondents to the Legal and Policy Perception Survey identified TIP to be a major problem in South Africa. Of those, nearly 60 percent labeled it as a “systemic and chronic” problem, while 30 percent indicated TIP is a “big problem” (Figure 7). A further 13 percent of respondents admitted that TIP was “real” but because of its hidden nature, very hard to gauge”. None of the respondents believed that TIP was a myth, or that it was “not as big as people think it is”.

Figure 7 Perception of TIP as a problem in South Africa

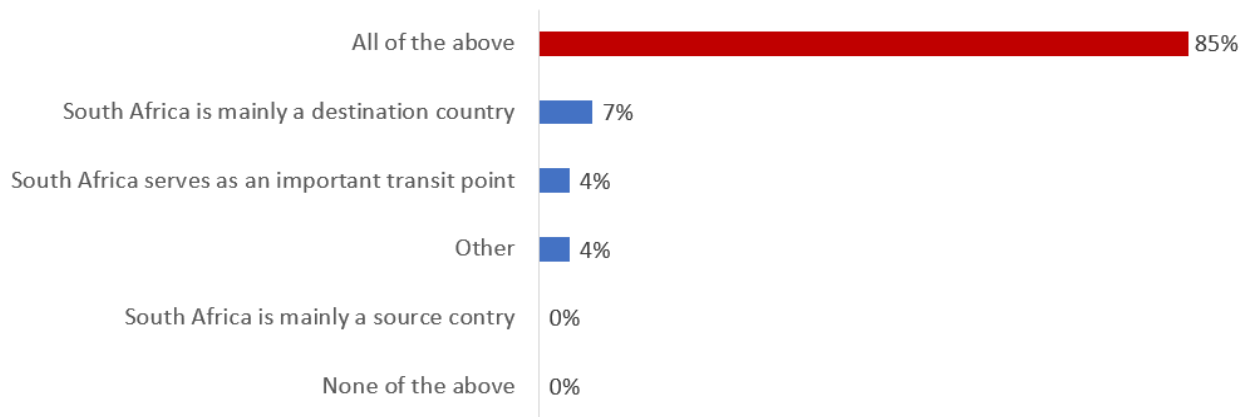
60% indicated human trafficking is a systemic and chronic problem



Given South Africa is regularly labeled a source, destination, and transit country for victims of trafficking, the Survey asked respondents how they believed TIP manifests itself in South Africa. Nearly 85 percent of respondents acknowledged that South Africa does serve as a source, destination, and transit point for trafficked victims (Figure 8).

Figure 8 Perception of South Africa as a source, transit and destination country

85% indicated South Africa is a source, transit and destination country



N = 29

Coupled with the questions about the prevalence and scope of TIP in South Africa, the survey also asked respondents *who* they thought were most affected by trafficking in South Africa (foreign nationals, South Africans) and which type of trafficking they believed to be most prevalent. The question of *who* is most affected by trafficking in South Africa, four percent of respondents believed it to be foreign nationals, compared with 13 percent that thought South Africans were most trafficked. Most respondents (83%) indicated that both South Africans and foreign nationals were equally affected by TIP in South Africa. This statistic is in line with the most recent U.S. State Department TIP report which confirms that “over the past five years, human traffickers exploit domestic and foreign victims in South Africa, and traffickers exploit victims from South Africa abroad.” (U.S. Department of State TIP Report, 2021)

Most respondents (63%) indicated that they believed the biggest problem with trafficking in South Africa was sex trafficking, followed by labor trafficking (25%). While girls are generally trafficked for sexual exploitation and domestic servitude, men and boys are trafficked for labor in mines, agriculture, and other sectors (U.S. Department of State TIP Report, 2021).

Perception of most prevalent type of trafficking in South Africa

52% Sex trafficking

21% Labor trafficking

10% Other types

(17% no response)

Source: Legal and Policy Review Survey

Notably however, several respondents commented that while sex trafficking was the “most documented form of trafficking” (TIP researcher survey respondent) and that most of the court convictions relate to sex trafficking (academic survey respondent, Civil Society Organization (CSO) survey respondent) that “labor trafficking is more prevalent in terms of sheer numbers of victims” (National CSO survey respondent).

The perception that most of the trafficking in South Africa involves sexual exploitation does seem to be shifting. Senior Hawks officials alongside civil society practitioners lamented at an Institute for Security Studies (ISS) seminar on human trafficking in Johannesburg in 2018, that the notion that trafficking in South Africa always involved “Russian or Asian girls” (Mabuza, 2018), were changing, with far more South Africans being trafficked domestically for labor purposes. This, they argued, had much to do with the high unemployment rates in the country, rendering especially rural populations vulnerable to exploitation by traffickers who promise them a brighter future and a job in the city (*ibid*).¹³

Yet despite indications that trafficking is on the rise, the reality is prosecution of TIP cases in South Africa remains worryingly low; coordination between departments is lacking; and there is credible concern over the high rate of official complicity around trafficking (van der Watt, 2019; US TIP Reports 2004, 2007, 2014-2016). To unpack these

“We have seen cases and heard anecdotal evidence of SA citizens being trafficked abroad as well as within our own borders. SA is also used as a transit point between other source and destination countries due to location and in some cases convenience.”

Senior CSO representative with first-hand experience in receiving TIP victims

Source: Legal and Policy Review Survey

and several other challenges, the National Study conducted primary research with representatives from across the TIP ecosystem in South Africa to understand what these stakeholders hold to be the main reasons why South Africa continues to struggle with effective implementation of a strong legal and policy framework. This analysis found that by and large, the TIP law and policies are in place, and should by all accounts result in higher prosecution rates and a stronger handle on the crime – yet South Africa continues to fluctuate between Tier 2 and Tier 2 Watchlist on the annual TIP report – largely for failing to effectively implement the existing mechanisms in place.

The following section provides the findings from the Legal and Policy Perception Survey which was conducted in the latter part of 2021.

Analysis of the TIP Response in South Africa

Although the concurrence by an overwhelming number of the respondents to the Legal and Policy Perception Survey on the adequacy of the legal framework combating TIP in South Africa, an equally overwhelming number of respondents to the survey (92%) felt that the current response to trafficking in South Africa was *not adequate*. This dichotomy between the perception that the law is adequate, and the

response is not, points to a fundamental failure in implementation, rather than a lack of an effective legal framework.

Some expert respondents voiced their frustration with what they perceived was dishonesty from the side of the government. One expert respondent complained specifically that senior level government officials, including and up to the Deputy Minister of

92%

indicated South Africa’s TIP response was NOT adequate

Source: Legal and Policy Review Survey

¹³ Indications are that COVID-19 has further exacerbated the prevalence of human trafficking due to a combination of higher unemployment rates, and government lockdown regulations.

Justice, frequently make public statements claiming that the TIP Task Teams are fully operational in all 9 provinces, which, according to this respondent, is untrue – since, in his assessment, many of the Task Teams have in fact, not met in months (or even years) (Perception survey respondent 2022).

“Support services, specifically from government, is lacking. From point of screening and identification to successful prosecution, rehabilitation and return / relocation, services are far from adequate. If the needs of the victim during the different stages following rescue or escape are not addressed, the response in South Africa cannot be described as even close to adequate”

Survey response from a TIP Expert with more than 5 years’ professional involvement in TIP in South Africa
Source: Legal and Policy Review Survey

The respondent also complained that prosecutors and investigators were not adequately resourced to respond to TIP cases, and that civil society complaints around TIP were not treated with the necessary urgency, despite civil society actors frequently putting themselves in harm’s way to assist victims. Others pointed out that “there are not sufficient members with suitable skills and experience allocated to the Provincial and National dedicated law enforcement units within the NPA and SAPS”.

Similarly, respondents were asked to what extent they felt the government’s efforts at implementing PACOTIP was effective. Nearly half of the respondents (49%) felt the government was “not so effective” or “not effective at all”. A further 44 percent believed the government to be “somewhat effective” and only two respondents (less than 9%) said that the government was “very effective”.¹⁴

In fact, respondents felt so strongly that the legal and policy framework in South Africa was adequate, and therefore not a driver behind South Africa’s lackluster response to TIP, that they ranked “better laws and policies” last (9 out of 9) in a list of nine pressing needs to improve South Africa’s TIP response, far behind the need for more victim services (1 out of 9) and better *implementation* of existing laws and better coordination between government departments (tied for 2 out of 9), followed by better training, more funding for TIP, more prevention activities, more prosecutions, more research and data, and finally, better laws and policies.

When asked to rank, based on knowledge and experience, the most pressing needs to improve South Africa’s TIP response, to be able to better address trafficking crimes, respondents to the Survey cited the following, in order (the larger the text the higher the frequency of responses).

Participants in the Task Team survey also identified challenges to the legal framework. The PACOTIP Act in itself is described as comprehensive, covering a broad spectrum by ten of the respondents, and even as “one of the best pieces of anti-TIP legislation globally” by one of those ten. Several challenges are, however, mentioned:

- Seven respondents stated that **the implementation of the Act is flawed or non-existent** between all stakeholders.
- Three respondents state that a **stronger buy-in** from the government and its partners is essential for implementation. They mention the “red tape is a nightmare, and the delayed approvals influence how far up the ladder TIP is in their respective areas of reporting”.

¹⁴ This response included one government official, and one international development partner.

- Three respondents mention that **more resources** are required to effectively implement PACOTIP.
- One respondent stated that there is no database¹⁵ pertaining to TIP case outcomes in South Africa. This hinders information from flowing through to the judiciary, lawyers, government departments, TIP Task Teams, researchers and the public.

“South Africa has improved in terms of engagement and awareness raising. Ten years ago there was still widespread denial of the phenomenon. The government needs to implement its strategy and action plan engaging all stakeholders and dedicating adequate resources to counter trafficking efforts and victim protection.”

Individual TIP consultant respondent to perception survey 2022
Source: Legal and Policy Review Survey

One respondent provided a detailed list of areas within PACOTIP that require further development. They stated that Sections 15 and 16 of the Act are not yet in force and that there is legal uncertainty on whether Section 4(2) constitutes the main TIP crime established in Section 4(1), or whether Section 4(2) creates separate crimes related to TIP – as elements of TIP differ from each other in both sections. This is interpreted differently by senior prosecutors, whereas everyone should be on the same page.

They also mention that Section 4(1) only refers to trafficked persons, without distinguishing between adult and child victims. This can lead to the interpretation that the ‘means element’ required for an adult trafficking conviction would need to be applied to child victims as well. That interpretation is not in line with Article 3(c) of the *Palermo Protocol of 2000*. Academic publications have pointed this issue out years ago

and the PACOTIP Act could address this by distinguishing between adult and child victims and excluding the means element from child trafficking.

This respondent also points out that the formulation of Section 120(4)(a) of the Children’s Act, dealing with persons convicted of TIP in terms of the TIP Act 7/2013 is problematic. Section 120 outlined that people are unsuitable to work with children for a list of reasons. This list refers to Section 24A(5) of the PACOTIP Act, a section that is in fact non-existent. Furthermore, people are deemed unsuitable to work with children for some of the lesser crimes in the PACOTIP Act, but not when having committed some of the more serious offenses. This issue has been brought up since 2017, but the Children’s Act remains unchanged.

Finally, the respondent states that there is legal uncertainty on the meaning and parameters of the concept of exploitation in the TIP definition provided in Section 4(1) of the PACOTIP Act. While some regard exploitation to solely mean ‘economic gain’, others adopt a broader interpretation, including demanding services from the victim. The PACOTIP Act provides examples of PACOTIP in Section 1, but adheres to a different definition thereof in Section 4(1). Guidance from the legislature and courts are needed in this regard.

The following discussion briefly addresses the specific challenges that relate to the legal response to TIP as assessed in the Legal and Policy Perception Survey. The challenges are:

1. Lack of proper coordination
2. Inadequate funding

¹⁵ The UNODC is supporting South Africa in developing a regional case digest.

3. Low prosecution rates
4. Lack of training and capacity building
5. Corruption and complicity in law enforcement
6. The impact of COVID-19 on TIP

These challenges are discussed further below.

1. Lack of Proper Coordination

The need for proper coordination is critical and according to the Deputy Minister of Justice, John Jeffrey, could not be overemphasized. In particular, the multidisciplinary nature of TIP will require an integrated approach to achieving the aims of the PACOTIP Act (DM John Jeffrey, 2019 in the foreword of the National Policy Framework (NPF)). The NPF itself proclaims that the anti-trafficking coordination structure in South Africa is “key to ensure the implementation of the NPF through a uniform, coordinated and cooperative approach by all government departments, organs of state, institutions, IOs, NGOs, faith-based and community-based organizations dealing with trafficked persons and TIP matters” (Department of Justice and Constitutional Development, 2019:24).

“The departments work in silos and do not collaborate or work in synergy with each other. the responses are fragmented.”

CSO representative respondent to perception survey

Source: Legal and Policy Review Survey

key to ensure the implementation of the NPF through a uniform, coordinated and cooperative approach by all government departments, organs of state, institutions, IOs, NGOs, faith-based and community-based organizations dealing with trafficked persons and TIP matters” (Department of Justice and Constitutional Development, 2019:24).

Notably, the Act required the Minister to table the NPF in parliament within a year after commencement of the Act. While the Act was signed in 2013, and implemented in 2015, the policy framework was finally passed in 2019.

However, given the sheer number of government departments and agencies involved, and the lack of a dedicated anti-TIP institution, effective communication and coordination remains one of the main challenges in the effective implementation of the Act, and more broadly for all aspects of prevention, protection, prosecution, and partnerships. This fact was confirmed in the Legal and Policy Perception Survey where “more cooperation” was ranked second highest on a list of nine pressing needs to improve the country’s TIP response.

The tendency toward a siloed approach means that individual and institutional stakeholders often act independently and without proper regard for the impact of certain actions on other aspects of the TIP ecosystem. Current coordination challenges exist across all spheres and are presently undermining efforts in policy strengthening, training, reporting, monitoring, standardizing operational procedures, law enforcement responses, and prosecution efforts.

Data from the survey confirms that there remains a lack of clarity on the most basic understanding of responsibility (and therefore by definition accountability) for effectively implementing the PACOTIP Act and managing TIP in South Africa. Respondents were unclear over who exactly had overall responsibility for implementing the PACOTIP Act.

Who has overall responsibility for implementation of PACOTIP Act?
57% All TIP Stakeholders

31% Ministry of Justice
7% Other
4% Government
(20% no response)

Source: Legal and Policy Review Survey

While 31 percent thought the responsibility was with the Ministry of Justice and Constitutional Development, a further 4 percent thought it was the “Government” more generally, while a majority 57 percent of respondents thought it should be “all TIP stakeholders”.

This result suggests that even the key TIP stakeholders in South Africa remain unclear as to which agency or institution has overall and final oversight and accountability for implementing the PACOTIP Act and the NPF.

This ambiguity over who is responsible for implementing the Act and the Policy, also leads to a severe lack in accountability for implementation of the specific provisions. This leads to an uncoordinated, siloed approach featuring finger-pointing between sectors and departments when trafficking cases are mishandled, or not properly identified in the first place. Unfortunately, accountability issues are not unique to the trafficking sector in South Africa, rather the Helen Suzman Foundation points out that South Africa as a whole is “going through an accountability crisis” (Thakur, 2020). But the lack of accountability in the TIP sector leads to a lack of coordination between law enforcement, practitioners, and service providers – resulting in undercounting, mis-defining, and failure to prosecute.

The Act, in Chapter 9 introduces the NPF as a key aspect in the coordination mechanism specifically to:

1. *ensure a uniform, coordinated and cooperative approach by all government departments, organs of state and institutions in dealing with matters relating to the trafficking of persons;*
2. *guide the implementation and administration of this Act; and*
3. *enhance service delivery as envisaged in this Act by the development of a plan within available resources.*

The Minister of Justice has overall responsibility and oversight for TIP in South Africa (Department of Justice and Constitutional Development, 2019). S/he is supported by the Chief Director of Justice and Constitutional Development or designated nominee who acts as the *National Anti-Trafficking Coordinator (NC)* and leads the *National Inter-sectoral Committee on Trafficking in Persons (NICTIP)*. Importantly, the NPF stipulates that the NC should be supported by a “*soundly staffed and funded Secretariat*”, either in-house, or outsourced to ensure it can effectively carry out its full mandate (*ibid*: 25). The concept of a *secretariat* has been discussed at length with DOJCD by TIP practitioners, international observers, and other stakeholders and was raised repeatedly during the consultation around the NPF, as well as in subsequent bilateral and other coordination meetings with GOSA.

Some of the main issues cited in the establishment of the secretariat have always been (a) resourcing, and (b) in the instance of an externally supported/seconded expert secretariat, the *ownership* and *buy-in* from the government. In both of these instances, *sustainability* becomes a real concern where it might be beneficial to have a development partner fund the establishment of a secretariat, but funding is always time-bound, and bilateral and multilateral donor strategies and commitments can very well change and result in the withdrawal or reprogramming of funds used for the secretariat. On the other side of the coin is the difficulty in gaining any additional government appropriation for programs, given the severe strain the state is under following a decade of state capture and a very ineffective and non-responsive budgeting process.

The result is that the management and overall coordination of TIP tends to fall on the shoulders of a few very dedicated, overworked, and under resourced staff members. These are scattered throughout government agencies and may include directors within the DOJCD, prosecutors in the NPA, certain SAPS members, and dedicated and committed members in the office of the Presidency, for example. The challenge with this approach is that none of these actors have TIP as a central part of their job description and key performance indicators, so when they vacate a post, all institutional knowledge, coordination, networking, and pending projects and approvals are stalled and often lost entirely.

Some countries have established stand-alone government bodies to oversee all aspects of that country's TIP response. Nigeria for instance has a *National Agency for Prohibition of Trafficking in Persons* (NAPTIP). The U.S. has the *Office to Monitor and Combat Trafficking in Persons (JTIP) and Human Trafficking Task Forces* (OVCTTAC). If South Africa is to effectively manage human trafficking, it needs to establish an institutional TIP coordinating entity at the national level, to oversee and ensure accountability over NICTIP. Currently, as a 'coordinating mechanism' NICTIP lacks clear lines of responsibility, and therefore also lacks accountability.

South Africa has shown little appetite for establishing a separate entity to oversee TIP, which would likely have to be a Chapter 9 Institution (like the Public Protector, South African Human Rights Commission, and the Auditor General), mainly due to lack of funding. Instead, it remains under the direction of the DOJCD. However, the current TIP function lacks a dedicated team with adequate resourcing to fulfill the mammoth task of coordinating anti-trafficking that involves nearly a dozen agencies and other institutions, along with a significant contingent of non-government and other stakeholders at the table.

Rather than a dedicated anti-trafficking agency such as Nigeria's NAPTIP¹⁶ or the U.S. Office to Monitor and Combat Trafficking in Persons.¹⁷ South Africa's TIP portfolio has over the years shifted between the NPA and the DOJCD, where it is most recently overseen by a Senior State Prosecutor who oversees TIP as one of several important portfolios, including amongst others, a Task Team to address LGBTQI+ issues (Smith, 2021).

In the absence of either a standalone entity or agency, or a dedicated senior appointed official with the sole mandate to oversee human trafficking and to implement the ambitious goals of the NPF, most government departments will continue to fall short of requests by entities such as NICTIP and others, as was also evident in the pursuit of this research project.¹⁸

2. Inadequate Funding

The issue of funding to effectively implement the PACOTIP Act is a matter that is consistently raised in U.S. Department of State TIP reports, and at stakeholder meetings, as well as by academics, and NGOs tasked with providing services to trafficked victims. The latter accused the government of "severely

¹⁶ <https://naptip.gov.ng/>

¹⁷

<https://www.state.gov/bureaus-offices/under-secretary-for-civilian-security-democracy-and-human-rights/office-to-monitor-and-combat-trafficking-in-persons/>

¹⁸ Throughout the USAID-funded TIP research project in 2020 and 2021, the research team struggled to receive timely, or at times, any, response from relevant government and other departments. Despite numerous requests for data and information, information was rarely forthcoming. In the instance of the Legal and Policy Perception Survey, the researcher contacted over 156 individuals for responses and received only 29 responses.

under-budgeting funding for PACOTIP” (U.S. Department of State TIP Report, 2017: 363; Van der Watt 2018: 4). Whether from within the DOJCD’ own office responsible for overseeing and coordinating TIP, down to the funds (both government and donor-sponsored) to service-level Civil Society Organizations (CSOs), there simply is not enough funds to effectively address the issues across prevention, protection and prosecution (3Ps). According to the U.S. State Department, the government had insufficient resources to fund agencies responsible for the PACOTIP Act, thus, there is uneven enforcement of the law. Subsequently, to a great extent because of the government’s lack of sufficient funding for efforts to combat TIP, South Africa was downgraded to Tier 2 Watch List by the U.S. Department of State TIP Report in 2018 (U.S. Department of State TIP Report, 2018: 389).

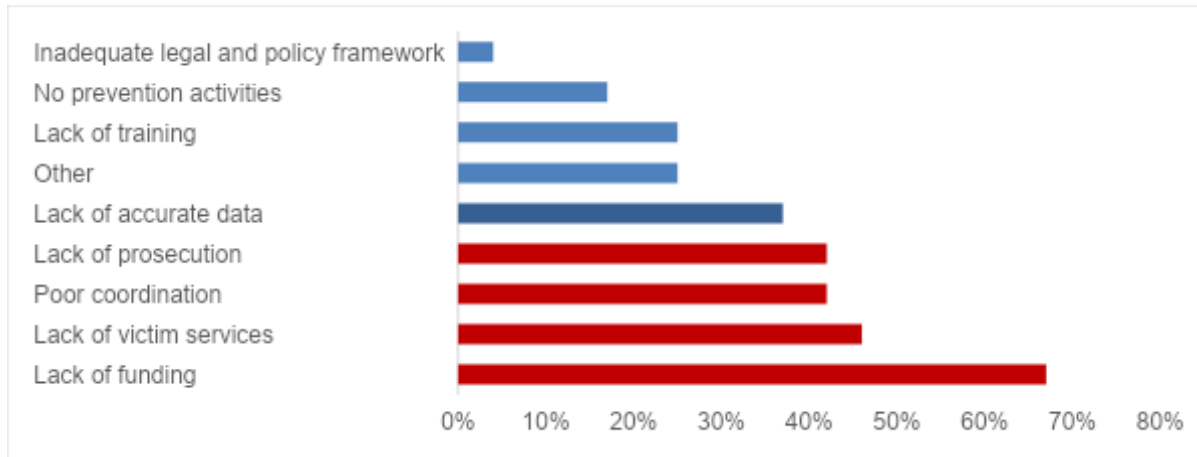
Challenges range from a lack of resources by police stations to investigate trafficking cases (despite adequate case information shared by NGOs), and law enforcement and other practitioners often lack basic training and understanding of the PACOTIP Act. Even in the presence of the best legislative framework, inadequate funding can have a detrimental impact on;

- Raising awareness of TIP
- Preventing the crime of trafficking through public information and training campaigns
- The ability to fund specialist investigative units and associated training in the intricacies of investigating and building complex cases
- Providing basic services including safe houses, repatriation, mental and physical health care
- Longer-term solutions to enable the derailing of large international TIP networks.

Instead, many of the TIP interventions and responses in South Africa are often either short-term solutions centered on a particular event (such as World Day Against Human Trafficking), or heavily donor-driven, such as a reliance on either UNODC, USAID or the IOM) to fund, facilitate or enable. Much of the investment in policy has also been heavily driven by international pressure to improve and avoid a further reprimand on the international Tier system (U.S. Department of State TIP Report, 2018, 2019 and 2020).

Funding was mentioned throughout the Legal and Policy Perception Survey, both as a broad challenge for anti-trafficking efforts in the country, where “more funding for TIP” ranked as one of the four highest factors needed to strengthen the TIP response overall (Figure 9).

Figure 9 Requirements to strengthen the TIP response in South Africa



This lack of resources was even more acute when respondents were probed on the specific factors which hampered *their institution’s* ability to mitigate TIP. In this case, “*lack of funding for TIP*” was by far the highest, with just over two-thirds of respondents (67%) reporting that not having access to sufficient funding for TIP programs and interventions was the number one challenge for why they were not more effective. This was followed by “*lack of victim services*” (46%), and a combination of “*lack of coordination of TIP stakeholders*” and “*lack of prosecution of criminals*” (both at 42% or respondents). Notably, only 4 percent of respondents mentioned “*inadequate legal and policy framework*” as having hindered their organization’s ability to effectively mitigate TIP, indicating once again, that the legislation and policy in South Africa is seen as adequate, it is implementation, coordination and funding that is lacking.

“We need dedicated and vetted policing capacity that follows a proactive intelligence driven approach to TIP. The identification of TIP matters for investigation is poor meaning that cases are not enrolled and prosecuted. Intelligence agencies are not focusing enough attention on this and when cases are reported there is little response or response takes too long. It poses a threat to out National security”. [sic]

Feedback from a senior state prosecutor in the perception survey 2022

Source: Legal and Policy Review Survey

3. Low Prosecution rates

The need to increase prosecution rates for traffickers globally is so great that it was the focus of the 20th High Level Alliance Conference against Trafficking in Persons held in Vienna, Austria in July 2020. The conference discussed ways to increase investigation and prosecution and how countries can collaborate on these activities (OSCE, 2020).

Unfortunately, prosecution rates for human traffickers are on the decline worldwide. The same conference report surmised that data collected over the preceding three years indicated a rise in the number of identified victims, and a corresponding decline in prosecutions (*ibid*). South Africa saw a similar trend of decline in prosecutions despite a significant rise in the number of trafficking reports, especially in the wake of the COVID-19 pandemic (A21, 2021). Global anti-trafficking organization A21 reported that South Africa’s national anti-human trafficking hotline recorded an increase of 46.5 percent reports between 2019 and 2020 alone.

Yet despite this, in 2021, South Africa prosecuted only 49 cases of trafficking (refer to TIP Research Report Prosecution Analysis, 2022) (an increase from 24 the previous year), convicted only seven traffickers (as compared to eight in the previous year), and sentenced two traffickers to life in prison and five to between 22-25 years in prison (U.S. Department of State, TIP Report 2021). According to the Report, South Africa effectively *decreased* its anti-trafficking enforcement efforts (*ibid*).

Given that the PACOTIP Act provides a positive obligation on the State to investigate and prosecute human traffickers, the challenge in South Africa once again does not lie with the lack of necessary legal framework, but rather with the inadequate response to the crime of human trafficking. This lackluster response, according to a TIP prosecutor respondent to the perception survey, poses a “national security threat” (Perception survey respondent 2022).

“There are not sufficient members with suitable skills and experience allocated to the Provincial and National dedicated law enforcement units within the NPA and SAPS.”
Perception survey respondent 2022
Source: Legal and Policy Review Survey

The concerns over the low prosecution rates were also captured in the data from the Legal and Policy Perception Survey in which respondents listed “*lack of prosecution*” among one of the highest barriers to effectively combatting human trafficking in South Africa. Specifically, when respondents were probed on the factors which hindered their own institution’s ability to effectively mitigate TIP, ‘lack of prosecution’ was second (along with lack of proper coordination) and only behind lack of funding for TIP initiatives.

A decline in prosecution was also listed by several respondents in the question relating to the impact of COVID-19 on TIP response in South Africa. Several respondents reported that the pandemic has either disrupted the court system or resulted in a lower level of prosecution rates than prior to the pandemic.¹⁹

4. Lack of Training and Capacity

Chapter 9 of the Act calls on all the major government stakeholders (including DOJCD, SAPS, NPA, Department of Health (DOH), DOL, and DSD) to each develop training courses which emphasize social context training as well as the use of uniform norms, standards and procedures. Throughout literature on TIP in South Africa, the issues of training, capacity, and corruption is an oft repeated challenge of implementing effective TIP measures. The U.S. Department of State TIP report cites a lack of capacity to fundamentally hinder law enforcement efforts for anti-trafficking (2016: 340).

Despite several training programs sponsored by both government and development partners, the 2019 U.S. Department of State TIP Report cited the “*poor understanding and of trafficking and the lack of consistent training*” as a key hindrance to South Africa’s anti-trafficking efforts (U.S. Department of State TIP Report, 2019: 424).

“Criminal Justice Practitioners need more training. Training has to be institutionalized.”
International development partner respondent to perception survey 2022
Source: Legal and Policy Review Survey

There is a sense that in addition to lack of financial and other resources, stakeholders across the board including justice and law enforcement, diplomatic personnel, immigration officials, DOH officials and other frontline responders lack a genuine knowledge and understanding of the crime of trafficking as well

¹⁹ Responses to the Legal and Policy Perception Survey Q32.

as the Act, and subsequently lack the skills to effectively prevent, investigate, prosecute and protect against it.

Certain jurisdictions, including many states in the U.S., have a dedicated anti-trafficking unit that comprise an inter-departmental, cooperative effort often involving dozens of government agencies, as well as a liaison-role toward NGOs. One such example is the San Diego Human Trafficking Task Force (California Department of Justice, Office of Attorney General, n.d.). There is a desire from members of SAPS for a similar specialization as expressed by at least one SAPS respondent who participated in research in 2016 expressing that “a specialized unit is the only way you will deal with it [human trafficking]” (Van der Watt, 2018: 228).

The vast majority (87%) of respondents to the Legal and Policy Perception Survey viewed more training and capacity building for practitioners, law enforcement, lawyers, and other stakeholders as “*extremely important*”. Effective training and capacity building programs for practitioners should cover all aspects of TIP from identification and definitions of trafficking, effective provision of support services available, as well as address adequate legal response and obligation.

87%
indicated more training and capacity building for TIP practitioners, law enforcement and lawyers was
EXTREMELY IMPORTANT

Source: Legal and Policy Review Survey

Unfortunately, because of resource constraints, most police departments in South Africa do not have specialized units dedicated to Trafficking in Persons. Instead, detectives, investigators and frontline officers are assigned to TIP cases when they may very well not have the necessary training, knowledge, or skills to effectively deal with these instances of a very “*messy, dynamic and complex crime*” (Van der Watt, 2018: 6). This leads to incomplete prosecutions of cases, which, while a global reality (Kruger, 2016:54), in many instances also risk not having a victim-centered approach toward a victim of trafficking when an officer does not have specialized training required to deal with their particular trauma and needs.

According to the U.S. Department of Justice Office for Victims of Crime Human Trafficking Task Force e-Guide, in a victim-centered approach the “*victim’s wishes, safety, and well-being take priority in all matters and procedures*” (U.S. Department of Justice, Office for Victims of Crime Training and Technical Assistance Centre website). These sentiments are similar to those held in the South African National Policy Guidelines for Victims Empowerment Social Service Providers policy. Unfortunately, all of these aspects require funding, and intense knowledge and understanding only acquired through targeted training and years of experience in TIP cases.

“We have great legislation in place but where there is corruption there will always be loopholes. In addition, political will lags on the issue. There is a shortage of resources - esp. human & financial - as well as capacity.”

Senior CSO representative

Source: Legal and Policy Review Survey

5. Corruption and complicity in law enforcement

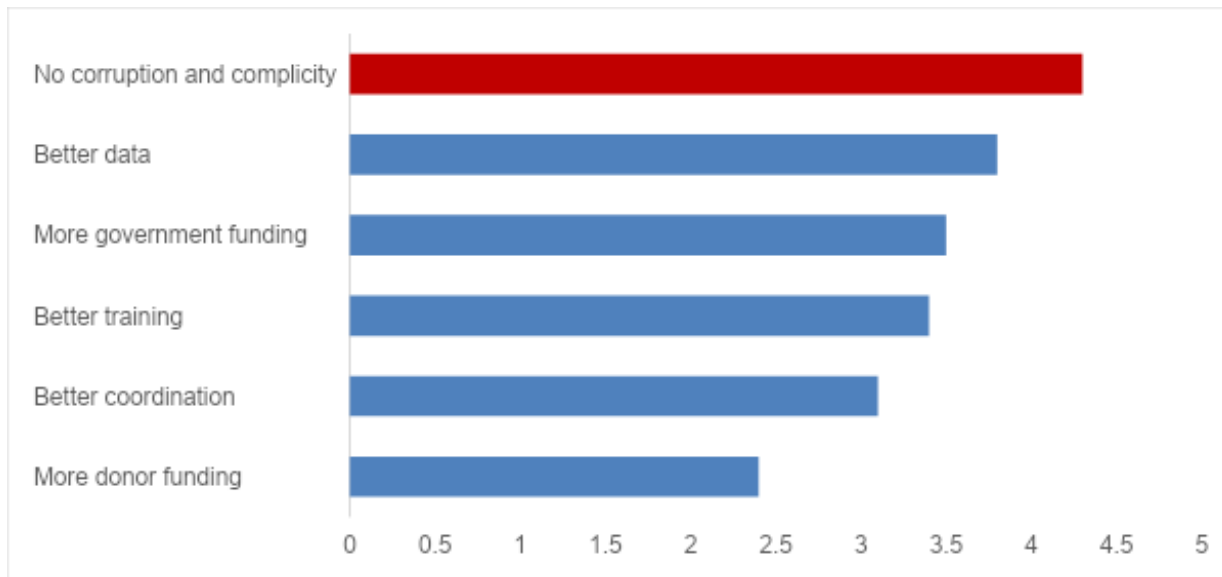
In addition to coordination, funding, low prosecution rates and inadequate training and capacity among TIP stakeholders, one of the most damning challenges facing trafficking in South Africa is official complicity and corruption by law enforcement officials

(van der Watt, 2018). Police complicity and corruption date back decades to notorious child abduction and trafficking cases as far back as the Gert van Rooyen saga of the late 1980s to more blatant instances in which “criminal investigations [are] not being instituted and police dockets being discarded to the exploitation of trafficking victims and official complicity in the trafficking process” (*ibid*, 269).

Corruption and complicity are “fundamental elements in successful trafficking operations whilst perpetrators largely continue with impunity” (*ibid*, 375). Unfortunately, the prevalence of complicity has seemingly not dissipated with the dawn of the PACOTIP legislation and the passing of the NPF. As recently as 2021, the US State Department still lists corruption and official complicity among law enforcement and immigration officials, as some of the most significant obstacles facing TIP response in South Africa (US TIP Report, 2021).

So significant is the perceived corruption and complicity of officials and law enforcement in South Africa that the respondents to the Legal and Policy Perception Survey listed it as the number one priority area that needs attention to effectively deal with TIP in South Africa (Figure 10). One respondent who deals directly with TIP cases on the victim support side commented in the perception survey that “*complacency and corruption is a huge problem in getting cases investigated properly and perpetrators convicted*” (2022).

Figure 10 Prioritization of actions to strengthen the response in South Africa



6. Impact of COVID-19 on TIP Response in South Africa

The COVID-19 pandemic has put the entire world under enormous strain. While there is hardly a single person that has not been affected in some way or form by the pandemic, be it by the disease itself, or by subsequent government-imposed measures to curb the impact of the disease, the UN warned in 2020 that “the COVID-19 pandemic are falling disproportionately on the most vulnerable: people living in poverty, the working poor, women and children, persons with disabilities, and other marginalized groups” (United Nations, 2020). Victims of trafficking are considered some of the most marginalized and vulnerable in the world, so much so that UNODC did a comprehensive assessment of the definitions of ‘vulnerability’ and ‘vulnerable’ in relation to human trafficking (UNODC, 2008).

While several government measures such as strict curfews, limitations on gatherings, increased police presence, and border closures may have had the initial appearance of a reduction in crime, according to UNODC, in fact these measures often only drove the crimes further underground (2020). The ‘new normal’ allowed criminals to adapt to the changing operating environment, especially by increasing the use of social media, while also reducing the ability of governments and non-governmental organizations to identify and provide services to victims of trafficking (*ibid*). Most unsettlingly, the pandemic has laid bare and exacerbated the economic and societal inequalities and further entrenched the suffering of the most vulnerable members of society including women, children, the elderly, and victims of violence - especially trafficking victims.

ANALYSIS OF THE NPF TASK TEAM RESPONSE TO TIP

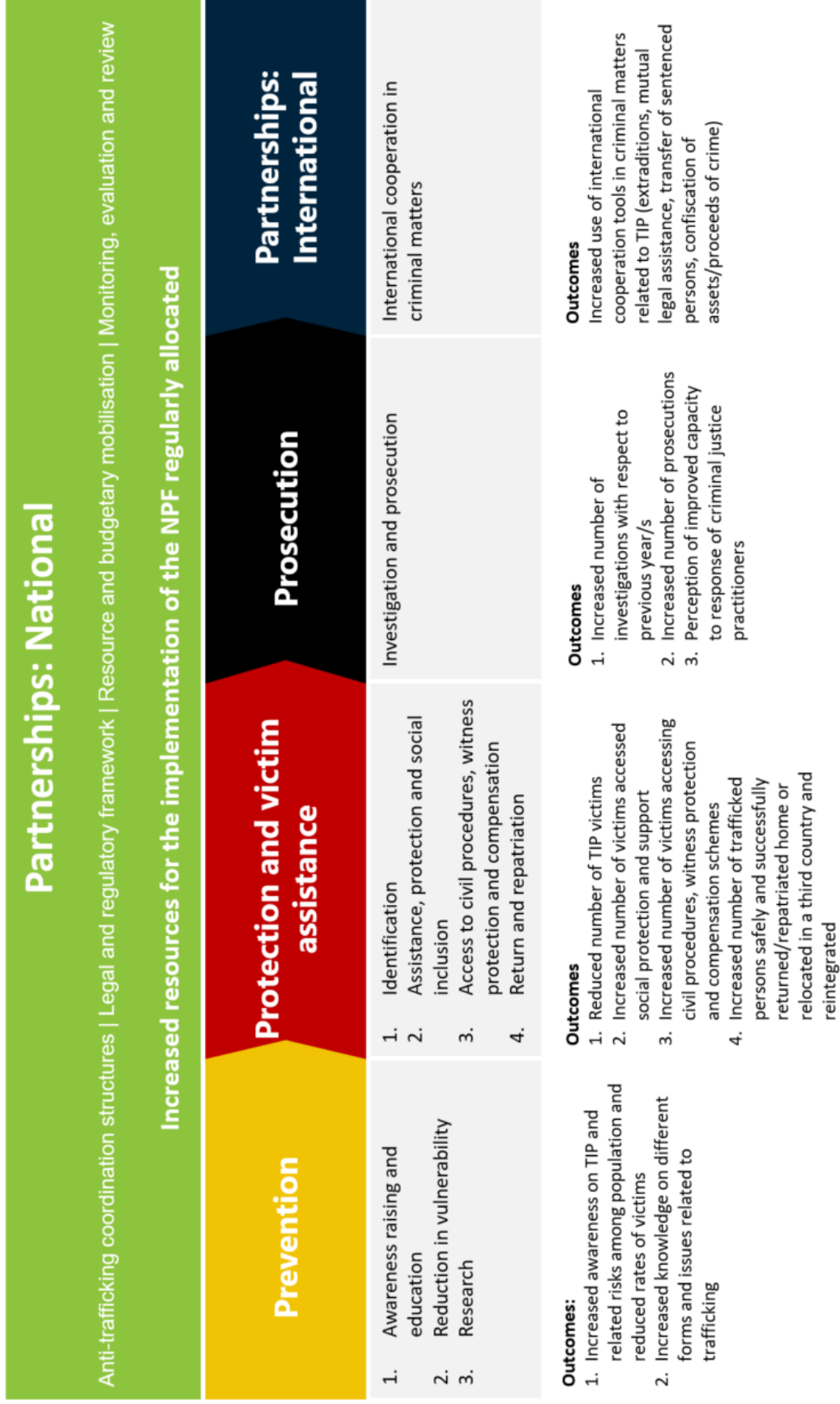
In response to the specific obligation under the Act, to “...approve a national policy framework, relating to all matters dealt with in this Act”, and following a national consultation and socialization with all relevant

government, non-government, and international stakeholders, the DOJCD, in collaboration with UNODC under the Global Action against Trafficking in Persons and Smuggling of Migrants (GLO.ACT), launched the Prevention and Combating of Trafficking in Persons National Policy Framework (NPF) in April 2019 (UNODC, 2019).

The framework “seeks to ensure all government departments and other engaged stakeholders from civil society are collectively guided in the implementation of anti-trafficking responses and of their statutory responsibilities. In particular, the NPF intends to support the implementation of the Prevention and Combating of Trafficking in Persons, 2013 (Act No. 7 of 2013)” (DOJCD, 2019: 10).

The NPF is comprehensive in nature, setting out implementation both at strategic and operational level. As well, it aims to stagger the ambitious objectives laid out over a medium (3 year) and longer term (5 years) (see Figure 11). The framework establishes its approach in line with its constitutional, legislative, and international standards and outlines the overall structure for coordinating the response to Trafficking in Persons in South Africa (NPF, 2019: 13).

Figure 11 Summary of the NPF Objectives



Note: The colors used refer to the color coding of the NPF

The framework outlines nearly two pages of guiding principles, addressing matters concerning coordination, cooperation, participation, prosecution, interpretation, empowerment, and data protection. There is heavy emphasis on the need to effectively coordinate, considering that is one of the weakest elements in addressing one of the most complex crimes in an under-resourced, overly bureaucratic operating environment.

The NPF contains a schematic illustration of the anti-trafficking structures in South Africa and a subsequent description of each of the levels and coordinating bodies at national and provincial level.

The NPF outlines the anti-trafficking coordination structures and response at four levels:

- **National Anti-Trafficking Coordinator And Secretariat** who is responsible to lead the NICTIP
- **National Inter-Sectoral Committee On Trafficking In Persons** (NICTIP)
- **National Rapid Response Team** (NRRT)
- **Provincial Rapid Response Teams** (PRRTs or PTTs)

Heavy emphasis is placed on the role of the Provincial Task Teams. These provincial level Task Teams are ostensibly set up by the DOJCD and NPA, and incorporate participation of the following government departments in each of the nine provinces:

- Department of Justice and Constitutional Development
- Department of Social Development
- Department of Home Affairs
- Department of Labour
- Department of Health
- Department of Education
- Department of Agriculture
- Department of Co-operative Governance and Traditional Affairs
- National Prosecuting Authority of South Africa
- South African Police Service
- Premier's Office
- Government Communication and Information Systems
- Community Safety
- NGO representatives appointed by DSD
- New members may be added when necessary.

In reality however, implementation and efficacy vary between provinces, and more often than not rely on a personal commitment and dedication by a particular member of the Provincial Task Teams (PTT), which varies between provinces and can be either a member of a government department, someone from the

NPA, or a member of civil society. The Task Team Review specifically examined the effectiveness of the PTTs.

A Task Team is a multidisciplinary, collaborative, anti-human trafficking effort that focuses on identifying human trafficking, serving victims and investigating and building cases. The South African National Task Team was tasked with decentralizing its activities and remit to the provinces to ensure the effective implementation of the strategy at the provincial level. The purpose of the Provincial Task Team is to: (i) provide technical support to the Program Coordinating Unit of the national Task Team, (ii) assist with policy development and inputs into the legislative process, and (iii) develop a provincial action plan to prevent and combat human trafficking (Emser, 2014; NPF, 2019).

The DOJCD and the NPA are responsible for setting up the PTTs in all nine Provinces of South Africa. Each PTT is constituted by Provincial Government Departments and institutions that play an essential role in implementing the NPF and the Act.

The Director of Legal Services or her/his nominee from Regional: DOJCD or the NPA chair the PTTs. The participation of these Provincial Departments is monitored through the Provincial Development Committee (Devcom).

The PTTs are responsible for contributing to the development of a coordinated anti-trafficking response in South Africa at the provincial level by:

- Ensuring that all relevant stakeholders are represented at the provincial level, regularly attend the meetings, and are held accountable;
- Facilitate departmental consultations during the drafting, approval, implementation and revisions of the NPF;
- Provide all the necessary information and facilitate communication on behalf of provincial departments to ensure coordination of responsibilities, duties and functions for effective implementation of the NPF and the Act, in compliance with the integrated information management system to be developed by the NICTIP;
- Developing and executing provincial anti-trafficking action plans in line and in compliance with the NPF. Such plans will ensure the provision of training and capacity building activities targeting all relevant stakeholders; public awareness and outreach initiatives; research activities;
- Establishing the PRRTs;
- Ensuring the management of cases in close cooperation with the PRRTs based on shared SOPs;
- Allocating and/or using available human and economic resources effectively and efficiently to implement the provincial anti-trafficking action plans;
- Monitoring and assessing the overall effectiveness of the provincial anti-trafficking action plans;
- Regularly reporting to the Regional DOJCD (NPF, 2019)

Emser (2014) indicated that the Task Team was initially based on the traditional three 'P' framework: prevention, prosecution and protection. However, it became clear that partnerships would form an integral part of the Task Team. Therefore, the objectives of the Task Team are fourfold, based on international norms and strategies of prevention, protection, prosecution and partnerships (4P model): (i) to increase

knowledge, education and awareness about human trafficking, pornography, prostitution and brothels to empower all communities (prevention), (ii) to provide a holistic provision of services that turns victims of human trafficking, pornography, prostitution and brothels into survivors (protection), (iii) to ensure that proper processes are in place to investigate and prosecute cases involving human trafficking, pornography, prostitution and brothels (prosecution), and (iv) to encourage partnerships amongst governments, non-governmental organizations, and the community to monitor and address the causes and contributing factors to human trafficking, pornography, prostitution and brothels (partnerships) (Emser, 2014).

According to Emser (2014), the national Task Team are not fulfilling their mandate and are not sufficiently supporting provincial Task Teams, law enforcement and social development organizations and civil society or ensuring effective coordination mechanisms are in place. Provincial Task Teams are left to do this on their own, which has created a number of challenges in itself.

The government passed and began implementing, including training officials on, standard operating procedures (SOPs) for referring trafficking victims to care. This is also in line with the Task Team initiative, where officials could work with other stakeholders to combat Trafficking in Persons. The researchers were unable to determine the status of these SOPs.

Box 1 The United States Human Trafficking Task Force

The Human Trafficking Task Force in the United States (U.S.) provides insights and guidance on the role, functioning and value of a victims of crime task force. Initially, task forces were meant to create an environment where stakeholders involved in local anti-trafficking efforts, or seeking to become involved, can learn the roles²⁰ and capacities of the other stakeholders. This is the first step in creating a strategic, coordinated, and collaborative relationship among law enforcement, victim service providers, other key stakeholders, and the community.

Once organized at this basic level, the U.S. task force members can discuss how to best respond in a coordinated manner. For example, a local law enforcement officer who discovers a single human trafficking victim during a domestic violence investigation will need different levels and types of support than those needed when several foreign national victims of commercial sex trafficking are discovered during a pre-planned brothel investigation. In the same respect, victims of human trafficking are routinely identified by victim service providers and other non-law enforcement personnel; they, too, need to know which stakeholders to contact and, most importantly, the individual within that organization who is familiar with human trafficking and the principles of a multidisciplinary response.

Once roles are discussed, it becomes apparent that no single organization has the capacity or ability to handle all the aspects of responding to human trafficking. Each organization has abilities and limitations. For example, one victim service provider may offer housing for female victims of human trafficking but lack the capacity to house men or families. One victim service provider may provide comprehensive social services and case management, but not legal services related to immigration status or family law matters, both routine needs of trafficking victims. Frequently, task forces create a directory of all member organizations, including service providers, so that everyone on the task force can quickly identify the

²⁰ <https://www.ovcttac.gov/TaskForceGuide/eguide/>

capacity of the other members. A task force can be similar to a toolbox: you have what you need when you need it, all in one place.

Another advantage of the task force model is that task force partners can leverage their success to gain greater agency buy-in or support of anti-trafficking efforts with collaborative success. For example, the head of a local police department may offer more resources toward anti-trafficking operations when she/he learns that victim service providers are willing to assist identified victims or take up the cause of promoting a regional anti-trafficking response protocol along with other heads of police. Successful task force collaboration can also assist both victim service providers and law enforcement in applying and obtaining grants (Human Trafficking Task Force e-Guide, no date).

Challenges to the Effectiveness of the Task Teams

A literature review indicates a dearth of academic studies and documents in the public domain about the Trafficking in Persons Task Teams in the different provinces of South Africa.

Emser, in 2014, indicated that the KwaZulu-Natal (KZN) Human Trafficking, Prostitution, Pornography and Brothels (HPPB) Task Team was the first provincial Task Team to counter human trafficking in the country. As one of the frontrunners in anti-trafficking in the country, its model was then used as the format to set up other provincial Task Teams across the country. Due to it addressing not only human trafficking but also pornography, prostitution and brothels, the provincial Task Team addresses broader issues than those of the national Task Team (Emser, 2014). The KZN HPPB Task Team was established on October 2, 2008 at the request of the national Task Team. The KZN HPPB is an un-resourced agency of the provincial government, and while mandated by the national Task Team, it was not provided with a budget or funding to coordinate and implement the national strategy (Emser, 2014). However, as one of the frontrunners in anti-trafficking in the country, its model has been used as the format to set up other provincial Task Teams across the country (Emser, 2014).

The Western Cape and City of Cape Town had “Vice Squads” within their law enforcement responsible for proactively identifying sex trafficking within commercial sex establishments. Some observers reported positive experiences working with the unit, while others noted they were only reactive and did not proactively investigate tips of alleged sex trafficking (Trafficking in Persons Report: South Africa, 2021).

Due to the COVID-19 pandemic, the government did not comprehensively monitor or investigate forced child labor or the labor trafficking of adults in the agricultural, mining, construction, and fishing sectors (U.S. Trafficking in Persons Report, 2021). NGOs that provided trafficking victim care reported that police were noticeably less responsive to their case inquiries and did not provide status updates on ongoing cases. Victims reported that this lack of clarity on their case status, as well as the frequent delays in court cases and low prospects of success, dissuaded them from participating in trials against their traffickers (U.S. Trafficking in Persons Report, 2021).

According to Emser (2014), the Task Teams are meant to have consistent representation and attendance of bi-monthly or monthly meetings by the various role-players and representatives. However, this is not always the case. This could have resulted from role-players and representatives in the Task Teams being identified fluidly through association on other forums or networks, such as the provincial and local Victim Empowerment Forums or by invitation, which could have meant limited commitment from some

members. Quarterly and annual reports are used to monitor and document the progress of the Task Team in fulfilling its objectives.

Moreover, apart from the general provincial Task Team, where all members meet bi-monthly, there are several sub-committees. Namely, (i) the prosecution sub-committee, which comprises only of prosecutors and law enforcement for security and strategic reasons, (ii) the prevention sub-committee, which is more open and includes organizations and departments involved in prevention strategies and protection of victims of human trafficking, and (iii) the media sub-committee which has been established to release statements to the press on behalf of the Task Team and its members, implement media training and encourage responsible reporting on human trafficking (Emser, 2014).

Respondents in the Task Team Review survey indicated that the response varies across provinces; however, there is general agreement that legislation and frameworks are strong, but that implementation and coordination is lacking. Although the response to the survey was small, the following findings emerged.

Successes

The challenges and response to TIP varies by Task Team. In three instances the KZN Task Team was specifically referred to as an example of where there have been achievements in the TIP-response. These successes should be built upon. Members of the KZN Task Team noted that there was great support, collaboration and knowledge sharing among Task Team members. They felt that partnerships had “been nourished, with little ego and competition”. Members felt that they were led by an active chairperson, and that there was “excellent” input from the DOJCD. The KZN Task Team was also referred to by members of other provincial Task Teams, particularly referencing being organized, active, raising awareness and being accountable. There was further mention of replicating “awareness campaigns and communication plans” based on the work and templates the KZN Task Team had done.

Another respondent felt that in their experience, progress had been made in terms of TIP investigations and that this was due to the close relationships had with the DPCI and Sexual Offences (FCS) units. Another respondent felt that the NPA had been successful in their experience with sentencing and prosecutions in recent years.

Two respondents felt that in their experience; collaborative efforts, communication and efforts to assist victims had been good (both NRRT members).

Challenges

The respondents were asked to list gaps in current TIP efforts. Ten of them mentioned that inactivity of Task Teams and stakeholders is a major issue. SAPS is overloaded with cases, causing delays in turnaround times. “SAPS is often missing from meetings”, which brings about a lack of feedback to the Task Teams on current cases.

Seven respondents stated that accountability is a problem that needs to be addressed, as stakeholders are not taking actions or making decisions in meetings, but are rather diffusing responsibility onto others where possible. This means further inactivity, affecting victims, who will often disappear after not feeling supported.

Three respondents stated that a lack of funding and resources prevented them from providing sufficient victim support and follow-up. Three other respondents mentioned that lack of access to a database regarding TIP cases is problematic and a cause of disengagement.

This is exacerbated by the fact that information is not always coordinated appropriately, nor disseminated to the public, according to three respondents. This has an impact on TIP prevention and the knowledge-base of the general public regarding the definition of TIP and how to protect themselves.

Finally, three specific complaints were provided on the Gauteng structure, stating that they seem to be unfit for the position, unable to move conversations forward and assist in bringing people together, and a cause of miscommunication between team members. “Too many agenda points have stayed on the agenda with limited action and no consequences”.

Corruption

Eight respondents indicated that “SAPS turning a blind eye” or being in cahoots with some of the perpetrators is a serious deterrent, preventing victims from seeking support. “Many people are simply too fearful to report what they know, have seen or heard, or have experienced”.

Three respondents indicated that there is no guarantee that anything will happen if you report corruption or complicity, and that the position of power that officials are in are another factor preventing TIP reporting. The information provided by victims is not always kept confidential, leading two respondents to mention that victims will simply “disappear because their whereabouts are divulged”, putting them at further risk.

When asked if this is being addressed, three respondents indicated that it *can* be addressed but that it does not seem to be effective. One respondent stated that “there is movement to appoint an investigator or point person to whom the Task Team can bring allegations of fears of complicity and corruption”, however one respondent mentioned that they themselves only partially reported a recent case due to the response received by Officials, leading them to not complete the reporting process.

One respondent is much more optimistic and indicated that “the South African government is tackling corruption on all fronts”.

Partnerships

When discussing partnerships, four respondents mentioned that the communication and relationship-building is carried out by CSOs. One respondent mentioned that there is communication between all stakeholders involved, however five other respondents feel that there are little to no partnerships with the Private Sector and that some departments still remain missing from meetings. In fact, one of those five respondents indicated that they do not have a point person to call from DHA and DOL. One participant added that working in silos is one of the reasons the partnerships and impact of the Task Team remain limited.

Reliable data

As discussed earlier, communication remains an issue between all stakeholders involved in TIP prevention and prosecution. This is evident in the data availability and distribution as well. Four

respondents stated that there is no central data collection point, but that there is a lot of data to be shared, while three other respondents stated there is a simple lack of documented data. One of the respondents indicated that ‘apparently there is now a system where prosecutors must report TIP cases to nodal points’, however that this system is not accessible to the judiciary, lawyers, researchers, nor the public.

The Network Operations Center (NOC) tool developed by the DOJCD should assist with this, but one respondent indicated that each department still has its ‘own set of stats’ and five respondents state that the lack of awareness of TIP-related legislation, policies and guidelines and the fact that SAPS capture TIP cases incorrectly or not at all, significantly impacts on data availability.

In fact, one respondent indicated that NGOs are still waiting for an MoU with the government for data sharing, and another mentioned that NGOs do not receive acknowledgement of or feedback from the data they share, leaving them in the dark on whether or not information is included.

RESPONSE TO ADDRESS LABOR TRAFFICKING

Trafficking in South Africa has both a domestic and international ambit. This section explores the response to migration, labor exploitation and trafficking by government, business, trade unions and civil society in South Africa. The assessment of the response examines the nexus of labor migration, exploitation and trafficking.

Government

The Directorate of Inspection and Enforcement Services (IES) is mandated to represent the DOL on the NICTIP. The IES is responsible for ensuring compliance with legislation, protecting vulnerable workers, promoting equity and skills development in the workplace and for the sector, and hazard-specific advocacy.

According to the IES interviews conducted as part of this Labor Trafficking Study, a national TIP training program for inspectors was launched in 2019. Due to COVID-19, the training in collaboration with the IOM could not proceed further. The approach was to train provincial IES Task Teams to train other inspectors in their respective regions.

Inspectors indicated having been trained on forced and child labor. One inspector recommended refresher courses during the research interview as they found the courses valuable in the workplace. Participants all displayed enthusiasm towards the training they received.

The DOL IES provides a labor inspectors checklist when conducting business site inspections. The checklist is based on core elements from the *Labor Relations Act of 1995 and Amendments*, *Basic Conditions of Employment Act No. 75 of 1997*, *Employment Equity Act No. 55 of 1998*, *Skills Development Act No. 97 of 1998*, *Unemployment Insurance Act No. 63 of 2001*, *Occupational Health and Safety Act No. 130 of 1993*. Labor inspectors are empowered to issue compliance orders against employers who do not comply with statutory obligations. Compliance orders that are not obeyed by businesses can be taken to the Labor Court. Financial penalties may be imposed on employers who do not comply with these obligations. A labor inspector may, in writing, prohibit an employer from continuing

or commencing with an act which, in the opinion of an inspector, threatens or is likely to threaten the health or safety of any person.

A review of the checklist indicates that the inspection process is not explicitly designed to identify labor or human trafficking. A compliance inspection does not translate into identifying cases of labor trafficking.

Blitz inspections or raids are unscheduled inspections and are often the result of a tip-off or investigation. Labor inspectors cited the Beautiful City legal case (Box 2) as a successful blitz operation. Due to weak regulatory institutions, detection has come to rely on whistle blowing and reporting. In this case of forced labor, the suspects arrested in 2019 have yet to be prosecuted. Trafficked victims seldom, if ever, report exploitation.

Box 2 The Beautiful City Case

In 2019, the South African Police and Hawks Investigation Unit exposed an illegal blanket factory in Johannesburg called “Beautiful City”, where Chinese employers had smuggled in 78 Malawian citizens, including minors under 15 years, that were forced to live and work inside the factory for 10 hours a day. The trafficked workers were unable to leave the factory, living in unsafe and unclean conditions, and were paid well below minimum wage (roughly R6.50 per hour). The Malawians were not given the opportunity to apply for legal documentation. There were several violations against the Basic Conditions of Employment Act, Labor Relations Act, and Occupational Health and Safety Act. The company was issued with a notice for failing to pay the National Minimum Wage, and underpayments for the 78 staff were estimated at R6,3 million, which the employer had to pay to the employees within 14 days. The DOL inspectors also issued the business with a prohibition notice so that no persons could gain entry to the premises.

Source:

<https://www.labour.gov.za/gauteng-high-court-postpones-the-matter-of-seven-chinese-nationals-accused-of-human-trafficking-and-violation-of-labour-law>

As cited by labor inspectors, an important reason why raids yield higher success is the collaboration between SAPS, DPCI, DSD and the DHA. During the interviews, the inspectors all agreed that enforcement powers lie with the DHA and DSD. However, without the immigration officer, it becomes challenging to assist victims of forced labor.

Interviewees reported that a shortage of immigration officers often limits blitz inspections. In the IES experience, a labor inspector cannot hand a non-compliance case over for prosecution, which often means the case cannot continue with the rest of the blitz operation if the immigration officer is not present. The IES indicated their mandate is more responsive in recording and processing cases of non-compliance.

Detection poses a major constraint to protecting migrant and exploited workers, but the judicial process to prosecute perpetrators of labor exploitation and trafficking can also deter other victims from reporting trafficking and forced labor. When cases are discovered, much like in the Beautiful City Case (Box 2), it is usually the outcome of an extended investigation of a Task Team. Once suspects are arrested, the SAPS and DOJCD take over, and details of the cases are classified until the matter is concluded. Unfortunately, victims, especially migrant workers, are often left in uncertainty until the case concludes. If they are witnesses to the case, they are not allowed to leave the country. Given how long cases may take in court, irregular migrants are often without status, jobs and security for a long time. Accordingly, witnesses either

migrate to a different part of the country or repatriate. This could either delay or cause further hindrances to the case.

According to the Provincial Chief Inspectors, the COVID-19 pandemic changed the inspection process. What was once a physical process of inspection and interaction is now an online or paper-based administration process for Labor Inspectors. Employers can file electronically or submit to the DOL. The process can be concluded without a face to face interview with an employee, and worksite inspections are now more attentive to COVID-19 protocol adherence than labor exploitation or the identification of possible trafficked persons.

Inspections can detect forced labor more than human trafficking, but have limited enforcement powers. There are insufficient labor inspectors in the provinces. The mining sector is excluded from the DOL framework of inspections, nor is the Department of Resources and Energy a member of NICTIP. The DOL further does not conduct inspections in the mining, maritime and fisheries industries.

The DOL Labor Inspectors noted that people in exploitative working conditions are not classified as victims of trafficking and are either regular or undocumented migrants. A respondent cited, and as supported by the *Discovery vs Lanzetta* (Box 3) case indicates, that regular migrants are more likely to approach the CCMA or Labor Courts for recourse. The policy awareness in this area, for example, on the Labor Relations Act, Basic Conditions of Employment Act and others, makes it easier for government Departments to keep track of recurring grievances raised by employees and for the DOL and state to make policy changes. Despite the successes of the *Discovery* case on the status of migrant workers, the Immigration Act is yet to follow the Constitutional Court Judgment and the Employment Services Act. Awareness may guide potential victims of exploitation to the courts and perhaps lead to policy reform, but the impact of the reform may take a while to be enacted (Owens et al., 2014).

Box 3 Discovery vs. Lanzetta

In 2008, the CCMA ruled on a dispute between German Lanzetta, an Argentinian national, and Discovery Health Limited. Lanzetta was employed by Discovery in January 2005, claiming that they believed he had a lawful work permit, which in fact had expired. In 2006, Lanzetta was dismissed for this reason. When Lanzetta reported the dismissal to the CCMA, Discovery contended that this case lay outside the jurisdiction of the CCMA because Lanzetta cannot be defined as an employee without legal working status. Importantly, the Commissioner agreed that an employment relationship is sufficient and appropriate to extend the protection of the Labor Relations Act (LRA) to “unauthorized workers”. The Commissioner ruled that Lanzetta was an employee, and that the CCMA had the jurisdiction to determine his unfair dismissal dispute. Furthermore, it was found that even though Lanzetta’s work permit was expired, the employment contract cannot be ruled as invalid because of its omission from the Immigration Act. Rather, the LRA is intended to protect laborers and thus contracts unknowingly signed with an “unauthorized worker” remain valid. An employment relationship is sufficient grounds for an employee to be protected by the LRA.

Source: Case JR 2877/06

Business

In order to understand the current approach of the Business Sector toward human trafficking prevention, Khulisa contacted the *National Business Initiative* (NBI) and the NEDLAC for interviews. NEDLAC confirmed that they had no policies that speak more broadly about labor exploitation as a facet of trafficking or counter-trafficking responses. NBI did not respond.

This suggests complacency in the South African business sector to protect laborers from exploitation and human trafficking.

Trade Unions

Labor migrants often do not have access to the most basic services in South Africa and are refused public healthcare and housing primarily due to xenophobia (Ferraro and Weideman, 2020). This isolates migrant laborers and denies them sufficient civil society mechanisms to report labor exploitation and trafficking. In a recent study of migrant laborers in Cape Town, it was found that many could not afford to join trade unions or access legal aid (Ferraro and Weideman, 2020). While the *Congress of South African Trade Unions* (COSATU) and *The South African Commercial, Catering and Allied Workers Union* (SACCAWU) have positions on migrant laborer, they do not have records for undocumented or legal migrant members, nor evidence if undocumented migrant laborers may be dissuaded from joining the union due to xenophobia. The Migrant Workers union in South Africa has reportedly 300 active members and 4000 inactive members (Ferraro and Weideman, 2020).

Trade unions are a missing stakeholder in South Africa's counter-trafficking efforts.

A key informant discussion with one South African labor research NGOs confirmed that TIP, although prevalent in many informal sectors, is not an outright focus of the trade unions. The organization recognized the knowledge gap and absence of trade unions in the TIP discourse and response.

Khulisa interviewed representatives from the ILO in South Africa and the representative at the *United*

States Consulate in Johannesburg. Both acknowledged the need to engage the trade unions in addressing concerns of migrant laborers. The representative at the U.S. Consulate stated that the Mission seeks to broaden the attitude and response of trade unions to include migrant labor issues, expand their membership to those most vulnerable to exploitation, and create safe means to report insecure working conditions. The representative cited the Solidarity Center, the largest U.S.-based international worker rights organization partnering directly with workers and their unions and supporting their struggle for respect, fair wages, better workplaces, as a possible model for South Africa to adopt and adapt. There is little engagement between the GOSA and trade unions with the U.S. Consulate, demonstrating the limitations of diplomatic efforts to combat human trafficking.

Involving trade unions as active stakeholders of counter-trafficking efforts is emerging as a key response particularly in Southern Africa. The ILO, however, has always maintained its tripartite (employer, employee, trade unions) approach through the *Special Action Program to Combat Forced Labor* (SAP-FL). It was followed by the four-year action plan, the Global Alliance Against Forced Labor. In 2007, the *International Trade Unions Confederation* formally came on board when it co-founded the *Global Trade Union Alliance to Combat Forced Labor and Human Trafficking* with the ILO's *Bureau of Workers Activities* (ACTRAV) and SAP-FL. Since then, strategies have entailed promoting ILO conventions, awareness raising with officials and the wider public, and encouraging reform. Monitoring employment agencies and supply chain practices, cooperating with labor inspection services, law enforcement and other relevant authorities- are examples of what the ILO calls political initiatives that countries like Tunisia and Cote d'Ivoire have implemented. As the continent prepares for the *African Continental Free Trade Area* (AfCFTA), to which South Africa is a signatory of, the LRS recommends that more research be done on the TIP nexus to migration and the labor sector in South Africa. Much of the counter-trafficking discourse and education from the AfCFTA has not found its way to South Africa's trade union or business debates. Deliberate action is required to establish this institutional pathway to respond to, and integrate the AfCFTA.

Civil Society

The findings from the Civil Society Study informed the response by civil society.

These organizations' engagement in counter-trafficking in the labor and business sector focused primarily on raising awareness, training and increasing the knowledge of business managers or owners, who are then able to prevent exploitation in their business but also report potential victims or situations where workers were vulnerable to exploitation and trafficking, including in their supply chains. One director from the ten sampled organizations noted that PACOTIP Act does not adequately address business responses to prevent or respond to TIP.

The three organizations involved directly in working with the business sectors, recommended that there is an increase in awareness to government, business and NGO employees on what constitutes TIP, what to look out for in their daily work, how to respond appropriately, and how to engage with and collaborate for an effective integrated response. Mechanisms could include practice briefs, standard operating procedures, internal newsletter items, posters, social media and internal training sessions, exchange visits to partner sites, amongst other materials. An enabler of the success of the civil society organizations was that they had a proven track record and credibility of their work. This was the case for working with the government and in the prevention work with business sectors.

The organizations reported that to prevent and end trafficking, it is necessary to change the demand for trafficked individuals. The environment must become unattractive to use trafficked individuals in business, supply chains, and sexual exploitation. One way to do this is for banking and financial services to monitor, investigate and prevent monetary transfers, detect when private organizations may be fronting money laundering (knowingly or unknowingly). Investigating supply chains by businesses themselves or business sector bodies was noted as an important strategy to prevent trafficking.

The Civil Society Study further recommended scaling programs that work with businesses to eradicate exploitative practices and also ensure that supply chains do not utilize trafficked labor. Partnerships are critical to achieving this and include the involvement of DOL, business councils and forums (tourism councils, unions, NEDLAC, *Wine and Agricultural Ethical Trading Association*, amongst others). The *Wine and Agricultural Ethical Trading Association* is very active in promoting counter-trafficking and preventing exploitation in their sector.

Assessment of the response to labor trafficking

The nexus between the South African government, civil society, trade unions and the business sector primarily focuses on employment conditions and mitigating exploitation of predominantly South African. South African trade unions focus on issues of the majority of South African citizens and not migrant laborers. Trade unions interact with the government and business sector concerning exploitation but rarely about human trafficking. Due to the lack of reporting by migrant laborers, exploitation cases are investigated if reported by legal migrants. Moreover, South Africa's government has poor working conditions, regulatory oversight implementation and a congested judicial system, that leaves migrant and laborers vulnerable to exploitation and trafficking.

Figure 12 The government, business and civil society nexus

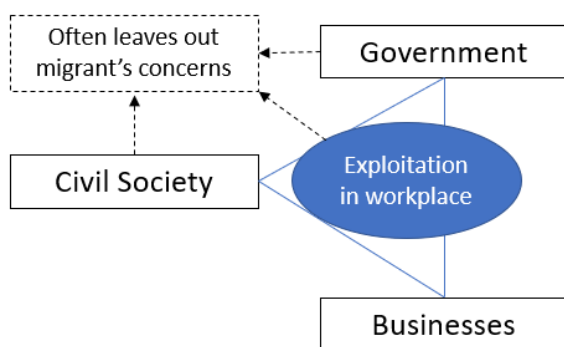
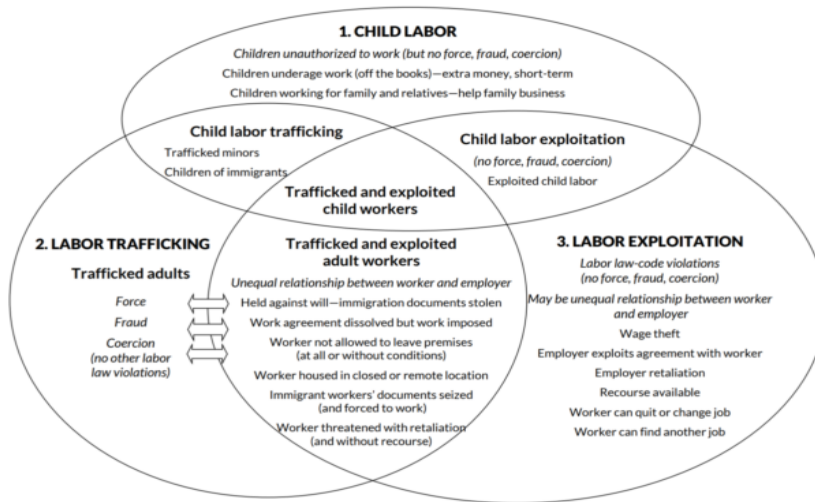


Figure 12 illustrates the complex and continuous relationship between working conditions and labor trafficking. As demonstrated, migrant's concerns are often left out of the nexus.

This nexus and interlocking forms of exploitation was also demonstrated by The Eurofound's research on labor markets (Paraskevopoulou, Fromm, and Clark, 2016) (Figure 13). This diagram illustrates the intersection of child labor, labor trafficking and labor exploitation.

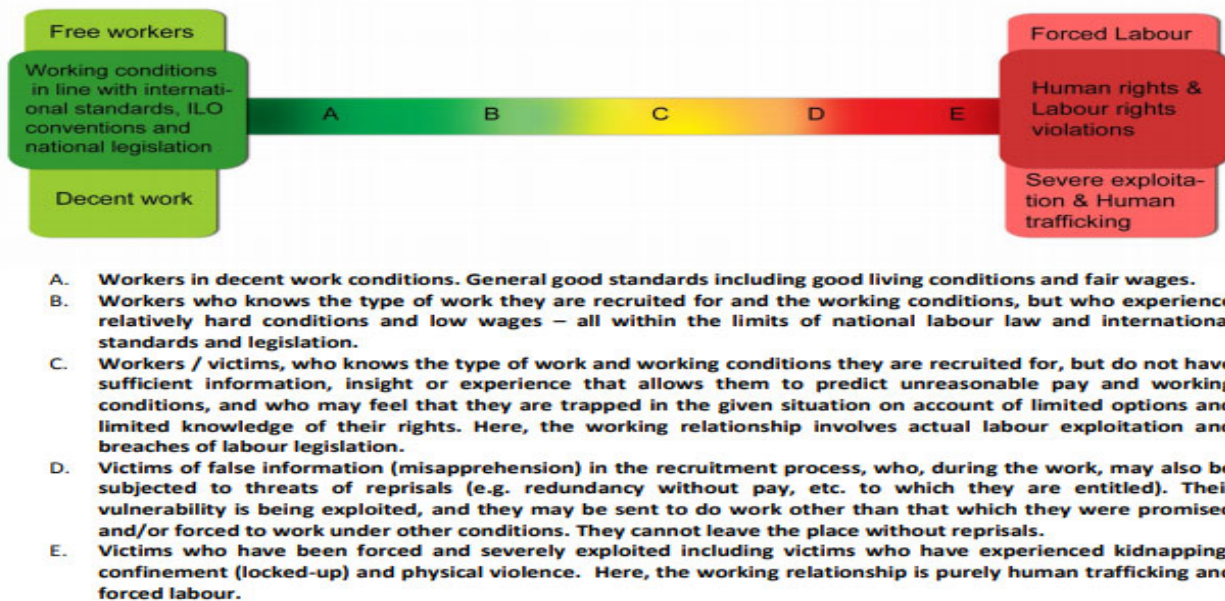
The lines between exploitation and trafficking are presented which are based on force, fraud, coercion. The figure is useful as it demonstrates when a worker is trafficked and exploited.

Figure 13 The nexus of labor, trafficking, exploitation and child



The IOM presents a continuum of working conditions (Figure 14). The literature review and Labor Trafficking study migrant respondents suggest that South Africa is more towards the right of the working continuum, mainly as there is less policy awareness and certainty around the employment and rights of foreign nationals.

Figure 14 IOM continuum of working conditions



⁴ It should be noted that items A–E on the continuum function as illustrative examples of a given situation, and are not fixed definitions.

The nexus between the South African government, civil society, trade unions and the business sector primarily focuses on employment conditions and mitigating exploitation of predominantly South African individuals. The study suggests that South Africa has less TIP policy awareness and certainty around the employment and rights of foreign nationals who find it difficult to report TIP situations, and the response to trafficking is not embedded across relevant government departments.

EFFECTIVENESS OF THE CIVIL SOCIETY RESPONSE





This research activity evaluated the effectiveness of a sample of 10 civil society programs using a case study methodology (refer to Annex 4 for the case studies). This section reports on civil societies response to TIP in South Africa, and provides evidence on South African institutional capacity to counter-trafficking. The purpose is to provide evidence from organizational experiences in responding to TIP across the 4Ps (prevention, prosecution, protection and partnerships) and on the effectiveness of the implementation of the PACOTIP Act and the NPF.







This research was conducted during the COVID-19 pandemic. Respondents noted that their services and responses had to adapt to both the pandemic and subsequent government regulations, for example, during the lockdowns. Organizations noted a change in how they delivered their services, such as a shift to virtual training and operational challenges due to the closure of government services and other lockdown measures.

Organizations further noted an increase in vulnerabilities in communities, leading to an increase in trafficking. Two organizations reported an increase in reporting of trafficking.

The interviews' findings and the emerging lessons are presented. A range of organizations was purposefully sampled across criteria to demonstrate diverse civil society responses to TIP in South Africa. The selection aimed to demonstrate different geographic footprints (national, local and international organizations), diverse types of organizations (such as NGOs, legal consultancies, shelters, training providers, intervention implementers and advocacy organizations), and services offered across the 4Ps (such as training, advocacy, victim services and victim identification). Mapping of the case studies aligns services to the NPF structure.

Table 1 Description of the 10 purposefully sampled civil society organizations

Organization number	Sector icon	Description	Case study focus
Organization 1		An international organization providing training, advocacy, communication and coordinating responses to victims of trafficking	Mobilizing effective TIP Responses
Organization 2		An NGO that monitors transit hubs	Interception to prevent exploitation and trafficking of workers
Organization 3		A training provider specializing in anti-trafficking capacity building	Specialized responder training service provide
Organization 4		An adult shelter	From victims to survivors

Organization number	Sector icon	Description	Case study focus
Organization 5		A shelter for child victims	Reducing vulnerability for the girl child
Organization 6		An independent consultancy providing business legal services	Specialized consulting service provider
Organization 7		An international organization with an early identification of potential victims' approach to prevention.	Preventing trafficking in strategic transit hubs and in communities
Organization 8		A local organization with international partners; working on advocacy, transit monitoring and education.	Empowering Government, Empowering Victims
Organization 9		A community-based organization working in one specific community	Engaging communities to prevent vulnerabilities
Organization 10		An international organization working to prevent trafficking in business supply chains	Changing business practices across supply chains

The ten case studies are presented in Annex 4.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) came into force on December 25, 2003 and ratified by South Africa on February 20, 2004. South Africa was therefore bound to develop laws to protect the victims of trafficking and prosecute offenders in a manner proportional to the seriousness of the offense. However, South Africa's record of fulfilling its Palermo Protocol commitments towards prosecution, prevention, and protection was characterized as fragile and inconsistent (Roper et al., 2020). The PACOTIP Act, and its subsequent operationalization on August 9, 2015, addresses some of these gaps. The PACOTIP Act criminalizes all forms of trafficking, including labor trafficking. The PACOTIP Act is a significant improvement on interim legislative instruments such as the *Sexual Offences Amendment Act 32 of 2007* (The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007).

South Africa's NPF was released in 2019. The NPF provides a multidisciplinary and coordinated response to achieve TIP prosecution, protection and prevention in South Africa. As a planning tool, the NPF aims to rationalize resource use and provide an effective response to TIP. The NPF sets up structures to measure progress and monitor overall implementation. The NPF seeks to hold stakeholders accountable for complying with PACOTIP Act mandates.

Multi-sectoral approaches are regarded as one of the most effective methods to manage counter-trafficking: all the leading countries on global barometers (along with some who are not) use multi-sectoral partnering in counter-trafficking efforts (U.S. Department of State TIP Reports). This involves various partnerships between state structures, partnering across the boundary between civil society and the state, inter-departmental alliances between governmental departments and agencies, as well as alliances between NGOs (Non-governmental organizations). All aim at meeting the requirements of the 4P paradigm. In an age of globalization moreover, partnership activity also involves bi-lateral and multilateral international development partners and collaboration between and among international non-governmental actors.

Partnering for counter-trafficking has many manifestations. These range from highly formalized bureaucratic interchange between state structures, to relatively indirect and opportunistic contacts working at different levels of cooperation and collaboration.

The NPF “*seeks to ensure all government departments and other engaged stakeholders from civil society are collectively guided in the implementation of anti-trafficking responses and of their statutory responsibilities. In particular, the NPF intends to support the implementation of the Prevention and Combating of Trafficking in Persons, 2013 (Act No. 7 of 2013)*” (NPF, 2019: 10).

Chapter 5 of PACOTIP details the accreditation requirements of organizations to provide services to adult victims of trafficking. The framework for the norms and standards for the accreditation of organizations is provided. Similarly, the Act states that organizations must offer specific programs and develop a plan to address the needs of recognized victims of trafficking. Services to child victims of trafficking are legislated in the *Children’s Act*, and norms and standards are provided for by the DSD (Government Gazette R1006, 25 October 2015).

Basically, in South Africa, the ‘network’, (to use another term used interchangeably with partnering), consists of three interdependent trajectories, as well as a number of sub-trajectories, running both horizontally and vertically (Figure 15).

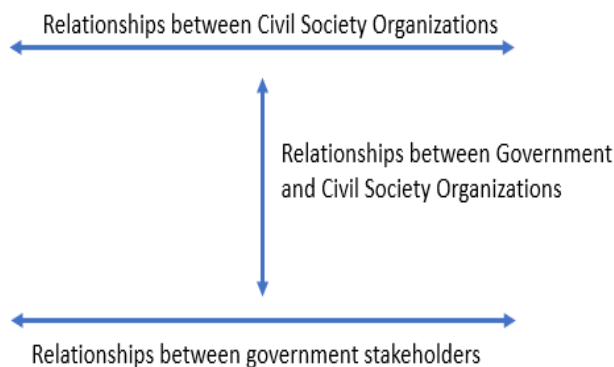


Figure 15 Network of relationships between TIP stakeholders

Firstly, along the horizontal the ‘net’ embraces key governmental stakeholders in TIP. These consist of the line departments of national and provincial government that have been designated core actors in relation to TIP. Key actors within this group are, among others, the:

- DOJCD – has a key role in establishing and leading the National and Provincial anti-trafficking structures, and in maintaining the legislative framework for the prosecution of traffickers
- DSD - which has responsibility for the protection and rehabilitation of TIP victims among a myriad of other responsibilities

- This governmental core includes the main law enforcement mechanisms - the SAPS and the NPA, DHA whose functions include, among others, the documentation of the many foreign migrants within South Africa

The second level involves the horizontal engagement between NGOs, non-profit organizations (NPOs) and CBOs dealing with anti-trafficking responses. This sector (hereafter referred to as the civil society sector) is diverse and ranges from fairly substantial organizations with relatively high capacity to small groups of a few active individuals. Some of these are national entities proximate to state policy-making; others are confined to front-line responses where they often play a major role in the identification and referral of TIP victims. The sector has - or has had - a number of coordinative mechanisms working at the provincial or national level. Currently, the NFN is the leading platform for both aggregating NGO influence and projecting civil society power on TIP issues into policy making circles.

Thirdly, is the vertical relationship between government and the NGO sector (the above two levels). Some NGOs work directly with district or frontline government officials, and /or with national or provincial representatives from governments' departments. These partnerships are primarily through two structures. Firstly, the National Inter-sectoral Committee on Trafficking in Persons (NICTIP), as the coordinating body working from national to provincial level. Secondly, technically there are nine counter-trafficking PTT in each of South Africa's provinces. The PTT reports upwards to NICTIP on a regular basis and each has - again technically - a front-line response team who communicates upwards to the National Response Task Team.

The partnering system to-date has not been assessed, barring two doctoral theses and a few articles (Emser 2013; Khanyile 2008). The consequence is that while we can presume the system is geared to the common goal of combating TIP, little is known about the effectiveness of the responses, the interactions of various actors working at different levels, and the process of selecting tactics or strategies to counter-trafficking (the pathways for impact).

Coordination on TIP between key stakeholders has often been competitive, dominated by bureaucratic agendas, or with conflicts over responsibilities in the roll-out of the PACOTIP Act. However, the emergence of the NPF along with NICTIP has to some extent mitigated the siloed behavior. NICTIP has surmounted some of the organizational problems inherent in newly developed governmental institutions, although its coordinating role could do with some improvement (U.S. Department of State TIP Report, 2018).

The notion that effective counter-trafficking requires social participation over and beyond government action has to some extent been institutionalized in South Africa's anti-trafficking culture. In accord with global patterns of counter-trafficking, the number of NGOs either fully or partially dedicated to TIP issues has increased substantially over the last few years. Today, some 300 NFN affiliated organizations and individuals fit this category. Membership of the NFN has increased and this adds to the greater capacity that can currently be brought to the 4Ps by civil society in general and the NGO sector in particular. The NFN faces a number of coordinating challenges, despite the ethic of partnering to counter-trafficking being entrenched on the TIP landscape. There is, however, room for improvement when South Africa is seen against multi-sectoral TIP action on the international landscape.

At the same time, there are various problems in the vertical relationship between government and civil society that undermine overall capability in counter-trafficking. Some of these reflect similar problems

encountered by NGOs in building capacity. The NGOs in South Africa, like many of their counterparts in other countries, are underfunded in relation to their responsibilities. The provincial structures to which they sometimes belong are also essentially dependent on their funding-raising efforts, and this determines what they can (or cannot) do concerning the 4P paradigm. The fully inclusive consultation ethic which appears to precede successful public-private partnerships (PPPs) in counter-trafficking in other countries is also not fully-formed in South Africa, notwithstanding multiple meetings, conferences and seminars involving the public and non-governmental sectors.

Partnerships within the NGO sector are also imperfect in many respects. Much as elsewhere, South African NGOs arrive at TIP with many different agendas, not all are realistic or mutually compatible. Given the absence of state funding, there is a degree of competition between NGOs in solidifying their relationships with local or international sources of funding. Notwithstanding the role of the NFN to align their members, this often undermines capacity and the operationalization of resources by the NGO community overall. This is not to deny the very valuable work being done by NGOs in both protecting and servicing victims, but an unnecessarily high proportion of their work is duplicative, fractured or nominal. NGO participation in the PTT is sometimes erratic because of the view that these structures are the compliant agents of government. Many NGOs working in the field were financially unsustainable prior to the current public health crisis due to COVID-19, which with a further economic recession, is likely to further negatively affect counter-trafficking activity.

The NPF includes the strategic goal to regularly monitor, evaluate and review the anti-trafficking responses to determine the successes and ensure the adaptation of the response to emerging trends over time (NPF, pg. 36). However, currently, there is no baseline to a) determine the effectiveness of civil society responses to TIP across the 4Ps in the implementation of the PACOTIP Act and the NPF; b) assess the relationships between government and civil society; and c) determine South African institutional capacity to counter-trafficking. In addition, as front-line responders to TIP, the experiences of civil society stakeholders contribute to building our knowledge on the complexity of TIP.

Services provided across the prevention, prosecution and protection continuum

This Civil Society Study illustrates how the ten civil society organizations respond across the prevention, protection and prosecution continuum to counter trafficking in South Africa. Organizations were concentrated either in preventative TIP efforts, or in response to trafficked victims. There is a need for more service provision for victims involved in the prosecution process. The ten civil society responses can be summarized as follows:

Prevention:

- a) Training stakeholders and professionals within government and civil society
- b) Providing targeted awareness and training to community structures, including schools, churches, community forums, shopping malls, clinics, and social media.
- c) Supporting vulnerable communities and individuals by providing clothes, shelter and food.
- d) Awareness raising in the business sector or industries, such as agriculture, fisheries, manufacturing.

- e) Monitoring borders for the early identification and prevention of trafficking, or interception of already trafficked individuals (protection).

Protection

- f) Identifying victims (either through monitoring entry and exit nodes in the country, engagement with communities, or the hotline service) and intervening, or referring to government officials for rescue.
- g) Providing services to victims before, during and after the criminal justice process.
- h) Providing services to facilitate the healing (physical and psycho-social) of victims and the reintegration of survivors.
- i) Engaging with government services to mobilize responses and resources for victims.
- j) Supporting repatriation efforts of victims where appropriate.

Partnerships and collaboration

The ten case study respondents indicated that the organizations worked across the horizontal engagement between the NGOs, NPOs, CBOs and FBOs in providing services across the 3Ps. These organizations further worked with the vertical stakeholders: numerous government departments at national, provincial and local levels. Thus, this research explored the trajectory between the two (government and civil society).

Partnerships with the SAPS, DPCI, DOJCD and the NPA were most frequently cited by organizations (reported 10 times each), followed by the DSD (reported 7 times). These government departments were rated as critical role players to collaborative responses to TIP. The NFN (9 members out of 10 case studies) and A21 (cited by six organizations) were noted as crucial role players in the network of civil society.

Partnerships with the government varied across the departments and regions. Some organizations partnered effectively with the Task team respective to their province; however, this engagement has been less successful for some. Gauteng, KwaZulu-Natal and Western Cape Task Teams collaborated with organizations reviewed, but this might be due to the geographic location of the organizations.

Across the organizations, successful partnerships with government departments were only possible if the organization knew a committed individual within that specific government department, and without these relationships, responses and support from the government were either poor or non-existent.

The organizations noted the challenge that government departments and officials lack the capacity to respond adequately to TIP. However, all civil society organizations noted that effective government partnership across departments is crucial to their work, and should partnerships be improved, the response to trafficking and anti-trafficking measures would improve.

The stakeholder mapping and social network analysis reinforced what organizations had indicated about the nature of their collaboration with the government. Civil society partnerships are primarily focused on the victim and generally have lower influence in the TIP systemic response, but a high influence on victim outcomes dependent on a high resource base. Government departments generally have lower

interaction with the victim, but greater influence on the system response. Some departments are not collaborating with case study organizations at all. However, these departments could be a lever for change in the TIP sector through collaborative efforts.

Appropriateness of Civil Society response to TIP

Key challenges identified by organizations in providing an adequate response to TIP included the length of time to access government services, a lack of awareness of TIP, identifying TIP among key first responders, a lack of funding and capacity.

Overall, the response by the ten civil society organizations is deemed appropriate. Appropriateness refers to a consideration that the response is suitable within the legal, policy and socio-economic context of counter-trafficking in South Africa. This includes the extent of organizational measures such as management, whether there are appropriate funds and resources, and the provision of quality service. Measures of appropriateness do not measure task performance; rather the focus is on system capability and operational environment, which leads to changes for quality practices, achievement of outcomes or objectives. A rubric was developed by the researchers to assess the appropriateness of the organization's response. Measures were identified across the literature (Shil, 2009; Kotsis, 2018; USAID, n.d.) to determine a range of criteria against which organizations could be assessed. The purpose of the criteria is to assess the effectiveness and efficiency of the organization's response to their specific service in the TIP landscape. Furthermore, the valuing of the criteria recognizes that the organizations differ in size, structure, geographic focus and stage of growth. Therefore, the scores of the organizations are only assessed against relevant indicators to that organization. However, the researchers piloted these criteria and feedback was gained from the NFN. Further external assessment and use are required in the longer term to validate the rubric.

Areas for improvement include developing secure financial income and sustainability plans. The sector would also benefit from evaluations of services to determine the relevancy, effectiveness, efficiency, satisfaction and achievement of the desired outcomes and impact. A systems approach and the interconnected nature of the system need to be considered to achieve an adequate response.

Civil society interviews noted that the lack of an integrated database constrains the TIP response by both government and civil society. There is concern that the data provided by civil society is not included in the current prevalence data, and at times there may be double-counting due to duplication of efforts when determining prevalence. There is a need for a standardized framework and indicators for civil society to report data. Civil society must access the data to inform their work, and a standardized and secure system is needed to provide feedback. The current government reported statistics are likely to be underreported and inaccurate, according to the experience on the ground of one organization. Civil society organizations are willing to support the government in building a verified statistical database. A database would significantly impact how the country manages TIP and inform the annual TIP report.

Not all organizations can collate, analyze the data, or share it due to capacity, resources, and organizational structure. All organizations collect reach data (for example, number of individual services provided to per annum per person) and provide regular reports to their relevant boards and directors, the relevant Task Team, or comply with their legal registration.

The capacity of civil society to respond was primarily determined by the availability of funds to employ skilled individuals to provide services. Respondents generally recognized that South Africa has good legislation and an action plan but lacks the implementation capacity and institutional commitment to implement effectively.

Civil Society recommendations to improve the TIP response in South Africa

Organizations noted that Trafficking in Persons is complex and difficult to identify. A lack of understanding of the definition and indicators of TIP hampers an effective response from authorities, as they remain unsure of their roles and responsibilities in potential trafficking situations.

Other core areas of the Criminal Justice System (CJS) that require improvement include addressing corruption, increasing education and preventative efforts, providing inter-sectoral training, increasing resources (finance and capacity), and reducing the length of time for the investigation, prosecution and conviction.

Identified gaps include early prevention of trafficking through early intervention (such as victim identification, education, strengthening the 'social net' to reduce vulnerability); increasing the number of safe houses and shelters across the country for trafficked victims; viable employment options for survivors, especially if reintegration to family or repatriation may not always be the best option; having the resources and capacity to tailor the services to individual victim requirements; and providing further legal support to victims. Further, long-term support to victims, beyond their reintegration into society is also lacking. The suggestions from the organizations to address these gaps will be triangulated with the findings of the additional research studies to provide feasible recommendations.

Lessons from Civil Society Experience to Inform Future Practice

Lesson 1: Prevention is effective through holistic community engagement and individual empowerment

Prevention cannot only focus on awareness raising. Effective prevention requires outreach to educate vulnerable individuals and communities, provide access to education, including anti-trafficking in the school curriculum, and deal with the causes of vulnerability. This requires working across community members – parents, children, caregivers, school management, police forums and others. Small interventions, such as food, clothing, and school awareness, made a huge difference in reducing vulnerability. Furthermore, creating a culture and environment where children are listened to, believed and viewed as having agency reduces lifelong vulnerability.

Lesson 2: Prevention requires engaging consumers and supply chains

Business, labor and consumer awareness is necessary to prevent the exploitation of vulnerable people and reduce opportunities for trafficking to occur.

Lesson 3: Prioritize early interception

Monitoring of borders is an effective point of early interception. South Africa has experience in this and efforts should be scaled.

Lesson 4: Success depends on collaboration between civil society networks and government

The power of counter-trafficking is in how civil society and government work together. Individually, no stakeholder or person can prevent, respond or prosecute TIP. Through purposeful collaboration, the response is effective, efficient, and has the desired impact.

Lesson 5: Continue to build a network that enables an effective response.

The network of NFN organizations is valued as no one organization needs to provide a full range of services, and the NFN enables collaboration and sharing responsibility to provide a full range of services to victims. Continue to build individual stakeholder relationships as responding to individual victim centered cases is dependent on these relationships.

Lesson 6: Caring for TIP responders is critical to maintain and build the response

Protect, care for and invest in the passionate and committed civil society, government and volunteers who respond to TIP in South Africa. Psychosocial support for individuals working in the TIP response sector is necessary.

Lesson 7: Regulations are necessary, but systems must work and accountability measures need to be in place

The TIP response is detailed in legislation, strategies and procedures. There is a need for regulations to ensure quality standards and an appropriate response; however, the procurement of receiving the required permits delays service delivery when the system is inefficient. This is particularly difficult when more than one government department is involved. Measures to hold government departments and individuals accountable need to be put in place.

Lesson 8: Training must meet the need for an effective response

Collaborative, interactive and practical training builds capacity and improves the practice of individuals who respond across the 3Ps. However, a quality response depends on a collaboration between civil society and government; therefore, inter-sectoral training is a key enabler of effective partnerships. The training must focus on knowledge and practice using interactive and participatory approaches. Reflection and discussion between participants and disciplines encourage dialogue, problem-solving, and collaboration.

In addition, ongoing training and professional development is required to refine skills, share knowledge and build the response network.

Lesson 9: Support victims over time

The protection and reintegration or repatriation of victims require time and commitment. Victims experience different journeys and require individualized responses.

Lesson 10: Data to be consolidated and utilized

Use the data and evidence that CSOs already have to guide the response. There is an urgent need for an integrated and trusted system.

Lesson 10: Leverage local knowledge

There is localized knowledge of vulnerability and potential ‘hot spots’ or traffickers within communities. There is a need to develop mechanisms to share this knowledge with stakeholders who can legally act on it.

Emerging practices from civil society for scaling

Scaling activities, programs, structures and strategies is not only about replication to increase the number of services, shelters or programs, but such replication must contribute to systemic reform of the response to counter-trafficking. Increasing the number of materials disseminated, people trained or services focuses on individual points of service delivery, but does not necessarily contribute to societal and organizational change required to sustain implementation and achieve lasting results. Scaling requires defining processes, integration of new operations with management, holding stakeholder’s accountability for the change in practices, and sustaining capacity and resource allocation. Key interventions and practices that can be scaled, if integrated into a system wide response to TIP, include:

- Scaling the monitoring of transport hubs to all international airports and to other transport sectors, such as bus transport, and training of all border and port officials
- Scaling of evaluated, accredited or quality assured training modules and programs, particularly for front-line workers (nurses, airport officials, teachers and others). This will increase the capacity to identify and intervene effectively. These can be scaled through being part of Continuing Professional Development points, key performance indicators, and internal department capacity building training and job promotions.
- Scaling awareness of TIP to all relevant government departments, all officials within government departments, and to the public (targeted messages for specific groups, such as parents or young women seeking employment)
- Scaling current school-based programs to all schools and including TIP in the curricula; however, an external evaluation is required before undertaking the scaling process.
- Collaborative and inter-sectoral efforts need to be scaled. These have been effective in some instances, but relationships need to shift from an individual level to a departmental and organizational level. This can occur using two strategies: suitable systems and standardized operating procedures that people are trained to implement. Further, reward, incentivize and recognize dedicated individuals who have and are facilitating these relationships.
- Scaling safe spaces for vulnerable women, children and men and increasing the number of shelters across the country.

- Scaling programs that work with businesses to eradicate exploitative practices also ensure that supply chains do not utilize trafficked labor. Partnerships are critical to achieving this and include the involvement of DOL, business councils and forums (tourism councils, unions, NEDLAC, Wine and Agricultural Ethical Trading Association, amongst others).
- Scaling the collection and utilization of data across CSOs nationwide through an effective and integrated system.

THE EFFECT OF COVID-19 ON TRAFFICKING IN SOUTH AFRICA: IMPACT ON THE RESPONSE TO TIP

The research asked all respondents on the specific impact that the pandemic has had on their institution's TIP work to determine the specific impact of the COVID-19 on the ability of the South African TIP community to respond to trafficking. Results varied considerably between respondents representing different types of institutions, as well as in some instances, even respondents from within the same institution.

Overall, responses confirm the adverse impact which the pandemic has had on South African organizations and institutions' ability to conduct effective anti-trafficking work across all 4Ps, prevention, protection, prosecution, and partnerships.

When discussing the impact of COVID-19 on the Task Teams, six respondents stated the pandemic *definitely* affected the teams, four respondents stated it *probably* affected the teams, and one respondent mentioned that it did *not really* make a difference.

Issues with virtual engagements (for example, connectivity, cameras not working, and not having communication software) was mentioned as the main culprit of decreased or non-participation by seven respondents. In some cases, this meant that meetings were simply not held; in others, it meant lesser participation.

Two Task Team respondents mentioned that lockdown regulations prevented them from going out to meet 'the vulnerable', which affected their means to provide the public with vital information on TIP prevention. Two respondents stated that lockdown restrictions increased backlogs and that managing the pandemic became a higher priority, leaving "little resources for our usual TIP work".

Funding for prevention and protection was a serious concern for many CSO respondents who reported that funding displacement of victims and survivors had an adverse impact on outreach and preventive campaigns. The reduction in funding was multifaceted – first and foremost, entities conducting prevention and support services experienced funding displacement toward COVID-19 pandemic response needs, as well as loss of funds from businesses who ordinarily supported certain initiatives in the field. Secondly, the pandemic also significantly reduced CSOs ability to conduct in-person fundraising opportunities. One significant challenge of the transition from face-to-face to virtual work has been the inability of activists and prevention advocates to conduct their outreach in schools and other locations. The virtual nature of meetings has also made beneficiary verification and victim service delivery more complicated.

The in-depth engagement and evaluation of the civil society response shed further light on these specific challenges. The lockdown meant in-person training to online training and school-based programs to

community engagement initiatives. Conversations and engagement with the government stopped during COVID-19 lockdown, although the work of some NGOs continued.

However, civil society organizations 5 and 8 had operational challenges due to COVID-19 and lockdown. Organization 8 was unable to apply for relevant documentation required to operate due to the closure of various departmental functions during the lockdown. Organization 5 indicated that they were financially stretched and did not receive support during the initial lockdown. Organization 5 also indicated that there were challenges and fears surrounding the risks of infection with staff, for example, social workers, traveling from home and back, and girls in the shelter. Organization 5 also highlighted that if one of the people in the shelter was to get sick, they did not have adequate facilities or space for isolation or social distancing. The lockdown resulted in retrenching staff. Organization 7 had to retrench staff at the beginning of the hard lockdown in 2020.

Organization 6 noted that the change in environment for businesses resulted in two different effects. Unfortunately, as businesses, manufacturers and supply chains had to deal with the effects of lockdown, they became more likely to exploit workers as they still had to meet production demands. This demand may further have led to the retrenchment of staff, and the remaining staff were expected to produce the same outputs – potentially creating situations of exploitation, which could lead to trafficking or debt bondage. Positively, however, Organization 6 noted that COVID-19 brought a shift in mindset for many organizations and businesses. Previously, when many were reluctant to engage with anti-trafficking protocols, a re-prioritization meant more businesses started considering exploitation in their supply chains.

On the prosecution side, responses varied quite considerably. CSO representatives and an independent consultant directly involved in trafficking trials reported fewer prosecutions of those accused of TIP related crimes. One respondent from the NPA conversely reported that while there was a delay in finalizing TIP prosecutions, there was an *increase* in TIP cases reported and enrolled.²¹ Another NPA respondent posited that the pandemic impacted the institutions' work “a great deal” because of the closure of courts and the rotation schedule.²²

Further comments related to the challenge which the pandemic had on conducting research and data collection on TIP, as is also evident in this research. Some commentators felt that while the pandemic had an adverse effect, it motivated organizations to be more iterative and creative in their online and virtual outreach activities through more intensified and targeted outreach activities.

Finally, a respondent from the Department of Justice believed that the pandemic had “*little*” impact on their ability to effectively handle human trafficking, stating that “work continues as normal”.

²¹ Due to the lack of a centralized TIP database and the omission of TIP cases from annual SAPS crime stats, this analysis was not able to verify this response through a multi-year comparison of official statistics.

²² Responses collected in the Legal and Policy Perception Survey in an open-ended question - Q. 32 which asked: “What impact has Covid19 had on your/your institution's TIP work?”

PART 3: STRENGTHEN THE RESPONSE

This project aims to contribute to a replicable methodology for collecting evidence on TIP prevalence and perpetration to enhance the response by government and civil society stakeholders. The project worked closely within the existing policy framework for TIP, the NPF, and relevant legislation. The data from the studies was triangulated with the policy frameworks to inform pathways and indicators to impact and identify where the CJS needs strengthening and what the government can develop or strengthen intervention to counter-trafficking.

This section explores indicators and pathways to impact based on the research. The aim is to build more robust research and policy ties.

The recommendations are provided in the Introductory section of this report.

REUSABLE TIP INDICATORS FOR FUTURE LONGITUDINAL ANALYSIS

Indicators for monitoring and reporting on TIP for implementation of policy, quality of services, oversight and accountability are discussed in this section.

Box 4 Indicator definitions

Evidence-based decision-making - The systemic application of the best available evidence to the evaluation of options and to decision-making in management and policy settings

Inputs - Resources that contribute to the production of activities and services

Outputs - The immediate, short-term results the activity/ intervention (usually products/goods/ services)

Outcomes - The medium-term results for specific beneficiaries, which are the consequences of achieving the outputs. (“What we wish to achieve”)

Impact - Results of achieving specific outcomes (“How have we influenced communities/target groups”)







Indicators – A Variable used to assess the achievement of results in relation to the stated objective and goals.

Source: The Presidency, South Africa

As stated in the NPF (page 10), the NPF acts as a planning tool for political and financial support and “ensure the rational use of resources and effective responses”. The NPF includes a high-level over-arching framework to measure progress on achievement and monitor overall implementation (NPF, Section 3.1.4). A range of indicators at the output, outcome and impact level (refer to Box 4) is included in

the action plan to measure progress and hold stakeholders accountable to compliance within the roles and responsibilities mandated to them by the Act.

The strategic goal in the NPF Section 3.1.4 aims “To improve regular anti-trafficking responses, adjusting them as needed in time”. Therefore, it is necessary to have sound evidence on which decisions can be made. The specific objectives under this strategic goal include (Section 3.1.4). Research is further detailed in a strategic goal (NPF Section 3.2.3), which states the purpose is “To improve knowledge on Trafficking in Persons”, with accompanying specific objectives (illustrated below) relating to the use of knowledge: (Section 3.2.3):

		
<p>To ensure systematic data gathering and analysis of all relevant information and data at the strategic and operational level</p>	<p>To ensure regular evaluation of all activities and measures undertaken within the</p>	<p>To ensure the annual review of the NPF</p>
		
<p>To ensure an up-to-date overview on Trafficking in Persons in South Africa</p>	<p>To improve the anti-trafficking framework</p>	<p>To ensure that research is relevant for policy development and linked to operational needs</p>

Consequently, research, monitoring data, and evidence must be used to inform policy and practice and guide ongoing improvements to the anti-trafficking framework. This knowledge and evidence base must ultimately strengthen the prevention and response to Trafficking in Persons, protect those at risk of trafficking, and protect trafficked persons.

NPF Indicators for Monitoring and TIP

The NPF states indicators in the action plan for 2019 to 2020. A review of the NPF indicators against the evaluative criteria of inputs required, measurement of activities by reach, change as a result of activities and the quality of services is presented in the Annex 5.

The review indicates:

- Monitoring of inputs required to implement the NPF occurs in three indicator clusters:

- Capacity and resourcing of staff, officials, NGOs and lists or resource directories;
- The legislative, policy, regulations, procedures, protocols, strategies and work plans; and
- Research, programs and materials.
- Indicators focusing on Reporting, for example, detailing annual reports, training assessment reports, number of progress reports, yearly evaluation reports and the NPF review report every two years.
- The reach of the activities within the NPF (approximately 34 indicators focus on reach).
- 14 indicators focus on changes in knowledge, skills, behavior, and increased response or service delivery (for example, investigation, prosecution, sentences, witness protection, identification); however, the focus remains on numbers (for example, increased numbers).
- However, there is less focus on the quality of services: 9 indicators about effectiveness, satisfaction, compliance, standards, and monitoring and evaluation mechanisms in place; and
- No indicators directly focusing on dosage (the length or depth of the intervention required to bring about the desired change).

This analysis indicates that the focus is primarily on monitoring activities by determining the reach figures. Reach refers to the number of people or activities who participate, receive or respond to activities.

The extent of the accountability of accredited stakeholders – both government and civil society – in terms of data that they are mandated to collect, is covered in Section 25 of the PACOTIP Act:

- (4) (a) An accredited organisation must, in the prescribed manner, collect information on victims of trafficking relating to—
- (i) the number of foreign victims of trafficking who have accessed a programme referred to in section 26; 40
 - (ii) the number of South African citizens or permanent residents who are victims of trafficking and who have accessed a programme referred to in section 26;
 - (iii) the number of victims who have accessed a programme referred to in section 26 and who have not been reported to the South African Police Service; 45
 - (iv) the countries from which foreign victims have been trafficked;
 - (v) the countries to which South African citizens or permanent residents have been trafficked;
 - (vi) the areas in the Republic to and from which victims have been trafficked; 50
 - (vii) the purposes for which the victims have been trafficked;

- (viii) the methods used to recruit and transport the victims;
 - (ix) the methods and routes used for trafficking the victims to and from and within the Republic;
 - (x) methods used to keep victims of trafficking in exploitative situations; and
 - (xi) the types of travel documents that victims have used or attempted to use to cross the borders of the Republic and how these documents were obtained. 5
- (b) An accredited organisation must provide an annual report on the information referred to in paragraph (a) to the Director-General: Social Development on a date determined by him or her.
- (c) The Director-General: Social Development must provide an annual report on the information referred to in paragraph (b) to the Director-General: Justice and Constitutional Development, as determined by him or her. 10

Trafficking could, however, be measured through indirect indicators, as proposed by (Ogrodnik (2010). Direct indicators include, for example, the number of victims, while indirect indicators include;

- The number of missing women and girls
- Incidents of children in pornography
- Number of illegal border crossings
- Number of unaccompanied minors; and the
- Number of people screened for potential trafficking at ports of entry / detained by immigration officials.

These indirect indicators are usually used in estimations of the prevalence of TIP. The pros and cons of using such indirect indicators would need to be considered by the government, civil society, and academics to determine the relevancy, accuracy, and relationship to trafficking. However, these would only provide estimates or approximations, not actual prevalence data.

The quantitative indicators for reporting must be complemented with evidence gathered from qualitative research (Ogrodnik, 2010) and evaluations to provide deeper insight into the characteristics of incidents, the complexity and interconnectedness of Trafficking in Persons, and the effectiveness of the response and anti-trafficking efforts.

In summary, the NPF indicators primarily focus on monitoring inputs, activities, reach, and outputs against the action plan. A few indicators about the quality of activities are included. However, further research and evaluation efforts are required to measure the effectiveness, efficiency and relevance of the NPF over time and to provide data for reporting, policy and decision-making. In addition, an integrated national database and repository of knowledge and clearer mechanisms for research translation are required.

International Indicators and Measurement

Internationally, there is limited research into or standardization of indicators on TIP. The *Canadian Center for Justice Statistics* in 2010 undertook research towards developing a framework to measure Trafficking in Persons (Ogrodnik, 2010). This document provides a guide towards relevant indicators specific to Canada. However, the emerging indicators could be applicable to the South African context.

Cannon et al. (published by USAID, PEPFAR and Measure Evaluation, n.d) compiled a compendium of indicators of TIP and Health. This compendium, specifically the book, recommends selecting indicators for their validity, specificity, reliability, comparability, preciseness, the feasibility of measurement, and programmatic relevancy. They are non-directional (such as worded for awareness levels and not based on increased or decreased awareness, for example). The range of 15 indicators focus on the health sector response, post-trafficking assistance and outreach programs, health status and care received, referrals, and policy. This is a helpful resource for the health sector response in South Africa and in understanding the intersections between trafficking and the social determinants of health – from a public health approach.

A statistical report produced for SADC on TIP provides insights into trends and the scope of TIP in SADC, analyzes the criminal justice responses and provides objective information to inform counter-trafficking measures and decision-making (UNODC & SADC, 2014). Data sought across the SADC countries focused on the following indicators (UNODC & SADC, 2014:21):

1. Number of TIP victims by age group and sex
2. Forms of exploitation, disaggregated by age and sex
3. Number of TIP victims by age group and sex
4. Number of traffickers by citizenship
5. Number of cases identified, investigated, and prosecuted per year per country
6. Number of convictions and acquittals, and
7. Countries of origin, transit and destination

In addition, the U.S. government Tier Placement for countries provides insight into potential measurements of government efforts to meet the *U.S. Trafficking Victims Protection Act of 2000* (TVPA) minimum standards and the Palermo Protocol. As stated in the Landscape Review (Roper et al. 2020), governments must demonstrate annual efforts to combat trafficking. The U.S. Department of State TIP ratings for a country is based on an assessment of the following:

- Enactment of laws prohibiting severe forms of Trafficking in Persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- Criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;
- Implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country and sentencing of offenders;
- Proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- Government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement in an environment of minimal pressure;
- Victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;

- The extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being;
- The extent to which a government ensures the safe, humane, and if possible, voluntary repatriation and reintegration of victims;
- Governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge fees to prospective migrants; and
- Governmental efforts to reduce the demand for commercial sex acts and international sex tourism.

Consequently, research, monitoring data, and evidence must be used to inform policy and practice and guide ongoing improvements to the anti-trafficking framework. This knowledge and evidence base must ultimately strengthen the prevention and response to TIP, protect those at risk of trafficking, and protect trafficked persons.

Synthesis and Review of Monitoring Indicators

Based on the synthesis of data in this national research study, the researchers suggest the prioritization of the following ten indicators for longitudinal research, monitoring and evaluation of TIP in South Africa:

Prevalence data:

1. Number of Victims and trend analysis of characteristics:
 - II. Number of TIP victims by age group, sex and citizenship/country
 - III. Forms of exploitation, disaggregated by age and sex
 - IV. Number of cases identified, investigated, and prosecuted per year per country
 - V. Number of first, second and third-generation victims identified (and cross-referenced to identification and service data)
 - VI. Number of convictions and acquittals
 - VII. Countries of origin, transit and destination
 - VIII. Number and type of response services received (including dosage data)
2. Number of Perpetrator and trend analysis of characteristics and provision of sentence penalties:
 - I. Number of TIP traffickers by age, sex and citizenship/country
 - II. Forms of exploitation, disaggregated by age and sex
 - III. Number of traffickers identified, investigated, and prosecuted per year per country (including those identified by victim cases)
 - IV. Number of convictions and acquittals

Reach, quality and effectiveness of the response:

1. Government funding and partnerships with the type and service of the NGO to provide victims with access to range and type of services within identified timeframes, dosage and quality standards.

2. Oversight and accountability for the enactment of coordination and implementation of policy, detailing response rates, quality of response, effectiveness and results, by legislated forums, and actions taken to remedy poor performance.
3. Quality of services measured through adherence to SOPs and beneficiary satisfaction.
4. Number of capacity building activities and individuals reached as part of the development plans for individuals and institutional strengthening, including monitoring the change in knowledge, attitude, skill and practice as a result of awareness, education or training of responders and service providers across all key stakeholders.
5. Government, civil society, business and community efforts to reduce the demand for trafficking.
6. Government, civil society, business and community efforts vulnerability of potential victims and change brought about through the activities.

Outcomes: Effectiveness, efficiency and relevancy of CJS and social response

7. Case tracking and management from identification to prosecution to longitudinal outcomes of victims.
8. Demographic details of officials and members of the public involved in corruption.

However, as experienced by the research team, conducting research in this sector is challenging. Reflecting on the research process highlights the impact of a fragmented approach to monitoring and managing research on preventing TIP in South Africa. The research team reflected on how the TIP research design and implementation could be improved to translate research into policy and practice in South Africa. The summary findings presented below are relevant for TIP research and applicable to all inter-sectoral and inter-government research and policy efforts.

An intersectoral mechanism such as NICTIP is critical for relevant and effective research implementation and ensures the translation of findings to inform policy, strategy, and practice. Research studies are enhanced through regular presentations, discussions, and engagement with inter-sectoral committee members, government departments, and civil society. Therefore, build into the research design engagement with NICTIP to strengthen research design, feedback, and validation of results. Presenting ongoing results will keep decision-makers informed of trends, insights, and practices. The questions posed during the National Study helps researchers analyze the data to meet users' information needs. It is further recommended that funders include a collaborative learning approach in their requests for research proposals. Funders must include resources to validate and translate research into policy and practice. Finally, to increase response rates, it is necessary to assure all participants that their narratives are important, including individuals and organizations in government and civil society, survivors of TIP, and those vulnerable to TIP.

NICTIP and individual government departments must incentivize stronger partnerships with academic research institutions and researchers. This will aid in identifying priority areas where the government requires research. Researchers are then able to provide the data and evidence to guide targeted interventions and ensure that the best available research guides decision-making. This will enable researchers to contribute to society and means that their research will be of greater value. To improve research and overall coordination of multi-sectoral responses in South Africa, the government needs a dedicated unit or person with overall responsibility and accompanying accountability - and resources - for addressing TIP in South Africa. This does not have to be an independent Chapter 9 Institute or anything

as costly, but a dedicated individual or unit within an existing institution with TIP as the main responsibility and accompanying authority to coordinate TIP matters across government at all levels. NICTIP members require clear decision-making powers (intersectoral and inter-departmental) to act on decisions and mobilize their respective departments to action.

In conclusion, without addressing the barriers for researchers to collect empirical data and up-to-date statistics, government stakeholders and responders will always be on the back foot – putting out fires and responding to incidents – rather than using data to prevent incidents and provide capacity and resources where needed. Research on TIP prevalence, scope and nature requires significant and time-consuming individual engagement with numerous departments in several sectors. This is because many departments have a mandate to respond in prevention, prosecution, or protection, but no single agency holds accountability for other departments' failure to perform. No single agency has the authority to mobilize intersectoral resources and issue research directives that are then followed through with actions.

PATHWAYS TO IMPACT

Pathways to impact refers to identifying how the research will contribute to society and governance (particularly policy changes) and how change occurs to achieve the desired outcomes (the long-term results of the activities undertaken).

This section provides insights into three pathways of impact to achieve the NPF aim and meet victims' needs. The three pathways to impact explored are:

1. **Pathway to impact for the TIP response model** to inform and confirm the NPF response model in South Africa and identify how planned activities and outputs (short-term results) contribute towards achieving the intended outcomes.
2. **Pathway to impact to prevent victimization and meet victim and survivor needs** to identify prevention, prosecution, protection and partnership enablers, drivers and challenges to counter-trafficking.
3. **Pathway to impact research** to improve evidence-based decision-making, influence policy, and enhance capacity to respond to TIP.

PATHWAYS TO IMPACT: THE NPF RESPONSE MODEL

The overall goal of the PACOTIP Act and the NPF is to prevent and combat the trafficking of persons. Within each of the five pillars, strategic goals and specific objectives are provided (as described previously), taken forward in the action plan for 2019 to 2022 by determining activities, responsibilities, timeframes, funding and indicators. Overall, 17 strategic goals are provided (as illustrated in Figure 11).

One approach to review the relevance of the approach and activities towards achieving the desired results (outcomes) is to determine the pathways to reach the desired goal. This is illustrated in Figure 16 below, using a theory of action approach. A theory of action provides a method of articulating the chain of results from the activities to the expected changes. By examining the NPF through the lens of action, the pathways of change and key drivers of change become explicit. In addition, activities that the government is accountable for become explicit, and where stakeholders' participation or engagement are identified. Gaps can further be identified in how the framework will affect change.

The NPF articulates the following expected eleven outcomes as a result of the specific objectives:

1. Reduced number of TIP victims
2. Increased number of victims accessing social assistance, protection and support
3. Increased number of victims accessing civil procedures, witness protection and compensation schemes
4. Increased number of trafficked persons safely and successfully returned/reintegrated home or resettled in a third country
5. Increased knowledge on different forms and issues related to trafficking
6. Increased number of investigations with respect to the previous year/s
7. Increased number of prosecutions
8. Perception of an improved capacity of the response by criminal justice practitioners
9. Increased resources for the implementation of the NPF regularly allocated
10. Increased awareness on TIP and related risks among populations and reduced rates of victims
11. Increased use of international cooperation tools in criminal matters related to TIP (extraditions, mutual legal assistance, transfer of sentenced persons, confiscation of assets/proceeds of crime)

However, these outcomes need to be examined in terms of measurement and collection of data. For example, a decrease in the number of people trafficking may increase not because there *are* more cases, but because there is greater detection of these cases and a strengthened monitoring and reporting system to detect cases of TIP.

The achievement of the desired outcomes relies on the following drivers for change:

1. A legal and regulatory framework which is implemented by all the government departments and at national, regional and local level
2. Operational and capacitated anti-trafficking and responsive coordination structures work effectively and are held accountable for action and inaction
3. Adequate resource and budgetary mobilization focuses on sustainable resourcing, including for civil society services and long-term pathways for survivors of TIP
4. A monitoring, evaluation and review system and research which translates into evidence-based decisions and policy – this requires the support and engagement of government to enable, engage and participate in the research
5. All stakeholders must participate in building the knowledge base, sharing knowledge and collaborating in the translation of research into evidence-based decision-making and learning (documented in this Literature Review and discussed further below)
6. Public and community engagement as articulated in the NPF prevention focus and in reporting, supporting and being aware of how vulnerabilities or situations can lead to exploitation and trafficking

7. Multi-sectoral and integrated capacity building to strengthen responses to prevention, protection and prosecution of TIP (considered in the NPF National Partnership section)
8. Communication, collaboration and an integrated response of the criminal justice system across government, civil society and implementation mechanisms at provincial, district or local sites

Figure 16 Pathways to Impact: NPF



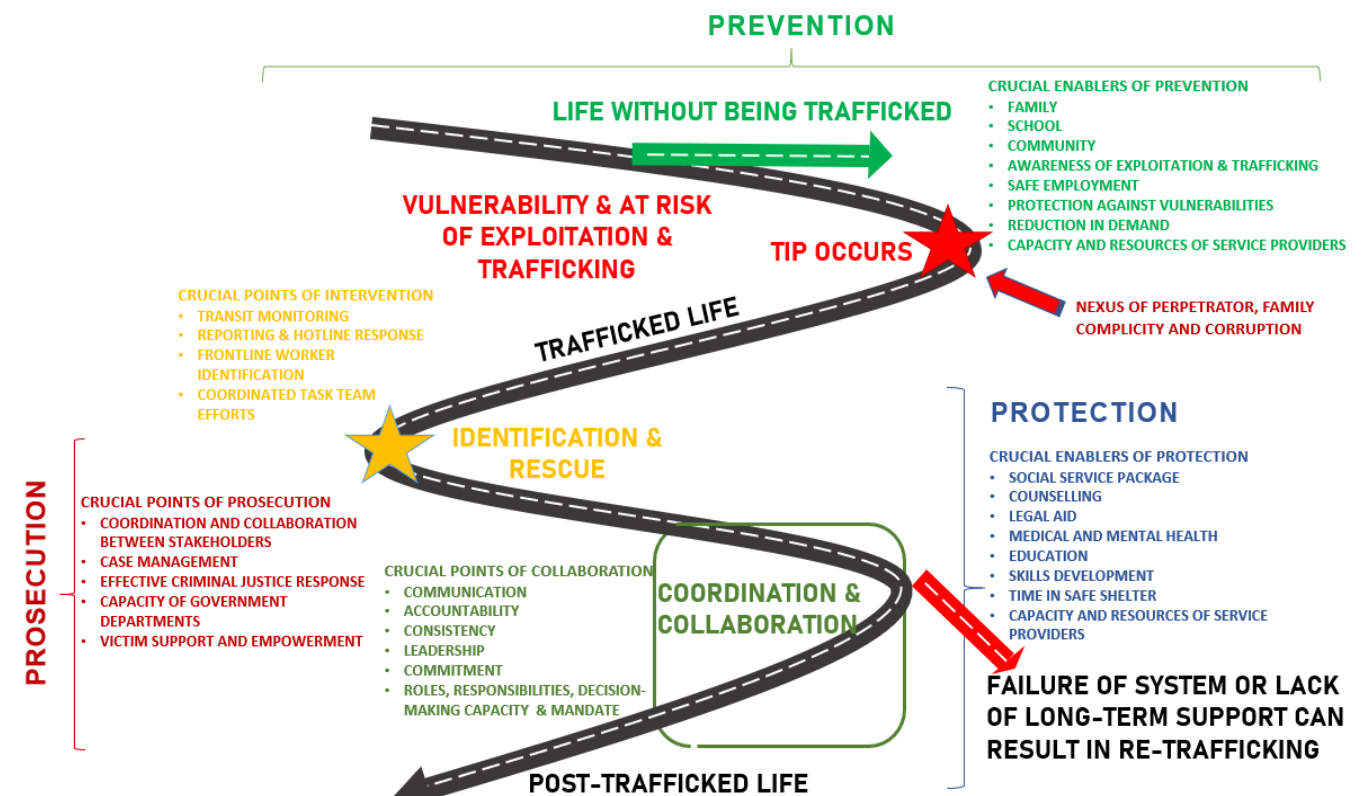
External influences have implications on the framework routes, based on the Landscape Review and the National Study, include political will and leadership; international influence on tier rating, economic and fiscal policy, regional stability; economic situation of the country, budgetary and fiscal management to garner sufficient resources to implement the policies and Framework, and competing fiscal priorities; poverty, labor, socio-economic hardships and discriminatory practices; natural disasters and pandemics, including HIV and COVID-19; methods and means of perpetrators to entice or attract, and subsequently exploit potential victims; lack of adequate legal and law enforcement capabilities; poor border control and challenges of controlling movement of people and goods across the borders; and low level of public sector and community knowledge and understanding of TIP

PATHWAYS TO IMPACT: VICTIMS TO SURVIVORS

The victim pathway is about prevention, early intervention and response. For the impact to be achieved, this requires significant commitment, resources and strengthening of capacity and coordination by all stakeholders to break the cycles of vulnerability and victimization.

The pathway to impact for victims to survivors is presented in Figure 17.

Figure 17 Pathways to Impact: Victims to Survivors



Critical drivers for impact as emerged from the research include:

1. Prevention is key to ensuring people living with vulnerability do not go down the pathway to exploitation and trafficking. Reducing the demand for labor and sexual exploitation and trafficking is

critical. Trafficking is a human rights issue, and not only a CJS, migration or exploitation issue. Marginalized communities are often affected by oppressions that make these groups of people susceptible to human trafficking experiences. Trafficking is also about reducing inequalities and increasing opportunities to support development.

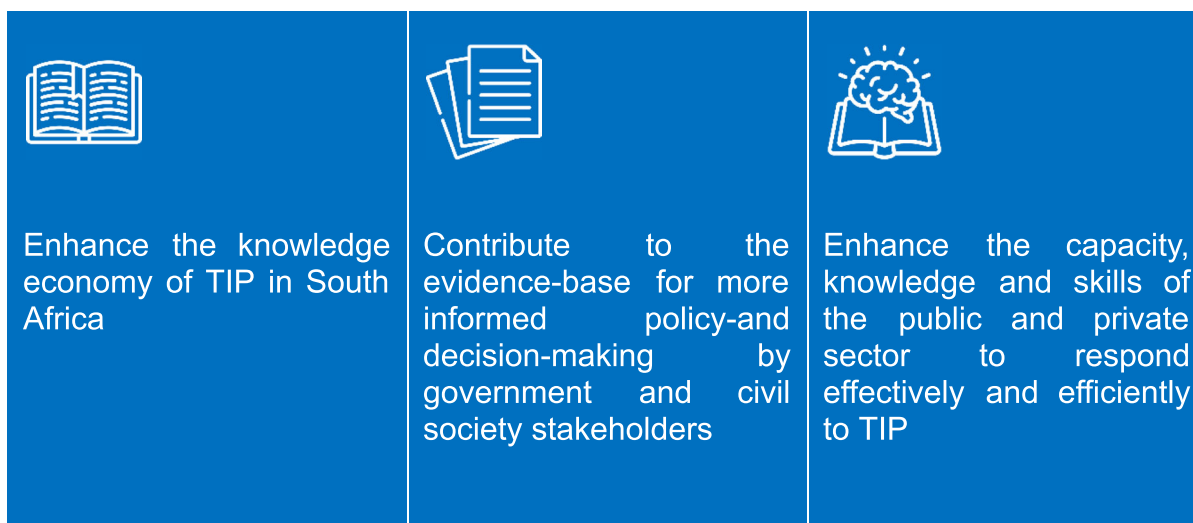
2. Early intervention, community structures and front-line responders can have a significant role in early warning and interventions to reduce trafficking at grassroots levels.
3. A coordinated and timely response where the victim is at the center enables responsive services and the journey of healing.
4. Quality services provided which allow for sharing of experiences, time, skills and expertise.
5. Caring for the carers and ensuring provisions for self-care for the service providers.
6. Viable after shelter options are essential for lifelong diversion from vulnerability, exploitation and trafficking, including, for example, step-up facilities, skills development.
7. Victims must inform the TIP response and be at the center of their protection and healing journey.

Enablers required to implement the drivers achieved desired results

- Human and financial resources within government and civil society;
- Implementation of legislation; and
- Increased awareness of what TIP is, how to identify potential risk situations, what to do if one finds oneself in a risky situation, where to go for help, and how individuals and organizations must respond.

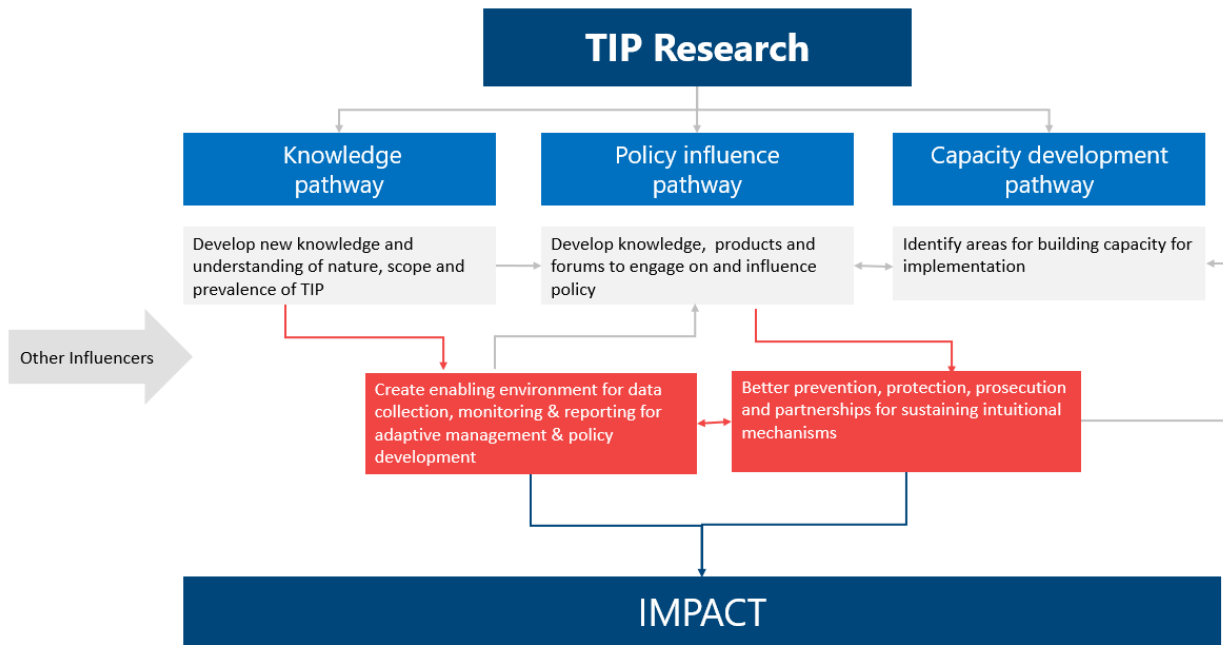
PATHWAYS TO IMPACT: RESEARCH TRANSLATION

Critical to research into TIP is the translation of research to inform policy and practice. The desired impact of the research to be undertaken in this project is to:



Research on TIP has the potential to influence policy and practice across three pathways, illustrated in the diagram below (Figure 18).

Figure 18 Pathways to Impact: Research Translation



Knowledge pathway

The first pathway provides a knowledge and evidence base upon which policy and practice decisions can be made. Therefore this research aims to consolidate existing data and research through TIP Landscape Review (Roper et al., 2020) and develop new knowledge and understanding of the nature, scope and prevalence of TIP. This knowledge aims to engage stakeholders by building their knowledge and, through this engagement, influence or contribute to their ability to make informed decisions.

Policy influence pathway

The new knowledge and resultant knowledge products aim to increase access to evidence. Through intentional engagement with stakeholders through forums and space for dialogue, it is expected that policy and decision-makers will be able to use this knowledge to improve the response to TIP in South Africa. The engagement of stakeholders requires an intentional strategy and accessible research products (outputs).

Capacity development pathway

The third pathway focused on enhancing the capacity, knowledge and skills of the public and private sector to respond effectively and efficiently to TIP. Research, therefore, must be used to inform qualifications, the ongoing professional development and in-service training of government officials and civil society practitioners in their responses to TIP. Therefore, evidence-based modules and accessible academic research are an essential use of the research. This, coupled with policy, contributes to better prevention, protection, prosecution, partnerships, and sustaining institutional mechanisms in the long term.

These three pathways rely on and contribute to creating an enabling environment for data collection, research, evaluations, monitoring and reporting of TIP for policy development and adaptive management by government, officials and practitioners. Therefore, the research and the evidence base is a critical enabler of achieving the desired impact.

However, a review of evidence-based policy- and decision-making in South Africa indicates that the translation of current and existing research is not well documented. A scan of the documents available on the *Parliamentary Monitoring Group* website (www.pmg.org.za) provides details of committee meetings, calls for comments, tabled reports and relevant questions and replies across numerous policy and governance portfolios. Further analysis of these is required to determine effective methods of research translation for policy and practice. However, this is beyond the scope of this national research study.

South Africa, however, does have previous experience in using research to inform policy. As Britton and Dean (2014) state, the process to develop the PACOTIP Act was consultative and that policymakers and consultants reviewed international legislation and deliberated on localizing international laws to fit the local context. This process included commissioning research to identify the nature of TIP in South Africa as well as "the impact of regional factors on trafficking" (op cit:7). Consequently, the authors continue, "The final legislation reflects not only the norms of the international protocols and the US TIP report but also embodies the local context and the regional factors affecting trafficking" (op.cit:7). The inclusion of local factors illustrates "local agency" (op. cit:8). As indicated in this National Study, the challenge is implementing the legislation across stakeholders.

However, as experienced by the research team, conducting research in this sector is challenging. Reflecting on the research process highlights the impact of a fragmented approach to monitoring and managing research on preventing TIP in South Africa. The research team reflected on how the TIP research design and implementation could be improved to translate research into policy and practice in South Africa. The summary findings presented previously are relevant for TIP research and applicable to all inter-sectoral and inter-government research and policy efforts.

Articulating these pathways allows for transparent monitoring of progress against defined indicators, easier reporting of results, and continuous learning from the research and monitoring activities to strengthen the service delivery and impact.

CONCLUSION

In conclusion, the National Study found that human trafficking is a growing problem in South Africa. Concerningly, coupled with the rise in TIP cases, is a trend in the decline in prosecutions, insufficient training, inadequate funding, a lack of reliable data, and a general apathy toward finding effective strategies to manage TIP, all hamstrung by a lackluster and uncoordinated response from the Government of South Africa.

Stakeholders desperately need government leadership to establish a dedicated coordination unit to provide much-needed coordination oversight that is tied to measurable performance indicators. An effective response needs to be multi-sectoral to ensure identifying, defining, supporting, apprehending, and prosecuting cases of trafficking toward a sounder response to the growing scope of TIP in South Africa. The implementation of the PACOTIP Act and NPF must be strengthened, and an effective response requires improvements to the Criminal Justice System.

The study found that while South Africa has good legislation, the poor implementation thereof is simultaneously failing victims, and bolstering the sense of impunity amongst perpetrators. Implementing the policy, putting resources and capacity behind the response, dealing with corruption, and putting victims at the center of the response would contribute to increasing protections to victims, and increasing prosecution of perpetrators, thereby achieving the stated desired outcomes to counter-trafficking in South Africa.

The study provides practical recommendations to guide the government and other TIP stakeholders in prioritizing its resources to ensure the best outcomes for victims, and South Africa's TIP response.

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Centre For Child Law v Director General, Department of Home Affairs and Others 2022 (2) SA 131 (CC)

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Child Sex Trafficking Convictions

- *S v Nahimana Allima* Case no. RC92/13 (Regional Court Nongoma, KZN) Judgment 2014-6-24.
- *S v Balele* Case no. CC 83/2017 (North Gauteng High Court, Pretoria).
- *S v Bridger/ Reyneke + S v Camilla de Waal Rossouw* Case numbers ~ Case no. CC10/2018 (Western Cape High Court, Cape Town) Judgment 2019-3-5 (main POCA Act and TIP case); ~Case no SH4/2017 (Regional Court Belleville, Western Cape) case against accused 2, 3 and 7 Sentence 2020-11-7. (adult and child victims)
- *S v Cummings & Another* Case no. SS66/2016 GJ (South Gauteng High Court, Johannesburg) Judgement 2019-5-20.
- *S v Alina Dos Santos* 2018 1 SACR 20 (GP).
- *S v Ugochukwu Eke* Case no. SS14/2016 (South Gauteng High Court, Johannesburg).
- *S v Fabiao* Case no. 4SH/144/2016 (Regional Court, Germiston) Judgment 2017-12-14.
- *S v Evelina Fortuin* Case no. not available (Magistrate's Court Cape Town, EC) Sentence 2020
- *S v Garhishe & Others* Case no. RCW 74/17 (Regional Court Queenstown, EC)
- *S v Gudwana & Others* Case no. SHM 118/2012 (Magistrate's Court Wynberg, EC). Sentence 2020-6-24.
- *S v Jezile* 2016 2 SA 62 (WCC).
- *S v Verona Kennedy* Case no. not available (Magistrate's Court Cape Town, EC), 2021?
- *S v Knoetze & Another* Case no. SCR 41/14 (Regional Court Stutterheim, EC)
- *S v Mabuza* 2018 2 SACR 54 (GP).

- *S v Matini & Another* Case no. RC 123/2013 (Regional Court Uitenhage, EC) Judgement 2017-10-27 Sentence 2018-2-8.
- *S v Fezeka Precious Mbambo* Case no. RC 329/18 (Magistrate's Court Pietermaritzburg, KZN) Sentenced 2022-3-31.
- *S v Mulambo* Case no. CC98/2018 (North Gauteng High Court, Pretoria) Sentence 2020-10-23
- *S v Ntonga* 2013 4 All SA 372 (ECG)
- *S v Edozile Obi & Others* Case no: C532/17 (North Gauteng High Court, Pretoria) sentence 2020-1-25
- *S v Augustine Omini Obono* Case no. not available (North Gauteng High Court, Benoni) Sentence 2021-4-29.
- *S v Onyekachi Eze Okechukwu* Case no: 14/546/13 (Regional Court Pretoria, Gauteng) Judgment 2017-11-27. (child and adult victims)
- *S v Alaba Makunjuola Osabiya* Case no. CC47/2019 (North Gauteng High Court, Pretoria) Sentence 2021-10-23
- *S v Gordon Kelvin Raman Pillay* Case no. CCD39/2019 (KwaZulu-Natal High Court, Durban) Sentence 2021-3-23
- *S v Seleso & Another* Case no. SS45/2018 (South Gauteng High Court, Johannesburg) Judgment 2019-11-21 Sentence 19-12-12.
- *S v Foster Simelane* Case no not available (Regional Court Potchefstroom, North West) Sentence 2014-8-21
- *S v Zweni & Others* Case no. 41/362/2012 (Regional Court Durban, KZN)

Adult Sex Trafficking Convictions

- *S v Abba* Case no CC 41/2017 Gauteng High Court
- *S v Peter Akadoronge* Case no not available (Magistrate's Court Johannesburg, Gauteng) Sentence 2021 (Nov)
- *S v Frank Amaku and Ilo Promise Somadina* Case no not available (South Gauteng High Court, Johannesburg) Judgment July 2018 Sentence 2018-8-17.
- *S v Alaba Makonjuola Asabi*, Case no. unavailable (North Gauteng High Court, Pretoria) Sentence October 2021.
- *S v Bridger/ Reyneke + S v Camilla de Waal Rossouw*
~ Case no. CC10/2018 (Western Cape High Court, Cape Town) Judgment 2019-3-5 (main POCA Act and TIP case);
- ~Case no SH4/2017 (Regional Court Belleville, Western Cape) (case against accused 2, 3 and 7), Sentenced 2020-11-7. (adult and child victims)
- *S v Ronel Eloff & Antoinette Godfrey* Case no SH 599/08 (Regional Court Welkom, FS) Sentence 2009-9-10.
- *S v Mathiso* Case no. RC110/2016 (Jeffrey's Bay)
- *S v Matini & Another* Case no. RC 123/2013 (Regional Court Uitenhage, EC) Judgement 2017-10-27 Sentence 2018-2-8.
- *S v Xolani Mkhize* Case no. SS 056/2020 (South Gauteng High Court, Johannesburg) Judgment 2021-3-4 Sentence 2021-3-10
- *S v Emmanuel Uche Odii & others* Case number 41/2382/2010 (Regional Court, Durban, KZN) Sentence 2015 October.
- *S v Onyekachi Eze Okechukwu* Case no: 14/546/13 (Regional Court Pretoria, Gauteng). (child and adult victims)
- *S v Veeran Palan and Edwina Norris* Case no. RCD 13/14 (Regional Court Port Shepstone, KZN) Sentence 2015-7-17

- *S v Vukani Shembe* Case no not available (Magistrate's Court Mitchells Plain, Western Cape) Judgment 2012-2-16 Sentence 2018-8-27.
- *S v Samantha Haether Wiedermeyer & others* Case no. 14/255/2015 (Regional Court Pretoria, Gauteng) Sentence 2018-8-27 C/s 71 (1) 2 (b) of SORMA Act 32 of 2007 (Involvement in TIP for sexual purposes).
- *S v Zweni & Others* Case no. 41/362/2012 (Regional Court Durban, KZN).

Trafficking for child labor

- *S vs Nancy Eze Light* Case no. GSH(2) 05/16 (Regional Court Goodwood, Western Cape)
- *S v Judite Augusta Nantumbi* Case no SH 45/18 (Regional Court Carolina, Mpumalanga) Judgment & Sentence 18-7-2019. Boy victim.

Trafficking for exploitation of children (buy or sell)

- *S v Coetzer* Case no. CC 76/2021 (North Gauteng High Court, Benoni) Judgment & sentence 26-1-2022
- *S v Gwambe* Case number not available yet (Magistrate's Court Nelspruit, Mpumalanga) bought baby boy for R2000
- *S v Madlala* Case no. RC 681/15 (Regional Court Pietermaritzburg, KZN). Sell own baby boy - advertise for sale on Gumtree for R5 000
- *S v Ndlovu* Case no. RC298/16 (Regional Court Nelspruit, Mpumalanga) Judgment 2016-12-8 Sentence January 2017 bought baby girl R5000 from Mozambican mum → SA
- *S v Wayne & Justine Loubser* Case number not available Gauteng North High Court, Pretoria). Justine Loubser convicted 21-11-6 TIP (sell own boy for R500). To be sentenced 2022-2-22

Trafficking for exploitation by adoption scam

- *S v Msweli & Another* Case no. RC 465/15 (Regional Court Pinetown, KZN). Judgment 2017-3-13 Baby boy trafficking: "adoption" for R2500 & aircon
- *S v Ramohlola* Case no. CC70/2015 (North Gauteng High Court, Pretoria) Judgment 2015-12-1 Sentence 2016-5-6. Trafficking baby girl & boy 6yrs for scam "adoption": R15 000 per child.

ANNEX 1 INSTITUTIONAL REVIEW BOARD (IRB) APPROVAL



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R1449 Warria

CLEARANCE CERTIFICATE

PROTOCOL NUMBER: H20/05/25

PROJECT TITLE

Research on the nature and scope of trafficking-in-persons (TIP) in South Africa. An evidence-based framework for counter-trafficking policy and practice

INVESTIGATOR(S)

Dr A Warria

SCHOOL/DEPARTMENT

Human and Community Development

DATE CONSIDERED

22 May 2020

DECISION OF THE COMMITTEE

Approved
Permission letters required before data collection can commence
Risk level: Medium

EXPIRY DATE

24 June 2023

DATE 25 June 2020

CHAIRPERSON

(Professor J Knight)

cc: Supervisor: N/A

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and ONE COPY returned to the Secretary at Room 10004, 10th Floor, Senate House, University. Unreported changes to the application may invalidate the clearance given by the HREC (Non-Medical)

I/we fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. Agree to complete a six month progress report.

Signature

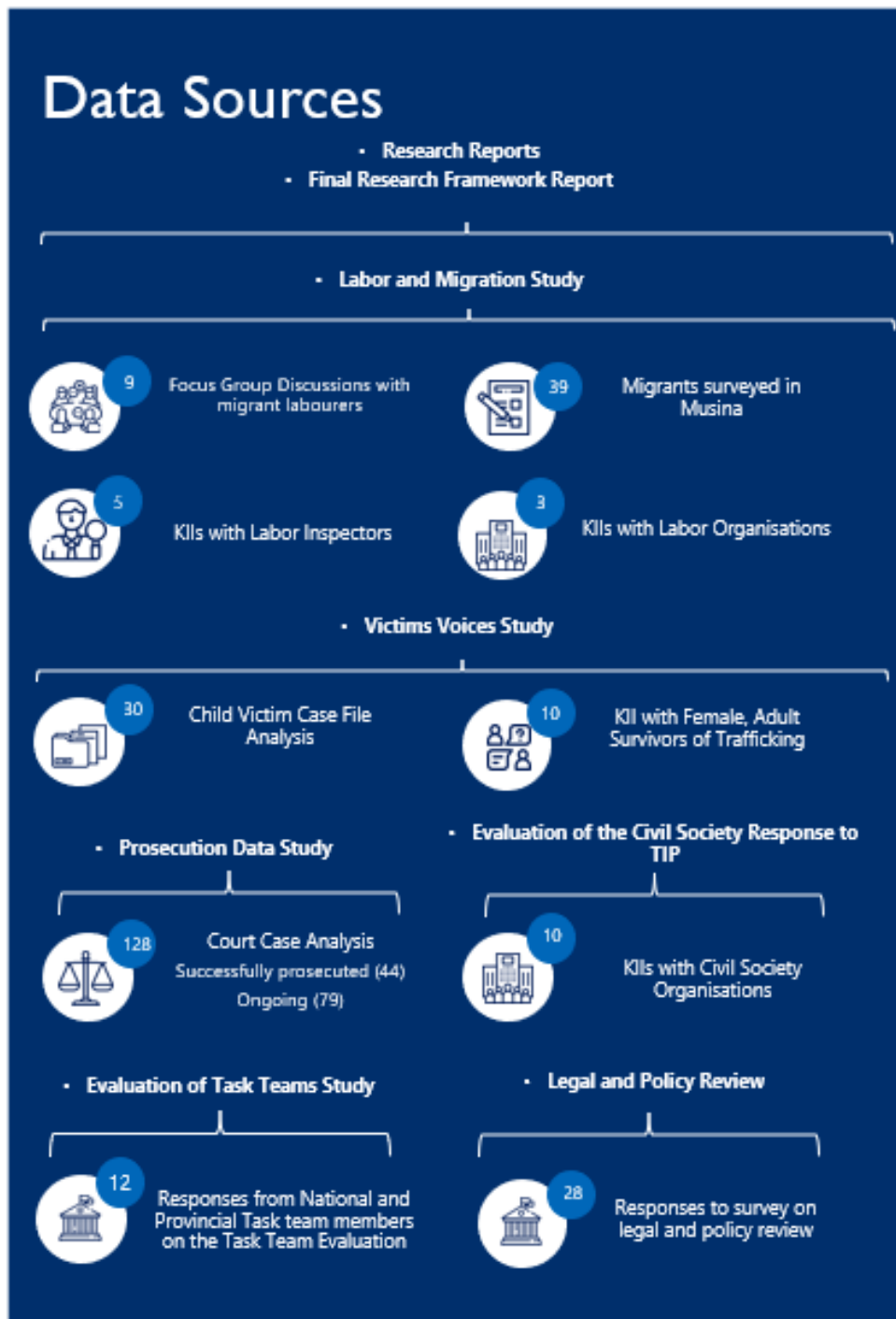
Date

27.06.2020

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

ANNEX 2 METHODOLOGY

The methodologies from the various studies conducted are documented in this annex. A summary of the method is presented in the following graphic:



STUDY METHODOLOGY: PROSECUTION CASE ANALYSIS

METHODOLOGICAL APPROACH

The multi-layered complexities of TIP in South Africa, as well as the type of evidence gathered, analyzed, and interpreted in this study, made a qualitative approach to this research the most obvious. No official centralized database or databases dedicated to TIP data is in existence in South Africa. The integrated information system required by Section 41(1)(b) of the PACOTIP Act is yet to be implemented and is supposed to provide evidence on TIP prevalence, facilitate the effective monitoring and implementation of the Act, and commence TIP interventions by collating and analyzing the specific information as detailed in this section. The lack of established information systems, therefore, required an explorative, flexible, and iterative process of data collection and analysis that was made possible with a qualitative approach. This choice was furthered by the researcher's embeddedness in the South African counter-TIP community and his familiarity with available TIP evidence and lived experiences, albeit diffused in the counter-TIP community, that have yet to be documented in a South African study (refer to Annex 1 for bio). The main objective was, therefore, to present the 'essence' of available corroborating evidence from a plethora of sources that allow for both a more even-handed understanding of TIP in South Africa and assess ongoing claims in some research that TIP is "*rarely encountered*," and that there is "*little evidence of sex trafficking*" in South Africa. Representative of the oppositions around the issue of TIP 'evidence' in South Africa, Denzin and Lincoln (1994, p. 15) describes qualitative research as: "*...a series of tensions, contradictions, and hesitations. This tension works back and forth between the broad, doubting postmodern sensibility and the more certain, more traditional positivist, postpositivist, and naturalistic conceptions.*"

As both naturalistic and holistic, a qualitative approach allowed for 'thick' descriptions of TIP data (Durrheim, 1999: 43) and enabled a flexible, open, and unstructured mode of enquiry (Kumar, 2014: 14). Insights from quantitative data were complemented by the experiences of counter-TIP practitioners and the lived experiences of witnesses and TIP victims stemming from consultations and court case data. Conceptually, complex system theory and thinking about TIP as consisting of multiple and overlapping 'systems of systems of systems' provided helpful insights into South Africa's TIP phenomenon. Complex systems thinking has been applied to TIP research in South Africa and allowed for the TIP phenomenon to be considered as 'more than the sum of its parts' (Emser, 2013; Van der Watt, 2014, 2018, 2020; Van der Watt & Van der Westhuizen, 2017; Van der Westhuizen, 2015). A system is considered as a set of relationships between subtle things that together form some kind of coherent pattern and/or whole that is capable of maintaining itself through time (Hammond, 2003: 17). Simply put, a system is a set of interacting units or elements that form an integrated whole intended to perform some function (Skyttner, 2005: 57). This conceptual approach allowed for TIP to be considered as part of multiple overlapping systems of violence and social phenomena that conceal, enable, and reinforce it. The 'mosaic of evidence' gathered in this study, and the 'constellation of circumstances' (UNODC, 2017) that illuminates it, show that much TIP evidence remains unexplored or undocumented due to overlapping operational, methodological, ideological, and socio-political factors.

SAMPLING AND DATA COLLECTION

Any available data, emic insights, and/or lived experiences related to incidents of TIP in South Africa *and* that overlapped, connected with, or were reported to any aspect of South Africa's Criminal Justice System, were considered of value in this study. Both requirements for data collection were considered necessary for several reasons, including 1) to avoid unsubstantiated claims about TIP prevalence, 2) confirmation that knowledge and evidence are not new but that it was officially brought to the attention of criminal justice practitioners, and 3) to enable *any* form of official follow-up, investigation, or response to the evidence in this study. Data was sourced from those closest to the study phenomenon. This included a spectrum of participants from civil society and the National Prosecuting Authority, who were able to provide detailed insights into TIP case reporting and prosecutions. Purposive sampling enabled the deliberate choice of participants who purposefully informed an understanding of the TIP phenomenon in South Africa (Creswell, 2013: 156) and who provided the most relevant and plentiful data (Yin, 2011: 88). Access to a range of different documents and people was a prerequisite for this research (Denscombe, 2002: 70) and provided important insights into issues related to the nature and prevalence of TIP in South Africa. Insights from courts, police statistics, and experiences from those at the forefront of counter-TIP activities, were important to include for an evidence-based understanding of the nature and prevalence of TIP in South Africa. Whatever sources seem to offer productive methods or evidence (Leedy and Ormrod, 2013, 74) were included to answer the research questions. The four basic types of information (Creswell, 2013, p. 157-158): observations, interviews, documents and audio-visual materials, were considered in this study. The diversity of participants, their experiences and perspectives, and the plentiful documentary evidence accumulated over a period of 20 years, offered added validity to the findings of the research through triangulation (Creswell, 2013: 251).

It was important to gain insights and evidence relating to the spectrum of TIP incidents reported to SAPS, and document the concomitant numbers related to registered SAPS cases and investigations. The study then sought to gain prevalence insights from the translation of registered SAPS cases into active TIP prosecutions in South African courts and finally, to study the contents of successfully prosecuted TIP cases. Both the numbers (quantitative) and documented experiences and dimensions of TIP (qualitative) were important for prevalence insights from available criminal justice system data (including transcripts, judgments, and charge sheets). For this reason, the following data points were important to consider as they reflect the continuum of criminal justice system engagements, operations, and outcomes:

Civil Society Reporting to the Criminal Justice System

The A21 National Human Trafficking Resource Line, Love Justice International, and the National Freedom Network were approached for available data related to TIP incidents reported to them. These organizations are established role-players in South Africa's counter-TIP landscape and, respectively, use standardized methods for data collection, data aggregation, and reporting to SAPS, provincial task teams, and the national task team. The data request to these organizations included:

- The number of TIP incidents (all forms) reported to the organization, or initiated by the organization for the period between January 2018 and December 2021
- A breakdown of these incidents in terms of 1) Forms of TIP, 2) The number of possible victims (such as, adults, children, nationalities), 3) Available information related to alleged perpetrators (traffickers)
- The number of TIP cases reported by the organization to authorities or provincial/national TIP task teams (such as, SAPS, NPA, DSD, DHA)
- Available insights into the response rate by authorities to these reports

- Any other relevant quantitative/qualitative data related to the prevalence of TIP in South Africa that the organization is able to share.

Only anonymized data was requested from these organizations.

Police Statistics

The following SAPS statistics was requested on October 21, 2020:

- The number of cases (nationally) on CAS under the interim Section 71 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 'Trafficking in Persons for the purpose of Sexual Exploitation' from December 2007 when the Act became operational, until the date this request is being processed. The request included a provincial breakdown of reported cases.
- The number of cases (nationally) on the CAS under the interim Sections 284, 285 and 287 of the 2005 Children's Act. These are the relevant sections for 'Trafficking in Children'. Statistics under these sections since the Act became operational (2006 or 2007) until the date this request is being processed. The request included a provincial breakdown of reported cases.
- The number of cases (nationally) on CAS under Chapter 2 (Sections 4, 5, 6, 7, 8, 9, 10 & 11) of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, since August 2015 when the Act became operational until the date this request is being processed. The request included a provincial breakdown of reported cases and, importantly, a differentiation between the number of adult cases, and the number of child cases will be appreciated.
- A provincial breakdown in numbers and a differentiation between the number of adult cases, and the number of child cases.
- Details as to how the matters were finalized and/or closed. (Undetected / successful prosecutions etc.).

Only anonymized data was requested.

Ongoing TIP Prosecutions in South African Courts

These matters included all those cases stemming from police investigations where suspects were arrested and charged with TIP-related offences and appeared in court during 2021. Active and ongoing prosecutions were monitored. Since no centralized repository for this dataset is in existence, the researcher and research assistants relied on a combination of media reports, published cases, and emails with fellow TIP task team members and colleagues. This included a breakdown of these incidents in terms of 1) Forms of TIP, 2) The number of possible victims (including adults, children, nationalities), and 3) Available information related to alleged perpetrators (traffickers).

Successfully Prosecuted TIP Cases in South African Courts

Successfully prosecuted TIP cases are those matters that progressed through the different stages of the criminal justice system – from the initial reporting and arrest of the suspects to the charging- and conviction of the accused persons for TIP related crimes. This was the final data set sampled for this study. Since no centralized repository for this dataset is in existence, the researcher and research assistants relied on a combination of media reports, published cases, historical email threads with fellow TIP task team members and colleagues, and iterative phone calls and interviews with the prosecutors

who were responsible for the successful TIP prosecutions. All available case information and records were made available by the relevant prosecutors who were successfully contacted, and relevant sections of the data capturing tool were populated during the telephonic interviews. Several prosecutors in successful prosecutions were not reached for several reasons, including non-response to requests for their participation in the study, illness related to the COVID-19 pandemic, or leaving the employ of the National Prosecuting Authority (NPA). The researcher officially consulted and testified in several of the sex trafficking prosecutions and drew on these records to populate the data capturing tool in tandem with engagements with prosecutors.

Tool development

Microsoft Excel was used to capture data from the ongoing prosecutions and the successfully prosecuted TIP cases. The tool and its purpose for the research was discussed with a number of practitioners during its development phase, and considerations for its use by practitioners after the conclusion of the study, was kept in mind. Together with insights from research assistants, the tool underwent a number of iterations to ensure that available data is optimally captured. The table below presents the principle data points included in the Excel spreadsheet for application to the court cases.

<p>Case details:</p> <p>Case name (including State v Zweni & Others);</p> <p>Court case reference;</p> <p>Name of court;</p> <p>Police CAS number</p>	<p>Charges and court proceedings:</p> <p>Convictions in terms of TIP legislation;</p> <p>Convictions in terms of other legislation;</p> <p>Type(s) of TIP;</p> <p>Judgment date;</p> <p>Sentencing date;</p> <p>Appeal information</p>	<p>Cohort 1 & 2: Victim data:</p> <p>Number of victims that testified;</p> <p>Age of victims that testified;</p> <p>Gender of victims that testified;</p> <p>Nationality of victims that testified</p>	<p>Cohort 3: Possible victim data:</p> <p>Number of possible victims of trafficking (VOT);</p> <p>Description of circumstances</p>
<p>Cohort 4: Multiple possible victims</p> <p>Description of circumstances</p>	<p>Accused prosecuted, convicted and/or sentenced:</p> <p>Number of accused;</p> <p>Age of accused;</p> <p>Gender of accused;</p> <p>Nationality of accused;</p> <p>Number of persons/suspects</p>	<p>Places, platforms and facilitators of exploitation:</p> <p>Number of places directly implicated;</p> <p>Number of secondary places;</p> <p>Details of online platforms or websites;</p> <p>Details of television, radio, or print media;</p>	<p>Other:</p> <p>Missing persons reports confirmed or mentioned;</p> <p>Evidence of corruption;</p> <p>Statements regarding nature and prevalence of TIP.</p>

	implicated, but not arrested.	Control methods used by accused; Known or estimated period of exploitation; Known or estimated period that the places of exploitation was in existence.	
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Concentric Mapping of TIP Cases

The application of complex systems thinking (Van der Watt, 2020) to successfully prosecuted TIP cases as being 'more than the sum of its parts', and the search for a 'mosaic of evidence' and 'constellation of circumstances' (UNODC, 2017) that make up TIP cases, made the concentric mapping of successfully prosecuted cases an important addition to this project. The principle underpinning concentric mapping is a simple one: TIP cases are complex, they often occur over a protracted period and in multiple geographical locations, and there are frequently more victims than those who were positively identified and testified in the trial. The same principle applies to cases reported to the police, cases that are actively prosecuted in South African courts, and cases that are reported to civil society organizations. Albeit a challenge to the positivist worldview that seeks absolute certainty and unambiguous numbers, the concentric mapping of cases makes intuitive sense. It obliges the acknowledgement that far too many victims of trafficking and possible victims of trafficking are simply glossed over, ignored, and not 'counted' by governments, researchers, and other fact-finders. After capturing all available data from successfully prosecuted TIP cases in the Excel data capturing tool, the following five cohorts of victims and possible victims of trafficking were conceptualized and identified:

- **Cohort 1:** Those victims that have testified in the trial, or who were considered a victim of trafficking but were too young to provide testimony. They were enumerated.
- **Cohort 2:** Those victims that have been positively identified as victims of trafficking, submitted statements, and/or consulted with prosecutors but did not testify in the trial for several reasons, including illness, death, or absconding from a place of safety. They were enumerated.
- **Cohort 3:** Possible victims of trafficking that have not been formally identified or screened as victims of trafficking, but who were referred to either by name or otherwise as persons who were observed and/or were interacted with [in similar circumstances] by victims or witnesses during the investigation or trial. They were enumerated.
- **Cohort 4:** Possible victims of trafficking who were referred to as 'others, or 'many others' (i.e., multiple possible victims) who were observed and/or were interacted with [in similar circumstances] by victims or witnesses during the investigation or trial. They could not be enumerated.

- **Cohort 5:** Those possible and unknown victims of trafficking in the digital/online spaces. Based on the nature of successfully prosecuted TIP cases that involve the online environment and the likely substantial number of unknown ‘others’ that are exploited in similar circumstances, these possible and unknown victims of trafficking could not be enumerated but was inferred.

A basis for validating the concentric mapping of TIP victims and possible TIP victims in successful prosecutions is fairly obvious: Victims and witnesses were cross-examined, lived experiences and evidence were corroborated and tested, and traffickers were convicted. The value of the concentric mapping exercise was confirmed early in the study when corroboration between two cases was found. In *S v Odii & Others*, a successful sex trafficking prosecution in Durban, Kwazulu-Natal, a block of flats in Pretoria, Gauteng was implicated where the victims were exploited. The same building was implicated in *S v Abba & Another*, a separate sex trafficking matter that was successfully prosecuted in Pretoria, Gauteng. Both cases involved Nigerian traffickers, and in both cases ‘multiple’ possible victims of trafficking were coded (Cohort 4). Moreover, reports of sex trafficking activities, police corruption, and other crime operations at the same building was also made available by the NFN in the case of *S v Abba & Another* and underscores the capacity of civil society organizations in practical intelligence sharing and contributions to prevalence insights.

ETHICS

Ethics clearance was granted by the University of Witwatersrand (non-medical) Ethics Committee. Approval was gained from the National Prosecuting Authority for interviews and iterative telephone conversations with prosecutors for the completion of the court case analyses. Approval was also obtained from SAPS. SAPS Statistics was made available after an extensive and iterative process between the SAPS Ethics Unit and the DPCI. However, due to the cumbersome process and significant delay in obtaining the approval (after more than 17 months), no interviews could be conducted with members of SAPS and only the requested statistics were included in the research. Informed consent was gained from each respondent prior to their participation in the research. Participation by prosecutors in interviews and iterative telephone conversations with prosecutors was voluntary, and they were allowed to withdraw from the study at any time.

DATA ANALYSIS AND VALIDATION STRATEGIES

As pointed out by (Silverman, 2013, p. 99), “*good research rarely moves smoothly*” from A, the research topic, to B, the findings. A vast number of documents, court transcripts and consultation notes, media reports, historical emails, and several hundred civil society TIP case reports were combed through over a two-year period. Court transcripts were particularly lengthy, as in the case of *S v Zweni* where the record of the proceeding was over 6,000 pages. Data analysis and concomitant interpretation included multiple iterations of checking and re-checking with prosecutors, civil society participants and, eventually, the broader South African counter-TIP network, who were invited to comment, critique, and offer explanations of the data that was presented. This resembled an “*unending process*” that developed concurrently with the researcher’s interviews, observations, and writing (Crist & Tanner, 2003, p. 205). An Excel workbook and its advanced functionalities were the primary data analysis tool (see ‘Tool Development’ above). Coding for themes, enumerating victims and traffickers, and analyzing the data for the purpose of concentric mapping, were all conducted with Excel. Preliminary findings and/or member checking (Yin, 2011) presentations for the purpose of data analysis and validation were conducted with

counter-TIP practitioners from civil society on 3 March 2022, and with criminal justice practitioners on 4 March 2022. Other presentations for the same purpose include those to NICTIP and the South African Anti Money Laundering Integrated Task Force (SAMLIT).

COVID-19

The COVID-19 pandemic had a significant impact on the data collection process. Several prosecutors that were consulted in this research fell ill and/or lost close friends and relatives during the 18-month research project, and interviews had to be rescheduled on multiple occasions. A combination of WhatsApp, Zoom and Cellphone interviews became the preferred method of collecting data.

LIMITATIONS AND CHALLENGES

A diverse range and significant volume of data, reports, lived experiences, affidavits, and other TIP evidence was made available by the participants over the 18-month period of this study. The data and evidence that was finally included in this report represent but a small fraction of what is available ‘out there’. Several practitioners and organizations bemoaned the fact that much TIP evidence that is generated in their day-to-day work, is either not properly documented by official reporting structures, or simply ignored by officials (i.e., members of SAPS, the Hawks and DSD). This was a persisting pattern as was documented elsewhere (Van der Watt, 2018, pp. 292-301). The researcher was frequently copied (cc’d and bcc’d) into email communications that included urgent requests and assistance from different government agencies in matters related to TIP threats and active cases.

Unambiguous and rigorous statistical data that clearly answers the ‘how big is the TIP problem?’ question, does not exist – not in South Africa, nor anywhere else in the world. This study did not attempt to answer the statistical question but sought to delve into existing knowledge sources to coax prevalence insights. Furthermore, these are knowledge sources that ought to be the foundation of any future TIP prevalence studies. The biggest limitation of this study is therefore that it does not offer a ‘dream’ response to TIP as an *“elusive statistical nightmare”* (Van der Watt, 2015) in South Africa. Rather, it shows – convincingly – that South Africa’s TIP problem is vastly underestimated and undercounted.

A challenge during the research was the confusion among prosecutors and participants about the multiple research requests submitted by the larger research team. Several prosecutors responded to requests for data and telephone interviews in the final weeks of the project leading up to the final member checking and validation workshop on March 4, 2022. This resulted in the submission of updated court case data and information that had to be checked, verified, and deconflicted with previous submissions from other criminal justice practitioners. Furthermore, rapport building initiatives with civil society practitioners and organizations to negotiate access to important data, was time consuming. When the data was eventually made available, the details, accuracy, and articulation of the data - with due consideration to anonymity - had to be considered. This resulted in multiple iterations of data validation during the final month of the research.

STUDY METHODOLOGY: ADULT VICTIM VOICES

Methodological approach

A qualitative research approach was applied, as it premises to give deeper meaning and to provide rich details from the participants (Fouche & Schurink, 2011).

Sampling

Purposive sampling was used based on the victims' lived experiences. The total sample of the study participants was 18 victims of trafficking. Of these, six were male victims and 12 were female victims of trafficking. Study participants were identified and recruited with the assistance of the social worker and/or program managers at shelters offering services to trafficked victims. The inclusion criteria were any gender (male, female or LGBT+), identified as trafficked and certified or meeting the criteria to be certified, receiving mental health services, should not have been interviewed (for research) in the last 6 weeks preceding this study interview, willing and available during data collection. The exclusion criteria were potential study participants with serious psychological disorders, new intakes at the shelter presenting as highly traumatized and any young person under the age of 18. The criteria were shared and discussed with the designated shelter social workers in advance.

Tool Development

A semi-structured interview schedule was developed for this study. The semi-structured interview schedule was divided into various sections to address pre-trafficking, during trafficking, post-trafficking and the future. Each of these sections had several specific questions to guide the discussions but yet give flexibility for probing.

The semi-structured interview schedule developed in accordance with the research questions that guided this study. The questions were drafted in English as this was the language used in the interviews. Due to victims of trafficking being a hard-to-reach population, the tool was not pre-tested with a study participant fitting the criteria set. However, the tool was peer reviewed by a clinical psychologist who has many years in practice and who specializes in family therapy. This assisted with the further development of the tool, as recommendations were made regarding scheduling of questions, terminologies used and ease of comprehension. Where there was uncertainty, the reviewer was asked for clarification and the research team discussed these and made amendments to the research instrument before the commencement of the actual data collection.

The interview was rather lengthy, and it took a lot of time to gather all the information. In future, maybe more participatory activities should be used to elicit information. However, the research team should be cognizant of aspects such as language, disabilities etc. when planning those data collection activities.

Data collection

The study adhered to the World Health Organization (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women (contextualized to male and LGBTQI+ victims as well). The study participants were interviewed in the shelter where they are staying. For victims not receiving assistance, there were plans to interview them in a location that was conducive to them. This was explored with the

social workers of the four victims who had been returned to other provinces. However, it did not seem feasible noting the in-depth nature of the interviews and the emotional support that was required during and after the interviews.

The specific names and actual locations of the shelters in the different provinces will not be provided in any of the reports to protect the identity of the victims, their families and staff members who work with them.

Individual interviews were used to collect data and study participants were requested to reflect on and share their experiences based on their needs and the interventions accessed or barriers to accessing them. To ensure credibility and reliability, all participants were interviewed at a venue and at a time of their choice (Mays & Pope, 2000).

The duration of the interviews varied – the shortest was app. 50 minutes long and the longest was four-and-a-half hours long. Where necessary, as per the suggestion of the study participants or depending on the psychosocial activities scheduled, the interview was broken down to several sessions and/or with breaks). Additional interviews were not scheduled due to the lockdown restrictions. The interviews were recorded on a digital device, with the study participant's consent. Refusal to have the interview recorded was based on the sensitivity of the case, especially the information shared or the stage of the investigation. In these instances, detailed notes were taken by the researcher.

Ethics

Participation in the study was voluntary and participants were allowed to withdraw from the study at any time and the data that would have been collected from them would be destroyed and not used for the study or re-consented for research use. None of the participants identified dropped out of the study.

There was a hierarchy of research permission requests and approvals required. For this study, approval was granted by the DSD-Head Office and by the Gauteng Department of Social Development. In addition, assistance was sought from NFN as the umbrella body for counter-trafficking organizations in South Africa. With these processes, documents specific to the organization were negotiated and signed such as the confidentiality and/ or non-disclosure agreements. Permission was also obtained from participating organizations and informed consent requested and granted by the individual study participants.

Anonymity and confidentiality were and will be ensured in any resulting publication and workshop or conference presentation. Pseudonyms are also used. If any names of the trafficked victims, their family members and other places or people who might put them at risk are mentioned during the interviews, to further protect the victims, the names are replaced by pseudonyms or deleted/withheld during the anonymization process. Ethics clearance was granted by the University of Witwatersrand (non-medical) Ethics Committee. The ethics clearance number is ...

Data analysis

Triangulation of data analysis was applied with two researchers going through the data and pulling out themes and sub-themes and having a discussion around them. Both grounded theory and thematic analysis were used at various points in the analysis. Finally, the data was discussed in conjunction with literature reviewed.

COVID-19

The COVID-19 situation in South Africa hugely influenced the data collection process. We had projected that if the COVID-19 situation worsened with high new infection rates and stricter lockdown measures, that we would resort to Skype/WhatsApp/Zoom/Cell phone interviews. However, this was not possible due to the technology-linked trafficking experiences that some of the study participants went through -with a high likelihood of re-traumatization.

In addition, on one occasion when the researcher arrived at the shelter (having flown from another province and with the interviews confirmed) to conduct the interviews, she was notified at the gate of the shelter that a service provider had just tested positive for COVID-19 and that access to the shelter was being stopped with immediate effect for quarantine and isolation health measures to kick in. In the coming days, more people at the shelter tested positive.

The arrangements to conduct interviews had to remain fluid at most times due to the nature of COVID-19 and the lockdown restrictions that would be implemented at short notice. Caution was also taken not to expose the study participants and their service providers to COVID-19. Therefore, we practiced hand sanitizing several times before, during and after the interviews, masks were made available, and the interview venue was well aerated at all times.

Limitations and challenges

This study required participants to recall and report about their past traumatic experiences after time has passed. Therefore, we cannot completely rule out recall bias hence participants may have omitted or inaccurately described some events that took place when they were trafficked. Furthermore, trafficking is multi-faceted and individuals experience it different based on locality and personal circumstances.

Although findings from this study are important in providing an in-depth understanding of trafficking in South Africa, they cannot be generalized to all victims of trafficking as they are specific to women who participated in this study. Moreover, given the sample size that was used in study makes it challenging to generalize the findings to all the women in South Africa who experience trafficking.

Sampling bias: Only victims being accommodated in shelters were recruited and interviewed for the study.

STUDY METHODOLOGY: CHILD VICTIM VOICES

METHODOLOGICAL APPROACH AND DESIGN

A qualitative research approach is applied in this study, and statements were extracted from the child protection cases in the files using case file analysis.

The child's voice is the expression of their will, and participation in matters that involve them is pertinent. However, the research approaches involving directly interviewing children have been debated and are often somewhat controversial. Being heard is important to everyone – including children. Of late, children's voices are increasingly being championed in various studies. However, limited child-friendly methodologies are being applied, the sample sizes are typically small, and social work files are rarely investigated. The present study analyzed child trafficking using the children's case files in social work agencies to close this research and practice gap.

Rather than interviewing child victims of trafficking, this study reviewed child victims of trafficking cases through their social work files (and finalization reports submitted to the Children's court for statutory intervention). According to Hayes and Devaney (2004: 314),

social services records generally, and case files, in particular, are not only repositories of information but also provide an insight into contemporary practice.

Case record reviews are viewed as crucial in the identification of “what is ‘behind’ the safety, best interest determination and well-being information regarding daily social work practice and how those interventions are influencing the child’s rehabilitation (Carnochan, 2018). This information can be used to inform policy and also to examine and improve social work practice.

According to Reid (2020), file review research can be particularly valuable when studying hidden and vulnerable populations such as child trafficking cases. The types of documents in files include but are often not limited to:

- 1) *investigative documents (referral contact notes and investigative narratives),*
- 2) *court documents (detention, disposition, and jurisdiction reports), and*
- 3) *practice documents (contact notes, family assessments, case plans, and case plan updates)* (Carnochan, 2018: 5)
- 4) *physical health reports etc.*

Therefore, they are a treasured source of information, allowing us to look into the practice of social work and the mediating influence between the social worker and the beneficiary or service user.

Given that studies using social work case file data in South Africa are rare and go through stringent ethics clearance, the major objective of the present study was to investigate child trafficking cases based on the reports of the children by using data from the case files.

SAMPLING

Purposive sampling was used for this sub-study. For this type of sampling, the file samples chosen for the study were based on the aim of the study (Reid, 2020). For this study, with the assistance of the social work supervisor, the selection was of all case files of child victims of trafficking in the Child and Youth Care Centre (CYCC) over a five-year period (2015-2019), as the project was commissioned in 2020. However, this was refined to include 2020 and 2021 to determine the impact of COVID-19 on TIP cases and due to the nature of the research question. This period included both intakes and/or discharged cases (both open and closed cases). As stated by Witte (2020), research questions involving service provision cannot be answered expansively without case file data.

The case files of trafficked children in care were accessed from the various registered child protection organizations. In South Africa, there is no specific residential care facility for trafficked children. They are cared for in the same residential care facilities as other children found to need care and protection (according to Section 150 of the Children's Act, No 38 of 2005). Therefore, the files were accessed from different CYCCs, and consent was provided by the Department of Social Development (DSD) provincial office, the manager of the care facility and the senior social worker/supervisor in the social work unit.

Motivation for assent and consent to access file was not considered as necessary - we consider that informed consent and assent is not necessary for this study as this study is a record review of social work data – and no new information was collected or interviews conducted. Hayes and Devaney (2004: 329) call for a balance between undertaking necessary research and protecting the confidentiality of individual service users, especially children. They further indicate that

it would be of perverse consequence if, in trying to protect the rights of vulnerable individuals, that their lived experiences were lost, and those responsible for formulating policy and delivering services knew less, rather than more, about the needs and views of the marginalized in society.

This information to be collected is or should be available in the children's files, and this was the only data collected. Data were anonymized from the time it was accessed, and no individual's identifying data will be made public. The study merely wants to collect background information, know how identification occurred, the indicators used, and the services provided. To recall trafficked children and their families to provide assent and consent for the information to be collected may add additional stress. However, if the children were in the care facility at the time of data collection, assent could be sought - depending on their age and in line with the right to self-determination. Assent was only sought verbally, from one child and in the presence of the senior social worker, for one of the cases.

Participation bias may also affect the study if assent and consent are sourced later – the request might be misunderstood or build fear or stigmatization. In addition, there are numerous children, more than 50% of the files sampled, who had been returned to their communities of origin and thus to track all of them down, within and out of South Africa, would have increased the length of the study, is an expensive process to pursue and would have been tedious with the lockdown situations in the country and beyond. However, we take cognizance and recommend it as an important aspect of future studies where possible. This recommendation would also mean fully following up on cases upon return/reintegration and updating contact details.

In seeking to protect the rights of vulnerable individuals, the lives of these same individuals may go unstudied with the consequence that they receive less appropriate services. In light of this, communication with the Wits HREC (Non-Medical) (Aug/2020) indicate that assent and consent from the

trafficked child and parent/caregiver could be waived, but in place of this, the manager of the CYCC give permission to access the files. In cases like this where explicit consent might not be possible, and the research is in the best interest of children, we adhered to the following as recommended in the study by Hayes and Devaney (2004: 329) on the use of social work files for research:

- a) The number of people who have access to the data before it is coded and anonymized was kept to a minimum – with only the author of the report collecting and coding the data.
- b) Coding and anonymization took place as early as possible in the data processing. This was done when the data was cleaned on the template.
- c) We recommended that the data be handled by staff in the organization who have a duty of confidentiality. Ajwang' Warri, the lead researcher for this activity, was responsible for the data and adhered to confidentiality. The same will apply to other team members involved in the study and with direct access to the raw data through team discussions.

TOOL DEVELOPMENT

The data collection instrument was based on an extensive literature review and was guided by the research questions.

The tool was reviewed by Gyan Dwarika, Child Protection Directorate: Child Trafficking at DSD. Most of the suggestions made by Gyan Dwarika were focused on adding important questions (and sub-questions) for the template. Where recommendations or amendments were unclear, clarity was sourced and discussed further with the research team. This ensured not only greater alignment with the focus of the study but also with policy directives.

A template was designed for recording the data. However, the numerous lockdowns and the tight data collection period made it challenging to pilot the template before starting actual data collection. The first study might have served as a pre-test and few questions were either adjusted or added. This data was also included in the study for analysis.

The children's anonymity was protected and will continue to be protected beyond the project – and in presentations and any research publications that will emanate from the study. Accordingly, the actual names of children's files accessed will not be mentioned in this report. However, the coded names will be used instead, for example, Case File 1.

RECOMMENDATIONS

In future, it is recommended that a multi-case study design is applied as this would provide a more reliable and meaningful framework of the hidden and complex trafficking phenomenon. According to Reid (2020), a multi-case research design when conducting trafficking research can identify core patterns, trends and variations. Cross-informant validation of the file data can be achieved by conducting focus group discussions or KI interviews with social workers, child and youth care workers and psychologists with experience of working with trafficking victims and looking at court documents. These triangulated information sources can validate and elaborate on the case file data (Reid, 2020).

DATA COLLECTION

Due to the sensitive nature of the study, only one researcher, who is a registered social worker by profession, collected the data. Access to the CYCCs was sometimes limited due to the lockdown restrictions and the (rate of) new infections at the CYCC and aligned to the provincial restrictions. With contact tracing and decontamination processes that had to take place, data collection times were also affected. For these reasons, data was only collected in Gauteng Province.

Similarly to Reid (2020) study with sex trafficking victims, the information on the child victims of trafficking files for this study was not saved electronically and was only available in paper format. Therefore, one had to go to the CYCC physically to access the files. With some of the cases being closed, it also meant that the head social worker/supervisor got the archived files or appointed another person to retrieve the files. However, this also meant knowing or having records of children who had been discharged from the center. Due to the nature of the agreement reached with DSD as the custodian of childcare and protection in South Africa, the person retrieving the information from the files was not allowed to leave the center with the files. This meant that the CYCC had to organize a space for the researcher. These spaces varied from using the offices of social workers not at work on that day to working in the board room to working in shared spaces with the social workers. The times spent at the CYCC also varied – from 7 hours to 10 hours (excluding travelling time).

Similar to the study by Carnochan (2018: 5),

documentation methods and content included: (1) recording the client's perspective, often using quotes, (2) incorporating emails or reports from other practitioners directly into the case record to present multiple perspectives on the case, and (3) recording key concerns and strengths about clients, placements, and service providers and explaining how concerns were ultimately resolved [where applicable].

The researcher sought to record as much relevant information as possible for each case (regardless of whether it fitted the areas identified on the template). Thus, we synthesized many pages of narrative documents for each child to track their trafficking experience and other related incidents of socio-economic, psycho-emotional, policy and practice-based issues. This was crucial because there was no certainty about returning, especially with the lockdown restrictions. In addition, the collection of the extra data also ensured that this information could be included in the analysis, thus providing in-depth findings.

ETHICS

Confidentiality, anonymity, informed consent from parents or guardians and informed assent from child participants are important ethical issues when conducting case file reviews and analysis. Often when data is collected and recorded in social work files, it is not done with research purpose in mind. Thus, the use of this data to meet research objectives may be questionable especially in cases where there was no a-priori consent/assent, and the client cannot be reached to provide informed consent. In other studies, this has opened up possibilities of existing data misuse and access to sensitive data.

The following ethical considerations guided the data collection and processing in this sub-study: Ethics clearance was sought from the University of the Witwatersrand Human Research Ethics (non-medical) Committee (HREC) prior to data collection. Permission was also granted by the relevant government

departments overseeing the CYCCs. It should be noted that several organizations known to work with child victims of trafficking declined to take part in the study due to their own internal policies around research on trafficking and based on the sensitivity of the cases they have worked with or are currently working with.

Only information that would inform the study questions were extracted. Qualitative descriptive information that would support the quantitative data and the specific template guidelines was collected for example, notes from the children, extracts from social work notes etc. Despite this, the data was extracted and recorded in a manner that protected the confidentiality of the child victims of trafficking. Every effort was made to ensure that the "subjects cannot be identified, directly or through identifiers linked to the subjects" (Vassar & Holzmann, 2013 in Reid, 2020: 5). Identifying information was removed from the raw data before it was analyzed and shared with the rest of the study team.

Safeguards for the appropriate and safe use of the data was outlined and will be adhered to – including when the study is completed. Confidentiality clauses were specified for the researcher who collected the data and confidentiality agreements were discussed prior to accessing the files. No files or notes in electronic format were accessed – as per the criteria set.

Clients from the files reviewed, even those still in care, will not be contacted to ensure the dissemination of the research findings. The study team weighed the risks and benefits, and due to consent not being sought directly, feedback will only be provided to their court appointed guardians including social workers and managers of the CYCCs. In cases where concerns of harm especially were picked up, these were discussed with the senior social worker in charge of the team for further action to be taken.

Research is a give and takes process. Therefore, the researcher (a qualified, registered social worker with over 15 years of experience) also made herself available for consultations and discussions on challenging cases that the social workers working with the children in the CYCCs were experiencing. This was not specific to the trafficked children but to other children in care. She was also at hand to provide debriefing where needed. The researcher was also able to observe how the social workers were working under challenging and strained circumstances with the COVID-19 pandemic and the subsequent lockdowns which were in place. It was evident that the trafficked children's cases were riddled with overlaid complexities aligned to social norms, child and adolescent development, poverty, parenting challenges, migration and movements and partnerships with other service providers in supporting goals linked to assistance provision. This also calls for general social work support and specific support to social workers working with trafficking victims especially in times of pandemics.

DATA ANALYSIS

The data from the case files were recorded on the template. In cases where this was not possible, additional notes were made on a separate page and notebook. The project did not design an analysis template that would have been used to facilitate thematic analysis. Therefore, data were analyzed manually using thematic analysis.

Simple descriptive statistics were used to help summarize the data collected during case file review. These statistics involve frequency data (such as a simple tally or count of data), frequency distributions (putting data in groups, such as grouping them by the children's nationality, age, gender etc.), and graphical representations of data (where applicable).

COVID–19

The Coronavirus lasts longest on smooth, non-porous surfaces, such as plastic and less on cardboard paper. However, COVID-19 protocols were still observed when accessing the files, such as sanitizing before and after finishing with the file record, avoiding touching of my eyes, nose and mouth. The CYCC also cleaned and disinfected the surfaces/desks using disinfectant products before I was allocated a place to work.

In addition, it was important for the researcher to keep her mask on at all times as some of the files were rather dusty (from the archives). This was also important when in those shared spaces or when someone dropped in to check on how I was doing or brought in more files. I was not allowed in the CYCC on days that had been scheduled for fogging or when there were suspicions of positive infections (staff and/or children) at the CYCC. This meant that extraction of data might have taken longer in certain instances as I had to reschedule the data collection.

STRENGTHS, LIMITATIONS AND CHALLENGES

There are several strengths and limitations to the present victim voices sub-study to be considered when reading this report and drawing conclusions:

This study is one of the first to systematically analyze child trafficking content in South Africa using a case files. The researcher was allowed access to the case files, with different types of reports and from various sources, which removed the subjectivity attached to conducting interviews. Although our sample of 30 cases is not quite substantial – the combination of both qualitative and quantitative data yielded much data for analysis. In addition, when read in combination with the other studies, compelling generalizations can be drawn about child trafficking prevalence in South Africa.

Although case file review and analysis was a time and resource intensive process, conducting the reviews helped in understanding child trafficking, based on the multiple reports (where available) and especially in cases where all persons who have assisted the child (including their family) would not have been available or easily accessible.

Firstly, this was a qualitative, in-depth study of case files in five CYCCs in Gauteng Province, conducted within a very tight COVID-19 lockdown timeframe. The sample comprised case files with respect to all cases pre-selected by the social worker. Thus, the findings and conclusions from this study only cannot be deemed representative or generalizable to all child victims of trafficking.

According to Witte (2020: 4), in severe or complex social work cases and critical moments, the documentation of information is more detailed, and there is a stronger focus "because the accuracy of case files is frequently considered a sign of the quality of practice and thus is used to evaluate the actions of professionals." There was also a lot more detail in files of children where there was evidence of ongoing service provision. In cases where language barriers existed, less direct interventions were provided and the file was not detailed.

When working through the cases, it was clear that each case study tells its own story and entails a complex narrative concerning the child under discussion and the back, current and forward stories and events related to their trafficking experience. Similar to the study by (Bowyer et al., 2015: 11),

the complexity of these cases presents challenges in presenting trends and patterns, whilst at the same time providing information on the features specific to each case. Despite these limitations, the findings presented here provide a rich picture...

The data from the case files were not triangulated with interviews with professionals or parents or with data from the Children's Court. Thus, the findings represent an in-depth analysis of a single level complex childcare and protection process rather than a complete cross-section of these sample cases.

The children's files included notes from child and youth care workers, social workers and attorneys. There were records of court sessions, statutory interventions and panel discussions. In addition, there were also medical, forensic and/or psychological reports, and court orders. However, there might be more information that was not precisely recorded or that was noted and there were further reports not filed in hardcopies. Therefore, there might have been underreporting of information or the information was recorded elsewhere. This case file analysis is limited to the information recorded in the pre-selected files made accessible by the CYCC. The fact is that the quality and completeness of case file data vary based on different issues beyond this study's scope. Every effort was made to produce a thorough analysis of the data collected. However, the analysis and discussions cannot be said to be inclusive of data that was not included in the case files or those that were not accessible or made available to the researcher when data collection was being conducted.

STUDY METHODOLOGY: LABOR MIGRATION, EXPLOITATION AND TRAFFICKING STUDY

Methodological approach

Understanding the phenomena and nexus between labor migration, exploitation and trafficking in South Africa requires a qualitative approach. The experiences of migrant workers in South Africa were collected through a prevalence survey and focus group discussions. In addition, key informant interviews were conducted with government stakeholders and Civil Society Organizations (CSOs) in the labor, migration and counter-trafficking sector. The objective was to explore the nexus between human trafficking, forced labor and migration, the current policy and institutional gaps and how the status quo affects the NICTIP interventions and recommendations.

Sampling

A prevalence survey collected the experiences of migrant workers living in South Africa. A total of 37 responses were received. In addition, nine migrants participated in two separate focus groups - five males between the ages of 20-38 and four women between the ages of 20-42. The participants were from Zimbabwe, Mozambique, Democratic Republic of Congo and Lesotho.

Five key informant interviews and two in-depth interviews were conducted with officials from the Department of Employment and Labour (DOL). These include a series of key informant interviews with the Deputy Director of the Directorate of Inspection and Enforcement Services (IES), and four Provincial Chief Inspectors from the North West, Free State, KwaZulu-Natal, and Mpumalanga Provinces. The IES represents the DOL on the National Inter-Sectoral Committee on Trafficking in Persons (NICTIP).

Tool Development

The interview tools were developed after conducting the TIP Landscape Review (2020) and during the migration and labor literature review. The tools were developed collaboratively by the lead researcher and the research assistants, and reviewed by the Co-Principal Investigators for content validity. The tools were developed based on the questions and specifications and constructs emerging from the literature review.

The first administration of the tools acted as a pilot test of the tools. From this pilot, the researchers reflected on the administration process, the clarity and format of the questions, and reviewed the results and reliability of the data received. The tools were deemed valid for this data collection. The tools were written in English; however, the researchers administered them in the language of the participants where possible.

The following tools were administered:

1. Labor, migration and trafficking prevalence survey
2. Focus group guide for migrants
3. Key informant interview guide for stakeholders, including government and business representatives

Data collection AND ANALYSIS

The data was collected in two phases. Firstly, a site visit was undertaken to Musina in the Limpopo provinces to conduct the prevalence survey and focus groups. The second phase involved conducting the key informant interviews with the government officials. Permission was granted by the relevant government department prior to conducting the interviews.

The qualitative data was analyzed using thematic coding. Data was triangulated across the tools and respondents.

Ethics

The research was approved by the University of the Witwatersrand IRB Committee application H20/05/35. Approval was gained to engage with migrants by NORSA Musina prior to conducting the prevalence survey and focus groups. Approval was gained from the government departments prior to the key informant interviews. Informed consent was gained from each respondent prior to their participation in the research. The data transcripts are saved securely on the Khulisa system.

Limitations and challenges

The researchers were unable to get responses from labor and migration centered organizations and institutions such as The Commission for Conciliation, Mediation and Arbitration (CCMA) and the International Organization on Migration (IOM). The researchers did not gain permission to conduct the key informant interviews with the Department of Home Affairs. In addition, the researchers were unsuccessful in their efforts to engage with business sectors due to COVID-19 challenges (such as lockdown), a lack of response to interview requests and time constraints (for both researchers and business representatives).

STUDY METHODOLOGY: LEGAL AND POLICY REVIEW

Methodological approach

The Legal and Policy Analysis utilizes a mixed method methodology consisting of a combination of 1) a desk review to compare the current legal and policy framework with global best practice; and 2) a stakeholder perception survey.

PART A: Desk review

The lead researcher responsible for policy and legal framework review conducted a desk review of the PACOTIP and NPF, including relevant reports, articles and reviews available. Specifically, the researcher reviewed the following documents:

- The Prevention and Combating of Trafficking in Persons Act 7 of 2013 (PACOTIP)
- National Policy Framework of 2019 (NPF).
- The National Action Plan (NAP) for TIP in South Africa
- US State Department Annual Trafficking in Persons Reports for 2016-2020 (5 years)
- United Nations Office on Drugs and Crime (UNODC) Model Law against Trafficking in Persons
- UNODC global reports on anti-Trafficking for the past 5 years with specific reference to any mention of the legal and policy framework for South Africa
- UNODC regional reports for Southern Africa Development Community (SADC) on TIP for the past 5 years with specific reference to any mention of the legal and policy framework for South Africa
- Any other reports, assessments and analysis by local civil society and academic institutions that have assessed, analyzed or critiqued the process, outcome, or implementation of PACOTIP or NPF
- Relevant academic articles assessing South Africa's PACOTIP against global best practice and the UNODC Model Law against Trafficking in Persons

Citing the UNODC Model TIP Law and other articles citing global best practice, the research compared PACOTIP and NPF against these global resources to establish where and how the local legal and policy framework compares, and to identify potential shortcomings and opportunities.

The desk review presents relevant background information which is augmented by survey responses to present analysis and recommendations.

PART B: Perception Survey

The desk review is augmented by a Legal and Policy Survey instrument which was shared widely among TIP stakeholders in the Government of South Africa, the National Prosecuting Authority (NPA), South African Police Service (SAPS), civil society organizations, victim's assistance groups, international development partners and academics that collaborated with the South African government in the drafting of the legislation and policy.

Data was collected over several months in the second half of 2021 using a self-administered survey tool developed on the SurveyMonkey platform. The survey comprised of 58 questions grouped in various sections to obtain insight into the perceptions and understanding of key TIP practitioners and stakeholders operating within the South African TIP landscape. While the response rate was low in relation to the number of requests sent out, clear patterns emerged in the responses which will be discussed in the Analysis section of the report.

Sampling

The aim of the survey was to gain responses from the largest number of respondents within the South African TIP community as possible. As such, the inclusion criteria for the survey instrument included anyone considered a 'stakeholder' within the TIP sector in South Africa whether they be representatives in Government, police, NPA, Civil Society Organizations (CSOs), NGOs, academics, international development partners and others who work on TIP matters.

Primary sampling occurred by including all stakeholders on the research team's primary database of TIP stakeholders in South Africa. Primary sampling resulted in sending the survey out to 155 potential respondents. Of those respondents, the survey was completed by only 29 respondents, an approximately 19% response rate. Of the 29 completed surveys, five were incomplete, resulting in a completion rate of only 16 percent for fully completed surveys. Respondents were contacted at least 2-3 times over a period of two months and provided with adequate time to respond and complete the surveys. Some key respondents were also contacted via WhatsApp to aid with the survey completion.

A list of organizations represented by respondents are listed.

Secondary sampling occurred through snowball (or chain-referral) sampling by relying on existing study subjects to share the survey tool with additional potential participants from among their own acquaintances. Inclusion criteria therefore was primary TIP study subjects contained in an extensive database, and any of their acquaintances not yet known to the researchers who have in the past, or does currently, work professionally, or in any other capacity, on TIP in South Africa (this can include prevention activities, prosecution, protection or in partnerships). Exclusion criteria was limited to those not previously or currently engaged in TIP-related activities in South Africa.

Tool Development

The Law and Policy Analysis survey tool was developed by the Law and Policy Research Consultant in close collaboration with the rest of the USAID TIP Research team who reviewed the tool for accuracy, comprehensiveness, clarity, length, as well as technical administration issues. The tool was signed off by the Lead Researcher and shared with USAID as part of our milestone submission.

Recommendations

It is recommended that the survey tool can be further implemented by a TIP coordinating body in South Africa to continue gauging insights into the efficacy and effectiveness of the current legislative and policy frameworks available to practitioners and prosecutors in combating TIP in South Africa. It is recommended that the findings be fed into a feedback loop to strengthen gaps identified during the

research, to increase a deeper understanding of the functioning of the legislation, and improve implementation of the existing policies, particularly in so far as cooperation between different stakeholders, and accountability of all parties involved in TIP.

Data collection

While the initial intention was to administer the survey tool during one-on-one in-person key informant interviews (KII), COVID-19 necessitated a shift in the research modality from in-person administration to self-administered surveys developed on SurveyMonkey shared over email. While this approach relied on an opt-in, rather than an opt-out approach, resulting in a high rate of decline, this approach did theoretically increase the potential sampling size significantly, far beyond what the researcher would realistically have been able to administer in-person.

The online survey tool comprised a set of 58 questions. To simplify responses and increase the ability to compare responses across different survey participants, most of the questions on the survey were closed-ended questions limited to a set of pre-populated responses. In some instances, the survey tool uses a standard five-point Likert scale to ascertain a survey respondent's perception of a particular statement. To increase the accuracy and usefulness of the surveys, most of the questions required an answer to avoid respondents simply skipping over questions. Some questions provide an opportunity to highlight an 'other' response, and there is a comment box at the end of the survey where respondents were able to contribute any additional information or comments for future consideration by researchers.

Ethics

The Legal and Policy Analysis is a non-invasive aspect of the larger TIP study and does not have any specifically onerous ethical considerations. This part of the research study nonetheless did receive full ethical clearance from the non-medical Human Research Ethics Committee at the University of the Witwatersrand in May 2020 to conduct select interviews with Key Informant Interviews.

Data analysis

Data analysis was done by the Legal and Policy Research Consultant using the available SurveyMonkey data analysis tools. Analysis was conducted at various levels, by looking at the responses holistically to ascertain what percentage of respondents answered in a particular way – and to assess how certain aspects of the research are ranked compared to each other. The researcher also analyzed specific respondents' responses to gauge a clearer picture for example of how prosecutors or government respondents responded as compared to practitioners in the field such as CSO and other non-governmental actors. Any outlier responses by survey respondents were reviewed closely to identify any anomalies or new information not previously known or considered.

COVID-19

COVID-19 had a significant effect on the research where most of the data that would normally have been collected using in-person methods were moved online. While this did increase the potential size of the sampling pool by making more respondents accessible than what would have been possible in person, it

also increased the decline rate by relying entirely on people to opt-in. This resulted in a response rate of only around 20 percent of surveys sent out being completed in its entirety.

Limitations and challenges

The greatest limitation and challenge to the legal and policy research was the difficulty in obtaining responses from potential participations. This can likely be ascribed to a combination of time constraints, or apathy by most of the TIP stakeholders in South Africa toward participating in time consuming research, despite its value and the frequent calls by government and other stakeholders for an urgent need for more empirical data on trafficking in South Africa. A select few respondents also struggled with technology challenges, in particular difficulty in responding to the survey questions which had a 'required' answer. This was designed to avoid an unusually large 'don't know' or no answer response.

Despite regular meetings with the Department of Science and Technology, and frequent meetings and pleas for assistance with members of the TIP leadership in government, the NPA, SAPS and other government departments, up to the Deputy Minister of Justice, the Legal and Policy survey tool received only a 19 percent return rate on survey requests. While the research team completed all necessary ethics applications, and painstakingly socialized the approvals obtained by ethics committees and leadership in government and the team constantly emphasized the critical need for participation of all TIP stakeholders to ensure the robustness of the research, it was exceedingly difficult to obtain timely, if any response from the vast majority of potential respondents, including from leading TIP stakeholders in the country, and in particular from government stakeholders.

As previously explained, because of COVID-19, the limitations/challenges were further exacerbated with the online nature of the survey which made it very easy for survey respondents to decline, ignore, or not complete the survey in its entirety.

STUDY METHODOLOGY: COMPARATIVE ANALYSIS OF THE CAPACITY OF TASK TEAMS

This specific research activity aimed to, as stated in the proposal, conduct a comparative analysis of organizational capability of the NPF structures established to manage TIP, which will contribute to learning and provide recommendations to strengthen the Task Team response.

A comparative analysis methodology was proposed to understand the effectiveness, efficiency and relevance of the various Provincial Task Teams responses to the prevention, prosecution and protection against Trafficking in Persons and partnerships in South Africa as proposed in the PACOTIP Act and the National Policy Framework (NPF).

A mixed methods study was planned to gather qualitative and quantitative data for comparative purposes. The research design included in-depth qualitative interviews and followed by a quantitative

electronic survey. This would allow for comparison and extrapolation to determine current practices and develop recommendations to improve policy and services in South Africa.

Ethical approval was gained from the University of the Witwatersrand Human Research Ethics Committee (Non-medical) prior to conducting the research (H20/05/35). Informed consent was gained at the beginning of each engagement with respondents. One respondent did not agree to participate in the survey, and despite answering a few questions, this response was not included in the analysis as consent was not given.

SURVEY DESIGN

The survey questions were framed in line with National Policy Framework's (NPF) explanation of the description and responsibilities of each of the three levels of legislated Task Teams (discussed in this report). The lead researcher developed an initial diagnostic tool, which was reviewed by the Khulisa and University of the Witwatersrand research team. Amendments were to convert the tools into a survey which could be administered electronically as COVID-19 regulations in South Africa at the time meant in-person interviews could not be held across the country. A further review of the research instrument was undertaken by the research team and the client. Final changes were made prior to submission of the survey for ethical approval.

The survey was administered using JotForm. The tool was pre-tested by the researchers prior to release.

SAMPLE

The sample was expected to include members of the NICTIP, Provincial Task Teams and Rapid Response Team members. Specifically, the following sample was required to be able to conduct a comparative analysis at the Provincial level:

- a) Each of the nine provincial Chairperson of the Provincial Task Teams (non-probability convenience sampling)
- b) At least two provincial Task Team members from different provincial government structures, for example SAPS, NPA, DSD, Department of Correctional Services (DCS) or Home Affairs (purposive sampling based on researcher's judgment, availability of respondents, permission from government departments)
- c) At least two members from different civil society organizations who participate in the PTT (sample method – purposive sampling based on recommendations from NFN of their organizational members and through the PTT chairperson recommendations (snowball sampling))
- d) If relevant, representatives of national organizations who do not participate in the PTT or who participate in one or more of the PTT.

It was estimated that each PTT would have a max of 10 representatives (as per the legislation), NICTIP would have approximately 20 representatives. The estimated population size of 100, accounting for differences of representivity and participation at provincial level. At a confidence level of 95 percent and confidence interval of 5, 80 responses would be required for the quantitative data to be statistically sound. The survey was emailed directly to 77 potential respondents, and snowballed by three individuals.

The final sample of 12 responses included the following sample (note a person can be part of one or more Task Team):

Member of NICTIP	6 respondents
National Rapid Response Task Team (NRRT)	5 respondents
Gauteng Provincial Task Team	1 Respondent
KwaZulu-Natal Provincial Task Team	1 Respondents
Western Cape Provincial Task Team	1 Respondent
Free State Provincial Task Team	1 Respondent ²³

Respondents represented the following departments:

Civil Society Organizations/Research Institutes	8 respondents
Government:	4 respondents
National Prosecuting Authority (NPA)	1 respondent
DOJCD	1 respondent
Department of Social Development (DSD)	2 respondents

The sample response is not deemed sufficient to provide a significant confidence level for a comparative analysis.

SURVEY DISSEMINATION

The survey was initially planned to be open for the month of July 2022. The survey was sent via email on July 2, 2021 with reminders on July 9, July 16 and August 6. On August 10, the Chairs of NICTIP were requested to support the survey distribution and encourage survey participation. The link to the survey was also sent in the chat by the research team during a NICTIP meeting. Another reminder was sent on September 13. Additional contacts for the Western Cape Task Team were received, and an additional email was circulated on August 23.

²³ Note: It is possible for one respondent to be a member of NICTIP and/or NRRT and/or a provincial Task Team

On October 22, 2021 a communique was circulated from Deputy Minister John Jeffreys was sent to various deputy ministers requesting that they support the effort for their departmental representatives to complete the survey. The survey link was written on this communique.

Despite these communiqués, no responses were received after August 6, 2021.

The survey was sent to all contact details that the team has for NICTIP, and the National and Provincial Task Teams. Participants were asked to snowball the survey – to send it on to past and present Task Team members. 77 individuals were emailed directly, and in addition two Chairpersons (that we know of) and the NFN then forwarded the survey on to their Task Teams.

The survey relied on direct email contact to the members as provided by NICTIP, snowballing and direct communication by the NICTIP and government departments. In total, only 13 surveys were completed, one of which did not include informed consent and was therefore not included in the analysis. Read receipts were received from 33 individuals who did not complete the survey²⁴. Three emailed surveys initially received undeliverable messages, and outreach was made to update their contact details. Two survey links were sent to contacts where an undelivered message was received.

Technical errors may account for fewer survey responses than expected. For example:

- Challenges and difficulties while trying to access or complete the survey, 6 individuals indicated that they experienced technical difficulties and requested assistance.
 - o 4 individuals were assisted until they were able to successfully complete the survey
 - o 1 individual continued to have server challenges, and instead a fillable pdf version of the survey was sent through for completion; however, no response was received
 - o 1 individual did not reply at all
- Technophobia and lack of skills, and lack of survey format familiarity
- Load shedding, COVID-19, lack of access to internet and data could account for some

CONSEQUENCE OF LOW RESPONSE RATE

The response rate of surveys completed was 17 percent (n=13/77), which was extremely disappointing to the researchers. The low response rates are not representative of the Task Teams in either composition of members or geographic location. Therefore, the results of the survey cannot be generalized. The analysis focused on qualitative data as the sample was too small and lacked statistical power to draw inferences on the quantitative data.

The administration of and data collected from this study instrument is consequently viewed as a pilot phase of the instrument validation. It is recommended that NICTIP administer this instrument in future and if a sufficiently large response rate is gained, the data can be used for a comparative analysis.

This study could not therefore conduct a comparative analysis due to the small response rate.

²⁴ 38 read receipts in total; however those who later completed the survey are not counted

STUDY METHODOLOGY: CIVIL SOCIETY RESPONSE REVIEW

Methodological approach

A case study methodology is used to understand a range of civil society (NGOs, CBOs and FBOs) services that respond to the prevention, prosecution and protection of Trafficking of Persons and partnerships in South Africa. A case study method allows for an in-depth quantitative and qualitative study of examples of services. Case studies allow for comparison and extrapolation of lessons learnt and emerging best practices or principles of effectiveness, which can apply to other services under similar, but not necessarily identical settings. The aim is to learn about the services and provide evidence for making recommendations to improve policy and services in South Africa.

Although the focus of the case studies is on 'successful programs', a negative case or elements may emerge. These provide learning opportunities and may provide critical information about the services, beneficiaries or identify areas for improvement.

Sampling

The sampling methodology utilized was purposive, stratified sampling. The research team collaborated with the NFN to sample and gain access to organizations. Organizations were sampled to try and gain adequate representation across the four "P's of TIP; organizations working in the prevention of TIP, prosecution of TIP, the protection of individuals and finally, any organizations working on partnerships within TIP. Following this mapping of organizations, regional and national presence was considered – to try and get a representative sample of coverage by organizations. The different funding models (private, government) and beneficiary groups were also considered in sampling criteria to try and get a diverse set of organizations.

The NFN then contacted these organizations to introduce the research, introduce the research time and invite participants to participate in the research. Individuals who responded were then interviewed. The research team would like to acknowledge the NFN for their assistance in this regard.

Following these interviews, the research team identified that the majority of respondents had been faith-based (Christian) organizations and that there was an inadequate representation of organizations working in the protection of TIP. Further sampling was then implemented to conduct interviews with shelters and organizations working in TIP that were either religious, or from other faiths. However, only one response was received.

From an initial sampling of 17 organizations, 9 organizations responded, and interviews were conducted with them. The research team then contacted an additional 6 organizations, and 2 further interviews were held. Ten organizations were selected for case studies.

Tool Development

The research tools were developed by the lead researcher of the relevant research activity. Tools were

developed by drawing on the outcomes of the TIP Landscape Review, relevant literature reviews and reviews of existing applicable instruments.

First drafts of the tools were developed based on the specifications, constructs and questions. The tools were then peer-reviewed by the research team. Other experts also reviewed research tools in the field; the NFN and another TIP expert reviewed the case study methodology.

For this study, all the quantitative and qualitative tools submitted were granted ethical approval by the University of the Witwatersrand non-medical ethics board (H20/05/35). Ethical approval will have to be granted for the use of these tools for future use, in future studies, by relevant Institutional Review Boards. As many of the qualitative questions are designed to be more of a focused conversation, permission was also granted to probe and ask similar questions depending on how the conversational interview unfolded.

The research team found the organizational interview questionnaire to be thorough and serve the report's needs. While interviews were designed to be semi-structured, they became very discursive; organization representatives focused on the more experiential questions. Further, many representatives did not know organizational figures off-hand, and obtaining that data retrospectively became more challenging. A future recommendation for this kind of civil society review might be to separate the tool into a pre-interview survey followed by a discursive interview.

Data collection

Semi-structured interviews were held virtually via Zoom with directors or program managers of each organization. Participants were also asked to share any relevant reports or background documentation – but only one organization shared this documentation. Further data was collected, where available, from the organization's websites.

Focus groups with program beneficiaries were intended to be held, but this was not possible either due to COVID-19, beneficiaries were not available, or organizations could not refer us to specific people.

This report and the findings were also presented to organizational participants for data validation and further collaboration. This was done through a validation seminar with the NFN, and interviewed organizations. Overall, key findings, pathways, and recommendations were validated. In some instances, organizations requested wording or phrasing to be amended, or to emphasize certain findings more. The report and presentation were amended to reflect this. For further details on the validation process, refer to the Validation Seminars Report.

Data analysis

The data on the civil society organizations was primarily qualitative. Interview transcripts were analyzed and thematically coded for shared content, themes and lessons. Transcripts were analyzed both as an individual instance and as a part of a whole. Success stories and cases of interest or practices that could be scaled were extracted. A stakeholder network analysis was conducted based on the interviews and pathways, mapping connections across stakeholders. The analysis of the stakeholder network analysis only reflects the views of the researchers.

Ethics

Ethical procedures for data collection were followed. Prior to data collection, all participants were given a participant information sheet, which provided details about the research and details about their involvement. Following this, participants provided informed consent if they were willing to participate and recorded their interview. These letters contained contact details for the principal researcher, lead researcher, and ethics board so that participants could contact the relevant person if they had any further questions.

Consent was reconfirmed either at the beginning of an interview, or as a survey began, and participants were also informed that their consent was retroactive and that they could revoke their consent post-interview.

The research team also made the services of a psychologist available to all participants should any participants feel that they needed psychological support after discussing the contents of the interviews.

All participants consented to having their interviews recorded. One participant requested that their interview remain completely anonymous – and all identifying information has been redacted, and that interview was not transcribed. Otherwise, interviews were transcribed for data analysis.

COVID-19

Due to COVID-19 all information was collected virtually through Zoom interviews and online. Site visits, training and program activities were unfortunately unable to be observed. Further, focus group discussions of beneficiaries were unable to occur in person, but the challenges outlined below could not happen virtually either. While the research team could not validate organizational activities, the research team does not believe virtual interviews compromised the research.

Limitations and challenges

A challenge to this research was a lack of engagement by organizations. This could be due to a variety of reasons such as;

- Unwillingness to participate in the research (some organizations declined)
- Outdated contact details
- Lack of organizational capacity to respond to emails and research requests (unresponsive)
- Mistrust within the sector and/or mistrust towards the government.

However, the research team would like to acknowledge the organizations that did partake in the research, despite these constraints.

Another challenge was gaining access to and information about organizations not associated with the NFN. This meant that finding non-Christian organizations was a challenge, and then, once some organizations were found – organizations often did not have websites or had outdated contact details available. As a result, the sampling is skewed towards faith-based (Christian) civil society service providers. However, all respondents indicated that they provide services to all in need, regardless of the

faith of their beneficiaries. The research team does not believe this to have compromised the validity of the research's insights.

The research team believes that through the civil society validation session, where the findings will be presented and discussed, the findings will gain further validity.

USE OF THE METHOD FOR FUTURE STUDIES

The questionnaire utilized for the study remains valid and applicable for future studies. This methodology can be replicated to profile further case studies that were not sampled for this study. Elements of this methodology, such as the rubric can be periodically utilized as a way for organizations to review their progress and performance and continuously improve. The tools can be utilized by any civil society organization or any other organization wanting to review civil society organizations.

However, the following are recommendations to improve data collection ease and validate findings.

Before the interview, a 'pre-survey' was sent out to civil society organizations. This is to obtain quantitative data and statistics that the organization might not have 'on hand' during an interview and might have to look up. The pre-survey results can then be used to prompt and probe during the interview.

A secondary part of the interview – or interview process – should be a facilitated discussion with all key management of the organization. This process would be a facilitated mapping of stakeholders as mapped overall in the report. This process would also conduct a facilitated self-reflection on the rubric measurement.

Following the interview, conduct a site visit of the organization and observe organizational activities (for example, a training session) and interview beneficiaries to determine their experience of organizational services and validate findings.

The case study template is available for use to generate graphic case study depictions for any other organization.

Following the validation seminar with CSOs and the NFN, an additional session was held with the NFN to discuss how they can utilize the rubrics and the stakeholder mapping activity. The NFN were interested in taking these tools forward and utilizing them with all NFN CSOs.

The NFN and GOSA could utilize these tools (interview guides, rubrics, mapping) and templates to develop monitoring and quality assurance as part of the Standard Operating Procedures for civil society and government collaboration. These can then further be utilized to report on TIP to Parliament, the minister, or wherever else necessary.

ANNEX 3 BIOGRAPHIES OF RESEARCHERS

Margaret Roper, Principal Investigator and Evaluator

Ms. Margaret Roper is a technical expert with nearly 20 years' experience leading and executing monitoring and evaluation (M&E), social research, learning and development, capacity building and training, social policy and practice assignments. With extensive experience in project management, strategy and process design, program development and implementation, she has particular expertise in the fields of social justice, child protection, children in conflict with the law, child development, behavior change, resilience, early childhood development, and education.

Ms. Roper has worked for various clients, including United States Agency for International Development (USAID), United Nations Children's Fund (UNICEF), United Nations Populations Fund (UNFPA), national and local government departments (Department of Basic Education, Department of Social Development, Department of Community Safety and Department of Health), international NGOs, including Oxfam Australia, local NGOs, and the private sector.

She has worked extensively in social research, evidence-based and participatory development of policy, strategy, service delivery programs, advocacy and system-strengthening initiatives; developed accredited and non-accredited capacity-building projects and programs to increase service delivery and achievement of outcomes for organizations; and writing case studies and documenting programs to strengthen cross-program collaboration and share knowledge to inform decision-makers, influence policy and inform practice. Her other key areas of expertise and experience includes: leading and conducting external evaluations to determine efficiency, effectiveness, relevance and impact using participatory and transformative methods, including development of evidence-based recommendations; developing M&E systems, theories of change, instruments, reporting templates and mentoring organizational capacity for implementation. Ms. Roper holds a Master of Social Research from the University of Sheffield. She is based in Johannesburg, South Africa.

Dr. Ajwang' Warria, Co-Principal Investigator and Research Expert

Dr. Ajwang' Warria holds a Doctoral degree in Social Work from the University of Johannesburg; currently working as a senior lecturer in the Department of Social Work at the University of the Witwatersrand (Wits), where she writes extensively on trafficking issues. Prior to joining Wits, she worked in the counter-trafficking field in southern Africa – with victims and training practitioners working in the trafficking field. She has extensive experience managing and coordinating research projects, and has led projects commissioned by United Nations Children's Fund (UNICEF)-Department of Social Development (DSD), Save the Children, Department of Community Safety, and others.

Dr. Warria's relevant track record in research and publication in Trafficking in Persons (TIP) is demonstrated by eleven (11) years of specialized experience related to TIP and counter-trafficking. Her PhD was on child trafficking and policy development, and she has published 16 articles on child trafficking in peer-reviewed journals (both international and local) and 3 manuscripts are currently under review. She is a member of the academic network (hosted by the University of Bedfordshire (UK)) researching child sexual exploitation, violence and trafficking.

She was part of working groups (coordinated by South African government departments), which were instrumental in creating anti-trafficking and child protection policy documents such as the South African Child Exploitation Strategy, the Guidelines on the Prevention and Responses to Child Exploitation and co-drafted South African National Policy Framework for Prevention and Combating Trafficking-in-Persons (Zero-draft).

Professor Jabulani Makhubele

Professor Jabulani Makhubele holds a Doctoral degree from the University of the North West and a Master's degree in Social Work from the University of the North. He is currently a researcher, professor, and postgraduate coordinator in the Department of Social Work at the University of Limpopo.

Professor Makhubele has extensive research, and supervision experience as well as significant experience in managing research projects. Recent projects demonstrating his experience and knowledge of Trafficking in Persons (TIP), include being the project lead for "People on the Move: Migration, mobilities and Social Work", funded by Southern African Nordic Center (SANORD) and the ERASMUS+ Program, as well as the project lead for "Promoting resilience among children (migrant children) towards education for a sustainable society", funded by Sweden University Forum (SASUF). Professor Makhubele also has a demonstrated history of civic service and seeking to educate and promote human rights in his community.

Dr. Marcel van der Watt

Marcel van der Watt (Ph.D.) is an internationally acclaimed investigative and research professional with 20 years' experience in combating the interspersing criminal economies of organized crime, human trafficking, and sexual exploitation. His cumulative experience as a former Hawks investigator, hostage and suicide negotiator, and human trafficking case consultant continues to inform his work. Marcel has consulted in and provided expert court testimony in several sex trafficking cases. His contribution to the investigation of crime and human trafficking combating efforts have been widely recognized. This includes a commendation by E. Benjamin Skinner, fellow at the Harvard Kennedy School CARR CENTER for Human Rights Policy (2010), a position in the Top 35 under 35 Africans awarded by the Young People in International Affairs (2014), and the Influential Scholar Award by the 17th Annual International Human Trafficking and Social Justice Conference (2020). Marcel is an Executive Committee member of the Global Association of Human Trafficking Scholars (GAHTS), an observer on INTERPOL's Human Trafficking Expert Group (HTEG), and a Research Fellow at the Free State Centre for Human Rights (University of the Free State, South Africa).

Susan Marx

Susan Marx is a senior international development professional with over 15 years of experience in program design and management. Her experience in Africa, Asia and the Middle East are in the areas of access to justice for vulnerable groups, community-oriented policing, local governance and strengthening public policy. Specific programs included ending violence against women. Susan also served as a member of proposal evaluation committee for human rights projects in Afghanistan

A native of South Africa, she has studied and worked abroad for the past twenty years, recently returning to South Africa to implement a JTIP-funded grant for the American Bar Association Rule of Law Initiative

(ABA ROLI) aimed at strengthening the capacity of the Africa Prosecutors Association (APA) to enhance anti-trafficking efforts in the SADC region. She holds Masters Degrees in International Human Rights Law from Oxford University and African Studies from the University of California Los Angeles and a BA in Public Policy and International Relations from the University of Southern California (summa cum laude).

Ms. Marx specializes in strategic leadership; organizational change management; program design and oversight and will advise the team on research approaches and support the team on key stakeholder coordination and improved integration of this research into existing government policy.

Ms. Heather Dixon

Ms. Heather Dixon is an Associate at Khulisa Management Services. She has worked on evaluation projects in the fields of human trafficking, education, energy and electrification, funded by international donors, government, foundations and NGOs. She has successfully led and managed remote studies in Kenya and Ethiopia. Ms. Dixon has experience in desktop review/research, tool design, data collection (including interviews and observations), qualitative and quantitative data analysis, report writing and project coordination. Prior to joining Khulisa, she worked on the implementation of establishing a reading coalition to address illiteracy in children in South Africa. This involved stakeholder negotiation, coordination, logistics and data collection and analysis.

Heather is an Honors graduate in History and Political Studies (cum laude) from Rhodes University, and is also a Mandela Rhodes scholar. She can speak English and Afrikaans, and has an elementary level of proficiency in French. She resides in Johannesburg and is a South African citizen.

ANNEX 4: CIVIL SOCIETY CASE STUDIES

Organisation 1: MOBILIZING EFFECTIVE TIP RESPONSES



Work across the Prevention, Prosecution, Protection and Prosecution continuum to break the cycle of trafficking and end modern day slavery

An international organisation with a national focus

GOOD PRACTICE FOR REPLICATION
 “Mobilising rapid responses and enabling partnerships”

A strong partnership and network of stakeholders, built on respect and recognition that everyone has a role to play, is key to mobilizing a rapid and appropriate response to rescue victims, and enable to justice system to respond



BENEFICIARIES
 150 survivors
 200 rescues from hotline
 65 case reports for further investigation

RESPONSE SERVICES

Provide education and advocacy campaigns to prevent slavery, collaborate with officials to rescue victims and prosecute perpetrators, and empower victims



PARTNERSHIPS & COLLABORATION

Provide an essential contact point for victims and a coordination mechanism between government and civil society.

CHALLENGES FACED

Lack of awareness of what is TIP amongst first responders, therefore many vulnerable people are not identified or the response is not appropriate.

Organisation 2: PREVENT ILLEGAL TRANSIT OF WORKERS



This initiative, driven by one individual, negotiated on behalf of trafficked workers their release, arranged for their repatriation, or arranged for their unpaid wages to be released.



GOOD PRACTICE FOR REPLICATION "One person can make a difference"

Being aware of the signs of TIP meant that individuals were protected and rescued, because one individual used their position in society, and cared: using ones individual social can leverage change in the lives of others.

A very small initiative driven by passion



BENEFICIARIES:
Approx. 100 repatriations over 7 years

RESPONSE SERVICES

Raise awareness, educate exploited workers, advocate on their behalf to change conditions, or arrange for their repatriation



AWARENESS & EDUCATION



REDUCING VULNERABILITY



IDENTIFICATION & REFERRAL



PROTECTION & REINTEGRATION



PROSECUTION

PARTNERSHIPS & COLLABORATION

Collaboration and information sharing with the task teams and other NGOs

CHALLENGES FACED

Following the departure of this staff member, the anti-trafficking work ceased to exist. Law enforcement officials resisted acting on the information provided.

Organisation 3: SPECIALISED TRAINING FOR RESPONDERS



National *freedom* Network



Continuing Professional Development Accredited training provided to professionals and TIP structures to strengthen practice across the 3P's. Training methodologies must be participatory, use case studies, allow for reflection and demonstrate how services collaborate to provide a quality response

An independent training service provider



GOOD PRACTICE FOR REPLICATION
"Collaborative inter-sectoral training for an effective response"

The success of training should be demonstrated in an effective response. Opportunities must be included for joint training to develop skills to collaborate and partner to strengthen practice and inter-sectoral response .



BENEFICIARIES:
Train Social Workers, TIP Task Teams, government officials and forums

RESPONSE SERVICES

Build knowledge, skills and competence of first responders and professional service providers to prevent, protect and increase successful prosecutions



AWARENESS & EDUCATION



REDUCING VULNERABILITY



IDENTIFICATION & REFERRAL



PROTECTION & REINTEGRATION



PROSECUTION

PARTNERSHIPS & COLLABORATION

Rely on contracting by government or independent organizations. Good partnerships with IOM, civil society and government network

CHALLENGES FACED

Supervisors **MUST** also be part of the training, and intersectoral training is critical to support implementation

Organisation 4: FROM VICTIMS TO SURVIVORS



National *freedom* Network



Provide shelter, rehabilitation and support services to adult female victims of trafficking to heal from their trafficking experience and prevent re-trafficking. Work with victims and families for appropriate reintegration

A local NGO shelter registered and with only partial funding from DSD.



GOOD PRACTICE FOR REPLICATION "Recognize the individual journey"

Recognizes the complexity and challenges of the journey to healing for each person. Cater specifically for the individual based on their needs, where they are at and their desires for successful reintegration.



Female victims of trafficking. 98 residents in 10 year, with an average of 2 children each

RESPONSE SERVICES

Victims access social workers, psychologists, psychiatrists, doctors, dentists. Provide skills training and plan path for reintegration



AWARENESS & EDUCATION



REDUCING VULNERABILITY



IDENTIFICATION & REFERRAL



PROTECTION & REINTEGRATION



PROSECUTION

PARTNERSHIPS & COLLABORATION

Collaborate with government responders and civil society to mobilize services

CHALLENGES FACED

Require greater collaboration with more government departments meet holistic needs. Sustainable funding is challenging.

Organisation 5: REDUCING VULNERABILITY FOR THE GIRL CHILD

Aim to get young girls off the street and support girl child victims of trafficking. Intervene in community, rescue girls and either refer or provide shelter. Girls leave shelter when independent, or works with families to rehabilitate girl safely.



An NGO, NPO shelter.
Not a member of the NFN.



BENEFICIARIES:
Report benefitting over 10 000 children over 21 years



GOOD PRACTICE FOR REPLICATION
"Providing essential support to the girl child"

By providing girls with education and skills re-trafficking is prevented.

"She gets to school. She excels. We push the child to the university and she excels ... That shows the person, the trauma is gone and now she's become, she's discovered herself back."

RESPONSE SERVICES

Provide shelter, psychosocial support and services to get girls back into school.



AWARENESS & EDUCATION



REDUCING VULNERABILITY



IDENTIFICATION & REFERRAL



PROTECTION & REINTEGRATION



PROSECUTION

PARTNERSHIPS & COLLABORATION

Rely on volunteers and businesses for support. Engage with SAPS when necessary. Partner with DBE. Partnerships with outreach programmes.

CHALLENGES FACED

Lack of funding therefore cannot register with DSD as a CYCC.
Prioritize funding spent on child needs. Lacked support during COVID.

Organisation 6: SPECIALISED CONSULTING SERVICE PROVIDER

Consulting service provider to business to end modern day slavery. Review business policy and assess procedures to identify areas for improvement. Provide recommendations.



GOOD PRACTICE FOR REPLICATION
“Preventing labour exploitation and trafficking in businesses”



Individual businesses, business councils and forums have the potential to prevent labor exploitation and trafficking through implementing and monitoring policies

An independent consulting service



BENEFICIARIES:
 Work across businesses including a in the mining sector



PARTNERSHIPS & COLLABORATION
 Partnered with training organisation. Member of task team.
 Engage with Stronger Together.

CHALLENGES FACED
 Convince business that preventing exploitation will enhance bottom line and this service adds value

Organisation 7: PREVENTING TRAFFICKING IN STRATEGIC TRANSIT HUBS AND COMMUNITIES

Train teams of monitors at international places of entry and exit to identify and intercept possible trafficked persons. Either intercept or refer for intervention by immigration and police officials.



National *freedom* network



GOOD PRACTICE FOR REPLICATION "Data collation for adaptive responses"

International criteria allow trained monitors to flag individuals. Victims give detailed data which is handed over to relevant officials. Trend and data analysis to determine modis operandi, syndicates and patterns between contacts or recruiters and handlers. Early interception prior to exploitation results in increased willingness and clarity of factual information which can be used by law enforcement.

An international organisation with a country office



BENEFICIARIES:
629 intercepts of potential victims, 9 arrests, 104 potential victims in community

SERVICES

Monitor and flag passengers in and out of South Africa for trafficking



AWAWARENESS & EDUCATION



REDUCING VULNERABILITY



IDENTIFICATION & REFERRAL



PROTECTION & REINTEGRATION



PROSECUTION

PARTNERSHIPS & COLLABORATION

Officials not always open to receiving information.

CHALLENGES

Currently only in certain transit hubs, with capacity. Could expand to support prosecution if stronger partnership with DOJCD. Have a wealth of data and intelligence that is not used in South Africa, but is used internationally.

Organisation 8: EMPOWERING GOVERNMENT AND EMPOWERING VICTIMS

Educating and building bridges between government and the vulnerable. Transit monitoring and interception of trafficking.

Supporting law enforcement investigations, collating data and working with DSD and SAPS to intercept. They recommend creating a watch list.



GOOD PRACTICE FOR REPLICATION "Advice to other organisations"

Make sure all your legal registrations and certifications are compliant.

All staff need to have police clearance, you also need to use permanent staff and not rely only on volunteers.

Ensure you provide psycho-social support to your staff.



National *freedom* Network



A local organisation with an international network



BENEFICIARIES:
Victims and potential victims of TIP, training of officials.

RESPONSE SERVICES

Support to victims in reporting and in the prosecution of cases, monitoring of entry/exit points into SA, training of immigration staff. Awareness events and workshops.



AWARENESS &
EDUCATION



REDUCING
VULNERABILITY



IDENTIFICATION
& REFERRAL



PROTECTION &
REINTEGRATION



PROSECUTION

PARTNERSHIPS & COLLABORATION

Focus on building trusted relationships with officials. Work closely with repatriation organisations. International partnerships key.

CHALLENGES FACED

Lack of sustained resources and COVID-19 delayed issuing access required documentation

Organisation 10: CHANGING BUSINESS PRACTICES ACROSS SUPPLY CHAINS

Work across high risk industries and supply chains to prevent exploitation and trafficking, specifically reducing the risk of forced labor. They aim to prevent, detect and address exploitation.



 **GOOD PRACTICE FOR REPLICATION**
“Collaboration with business partners prevents exploitation across supply chains”

The organization promotes responsibility and action across the business supply chain through partnerships to have a major influence on reducing labor exploitation in South Africa and globally.

An international organisation with a country office



BENEFICIARIES
 Broad network of industries, management, owners and laborers



PARTNERSHIPS & COLLABORATION
 Engages effectively with industry forums and councils.

CHALLENGES FACED
 Need to increase capacity in South Africa. DOEL could play a larger role in preventing and responding to labor trafficking.

ANNEX 5 TIP NPF INDICATORS TABLE

	INPUTS	ACTIVITIES	REACH	CHANGE	QUALITY
1	Staff, officials	Terms of Reference	Number of dialogues held, initiatives, community engagement events	Reduced number of TIP victims	Increased effectiveness of cooperation according to all stakeholders involved.
2	Secretariat	Approved memos, appointing decree, SOPs	Number of persons living in poor conditions who accessed livelihood options, health services, employment schemes, education measures	Increased knowledge on different forms and issues related to trafficking	Satisfaction with coordination of all stakeholders involved.
3	Replacement procedures in place in case of prolonged absence	Existence of NICTIP, NRRT, PPTs, RRTs	Number of persons from at risk group reached	Improved identification skills through a uniform, coordinated and cooperative approach by all anti-trafficking stakeholders	Service standard protocols Research protocols
4	Number of NGOs in the coordination structure	Number of meeting per year	Number of vulnerable women targeted	Higher identification rates of potential/presumed/actual victims	Compliance checks reports
5	Number of traditional leaders involved	Attendance records	Number of engagement initiatives held	Increased number of victims accessing civil protection and witness protection and compensation schemes	Effectiveness of cooperation according to specialized criminal justice practitioners
6	Resource directory of role players	Updated registers of government institutions, Civil society stakeholders,	Number of students/teachers/parents/ stakeholders,	Increased number of trafficked person's safety and successfully returned/repatriated home or	Satisfaction of specialized criminal justice practitioners

		International Organizations, traditional leaders	traditional leaders/local individuals reached	relocated in a third country and reintegrated.	
7	Number of people vetted	Updated list of anti-trafficking focal points	Number of child victims identified	Increased number of investigations with respect to previous year/s	Perception of effectiveness of international cooperation to counter TIP
8	Comprehensive laws regulated and enacted	Working tools developed and shared	Number of letter of recognition issued yearly, and	Increase number of confiscation or seizure of assets and proceeds of crime in TIP cases	Regular monitoring and evaluating mechanism of the NPF in place
9	New legislation; amended legislation	Number of trainings held per year (NICTIP & Province)	Number of reports indicating problems with issuing of letters of recognition	Penalties and sanctions are appropriate and proportionate to the gravity of the crime	Perception of improved capacity to response of criminal justice practitioners
10	Strategy and workplan	Number of newsletters; webpage created	Number of people trained	Increase use of international cooperation tools in criminal matters related to TIP (extraditions, mutual legal assistance, transfer of sentenced persons, confiscation of assets/proceeds of crime)	
11	Regulations	Number of electronic updates of relevance facilitated by NICTIP	Number of victims identify by law enforcement, DSD, NGO and other stakeholders	Increased resources for the implementation of the NPF regularly allocated	
12	Communications strategy / concept document	Programs developed and delivered	Number of victims employed	Increased awareness on TIP and related risks among population and reduced rates of victims	

21	MOUs and procedures set up at the RRT level	Number of shelters, centers etc. (categories)	Number of sanctions reflecting aggravating circumstances		
22	Personalized plans achieve	Number of victims assisted	Number of additional administrative and/or other non-criminal sanctions use		
23	Number of conferences, seminars, colloquiums, workshops organized; campaigns (national and international)	Number of victims received counseling, psychological counseling	Number of TIP investigations per year		
24	Vetting procedures in place	Number of education / training attended by victim	Number of criminal networks targeted/affected		
25		Number of job inclusion programs attended	Increased number of victims accessed social protection and support		
26		Number of judicial officials participating	Number of directives/instructions issued by (category)		
27		Number of training per Province	Number of investigations/year		

28		Number of joint investigative teams established	Number of prosecutions/year		
29			Number of convictions/year		
30			Increased number of TIP corruption related confiscations of assets carried out		
31			Number of TIP corruption related seizures carried out		
32			Number of officials trained on anti-corruption per province		
33			Number of MLA requests processed (received, submitted, responded)		
34			Number of formal agreements or informal arrangements signed		
35			Number of requests made for confiscation related to TIP cases Number of requests executed, where applicable, for confiscation related to TIP cases		
36			Number of requests received		

37			Number of requests executed, where applicable, for confiscation related to TIP cases		
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