

Legislation robust but implementation limited

South Africa is a source, transit and destination country for trafficking in persons.



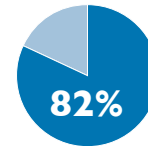
Evidence indicates a large undercount of trafficking in persons in South Africa.



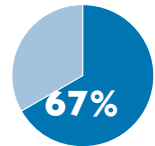
10,820 INCIDENTS

of alleged trafficking were registered to the South African Police Service (9 August 2015 - 17 January 2022).

In South Africa, sex trafficking remains the highest reported type of trafficking in persons in:



Successfully prosecuted cases



Ongoing cases (2021)

The South African government has made progress in some areas of combatting trafficking in persons (TIP), such as passing the Prevention and Combating of Trafficking in Persons Act No 7 of 2013 (PACOTIP).

The protection of victims of trafficking is one of the core principles of international, regional, and national anti-trafficking and child protection policies. South Africa has progressive legislative and policy measures to protect a range of trafficked persons; however, implementation is lacking. Despite trafficking in persons remaining a concern in the country, challenges in prevention and early intervention, identification, referral and service provision continue to be evident.

A research study* on the scope and nature of human trafficking in South Africa employed a multisectoral, mixed-method approach using primary and secondary data from across the sectors involved in combatting trafficking.

The research produced several stand-alone studies that form part of the research compendium, including:

- A review of available data
- A thematic analysis of successfully prosecuted and ongoing TIP cases
- A study investigating the experiences of both adult and child victims of trafficking
- A specific analysis of migration and labor exploitation as a facet of TIP in South Africa
- A comprehensive legal and policy review augmented by a survey of TIP stakeholders in South Africa
- An analysis of the functioning and shortcomings of the TIP response task teams in the provinces
- An evaluation of the effectiveness of civil society engaged in anti-trafficking work

*The Research on the Nature and Scope of Trafficking in Persons (TIP) in South Africa was conducted by Khulisa Management Services and the University of the Witwatersrand (Wits). This publication was produced for review by the United States Agency for International Development (USAID). It was produced for the LASER PULSE project, managed by Purdue University. The views expressed in this publication do not necessarily reflect the views of USAID or the United States Government.

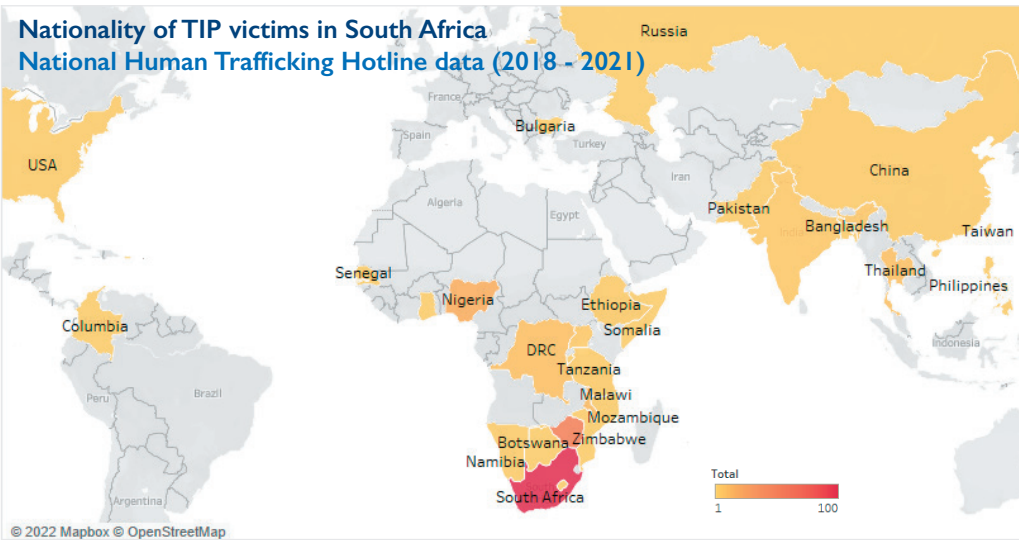
South Africa has good anti-trafficking legislation, but implementation is lacking.



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TRAFFICKING IN PERSONS IN SOUTH AFRICA

Nationality of TIP victims in South Africa
National Human Trafficking Hotline data (2018 - 2021)



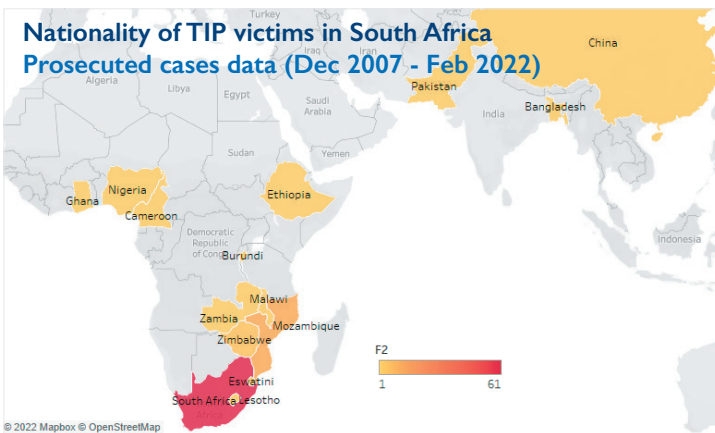
7,554 CALLS

related to trafficking were received by the National Human Trafficking Hotline (2018 - 2021)

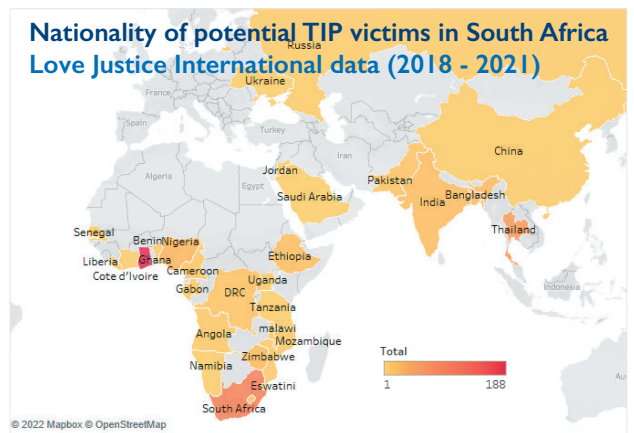
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potential victims from at least 29 countries were identified by NGO Love Justice International during that period.

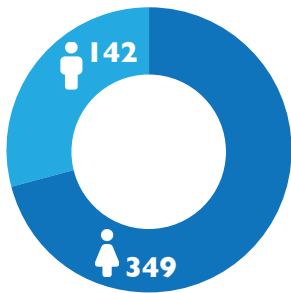
Nationality of TIP victims in South Africa
Prosecuted cases data (Dec 2007 - Feb 2022)



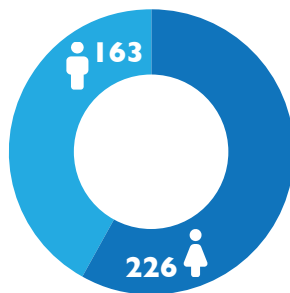
Nationality of potential TIP victims in South Africa
Love Justice International data (2018 - 2021)



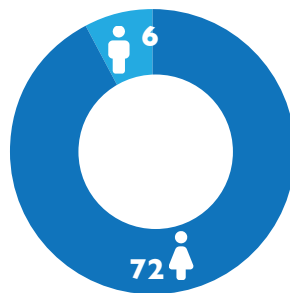
Potential and reported victims, by gender



Love Justice International data 2018 - 2021



Ongoing cases 2022



Prosecuted cases 2021

77

traffickers were convicted in 44 successfully prosecuted TIP cases (2007 - 2022)

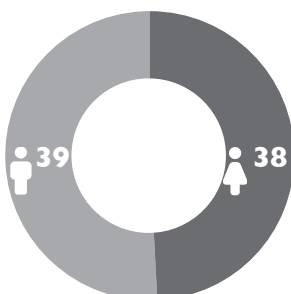


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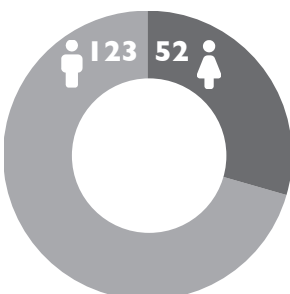
persons of interest who played a direct or indirect role in facilitating TIP crimes were identified in the case yet were not arraigned.

In 10 sex trafficking cases, potentially thousands of sex buyers were not investigated, arrested, or prosecuted.

Perpetrators identified in court cases, by gender

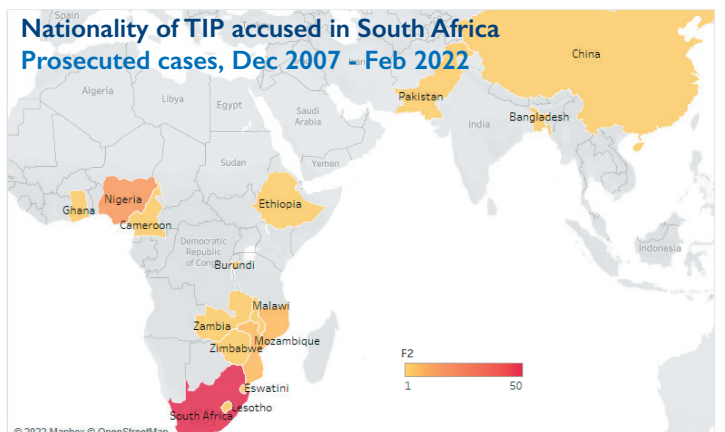


Prosecuted cases 2017 - 2022



Ongoing cases 2021

Nationality of TIP accused in South Africa
Prosecuted cases, Dec 2007 - Feb 2022



KNOW THE PROBLEM

The study confirmed that the prevalence of TIP in South Africa is difficult to accurately gauge. One of the greatest challenges in the country is the significant undercounting and lack of reliable official statistics on the number of TIP victims. The research highlighted that factors constraining an understanding of the true scope of TIP include the lack of an integrated database, overlapping systems of violence that obscure victims, corruption and official complicity, and shortfalls in coordination and case recording.

To gain insights into TIP prevalence, the study explored reported incidents and telephone calls. Data sources included:

- TIP reporting by three national non-governmental organisations that have a presence on the provincial and national response task teams.
- Annual police statistics and information from the South African Police Service (SAPS) Crime Administration System.
- Seventy-nine ongoing prosecutions in South Africa during 2021, and 44 successfully prosecuted TIP cases.

The data indicate that human trafficking in South Africa is rising.

- High prevalence of women, children and men being trafficked into and within South Africa.
- An enormous undercount of victims and possible victims.
- The perpetrators are men and women from South Africa and other countries operating as individuals or as part of organised crime syndicates.
- South Africa is a source, transit and destination country for TIP.

92%

of respondents in a study survey indicated South Africa's trafficking in persons legislation was satisfactory, but that the response was inadequate.

Trafficking of children remains a concern in South Africa.

Of 30 files sampled:

- **1 reported conviction and sentencing**
- **1 case dismissed for lack of evidence**
- **Only 8 had case numbers**

KNOW THE RESPONSE

The study findings indicated that:

- 1. Confidence in South Africa's anti-trafficking efforts is lacking.** This finding supports a U.S. State Department report indicating that the overall response to TIP by the government is declining, resulting in South Africa once again being downgraded to the Tier 2 Watchlist in the 2021 annual TIP rankings (*Trafficking in persons report*, 2021).
- 2. Victim's voices are crucial to preventing and combatting trafficking in persons and should be central to any anti-trafficking efforts.** Victims have diverse and complex needs that require psychosocial and other services. Delays in accessing appropriate services can aggravate the situation. The challenges faced by victims when accessing services include fear of disclosing abuse, corrupt law enforcement officials, and long waiting lists for specialised medical attention.
- 3. Challenges to the successful prosecution of human trafficking cases include the unreliability of victims as witnesses due to their confusion about the legal system, mistrust in government authorities, and issues such as substance abuse and immigration status that make their testimony less credible.**
- 4. Evidence in several successfully prosecuted TIP cases confirmed corruption and complicity by law enforcement officials.**

Corruption and official complicity:

- Obstruct counter-trafficking efforts, retain victims in trafficked situations, and prevent successful prosecutions.
- Negatively impact prevalence data and contribute to TIP undercounting in South Africa.
- Play an essential role in facilitating and fostering the crime of trafficking in persons.
- May obstruct the case investigation and prosecution, and impede the adequate protection of victims of the crime.

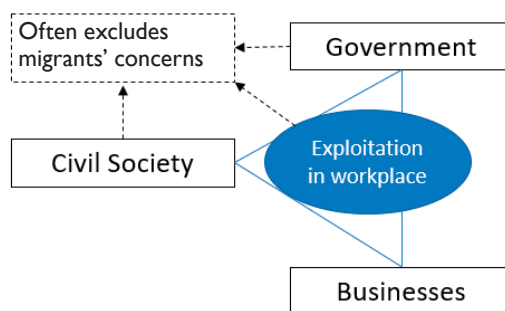
5. There is a complex relationship between working conditions and labor trafficking across a continuum from exploitation to trafficking. Government, business and civil society must coordinate the prevention response to include migrants (see diagram). The migrant study indicated that:

- Female migrants are most vulnerable to labor exploitation.
- The greatest number of incidents of labor exploitation of migrants occur in the hospitality and domestic sectors.
- Twenty-eight percent of participants who said they were ill-treated in their workplace also said they had not raised their grievances with their immediate supervisors because their employers did not care about how they felt.
- Workers reported that being a migrant was the most probable cause of their employers' abuse.
- Labor inspections detect forced labor more than human trafficking, as the checklist and process do not include indicators of trafficking. The Department of Labour does not conduct inspections in the mining, maritime and fisheries industries, which are the most affected by labor trafficking.
- Civil society organisations are active in counter-trafficking in the labor and business sectors. Efforts focus on raising awareness, training, and increasing the knowledge of business managers or owners who can prevent exploitation in their business and report potential victims or situations where workers are vulnerable to exploitation and trafficking, including in their supply chains.

6. Multisectoral approaches are regarded as one of the most effective methods to manage counter-trafficking. The leading countries on global barometers (and some that are not) use this approach in counter-trafficking efforts. This involves various partnerships between state structures, civil society and the state, inter-departmental alliances, and NGO alliances.

7. Ten civil society organisation case studies noted that successful partnerships with government were only possible if the organisation knew a committed individual within a specific department, otherwise government support was either poor or non-existent.

Prevention response often excludes migrants' concerns

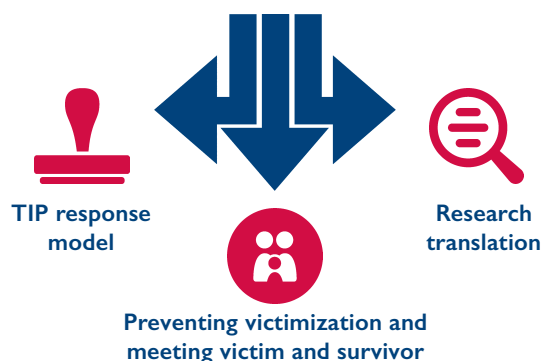


KNOW WHAT TO STRENGTHEN

An effective response to TIP requires a holistic approach across prevention, prosecution, and protection. The research presented three pathways to impact how change occurs to achieve the desired results:

- **TIP response model** to inform and confirm the National Policy Framework response model in South Africa and identify how planned activities and short-term results contribute to achieving the intended outcomes.
- **Preventing victimization and meeting victim and survivor** needs to identify prevention, prosecution, protection, and partnership enablers, drivers and challenges.
- **Research translation** to improve evidence-based decision-making, influence policy, enhance capacity and mobilise resources to respond to TIP.

THREE PATHWAYS TO IMPACT



Implementing the policy, putting resources and capacity behind the response, dealing with corruption, and putting victims at the center of the response will contribute to counter-trafficking.

Policy recommendations

1. Prioritise the establishment of an integrated information system to facilitate the effective monitoring and implementation of the PACOTIP Act, and commence TIP interventions by collating and analysing the specific information as detailed by Section 41(1)(b) of the 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 the PACOTIP Act.
4. Review the PACOTIP Act to remove sentencing provisions that allow fines in lieu of imprisonment, especially for sex trafficking crimes.

Recommendation to strengthen the knowledge base

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

Recommendations to strengthen coordination, partnerships, and effective implementation

6. Establish a dedicated counter-trafficking unit.
7. Increase multi-sectoral capacity building for judicial and law enforcement officials and front-line responders.

TIP indicators

1. Number of victims by disaggregated data (e.g., age, gender, citizenship, TIP type).
2. Number of perpetrators by disaggregated data (e.g., age, gender, citizenship, sentence).
3. Government and civil society type of service by disaggregated data (e.g., within identified timeframes, dosage and quality standards).
4. 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.
5. Quality of services measured through adherence to standard operating procedures and beneficiary satisfaction.
6. Number and outcomes of capacity building activities and individuals reached.
7. Number, type and effectiveness of government, civil society, business and community efforts to reduce the demand for trafficking.
8. Number, type and effectiveness of government, civil society, business and community efforts to reduce vulnerability of potential victims.
9. Effectiveness of case management (e.g., case tracking from report, identification and prosecution to longitudinal outcomes of victims).
10. Demographic details of officials and members of the public involved in corruption.

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Recommendations to strengthen prosecution response

8. Develop and implement a counter-corruption strategy, which prioritises the investigation, prosecution, and conviction of corrupt and complicit officials, individual business owners and employees.
9. Use reported and prosecution data to inform proactive investigations to investigate and respond to the identified second and third 'generation' victims.
10. Increase the number of investigations, arrests, prosecutions, and convictions of perpetrators.

Recommendations to strengthen prevention

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

Recommendations to strengthen the protection of victims

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