

## The Need for Human Trafficking Policy

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Trafficking in persons is a complex, multidimensional, multisectoral, illicit industry affecting both individuals and nations across the globe. In addition to being an issue of international and criminal law, trafficking affects human rights, labour, migration, public health, socio-economic development and morality. In recent years, South Africa has undertaken the formulation of Trafficking in Persons legislation. Despite the evidence that trafficking affects most countries in the world and is a growing illicit industry with devastating impacts, very few African countries have policy related to Trafficking in Persons. In an attempt to contribute towards the creation of human trafficking policy, this policy paper includes concrete recommendations that should be considered concerning prevention, protection and prosecution.

### Context and Importance of the Problem

The trafficking of human beings is a modern form of slavery and a global reality that has been around for some time and continues to gain momentum. International experts estimate that at any given time across the globe, 2.5 million individuals are recruited, entrapped and transported for the purpose of exploitation.<sup>1</sup>

However, according to some leading international authorities, the estimated number of people trafficked is as high as 27 million. The variance

in figures reflect the complex nature of trafficking, including how trafficking is defined, as well as how information is collected and represented. The fact that it is a clandestine industry makes gathering information a tremendous challenge.

Victims of trafficking can be exploited in many ways including physically, psychologically and sexually, resulting in trauma, neglect, abuse, illness, disease, displacement and in some cases death.

It is a billion-dollar industry, second only to the trade in drugs and arms, and seems to be flourishing rather than declining. The US State Department estimates that annual profits

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generated from trafficking can average from US\$7-10 billion per year. According to estimates by the United Nations and other experts in the field, the calculation of the 'total market value of illicit human trafficking' is closer to US\$32 billion, with approximately one third of the profits coming from the actual sale of human beings and two thirds of the profits derived from activities or products created by trafficking victims.<sup>2</sup>

Human trafficking dons many faces including commercial sexual exploitation, slave labour, bride selling, debt bondage, organ harvesting, forced begging, forced drug dealing, exploitation during armed conflict and the use of child soldiers. Victims of trafficking can be exploited throughout many industries such as agriculture, construction, manufacturing, tourism, domestic service and the sex industry.

In a report for the Vienna Forum on Human Trafficking<sup>3</sup>, the International Labour Organisation (ILO) cited that 44% of individuals were trafficked for sexual purposes, 32% for labour and 25% for both; with approximately half of the victims being under the age of 18.<sup>4</sup> Women and children have been identified as particularly vulnerable to trafficking.

The common characteristics of trafficking involve the profitable exploitation of an individual by using force, fraud and/or coercion. Traffickers often mislead victims by offering false opportunities involving employment, education, marriage or migration. Regrettably, many victims misguidedly consent to their recruitment in the pursuit of a better life.

Many governments have flagged human trafficking as a priority, however, only a handful of African countries have developed human trafficking policy and legislation. Regrettably, the lack of clarity, consensus and data on human trafficking compounds policy formulation challenges.

There is a real need to tackle this exploitative and insidious criminal enterprise, especially as it is a burgeoning industry with multiple negative socio-economic, health, security and safety-related side effects. The lack of progress with regard to trafficking prevention, victim protection and the prosecution of traffickers must be addressed and the formulation of respective country policies pursued.

## South African Process and Progress

By 2007, most Southern African Development Community (SADC) countries were without anti-trafficking policy and laws and relied upon different laws, policies and regulations to tackle the

problem. The Migration Dialogue for Southern Africa (MIDSA) postulated that the fact that most countries were signatories of trafficking-related protocols had not yet parlayed itself into domestic law (2007: 4).

In addition to rights-based regional instruments, South Africa ratified two predominant international charters that speak to trafficking: the UN Convention on the Rights of the Child; and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (also commonly referred to as the Palermo Protocol or the Trafficking Protocol).

Other relevant international charters were also ratified:<sup>5</sup>

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- Original Convention (1999) and Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (1999)
- ILO Convention No. 182 on the Worst Forms of Child Labour (1999)
- UN Convention against Transnational Organised Crime (2000)
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)

The following are examples of national policy efforts effective in combating trafficking:

- The Children's Act, which reflects aspects of the Palermo Protocol and includes, among others, the protection of street children, child labourers, and refugee children
- The Child Care Act, which includes child sexual exploitation and commercial sexual exploitation
- The Sexual Offences Act, which deals with brothels and 'unlawful carnal intercourse'
- The Criminal Law (Sexual Offences) Amendment Bill, which includes sexual offences trafficking
- The Constitution of the Republic of South Africa

Significantly, South Africa and other nations tackle the issue in a holistic, coordinated, consultative and consistent manner. Under the guidance of the South African Law Reform Commission (SALRC), many years have been spent working towards developing a comprehensive report and draft legislation.

In 2004, the SALRC circulated a trafficking-related Issue Paper for commentary. The Issue Paper went on to form the basis of a Discussion Paper and draft bill process that started in 2006. Since then, the SALRC has engaged in consultative meetings and encouraged written submissions

from all the relevant stakeholders as well as input from the public. Final feedback is currently being incorporated and the paper and draft bill will soon be taken through the legislative process.

The main objective of the trafficking bill initiated by the SALRC is to criminalise trafficking by engaging in some of the following activities: identifying related offences and defining penalties; facilitating identification and victim protection; availing services and compensation to victims; and fleshing out national instructions and directives outlining investigation methodologies and victim identification.

Additionally, the bill provides for prosecution involving other jurisdictions beyond South Africa; details preventative measures including awareness and educational programmes aimed at potential victims and potential users of the services of victims (MIDSA 2007: 2); and criminalises 'debt bondage; the destruction, confiscation, possession and concealment of documents; using the services of trafficked victims; and conduct facilitating trafficking in persons' (UNESCO 2006).

South Africa has drawn upon international best practices for guidance and has spent many years consulting broadly during the development of its preliminary legislation. Furthermore, inputs have been accompanied with costing analyses, as well as the identification and allocation of budgets and resources, and so forth, in an attempt to ensure the implementation of the law once it is enacted.

In effect, South Africa is simultaneously creating national policy and legislation. At a later stage relevant government departments can formulate further policy specific to areas. In addition, once the legislation has been tried and tested, and gaps and/or additional challenges identified, the government can always choose to amend the legislation. Most importantly, the problem of trafficking will be much more identifiable once it has been officially recognised. And, once identified, prevention, prosecution and victim protection can be implemented.

Trafficking provisions have been integrated into existing child-related laws and trafficking in persons for sexual exploitation is now reflected in the new Sexual Offences Act (SOA). However, there is still a need for an integrated and comprehensive trafficking law that covers offences that go beyond the violation of children's rights and sexual offences involving children. Currently, the country is only in partial complicity with its international obligations under the Palermo Protocol and the Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others.

## Challenges in Developing Policy

To facilitate sound policy, it is crucial to identify and understand some of the primary challenges in developing human trafficking policy so as to develop a comprehensive framework that is victim-centred and human rights-based. The realities of one's country context as well as regional and international considerations should also be factored into the policy.

The major challenges in the development of South African human trafficking policy are as follows:

- Identifying the problem, outlining a comprehensive definition and understanding the full scope;
- Coordination and consistency when tackling prevention, victim protection and prosecution;
- Addressing root causes such as gender inequality and demand; and,
- Acknowledging agendas, securing buy-in and identifying resources.

Although there is some controversy as to whether sufficient empirical data and anecdotal evidence exist to support aggressively pushing for human trafficking policy and/or legislation in South Africa and Southern Africa, there is a general understanding that trafficking is a growing and global problem. Given this premise, nations that are not currently identifying and addressing trafficking, should begin to do so sooner rather than later.

### Identifying and addressing the problem

Before tackling a problem, a nation must first identify the problem. Since its democratic inception and the creation of its new Constitution, South Africa has actively sought to create progressive policy and legislation, much of it influenced by a human rights framework. The country also signed and ratified the Palermo Protocol. To date, over 110 nations have signed and ratified the Protocol. Member states that did ratify the protocol are expected to prevent and fight trafficking in persons; protect and assist victims; and play a cooperative role in meeting these objectives among states. But, as stated by the United Nations Office on Drugs and Crime (UNODC), 'translating it into reality remains problematic. Very few criminals are convicted and most victims are probably never identified or assisted' (<http://www.unodc.org/unodc/en/human-trafficking/index.html>).

### Creating a definition

The definition for trafficking in persons is especially complex given the multilayered and varying nature of the criminal activity (Dunn, 1994:

4). South Africa seems to be erring on the side of caution and critically assessing what's relevant and applicable to their country-specific context. The SALRC sought to align the definition with the definition outlined in the Palermo Protocol, but were insightful enough to realise that South Africa would need to make the definition relevant to their domestic circumstances.

According to the SALRC, ascertaining a proper definition was the most important part of the process before being able to move forward with enforcement of other regulations and implementations of various strategies or provincial plans.

For example, people have been trafficked in South Africa for the removal of organs as well as other body parts; however, only the removal of a person's organs is criminal according to the Trafficking Protocol. In addition, what happens in Western Cape trafficking situations can be different to what happens in Limpopo or the North West Province. In the latter provinces, there is the sale of children for the removal of organs; whereas, in the Western Cape the most dominant types of trafficking involve exploitation for sexual purposes and child labour. Therefore, the South Africa definition has been broadened in order to better reflect the country's context.

### Trafficking versus smuggling

People's understanding of trafficking, and the word itself, is conflated with many other activities that in some cases do share components of the crime of trafficking, but distinctly warrant separation in a category of their own. Human smuggling and migration, for example, are often used interchangeably with trafficking. The public and media must be informed of exactly what trafficking entails and how to identify and report a victim of trafficking.

According to the UN Smuggling Protocol of the Transnational Convention on Organised Crime, human smuggling is the act of a person illegally entering a state in which they are not a resident (either national or permanent), facilitated for 'financial or material benefit.'<sup>6</sup>

A smuggler would typically facilitate the movement of humans who have procured their services and who would collect their payment once the migration has taken place; for this reason the smuggler would try and ensure that the smuggled individual is not harmed. A trafficker on the other hand, sets out to coerce and/or exploit the migrant, often receiving proceeds attached to the enslavement of an individual. In essence, a smuggler's crime is committed against the state, whereas a trafficker's crime is committed against the individual.

During the course of being smuggled, an individual may also be trafficked; what's important to discern here is the intention of the smuggler. As indicated in the Trafficking Protocol, the definition of trafficking is linked to 'intent'. Therefore, if exploitation is one of the intentions, then the trafficking label would apply. In terms of the protocol, even if the trafficker did get the consent of the individual to be smuggled, the trafficker can be charged with trafficking.

However, as noted in the Report and Recommendations of the MDSA Workshop on *Human Trafficking and Legislative Responses in Southern Africa*, 'very few cases involving trafficking had been prosecuted, but that traffickers were more likely to be deported in terms of immigration law.' The lack of comprehensive trafficking-related legislation was in part blamed for the low levels of prosecution. In some cases, nations draw upon other laws to deal with prosecuting trafficking-related offences such as kidnapping and sexual offences. 'However, it was emphasised that while criminal laws may be used, none of them meet the minimum standards required in terms of prosecuting trafficking offences, and that they had major limitations in terms of scope/definitions, jurisdiction and penalties.' Additional challenges that were cited regarding enforcement were lack of resources, awareness and capacity building as well as corruption (MDSA 2007).

### Scope

Victims can be young or old, female or male, rich or poor, informed or uninformed, from any culture or country. Victims are trafficked into many different industries and for many different purposes. It is estimated though that the majority of victims are women and children (thus warranting special attention), and that they are predominantly trafficked into the commercial sex industry. Sadly, women are both victims and perpetrators in the trafficking chain.

Trafficking has a devastating impact on human dignity and rights, health, security and the development of family, community and state. In terms of geographical scope, it's been well established that South Africa serves as a destination, transit and source country for victims of trafficking; with South Africans themselves also being trafficked internally. South Africa serves as a trafficking hub for many reasons, including its geographical makeup with its porous borders and seaboard access, and its international access by land, sea and air transit.

Criminals involved with trafficking can range from individuals plugging into a trafficking chain to powerful transnational organised crime syndicates. Trafficking can also be interlinked with

a plethora of other criminal activities involving drugs, prostitution, pornography, racketeering and corruption. Given the complexity and diversity of trafficking, nations must individually and collectively coordinate their efforts to combat it.

### The need for coordination and consistency

The learning curve inherent in trafficking-related policy analysis should be documented and shared widely, particularly if countries are to develop efficient policy responses and legislation. Coordination and consistency is another challenge that must be acknowledged and addressed during this process.

### Regional coordination

Given the global scope of trafficking, the need for regional coordination is paramount in combating trafficking, especially as many countries are source, transit and/or destination points. Deporting a potential trafficking victim, for example, does not address the problem, but rather compounds it as the victim is subject to being re-victimised by the authorities and possibly re-victimised by the traffickers. Deportation does not solve the problem, as the criminals involved with the trafficking chain will just continue to commit offences especially if they know that there are no tangible repercussions.

Anti-trafficking policy and measures should reflect a human rights and victim-centred approach, and be gender-responsive. Trafficking is for the large part driven by organised crime and is a protean force that must be fought at a national, regional and international level with an integrated, multisectoral approach.

In order to amass and validate counter-trafficking policy standards and best practices, regional working groups could assist with coordinating and sharing efforts to ensure a more consistent approach to combating trafficking. Some noteworthy initiatives that encourage and support cooperation include:

*The Libreville 2000 Common Platform for Action*, which focuses on international assistance with creating and implementing country-specific child trafficking policies, the sharing of information and the establishment of a monitoring system (UNICEF, 2005: 26).

*The Declaration and the Plan of Action against Trafficking in Persons*, adopted in 2001 at the annual Economic Community of West African States (ECOWAS)<sup>7</sup> Summit, which created an internal monitoring body to assist with “an effective legal framework and response of policy development” (UNICEF, 2005: 26).

The European Commission's *European Union Experts Group*, established in 2003 (Commission Decision, 2003).

Many of the messages arising from collective processes reiterate the need for collaboration and consistency in order to raise awareness and create effective anti-trafficking mechanisms. However, despite the ongoing efforts, particularly in the last decade, many declarations of intent to work at a national and regional level fail to come to fruition. Factors such as concrete government buy-in as well as a lack of political will and resources contribute towards the stagnation. Compelling research, inspirational action plans and proposed partnerships and frameworks all look great on paper, but failure to implement results in zero gains.

### Consistency

The issue of consistency arises as a major challenge in combating trafficking. For example, ‘the employment of varying definitions is a challenge for interstate harmonisation of law and policy and may further challenge effective cross-border cooperation.’ As it stands, when undertaking policy some countries draw on different definitions, for example, some use the definition that emerged from the Libreville process, others opt for the definition in the Optional Protocol to the Convention on the Rights of the Child (CRC), while others may adopt the Palermo Protocol definition. For this reason, experts recommend that the definition be broad enough to afford victim protection from the many forms of exploitation while at the same time being specific enough to target the various perpetrators of the exploitation’ (UNICEF, 2005: 20).

Recent policy trends focus on both legal and humanitarian issues. It is now quite common to see data that is categorised according to the ‘three P’s’ – prosecution, protection and prevention; whereas, classically the emphasis was on prosecution. This trend ‘involves defining rights through standard setting; codifying rights in law and policy; developing appropriate mechanisms to give legal effect to these rights; and guaranteeing judicial independence’ (<http://www.unifemeseasia.org/resources/others/traffkit.pdf>; p 14).

Beyond addressing the ‘three P’s’, a fresh dimension to the victim-centred approach is to now also include the “three R’s” – rescue, rehabilitation and reintegration; which moves beyond the mere rescue of victims to the restoration of dignity and belief that they are survivors capable of reclaiming productive lives. Alongside the conventional human rights perspective, a gender perspective should also be streamlined into policy and institutional initiatives.

### Addressing root causes

Unfortunately, much of the trafficking-related literature and policy initiatives fail to adequately address some of the major factors that contribute towards trafficking such as gender inequality and demand.

### Gender inequality

In its title, the Palermo Protocol explicitly mentions 'especially women and children' – groups that have been identified as particularly vulnerable to trafficking (<http://www.unifemeseasia.org/resources/others/traffkit.pdf>; p 14). Despite this, states overwhelmingly fail to create an enabling environment that proactively includes gender-specific considerations and strategies.

Including a gender perspective would involve acknowledging the status and position of men and women as different, with women having been placed at a disadvantage in most societies; the inferior position of women having been socially constructed. Infusing policy frameworks with a gender perspective would entail not only acknowledging the differences but also putting forth a plan of action that addresses them. Therefore, the strategies, programmes and projects should reflect some kind of gender dimension.

Women are generally trafficked into 'gender-specific labour like prostitution, sex tourism, domestic work or into commercial marriages and suffer gender-specific harm, such as rape and other forms of violence.' Gender-based discrimination, which negatively impacts areas such as access to education, public participation, property, credit, land and resources, increases women and girls' chances of being trafficked.

Hallmark initiatives such as the Vienna Declaration, the Beijing Platform for Action and the Committee on Elimination of All Forms of Discrimination against Women (CEDAW) all contextualise trafficking as a form of violence against women (Lansink, 2006: 47). The topic of trafficking as a form of gender-based violence has mostly surfaced within feminist discourse and is rarely recognised during public trafficking-related debates and processes. The state should be called upon to take ownership for addressing violence against women and trafficking issues, as well as to locate them within a human rights framework, and not relegate violence against women and trafficking as an issue that is meant to be merely debated among women (Watson, 2006: 118).

One of the most popular and lucrative forms of trafficking is trafficking of women and young girls for sexual exploitation. Interpol<sup>8</sup> emphasises that this is a multibillion-dollar business that fuels organised crime and exploits citizens from most

nations.<sup>9</sup> The US State Department calculated that 80% of transnational victims are comprised of women and girls, with up to 50% being minors, compared to male minors making up only 2% of trafficking cases.<sup>10</sup>

Some strides have been made in terms of acknowledging the gender dimension and imbalance, particularly in regards to broadening the concept and definitions of trafficking; for example, the Beijing Declaration and Platform for Action included potentially harmful cultural practices such as forced marriages within its concept mapping.<sup>11</sup>

In a bold move to address gender, the SADC discussed the following two documents: the Draft SADC Protocol on Gender and Development; and the Draft SADC Policy on Gender Equality. However, even if the gender-responsive policy is adopted by member states, the real challenge lies in supporting such transformation by implementing the policy.

There is a real need for the inclusion of economic solutions into policy frameworks so as to address a contributing factor of poverty, imbalances and vulnerability. Governments should actively address the demand side by instituting proper policy; reducing avenues that perpetuate exploitation, especially of women and children; addressing corruption (particularly of officials); successfully prosecuting offenders and imposing harsher penalties; and creating avenues for victim redress.

### Demand factor

An emerging trend, albeit in small scale, in the fight against trafficking has been to focus on curbing the demand that facilitates modern-day slavery. If nations were to collectively target demand they would also target the problem.

Two of the most noteworthy forms of exploitation encompassed under the trafficking persons banner are sexual exploitation, which seems to receive the bulk of government and media attention, and forced labour. In many ways, sexual exploitation seems easier to address, as it is easy to vilify and revile due to its linkage with rape, disease, paedophilia, drugs, and so forth. However, the topic of forced labour makes governments and businesses substantially more nervous due to its link to cheap labour and products, from which many countries around the world have benefited because of the economics of supply and demand. The practice of trafficking in persons is big business for criminals; however, it is also big business for businesses that directly profit from the cheap or free labour.

For decades now, businesses have been exploiting labourers and labour laws in developing countries. Full awareness of the exploitation and

complicity with the offenders is difficult to prove; let alone the confirmation of trafficked individuals that have been abused and coerced to work. Many governments and businesses find respite in such ambiguity, as it is always easier to feign ignorance than have to deal with the negative impact on a nation's economy. Absent from much of the high-level policy discourse and planning is the discussion of forced labour and indentured servitude<sup>12</sup>. If human trafficking is to be genuinely targeted, policymakers and governments must find an effective way in which to tackle both consumer and corporate support of such modern-day slavery.

Demand for sex workers is usually associated with the civilian population. However, there is often a spike in demand for sex workers 'following the deployment of soldiers, police and others in international peacekeeping forces.' To curb this trend, deterrence methods are sometimes used, such as banning forces from visitations to prostitutes and certain bars, as well as implementing training on children's rights and trafficking prior to deployment (Dottridge, 2007: 52).

The North Atlantic Treaty Organisation (NATO) has also acknowledged the need to condemn human trafficking. In 2004, NATO released the Policy on Combating Trafficking in Human Beings, attesting that it feeds corruption and organised crime, and has 'the potential to destabilise fragile governments.' NATO confirmed that what may seem like a social or law enforcement problem can actually be a security issue and undermine their operations, and boldly acknowledged that NATO itself 'can create or increase the demand for trafficked women.' It is no secret that deployed forces around the globe render the 'service' of prostitutes, which in itself ends up supporting criminal enterprises and creating a demand for sex workers, some of whom inevitably turn out to be exploited sex slaves. In some cases, there have been allegations of troops being aware of the possibility of prostitutes having been trafficked. In 2002, US troops in South Korea were linked to performing 'courtesy patrols to protect brothels that exploited trafficked women.' It is perhaps for reasons such as these that NATO has adopted a 'zero-tolerance' policy pertaining to all NATO forces and staff. NATO has also invested time and resources in trafficking-related training, education and curricula (NATO, 2006).

### Agendas, buy-in and resources

To realistically engage in policy development, policymakers must pursue multiple perspective analysis. By looking at socio-economic, political and cultural factors to name but a few, analysts,

researchers and stakeholders in the trafficking arena will gain greater insight into existing and influential agendas, as well as to facilitate buy-in.

In a policy context, 'agenda setting' is the act of officials identifying and putting problems on the public agenda. In a political context, agenda setting is usually determined by factors such as economics, access to natural resources and political power. To ignore the influence of political agendas imposed upon policy agendas would be naïve.

The issue of resources is another major challenge in the policy process. Good intentions are unfortunately not enough to support the implementation of policy decisions and measures. To date, the largest donor contribution to South Africa for pursuing its fight against trafficking has been the European Commission, which approved a three-year initiative in South Africa. The UNODC cites that approximately 80% of the resources are allocated to South Africa itself, with the balance being used for regional collaboration and assistance.

Agendas carried out by individual entities, government departments and nations can easily skew research, policy development and implementation. Although there is some criticism that South Africa is conforming to international (specifically Western) regimes and agendas, one can at least testify that the country has pursued progressive socio-economic policies since its democratisation. Of course, as with many nations, implementation is the biggest challenge.

Fortunately, South Africa is capable of identifying its own problems and solutions. National politics will definitely influence national policy, as is the case in most countries. However, despite its poor ranking in the US State Department's Trafficking in Persons Report<sup>13</sup>, South Africa seems to be committed to combating trafficking in persons, as demonstrated by the measures implemented to date and the priority that assigned to creating and passing sound legislation.

## Policy Recommendations

The following recommendations reflect some of the primary challenges in formulating human trafficking policy and are meant to serve as a list of considerations that can be contemplated, modified and/or built upon by relevant actors in the policymaking process.

### General recommendations

- States that have yet to do so, should ratify the UN Protocol on Trafficking and build the

Convention's provisions into national legislation.

- Broad consultation with relevant stakeholders from diverse sectors should be engaged in.
- Policy efforts should be coordinated and cooperation secured across relevant departments, agencies and the civil society sector.
- Labour exploitation and migrational issues should always be reflected in policies.
- The approach to policy development must be rights-based, victim-centred and include after-care services.
- Policies should be harmonised and consistent with all laws to avoid confusion or duplication.
- Specific and committed task teams, with clear mandates and budgets, should be created to combat trafficking.
- Strategic plans should be formulated and implemented for the prevention and handling of trafficking violations during international events.
- Policies should reflect a broad approach, offering both mandatory and optional requirements, as well as clearly outlined objectives, scope and definitions.
- Research, data collection, proper victim classification and information sharing should be promoted and carried out among relevant stakeholders, including intelligence agencies, immigration officers and task teams.
- Policies should speak to the role of new technologies (including the Internet and social networking sites) and consider the role of technology in preventing and fighting trafficking.
- Bilateral and multilateral agreements should be pursued with neighbouring states.
- Top-level officials, members of parliament and ministers should be involved in the policy process to insure awareness and buy-in.
- Monitoring mechanisms should be built in to ascertain the effectiveness of policy and to accommodate the discovery of new trends and/or obstacles.

### Recommendations for prevention

- Policies should explicitly identify demand as a driving force fuelling trafficking and subsequently engage in measures to reduce demand such as targeting individuals; reducing corruption; increasing the penalties for perpetrators; and facilitating victim identification and assistance.
- Governments should recognise the intersection between human trafficking, gender inequality and poverty, and therefore address these in their women empowerment and poverty reduction strategies.

- The state should develop and implement training programmes for all relevant stakeholders, particularly law enforcement, prosecutors and magistrates.
- Education and the development of alternative economic activities and opportunities should be funded and promoted.
- Additional research on causes and prevention should be undertaken.
- Awareness-raising programmes and campaigns should be conducted in a country's principal languages so as to inform individuals, communities, media and law enforcement.

### Recommendations for protection

- Bilateral agreements in the region should be established between countries regarding repatriation and victim care.
- Suspected victims should be recognised as a potential victim of trafficking and afforded services such as secure shelter, food and counselling.
- Victims should undergo integrated rehabilitation and be offered re-integration facilities and skills development.
- Victims of sexual exploitation and child victims should be recognised and treated as particularly vulnerable and dealt with sensitively due to their heightened trauma.
- Trafficking victims should receive special certification and the opportunity to obtain temporary residence.
- Communication and/or services should be facilitated in a language understood by the victim.
- Victims should be offered legal alternatives to deportation, including repatriation after a period of reflection and delay.
- Temporary, and possibly long-term, accommodation should be provided and, if available, the victim should be offered the option of joining a witness protection programme.
- Awareness and sensitivity training should be conducted for relevant stakeholders including law enforcement, magistrates and relevant government departments.

### Recommendations for investigation and prosecution

- Investigations should stem from intelligence underpinned by sufficient data gathering and sharing.
- Information pertaining to investigations should be properly managed and secured.
- The privacy and protection of victims must be insured.

- Trafficking perpetrators that commit additional crimes such as rape should also be charged with these crimes.
- Trafficking should be dealt with and prosecuted at a national level first with the possible support of international entities.
- Severe penalties should be imposed for perpetrators of trafficking; public identification and condemnation of perpetrators (in either country of destination or origin) should also be considered as a deterrent.

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## Notes

- 1 Estimate from the United Nations Information Service website: <http://www.unis.unvienna.org/unis/pressrels/2007/uniscp542.html>.
- 2 Information from: <http://www.unis.unvienna.org/unis/pressrels/2007/uniscp542.html>.
- 3 An international event organised by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in early 2008.
- 4 Figures from: [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Feature\\_stories/lang--en/WCMS\\_090351/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_090351/index.htm).
- 5 Dates correspond to year charter was created.
- 6 <http://www.no-trafficking.org/content/FAQ/faq2.htm#q10>.
- 7 ECOWAS is a group of fifteen West African countries.

- 8 International Criminal Police Organisation.
- 9 Assessment from: <http://www.interpol.int/Public/THB/default.asp>.
- 10 Estimates from: <http://www.state.gov/g/tip/rls/tiprpt/2008/105376.htm>.
- 11 UNIFEM website: <http://www.unifem-eseasia.org/resources/factsheets/Gendis2.htm>.
- 12 A condition in which one lacks liberty, especially to determine one's course of action or way of life (as defined by the Merriam-Webster Online Dictionary).
- 13 The most comprehensive global report of its kind; commonly referred to as the TIP Report.

## Appendix 1

### List of interview respondents

| Name                | Title  | Institution  | Town                          |
|---------------------|--|--|-------------------------------|
| Lowesa Stuurman     | Senior Researcher/<br>State Law Advisor:<br>Trafficking in Persons | South African Law<br>Reform Commission                             | Pretoria, South Africa        |
| Joan Groenewald     | Deputy Director: Victim<br>Empowerment Programme                   | Department of Social<br>Development                                | Pretoria, South Africa        |
| Nolwandle R. Qaba   | Senior State Advocate  | National Prosecuting<br>Authorities                                | Pretoria, South Africa        |
| Wiesje Zikkenheiner | Associate Expert   | United Nations Office<br>on Drugs and Crime                        | Pretoria, South Africa        |
| Maciej Pieczkowski  | Senior Operations<br>Assistant:<br>Countertrafficking              | International Organisation<br>for Migration                        | Pretoria, South Africa        |
| Loren B. Landau     | Ph.D. – Director   | Humanities Graduate<br>Centre – University of<br>the Witwatersrand | Johannesburg,<br>South Africa |
| Ingrid Palmary      | Ph.D. – Coordinator  | Humanities Graduate<br>Centre – University of<br>the Witwatersrand | Johannesburg,<br>South Africa |
| Pamela Silolo       | Coordinator:   | Trafficking in Children,<br>Molosangololo                          | Cape Town, South Africa       |
| Thabisile Msezane   | Director   | Sithabile  | Benoni, South Africa          |
| Nandi Msezane       | Assistant Director   | Sithabile  | Benoni, South Africa          |
| Amanda Finger       | Coordinator  | Polaris Project  | Colorado, USA                 |





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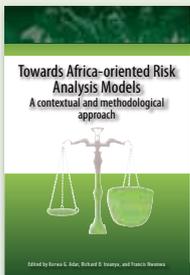
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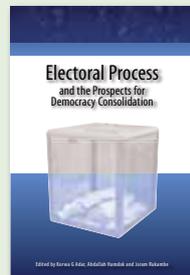
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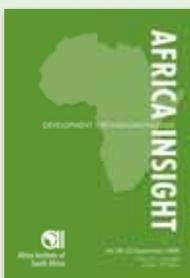
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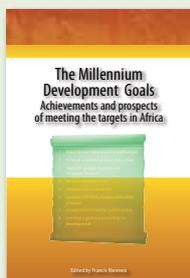
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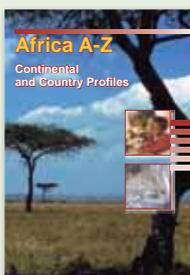
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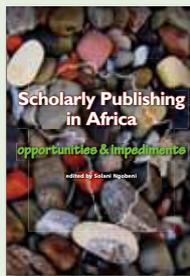
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ISSN 1998-7994



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