



the **doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



# PREVENTION AND COMBATING

# OF TRAFFICKING IN PERSONS NATIONAL POLICY FRAMEWORK

RESIDENCE PERMIT  
DATA PROTECTION  
ABUSE OF VULNERABILITY  
REINTEGRATION

SLAVERY  
FORCED LABOUR  
EXPLOITATION  
INVESTIGATION  
EMPOWERMENT  
EDUCATION  
REMOVAL OF BODY PARTS  
PARTNERSHIPS REPORTING  
FORCED MARRIAGE SHELTER

PREVENTION  
VICTIMS EXPLOITATION VIOLENCE  
COUNTRY OF DESTINATION  
IMMEDIATE FAMILY MEMBER  
PREVENTION

COMPENSATION  
COUNTRY OF DESTINATION  
FRAUD  
KIDNAPPING DECEPTION  
DEBT BONDAGE  
WITNESS PROTECTION  
SERVITUDE ABDUCTION  
NATIONAL REFERRAL MECHANISM  
**PREVENTION  
AND COMBATING OF  
TRAFFICKING  
IN PERSONS**  
LEGAL AND ILLEGAL ADOPTION  
HUMAN RIGHTS  
SOCIAL INCLUSION  
PROTECTION  
COMPENSATION  
COUNTRY OF ORIGIN

PROSECUTION  
INTERNATIONAL  
COOPERATION  
PROMOTION OF HUMAN RIGHTS

*“Trafficking in persons is a vile crime that feeds on inequalities, instability and conflict. Human traffickers profit from peoples' hopes and despair. They prey on the vulnerable and rob them of their fundamental rights. Children and young people, migrants and refugees are especially susceptible. Women and girls are targeted again and again. We see brutal sexual exploitation, including involuntary prostitution, forced marriage and sexual slavery. We see the appalling trade in human organs. Human trafficking takes many forms and knows no borders. Human traffickers too often operate with impunity, with their crimes receiving not nearly enough attention. This must change. [...] Let us come together around the key issues of prevention, protection and prosecution to build a future where this crime cannot exist.”*

Message of United Nations Secretary-General, António Guterres, on the World Day against Trafficking in Persons, 30 July 2018

## Foreword by the Minister of Justice and Correctional Services

***“We are committed to establishing a society that is free from all forms of violence, particularly those perpetrated against vulnerable groups.”***



**Minister  
Mr Ronald Lamola, MP**

Trafficking in persons has been aptly described as modern day slavery.

It is a crime against humanity.

Every year thousands of men, women and children fall into the hands of traffickers through false pretences, abduction or other means for the sole purpose of exploitation in one way or another. Various factors contribute to the trafficking of persons, such as poverty and the lack of economic opportunities.

Our international obligations, as well as our Bill of Rights in the Constitution, which is a cornerstone of democracy in South Africa, compel us to act against this heinous crime.

Since the birth of the Constitution, our Parliament has given expression to the establishment of a society based on democratic values, social justice and fundamental human rights. It has passed pieces of legislation that give prominence to the achievement of the international protocols, whilst building a nation that takes pride in its cultures, norms and values to promote peace and *Ubuntu*.

The Prevention and Combating of Trafficking in Persons, 2013 is an example of a comprehensive piece of legislation that comprehensively deals with trafficking in persons.

It is an Act that provides for prevention of trafficking in persons, protection and assistance to victims and further provides various services to the victims of trafficking in persons. It creates a wide range of new specific crimes to better respond to trafficking in persons' offences and also provide for the coordinated implementation, application and administration of the Act.

With an emphasis on international trends of service coordination and integration, it further provides for the development of a policy framework to guide the integrated management of trafficking in persons' offences and related matters.

This document therefore stands to represent the fulfilment of this requirement. It is the National Policy Framework on the Management of Trafficking in Persons Offences (the NPF), which the key stakeholders in the criminal justice system, relevant stakeholders, international partners and civil society role-players jointly developed under the leadership of my Department.

This NPF seeks to ensure coordinated planning, resource allocation and the execution of services within the trafficking in persons sector. It entrenches a victim-centred approach and promotes better service delivery to respond to the needs of the victims.

To my colleagues and Members of Parliament, your devoted efforts and support in making this country crime-free are well appreciated.

I also thank the National Inter-Sectoral Committee of Trafficking in Persons (NICTIP) for developing this Policy through its technical support. I extend this gratitude to the Provincial Task Teams on Trafficking in Persons, academia, service providers and the civil society organisations that participated in making this Policy more comprehensive in its inter-sectoral approach.

It is an honour to present the NPF as a guiding tool in the inter-sectoral implementation of the Act.

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**Mr Ronald Lamola, MP**  
**Minister of Justice and Correctional Service**

## Foreword by the Deputy Minister of Justice and Constitutional Development

***“Enslave the liberty of but one human being and the liberties of the world are put in peril.”***



*Deputy Minister  
Mr John Jeffery, MP*

These words, said by American anti-slavery abolitionist, William Lloyd Garrison, are still relevant today as we fight the crime of trafficking in persons.

The Prevention and Combating of Trafficking in Persons Act came into operation in August 2015. With this legislation, we now have a comprehensive legal tool to combat trafficking in persons in all its forms.

The Act employs a wider definition of trafficking than that of the United Nations. South Africa’s efforts are therefore directed at all forms of trafficking in persons (TIP) – in other words, not only sex trafficking, but **all** forms of trafficking in persons. The legislation further provides for various measures to protect and assist victims of trafficking in persons, with other departments such as Health and Social Development as well as civil society all playing a major role. It also allows us to partner with other countries in combating and prosecuting these crimes.

The aims of the TIP Act can only be achieved through proper coordination. This cannot be overemphasised, in particular because the Act can only be effectively implemented in an integrated and multi-disciplinary manner.

A National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) which comprises of national departmental representatives from, amongst others, Justice and Constitutional Development, Health, Home Affairs, International Relations and Cooperation, Labour, Social Development, Women, the SAPS, the NPA as well as civil society organisations was established. The Committee leads the implementation and administration of the Act at a national government level.

Provincial Task Teams (PTTs) on Trafficking in Persons were also established as well as Provincial Rapid Response Teams to attend to operational matters relating to suspected complaints and pending cases of trafficking in persons and providing support to the victims.

Other measures taken include general awareness campaigns to sensitise communities on TIP issues, which were undertaken by governmental departments in partnership with civil society. An integrated and holistic Immigration Policy is receiving attention and the Justice Crime Prevention and Security Cluster departments have made the combating of trafficking of persons a priority in the Cluster’s activities to ensure all persons in South Africa Are and Feel safe.

The Act highlights the need for coordinated implementation, application and administration of its provisions, including the development of a Draft National Policy Framework (NPF).

We are confident that the NPF’s strategy and action plan has been informed by internationally recognised anti-trafficking guiding principles such as a human rights/victim-centred approach, a multi-disciplinary approach, government ownership, civil society participation, a gender-sensitive approach and overall sustainability.

In addition, the strategy should address the 4 pillars of anti-trafficking interventions or components, namely Prevention, Protection, Prosecution and Partnership.

We believe that our NPF achieves this.



I would like to convey my sincere appreciation to members of the NICTIP and PTTs as well as civil society organisations who made inputs to the development of this policy framework.

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**Mr John Jeffery, MP**  
**Deputy Minister of Justice and Constitutional Development**



*Director-General  
Adv. Doc Mashabane*

## **Acknowledgement by the Director-General: Department of Justice and Constitutional Development**

The DoJ&CD is proud to present to you the National Policy Framework on the Management of Trafficking in Persons Offences. This Policy Framework is the result of collective endeavours of government departments, international partners, academia and civil society organisations through consultative workshops in all the Provinces, to guide the country on the inter-sectoral implementation of the Prevention and Combating of Trafficking in Persons Act, 2013 (the Act). The complex nature of the Act required lengthy and intensive consultations with the relevant stakeholders to ensure a well-informed and well-coordinated response, prevention and combating of trafficking in persons offences and related matters.

It is our commitment to continually explore improved responses and preventative measures aimed at rooting out the heinous offences of trafficking in persons from our communities and to collaborate with our neighbouring countries wherever necessary. We need to jointly take a robust approach against this crime to achieve better outcomes with limited resources. This Policy Framework, therefore, encourages the multi-disciplinary approach to planning, resourcing and service delivery. It sets out distinct strategic objectives that are operationalised through a 3 year Inter-departmental Implementation Plan. It establishes the National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) in addition to provincial inter-sectoral committees as well as rapid response teams. The Policy Framework will serve as a monitoring tool that the NICTIP will use in the exercise of its monitoring function across all the implementing government departments and institutions.

Without the concerted efforts of the stakeholders, the aspirations of the Policy Framework will only remain on paper and never reach the intended beneficiaries, particularly the victims of trafficking. It is therefore the unfailing commitment to service delivery and regular reporting of the different stakeholders that will bring about the desired outcomes to South Africa, the Continent and the World. I stand committed to all legal efforts aimed at realising a South Africa that is free from all forms of violence and crimes, particularly the heinous offence of trafficking in persons.

To the government departments and civil society organisations participating in the national and provincial coordination mechanisms, your commitment and support to make these processes and systems work is appreciated. Without the technical support of the National Inter-Sectoral Committee on TIP (NICTIP) and Provincial Task Teams of TIP (PTT), we could not have achieved this deliverable, hence my deepest gratitude goes to all members of these Committees and all the operational structures attached to them.

Lastly, I wish to extend my sincere word of appreciation to the civil society organisations, faith based organisations, traditional leaders and the academia at large that generously joined hands with government during the consultative workshops throughout all the Provinces and at National level, providing valuable inputs towards the development of this Policy Framework.

It is only through integrated efforts and commitment that we can reach the milestones set before us.

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**Adv Doc Mashabane**

**Director-General: Department of Justice and Constitutional Development**

## **ACKNOWLEDGEMENTS**

The Department of Justice and Constitutional Development would like to express its sincere appreciation to the UNODC , social partners and government departments in the Justice and Crime Prevention and Security cluster for providing invaluable assistance in finalising the National Policy Framework. We are grateful for their support and urge them to continue their active participation in the national and provincial coordinating structures.



## ACRONYMS AND ABBREVIATIONS

AFU	Asset Forfeiture Unit
CARA	Criminal Asset Recovery Account
DHA	Department of Home Affairs
DIRCO	Department of International Relations and Cooperation
DOH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DOEL	Department of Employment and Labour
DPCI	Directorate for Priority Crime Investigations
DSD	Department of Social Development
FCS	Family Violence Child Protection and Sexual Offences Unit
GCIS	Government Communication and Information Systems
IO	International Organisation
MLA	Mutual Legal Assistance
NC	National Anti-Trafficking Coordinator
NGO	Non-Governmental Organisation
NICTIP	National Inter-Sectoral Committee on Trafficking in Persons
NOC	National Operations Centre
NPA	National Prosecuting Authority
NPF	National Policy Framework
NCMT	National Case Monitoring Team
PPTs	Provincial Task Teams
PRRTs	Provincial Rapid Response Teams
RRTs	Rapid Response Teams
SAMLIT	South African Anti-Money Laundering Integrated Task Force
SAPS	South African Police Service
SARS	South African Revenue Services
SOCA	Sexual Offences and Community Affairs Unit
SOPs	Standard Operating Procedures (SOPs)
TIP	Trafficking in Persons
UN	United Nations
UNTOC	United Nations Convention against Transnational Organised Crime

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## CHAPTER 1 - NATIONAL POLICY FRAMEWORK (NPF): THE PREREQUISITES

### 1.1 Why a National Policy Framework against Trafficking in Persons in South Africa

Trafficking in persons is a serious crime and a grave violation of human rights posing a serious challenge to communities and to society at large. The Government of the Republic of South Africa is committed to put in place measures to prevent this criminal phenomenon, stepping up its efforts to assist and protect victims of trafficking, while prosecuting the perpetrators.

Trafficking in persons results in the exploitation of men, women, boys and girls in situations where victims are unable to escape from their trafficker. Deception, coercion, physical or psychological threats and abuse of vulnerability are some of the means used to exploit victims, including in forced labour, sexual exploitation, servitude or slavery-like practices, removal of body parts, forced marriages and other exploitative practices.<sup>1</sup> Trafficking entails any or all of the following acts: delivery, recruitment, transportation, transfer, harbouring, sale, exchange, lease or receipt of persons within or across borders.

The Republic of South Africa is primarily a destination country for trafficked persons in the Southern African region and within Africa at large. It is an origin country primarily for domestic trafficking, and a transit country primarily for trafficking victims on board fishing vessels. The majority of victims identified in the previous years were South African nationals, with children consistently more at risk for various forms of trafficking, especially illegal adoptions and for their body parts. Sex trafficking is still the most common form of exploitation. The victims are almost exclusively from SADC countries other than victims from Ethiopia in one case, and from Bangladesh in another case. Trafficking in persons in South Africa involves private individuals of mostly South African nationality and/or organised criminal networks, with exploitation of trafficking victims in the sex industry being dominated by couples consisting of a foreign national male and a South African female acting with a common purpose.<sup>2</sup>

TIP is a complex and hidden crime that requires a variety of complex responses in terms of appropriate legislation, economic empowerment and psycho-social support. There is no easy, one-size-fits-all solution to prevent and combat exploitation as the exploitation, by corporations and individuals for profit, occurs in all industries and had become embedded in the national and global economy.<sup>3</sup> The anti-trafficking framework must therefore develop effective strategies that address violence, exploitation and trafficking in all industries, especially industries for labour migrants, fishermen and/or sex workers. Countering this complex phenomenon is challenging and efforts to curb the crime and protect its victims require the intervention of a multiplicity of stakeholders, including governmental agencies, non-governmental organisations, civil society at large and international organisations. A comprehensive national policy framework (NPF) is necessary to foster a shared understanding of the phenomenon and a coordinated response among different stakeholders. Adopting a worker-centred rights based approach to trafficking by developing different strategies that support and

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<sup>1</sup> See legal definition of trafficking in persons below, Textbox 2.

<sup>2</sup> The Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT), *Responding to Trafficking in Persons and Smuggling of Migrants, South Africa, 2022*.

<sup>3</sup> *Report 2018 with 'Sex Workers Organising for Change' 2018 Global Alliance Against Traffic in Women (GAATW)*.

improve working conditions for workers/labourers from all sectors to fulfil their ambitions and their right to self-determination through formal or informal employment.<sup>4</sup>

The NPF seeks to ensure all government departments and other accredited stakeholders 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)**, hereinafter referred to as the **Act**, which aims to ensure that the criminal justice system is effective in prosecuting the criminals and protects the victims of TIP, promoting a cooperative and aligned response among all government departments.

As a strategic planning tool, the national policy framework is also key to secure political and financial support and to ensure rational use of resources and effective responses.

Section 41(1)(a) of the Act mandates the **Director-General of Justice and Constitutional Development to develop the draft NPF** after consultation with the National Commissioner of South African Police Service, the National Director of Public Prosecutions, the Chief Executive Officer of the Government Communications Information Systems, the Commissioner of South African Revenue Services and the Directors-General of Health, Home Affairs, International Relations and Cooperation, Labour, Social Development, State Security Agency and Department of Women, Youth and Persons with Disabilities respectively.

The NPF must include guidelines for implementation of priorities and for measuring progress on achievement, ensuring that the different organs of state comply with roles and responsibilities allocated to them and monitoring of the overall implementation of the national policy framework and the Act.

Section 40(1) of the Act further requires the **Minister of Justice and Correctional Services** (herewith the Minister) **to approve the national policy framework**, after consultation with the Minister in the Presidency responsible for performance, monitoring and evaluation, Finance, Home Affairs, Health, International Relations and Cooperation, Labour, Police, Social Development, State Security and Women as well as the National Director of Public Prosecutions.

The NPF shall relate to all matters dealt with in the Act in order to:

- (i) 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;
- (ii) Guide the implementation, enforcement and administration of the Act, and
- (iii) Enhance service delivery as envisaged in this Act by developing a plan within available resources.

In addition to the NPF, the Act provides for drafting of Regulations, Directives and Instructions to improve the effective and efficient implementation of the Act. Such regulatory framework may provide for additional issues informed by the objectives of the Act.

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<sup>4</sup> *Sex Workers Organising for Change' 2018 Global Alliance Against Traffic in Women (GAATW).*

The NPF must be tabled in Parliament by the Minister in consultation with all Ministers mentioned in section 40(1) of the Act. It must be reviewed by the Minister within three years after its publication in the *Gazette* and at least every five years thereafter (section 40(2)(c)).

The NPF was the result of an extensive consultative process carried out by the Director General Department of Justice and Constitutional Development (DoJ&CD) in cooperation with the anti-trafficking coordination structures of South Africa at national and provincial level and with the enlarged support of numerous other representatives from academia, civil society and International Organisations (IOs).

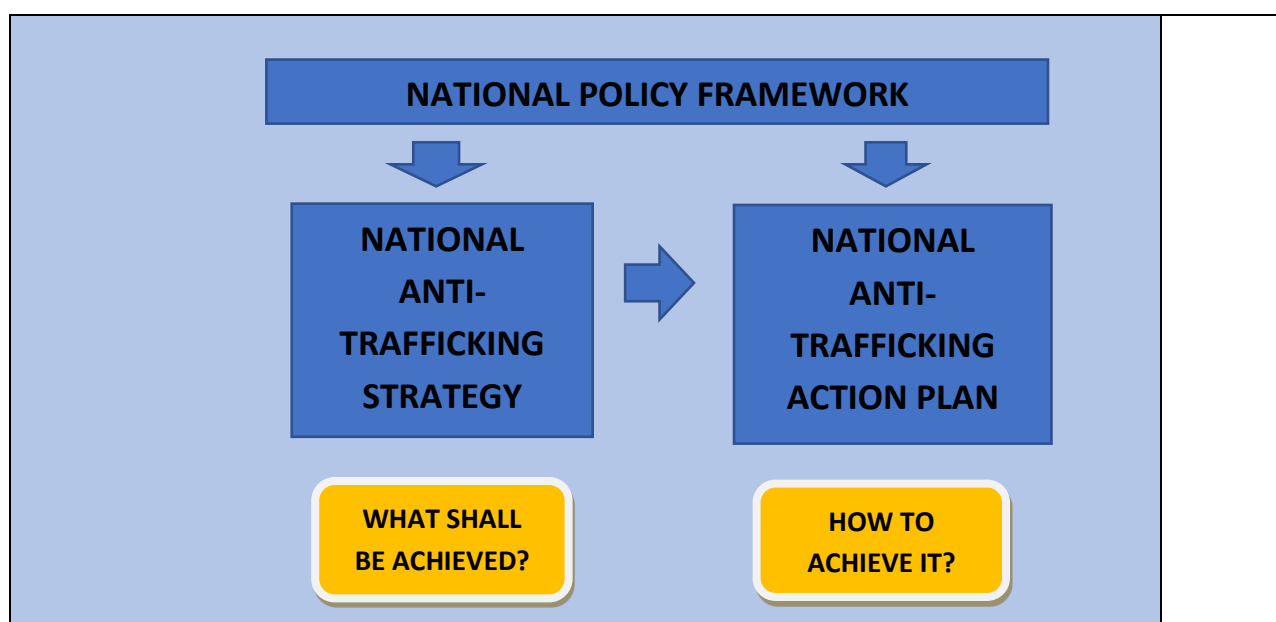
### The Structure of the NPF

The NPF comprises of strategic and operational components. The strategic level, or National Anti-Trafficking Strategy, identifies the priorities to be pursued in the medium term: three-year goals for the first strategy; five years goals for the subsequent updates to guide the implementation of the Act.<sup>5</sup> The strategy outlines the overall vision of what should be achieved through the NPF.

The Anti-Trafficking Action Plan details how to achieve the goals and objectives set in the strategy, indicating activities, responsibilities, timeframes and resources.

To allow the monitoring of the overall implementation of the NPF and the Act, the NPF provides indicators to measure progress and ensure that the different organs of state comply with the roles and responsibilities allocated to them by the Act.

Fig. 1 - NPF Structure



<sup>5</sup> Act, Section 40(2)(c).

## 1.2 Guiding Principles and Approaches

The NFP is based on a set of principles and approaches in line with constitutional imperatives, national legislation and international standards that all anti-trafficking stakeholders and service providers in South Africa shall employ during all steps of its implementation.

The principles acknowledge that TIP is a hideous violation of human rights. Their full and consistent adoption and implementation will ensure the sound enactment of the legal instruments and operational procedures to fight TIP in South Africa, to provide proper and enhanced identification, high quality assistance to suspected and actual trafficked persons, thus, also avoiding any risk of re-victimisation of the assisted persons.

- The government, through the NICTIP, has full responsibility and participation for the design, coordination and implementation of the NPF against TIP (i.e. **government ownership**).
- The NPF is implemented with the full **participation, cooperation and coordination** of PTTs, RRTs, accredited NGOs and other civil society (e.g. traditional leaders, academia, etc.), international organisations, competent state and local stakeholders according to their mandates and agreed procedures (**multi-disciplinary and cross-sectoral approach**).
- All anti-trafficking stakeholders shall place the **human rights** of the trafficked and/or exploited persons **at the centre** of any legal provision, activity and measure they carry out. They shall then respect, protect, fulfil and promote the full range of civil, cultural, economic, political and social rights every person unconditionally holds at any stage of the NPF implementation.
- All presumed and identified trafficked persons are **treated** equally before the law and access the identification, protection and assistance measures **without any discrimination** on any ground such as race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or any other arbitrary ground.
- **Children** must be given primary consideration. A prompt and in-depth assessment of their **best interests** shall be carried out in full compliance with the national applicable law ensuring the protection of the child and in accordance with all international standards.
- The views and the wishes of trafficked persons, both children and adults, shall always be taken into account to allow their full participation in the decision-making process concerning all procedures and measures that concern them (**participation**).
- All measures to be implemented shall respond to the specific needs of each trafficked person (**tailored-made approach**) with due respect to her/his psychological and physical integrity to ensure her/his short- and long-term **safety and security**.
- Presumed and identified trafficked persons shall be granted **assistance regardless of their willingness to cooperate with** the police and judicial authorities.
- **No detention, prosecution or penalties** shall be imposed on trafficked persons for their participation in unlawful activities as a direct result of their trafficking experience or for their irregular stay in South Africa or for the immigration status.<sup>6</sup>
- All foreign trafficked persons shall be enabled to fully understand their rights and entitlements, procedures,

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<sup>6</sup> Section 22 TIP Act 7/2013



viable options and measures they will be involved in. If a (suspected/presumed) trafficked person and the anti-trafficking stakeholders do not speak any common and clearly understandable language, **interpretation** shall be provided by accredited interpreters.

- Assistance measures shall aim at improving the capacity of the trafficked persons to gain the knowledge, skills and attitude to make self-determined choices. In order to do so, the assisted persons shall have access to information and resources for taking full, properly informed decisions and have a wide range of options to choose from (**empowerment**).
- All stakeholders involved in any step of the NPF shall exchange information in a timely manner having as primary consideration the safety, security and privacy of the trafficked persons, who should be given appropriate information about the exchange of their data, to which they must consent (**data protection**).<sup>7</sup>
- **All professionals working in the anti-trafficking field shall be regularly trained and provided with refresher courses** on issues concerning the new trends of the different forms of TIP; local, national, regional and international legislation; strategies and operational tools and measures to employ in their daily work with potential, presumed or identified trafficked persons.

### 1.3 Strategic Goals

- To establish a coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders;
- To ensure the establishment of a comprehensive regulatory framework to protect trafficked persons and their rights;
- To secure resources necessary to fully implement the NPF;
- To monitor, evaluate and review anti-trafficking responses to improve and adjust them to ensure maximum impact;
- To raise public awareness and prevent TIP;
- To ensure the early identification of potential and suspected trafficked persons;
- To ensure that victims of trafficking have access to comprehensive assistance programmes;
- To ensure special protection to victims/witnesses and access to redress;
- To ensure a safe and sound return and integration of trafficked persons into their communities;
- To strengthen the capacity of the criminal justice system to investigate and prosecute the crime of TIP ensuring the convictions and long-term imprisonment of traffickers;
- To investigate and prosecute trafficking for labour exploitation;
- To confiscate and seize assets and proceeds of crime in cases of TIP;
- To promote effective, proportionate and dissuasive application of penalties and sanctions;
- To eliminate corruption as one of the contributing factors to TIP;
- To increase the cooperation with other States to counter-TIP;

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<sup>7</sup> Section 23 TIP Act 7/2013

## 1.4 Glossary of Terms

**Abuse of vulnerability:** Any abuse that leads a person to believe that he or she has no reasonable alternative but to submit to exploitation and includes, but is not limited to, taking advantage of the vulnerabilities of that person resulting from the person having entered or remained in the Republic illegally or without proper documentation; pregnancy; any disability of the person; addiction to the use of any dependence-producing substance; being a child; social circumstances; or economic circumstances.

**Act:** Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013).

**Accredited organisation:** An organisation, including a government institution, accredited to provide services to adult victims of trafficking.

**Assistance:** Measures, programmes and services aimed at the recovery of trafficked persons that might include, but are not limited to, appropriate housing; medical, psychological and material assistance; educational, training and employment opportunities; legal counselling and assistance. First, short- and long-term assistance may be offered by non-governmental organisations, governmental agencies or international organisations in countries of destination, transit and origin and they may involve one or multiple services.

**Assisted trafficked person:** A person who has been identified as a victim of trafficking and who has agreed to accept assistance from a non-governmental, governmental, international or other relevant organisation (also referred to as “assisted victim of trafficking” or “assisted person”).

**Best interests of the child:** In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

**Best interests determination:** The formal process with strict procedural safeguards designed to determine the child’s best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option.<sup>8</sup>

**Best interests of child standard:** The factors that need to be taken into consideration to determine the best interests of the child and includes a broad range of elements to be considered, e.g. the nature of the personal relationship between the child and the parents, or any specific parent, or the child and caregivers; the attitude of the parents/caregivers; the capacity of the parents/caregivers to provide for the needs of the child, including emotional and intellectual needs; the likely effect on the child of any change in the child’s circumstances, including separation from both or either parents/care-giver/siblings, with whom the child has been living; the need to protect the child from any physical or psychological harm; and many other factors.<sup>9</sup>

**Child:** A person under the age of 18 years.

**Child marriage:** A child below the minimum age set by law for a valid marriage may not be given out in marriage or engagement.

**Children’s Act:** Children’s Act, 2005 (Act No. 38 of 2005).

**Child and Youth Care Centres:** They provide residential care programmes suited to the child’s needs including trafficked children, according to the Children’s Act.

**Commercial Sexual Exploitation of Children:** Refers to (a) the procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography, irrespective of whether that reward is claimed by, payable to or shared with the procurer, the child, the parent or care-giver of the child, or any other person; or (b) trafficking in a child for use in sexual activities, including prostitution or pornography.

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<sup>8</sup> UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008.

<sup>9</sup> See Children Act no. 38, 2005, chapter 2, section 7.

**Compensation:** The procedure to support the victim to obtain – through criminal proceeding, civil action or administrative systems – material and moral damages from the perpetrator(s) and to the State for the physical and psychological harm suffered and wages lost during the trafficking and exploitation experience (also generally referred to as “restitution”, “reparation”, “redress”, “damages”).

**Country of origin:** The country from which a trafficked person comes (also referred to as “source country”).

**Country of destination:** The country that is the ultimate destination of a trafficked person (also referred to as “receiving country”).

**Data protection:** The regular implementation of security measures for the protection of personal data collected, stored and used in full compliance with the pertinent laws that protect the right to privacy of any individual.

**Debt bondage:** The involuntary status or condition that arises from a pledge by a person of her/his personal services; or the personal services of another person under his or her control, as security for a debt owed, or claimed to be owed, including any debt incurred or claimed to be incurred after the pledge is given, by that person if the debt owed or claimed to be owed, as reasonably assessed, is manifestly excessive; length and nature of those services are not respectively limited and defined; or value of those services as reasonably assessed is not applied towards the liquidation of the debt or purported debt.

**Designated Child Protection Organisation:** An organisation designated to render statutory services to children including children who are trafficked.

**Empowerment:** The process of improving the capacity of a person to gain the knowledge, skills and attitude to cope with her/his trafficking experience and protection and assistance process to make self-determined choices and changes in her/his personal and professional life. In order to do so, a person must have access to information, protection, support and social inclusion programmes and resources for taking full, properly informed decisions and have a wide range of options to choose from.

**Exploitation:** Comprises, but is not limited to, all forms of slavery or practices similar to slavery; sexual exploitation; servitude; forced labour; child labour; the removal of body parts; or the impregnation of a female person against her will for the purpose of selling her child when the child is born.

**Forced labour:** Refers to labour or services of a person obtained or maintained without the consent of that person, and through threats or perceived threats of harm, the use of force, intimidation or other forms of coercion, or physical restraint to that person or another person.

**Forced marriage:** A marriage concluded without the consent of either of the parties to the marriage.

**Human rights:** Fundamental and universal rights and freedoms to which all human beings are entitled. They consist of civil, political, economic, social and cultural rights that States are obliged to fully respect according to common standards established by national and international legislation.

**Identified trafficked person:** A person who has been recognised as a victim of trafficking according to a formal or informal identification mechanism (also referred to as “identified victim of trafficking”).

**Immediate family member:** The spouse, civil partner or life partner and dependent family members of a victim of trafficking.

**National Coordination Mechanism (NCM):** The framework aimed at promptly identifying, protecting and assisting victims of TIP, through referral. It involves relevant public authorities, civil society organisations and, when relevant, international organisations cooperating in a strategic national partnership to coordinate their response through formally adopted and shared Standard Operating Procedures (SOPs). The latter generally concerns the early and formal identification; the short-term and long-term assistance, protection and inclusion; return, repatriation and reintegration; criminal proceedings. The main cross-cutting goal of the NCM is to ensure that the human rights of trafficked persons are respected at any stage of their identification and referral.

**Online Child Protection:** Child Online Protection (COP) is a global challenge, and it requires a holistic approach and a global response, international cooperation and national coordination to protect children from online risks and potential harm and empower them to fully benefit from online opportunities. Child online protection includes raising awareness of child online safety issues and assisting and supporting the implementation of roadmaps for the COP initiatives.

**Potential trafficked person:** Any person (minor or adult) who has not been trafficked but, given her/his profile or the appearance of certain indicators, may be vulnerable to TIP (also referred to as “potential victim of trafficking” or “person at risk of trafficking”).<sup>10</sup>

**Personal data:** Refers to sensitive information of a presumed or identified trafficked person that are to be minimised, collected, stored and used only for the purposes related to her/his case. Presumed or identified trafficked persons should be informed at all stages about the use and storage of their personal data.

**Protection:** Refers to the procedures to ensure the trafficked person’s physical safety and safeguard of her/his prospects of social inclusion in the country of origin, destination, or a third country.

**Reintegration:** Reintegration or integration is focused on empowering the trafficked person, reuniting her/him with the family or her/his community, or her/his integration into a new community. In addition to the physical action of the return or repatriation, it involves cooperation/consent of the victim to the social environment and is targeted as a long-term social-economic solution in the country of destination or in the country of origin (also referred to as “social inclusion”).

**Removal of body parts:** The removal of or trade in any body part in contravention of any law.

**Repatriation:** To repatriate to one’s country of origin through the provision of logistical, financial and other materials assistance. In the context of anti-trafficking work, repatriation involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

**Residence permit:** Any permit or authorisation issued by the authorities of a country, in the form provided for under that State’s legislation, allowing a third country national or stateless person to reside on its territory.

**Return:** To return to one’s community of origin through the provision of logistical, financial and other material assistance. In the context of anti-trafficking work, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

**Service providers:** Accredited organisations that provide one or more of the support and assistance measures supplied to trafficked persons. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

**Servitude:** A condition in which the labour or services of a person are provided or obtained through threats of harm to that person or another person, or through any scheme, plan or pattern intended to cause the person to believe that if the person does not perform the labour or services in question, that person or another person would suffer harm.

**Shelter:** Premises where trafficked persons are hosted during initial and long-term assistance, including the social and labour inclusion period. Shelters may be open or with restricted freedom of movement justifiable with reference to the risk assessment; offer short- or long-term stay; provide round-the-clock, part-time or no in-house assistance.

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<sup>10</sup> The term ‘potential victim’ or ‘potential trafficked person’ refers to the condition of vulnerability individuals may find themselves into. Vulnerability is defined by UNODC as “a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities” (UNODC, . *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, 2008, p. 7). Potential victims may also be referred to as ‘person vulnerable to trafficking in persons’.

**Slavery:** The act of reducing a person by any means to a state of submitting to the control of another person as if that other person were the owner of that person.

**Social inclusion:** The process ensuring that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live. It also ensures that they have greater participation in decision-making that affects their lives and access to their fundamental rights. Through such a process vulnerable groups are granted access to education, training, employment, accommodation, collective services and health assistance. A social inclusion programme for trafficked persons can take place either in the country of origin or in that of destination.

**Suspected trafficked person:** see “Presumed victim” or “Presumed trafficked person”.

**Temporary safe care:** The care of an adult person suspected of being a victim of trafficking in a shelter, private home or any other place approved by the DG: DSD where that person can be accommodated safely pending the placement of that person in an accredited organisation.

**Trafficked child:** Any person under eighteen who is recruited, transported, transferred, sold, exchanged, leased, harboured or received for the purpose of exploitation, either within or outside a country, even if no element of coercion, deception, abuse of authority or any other form of abuse is used.

**Trafficked person:** See “Victim of trafficking”.

**Trafficker:** Person complicit in the trafficking of another human being (or human beings) for any form of exploitation.

**Trafficking in persons:** Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders by means of a threat of harm; the threat or use of force or other forms of coercion; the abuse of vulnerability; fraud; deception; abduction; kidnapping; the abuse of power; 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; 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 TIP. Furthermore, any person who adopts a child, facilitated or secured through legal or illegal means; or 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.

**Victim of trafficking:** A person who is subject to the crime of TIP, namely a child who is found to be a victim of trafficking after an assessment (Act, section 18(6)) or an adult person who has been issued with a letter of recognition (Act, section 19(10)).

**Witness protection:** The range of security measures employed to assure the safety of a witness involved in legal proceedings. Witness protection must be offered, before, during and/or after the legal proceedings and must include any measures assuring the safety and security of the witness and her/his family.

## CHAPTER 2 - NPF: OVERVIEW OF LEGISLATION AND COORDINATION STRUCTURES

### 2.1 Legislative Framework

#### 2.1.1 International Legal Instruments

South Africa ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air.<sup>11</sup> The universally agreed definition of TIP is provided in Art. 3 of the Trafficking in Persons Protocol. Important provisions are enshrined in a number of other conventions, which need to be taken into account when addressing TIP. South Africa ratified the following relevant international legal instruments:

- i) United Nations Convention on the Rights of the Child (CRC, 1989)
- ii) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)
- iii) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- iv) Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO 182 (1999)
- v) Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption (1993)
- vi) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)
- vii) Declaration on the Elimination of Violence against Women, UN General Assembly Resolution 48/104 of 20 December (1993)
- viii) United Nations Declaration of the Basic Principle of Justice for Victims of Crime and Abuse of Power
- ix) The Convention on the Rights of Persons with Disabilities (2007)
- x) United Nations Convention against Corruption (UNCAC) (2005)
- xi) Forced Labour Convention, ILO 29 (1930)
- xii) Abolition of Forced Labour Convention, ILO 105 (1957)
- xiii) Domestic Workers Convention, ILO 189 (2011)
- xiv) Slavery Convention (1926)
- xv) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956
- xvi) The Convention relating to the Status of Refugees (1951)

#### 2.1.2 Regional Legal Instruments

Also relevant for the fight against TIP are a number of instruments adopted at regional level, including the following:

- i) African Charter on Human and People's Rights (also known as the Banjul Charter);
- ii) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa;

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<sup>11</sup> 20 February 2004.



- iii) African Charter on the Rights and Welfare of the Child (ACRWC);
- iv) SADC Regional Protocol on Extradition;
- v) SADC Regional Protocol on Mutual Legal Assistance in Criminal Matters;
- vi) SADC Regional agreement on TIP;
- vii) SADC Protocol on Gender and Development;
- viii) Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children;
- iv) Economic Community of West African States (ECOWAS) Declaration on the Fight against Trafficking in Persons.

### ***2.1.3 Review mechanism for the implementation of UNTOC***

The Conference of the Parties (COP) to the United Nations Convention against Transnational Organised Crime established, at its ninth session, a review mechanism for the implementation of UNTOC and the Protocols thereto. At its tenth session the COP launched the review process of the Mechanism and adopted, amongst other things, the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto, the guidelines for conducting the country reviews and the blueprints for the lists of observations and their summaries.

The review mechanism will be a ten-year long process comprised of general reviews and country reviews. The review will be in 4 phases based on the thematic clusters of UNTOC and the Protocols i.e. criminalisation and jurisdiction; prevention, technical assistance, protection measures and other measures; law enforcement and judicial systems; and international cooperation, mutual legal assistance and confiscation. The first phase is on criminalisation and jurisdiction. The advancement to the next review phase is conditional upon the completion of 70% of the reviews foreseen at the beginning of the previous phase, unless the Conference decides otherwise.

The NICTIP will play a major role throughout the existence of the mechanism in conducting South Africa reviews and the review of the countries South Africa will be drawn to conduct. Currently we are drawn together with Nicaragua to conduct the review of Brazil, and also drawn with Ukraine to conduct the review of Lithuania. NICTIP members will be appointed either as experts or observers depending on the thematic cluster under review.

### **2.1.4 National Legal Instruments**

The legislative process that led to the adoption of the Prevention and Combating of Trafficking in Persons Act (Act. No. 7 of 2013) started in 2010 upon initiative of the Department of Justice and Constitutional Development. The Act was adopted after various rounds of feedback by relevant departments and successive deliberations, which took place between October 2010 and June 2012.

The Act was approved by the National Council of Provinces (NCOP) in May 2013 and was signed by the President on 28 June 2013. It was then published in the *Gazette* on 29 July 2013. The Act came into operation on 9 August 2015, except sections 15, 16 and 31(2)(b)(ii), in respect of which the Department of Home Affairs has not yet issued regulations.

The Act addresses the phenomenon of TIP comprehensively. It adopts a broad definition of TIP (see Textbox 2, below) and introduces provisions for compensation to the State and to victims of TIP. It creates offences such as debt bondage, possessing, destroying or tampering with travel documents and using services of victims of TIP. It provides for the protection of victims, including foreign nationals, and gives South African courts extra-territorial jurisdiction in certain circumstances, for example, where the victim is a South African resident or where the suspect is present in South Africa.

The Act adopts a victim-centred approach, prioritising the welfare of victims during investigations and prosecutions. Protective measures include the prohibition of the prosecution of victims who entered the country without valid documentation, the prohibition of summary deportation of foreign victims and the conduct of risk assessments with respect to the safety and life of presumed victims before any repatriation is carried out.

The Act imposes harsh penalties for violations, including the following:

1. Trafficking in persons is punishable by a maximum of life imprisonment or a fine not exceeding R100 million;
2. Engaging in conduct that causes a person to enter into debt bondage is punishable by up to 15 years' imprisonment;
3. Benefiting from services of TIP victims is punishable by up to 15 years' imprisonment;
4. Facilitation of TIP is punishable by up to 10 years' imprisonment.

The Act also provides for severe fines and enables the state to confiscate the assets of traffickers.

#### **The definition of trafficking in persons in the Prevention and Combating of Trafficking in Persons Act**

Trafficking in persons is an offence in South Africa and is defined in Act No. 7/2013. The constitutive elements of the crime – acts, means and purpose – are illustrated below:

**Acts** | Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders

**Means** | by means of a threat of harm; the threat or use of force or other forms of coercion; the abuse of vulnerability; fraud; deception; abduction; kidnapping; the abuse of power; 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; 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

**Purpose** | for the purpose of any form or manner of exploitation, is guilty of the offence of trafficking in persons (Art. 4 (1)).

**“exploitation”** includes, but is not limited to—

- (a) all forms of slavery or practices similar to slavery;
- (b) sexual exploitation;
- (c) servitude;
- (d) forced labour;
- (e) child labour as defined in section 1 of the Children’s Act;
- (f) the removal of body parts; or
- (g) the impregnation of a female person against her will for the purpose of selling her child when the child is born.

Furthermore, 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.

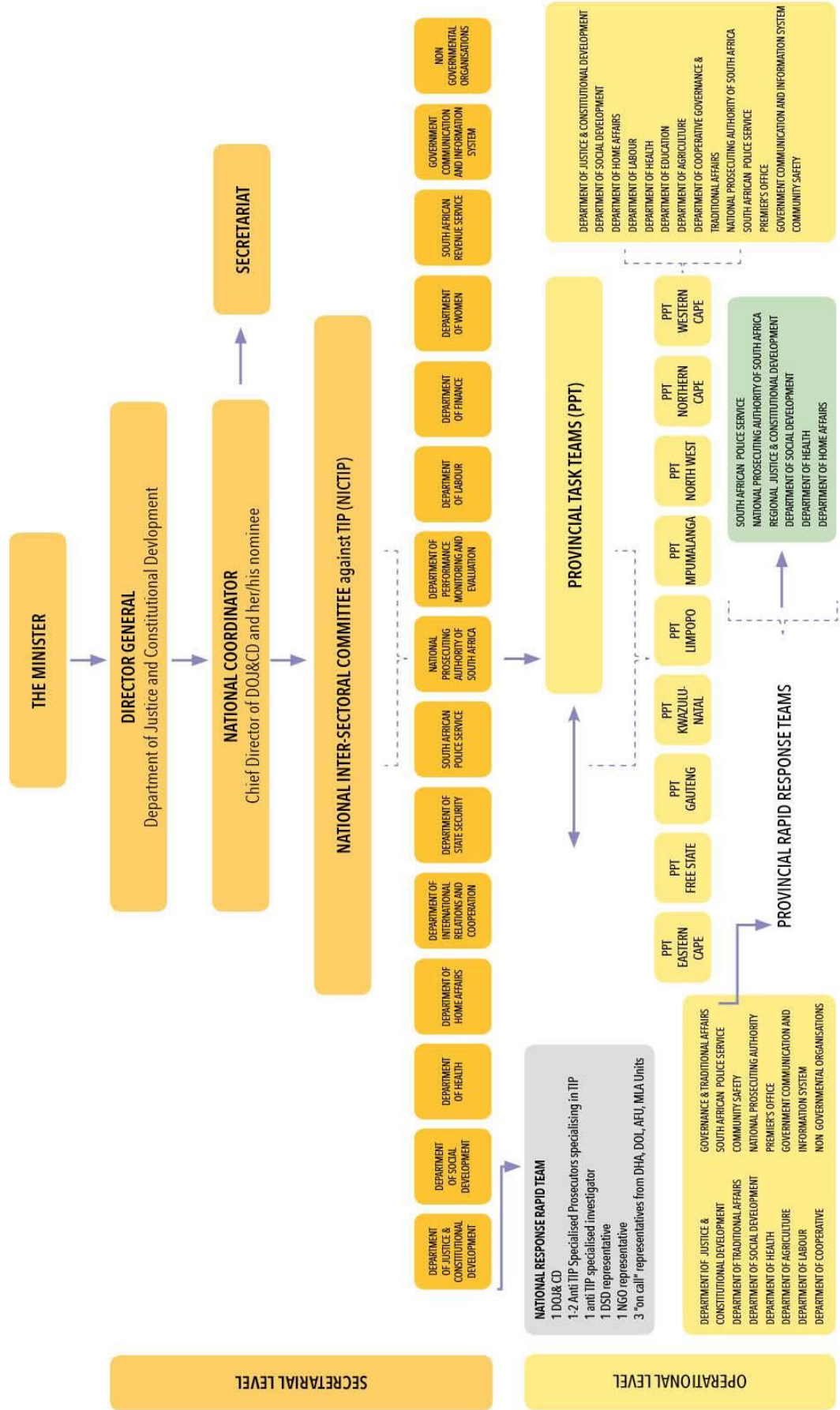
The Act provides the legal framework to assist competent authorities in identifying victims and prosecuting suspects and recognises the centrality of the role of civil society organisations in providing victims of TIP with support and assistance services.

While the Act is the primary piece of legislation regulating and informing action against TIP, various other pieces of legislation and policies need to be taken into account including, *inter alia*, the following:

- i) The Constitution of the Republic of South Africa, 1996
- ii) The Criminal Procedure Act (Act No. 51 of 1977)
- iii) The Criminal Law Amendment Act (Act No. 105 of 1997)
- iv) The Witness Protection Act (Act No. 112 of 1998)
- v) The Prevention of Organised Crime Act (Act No. 121 of 1998)
- vi) Private Security Industry Regulation Act (Act No. 56 of 2001)
- vii) The Immigration Act (Act No. 13 of 2002)
- viii) The National Health Act (Act No. 61 of 2003)
- ix) The Children’s Act (Act No. 38 of 2005)
- x) Basic Conditions of Employment Act (Act No. 75 of 1997) as amended in 2014
- xi) The Films and Publications Act (Act No. 3 of 2009)
- xii) The Human Tissues Act (Act No. 28 of 2008)
- xiii) Protection from Harassment Act, (Act No. 17 of 2011)
- xiv) The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007)
- xv) The Child Justice Act (Act No. 75 of 2008)

- xvi) The Service Charter and Minimum Standards for Victims of Crime (2004)
- xvii)** The National Policy Guidelines for Victim Empowerment (2009)

# ANTI TRAFFICKING COORDINATING STRUCTURES IN SOUTH AFRICA



## **2.2 Anti-Trafficking Coordination Structures**

The anti-trafficking coordination structures of South Africa are 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 organisations dealing with trafficked persons and TIP matters.

In order to be effective and efficient, the anti-trafficking coordination structures are to be guided in their work by clearly defined terms of reference, describing roles and responsibilities for all stakeholders providing services related to TIP as to prevention, victim protection, prosecution and partnerships across all spheres of government and civil society. The Act places the responsibility of coordination on the Director-General of Justice and Constitutional Development<sup>12</sup> and stipulates that the Minister may set up a mechanism to facilitate the implementation of the Act and coordinate responsibilities, functions and duties.

In view of this and taking into consideration the provisions of the Act, the Minister shall appoint the Chief Director of Justice and Constitutional Development or her/his nominee as the National Anti-Trafficking Coordinator (NC) to coordinate, monitor and report as to the implementation of the NPF. The NC will lead the National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) that will facilitate and support the NPF execution by ensuring that the relevant departments and other stakeholders fulfil their respective obligations. The NICTIP will draw support from the National Case Monitoring Team (NCMT) and the nine Provincial Task Teams (PTTs) seized with the responsibility for the management and implementation of the Act and the NPF at grass roots level. The PTT will further be supported by the Provincial Rapid Response Teams (PRRT) that are responsible for the operational matters of the TIP cases locally.

The NC, the NICTIP, the NCMT, the PTTs and the PRRTs will carry out their mandates in line with the NPF guiding principles and approaches and in full compliance with the terms of reference to be drafted by the Minister's Office in cooperation with the Director-General of Justice and Constitutional Development.

This structure constitutes South Africa's National Coordination Mechanism as envisaged in the Act as well as International principles

### **2.2.1 National Anti-Trafficking Coordinator and Secretariat**

Appointed by the Minister, the Chief Director of Justice and Constitutional Development or her/his nominee will act as the National Anti-Trafficking Coordinator (NC), who will lead the National Inter-Sectoral Committee on Trafficking in Persons (NICTIP). More specifically, the NC will be responsible for:

- Ensuring the overall coordination and cooperation of the different stakeholders and their compliance with the roles and responsibilities assigned to them in the NPF;
- Supporting the development and review of guidelines on the identification of victims of trafficking and traffickers;

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<sup>12</sup> Act, Sections 41(1) – (3).



- Supporting the development and review of Standard Operating Procedures (SOPs) to ensure a sound case management and assistance of trafficked persons by all anti-trafficking professionals involved at the different stages of the identification, protection and support process;
- Supporting the establishment of an integrated information and reporting system to ensure a continuous overview of all work carried out by the NICTIP members and to facilitate the effective monitoring and implementation of the NPF;
- Ensuring regular flow of information on the NPF implementation to all NICTIP members and other relevant stakeholders;
- Gathering data and information to support the drafting and submission of annual reports for tabling in Parliament;
- Supporting the development and implementation of performance standards, monitoring and evaluation systems;
- Supervising and monitoring the execution of the NPF activities throughout the Republic and ensuring the NPF final assessment by an independent party;
- Listing anti-trafficking stakeholders' contacts and projects and make them available upon request;
- Participating at meetings of national and international anti-trafficking networks and fora, when required.

The NC shall be supported by a soundly staffed and properly funded Secretariat to ensure effective and efficient functioning of its mandate.

### **2.2.2 National Inter-Sectoral Committee on Trafficking in Persons (NICTIP)**

The DoJ&CD is responsible for setting up and leading the NICTIP, whereas the Minister of Justice and Correctional Services carries the ultimate authority over all its operations.

The NICTIP is composed of government Departments and institutions that play an important role in the effective execution of the Act and the NPF, namely:

- Department of Justice and Constitutional Development
- Department of Social Development
- Department of Home Affairs
- Department of Employment and Labour
- Department of Health
- Departments of Basic Education and Higher Education
- Department of Women, Youth and People with Disabilities
- Department of International Relations and Cooperation
- Department of State Security
- Department of Finance
- Department of Performance, Monitoring and Evaluation
- National Prosecuting Authority of South Africa (Sexual Offences and Community Affairs Unit (SOCA), Asset Forfeiture Unit (AFU), Organised Crime, Serious Complex Commercial Unit and Witness Protection)
- South African Police Service (Directorate for Priority Crime Investigation (DPCI), Division Detective Services (General, Organised Crime, Family Violence Child Protection and Sexual Offences Unit (FCS), Crime Stop, Division Visible Policing, Crime Intelligence)
- Border Management Agency

- Department of Communications and Digital Technologies
- South African Revenue Services
- Chairpersons and Co-Chairpersons of Provincial Task Teams
- South African Anti-Money Laundering Integrated Task Force (SAMLIT) chaired by the Director of Financial Intelligence Centre Civil Society Organisations
- United Nations Agencies.

New members may be considered, when requested and in a prescribed manner.

The NICTIP is chaired by the Chief Director of Judicial Policy and Support or her/his nominee who acts also as National Coordinator, and is co-chaired by the National Prosecuting Authority. The participation of the national Departments is monitored through the JCPS Development Committee.

Each Provincial Department must nominate in writing to the NICTIP, a suitably skilled person as that department's focal point for the NICTIP and data collection.

The NICTIP is tasked to contribute to the development of a coordinated and thorough anti-trafficking response in South Africa by:

- Proposing improvements to anti-trafficking legislation if/as needed and finalise the NPF;
- Providing all necessary information on behalf of departments to the NC and the NICTIP members to facilitate coordination of responsibilities, duties and functions for effective implementation of the national policy framework and the Act;
- Facilitating and supporting the implementation of the NPF activities of the participating Departments, including, inter alia, research, public awareness campaigns, uniform trainings and outreaches;
- Ensuring the accountability of the participating Departments;
- Facilitating communication between national and provincial structures;
- Facilitating the development of an integrated information and reporting system to ensure a continuous overview of all work carried out by the NICTIP members and to facilitate the effective monitoring and implementation of the NPF;
- Supporting the Provincial Task Teams (PTTs) to allow them to carry out their work effectively and in a coordinated fashion;
- Facilitating the submission of the reports by coordinating the annual provincial reports inputs;
- Promoting common communication strategies;
- Mobilising sufficient resources in terms of skills and funds needed to implement the NAP.
- Supporting the monitoring and assessment of the overall effectiveness of counter-trafficking responses through the active involvement of the Department involved.

DoJ&CD must ensure dedicated expert human and financial resources through the establishment of a Secretariat, either in-house or outsourced, to ensure effective functioning of the anti-trafficking coordination structures.

### **2.2.3 National Case Monitoring Team (NCMT)**

The National Case Monitoring Team (NCMT) comprises national government departments tasked with the responsibility of contributing to the development of a coordinated anti-trafficking response in South Africa at the national level by:

- Ensuring coordinated and multi-disciplinary management of TIP cases across provincial and national borders;
- Receiving reports of current and/or active cases from national departments and provincial task teams
- Monitoring the case flow process and intervene where necessary;
- Promoting and/or participating in capacity-building trainings;
- Regularly updating the progress of reported TIP cases and on data, to be reported to the NICTIP through a uniform reporting system;
- Ensuring accurate data collection on all TIP cases, including related offences committed in the same case.

The NCMT is chaired by the Department of Justice and Constitutional Development and is composed of a team of officials from:

- Department of Justice and Constitutional Development
- National Prosecuting Authority of South Africa
- Department of Social Development
- South African Police Service
- Crime Stop
- Department of Health
- Department of International Relations and Cooperation
- Department of Home Affairs
- Department of Employment and Labour
- Departments of Basic Education and Higher Education
- Department of Communications and Digital Technology

### **2.2.4 Provincial Task Teams (PTTs)**

Each Provincial: DoJ&CD and the NPA are responsible for setting up the PTTs in their Province. Each PTT is constituted by Provincial Government Departments and institutions that play an important role in the implementation of the NPF and the Act, namely:

- Department of Justice and Constitutional Development;
- Department of Social Development
- Department of Home Affairs
- Department of Employment and Labour
- Department of Health
- Department of Basic Education
- National Prosecuting Authority of South Africa
- South African Police Service
- Community Safety
- Municipalities
- Civil Society Organisations

- UN Agencies

The PTTs are chaired by the National Prosecuting Authority and or Director of Legal Services or a nominee from Provincial: DoJ&CD or by the Provincial NPA representative.

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 provincial level, regularly attend the meetings and being held accountable;
- Facilitate departmental consultations during the drafting, approval, implementation and revisions of the NPF;
- Provide quarterly reports on behalf of provincial departments to report on the coordination of responsibilities, duties and functions for effective implementation of the NPF and the Act, in compliance with the integrated information management system and data collection tool that was 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 Rapid Response Teams (RRTs);
- Ensuring the management and monitoring of cases in close cooperation with the RRTs 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;

The Provincial: DoJ&CD and the NPA will advocate dedicated representatives to secure the functioning of the PTTs through an in-house Secretariat.

### **2.2.5 Provincial Rapid Response Teams (PRRTs)**

Each Provincial Task Team is responsible for setting up the Provincial/Rapid Response Team in its territory. The RRTs are the operational anti-trafficking front-liners at the provincial level providing a coordinated and rapid response when suspected cases of TIP are reported or are pending in the criminal justice system.

The composition of the PRRTs depends on various factors at local level.

The PRRTs are chaired by the National Prosecuting Authority.

The participation of the appointed members of the PRRTs will be monitored through the PTTs.

The PRRTs are responsible for:

- Promptly attending the convened meetings whenever a suspected or pending TIP case is reported, ensuring the full participation and accountability of all relevant stakeholders and service providers;
- Responding rapidly in a coordinated and multi-disciplinary manner regarding the management of each TIP case received,

- The interventions will consist of the processes of reporting, identification, referral, assessment, support, protection of the victims, investigation and prosecution of traffickers, according to the integrated SOPs;
- Managing effectively and efficiently the case flow process;
- Promoting and/or participating in capacity building trainings;
- Monitoring and assessing the overall effectiveness of the PRRTs work;
- Regularly updating the PTTs on progress of pending TIP cases and on data to be eventually reported to the NICTIP through a uniform reporting system;
- Allocating and/or using the available resources effectively and efficiently.

The PTTs are responsible for allocating the necessary funds for the effective and efficient functioning of the PRRTs.

## CHAPTER 3 - NPF: THE NATIONAL ANTI-TRAFFICKING STRATEGY AND ACTION PLAN

### Introduction

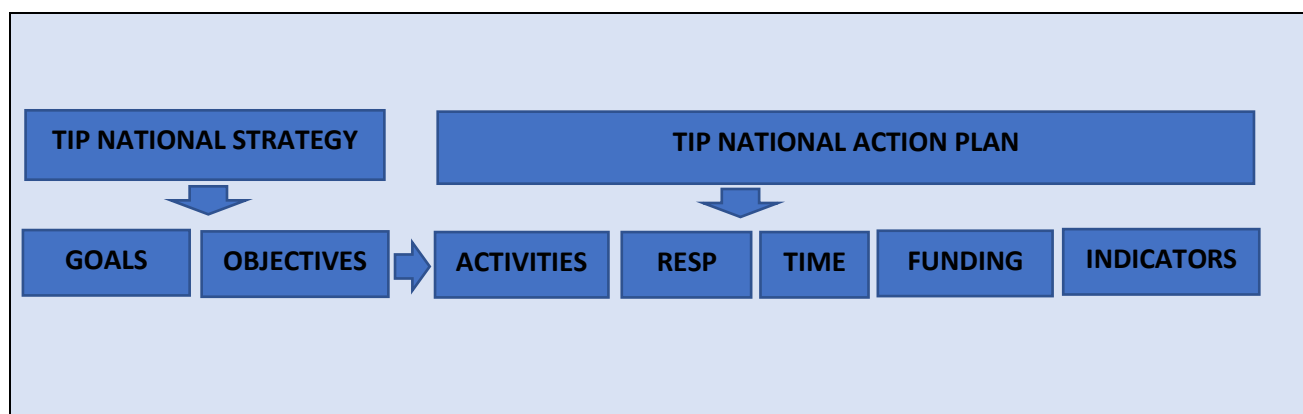
The NPF is articulated into two parts: the national anti-trafficking strategy and the action plan.

**The strategy** outlines the strategic goals and specific objectives to be achieved to facilitate a comprehensive implementation of the Act. It provides the vision of the priorities for the Republic of South Africa in the current phase, taking into account realistic resource mobilisation capacity. The set goals and objectives for the NPF are presented in narrative form in this chapter. They are organised around areas of intervention: prevention, protection, etc. (see ‘Pillars on anti-trafficking responses’). To make consultation easier, goals and objectives for each pillar have been colour coded, as illustrated below.

**The Action Plan** details how to achieve those goals, indicating the activities to be undertaken, the expected timeframes for implementation, the lead responsibilities and the allocated or mobilised resources (internal and external). The action plan has been elaborated on the basis of the goals and objectives identified in the strategy. The methodology used aims to cater to the need of rendering the link between goals, objectives and envisaged activities clear and easy to review. The action plan is directly illustrated in the summary table ‘**Integrated Strategy and Action Plan**’, which also reproduces in a synthetic form the strategic goals and objectives in order to allow to visualise easily the connection between the two levels of the NPF.

For each strategic goal and specific objective, indicators have been listed to help monitoring and evaluating the implementation of the NPF. Indicators have been formulated as impact, outcome or output indicators depending on the level and type of goal and objective. This approach aims to facilitate the task of subsequent revisions as necessary.

**Figure 2 – Overview integrated strategy and action plan**








### Pillars of Anti-Trafficking Responses

The strategy is structured on the basis of the four pillars of anti-trafficking responses – also commonly referred to as the 4 Ps: prevention; protection; prosecution; and partnerships. Partnership acknowledges the importance of cooperation and coordination of responses at local, national and international level. For ease of planning, this pillar is conventionally sub-divided into two levels: ‘partnerships at national level’ and ‘partnerships at international level’ (sections 3.1 and 3.5 below). Partnership on local level is by means of PTTs and RRTs, and their activities reported to the NICTIP on a quarterly basis.



Overview of the anti-trafficking strategic pillars used in the NPF and the colour code adopted for each pillar:

-  Partnerships: National Level
-  Prevention
-  Protection
-  Prosecution
-  Partnerships: International Level

### 3.1 Partnerships: National Level



This section of the NPF refers to the fundamental pillar of partnerships at national level, which is also referred to as the anti-trafficking institutional framework. It describes measures in four policy areas: Anti-trafficking Coordination Structures; the Legal and Regulatory Framework; Resources Budget and Mobilisation; and Monitoring, Evaluation and Review.

A comprehensive anti-trafficking response requires multi-disciplinary bodies and an effective coordination mechanism in place to allow each stakeholder to act in synergy with others. The complexity of this policy area cannot be underestimated, as TIP is a phenomenon that manifests itself in many sectors and affects society broadly. Responses require the involvement of different stakeholders depending on the case, and must operate inclusive of other forms of GBV exploitation not defined as TIP. This entails flexibility in the response mechanism, but requires standardisation of procedures to ensure quality of services and consistency of interventions. The legal and regulatory framework must be complete and consistent to ensure that all stakeholders are guided consistently in the implementation of the Act. Resources need to be allocated or sought through extra-budgetary sources to ensure that strategic and operational measures foreseen in the NPF can be implemented. The NPF must be monitored, evaluated and reviewed regularly on the basis of reliable data collected to ensure correct and improved measures continuously.

In line with these priorities, the following strategic and specific objectives and measures have been identified.

#### 3.1.1 Anti-Trafficking Coordination Structures

##### STRATEGIC GOAL:

To ensure a functional, coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders

##### SPECIFIC OBJECTIVES:

- To ensure effectiveness of the relevant anti-trafficking institutional structures and coordinate related tasks, roles and responsibilities
- To ensure the participation of all relevant institutions, civil society (NGOs, traditional leaders, etc.) and IOs in anti-trafficking coordination structures and response
- To set up an officially binding mechanism and procedures to ensure a uniform, coordinated and cooperative anti-trafficking response by all relevant anti-trafficking stakeholders
- To ensure and facilitate regular reliable data and information exchange among all stakeholders involved

The anti-trafficking national response in South Africa is organised through multi-disciplinary bodies at national, provincial and local level involving governmental agencies, civil society (e.g. non-governmental organisations, academia, traditional and religious leaders) and international organisations. An overview of the South African anti-trafficking coordination structures has been provided above in section 2.2 above. **At the time of writing, most of the anti-trafficking coordination structures have been established.**

The established anti-trafficking coordination structures are operational and supported to function effectively. A number of priority activities to support their functioning have been identified in the course of the last three years (2019 – 2022) and have been inserted in the Action Plan for follow up action. These include the compilation of contact lists with anti-trafficking focal points in the country, and the implementation of an integrated Standard Operating Procedures (SOPs) to ensure consistent and efficient responses for the entire

anti-trafficking cycle, from early identification of victims to short and long-term assistance and protection, including return/repatriation and long-term social inclusion or re-integration measures, as well as in investigations and prosecutions, and/or support and assistance in criminal justice proceedings and access to remedies (e.g. compensation) for victims who decide to cooperate with law enforcement.

### 3.1.2 Legal and Regulatory Framework

#### STRATEGIC GOAL:

- To ensure the establishment of a comprehensive regulatory framework to protect trafficked persons and their Constitutional rights.

#### SPECIFIC OBJECTIVES:

- To complete the regulatory framework by issuing outstanding Regulations, National Directives, Instructions, etc.
- To ensure periodic review and amendment of the necessary legislation and regulatory framework.

One of the most important features of anti-trafficking responses is the effectiveness of the legal and regulatory framework. The Act provides a comprehensive legal framework to prevent and combat TIP and protect the victims and suspected victims of the crime.

In terms of section 43, the Minister of Justice and Correctional Services regulated the manner in which prosecutors must refer children and adult persons suspected of being victims of trafficking for assessment to the provincial department of social development and apply to the court for a postponement in case of criminal proceedings concerning the presumed victim of trafficking.<sup>13</sup>

#### **The Minister of Home Affairs must make regulations regarding:**

- The manner in which a foreigner will be issued with a visitor's visa to remain in the Republic for a recovery and reflection period and the conditions upon which that visa is issued;
- The manner in which the DG:DSD must request an extension of the recovery and reflection period for cases in which the DSD is unable to complete an investigation on the circumstances of a victim before the expiration of the recovery and reflection period. In particular this is necessary when the victim is unwilling or unable to cooperate with law enforcement and prosecuting authorities, to determine whether it is safe to repatriate him or her to his or her country of origin or the country from where he or she has been trafficked;
- The manner in which any extension of the recovery and reflection period must be granted as provided for in section 15(4), i.e. in cases where the DG:DSD is unable to complete an investigation before the expiration of the recovery and reflection period. The extension may not exceed a period of three months;<sup>14</sup>
- The manner in which a person must be informed of arrangements that have been made for her/his reception in the country to which he or she is to be repatriated as provided for in section 31(2)(b)(ii).<sup>15</sup>

<sup>13</sup> REGULATIONS GN R737 in GG 39119 of 21 August 2015

<sup>14</sup> Act, Section 15 (4).

<sup>15</sup> 'The Director General: Social Department must inform a person referred to in paragraph (a) in the prescribed manner, of any arrangements that have been made for his or her reception in the country to which he or she is to be repatriated'.

**The Minister of Social Development must make regulations regarding:**

- The assessment of a person to determine whether she/he is a victim of trafficking as provided for in sections 18(6) and 19(8) as well as the information to be obtained from the South African Police Service as provided for in those subsections;
- The letter of recognition to be issued to a person who has been found to be a victim of trafficking as provided for in section 19(10);
- The manner in which a provincial head may withdraw a letter of recognition as provided for in section 19(11);
- The manner in which a person must lodge an appeal as provided for in section 20(1)(b);
- The manner in which the MEC must deal with an appeal as provided for in section 20(2);
- The manner in which the provincial department of social development must refer a person referred to in section 20(3) to the Department of Home Affairs;
- The system of accreditation of organisations to provide services to adult victims of trafficking as provided for in section 24(2)(a);
- The circumstances in which accredited organisations qualify for financial assistance as provided for in section 24(2)(b);
- The manner in which the applications for accreditation of organisations must be considered and the form of the certificate of accreditation to be issued to an organisation which provides services to adult victims of trafficking as provided for in section 24(4)(a);
- The manner in which the developmental quality assurance process must be conducted in respect of each accredited organisation, as provided for in section 24(5);
- The norms and minimum standards for accredited organisations as provided for in section 25(1);
- The manner in which information on victims of trafficking must be collected as provided for in section 25(4);
- The form of the plan [to address the needs of the victim] referred to in section 28(2); and
- The manner in which an adult victim of trafficking is to be returned as provided for in section 34(2)(b).

The Act came into operation on 9 August 2015, except sections 15, 16 and 31(2)(b)(ii) The outstanding Regulations have now been finalised and will come into operation in the new financial year.

**3.1.3 Resource and Budget Mobilisation**

**STRATEGIC GOAL:**

- To secure resources necessary to fully implement the NPF

**SPECIFIC OBJECTIVES:**

- To identify the human, technical and financial resources required to implement anti-trafficking activities by Province
- To secure and progressively increase budget allocations within regular budgets of government agencies

In order to implement an effective and sustainable anti-trafficking response, it is crucial to allocate sound human, financial and technical resources for all pillars envisaged in the NPF. The NC bears the overall responsibility for resource and budget mobilisation for the coordination function. Each Department bears the responsibility for the allocation of their own budget and resources to implement the Act and the NPF.

In this regard, the relevant departments responsible for implementation of activities must provide, based on a needs assessment, the necessary budget allocations to achieve the NPF goals.

Financial resources will be allocated from the baseline budgets of key implementing departments. NICTIP will engage with departments in joint budgeting and funding to optimise the anti-trafficking response throughout all nine provinces. The integrated budget plan may also provide for the financial support of international donors and public-private partnerships. Furthermore, a tracking and analysis system of budget allocations and expenditures will be established.

Appropriate and equitable human and technical resources must be ensured to fully equip PTTs and RRTs. This is essential for effective functioning of the provincial structures. Through the NPF, capacity building activities will be delivered to provide all anti-trafficking stakeholders with the necessary skills to manage anti-trafficking cases and, most of all, to fully protect trafficked persons.

### 3.1.4 Monitoring, Evaluation and Review

#### STRATEGIC GOAL:

- To monitor, evaluate and review anti-trafficking responses to improve and adjust them to ensure maximum impact.

#### SPECIFIC OBJECTIVES:

- To ensure systematic data gathering and analysis of all relevant information and data at strategic and operational levels
- To ensure annual monitoring and reporting of all activities and measures undertaken within the NPF and Action Plan
- To ensure the annual review of the NPF and Action Plan

Monitoring, evaluation and reviews of the national anti-trafficking strategy and the action plan are important to determine the success of the national anti-trafficking response and to ensure the response relates to emerging trends, societal requirements and victim needs.

To determine the success of the national anti-trafficking responses, it is important to monitor and evaluate the implementation of the NPF.

Monitoring is the continuous collection and analysis of data. It provides the basis for evaluation and review. Reliable data should be collected on a quarterly basis from all stakeholders involved in the implementation of anti-trafficking activities for monitoring purposes. Reliable data should be collected according to the Data Collection Tool template and on a quarterly basis to the NICTIP, and stored by National Operations Centre (NOC) at DoJ&CD to be accessible in compliance with statutory reporting obligations. In the context of the national anti-trafficking response monitoring should take place at the strategic and the operational level.

Evaluation is a systematic collection and analysis of relevant and reliable information to make judgements, improve programme effectiveness and/or generate knowledge to inform decisions about future programmes or policies. In the context of the NPF, evaluation will mainly take place at the operational level with the aim to improve the implementation of projects and measures and to assess the achievement of the operational aims.

Review of the national anti-trafficking response means to determine the degree of its success on a yearly basis. Thus, the review focuses on the achievement of the envisaged goals, at the strategic level as well as of specific objectives at the operational level. If necessary, goals are adjusted to reflect new requirements or changing situations.

All stakeholders' representatives are to be held accountable for non-adherence to their duties and obligations as per national instructions and directives. Contraventions of instructions and directives must be sanctioned by means of disciplinary measures,<sup>16</sup> and reported to the NICTIP on a quarterly basis.

Research may be linked to monitoring and evaluation of all activities undertaken to implement the Act. Information management systems of the departments must be utilised to monitor the effective implementation of the Act by comparing and analysing available data for trends and assessing impact. Regular (quarterly) reports must be provided to the DG: DoJ&CD by relevant departments.

The DG: DoJ&CD may assist with the identification of key research areas within TIP sector to ensure the progressive and inclusive implementation of the Act, based on accurate and reliable data.

Research results must first be submitted to the DG: DoJ&CD for recommendations and quality assurance, and thereafter shared with different role players to ensure the development of strategies and actions that are responsive to the accepted and relevant research recommendations.

The DG: DoJ&CD may assign the execution of a research study to any implementing stakeholder in matters relevant to the obligations and responsibilities of such stakeholder. All research activities will be conducted within the available resources of the stakeholders.

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<sup>16</sup> Section 44(11) of the Act.

## 3.2 Prevention

Prevention is a key component of any anti-trafficking response specifically aimed at reducing factors that allow for the crime of TIP to occur and the individuals to be harmed. It encompasses a variety of strategies, policies and measures that require the involvement of different anti-trafficking stakeholders. In order to be successful, any prevention strategy and policy must result from an updated, comprehensive and multidisciplinary knowledge and thorough analysis on the root causes, the ever-changing features and the effects of TIP on the individuals, their communities and society at large. The assessment outcomes of prior prevention measures must additionally inform the design and implementation of any new prevention programme. Through the NPF, the **government of South Africa commits to implement in all its territory a comprehensive prevention strategy through a wide range of measures that will integrate a human rights-based approach and will involve all anti-trafficking stakeholders** tasked with the execution of the NPF as well as the local communities. More specifically, it commits **to improving the knowledge base on different TIP-related issues through multi-disciplinary research**. The achievement of both commitments will contribute to gather crucial data to design and implement tailored policies and interventions to prevent trafficking, assist victims and prosecute the traffickers. The NPF also intends **to tackle the factors that make people vulnerable to trafficking and exploitation, including administrative controls, and to raise awareness in different areas of South Africa**. In this regard activities carried out under the NPF will be integrated with government's broader efforts on preventing and combating gender-based violence. Through the NPF, the government is also determined to prevent trafficking, provide proper support to victims and counter-act the crime through the **regular delivering of training targeting all professionals and stakeholders** who may come into contact with a potential or presumed victim, trafficker or exploiter.

In line with these priorities, the following strategic and specific objectives and measures have been identified:

### 3.2.1 Awareness Raising and Education

**STRATEGIC GOAL: To raise public awareness and prevent TIP**

**SPECIFIC OBJECTIVES:**

- To improve knowledge of the general public on TIP
- To prevent trafficking of vulnerable groups and re-trafficking of former victims

Based on an interdepartmental public awareness and communication strategy, integrated public awareness programmes or other measures for the prevention and combating of TIP will be carried out, in full compliance with the Act.<sup>17</sup> They will target the general public as well as specific target groups, such as vulnerable persons (women, children, undocumented migrants, LGBTQI+ persons, persons with disabilities, etc.), foreigners applying for SA visas and SA citizens travelling abroad. Information covered should include common root causes of trafficking, recruitment techniques, forms of exploitation, practices used to keep victims in exploitative situations, safe migration and existing possibilities for labour migration, and contact details of institutions, civil society organisations, NGOs, IOs and law enforcement agencies that can provide further information or help.

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<sup>17</sup> Act, Section 41(1)(d).

Public awareness and communication must be designed to discourage the demand and supply of cheap labour that foster trafficking and exploitation of vulnerable individuals, especially women and children, who may fall prey to fraudulent employment offers and find themselves in coercive and exploitative conditions. Harmful traditional practices, and distorted cultural and other practices should also be dealt with harshly (e.g. the distorted practice of “Ukuthwala”) in the awareness raising measures.

These programmes will further be implemented throughout the country, including in schools, in order to reach people in rural areas, where possible be offered in local languages understood by audience and be reviewed every second year to determine their effectiveness. Forms of media (print, electronic, mainstream and alternative) may be utilised in the dissemination of information on TIP. Through communication units of the implementing government departments and the government Communication Information System (GCIS), relationships must be established to provide public information on implementation of the Act and NPF. Publicity material on the NPF must be produced and shared with all NPF stakeholders so to reach the widest population possible.

### 3.2.2 Research

**STRATEGIC GOAL:** To improve knowledge on TIP

**SPECIFIC OBJECTIVES:**

- To ensure an up-to-date overview on TIP in South Africa
- To ensure that research is relevant for policy development and linked to operational needs

Research is key to understand and monitor the scope, nature and impact of TIP, which is an ever-evolving phenomenon. It is crucial because it provides the information to design legislation, policies and practices to better prevent and fight TIP and protect victims.

Since the implementation of the Act, knowledge on trafficking has improved in South Africa but more effort is needed to have a more comprehensive overview both of the phenomenon and the functioning of the anti-trafficking legislation and protection support system, with special attention to children. In order to fulfil this knowledge gap, the NPF will commission multi-disciplinary quantitative and qualitative research to investigate different TIP related-issues, including a public financial management analysis to create baseline knowledge on costs. Ethics for researchers and researching in the anti-trafficking field will be adopted to ensure proper investigations. Research findings will be used to design or revise the NPF’s goals and measures in order to better fulfil its purpose.

### 3.3 Protection and victim assistance

In order to effectively address TIP and prevent re-trafficking, government must ensure support and protection to all trafficked persons, regardless of their willingness or capacity to cooperate with the law enforcement agencies and/or testify against their traffickers and exploiters. By doing so, government complies with its **obligations under international human rights and anti-trafficking laws**, which regard **trafficked persons as victims of serious human rights violations** and, therefore, are entitled to **protection, assistance and redress**. Identification of potential and presumed victims still presents a challenge due to the changing nature of the crime of TIP due to the pandemic and the increased online recruitment and exploitation. Government institutions and, accredited and registered NGOs provide assistance and protection to victims, but more



specialised service providers are needed along with a comprehensive and shared set of tools and standardised guidelines to ensure proper identification, assistance and protection. Through the NPF, the **government of South Africa commits to improve the identification of potential and actual victims of trafficking and ensure them full protection**. More specifically, government developed **identification indicators** and **Integrated Standard Operating Procedures (SOPs) that establishes a cooperative and coordinated framework involving all relevant anti-trafficking stakeholders**. In line with the Act, the NPF will design **measures to support access to compensation for victims**. **Sector specific manuals were also developed for the Departments of Employment and Labour, Social Development, Health and Home Affairs**.

In line with these priorities, the following strategic and specific objectives and measures have been identified.

### 3.3.1 Identification

#### STRATEGIC GOAL:

- To ensure the early identification of potential and suspected trafficked persons

#### SPECIFIC OBJECTIVES:

- To improve the ability of law enforcement and other state and non-state actors to identify potential and suspected victims of all forms of trafficking
- To popularise the standardised shared procedures and tools for the identification of victims of trafficking

Identification of potential and suspected victims of TIP is an authentic challenge for many reasons. To name but a few, trafficking tends to be a hidden phenomenon: trafficked persons are too scared to come forward or do not identify as victims and rights' holders. Stakeholders are often not trained on identifying and helping victims. Identification of a trafficked person can be a complex and time-consuming process. The time necessary for a victim to sever ties with their traffickers and exploiters, recover and speak out are some of the factors that contribute to the complex nature of the identification. Therefore, in many instances, identification is more a process rather than a result of a prompt act. Nevertheless, it needs to be carried out quickly and accurately to help and protect victims, therefore the whole process must be victim centred and trauma informed. Ongoing training of frontline service providers is therefore essential.

Even though trafficked persons are officially identified by law enforcement officials, if properly informed they may be detected by many other stakeholders, such as NGOs and IOs workers, organised labour unionists, labour inspectors, social workers, health professionals, people working in schools and in child and youth care centres. Against this background, through the NPF, the government of South Africa is committed to improving the identification skills of a wide range of stakeholders, by ensuring that comprehensive trainings and refresher courses on different forms of TIP and related-issues are designed and delivered. Moreover, modules on trafficking will be regularly included in training curricula of agencies that most likely may come into contact with trafficked persons.

Knowledge on trafficking-related issues must be coupled with operational tools and coordinated procedures to ensure the early identification of victims. The NPF will provide for ongoing training of the list of shared indicators. The list takes into consideration all forms of trafficking since victims can be found in many different situations of exploitation. Extra care and diligence must be taken to distinguish between child trafficking and child abuse and neglect.

National guidelines for adult victims have been developed by DSD aimed at coordinating different stakeholders within and across the agencies involved in the distinct steps of identification in conjunction with the integrated Standard Operating Procedures (SOPs). Both the shared lists of indicators and the national guidelines once approved will be disseminated by NICTIP to PTTs and RRTs, which will be required to use them.

Ongoing training will be prioritised for child trafficking:

- The guidelines for the management of and response to child exploitation have been developed and inter-sectoral training has taken place in all nine provinces.
- Programs for exploited children
- Social Workers guide on child exploitation
- Brochure on child exploitation in relation to TIP.

A draft SOP on identification and response to child trafficking is in the process of being developed.

Due to the hidden nature of the crime, public awareness raising initiatives play an important role in informing and alerting people that might come into contact with trafficked persons, such as colleagues, neighbours, (potential) clients, communities at large and others to identify and report suspected victims of trafficking. This will be taken into account when drafting the NPF awareness raising strategy in order to develop messages that include information on how to obtain/activate professional support.

### 3.3.2 Assistance, Protection and Social Inclusion

#### STRATEGIC GOAL:

- To ensure that victims of trafficking have access to comprehensive assistance programmes aimed at their protection and social inclusion irrespective of their willingness to cooperate in criminal proceedings and immigration status, in accordance with the Act

#### SPECIFIC OBJECTIVES:

- To improve the ability of all stakeholders to provide integrated assistance to victims of all forms of trafficking
- To ensure shared, coordinated and cooperative procedures for social protection and support
- To ensure standardised service provision in line with constitutional imperatives, national standards and international standards
- To ensure all victims are safe and fully informed about their rights and options

Assistance is of primary importance to ensure that victims are free from exploitation and regain control over their life as rights' holders. It is crucial to ensure that assisted persons have access to the opportunities and resources necessary to regain their dignity and have a fair chance to participate in economic and social life. Services provided by public institutions and accredited organisations must therefore offer an opportunity for trafficked persons to escape trafficking, violence and exploitation and enable them to acquire their self-reliance.

Assistance should include at a minimum safe and appropriate accommodation, counselling, health and psychological care, free legal assistance, education and whenever possible training and employment opportunities. All services must be provided on a voluntary and confidential basis, in a non-discriminatory and non-judgemental manner and in compliance with constitutional imperatives, national and international human rights standards, especially respect for the right to privacy, confidentiality and freedom of movement as

contemplated in the Act. An individual needs assessment must be the starting point to develop a tailor-made, multi-disciplinary assistance plan to properly meet the specific needs of the persons assisted. All trafficked persons should be entitled to social assistance and protection regardless of their willingness or capacity to press charges and/or give testimony against their traffickers.

The Act sets out the system for accreditation of organisations that provide services to adult victims of trafficking as well as the norms and minimum standards to comply with. It also establishes the requirements of the programme to be offered by the accredited organisations to victims. In order to ensure that assistance meets the victims' needs and is provided consistently and efficiently across the country. The government of South Africa intends to assess the services a continual basis and also to identify needs and gaps to improve the overall assistance system and allow trafficked persons to achieve full social inclusion. In this view, it is also determined to gather and analyse best practices and evaluate their replicability in the country.

Moreover, the NPF intends to address the special needs of children, especially by ensuring child-friendly measures, including psychological and social support, care service, placement and protection in registered child and youth care centres or alternative care placements.

### 3.3.3 Access to Civil Procedures, Witness Protection and Compensation

#### STRATEGIC GOAL:

- To ensure special protection to victims/witnesses and access to redress

#### SPECIFIC OBJECTIVES:

- To implement legislation and guidelines on victims/witnesses in cases of TIP
- To advocate compensation for victims within the framework of the TIP Act

Provision of legal aid to ensure access to justice as it is a key component of assistance to trafficked persons, who have the right to seek legal redress and compensation for the violation of their rights and for harm suffered. Very few trafficked persons though receive information or legal assistance to claim compensation. Continuous steps are implemented to ensure that trafficked persons are not detained or deported. Trafficked persons should always be treated as victims of a crime and holders of rights. They should not be criminalised, re-victimised or re-traumatised as a result of their contact with law enforcement.

In line with constitutional obligations and international standards, including the UN Convention against Transnational Organised Crime, witness protection and judicial treatment of trafficked persons must provide effective protection from retaliation or intimidation to the trafficked persons and their family as appropriate,<sup>18</sup> regardless of their degree of cooperation with law enforcement or the extent of their involvement in criminal proceedings. Full information should be given at all stages, including access to advice and time to consider the available options, including victim and witness assistance programme and protection. Protection should be based on individual risks and needs assessment and include special procedures to protect victims possibly before, during and after proceedings, including through relocation.

The right to compensation should be encouraged upon conviction in a criminal case as contemplated in Section 29 of the Act. It should apply for the damage to or the loss or destruction to property, including money, physical, psychological or other injury, being infected with a life-threatening disease or loss of income or

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<sup>18</sup> UNTOC, Art. 24.

support. Compensation is key to allow trafficked persons to rebuild their lives and start a process of social and labour inclusion. Compensation is not only a right but an empowering tool for victims of trafficking. The role of the Asset Forfeiture Unit (AFU) is key to ensure that crime does not pay. The relevant government departments can submit proposals to the Criminal Asset Recovery Account (CARA) for financial support in general strengthening of financial investigations linked to TIP cases. Recent efforts and research in other countries and regions on these areas should be used to build responses in this field.

In compliance with the Act, through the NPF, the government of South Africa must improve the legislated protection of witnesses and compensation of victims of trafficking after sentencing. Furthermore, it intends to ensure the consistent application of witness protection programme before, during and after the civil and criminal proceedings to fulfil its obligations to treat trafficked persons as holders of rights.

### 3.3.4 Return and Repatriation

#### STRATEGIC GOAL:

- To ensure a safe and sound return/repatriation and integration to trafficked persons into their South African community, origin country or – if deemed necessary – into a third-country

#### SPECIFIC OBJECTIVES:

- To capacitate stakeholders on the comprehensive SOPs on return/repatriation of trafficked persons, both nationals and migrants
- To establish appropriate risk assessment and voluntary resettlement procedures for victims to avoid re-victimisation and/or re-trafficking

Returning/repatriating trafficked persons to their place of origin – whether South Africa or abroad – is a decision that requires due consideration as to their rights, safety and dignity and shall preferably be a voluntary measure. In fact, the consequences of TIP do not end with the victims leaving the exploitative conditions or with the return/repatriation to their community or home country. Indeed, they may face reprisals, arrest, detention, prosecution, stigmatisation, discrimination, social exclusion and even rejection by their families or, in some cases, they risk their own life. Furthermore, due to a lack of proper assistance, protection and subsistence means, returned/repatriated victims run the risk to be re-victimised and be re-trafficked. In no case a trafficked person should be returned home if her or his life may be endangered, or she or he may be subjected to inhumane or degrading treatment.

Reintegration programmes for returnees/repatriated trafficked persons are often unavailable or, in case they are provided, they are mostly short-term and do not provide. Long-term assistance programmes includes access to education, vocational training and employment opportunities. Tailor-made solutions and a personalised plan should be developed in close cooperation with local social services and NGOs in order to enable returnees/repatriated trafficked persons to regain control over their lives and build a sustainable future.

Against this background and in line with the Act, the government of South Africa– in cooperation with the relevant stakeholders – will review return/repatriation SOPs to make sure that all relevant stakeholders take all necessary steps without undue or unreasonable delay. Special attention will be given to the elaboration of risk assessment procedures to gauge the safety of trafficked persons on their return/repatriation and risks of re-trafficking. Appropriate voluntary resettlement procedures will also be developed as well as special measures for child victims based on their best interests determination in full compliance with the national and

the international child protection standards. Foreign victims may be transferred to a third-country if they cannot return/be repatriated back to their homeland for safety reasons. In all cases, trafficked persons assisted will be provided with all relevant information on the return/repatriation options and procedures.

## 3.4 Prosecution

### 3.4.1 Investigations and Prosecutions

Trafficking in persons has been for many years a high profit, low risk crime for perpetrators. While efforts to investigate and prosecute traffickers have increased and have been overall successful, the exact scope of the crime is still undetermined. The government of South Africa commits to **strengthen the overall capacity of the criminal justice system to investigate and prosecute offenders with the implementation of the NPF and Action Plan**. This is a complex goal that will require a varied set of measures, whose effectiveness will be closely monitored.

One of the main difficulties in investigating TIP is the collection of evidence to prove the elements of the crime. Often the accused persons' strategies in court are successful in dismantling investigations because the evidence base is weak, or the prosecution strategy rests exclusively on the testimony of the victims. Successful prosecutions can only be increased by the systematic gathering of admissible and corroborating evidence. To increase the chances of successful investigations, it is necessary **to improve cooperation between investigators and prosecutors** in order to develop stronger and more complex investigative strategies. This in turn requires the application of a combination of proactive and reactive investigative techniques. This approach is also in line with another priority identified through this NPF: the need to **target organised crime systematically**, utilising all the tools available in the national criminal justice system to counter transnational organised crime.

The Act legislates the **training on TIP and related offences for all criminal justice practitioners** in order to enhance specialised knowledge and skills of criminal justice stakeholders related to TIP, paying particular attention to strengthening multi-disciplinary coordination and cooperation among relevant and trusted key players.

A closely related area that needs to be prioritised concerns the need **to ensure the correct implementation of provisions on the non-criminalisation of victims of trafficking**. The criminal justice system should be strengthened to identify victims of trafficking to ensure that victims are not prosecuted for offences committed as a consequence of their position as trafficked persons. The NPF sets as a priority to ensure compliance with the Act in this key area of the anti-trafficking response.

Furthermore, the NPF notes that developments are underway of supply chain processes of industries, notably by SAMLIT (South African Anti-Money Laundering Task Force). This is a positive development. The NPF will continue to give increased attention to **investigating trafficking for labour exploitation**, a manifestation of the crime that requires a dedicated focus. While the capacity to detect trafficking for labour exploitation in South Africa has improved in recent years, the link between trafficking for labour exploitation and labour migration remains contentious and disputed. As trafficking is a criminal business generating conspicuous profits, the government sets as a strategic goal to **pursue the seizure and confiscation of assets and proceeds of crime**.

The government is also determined **to introduce anti-corruption measures to counter complicity in TIP, by officials**, as organised crime and corruption within government structures are a priority to be tackled in order to defend the State and its citizens.

In line with these priorities, the following goals and objectives have been identified:

**STRATEGIC GOAL:**

- To strengthen the capacity of the criminal justice system to investigate and prosecute the crime of TIP ensuring the conviction and appropriate sentence of traffickers

**SPECIFIC OBJECTIVES:**

- To improve cooperation between investigators, prosecutors and all other stakeholders
- To investigate organised crime groups engaged in TIP
- To institutionalise training on TIP for all criminal justice actors
- To ensure the correct implementation of provisions concerning the non-criminalisation of victims of trafficking
- To enhance the capacity of investigators and prosecutors to conduct financial investigations in TIP cases

Effective prosecutions require admissible and corroborating evidence obtained with dedicated reactive and proactive (or intelligence-led) approaches. Victims' testimonies are often relied upon as the only or the main source of evidence in court. This is a practice that needs to be overcome in favour of more structured investigative strategies, which value the importance of using a vast range of evidence-gathering techniques, including special investigative techniques. To this end, investigators from different police units and prosecutors who understand trauma victims, is fundamental to ensure a successful investigation and prosecution.

Investigations must focus not only on individuals, but also on the organised criminal networks involved in TIP. The challenge in promoting this approach is that such investigations are time-consuming and resource intensive and that incentives to carry out complex operations are currently low. This is a trend which needs to be inverted and for which it is necessary to find adequate resources. Through this NPF, the government will endeavour to address this goal to the best of its capacity and availing itself of the support of international partners.

In the past few years, training of criminal justice practitioners has been carried out within individual programs and projects, which have created a solid knowledge base within various institutions and departments. In the forthcoming phase, it is necessary to build upon this knowledge base and institutionalise training on TIP for all criminal justice actors, addressing the need to enhance specialised knowledge and skills by introducing TIP as a topic in existing curricula of all relevant stakeholders. It is also necessary to use multi-disciplinary trainings to strengthen cooperation and knowledge among key players. As multi-disciplinary cooperation and coordination is not a theoretical, but rather a practical challenge, trainings must cater to the reality of practitioners in a pragmatic and effective way, going beyond traditional training approaches and focusing not only on TIP technical matters, but rather on the development of a combination of soft and technical skills necessary to enhance cooperation and coordination in the South African anti-trafficking context. In this regard the South African Police Service has an approved training manual that specifically addresses the proactive, reactive and specialised skills using the multi-disciplinary approach and a training programme will be rolled out from 2023.

**STRATEGIC GOAL:**

- To investigate and prosecute trafficking for labour exploitation

**SPECIFIC OBJECTIVES:**

- To enhance the capacity to detect and investigate cases of trafficking for labour exploitation
- To roll out training on the sector-specific manual for TIP labour cases

Trafficking takes many forms as criminals constantly find new ways of exploiting individuals' vulnerabilities for profit. This NPF intends to raise attention to the need of pursuing trafficking for labour exploitation, a form of crime that is emerging as increasingly significant and that affects not only adults but also children. Fighting labour trafficking requires a dedicated focus in terms of detection capacity, the supply chain, investigations and partnerships between labour authorities, specialised investigative units and assistance service providers.

Trafficking for labour exploitation happens in formal and informal, as well as legal and illegal sectors of the economy, shipping vessels in official businesses and in private houses. Victims of labour trafficking do not necessarily share the same assistance needs of persons trafficked for other purposes. Hence assistance services must become more differentiated and flexible to be able to meet the needs of different persons affected by the crime. The services provided must also be able to distinguish between trafficking for labour exploitation and labour migration.

This is why the challenges of designing and implementing effective responses are manifold. The first necessary step in this field is to develop a shared understanding of what constitutes trafficking for labour exploitation and to develop the basic knowledge and tools to address it as a serious crime.

**STRATEGIC GOAL:**

- To confiscate and seize assets and proceeds of crime in TIP cases

**SPECIFIC OBJECTIVES:**

- To strengthen cooperation between specialised investigative units and the Asset Forfeiture Unit (AFU)
- To pursue confiscation and seizure of assets and proceeds of crime in TIP cases
- To enhance the capacity of investigators/prosecutors to conduct financial investigations in TIP

Trafficking is a crime that generates significant profits. The seizure and confiscation of assets and proceeds of crime is an important goal to be pursued by the criminal justice system, to avoid perpetrators being able to fund long and unnecessary delays in the finalisation of cases and to send strong deterrent signals to criminals that crime does not pay. It is also a venue to recover resources, which may be used to fund support services to victims. The Act provides for compensation to the victims or the State, implementing the corresponding provisions of the Act.<sup>19</sup>

It is further necessary to enhance the capacity of investigators and prosecutors to conduct financial investigations in TIP cases and to strengthen cooperation with the financial sector.

**STRATEGIC GOAL:**

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<sup>19</sup> Act, Sections 29 and 30.



- **To promote effective, proportionate and dissuasive application of penalties and sanctions**

**SPECIFIC OBJECTIVES:**

- To sensitise judicial officers to the specificities of the crime of TIP
- To promote a shared understanding of the crime among judicial officers and prosecutors

Although efforts to investigate trafficking cases have been stepped up, the number of convictions is still relatively low, though the penalties of long-term imprisonment imposed do indicate an appreciation of the gravity of the crime.

**STRATEGIC GOAL:**

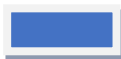
- **To eliminate corruption as one of the contributing factors to TIP**

**SPECIFIC OBJECTIVES:**

To ascertain the level and scope of official complicity in trafficking and related crimes

Trafficking in Persons is a “high profit – low risk” venture, and organised trafficking cannot take place without corruption. This cost-benefit equation results because the perpetrators of the crime have sizable monetary gains compared to the limited risk of getting caught and being brought to trial. Corrupt officials minimise this risk to traffickers even more. Trafficking in persons that occurs with the collusion of corrupt officials also makes the crime even more invisible and increases significantly the trauma suffered by victims. It is therefore essential to eliminate corruption to effectively counter trafficking.

## 3.5 Partnership: International Level



### 3.5.1 International Cooperation in Criminal Matters

Trafficking committed across international and national borders must be countered through a criminal justice response capable to function across borders. Through international cooperation, essential evidence and intelligence may be obtained, in the absence of which investigations and prosecutions risk being significantly hampered. The Republic of South Africa has a solid legal basis for international cooperation. The United Nations Convention against Transnational Organised Crime (UNTOC) contains comprehensive provisions on international cooperation. As a State party to the Convention, South Africa has an obligation to cooperate with other States when requested to do so and may request cooperation of other States. South Africa's International Cooperation in Criminal Matters Act 75 of 1996 allows domestication of its obligations under international law to provide mutual legal assistance through facilitating provision of evidence, executing sentences and confiscation of proceeds of crime. Requests from other countries to South Africa and vice-versa are enforced through the courts. South Africa also has bi-lateral treaties to facilitate extradition of fugitives from justice.<sup>20</sup> In addition to provisions of the UNTOC, the Extradition Act 1962 (Act no. 67 of 1962) together with bilateral treaties with other States provide the legal basis to facilitate extradition of fugitives from justice. Furthermore, the legal framework on TIP and on transnational organised crime provides for extraterritorial jurisdiction in specific circumstances.

There are positive examples of cooperation with neighbouring countries and a significant success on a trafficking for an organ removal case involving cooperation with Israel and Brazil. However, difficulties and technical hurdles often slow cooperation processes and risk compromising the effectiveness of entire proceedings.

The main goal to be pursued in this field is **to increase the cooperation with other States for investigating and prosecuting TIP through strengthening the overall national capacity in the field of international cooperation, improving judicial cooperation through mutual legal assistance and law enforcement cooperation, for instance by fostering the use of joint investigative teams.** Consistently with the goal set in section 3.4 – Prosecution, related to confiscation of assets, and with the aim to complement it, another objective in this area will be **to adopt measures to enable the confiscation of assets and proceeds of crime through international cooperation.**

#### STRATEGIC GOAL:

- To enhance cooperation with other States and International Organisations to counter TIP

#### SPECIFIC OBJECTIVES:

- To strengthen national capacity in the field of international cooperation for TIP
- To improve judicial cooperation through mutual legal assistance (MLA)
- To foster the use of joint investigation teams in TIP cases with International Organisations (e.g. INTERPOL)

To increase international cooperation in TIP cases, the NPF sets as a priority to strengthen the national capacity in the field of international cooperation fostering knowledge of other countries' approaches to investigating TIP, promoting the establishment of trusted professional relationships at international level. With South Africa

<sup>20</sup> GLO.ACT Assessment Report, 2016.

being a destination country for trafficking also at transnational level, it is necessary to support the establishment of a wider network, involving countries and regions from/to which criminal routes have been mapped.

To improve judicial cooperation through MLA, reducing delays and inefficiencies in the administration of MLA requests, it is useful to use internationally standardised tools, which can help reduce the risk of inefficiencies and strengthen formal and informal channels of cooperation and communication across borders. Improved channels of cooperation will also foster the possibility to establish joint investigative teams to investigate TIP.

The proceeds of TIP and the property or instrumentalities used in the commission of the offences, will almost always be located in two or more jurisdictions. International cooperation can be key to identify, trace, freeze and/or seize those assets. As such, it is necessary to adopt measures to enable confiscation of assets and/or proceeds of crime.

**Table – Integrated Strategy and Action Plan  
2023-2026**

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline [Years]			Indicators
				1	2	3	
<b>3.1.1 ANTI-TRAFFICKING COORDINATION STRUCTURES</b>  <b>To ensure a functional, coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders</b>							<ul style="list-style-type: none"> <li>• Increased effectiveness of cooperation according to all stakeholders involved</li> <li>• Satisfaction with coordination of all stakeholders involved</li> </ul>
	To ensure effectiveness of the relevant anti-trafficking institutional structures and coordinate related tasks, roles and responsibilities	Ensure relevant membership and participation of government departments	DoJ&CD	X	X	X	<ul style="list-style-type: none"> <li>• Letters to Accounting Officers of the various government department</li> <li>• Memorandum to the DG on the strengthening of the Anti-Trafficking Secretariat</li> <li>• Appointment of personnel</li> </ul>
		Strengthen the Anti-Trafficking Secretariat					
		Convene quarterly meetings of the National Inter-Sectoral Committee against TIP (NICTIP)	DoJ&CD	X	X	X	<ul style="list-style-type: none"> <li>• Number of meetings/year</li> <li>• Attendance records</li> <li>• Replacement procedure in place in case of prolonged absence</li> </ul>
		Convene regularly of the National Case Monitoring Team	DoJ&CD	X	X	X	<ul style="list-style-type: none"> <li>• Number of meetings/year</li> <li>• Attendance records</li> <li>• Replacement procedure in place in case of prolonged absence</li> <li>• Number of progress reports of TIP cases</li> </ul>
		Convene quarterly Provincial Task Teams on TIP	DoJ&CD	X	X	X	<ul style="list-style-type: none"> <li>• Number of meetings/year</li> <li>• Attendance records</li> <li>• Replacement procedure in place in case of prolonged absence (TBD)</li> <li>• Number of progress reports</li> </ul>
		Convene frequently the Provincial Rapid Response Teams (RRT)	DoJ&CD and PTTs	X	X	X	<ul style="list-style-type: none"> <li>• Number of meetings/year</li> <li>• Attendance records</li> <li>• Replacement procedure in place in case of prolonged absence (TBD)</li> <li>• Number of progress reports</li> </ul>
To ensure the participation of all relevant institutions, civil society (NGOs, traditional leaders, etc.) and IOs in anti-trafficking	Convene a national workshop with civil society organisations and government departments	DoJ&CD DSD NICTIP	X			<ul style="list-style-type: none"> <li>• Concept note developed</li> <li>• Workshop convened</li> <li>• Number of road shows</li> <li>• National workshop convened during the 1<sup>st</sup> year (2023)</li> </ul>	

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline [Years]			Indicators
				1	2	3	
	coordination structures and response	engaged in the fight against TIP and Victim protection					<ul style="list-style-type: none"> <li>Number of NGOs in the coordination structures</li> <li>Number of IOs in the coordination structures</li> </ul>
		Undertake provincial roadshows with all relevant stakeholders on the NPF	DoJ&CD NPA National Departments PTTs	X	X		<ul style="list-style-type: none"> <li>Number of roadshows conducted</li> <li>Number of participants</li> </ul>
	To set up an officially binding mechanism and procedures to ensure a uniform, coordinated and cooperative anti-trafficking response by all relevant anti-trafficking stakeholders	Drafting and adoption of Regulations for the NICTIP and PTTs	DoJ&CD NICTIP PTTs			X	<ul style="list-style-type: none"> <li>Finalise draft of regulations</li> </ul>
		Capacity building trainings	DoJ&CD NICTIP PTTs	X	X	X	<ul style="list-style-type: none"> <li>Number of trainings for PTTs held/a year at NICTIP and per Province</li> <li>Training materials used with revision date</li> <li>Attendance records</li> </ul>
<b>3.1.2 LEGAL AND REGULATORY FRAMEWORK</b>						<ul style="list-style-type: none"> <li><b>Comprehensive laws and regulations enacted</b></li> <li><b>Web page created</b></li> </ul>	
<b>To ensure the establishment of a comprehensive regulatory framework to protect trafficked persons and their Constitutional rights</b>	To complete the regulatory framework by issuing outstanding Regulations, National Directives, Instructions, etc.	Promote awareness and training on the finalised DHA Regulations	DHA	X			<ul style="list-style-type: none"> <li>Number of training and awareness sessions held</li> <li>Register in place on number of visitors visas issued to VOTs</li> </ul>
<b>3.1.3 RESOURCE AND BUDGET MOBILISATION.</b>	To identify the human, technical and financial resources required to implement anti-trafficking activities by Province To secure and progressively increase budget allocations within regular budgets of government agencies	Needs assessment.	DoJ&CD NICTIP PTTs	X			<ul style="list-style-type: none"> <li>Increased resources for the implementation of the NPF regularly allocated</li> <li>Needs assessment report</li> <li>Yearly detailed resource plan for the implementation of the National Action Plan</li> </ul>
<b>To secure resources necessary to fully implement the NPF</b>		Resource plan drafting and approval					

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline [Years]			Indicators
				1	2	3	
<b>3.1.4 MONITORING, EVALUATION &amp; REVIEW</b>  <b>To monitor, evaluate and review anti-trafficking responses to improve and adjust them to ensure maximum impact</b>							<ul style="list-style-type: none"> <li>• Regular monitoring and evaluation mechanism of the NPF in place</li> </ul>
	To ensure systematic data gathering and analysis of all relevant information and data at strategic and operational levels	Finalise the integrated information management system	DoJ&CD NICTIP	X	X	X	<ul style="list-style-type: none"> <li>• ToR for monitoring</li> <li>• Monitoring tools</li> <li>• Yearly monitoring report</li> </ul>
	To ensure annual monitoring and reporting of all activities and measures undertaken within the NPF and Action Plan	Drafting of Departmental Reports  Drafting of Annual Consolidated Report  Appointment of actor/expert responsible for evaluation  Drafting of evaluation tools	DoJ&CD, DSD, DHA, DIRCO, DWYPD, SS, SAPS and NPA NICTIP PTTS	X	X	X	<ul style="list-style-type: none"> <li>• Annual Reports received from Departments Consolidated Annual Report</li> <li>• Tabling of Annual TIP Report to Parliament</li> <li>• Yearly evaluation report</li> </ul>
	To ensure the annual review of the NPF and Action Plan	Drafting of review ToR  Appointment of consultant responsible for review  Drafting of review report	DoJ&CD NICTIP PTTS			X	<ul style="list-style-type: none"> <li>• ToR for review</li> <li>• Review report/every two years</li> </ul>

### 3.2 PREVENTION

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>3.2.1 AWARENESS RAISING AND EDUCATION</b>  <b>To raise public awareness and prevent TIP</b>								<ul style="list-style-type: none"> <li>Increased awareness on TIP and related risks among population and reduced rates of victims</li> </ul>
	To improve knowledge of the general public on TIP	Design and develop communication implementation strategy (Awareness tools e.g. print/online campaigns, TV/radio initiatives, websites and social media content music/theatre performances and of community engagement events  Assessment of awareness raising activities	DoJ&CD GCIS NICTIP PTTs	X	X	X		<ul style="list-style-type: none"> <li>Strategy and work plan</li> <li>Communication strategy/concept document</li> <li>Tools developed</li> <li>Assessment reports</li> </ul> <ul style="list-style-type: none"> <li>- Number of tools delivered</li> <li>- Number of initiatives delivered</li> <li>- Number of community engagement events held</li> <li>- Number of persons reached</li> </ul>
	To prevent trafficking of vulnerable groups and re-trafficking of former victims	Design and implementation of awareness tools (e.g. print/online campaigns, websites and social media content, TV/radio initiatives, music/theatre performances)  Design and implementation of community engagement events  Assessment of awareness raising activities	NICTIP PTTs	X	X	X		<ul style="list-style-type: none"> <li>Strategy and work plan</li> <li>Communication strategy</li> <li>Tools developed</li> <li>Assessment reports</li> </ul> <ul style="list-style-type: none"> <li>- Number of tools delivered</li> <li>- Number of initiatives delivered</li> <li>- Number of community engagement events held</li> <li>- Number of persons from at vulnerable reached</li> </ul>



3.2 PREVENTION								
Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>3.2.2 RESEARCH</b>  To improve knowledge on TIP	To ensure an up-to-date overview on TIP in South Africa To ensure that research is relevant for policy development and linked to operational needs	Design and delivery of multi-disciplinary quantitative and qualitative research on different trafficking-related issues	DoJ&CD NICTIP Research Institutions	X	X	X		<ul style="list-style-type: none"> <li>Increased knowledge on different forms and issues related to trafficking</li> <li>Research protocols developed</li> <li>List of publications and distribution               <ul style="list-style-type: none"> <li>Number of research delivered</li> <li>Number of stakeholders involved</li> <li>Number of persons reached</li> </ul> </li> </ul>
		Analyse/evaluate research on TIP conducted in SA	DSI NICTIP Research Institutions	X				<ul style="list-style-type: none"> <li>Round table with research institutions and stakeholders</li> </ul>
		Review of policies and practices based on the research findings	DoJ&CD NICTIP Research Institutions	X	X	X		<ul style="list-style-type: none"> <li>Reviewed policies, measures and tools               <ul style="list-style-type: none"> <li>List of policies, measures and tools reviewed and approved</li> </ul> </li> </ul>

3.3 PROTECTION AND VICTIM ASSISTANCE								
Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>3.3.1 IDENTIFICATION</b>  To ensure the early identification of								<ul style="list-style-type: none"> <li>Improved identification skills through a uniform, coordinated and cooperative approach by all anti-trafficking stakeholders.</li> <li>Higher identification rates of potential/presumed/actual victims</li> </ul>

### 3.3 PROTECTION AND VICTIM ASSISTANCE

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>potential and suspected trafficked persons</b>	To improve the ability of law enforcement and other state and non-state actors to identify potential and suspected victims of all forms of trafficking	Roll-out training on the implementation of the SOPs and shared indicators	DSD NICTIP PTTs	X	X	X		<ul style="list-style-type: none"> <li>Number of copies of SOPs disseminated.</li> <li>Number of online trainings held</li> <li>Number of participants trained</li> </ul>
	To popularise the standardised shared procedures and tools for the identification of victims of trafficking	Dissemination of SOPs	DSD NICTIP PTTs	X	X			<ul style="list-style-type: none"> <li>SOPs on identification of trafficked persons disseminated by NICTIP to PPTs and RRTs</li> <li>SOPs on identification of trafficked persons regularly used by PPTs and RRTs</li> </ul>
<b>3.3.2 ASSISTANCE, PROTECTION AND SOCIAL INCLUSION</b>  <b>To ensure that victims of trafficking have access to comprehensive assistance programmes aimed at their protection and social inclusion irrespective of their willingness to cooperate in criminal proceedings and immigration status, in accordance with the Act</b>	To improve the ability of stakeholders to provide integrated assistance to victims of all forms of trafficking	Dissemination of the SOPs for integrated assistance to victims of TIP  Convene training workshops for Criminal justice practitioners on the SOPs for victim assistance	DSD NICTIP PTTs	X	X	X		<ul style="list-style-type: none"> <li>Increased number of victims assessed social protection and support                             <ul style="list-style-type: none"> <li>Number of copies of SOPs distributed</li> <li>Number of trainings conducted</li> </ul> </li> </ul>
	To ensure shared, coordinated and cooperative procedures for social protection and support	Mapping of services on social support and protection services available, including treatment centres, for children, child and youth care centres, women and men.  Increase of accredited shelters for victims.  Assistance provision based on individual plan, including shelter; social, medical, psychological training	DSD NICTIP PTTs	X	X	X		<ul style="list-style-type: none"> <li>List of services available</li> <li>Number of shelters available for women, men, LGBTQ+ and persons with disabilities</li> <li>Number of Child and Youth Care centres for Children</li> <li>Number of victims assisted</li> <li>Number of victims who received legal assistance</li> <li>Number of victims who received psycho-social support</li> <li>Number of education/training attended by victims</li> <li>Number of job inclusion programmes attended</li> <li>Number of victims employed</li> <li>Information material for victims</li> </ul>

### 3.3 PROTECTION AND VICTIM ASSISTANCE

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
	To ensure standardised service provision in line with constitutional imperatives, national standards and international standards	Disseminate and training of service standards for service providers as per accreditation in the TIP ACT  Regular compliance checks	NICTIP PTT	X	X	X		<ul style="list-style-type: none"> <li>• Norms and standards for shelter care</li> <li>• Compliance reports</li> <li>• Number of service providers trained</li> </ul>
	To ensure all victims are safe and fully informed about their rights and options	Customisation of guidelines for individual safety risk assessment  Drafting and implementation of individual development and safety plan for adult and child victims  Drafting, printing and distribution of information tools in SA official languages spoken by victims	DSD SAPS NICTIP		X	X	Baseline Budget	<ul style="list-style-type: none"> <li>• Guidelines for individual safety plan</li> <li>• Individual development and safety plans in place</li> <li>• List of information materials in main languages spoken by foreign victims available in temporary shelters</li> </ul>
<b>3.3.3 ACCESS TO CIVIL PROCEDURES, WITNESS PROTECTION AND COMPENSATION</b>								<b>Increased number of victims accessing civil procedures, witness protection and compensation schemes</b>
<b>To ensure special protection to victims/witnesses and access to redress</b>	To implement legislation and guidelines on victims/witnesses in cases of TIP	Application of legislation and guidelines for protection of victims/witnesses	NPA		X	X		<ul style="list-style-type: none"> <li>• No. of victims/witness in criminal proceedings who access witness protection</li> </ul>
	To advocate compensation for victims within the framework of the TIP Act	Training for prosecutors on the on procedure to quantify damages and make applications for compensations for victims	SAPS NPA DSD		X	X		<ul style="list-style-type: none"> <li>• No of Trainings delivered</li> <li>• No. of applications for compensation for victims</li> <li>• No. of compensation issued</li> </ul>

### 3.3 PROTECTION AND VICTIM ASSISTANCE

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>3.3.4 RETURN AND REPATRIATION</b>  To ensure a safe and sound return/repatriation and integration of trafficked persons into their South African community, origin country or – if deemed necessary – into a third-country	<b>Increased number of trafficked persons safely and successfully returned/repatriated home or relocated in a third country and reintegrated.</b>							
	To capacitate stakeholders on the comprehensive SOPs on return/repatriation of trafficked persons, both nationals and migrants	Training on SOPs for return/repatriation  Multi-agency training on SOPs for return/repatriation	DHA NICTIP PTTS	X	X			<ul style="list-style-type: none"> <li>Number of trainings conducted</li> <li>Number of PPTs and RRTs members trained on SOPs by Province</li> </ul>
	To establish appropriate risk assessment and voluntary resettlement procedures for victims to avoid re-victimisation and/or re-trafficking	Drafting procedures and related guidelines for voluntary resettlement to be included in the SOPs on return and repatriation	DOH DSD NICTIP PTTs	X	X			<ul style="list-style-type: none"> <li>Procedures and guidelines for voluntary resettlement developed and included in the SOPs</li> </ul>

### 3.4 PROSECUTION AND INVESTIGATIONS

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>3.4.1 INVESTIGATIONS AND PROSECUTIONS</b>  <b>To strengthen the capacity of the criminal justice system to investigate and prosecute the crime of TIP ensuring the conviction and long-term imprisonment of traffickers</b>								<ul style="list-style-type: none"> <li>Increased number of investigations with respect to previous year/s</li> <li>Increased number of prosecutions</li> <li>Perception of improved capacity to response of criminal justice practitioners</li> </ul>
	To improve cooperation between investigators, prosecutors and all other stakeholders	Report back to the DHA on convicted foreign traffickers  Acquire and use reports from DSD	NPA DHA SAPS DSD					<ul style="list-style-type: none"> <li>Number of Reports submitted to DHA</li> <li>Number of reports received from DSD</li> </ul>
	To investigate organised crime groups engaged in TIP	Training programs for police and prosecutors on TIP as organised crime institutionalised (different levels and combinations of practitioners)	SAPS NPA	X	X	X		<ul style="list-style-type: none"> <li>Number of TIP investigations/year</li> <li>Number of criminal networks targeted/affected</li> <li>Links between trafficking and other forms of organised crime</li> </ul>
	To institutionalise training on TIP for all criminal justice actors	Conduct training programs on TIP – for law enforcement officials	NICTIP	X	X	X		<ul style="list-style-type: none"> <li>Number of training per Province</li> </ul>
	To ensure the correct implementation of provision concerning the non-criminalisation of victims of trafficking	Implementation of the Regulations issued in terms of S22 of the Act	NPA	X	X			<ul style="list-style-type: none"> <li>No of victims diverted from the criminal justice system</li> </ul>
	To enhance the capacity of investigators and prosecutors to conduct financial investigations in TIP cases	Training on financial investigation	SAPS NPA NICTIP SAMLIT FIC	X	X			<ul style="list-style-type: none"> <li>Number of trainings delivered</li> </ul>

### 3.4 PROSECUTION AND INVESTIGATIONS

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>To investigate and prosecute trafficking for labour exploitation</b>								<ul style="list-style-type: none"> <li>Increased number of cases of TIP for labour exploitation investigated/prosecuted</li> <li>Increased no. of victims identified</li> </ul>
	To enhance the capacity to detect and investigate trafficking for labour exploitation	Training programs for police prosecutors, labour inspectors on trafficking for labour exploitation – institutionalised	SAPS DOEL DMRE DFFE NICTIP SAMSA Trade Unions	X	X	X		<ul style="list-style-type: none"> <li>Number of trainings conducted</li> </ul>
	To roll out training on the sector-specific manual for TIP labour cases	Conduct trainings on TIP labour cases	DOEL DMRE DFFE NICTIP	X	X	X		<ul style="list-style-type: none"> <li>Number of trainings on the sector specific manual delivered</li> </ul>
<b>To confiscate and seize assets and proceeds of crime in TIP cases</b>								<ul style="list-style-type: none"> <li>Increased number of confiscation or seizure of assets and proceeds of crime in TIP cases</li> </ul>
	To strengthen cooperation between specialised investigative units and the Asset Forfeiture Unit (AFU)	Roll out trainings	NPA	X	X	X		<ul style="list-style-type: none"> <li>Number of trainings conducted</li> </ul>
	To pursue confiscation and seizure of assets and proceeds of crime in TIP cases	Implementation of measures to identify, trace, seize and confiscate assets and proceeds of TIP crime	NPA SARS DPCI- PCSI	X	X	X		<ul style="list-style-type: none"> <li>Number of confiscations/year</li> <li>Assets a confiscated</li> </ul>
	To enhance the capacity of investigators/prosecutors to conduct financial investigations in TIP	Develop measures aimed at strengthening partnerships with financial bodies and private sector	NPA DPCI SARS FIC SAMLIT	X				<ul style="list-style-type: none"> <li>Number of initiatives implemented</li> </ul>
<b>To promote effective, proportionate and</b>								<ul style="list-style-type: none"> <li>Penalties and sanctions are appropriate and proportionate to the gravity of the crimes</li> </ul>

### 3.4 PROSECUTION AND INVESTIGATIONS

Strategic Goals	Specific Objectives	Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>dissuasive application of penalties and sanctions</b>								<ul style="list-style-type: none"> <li>• Number of penal sanctions applied</li> <li>• Number of sanctions reflecting aggravating circumstances</li> <li>• Number of additional administrative and/or other non-criminal sanctions used</li> </ul>
	To sensitise judicial officials to the specificities of TIP	Hosting of conferences, seminars and colloquiums on TIP for judicial officers	OJ SAJEI				International Organisation	<ul style="list-style-type: none"> <li>• Number of conferences, seminars and colloquiums organised</li> <li>• Number of judicial officials' participation</li> <li>• Increased number of investigations for corruption related to TIP cases</li> <li>• Increased number of prosecutions/year</li> <li>• Number of convictions/year</li> </ul>
<b>To eliminate corruption as one of the contributing factors to TIP</b>								<ul style="list-style-type: none"> <li>• <b>Increased number of investigations for corruption related to TIP cases</b></li> <li>• <b>Increased number of prosecutions</b></li> <li>• <b>Increased number of convictions</b></li> </ul>
	To ascertain the level and scope of official complicity in trafficking and related crimes	To source appropriate and reliable research	NPA SAPS	X	X	X	Baseline budget	<ul style="list-style-type: none"> <li>• Quality Research Report</li> </ul>
		Conducting a zero-tolerance campaign among criminal justice practitioners on TIP-corruption	NICTIP	X	X	X	Baseline budget	<ul style="list-style-type: none"> <li>• Number of campaigns conducted</li> </ul>

### 3.5 PARTNERSHIP: INTERNATIONAL LEVEL

Strategic Goals	Specific Objectives	Activities / Sub-Activities	Responsibilities	Timeline Years			Financial Resources	Indicators
				1	2	3		
<b>3.5.1 INTERNATIONAL COOPERATION IN CRIMINAL MATTERS</b>  <b>To enhance cooperation with other States and International Organisations to counter TIP</b>								<ul style="list-style-type: none"> <li>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)</li> <li>Perception of effectiveness of international cooperation to counter TIP</li> </ul>
	To strengthen national capacity in the field of international cooperation in criminal matters for TIP	Include international and regional cooperation in training programs for criminal justice actors (Training on UNTOC, MLA tool)  Convene cross-border bilateral engagements with the respective member states	DoJ&CD DIRCO NPA SAPS DSD DHA NICTIP PTTs	X	X	X		<ul style="list-style-type: none"> <li>Number of trained staff by Province</li> <li>Number of staff who participated in regional/international workshops.</li> <li>Number of cross border engagements convened</li> </ul>
	To improve judicial cooperation through mutual legal assistance (MLA)	Include training on MLA requests in programs for criminal justice actors	NPA DoJ&CD	X	X	X		<ul style="list-style-type: none"> <li>Guidelines/procedures for handling requests issued.</li> <li>Number of MLA requests processed (received, submitted, responded)</li> </ul>
	To foster the use of joint investigation and prosecution teams in TIP cases with International Organisations (e.g. INTERPOL)	Establish teams and conduct joint investigations on TIP cases	SAPS NPA DHA DSD	X	X	X		<ul style="list-style-type: none"> <li>Number of formal agreements or informal arrangements signed</li> <li>Number of joint investigative teams established</li> </ul>