

**Strengthen trafficking in persons policy implementation efforts**

**An effective response to trafficking in persons (TIP) requires a holistic approach across all aspects of prevention, prosecution, and protection.**

While preventing the crime and protecting victims who have been trafficked is critical, so is the identification, prosecution, conviction, and sentencing of the criminals behind it. There is little or no incentive to cease participation in this lucrative industry without an effective prosecution regime.

In South Africa, the Prevention and Combatting of Trafficking in Persons Act No. 7 of 2013 (PACOTIP) came into effect on 9 August 2015. A national research study\* provides evidence on the nature of trafficking in persons in South Africa and identifies where the criminal justice system needs strengthening.

**Respondents in the research identified several challenges in implementing the TIP policy in South Africa.**

1. Perceived and actual corruption and complicity of officials and law enforcement.
2. Lack of clarity over who has overall responsibility for implementing the PACOTIP Act.
3. Lack of resources that hinders an effective response.
4. Lack of prosecution of perpetrators.
5. Lack of cooperation between institutions tasked with counter-trafficking.
6. TIP Task Teams not fulfilling their mandate, nor sufficiently supporting law enforcement, social development and civil society organisations or ensuring effective coordination mechanisms.

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

**KEY TAKEAWAYS**

- **Increase** inter-sectoral and multidisciplinary capacity and resources at all response levels.
- **Strengthen** the TIP Task Teams to operate effectively in all provinces.
- **Improve** the criminal justice system to be more robust and deliver a systemic management response through more effective stakeholder collaboration.
- **Implement** a counter-corruption strategy and prioritise the investigation, prosecution, and conviction of corrupt and complicit officials.

**A 2022 national study on trafficking in persons found that South African legislation and frameworks are strong, but that implementation and coordination are lacking.**



To strengthen policy implementation, the following is required:

1. **Prioritize** the establishment of an integrated information system to facilitate the effective monitoring and implementation of the PACOTIP Act, and commence TIP interventions by collating and analyzing the specific information as detailed by Section 41(1)(b) of the Act.
2. **Employ** Section 7 of the PACOTIP Act and Section 11 and Section 17 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 as legislative interventions to discourage the demand that fosters trafficking for sexual exploitation.
3. **Promulgate** the immigration provisions in Sections 15, 16, and 31(2)(b)(ii) of the PACOTIP Act.
4. **Review** the PACOTIP Act to remove sentencing provisions that allow fines in lieu of imprisonment, especially for sex trafficking crimes.

LASER PULSE is a five-year (2018-2023), \$70 million program funded through USAID's Innovation, Technology and Research Hub, that delivers research-driven solutions to field-sourced development challenges in USAID partner countries.

## INSTITUTIONAL RECOMMENDATIONS

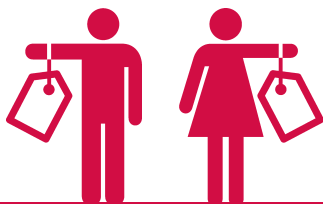
Prioritise the establishment of an integrated information system to facilitate the effective monitoring and implementation of the PACOTIP Act, and commence TIP interventions by collating and analysing the specific information as detailed in Section 41(1)(b).

### **Respondents highlighted that South Africa does not have a unit or agency dedicated to working only on human trafficking.**

The evidence indicated that despite the existence of the National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) and Provincial Task Teams, coordination and accountability were lacking in the absence of one overarching unit with the relevant human and financial resources to oversee, effectively manage, coordinate, capacitate, monitor and evaluate all TIP-related activities.

### **The Government of South Africa must create a unit with the sole and overarching mandate to manage the TIP response in South Africa.**

This unit should be staffed by dedicated professionals with the sole mandate of working on trafficking issues in South Africa. It must have the necessary political backing and mandate to coordinate government stakeholders and manage the corresponding accountability and tracking of TIP case management and prosecution, and the quality of victim services.



**Implementing the TIP policy, putting resources and capacity behind the response, dealing with corruption, and putting victims at the centre of the response will significantly improve counter-trafficking efforts.**

Contact: Susan Marx at [marx.susan@gmail.com](mailto:marx.susan@gmail.com)

### KEY PRIORITIES TO STRENGTHEN IMPLEMENTATION:

- Multi-sectoral training for officials and front-line responders
- More funding for counter-trafficking
- More prosecutions
- More victim services
- More research and data
- Better laws and policies
- More prevention activities
- Better implementation of existing laws
- More cooperation between stakeholders

**The research confirmed that a holistic approach requires a multi-sectoral response across government departments and with service organisations, with adequate resources and clear implementation priorities.**

**“We need dedicated and vetted policing capacity that follows a proactive intelligence driven approach to TIP. The identification of TIP [situations] for investigation is poor, meaning that cases are not enrolled and prosecuted.”**

**Legal and policy review respondent, 2022**