

Take action to strengthen counter-trafficking efforts

A national study* provides evidence on the nature of trafficking in persons (TIP) in South Africa and identifies where the criminal justice system needs strengthening in counter-trafficking.

The mixed methods and multi-sectoral study identified that the greatest weakness in current legislation and policy was the lack of implementation rather than the content of the Prevention and Combatting of Trafficking in Persons Act No. 7 of 2013 (PACOTIP).

Key findings of the study indicated:

- The PACOTIP Act meets minimum standards, according to legal scholars, academics, and stakeholders.
- Lack of an efficient and integrated data management system hampers policy, practice, and resource mobilisation.
- South Africa is a source, destination and transit country for human trafficking. There is a high prevalence of women, children, and men trafficked into and within South Africa, and evidence indicates a significant undercount of victims.
- Perpetrators are men and women from South Africa and international destinations operating as individuals or as part of loosely connected criminal networks. Family members are often perpetrators.
- The time it takes to prosecute perpetrators is too long.
- Inter-sectoral and multi-disciplinary capacity and resources must be increased.
- The criminal justice system requires a more robust, proactive, and systemic management response; more effective collaboration between all stakeholders; and the authority to hold stakeholders to account for implementation.

*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 ENABLERS TO STRENGTHEN COUNTER-TRAFFICKING

- **A legal and regulatory framework** implemented by all national, provincial and district government departments.
- **Capacitated and accountable** anti-trafficking and responsive coordination structures.
- **Adequate resources and budget.**
- **Adaptive management** resulting from monitoring, evaluation and research evidence.
- **Public and community engagement** in preventing trafficking.
- **Multisectoral and integrated capacity building** provided to government officials and service providers.
- **Communication, collaboration and an integrated response** across government and civil society at the provincial, district and local levels.

- TIP Rapid Response Task Teams are not functioning optimally.
- Corruption is a significant hindrance to counter-trafficking.
- Victim journeys to healing and rehabilitation are unique and require ongoing services and commitment from government and civil society.
- More shelters are required (especially for men), and victims do not have viable after-shelter pathways.
- There are gaps in preventative measures and early interception. Public awareness is urgently required to reduce family members' perpetration and job-seeker exploitation and trafficking.

92% of respondents in a study survey indicated South Africa's trafficking in persons legislation was satisfactory, but that the response was inadequate.

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RESEARCH RECOMMENDATIONS

Strengthen policy response

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

Strengthen knowledge base

- **Build** the evidence base on the nature and scope of trafficking in South Africa for translation to policy, practice and learning. Prioritise the legally binding TIP definition and 'abuse of vulnerability' as defined in the PACOTIP Act in research.

Strengthen coordination, partnerships and implementation

- **Establish** a dedicated counter-trafficking unit.
- **Increase** multisectoral capacity building of judicial and law enforcement officials and front-line responders.

Effectively implementing the policy, putting resources and capacity behind the response, dealing with corruption, and placing victims at the centre of the response will contribute to achieving the desired outcomes to counter-trafficking in South Africa.

Strengthen prosecution response

- **Develop and implement** a counter-corruption strategy that prioritises the investigation, prosecution, and conviction of corrupt and complicit officials, individual business owners and employees.
- **Use** reported and prosecution data to inform proactive investigations to investigate and respond to the identified and undercounted victims.
- **Increase** the number of investigations, arrests, prosecutions, and convictions of perpetrators.

Strengthen victim protection

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

Strengthen prevention

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

**The government is encouraged to focus on the
THREE PATHWAYS TO IMPACT
that will contribute to effective counter-trafficking implementation**



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