

Trafficking in Persons

The current legal framework in South Africa

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Sexual Offences and Community Affairs
Unit



What is Human Trafficking?



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Simply put Human Trafficking
is:

**“Modern
Day
Slavery”**





**“fresh
young
meat”**



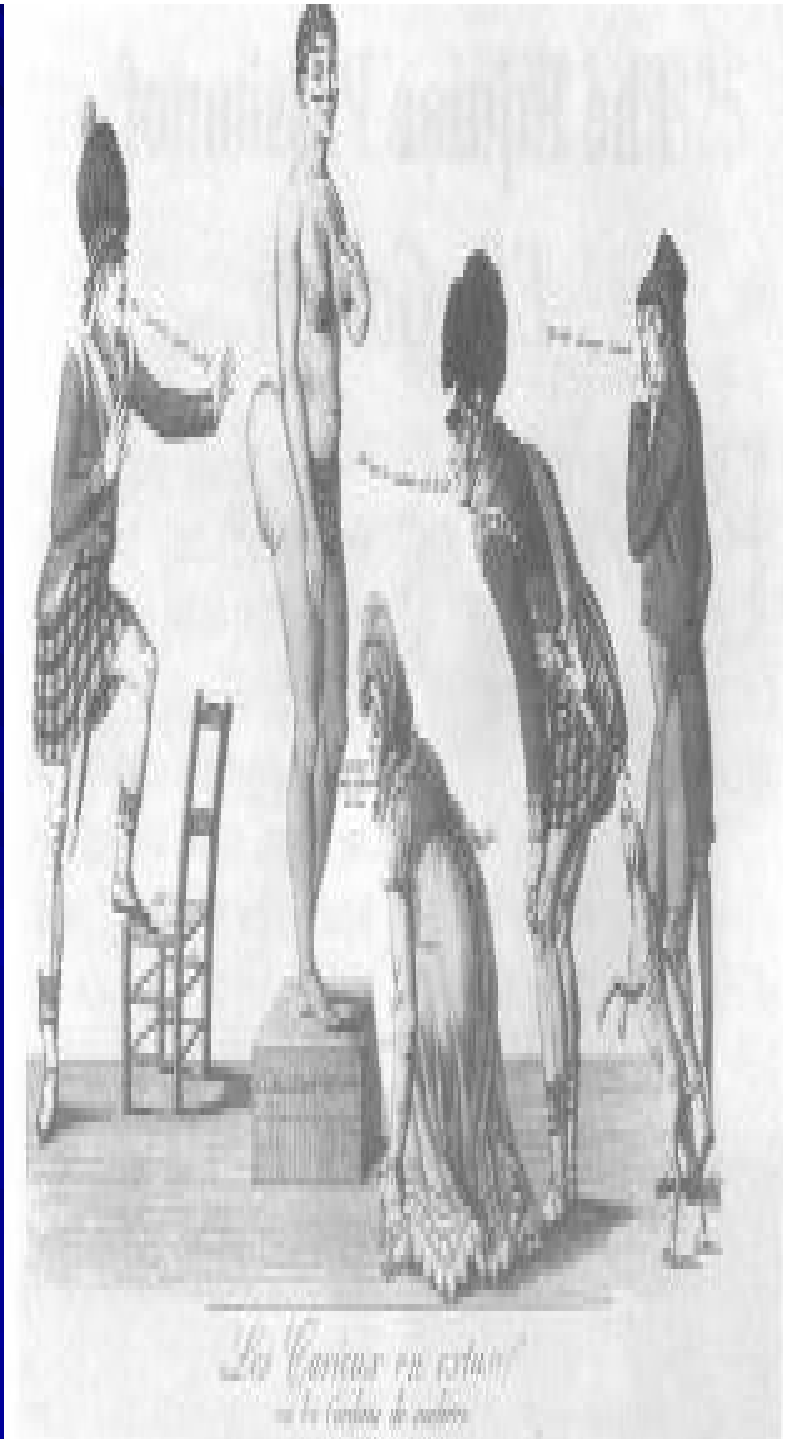
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The Saartjie Baartman Story

**A famous SA
example of
trafficking of a
human being for
exploitation**

- **In 1810 - 21 year old Saartjie Baartman**
- **A farm worker in the Cape**
- **Promised fame, fortune and freedom by a visiting surgeon from England**
- **She accepted and travelled to London with him.**

- She was exhibited naked in Paris and England and exploited by her trafficker for profit.
- Labelled “Hottentot Venus”
- She died 6 years after leaving SA at age 27.
- Her body was dissected, organs removed and displayed in a French Museum.
- Her experience is one that is all too common for thousands of women, children and men.



Human trafficking is an international human rights crisis

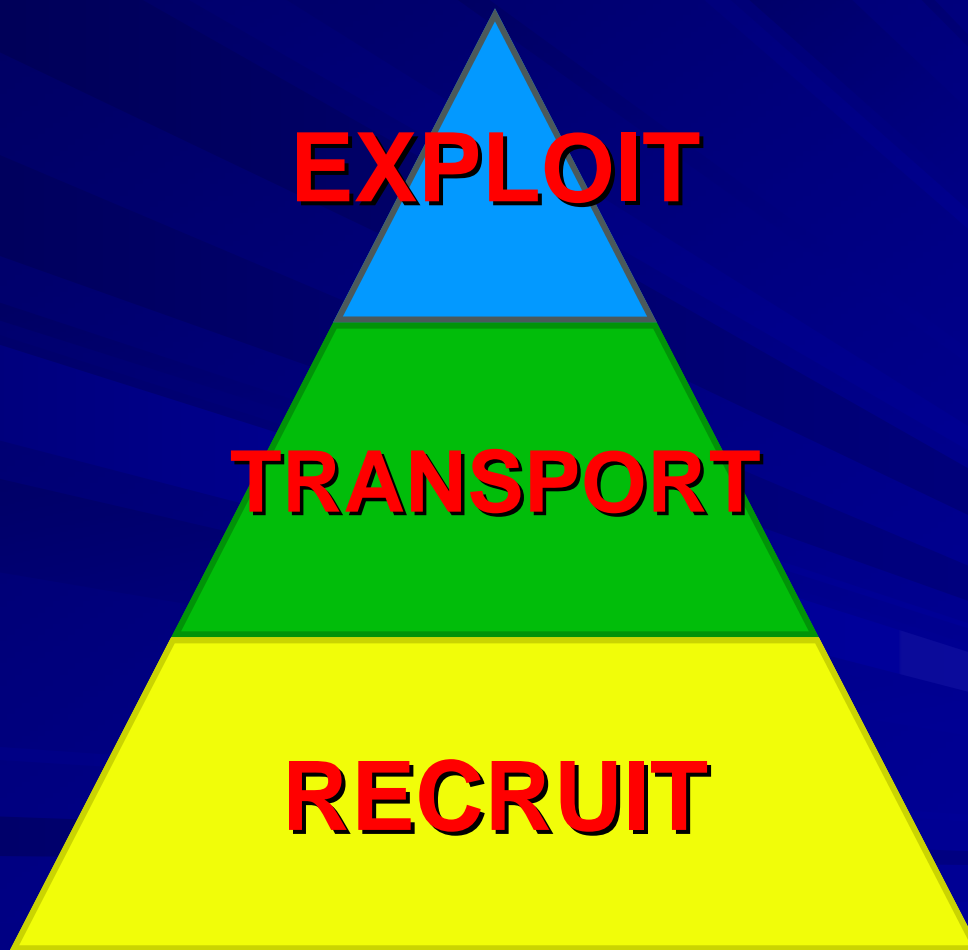
- 3rd largest criminal industry in the world, outranked only by arms and drug dealing.
- The U.N estimates that TIP generates \$7 to \$10 billion annually for traffickers.

**Human trafficking
is a crime**

**that occurs much
more as a process**

**rather than as an
event**

TIP PROCESS IS:



- Section 70(2)(b) of the Criminal Law (Sexual Offences and Related Matters Amendment Act) defines trafficking in persons as:

SUPPLY



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ህፃናትን ከቦታ ቦታ በማዘዋወር ለብዝሃ መዳረግ ይቁም
Stop Child Trafficking!

SALE

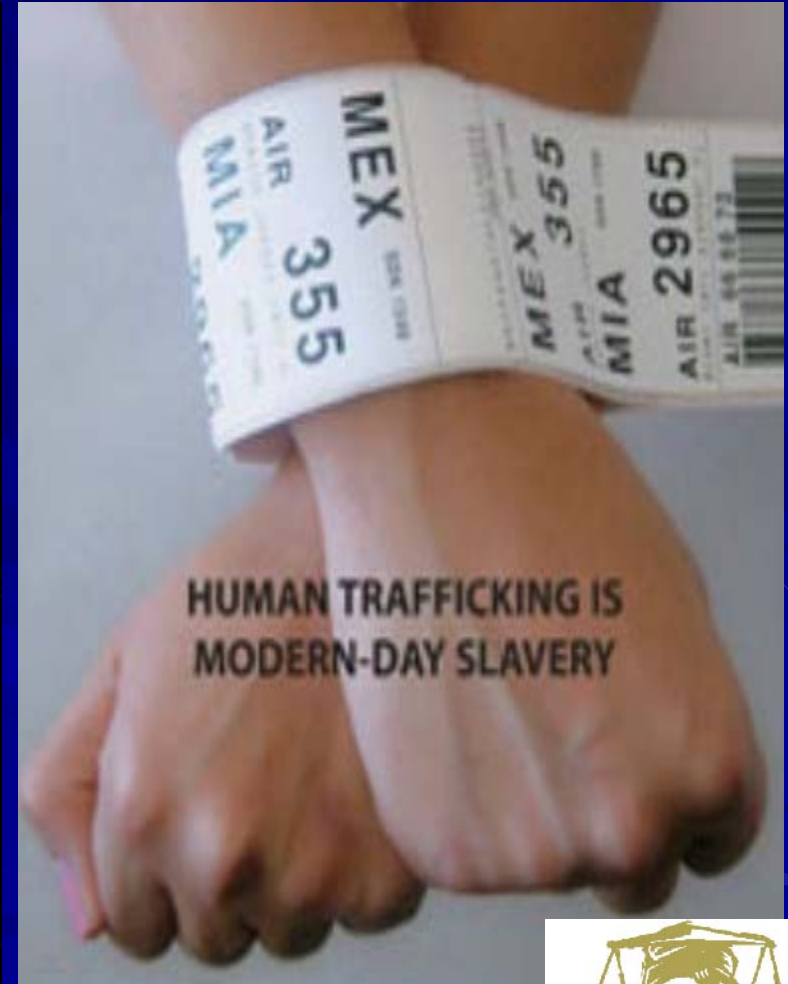


RECRUITMENT PROCUREMENT



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TRANSPORTATION TRANSFER



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CAPTURE HARBOURING



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REMOVAL, DISPOSAL & RECEIVING



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**OF A PERSON
WITHIN OR ACROSS THE
BORDERS
OF SA
by**



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BY THREATS, INTIMIDATION





FORCE



Coercion Abduction Fraud



Deception or false pretences

Don't Become a Victim of
the Illegal Trade in People

Jobs in Canada.
\$500 a week!

Work
in Canada!

“I can get you a job in Canada.”

Guaranteed jobs
in Canada!

No Diploma
Necessary!



Department of Justice
Canada

Ministère de la Justice
Canada

Canada



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**Steady jobs available abroad
No qualifications necessary**



**You only pay with your dignity,
your health, and your freedom.**

Entertainer, dancer, model, waitress, sex partner: so many interesting, well-paid jobs abroad these days. We would anybody want to give you a job abroad? Because the real job is prostitution. There's a lot of money to be made in prostitution. But not for you. Your part will be sickness, violence, isolation and humiliation. And who will protect you? No one. You will be a stranger in a strange land. Your life is in your hands. Don't trade it for a cage.



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The giving or receiving of payments, compensation, rewards, benefits or any other advantage

Look Beneath the Surface



The abuse of power or of a position of vulnerability which inhibits the complainant from indicating his/her unwillingness or resistance to being trafficked



HUMAN TRAFFICKING IS SLAVERY

Every year thousands of men, women and children are being trafficked into South Africa and sold into forced labour or prostitution.

Victims of trafficking are people who are forced to work as slaves in foreign countries. They accept attractive job offers abroad without knowing that these offers are false. They are forced into prostitution or labour with little or no pay to make money for their traffickers. They may be violently abused and made to repay large sums of money to their traffickers. Their passports may be taken away. They cannot escape. If you think you might be a victim of trafficking or know someone else who might be, you can ask for help - call IOM's Human Trafficking Help Line:

0800-555-999

IOM | SACTAP

Southern African Counter-Trafficking Assistance Program



SACTAP is funded by: Department of Foreign Affairs; Norwegian Embassy; US Department of State, Bureau for Population, Refugees and Migration



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FOR THE PURPOSE OF
EXPLOITATION,
GROOMING OR ABUSE
OF A SEXUAL NATURE



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**JULIA:
VIOLENT PIMP
NO FREEDOM
30 MEN A DAY
INDEBTED
ENSLAVED**

**250,000 Slaves exist in North America,
27 Million worldwide.**



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- There are however many forms of exploitation that persons are trafficked for:

Forced Begging



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Child Soldiers



Forced Labour



Children Exploited for cheap Labour



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Organ Trafficking

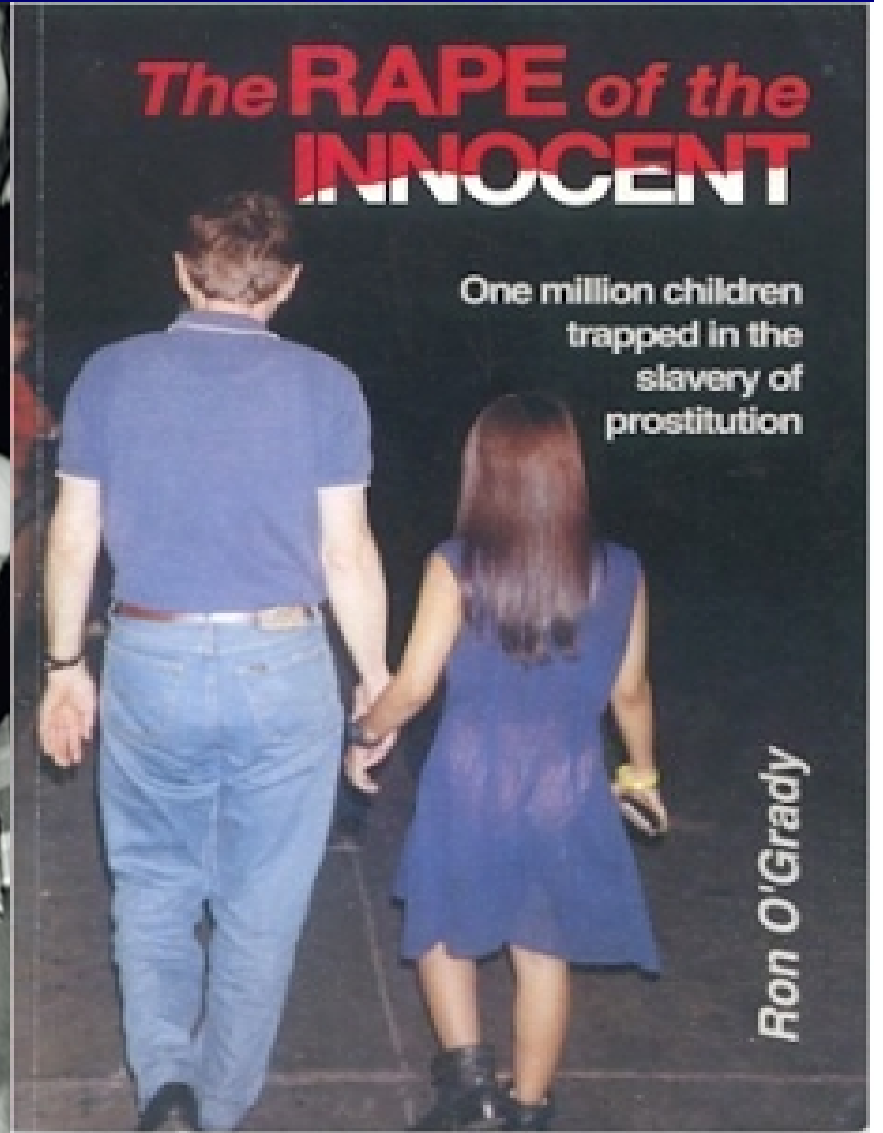


Illegal Adoptions Baby trafficking



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Sexual exploitation: forms 80% of TIP



COMBATING OF TRAFFICKING IN PERSONS BILL

- Currently still with the South African Law Reform Commission.
- Makes provision to combat trafficking in persons generally, other offences associated with trafficking in persons, and provides for matters connected therewith.



COMBATING OF TRAFFICKING IN PERSONS BILL

- **“exploitation” in terms of the TIP Act** includes, but is not limited to—
 - (a) all forms of slavery or practices similar to slavery;
 - (b) forced marriage;
 - (c) sexual exploitation;
 - (d) servitude;
 - (e) forced labour;
 - (f) child labour as defined in section 1 of the Children’s Act;
 - (g) the removal of body parts; and
 - (h) the impregnation of a female person against her will for the purpose of selling her child when the child is born;



Children's Act 38 of 2005

- Certain sections of the Children's Act came into operation on 1 April 2010.
- This Act introduces the crime of trafficking relating to children.
- Once the Combating of Trafficking in Persons Bill is passed, these provisions will also be repealed as they are also transitional provisions

Children's Act 38 of 2005

- **'exploitation'** , in relation to a child, includes-
- (a) all forms of slavery or practices similar to slavery, including debt bondage or forced marriage;
- (b) sexual exploitation;
- (c) servitude;
- (d) forced labour or services;
- (e) child labour prohibited in terms of section 141;
and
- (f) the removal of body parts;

Other Law

- Despite the absence of comprehensive legislation on human trafficking we can still use common law (e.g. abduction, assault, kidnapping etc) and other statutory law (e.g. POCA, the Immigration Act, the Basic Conditions of Employment Act etc) where an adult has been trafficked; and it is not covered by the Criminal Law (Sexual Offences and Related Matters Amendment Act) because it was not for a sexual purpose.

**Traffickers target those living
in areas with:**



- **Poverty**
- **Unemployment**
- **High government corruption**
- **Political instability**
- **Organized crime**
- **Armed conflict**



Trafficking and Smuggling

- Trafficking is not the same as **smuggling**, but may involve smuggling in the process.



Human Smuggling

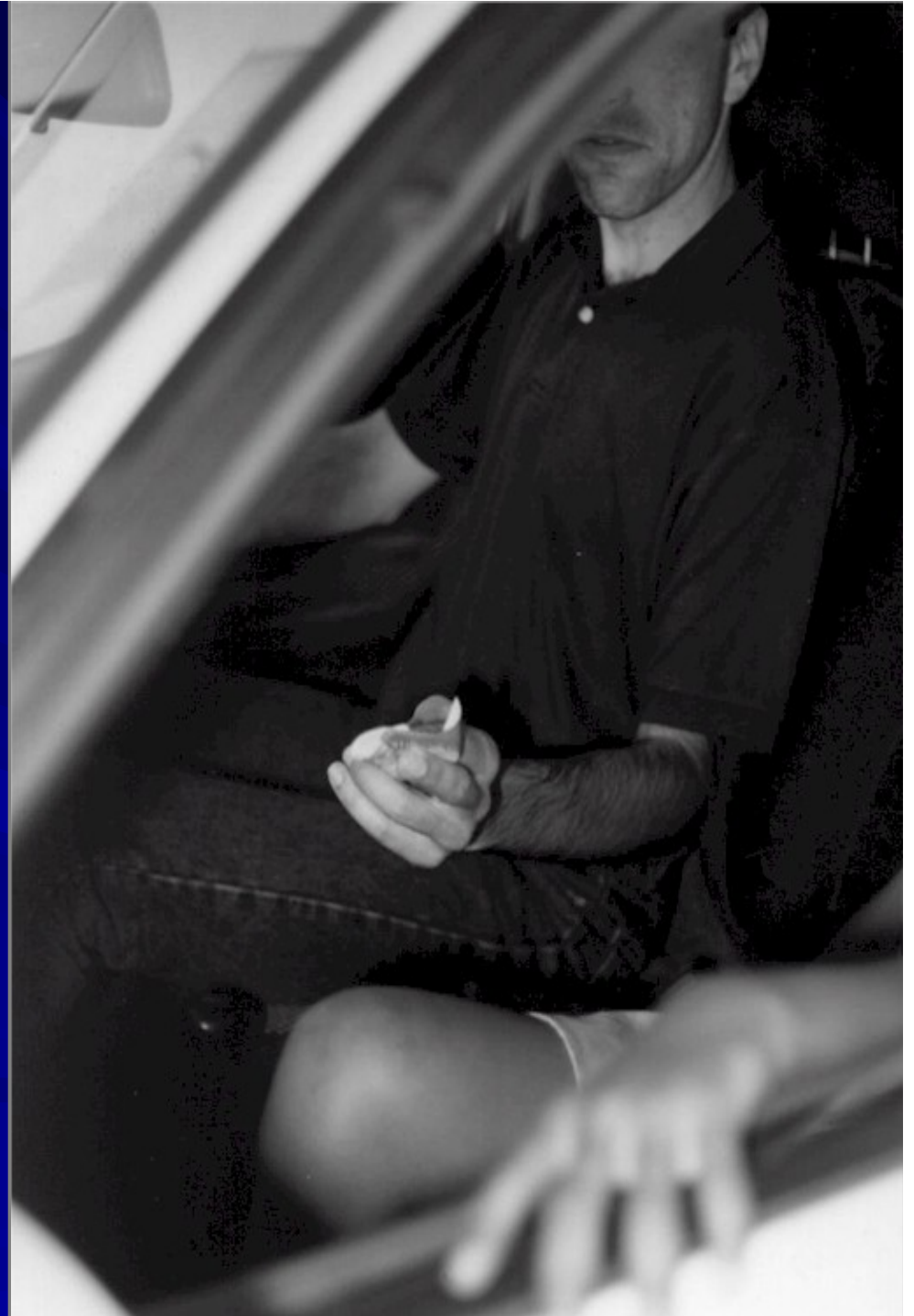
- the procurement of the **illegal entry** into or illegal residence of a person in a State Party
- of which the **person is not a national** or a permanent resident
- in order to **obtain**, directly or indirectly, a **financial or other material benefit**

Who is a John?

What does he look like?

“The Demand Creator”

Ref: Iris Yen: THE JOURNAL OF CRIMINAL LAW &
CRIMINOLOGY Vol. 98, No. 2



✓ **Faceless**

✓ **Nameless**

✓ **blameless**



**While the weight of law has
fallen on the prostitutes**

**Johns can remain anonymous
and can maintain a façade of
being "respectable" men.**

**Anonymity protects them from
accountability and culpability**



- ✓ **Johns also feel entitled to any sexual service they desire.**
- ✓ **Includes desire to have a certain type of sexual activity which they are unable to have with wives / girlfriends**
- ✓ **Dehumanise the prostitute**

**Many Johns believe
common myths about
prostitutes such as:**

**"she does it because
she likes it",
"she chooses to do it,"
and "prostitutes make
a lot of money".**





One British study found that the typical John is:

- **around 30 years old**
- **Married – 70% to 90%**
- **employed full-time with no previous criminal record.**
- **come from all nationalities, races, age groups;**
- **the age of buyers ranged from 15 – 90 years.**

✓ from all occupational backgrounds

✓ working class to professional men,

✓ included prominent community members such as politicians, lawyers and doctors.



**Some Johns refuse to take
responsibility for their own actions
even
if they know that the prostitute was
forced into commercial sexual
exploitation.**

NB:

**The new SA amendments
allow for clients to be
prosecuted**

Penalty: 20 YEARS



**Walk in a punter.
Walk out a rapist.**

Trafficked women are forced into selling sex.
Forced sex is rape.
So if you pay for sex with a trafficked woman
what does that make you?
If you suspect a woman has been trafficked,
don't close your eyes to it.
And if you're man enough, call Crimestoppers.


TO LEARN
TRAFFICKING
www.blueblindfold.co.uk

CRIMESTOPPERS
0800 555 111

What should people look for if they suspect human trafficking is occurring?

(Signs of HT)

- Evidence of being controlled
- Evidence of inability to move or leave job
- Bruises or other signs of physical abuse

LOOK BENEATH THE SURFACE

HUMAN TRAFFICKING IS
MODERN-DAY SLAVERY

**A victim of trafficking may look like
many of the people you see everyday.**

Ask the right questions and look for clues. You are vital because you may be the only outsider with the opportunity to speak with a victim.

There are safe housing, health, immigration, food, income, employment, legal and interpretation services available to victims, but first they must be found.



- **Fear or depression**
- **Does not want to talk - aggressive**
- **Wants to get back home asap**

LOOK BENEATH THE SURFACE

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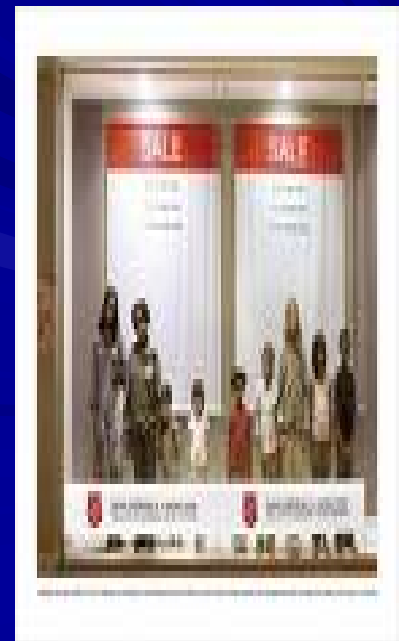
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- **Not speaking on own behalf and/or non-English speaking**
- **No passport or other forms of identification or documentation**
- **Is hungry-malnourished or inappropriately dressed (based on weather conditions or surroundings)**



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You need to ask:

- 1. What happened to you?**
- 2. Who caused this to happen to you?**
- 3. Where do you live?**
- 4. With whom?**
- 5. Would you like some help (police; social worker; information, counselling)**
- 6. Do you need to be removed to a place of safety?**



HPPB Task Team

- *Tsireledzani!* means ‘Let us protect’ in Tshi-Venda.
- It is the name of the South African Government’s initiative to combat Human Trafficking in order to comply with it’s international obligations.
- The programme, funded by the European Commission, is driven by the NPA and involves numerous government departments and civil society partners.

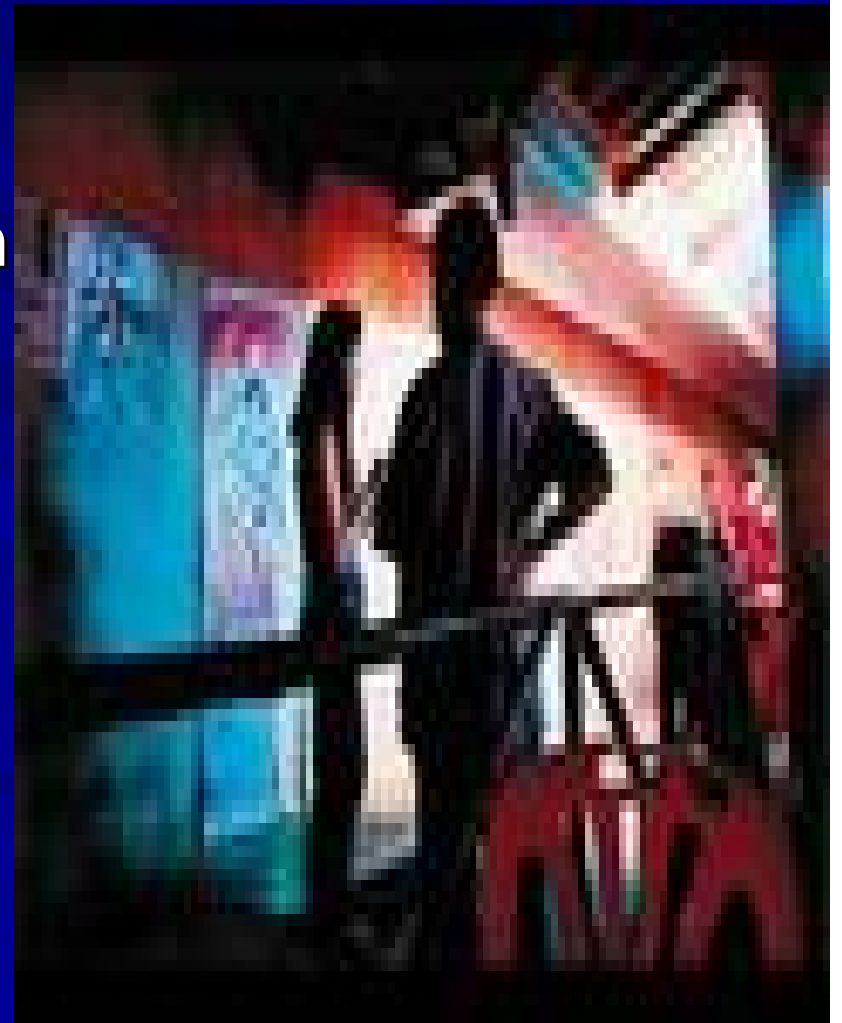


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HPPB Task Team

At National Level there is a Human Trafficking Task Team - The National Human Trafficking Task team. This task team has developed a three year programme.

(Dec 2007 - Dec 2010)



HPPB Task Team

- One of the responsibilities of the National Human trafficking task team is to set up Provincial Human Trafficking Task Teams.



HPPB Task Team

- The KwaZulu – Natal Task Team was set up on 2/10/08.
- HPPB – Human Trafficking / Prostitution / Pornography and Brothels Task Team.



History cont.

- Prior to the first meeting of we did some research as to how Human Trafficking is dealt with internationally.
- We looked at Turkey, Pakistan, Thailand, United Kingdom, Denmark, Ireland, Kosova and Swedan.



History cont.

- It became clear that the international strategies main focus areas were:

1. Prevention

2. Protection

3. Prosecution

4. Partnerships

History cont.

Using these 4p's as a guideline we developed the first draft on the KZN human trafficking / Prostitution / Pornography and Brothels action plan (HPPB).



OBJECTIVES

- 4 P'S

■ PREVENTION:

To increase knowledge, education and awareness about Human Trafficking / Pornography / Prostitution and Brothels to empower all communities.



OBJECTIVES CONT.

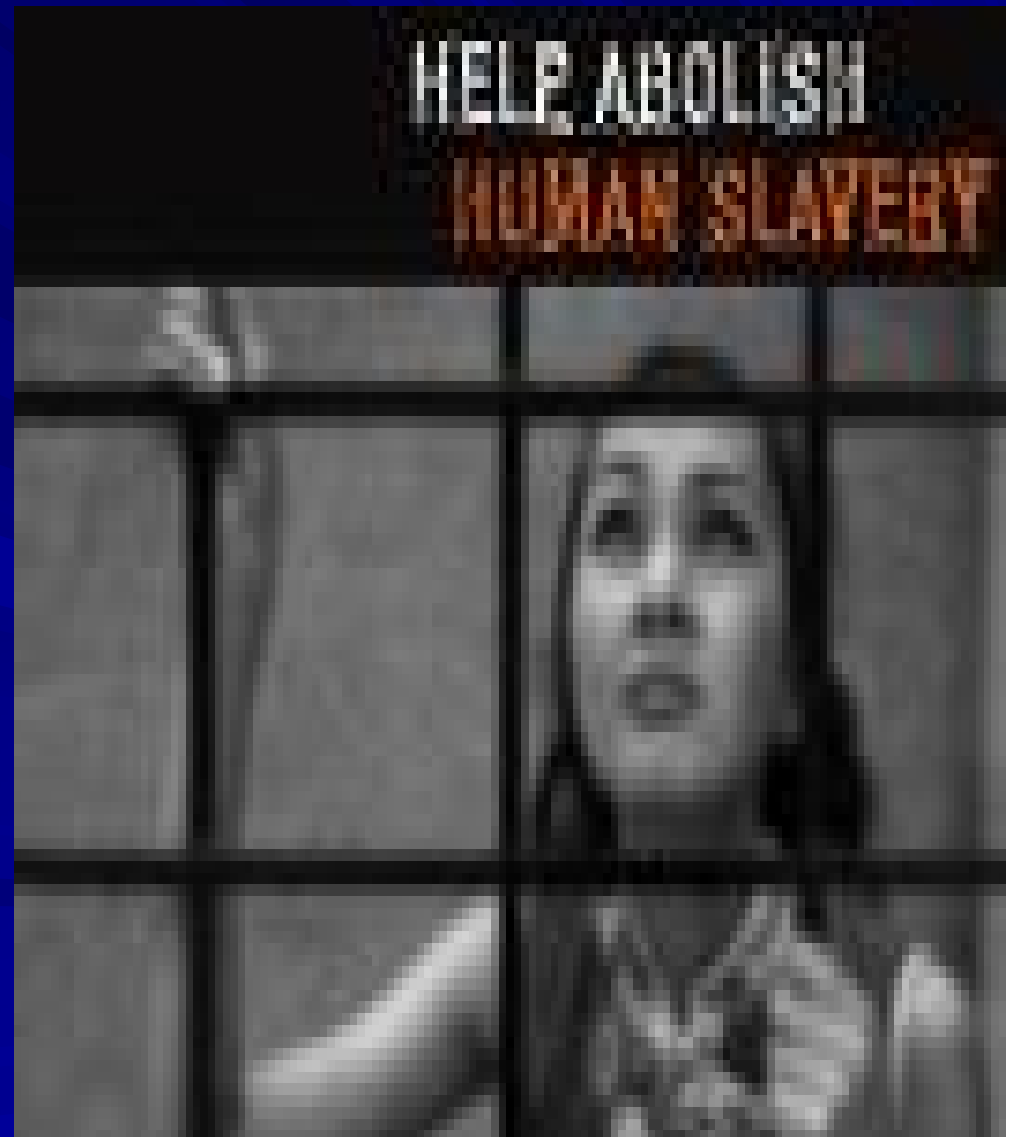
■ PROTECTION:

- To provide a holistic integration of services that turns victims of Human Trafficking / Pornography / Prostitution and Brothels into survivors.



OBJECTIVES CONT.

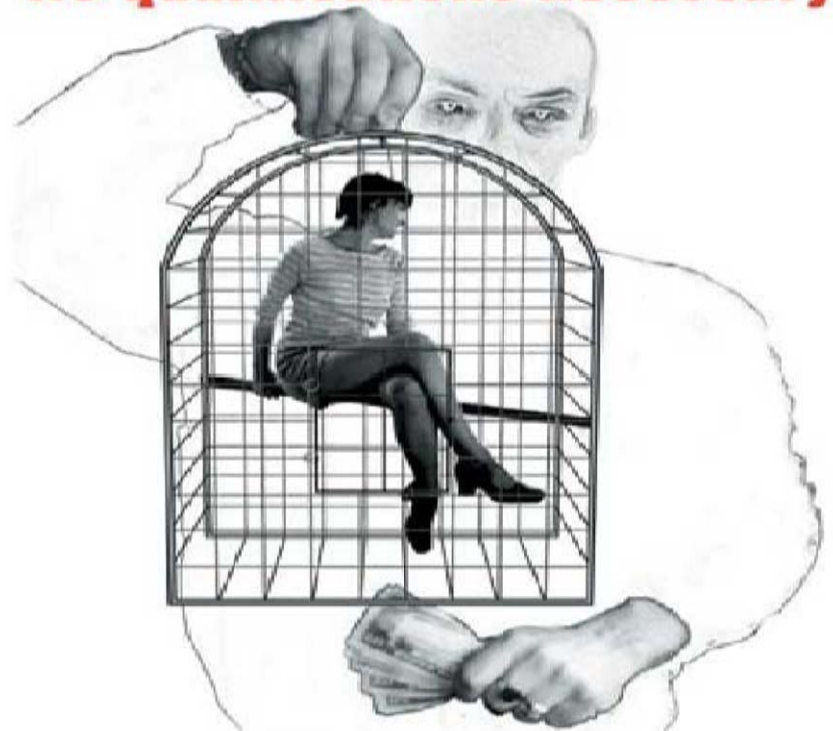
- PARTNERSHIPS:
- To encourage partnerships between Government / non governmental agencies / the community to monitor and address causes and contributing factors to Human Trafficking / Pornography / Prostitution and Brothels.



OBJECTIVES CONT.

- PROSECUTION:
- To ensure that proper processes are in place to investigate and prosecute cases involving Human Trafficking / Pornography / Prostitution and Brothels.

**Steady jobs available abroad
No qualifications necessary**



**You only pay with your dignity,
your health, and your freedom.**

Entertainer, dancer, model, waitress, or pair: so many interesting, well-paid jobs abroad these days. Why would anybody want to give you a job abroad? Because the real job is prostitution. There's a lot of money to be made in prostitution. But not for you. Your part will be sickness, violence, isolation and harassment. And who will protect you? No one. You will be a stranger in a strange land. Your life is in your hands. Don't trade it for a cage.

First Meeting

- Having decided on the objectives (4P's) of the KZN action plan we needed to look at activities that we could practically implement in the province to achieve these objectives.
- These activities were decided on by all of the stakeholders at the first meeting of the task team and the action plan was populated.

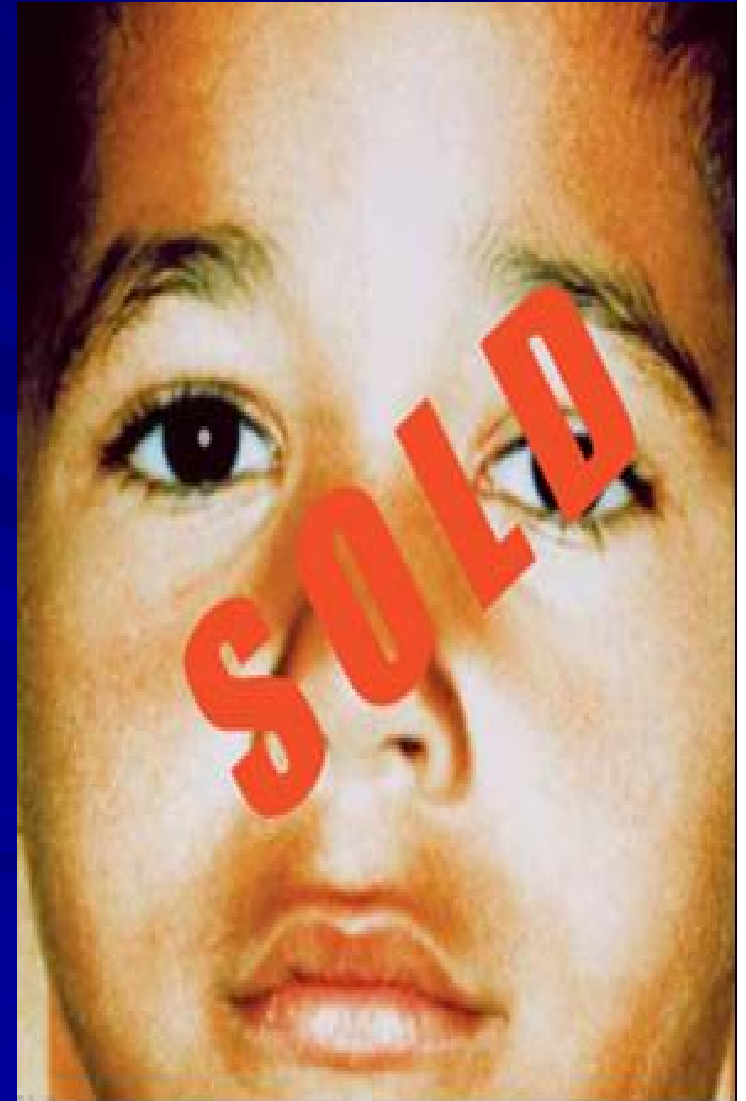


REVAMP

- We saw the action plan for 2009 as a straw hut on which to build in 2010.
- During February 2010 a strategic planning session was held in Durban and the plan was revamped for 2010.
- It is a one year implementation plan reviewable annually.

PREVENTION

- Voice over the formal presentation for High schools on HPPB developed in 2009.
- Translate it into Zulu
- Cut the presentation onto CD
- Make copies of CD and distribute to schools, NGO's etc – funding?

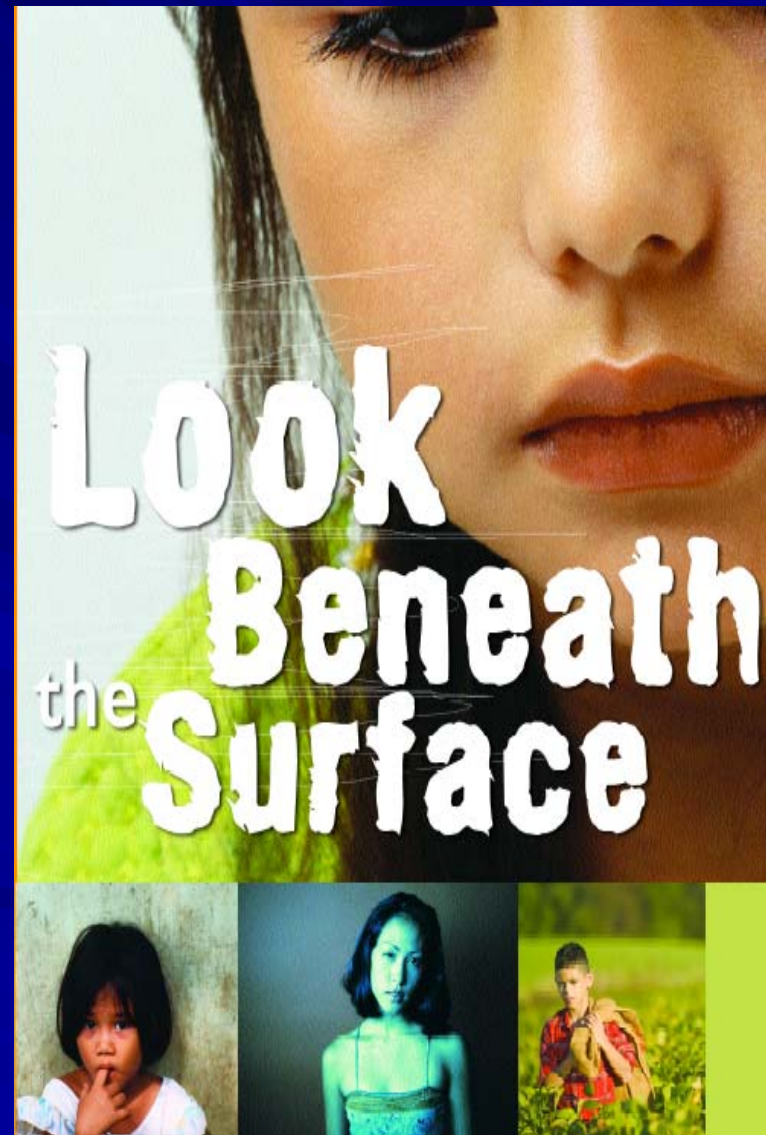


PREVENTION

- Do train the trainer workshops in various strategic areas in the province (traffick proof).
- Pinetown / Verulam / Pietermaritzburg / Durban /Umlazi / Empangeni / Newcastle / Northern Natal / Kokstad / Underburg ?/ Ingwavuma
- Train members of the LVEF's on the CD and Traffick proof.

PREVENTION CONT.

- Arrange training to create awareness for key role players in the Province re HPPB in light of 2010 for example the EThekweni municipality, Health, Ports, Mall security, ACSA
- Identify local newspapers, radio stations to do Public awareness on HPPB – media training done.



PROTECTION

- Develop protocols on the management of victims

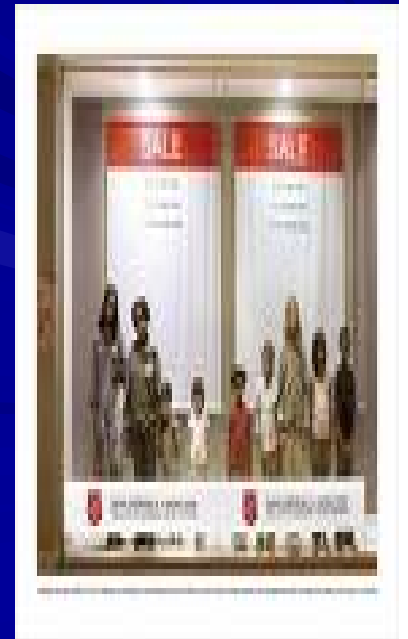


PARTNERSHIPS

- Monitoring of effectiveness of KZN Task Team by quarterly reporting [Monitoring and Evaluation]
- Develop a media strategy

PROSECUTION

- Empower this sub task team with skills and knowledge to combat HPPB via training and development
- Develop a project around brothels focussing on victims of HT.
- Pro actively look for HT cases.



Structure

- The task team meets as a whole every second month.
- At these meeting we discuss the progress on the action plan and challenges that we have encountered.
- Solutions as well as a way forward are discussed.



Seduced Imported Sold

Human trafficking is a modern form of slavery that affects 2 million women and children every year worldwide. Many victims are abducted or recruited with false job offers for purposes of sexual exploitation and forced labor in Southern Africa.

ICM's Southern African Counter-Trafficking Assistance Program (SACTAP) offers help and support to victims of human trafficking.
www.iom.int
www.iom.int

There is help
0800 555 999

ICM International Organization for Migration
OIU Organisation internationale pour les Migrations
OIU Organización Internacional para las Migraciones

Structure cont.

- In between these main meeting we have sub committee meetings – these are meeting where we practically do the work - for example draft the protocols– plan raids etc.



Who are the Role-players in KZN?



NPA

PROCESS DRIVEN BY ORGANISED CRIME COMPONENT
KZN

AND

SOCA KZN

**LOOK
BEWEATH
THE SURFACE**

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SAPS

- SAPS Organised Crime (OCIUS)
- Crime Intelligence
- Local Criminal Record Centre (LCRC)
- Technical Support Unit (TSU)
- FCS – recent addition

Government Departments

- Dept. of Justice
- Dept. Home Affairs
- Dept. of Education
- Dept. Social Development
- Dept. of Labour
- Dept. of Health
- Dept. of Comm. Safety



- Asset Forfeiture Unit (AFU)

- Metropolitan Police

- SANDF

- NIA

- Witness Protection



NGO's and Civil Society

- SA Human Rights Commission (SAHRC)
- Southern Sun Hotels
- Commission on Gender Equality (CGE)
- Bobbi Bear
- Childline



- ACSA
- Internet Service Providers.
- Films & Publications Board
- Office on the Rights of the Child
- Children's Rights Centre
- Open Door Crisis Centre



■ Doctors for Life

■ Lifeline

■ Kids Clinic



■ INTERNATIONAL ORGANISATIONS

■ ILO – International Labour Organisation

■ UNODC

■ IOM

■ US EMBASSY

■ CANADIAN HIGH COMMISSIONERS OFFICE
DURBAN



Challenges

- Direct reports of Human Trafficking are rare

In KZN It is usually the underlying offences of

- - prostitution
- keeping a brothel
- Immigration Offences

that are reported.



Challenges

- HT is a Crime shrouded by secrecy / clandestine affair
- It is difficult to identify as:
 - Victims are threatened / traumatised / afraid to talk even when rescued (Family Threatened? Get same Lawyer as the accused)?
 - Exploitation takes place behind the fronts of legitimate businesses



Massage Parlours



Escort Services



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Challenges cont.

- We have realised that awareness around human trafficking is very limited amongst stakeholders and the community (Traffick Lights) – affects identification of cases.
- Limited amount of “trainers”.
- Impoverished rural communities are particularly vulnerable (OVC) – we have had recruiters in schools – reaching these communities is a challenge – “Traffick proof”





Challenges cont.

- Lack of skills / training – KZN is in the process of building capacity
- Resources – no dedicated staff members – I/O's are dealing with other cases. Complex cases that need special skills for example financial investigations / funding for activities.
- Mindsets need to be changed across the board re Prostitution, the existence of human trafficking etc.

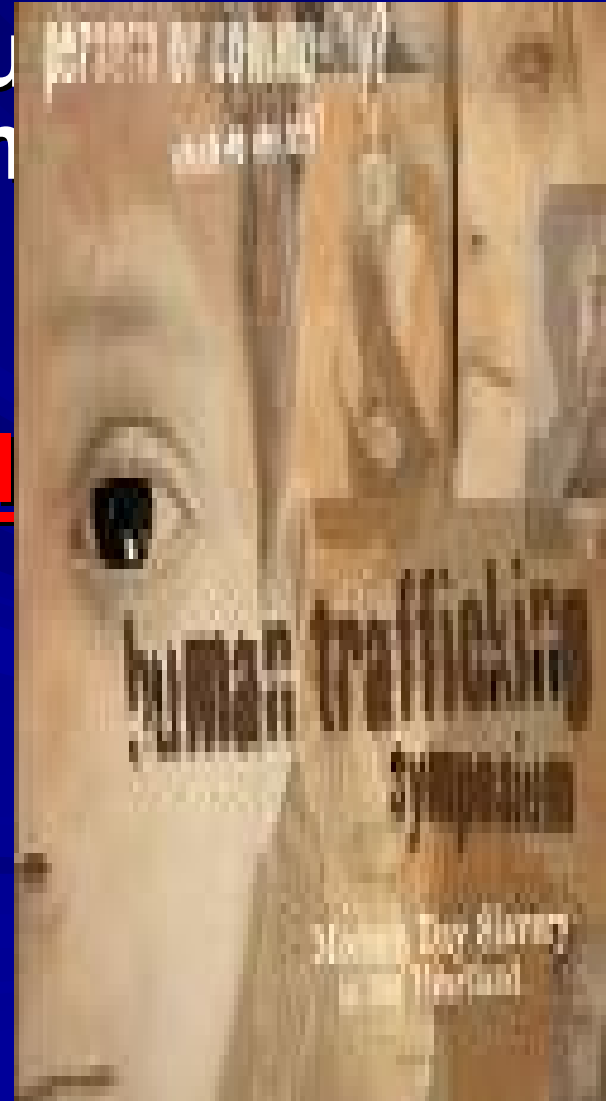


**Precautions to
take
to prevent
HT**

Tips

- No matter who offers you a job, whether a friend, family member, or employment agency

make sure the offer is real



The employer

check that the employer is a registered company with a physical address and a landline.



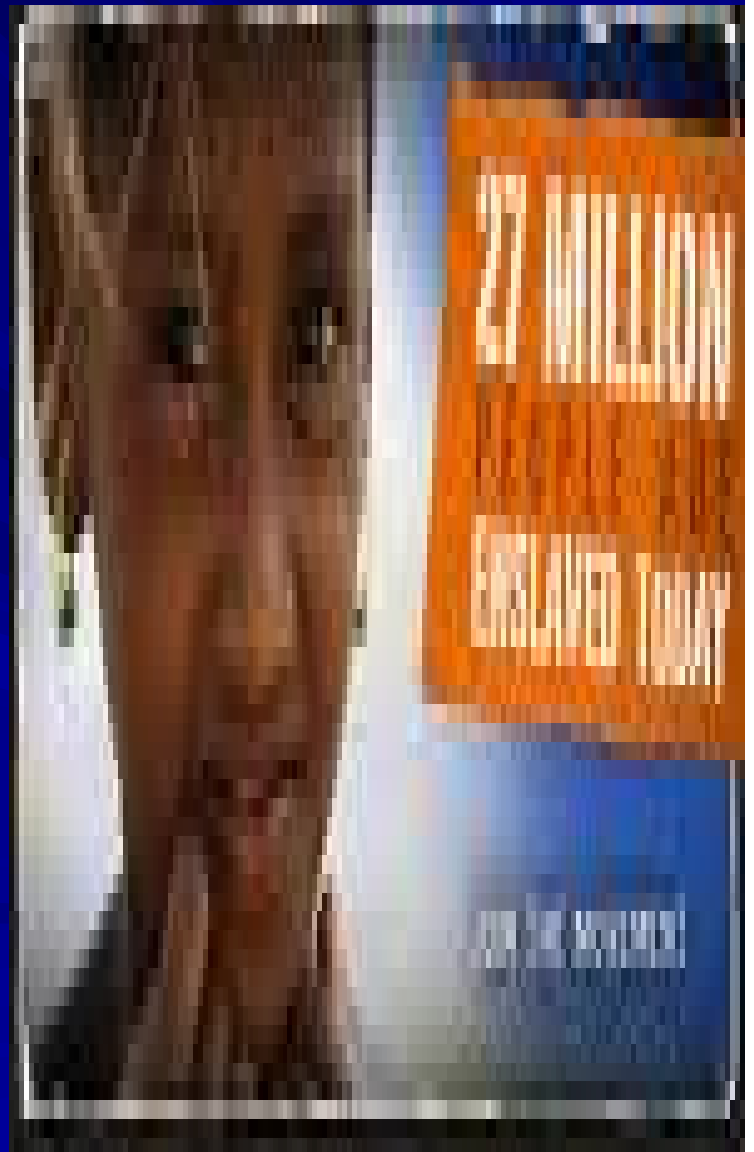
The employment contract

- make sure that you **sign a legal contract** with terms that you have agreed to, such as hours or work, wages to be paid, working conditions etc.



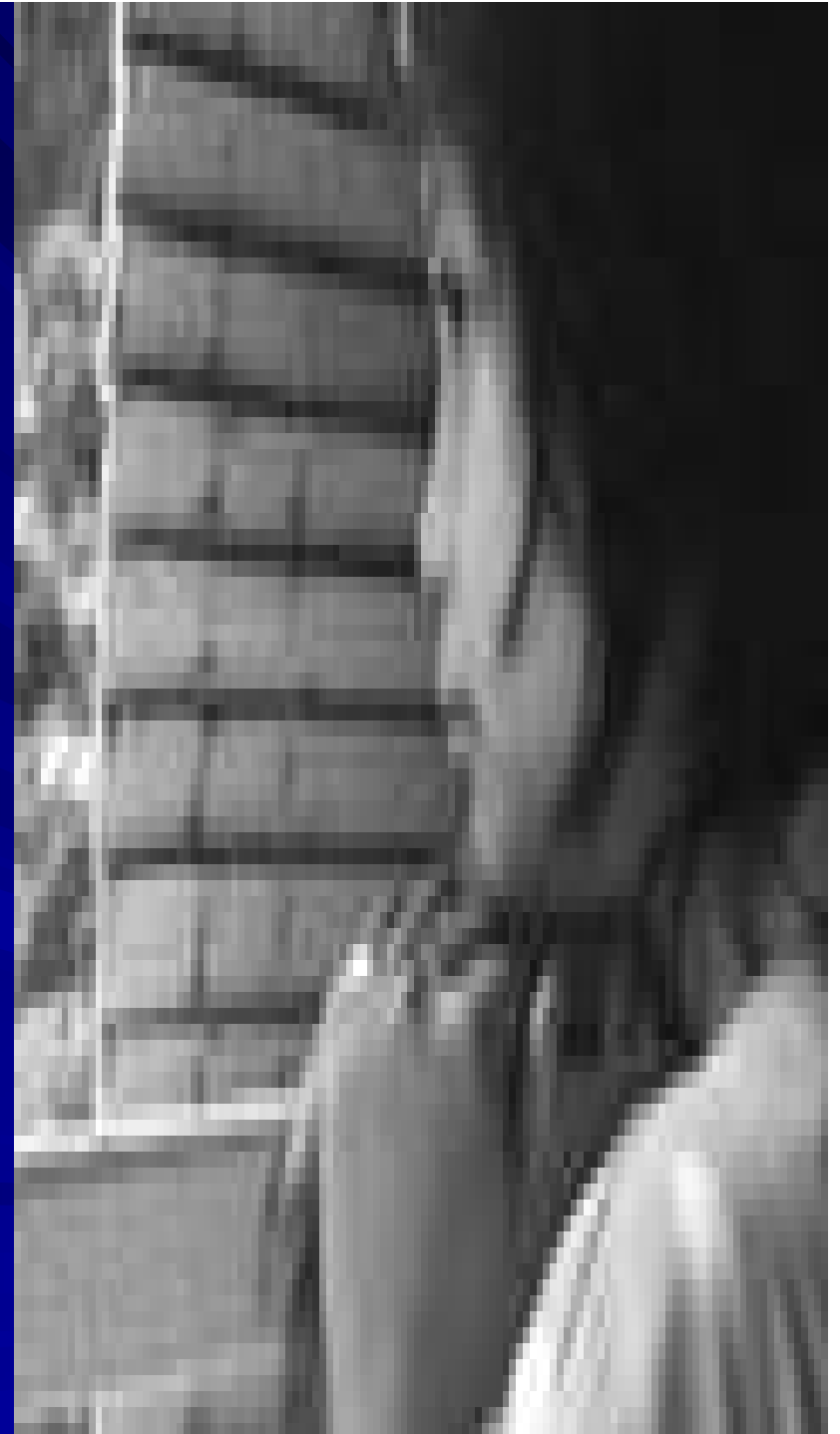
Documents:

- **Make sure you have a valid passport and a work permit for the country you will be travelling to.**
- **It is illegal for an employer or any person to keep your passport.**



Travel costs

- **if your future employer offers to pay for your travel**
- **your contract should state the amount you will owe and how long it will take you to repay and what happens if you fail to pay.**



Keep in contact

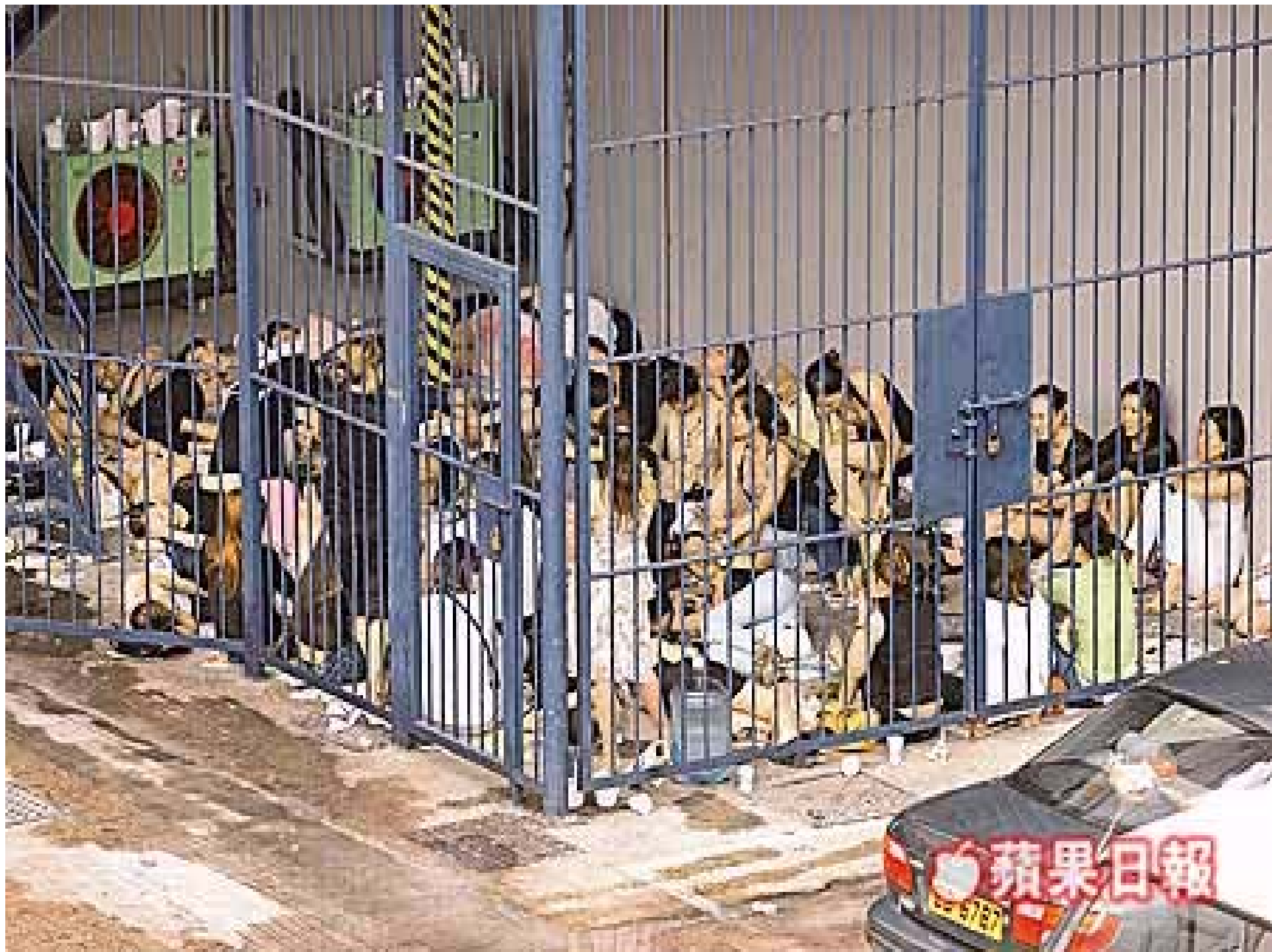
- **call a friend or family member regularly.**
- **Once you arrive at your destination, call them with your exact location. They will know something is wrong if you don't get in touch with them.**



- **If the job is situated overseas, speak to the embassy of the country you are going to.**

An embassy can:

- **Provide you with emergency contact numbers for their country.**
- **Help you obtain the correct documents to work legally in their country.**
- **Give you information regarding their laws on immigrant workers.**



Tips for children:

- 1. Never ever go anywhere alone. Make sure you are in a group with friends or with an adult you personally know.
- 2. Never go anywhere without telling your parents where you are going. Make sure your parents have the phone numbers of your friends who you are with. Always let your parents know if your plans change.
- 3. Learn your parents' telephone numbers off by heart. And your mom's and dad's name and surname. Also learn an aunt's or uncle's number in case you can't get hold of your parents.



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OIJ Organización Internacional para las Migraciones

Tips for children:

4. Don't go to places that you don't know. If you get lost in a shopping centre, (or anywhere else) go to the security immediately and ask for help. Don't try to look for your parents yourself... get help!

5. Don't go with people you don't trust. Don't go to public toilets on your own. Go with friends or with your parents.



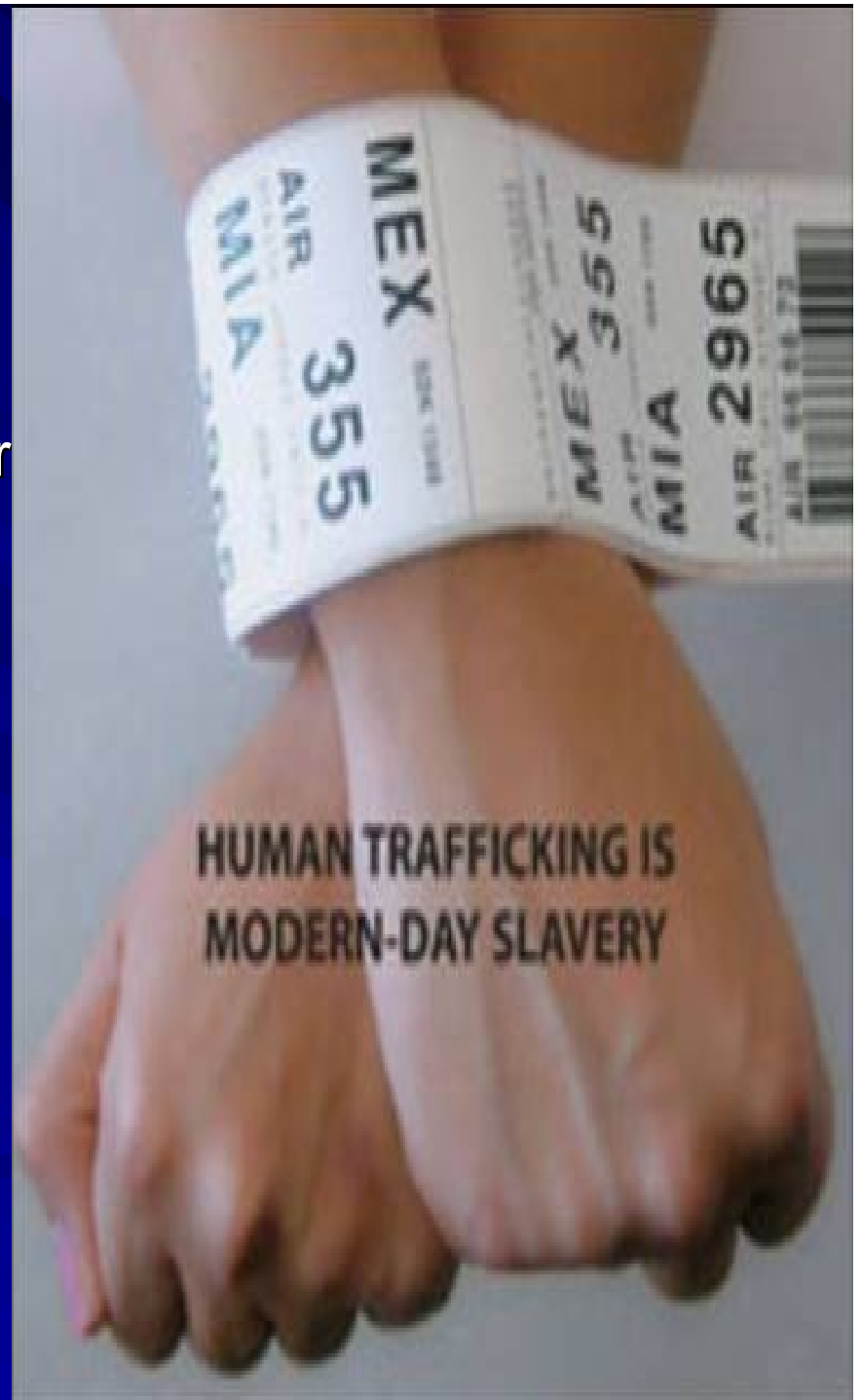
Tips for children:

- 6. Don't take sweets, money, gifts or cool drinks – don't take anything – from strangers.
- 7. Don't accept lifts from strangers. Never ever get into a stranger's car or go anywhere with them.
- 8. If someone is following you...Run!!!!!! And scream!!!! Make loud noises!!! Rather be safe than sorry.



Tips for children:

- 9. Write your name on the inside of your clothes and your schoolbag. As well as your parents' phone numbers. Never on the outside where strangers can see it.
- 10. Don't play in the streets alone! It is easy for a stranger to stop next to you, grab you and pull you into the car.



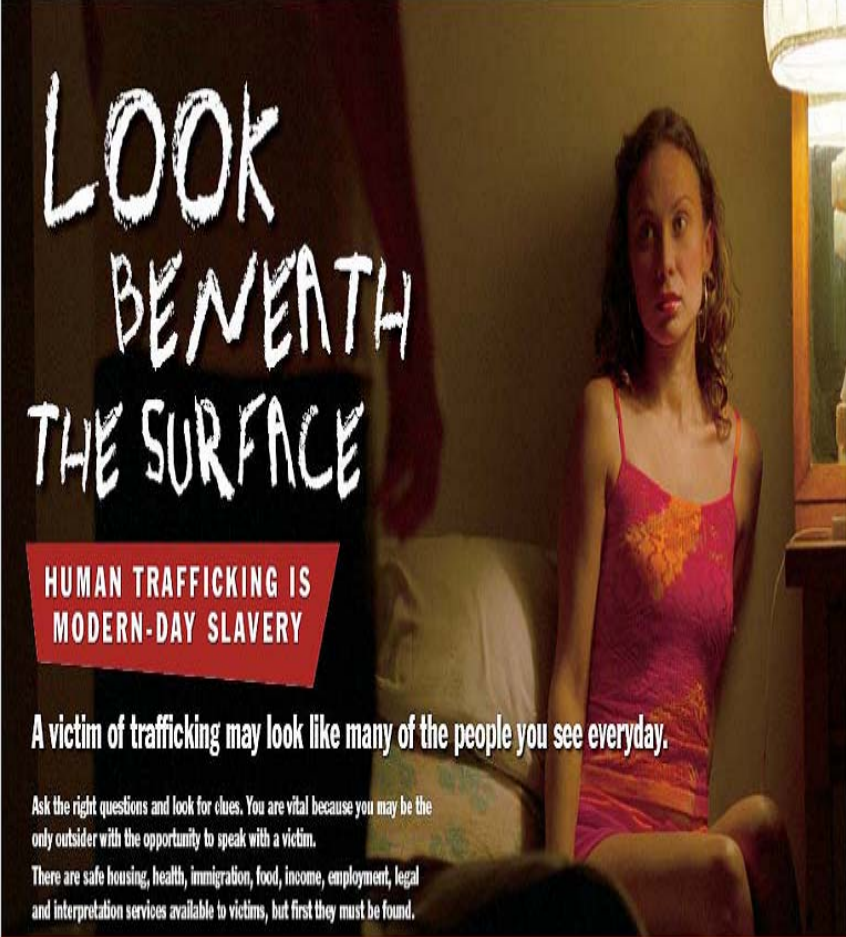
Tips for children:

- REMEMBER the BUDDY SYSTEM:
ALWAYS take a FRIEND / BUDDY with you, WHEREVER you go! Hold onto your friend! This way you can help each other when you are in trouble – anywhere you go!!!



Tips for parents:

- **DO NOT WAIT 24 HOURS BEFORE REPORTING YOUR CHILD MISSING!!!**
- Always keep a **recent photograph** of your child in your purse/wallet or on your cell phone. In case of an emergency, then the photograph would be readily available.





**LOOK
BENEATH
THE SURFACE**

**HUMAN TRAFFICKING IS
MODERN-DAY SLAVERY**

A victim of trafficking may look like many of the people you see everyday.

Ask the right questions and look for clues. You are vital because you may be the only outsider with the opportunity to speak with a victim.

There are safe housing, health, immigration, food, income, employment, legal and interpretation services available to victims, but first they must be found.



Tips for parents:

Teach your children **their own names, addresses as well as your name and telephone number.**

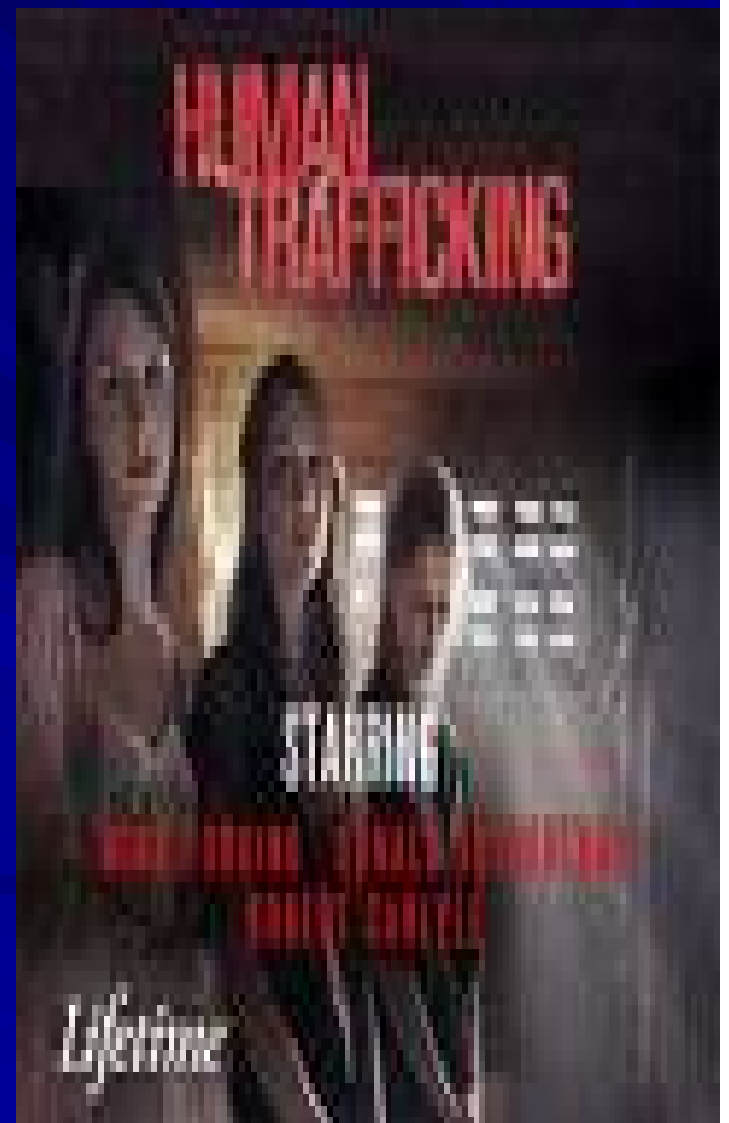
Take your children to the nearest police station/hospital/clinic and show them how to get there. Point out land marks, to prevent them from getting lost.

Teach them to take the **same route to and from places** (school, shopping centers, friend's house). This way when your child is missing, you can start looking on the discussed route.



Tips for parents:

- • **Back to basics:** teach them that they **should not trust a stranger**, should not accept anything from strangers or go anywhere with a stranger.
- Get a **CODE WORD**... when your child is approached by the stranger and the stranger does not know the **CODE WORD**, the child should know not to trust the person.



Tips for parents:

- **Parents who allow their children to have MxIT or Facebook, get a way to monitor it.**
- **Know who your child is talking to, show you are interested, familiarise yourself with the technology, the networks, slang language and always be one step ahead**



WHAT CAN YOU DO TO HELP?

- Create awareness about Human trafficking – traffick proof tool.
- Current economic climate is increasing the vulnerability of impoverished communities.
- Be the eyes and the ears of the community.



WHAT ELSE CAN YOU DO TO HELP?

- Communities need to be alert and report anything suspicious to their local police no matter how petty it may seem and should take note of the following:
 - Continuous noise, disturbances, visitors at night and in the early hours of the morning to a particular place or residence.
 - Make a note of the persons who visit these places, and take down registration numbers of vehicles and frequency of visits by clients etc.



WHAT ELSE CAN YOU DO TO HELP?

- Be alert as landlords if you are leasing your premises. Do proper checks on tenants and always do frequent checks to ensure that your property is not being used for criminal purposes – property can be forfeited to the state if found to be used as an instrumentality of a crime.



Helpline numbers:

- The International Organisation for Migration 0800 555 999
- Childline 08000 55555
- Salvation Army 08000 RESCU
- Open Door Crisis centre 082 11 305
- Missing persons: Local Police Station or
031 3254756 / 012 3932002

Contact Details

- Adv D Coleman
- Tel: 033 3928700
- Cell: 084 2644780
- dcoleman@npa.gov.za