

INSTRUCTORS GUIDE	3
STYLE AND STRUCTURE OF THE TRAINING	3
ADDITIONAL SOURCES	3
ORGANISATIONS OF THE WORK	4
CONDUCTING THE ACTIVITIES	4
 MODULE 1	 5
MODULE 2	6
ACTIVITY 1: EXERCISE TO DETERMINE EXPERIENCES AND LEARNING NEEDS OF PARTICIPANTS	5
ACTIVITY 2: SCENARIO DISCUSSION.	6
ACTIVITY 3: SELF-ASSESSMENT CHECKLIST: THE PALERMO PROTOCOL	7
ACTIVITY 4: DISCUSSION POINT	8
 MODULE 3: AN ANALYSIS OF SOUTH AFRICA'S LEGISLATIVE AND POLICY FRAMEWORK ON TRAFFICKING IN PERSONS	 9
ACTIVITY 5: DISCUSSION POINT	9
ACTIVITY 6: SELF-ASSESSMENT CHECKLIST	10
 MODULE 4 VICTIM IDENTIFICATION, REFERRAL AND SUPPORT AND INTERVIEWS	 12
ACTIVITY 7 – UNDERSTANDING TRAUMA	12
ACTIVITY 8: PLANNING FOR SERVICES	13
ACTIVITY 9 – VICTIM IDENTIFICATION	13
 ACTIVITY 10 – THE ELEMENTS AND IDENTIFICATION	 14
ACTIVITY 11– RAPPORT AND OPENING THE INTERVIEW	14
ACTIVITY 12 – STYLE OF QUESTIONING	14
 MODULE 5: INVESTIGATION AND PROSECUTION OF TIP	 15
ACTIVITY 13 : DISCUSSION GROUP	15
 ACTIVITY 14: CHALLENGES AND BEST PRACTICE IN PROSECUTIONS	 16
ACTIVITY 15: DISCUSSION ON DEFENCES/ARGUMENTS THAT THE ACCUSED MIGHT RAISE	16
MODULE 6 COOPERATION: NATIONAL, REGIONAL AND INTERNATIONAL, REPATRIATION, DATA COLLECTION AND EXTRADITION	16
 MODULE 7: CASE STUDIES	 17
 GLOSSARY	 18

CONTENTS

Instructors guide

1. Introduction

This manual is for generic training on trafficking in persons. There is also sector-specific training that has been developed by the National Prosecuting Authority, for the Department of Home Affairs, the Department of Health and the Department of Social Development. This manual is intended to complement the sector-specific manuals.

The audience for this generic training could be officials from any of the above mentioned departments or other community leaders, chiefs, and officials from other departments such as co-operative governance, municipalities and so forth.

2. Style and structure of the training

The manual includes information for trainees at several levels of knowledge and responsibility, therefore each topic or specific lecture may be presented according to the respective audience. This manual is divided into seven parts or modules, including this introduction. Each part is divided into topics and includes relevant activities. There is a glossary of terms at the end of the manual for easy reference.

TIP is a complex crime, which requires time, discussions and examples to understand. This manual provides for this. Furthermore, the victim-centred approach, which should be at the core of law enforcement (and other) responders to TIP, might be a new concept to trainees that will therefore require some attitudes to change. Again, this manual provides a sufficient base of knowledge, exercises and room for discussion to allow trainees to assimilate this change of focus.

Instructors/trainers will need to provide opportunities for dialogue about issues and approaches in the field and allow each participant the opportunity to present the reality in which he or she is operating. Different opinions should be acknowledged, and discussions should remain respectful at all times. It is important to clearly separate acknowledgement from agreement, fact from assumption or opinion, and questions from statements.

It is up to the facilitator to take the basic knowledge contained in the manual and make it relevant and useful to those participating in the training. Adults who are being trained want to achieve their learning goals by a direct route. They need to connect their individual experiences to the material and learn in a way best suited to their work situation. During training sessions, a balance needs to be struck between presenting content, and enabling interaction and engagement that in a way that connects the content of the material to what learners need, want, and can do. Facilitators will have to provide opportunities for dialogue and discussion about issues and approaches in the field.

The learning plan in the manual includes practical activities, amongst them group discussions, analysis of case studies, summaries in the form of key learning points, opportunities for reflection and self-assessment, and more. The activities are designed to prompt interactive sessions and discussion among participants on the specific subjects studied.

3. Additional Sources

The presentation of this training programme will require that the instructor become familiar with the contents of the information to be presented and discussed. The instructor should have a copy of the Prevention and Combatting of the Trafficking in Persons Act, Act 7 of 2013. The Act can be downloaded from the Department of Justice website (www.justice.gov.za). Copies of the Regulations issued by the Minister for Social Development under Section 43(3), GG 39318, RG 10513, GoN 1006, 23 Oct 2015 are also available under the tab "Trafficking in Persons" on the Department of Justice website, as are the Regulations dealing with the Prosecutor's referral of suspected victims of trafficking in persons, (GG 39119, RG 10485, GoN 737, 21 Aug 2015). The Directives issued by the Department of Justice and Constitutional Development in terms of 44(1) (a) Act are also provided there.

It might be quite useful to download the recently released **Prevention and Combatting of Trafficking in Persons National Policy Framework** (April 2019). This will assist you to identify the policy priorities that the National Intersectoral Committee on Trafficking in persons has identified.

4. Organisation of the work

Day plan Training day schedule	
Day 1:	
8h30 - 10h00	Module 1
10h00 - 10h30:	TEA
10h30 - 12h45	Module 2
12h45 - 13h45	LUNCH
13h45 - 15h30	Module 3
15h30 - 15h45	TEA
15h45 - 16h30	Module 3 (Continued)
Day 2:	
8h30 - 10h00	Module 4
10h00 - 10h30	TEA
10h30 - 12h45	Module 4 (Continued)
12h45 - 13h45	LUNCH
13h45 - 15h30	Module 5
15h30 - 15h45	TEA
15h45 - 16h30	Module 5 (Continued)
Day 3 (half day)	
8h30 - 10h00	Module 6
10h00 - 10h30	TEA
10h30- 12h45	Module 7 Discussion of cases
12h45 - 13h00	Wrap up and closure

5. Conducting the activities

A separate addendum for each activity in this instructor's guide for the use of trainers/instructors. This aids to ensure that feedback on activities and discussions is appropriately responded to. These do not appear in the learner's material. However, the lecture's content and material for discussion should be sourced by the instructor from the learner's guide, they are not reproduced here.

Module 1

Commence the proceedings with Activity 1. This should give you a sense of the knowledge level and spheres of experience of participants.

Activity 1: Exercise to determine experiences and learning needs of participants



In small groups, participants should discuss the questions “what do I already know about trafficking in persons, and what more do I need to know in relation to TIP?”

Answers to the above questions may be recorded on flipcharts and shared among the group members. These answers should also then assist the facilitator to direct the remainder of the modules towards the identified expectations of the participants.

Depending on the size of the group of trainees, and their level of knowledge or experience, the activity should take 30 – 40 minutes.

The introductory materials contained in the manual should then be presented by the instructor in classroom/group format.

Module 2: The international and regional legal and policy framework

The overall time allocation for the module is 2 hours 15 minutes. It has two parts: the first is the international legal framework, and the second is the regional legal and policy framework.

The information in this chapter is foundational to the remainder of the chapters in this training manual. It forms the basis for understanding the provisions of the Prevention and Combatting of Trafficking in Persons Act, 2013 which is discussed in the next chapter. Understanding the definition of trafficking is also key to effective prosecutions, evidence collection, and the required response to victims. The facilitator should therefore ensure that participants conclude this chapter with a clear comprehension of the elements of TIP. They should be able to distinguish TIP from smuggling of migrants.

You will need to explain the material starting with the Transnational Convention on Organised Crime and the definition of TIP in the Palermo Protocol. Be particularly clear to explain the various elements of the crime of TIP – act, means and purpose.

The role of consent is also a separate topic in this module, as is the special position of children.

It is advisable to use aids such as writing boards and flipcharts to reinforce the content, if these aids are available.

This presentation should take 30-40 minutes.

The presentation is followed by an exercise to be conducted as follows: divide the group into small groups of 4 to 5 people for the purposes of discussion of the following scenario:

Activity 2: Scenario Discussion.



Setting the Scene

Loveness is a 17-year-old girl from Zimbabwe. She meets a man who promises her a well-paying job as a waitress in Johannesburg. She is very excited and agrees to accompany this man across the border into South Africa but upon arrival in Johannesburg, he locks her in a room and forces her to have sexual intercourse with clients. He takes all the money earned, telling her that she needs to repay the costs he spent to get her a ticket to travel by bus to Johannesburg.

Questions for the small groups:

1. Do you think that this example constitutes TIP? Why?
2. Would your answer be the same if the girl had come on her own to Johannesburg after previously meeting the man in Zimbabwe? After arrival in South Africa, she then met up with him in Johannesburg where he then locked her away and forced her to sell her body?
3. Would your answer be the same if she paid the man a fee to organise for her to come to Johannesburg by bus, and then when she arrived he locked her away to sell her body?
4. Do you think it would be an argument against trafficking that Loveness should not have been so easily misled especially since she had already completed 11 years of schooling and was quite intelligent and mature?
5. If they were stopped at the South African border, before even getting to Johannesburg, do you think the man could be prosecuted for trafficking given that no sexual exploitation had yet happened?

Groups should write their answers down to then give feedback to the group as a whole. The instructor can then discuss the answers with reference to the points that follow.

1. Yes this is TIP: There was an act – recruitment; there was a means – deception/fraud; there was a purpose – sexual exploitation. The fact that the trafficking occurred across borders is not relevant to proving the offence. TIP can happen transnationally, but also within one country.
2. Yes, the answer would be the same. There is still the element of recruitment (the promises made about a waitressing job) and deception as to the true nature of the job, followed by sexual exploitation. TIP does not entail that she had to travel with him.
3. Yes, this often happens in TIP situations. The victim is lured upon promises of a good job, pays a fee, then has his/her earnings (from sexual exploitation or forced labour) withheld on the basis that he/she owes the trafficker money.
4. No, consent of the victim is no defence when the means involve deception, fraud and any of the other listed means (abduction, coercion force, etc.). Remember too that consent of a child (Loveness is 17) is not relevant, because children cannot consent to their own exploitation. This is why article 3(c) of the Palermo Protocol removes the element ‘means’ from the definition of child trafficking altogether.
5. As long as the act, means and purpose are present, the trafficker can be prosecuted. The actual sexual exploitation does not yet have to have taken place if it can be proved that that was the trafficker’s intention.

The discussion and debriefing should take about 30-40 minutes.

After the conclusion of this activity, ask the participants to complete a self-assessment checklist. This is to make sure that everyone understands the definition of trafficking in persons. You will have the answers to the checklist questions in your version of the training manual, but the participants will not yet have them. The purpose of this activity is for you to ascertain that the learning outcomes have been achieved. The completion of the checklist and the feedback should take around 10 – 15 minutes.

Activity 3: Self-Assessment Checklist: The Palermo Protocol



I can give examples of the kind of acts that constitute trafficking	Recruitment, transportation, transferring, harbouring, receiving a person
I can give examples of some of the means that make up the definition of trafficking	Use of force; threat of force; coercion. Abduction, fraud. Deception, abuse of power or of vulnerability
I can give examples of the kinds of exploitation required	Prostitution, sexual exploitation, forced labour or services, slavery or practices similar to slavery, removal of organs
I can explain what smuggling of persons is	It is facilitating the illegal crossing of borders for financial gain.
I understand that once it is proved that a victim was coerced, forced, deceived etc, her "consent" to move with the trafficker is not a defence	
I understand that because children are too vulnerable to consent to their own exploitation, their "consent" is irrelevant	
I can think of a factual situation where smuggling and trafficking might overlap	Think of a case scenario where the smuggler takes money for the illegal border crossing, but then afterwards forces the victim into prostitution to exploit her.

The second part of this module deals with regional treaties and coordinating structures. It should take about 10 minutes to present this. It links up with materials that will again be raised in Module 6. After the presentation, write up the key learning points on flipcharts (if available). They are provided for participants to view in their own version of the manual.

Key learning points



Key learning points from this module:

- There is now a standard definition of TIP in international law;
- It has three elements: the act, the means and the purpose;
- Different criteria apply when the victim is a child (because children cannot consent to exploitation and exploitation of children is per se offensive without the need to prove (e.g.) deception or fraud as inducement);
- TIP does not only involve cross border situations; it can involve domestic/national movement of persons within a country for exploitation too;
- TIP differs from smuggling, where smuggling always involves a cross border element because it is an offence against immigration laws (for profit).
- The SADC has begun a process of collaboration in various sectors, and with external support to foster co-operation amongst member states.
- There is now a policy on TIP at SADC level; a data collection tool which has been developed by UNODC is being rolled out in SADC countries to enable the same data sets to be collected;
- The SADC policies and efforts may determine priorities for South Africa to focus on.

The presentation is followed by a discussion activity as follows:

Activity 4: Discussion point



Give ten minutes for group discussion on the following questions:

“Why do you think SADC structures are relevant to TIP for:

- Investigators
- Prosecutors
- Victim service providers
- Immigration officers
- Social workers
- Labour inspectors?”

Answer can be written on flipcharts. There is no central correct answer, but clearly cross border collaboration between the same sector, and across different sectors is facilitated by the existence of regional structures.

Module 3: An Analysis of South Africa's Legislative and Policy Framework on Trafficking in Persons

The total time allocated for this module is 2h30 minutes.

The first part of this module deals with the contents of the PCTIPA. First familiarise yourself with the contents of the offences and penalties the Act creates, before undertaking the presentation. The presentation should take about 40 minutes. Allow time for questions and clarifications.

This is followed by a discussion scenario to enable interaction in the group. Give the group about 40 minutes for the discussion and feedback.

Activity 5: Discussion scenario



Setting the scene

A call is received from a citizen complaining of 'suspicious activities' at a grand house in a wealthy area of Durban. The caller is a neighbour who has phoned the police station to complain that the peace in the neighbourhood is being disturbed every night by what sounds like a very loud party. From what she can see, there are only men arriving to the house at night - from her front stoep she can see everyone who arrives at the house next door, and the visitors are all men. However, she knows that there are women living next door too, because she occasionally sees them waving at her through the windows, but she has never seen them outside or spoken to them.

Based on this information, a decision is made to visit the house. An investigation team, together with uniform members conducting patrol duties in the area, arrive at the house and find that it is heavily protected with a high brick wall, electrified fence and a security camera at the gate.

The police officers are met by a man who introduces himself as the owner of the house. He explains that he works 'in import and export' and that he has to entertain often to keep up his business contacts. He also explains that his niece and some of her friends from Thailand, his home country, are visiting him for a few weeks, and they usually attend the parties as well.

When you search the premises, you find seven young women in the house. None of them speak any English and you realise that you will not be able to communicate with them directly. You next

ask for travel documents for the women, to see if they have valid visitors' visas for South Africa. The owner produces a number of passports from his desk and hands over the women's passports. You notice that three of the visitors' visas have expired.

You also find a young Zulu child, who appears to be about 12 years old, in the kitchen. She explains in Zulu that she is a domestic worker in the house, and that she is originally from Empangeni. Her father, who is not at the house at the time, brought her from the family's smallholding in Empangeni to work for the homeowner when he realised that they needed someone to clean the house. She then left school to come to earn some money. She complains to the police that all the women living in the house are 'very untidy' and are always tired during the day because they have so many parties at night.

Questions for group discussion:

What are the indicators of trafficking in this case study?

Instructor to write these up on a flipchart.

The following should emerge (at minimum):

- Men (only) arriving every night to attend loud parties
- Although there are women, they are behind curtains and don't appear outside
- Heavy protection around the perimeter of the house;
- The explanation given by the owner could give rise to some suspicion (Thai nationals, in import and export);
- The presence of 7 young women who speak no English could be an indicator;
- The fact that the man has their documents is suspicious;
- The fact that immigration status of some women is irregular is suspicious;
- The fact that the young girl tells the police that the women are very tired during the day as they have parties all night gives rise to concern that they are not visitors at all;
- The presence of a young girl of 12, below the minimum age for work, as a domestic worker in the house is illegal;
- The fact that she was transported from a more rural area to a city gives rise to suspicion of trafficking;
- She is still of an age where she is subject to compulsory schooling (that age is 15 years in South Africa);

Conclude by referring again to the offences contained in the PCTIPA Act that could be at stake in this scenario.

The next part of the presentation concerns the reporting obligation in relation to suspected TIP victims, and what the next steps should be as outlined in either the PCTIPA, or, in the case of children, the Children's Act 38 of 2005. This presentation should take approximately 30 minutes. The flowcharts can be drawn on flipcharts to emphasise the respective roles and responsibilities of role players. There is a section on confidentiality as well as one on compensation. The presentation ends with the participants completing a self-assessment checklist to embed the learning outcomes. Allow 10- 15 minutes for participants to check through whether they have absorbed the provisions of this chapter sufficiently.

Activity 6: Self-assessment checklist



I am able to find the definition of the offence of trafficking in persons in the PCTIP Act	Yes, section 4
I am able to define the offence of “debt bondage”	Yes, section 5
I am able to identify the offences related to possession, destruction, confiscation etc of documents	Yes, section 6
I am able to identify offence of using the services of victims of TIP	Yes, section 7
I am able to identify the offence of conduct facilitating TIP	Yes, section 8
I understand the relevance of the liability of carriers to anti-trafficking laws	Yes, section 9
I am able to explain what “extra territorial jurisdiction” entails	Yes, section 12
Yes, section 12	See part 7 of this module
I have familiarised myself with the procedures to be followed upon receiving a report of child victims of trafficking	See part 7 of this module
I have familiarised myself with the procedures to be followed upon receiving a report of an adult victim of trafficking	See part 7 of this module
I understand the confidentiality provisions applicable to victims of trafficking (and any child who may be in their care)	See part 7 of this module
I am aware of the need for victims of trafficking to receive specific services, from the time that the report is received.	See also the next module

Finally, using the key learning points to emphasise what the module has covered so far, wrap up the session with these, and if desired, write the on a board of flip chart.

Key learning points from this the first part of this module:



- The PCTiPA comprehensively criminalises TIP, doing away with the need to look for relevant offences in common law or other legislation; the definition expands on the definition in the Palermo protocol in several ways;
- The Act criminalises a range of offences which are related to TIP, such as debt bondage, the possession, destruction, confiscation, concealment of or tampering with documents, and using the services of victims of trafficking;
- The Act creates liability for carriers and for electronic communications service providers whose channels are used to facilitate trafficking;
- The possible defence of consent of the child and adult victim is comprehensively dealt with;
- The Act provides for extra-territorial jurisdiction in carefully defined circumstances;
- The Act prescribes severe penalties, and provides sentencing guidelines in the form of factors to be considered by the person sentencing an offender;
- The Act provides for defined processes of reporting and referral; these differ in relation to adult victims and child victims. In the case of child victims, the processes of the Children's Act are harnessed. The Regulations issued by the Department of Social Development on 23 October 2015 contain the guidelines for the information to be collected, the assessment to be carried out, and the required forms to be completed;
- The Act provides that in the case of a victim who does not have a legal permit to be in South Africa, a letter of recognition can be issued confirming that the person is a victim of TIP;
- The Act provides for victims of TIP to be taken to temporary safe care or to accredited organisations pending further processes in terms of this Act.

The second part of module 3 is a presentation on other legislation or common law crimes that may occur in addition to TIP. The instructor should familiarize him or herself with these offences to be able to present a brief lecture on them. This should take approximately 45 minutes, allowing time for questions or clarification.

Module 4 Victim Identification, referral and support and interviews

Module 4 is scheduled for the first morning of Day 2 (8h20 – 12h45 with a 30 minutes tea break).

The first part of the module is explanatory, and these four sections will probably take 30 minutes to present. They are followed by a group work activity for which 40 minutes should be allocated.

Activity 7 – Understanding Trauma



Participants should be divided into three groups. Together, they should answer the following and present in plenary:

“a) What factors do you think can contribute to how a person copes with a traumatic experience?”

- Group 1: Consider factors before the traumatic experience
- Group 2: Consider factors during the traumatic experience.
- Group 3: Consider factors following the traumatic experience.

b) What factors do you think could increase the risk of re-traumatisation during interview and long-term psychological harm?

These are the answers that the groups should provide:

Question a)

All groups should identify the following factors:

- Age
- Gender
- Cultural values and beliefs
- Spiritual/religious beliefs and values
- Physical well-being
- Psychological well-being
- Poor coping abilities and strategies
- Low self-esteem

Lack of finances

Chemical dependency

Chronic mental health issues (e.g., obsessive compulsive disorders, anxiety disorders, PTSD, depression, etc.)

- Group 1: Consider factors before the traumatic experience

Answers can also include family situation, inter-personal relationships including family transitions (e.g., marriage, divorce, death, birth of a child, child leaving home, etc.).

- Group 2: Consider factors during the traumatic experience.

Answers can include duration, severity of abuse/exploitation, etc.

- Group 3: Consider factors following the traumatic experience.

Answers can include previous critical incidents in a short time frame, support a victim receives following the traumatic experience, and how law enforcement and others treat the victims, perceived and possible threat to safety of self and others, including possible injury or loss of life, among others.

Question b)

Participants could identify, among others, the following factors which could increase the risk of re-traumatisation during interview and long-term psychological harm:

-Interviewing a victim in specific detail before he or she has received appropriate support.

-Pestering a victim or forcing him or her to talk about the traumatic experience. The instructor should emphasise that a victim should be given room to explore the trauma and be given the time to speak when they are ready.

- Where the interviewer is impatient or reacts negatively to the victim during the interview. Interviewers should remain calm and allow the victim to recall their story without judgement.

-Where an interviewer pesters a victim when the victim avoids a response.

Write the group's responses up on flipcharts, and fill in any gaps not identified by them.

The following section deals with victims' support, and should take 20 minutes to present. This is followed by a group discussion activity (allocate 40 minutes for this).

Then there is an activity called “Planning for Services” which is a group discussion.

Activity 8: Planning for Services



You work for a local NGO called We Stop Trafficking. Sibulele has arrived with cuts and bruises on her arms after escaping a sweatshop where she was forced to work. She appears distraught and emaciated and is holding her stomach. Sibulele starts to cry and tells the case worker that she misses her daughter but cannot go back home as the flight is too expensive and that she owes her boss money. Her clothes are torn, and she has no known friends or relatives to call to pick her up.

- What potential threats or risks can you identify in this case?
- What immediate services might we need to plan for?
- Consider why it is important to connect with these services.

Answers that the instructor should seek:

Answers that the instructor should seek:

- What potential threats or risks can you identify in this case?
 - Sibulele may be in a bonded labour situation as demonstrated by the fact that she owes her boss money.
 - There may be a real risk to her personal safety in light of the cuts and bruises and the fact that she owes money to her boss where she was forced to work.
 - She has nowhere to go and has no apparent place of safety.
- What immediate services might we need to plan for?
 - Healthcare (she is holding her stomach, she appears emaciated).
 - Shelter (she indicates that she has no known friends or relatives to come and pick her up) and perhaps other basic needs like food and hygiene products.
 - Clothing (her clothes are torn).
 - Psycho-social support/counselling services (as she appears to be a victim based on the fact that she was forced to work at a sweatshop).
 - Repatriation services (she appears to be from another country given that she needs to take a flight to get back home but does not have enough money).
 - While not apparent in the facts, participants could consider

whether Sibulele has proper identification documents and the need to support her in obtaining them if not.

- Consider why it is important to connect with these services.

It is important to connect Sibulele to these services because:

1. She has immediate subsistence needs - as would any human.
2. She needs relevant psycho-social support and counselling to address the corresponding trauma she has experienced. This can also help her become a credible witness capable of recalling her story.
3. We must take a trauma-informed approach when working with victims.

Screening and Identification of Victims

The first part of this section involves imparting information contained in the manual to participants, which should take 10 – 15 minutes. This is reinforced in activity 11 which can be undertaken with the group as a whole.

Activity 9 – Victim Identification

Discussion scenario



Case study 1: Sihle was referred to your office by an NGO. She is 22 years old and has run away from a local brothel. She has no identity documentation and struggles to communicate due to language barriers. She has bruise marks on her face and seems tired.

Case study 2: The NGO has also referred another individual to you. He looks about 35 years old and was found unconscious near Musina by local community members who took him to hospital. He has a passport but no visa allowing him to be in South Africa. He seems very nervous. He says he was robbed of all his money and clothes by a gang of youths.

Group discussion:

- 1) How can we tell if a person might be a victim of trafficking?
- 2) What clues or indicators may be used in determining whether a person has been trafficked?

Answers can be written on a flip chart.

Some questions which could help this inquiry include:

- Was the person abducted and forcibly transported to another location?
- What kind of work did he or she engage in?
- What kind of work did the victim think they were going to do or what was promised?

- Is the person's movement restricted?

Activity 10 could also be done with the group as a whole.

Activity 10 – The elements and identification

Mary is from Zimbabwe and was offered a job in Johannesburg as a receptionist. She signs the contract and travels. When she arrives, her phone, passport, and all of her belongings are taken from her. She is thrown into a room where she is given little food and water. She leaves occasionally gets to leave but only escorted to a hotel where she is met by foreign businessmen.

- Identify the facts which could prove each of the three elements, i.e. the act, the means and the purpose.
- Keeping the elements in mind referred to in module 2 and 3, what other questions would you consider asking Mary when preparing for your follow-up interview?

The feedback from this discussion should be discussed amongst the group. This is what should emerge:

a) Act - she was recruited for the job of receptionist

Means - she was deceived (i.e. deception) to believe that she would be a receptionist.

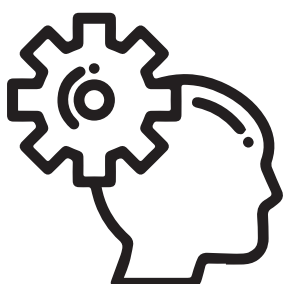
Purpose - she may have been recruited for the purposes of sexual exploitation.

Other factors which indicate a sinister motive for exploitation is that her passport and belongings were taken from her.

- While there are many unknown factors and many questions can be asked, participants should consider questions in relation to what activities take place in relation to the foreign men so as to prove the purpose of sexual exploitation.

This activity is followed by a section on interviewing victims of TIP. During the course of this presentation, the facilitator will explain the PEACE model of interviewing: The PEACE model sets out five stages of a victim interview – Planning and Preparation, Engaging (with the victim-witness, explaining the content and process), obtaining the Account, Closing an interview, and Evaluating the content of the interview (PEACE). The PEACE model is a useful framework to conduct investigative interviews with adults and children alike. Each of the phases of this model is then explored in brief.

Activity 11 assists participants practice a degree of rapport building skills.



Activity 11– Rapport and opening the interview

Establishing rapport is not always easy. It takes letting go but also careful consideration of each particular case. Participants should get into groups of three. Two of the individuals should play the role of the interview team while the other should play the role of victim.

Here are your facts:

- The interviewers are investigators from the police.
- The victim is a 38-year-old pregnant woman named Jacinda. She was recruited from a rural area as a house girl but forced to prostitute herself.
- From preliminary research and discussion with the referring agency, the investigators are aware that Jacinda was recruited by a very powerful gang.
- She has dreams to be a fashion designer to provide for her daughter in the future.

Participants should take a moment to consider how they will introduce themselves. Interviewers should consider what information they need to share with the victim at the outset.

Groups should then reflect on the following and present to plenary: (i) whether the interviewer informed the victim of all the relevant matters; and (ii) what techniques the interviewer used to make Jacinda feel comfortable.

In the debriefing after the activity, it is noteworthy that answers will vary based on the participants, it will be important for the interviewers to clearly explain the reason for the interview and how they will use the information they obtain. It is important for the participants to consider whether the interviewers made promises they cannot keep, for example.

The presentation of “do’s” and “don’ts” continues, and this is followed by a section on styles of questioning. This input is supplemented by an activity (activity 14) to reinforce the learning. This activity can be undertaken in groups and should take 20 minutes. Ask the participants to attempt the task without looking at their manual. This is because the answers provided are available in the participants’ manual for them to see as well, so that participants can refresh their learning after the training.

Activity 12 – Style of questioning



Case Study 1: Jabulani was forced to work on a farm, often working 20-hour days with little food or water. His documents were taken from him and he owes his employer a lot of money. You have had four interviews with Jabulani, and you have

assessed that it is appropriate to ask him about his passport. In particular, you would like to know the circumstances of how his passport was taken away.

Case Study 2: Mpho is a nine-year-old boy who was abducted from his rural home and recruited into a forced begging ring. He mentioned that the house he stayed in was near a big blue building. There are many blue buildings in the neighborhood, and you have a suspicion that this may be the building on Main Street which has a large golden bird statute out front, but want further information.

- Draft one open-ended question and one leading question.
- Consider if there are any circumstances which would call for the use of a leading question in these cases.
- Are there any special considerations when interviewing children?

Draft one open-ended question and one leading question.

Case Study One Example:

Open-ended: Tell me about the time your documents were taken from you.

Leading question: Your passport was taken from you by the person who owns the farm, right?

Case Study Two Example:

Open-ended: You mentioned that there were blue buildings in neighborhood, can you tell me anything else about the building you were taken to?

Leading question: I want to ask you a question about the building you stayed at. Was there a golden bird statue in front of it?

- Consider if there are any circumstances which would call for the use of a leading question in these cases.

- Interviewers should generally avoid leading questions as they suggest an answer.
- Leading questions may be used to discover preliminary questions, or questions not really in dispute.
- Leading questions may be used to remind the victim of facts established if their memory has been affected.

- Are there any special considerations when interviewing children?

Interviewers should always ensure that:

- the environment is comfortable for the child.
- they use language which is suitable for the age and maturity of a child.
- ensure that they take into account the child's best interest in participating in the interview.
- Always consider whether certain information which can

re-traumatise a child can be credibly obtained from another source.

Information on the special considerations for interviewing children is provided in the manual and should be shared with the participants at the conclusion of the above activity.

A section on the meaning of corroboration follows.

Module 5: Investigation and prosecution of TIP

2h30 minutes has been allocated for the presentation of this module.

The initial part of this module focusses on the uniquely difficult problems associated with investigating and prosecuting TIP cases. Because investigation and prosecution are specialised activities, and dedicated sector specific manuals are available, it is not intended that this generic manual would cover all the issues pertinent to investigation and prosecution: however, other stakeholders should at least be aware of the difficulties so that they do not hamper or take steps which impede investigation and prosecution efforts.

The section which follows describes crime scene evidence. It reviews physical evidence, such as biological evidence, document evidence, information technology, and so forth.

Activity 13 : Discussion group



Ask the participants as a group to summarise the kinds of crime scene evidence that might prove useful in a future prosecution. Write these up on a flip chart. Then identify roles and responsibilities with relation to evidence:

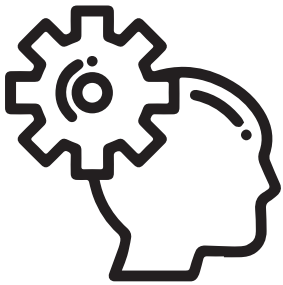
- Of an NGO which is the first contact with a victim
- Of a uniformed police official who has first contact with a crime scene
- Of an immigration official who suspects forged documentation
- Of a labour inspector who suspects TIP for labour purposes
- Of an investigating police official

At the end of this section, participants can complete the self-assessment checklist.

The following section reviews issues pertinent to the examination of TIP victims, including those related to victims of sexual exploitation and of labour exploitation.

Part 2 of this module deals with special features of evidentiary matters in TIP cases. This should commence after the tea break during the afternoon of Day 2. It commences with a brainstorming activity that you as an instructor lead.

Activity 14: Challenges and best practice in prosecutions

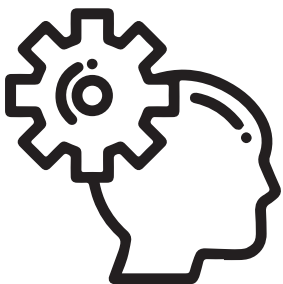


Ask participants to take 5 minutes to think about and write down the challenges in the prosecution of TIP and the best practices they believe may help a successful prosecution. Each person should write down at least one challenge and one best practice.

In plenary, list the answers on flipcharts (one for challenges, one for best practices) and discuss. Some answers that should emerge are provided for in the text that follows.

You must then introduce the issues of common defences in TIP cases. Activity 18 kicks this off.

Activity 15: Discussion on defences/arguments that the accused might raise



Discuss with participants what they think could be possible defences in TIP cases, or arguments that an accused could raise in his or her defence, and list these on a flipchart as they emerge from the discussion. Then ask participants to consider what they think would be the best way to address these. The answers are provided for you and the participants in the participant manual.

The main areas of argument raised as possible defences found globally relate to either the victim, or to the accused.

Arguments related to the witness or victim include that:

- He or she has made prior conflicting statements
- That the victim is not competent to give evidence due to mental health reasons
- That the victim cannot be believed due to their past sexual behaviour
- That the victim was romantically involved with the person accused of TIP
- That the victim was not trafficked because she or was given gifts, or money
- That the victim has a criminal record and was therefore not a victim of TIP
- That the victim consented to the exploitation

You then proceed to explore these possible defences and how to deal with them in more detail.

Module 6 Cooperation: National, Regional and International, Repatriation, Data collection and extradition

This comprises a lecture followed by a self-assessment checklist. It is intended to take 1h30 minutes.

Module 7: Case Studies

The final session of 2h15 minutes can be devoted to the reading of the somewhat detailed case studies drawn from South African cases. This module is intended to wrap up the overall training and embed knowledge of recent South African cases amongst the participants. It can be updated or supplemented with cases that are pending or have been decided, especially if these are known to the participants through personal experience.

This module need not be presented as a standalone module: the facilitator could simply draw on the material presented here to illustrate points made through the presentation of the previous modules. Note that some were decided before the PCTPA came onto operation, and hence involve other criminal charges being utilised, rather than the offence of TIP. If it is presented as a standalone module, the following exercise can be used.

Exercise



Allow the participants 30 minutes to read through the cases. Then in breakaway groups, discuss the following questions:

1. Can you identify the elements of trafficking in respect of each of these cases?
2. What elements of the 'mosaic' of facts/evidence support the key concern that trafficking is a form of modern day slavery?
3. Can you identify the particular vulnerability of the victim in each case?
4. Are there defences which the accused raise in one or more of these cases which are typical in trafficking cases?
5. What steps need to be taken to protect the victims in each case?
6. What challenges might arise in the investigation and/or prosecution of these cases (one or more of them)?

The groups can wrap up the training by sharing their feedback.

GLOSSARY/ACRONYMS

Child	A person below the age of 18.
Child labour	Hazardous (dangerous) work that places at risk a child's right to survival, protection or development or which interferes with the child's education. South Africa has ratified the ILO Worst Forms of Child Labour Convention (2000), which covers the most hazardous forms of child labour
Child trafficking	The recruitment transportation, transfer, harbouring or receipt of persons under 18 years for the purposes of exploitation
Coercion	The threat(s) of serious harm to or physical restraint against any person; any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.
Debt bondage	Involuntary status or condition that arises from a pledge by a person of his or her personal services or the 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
Exploitation	Practices such as slavery and actions similar to slavery, debt bondage or forced marriage, sexual exploitation, servitude, forced labour, child labour, and removal of body parts
Forced labour	Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. This can include threats, physical violence, intimidation or physical detention
Guardian	A person who is in charge of a child at a particular time.
ILO	International Labour Organisation
Immigration Officer	Department of Home Affairs immigration officer
Palermo Protocol	United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
PCTPA or PCTiP Act	The Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013)
PEACE	Planning and Preparation, Engage and Explain, Account, Closure, Evaluate
POCA	Prevention of Organised Crime Act, Act No 121 of 1998
Police	South African Police Service
SADC	Southern African Development Community
Servitude	Forcing someone to perform labour or provide services, through any means, because the person believes that if he/she does not, then he/she or someone else will suffer serious harm
Sexual Violence	Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work
UNCTOC	The United Nations Convention against Transnational Organized Crime
UNODC	The United Nations Office on Drugs and Crime

Victim	A person who has been exploited and has suffered loss of fundamental rights and psychological or physical harm as a result of being trafficked.
TIP	Trafficking in Persons
TIP Office	The Office to Monitor and Combat Trafficking in Persons
Trafficking in Persons	Trafficking in persons is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”
TVPA	Trafficking Victims Protection Act, United States
Ukuthwala	A form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman's family to agree into marriage

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