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1. Background

The generic training manual that has been developed under the auspices of UNODC is designed to complement sector specific training programmes. The generic module has been planned to take place over two and a half days, and to be presented in an interactive and participative manner.

The National Intersectoral Committee on Trafficking in Persons (NICTIP) has stated that dedicated training for prosecutors (NPA) is already in place, and this has also been confirmed by SAPs (for police investigators) and by the Department of Home Affairs (for immigration officials). Sectors that do not yet have their own training programmes or materials include criminal justice practitioners other than the NPA (judiciary, interpreters), those providing services to victims and witnesses (accredited non-governmental organisations, the provincial departments of social development, managers of accredited shelters, medical personnel, psychologists and trauma counsellors, managers of witness protection programmes), the Department of International Relations and Cooperation, and there may be other stakeholders involved in provincial task teams or the rapid response teams at provincial or national level (the Department of Cooperative Governance and Traditional Affairs, Premiers Office, Government Communication and Information Systems staff, provincial departments of Community Safety and representatives of the national and provincial Departments of Health, as well as the Department of Agriculture at national or at provincial level. There is also the question of community training, eg for chiefs and elders (for instance in relation to Ukuthwala). Dedicated units (such as the Asset Forfeiture Unit which might be involved in seizing assets which are the proceeds of trafficking offences) may not necessarily be included in specialised police training and might therefore need to be brought on board.¹

This document addresses only the generic training module as developed under the UNODC banner, and it sets out a comprehensive plan to achieve the training goals set out in the National Policy Framework on the Prevention and Combatting of Trafficking in Persons (2019). Noting that the NPA already have specialised training for prosecutors, The International Organisation for Migration (IOM) has commissioned consultants to draft specialised training manuals for the Department of Labour, the Department of Social Development, the Department of Health and the Department of Home Affairs.

2. Training and the National Policy Framework

The National Policy Framework sets it as an objective that “all professionals working in the anti-trafficking field shall be regularly trained and provided with refresher courses on issues concerning the new trends in different forms of trafficking in persons; local, national, regional and international legislation; strategies and operational tools and measure to employ in their daily work with potential, presumed or identified trafficked persons.”² This is in order to fulfil, amongst others, the strategic objective of improving knowledge of human trafficking and to establish a coordinated and cooperative institutional response to prevent and counter human trafficking.

Other strategic objectives identified include improving the ability of law enforcement and other state and non-state actors to identify potential and presumed victims of trafficking, which are also partially served by this generic training manual.³ Knowledge of the impact of the anti-trafficking legislation on victim assistance is also a strategic goal which is furthered through the contents of this manual.⁴ Furthermore the objective of safe repatriation of victims is included through information on this topic contained in the manual.

As cross border collaboration with neighbouring countries is an important subregional objective, as well as a strategic objective contained in the National Policy Framework, some thought could be given to group training of teams comprising both South Africans and nationals from (eg) Zimbabwe or Mozambique as part of the training plan. Ideally this training would be conducted in towns close to the affected borders.

In the activity matrix contained in the National Policy Framework, training is mentioned under three headings: the first is under protection and victim assistance;⁵ the second relates to training on service standards for service providers as per the accreditation standards, which falls outside the scope of the generic training manual;⁶ and the third relates to specialised training for prosecutors, police and labour inspectors, which is covered by their specialised training modules.

⁷ Capacitation of asset forfeiture units and training on financial investigation is also specialised, though staff could benefit by being involved in the first instance in this generic training.

¹ See the Chart illustrating the stakeholders involved at the level of coordination and those involved at the level of operations in the National Policy Framework p 23.

² National Policy Framework p14.

³ National Policy Framework p 41,

⁴ National Policy Framework p 43.

⁵ National Policy Framework Table: Integrated Strategy and Action Plan 2019- 2022 p 12.

⁶ National Policy Framework Table: Integrated Strategy and Action Plan 2019- 2022 p 13.

⁷ National Policy Framework Table: Integrated Strategy and Action Plan 2019- 2022 p 17.

3. Approach to training 'roll out'

3.1 Coordination

From the National Policy Framework it appears that the overall responsibility for the coordination of the national roll out of training rests with the National Anti –trafficking Coordinator and Secretariat.⁸ The NICTIP is co-chaired by the National Coordinator and the representative of the National Prosecuting Authority (NPA).

The National Policy Framework explicitly identifies training as falling within the mandate of the National Rapid Response Team (NRRT).⁹ At provincial level the PTTs¹⁰ are chaired by the Director of Legal Services or his or her nominee from the regional Department of Justice and Constitutional Development office, or by the NPA at provincial level. Amongst the duties that the National Policy Framework identifies for the PTT are the development of provincial anti-trafficking action plans which 'will ensure the provision of training and capacity building activities targeting all relevant stakeholders' (as well as public awareness and outreach activities).¹¹

From the above, it is proposed that the national training required for stakeholders as identified in this document be scheduled by the chair of the NICTIP; whereas provincial training events be identified (per province, based on the numbers of potential trainees involved).¹² Ideally training groups should not be larger than 25 people (30 maximum). The first national training initiative, which is also an opportunity to pilot the generic training manual, could take place in the second half of 2019, also the inception year of the National Policy Framework.

According to the National Policy Framework, contact lists with anti-trafficking focal points have already been developed during 2018,¹³ as most of the anti-trafficking coordination structures have already been established.

These could provide the basis for at least one training session in each province for the years 2020, 2021 and 2022, the years covered by the National Policy Framework. Trainers from provincial structures should have been identified already in 2019, and have attended the national training session proposed for the second half of 2019.

3.2 Training institutes and bodies

There are a few specialised training bodies that could or should? be capacitated to present the generic training to stakeholders who undergo courses at their institutions. The first of these is Justice Training College, which trains interpreters (a key resource in the criminal justice process relating to the prosecution of trafficking offences). Justice College staff should therefore be invited to a "Train the Trainers (TOT)" event at national level (See below).

The second specialised body is the South African Judicial Education Institute (SAJEI) falling within the Office of the Chief Justice. UNODC is already engaging with SAJEI to discuss the training.

3.3 Train The Trainers (TOT) National

There is definitely a need for at least one TOT course at national level. National and Provincial Departments should nominate participants. This should be held prior to the roll out of training in the field, and in the second half of 2019. Since the generic training manual does require specialised legal knowledge, the likely participants from the provinces should be either the NPA representative on the PTTs, or the representative from the regional office of the Department of Justice and Constitutional Development. Additionally, if this was thought appropriate, academics from tertiary institutions with expertise in criminal justice could attend, since this is one way to build a pool of qualified trainers.

The main purpose of the TOT training would be to enable trainers to familiarise themselves with the content and format of the manual, so that they can take over the tasks of presenting the training at provincial and local level. Given the lifespan of the National Policy Framework (2019- 2022) it might be necessary to replicate the TOT course at least once during that period. This will ensure that at least one or more qualified trainers will remain in each province at the service of the government and dedicated to the anti-trafficking effort.

4. Matrix of training roll out

⁸ National Policy Framework p 24.

⁹ National Policy Framework p 27: "...Promoting and/or participating in capacity building training".

¹⁰ Provincial Task Teams.

¹¹ National Policy Framework p 28.

¹² So, by way of example, Kwazulu Natal could have delocalised training events take place in the central area, in the south, and in a northern town such as Empangeni. Other provinces might identify the need for only one location/event for training such as Free State province, Northern Cape and North West Province.

¹³ National Policy Framework p 32.

Year	Location	Purpose
2019	National	Train the trainers (NPA or DoJ from provinces; inclusion of 'left out sectors (DIRCO, AFU, Co-Operative Governance)
2020	Kwa-Zulu Natal	PTT trained (generic)
	Mpumalanga	PTT trained (generic)
	Limpopo	PTT trained (generic)
	Eastern Cape	PTT trained (generic)
	Western Cape	PTT trained (generic)
	North West	PTT trained (generic)
	Free state	PTT trained (generic)
	Northern Cape	PTT trained (generic)
2020	Cross Border training: Mpumalanga	Generic
2020	Cross border training: Limpopo	Generic
2021	National	Refresher training for trainers
2021	Kwazulu Natal	Delocalised intersectoral generic training
2021	Mpumalanga	Delocalised intersectoral generic training
2021	Limpopo	Delocalised intersectoral generic training
2021	Eastern Cape	Delocalised intersectoral generic training
2021	Western Cape	Delocalised intersectoral generic training
2021	North West	Generic training
2021	Free State	Generic training
2021	Northern Cape	Generic training
2022	Kwa zulu Natal	Delocalised generic training
2022	Mpumalanga	Generic training
2022	Limpopo	Generic training
2022	Eastern Cape	Generic training
2022	Western Cape	Generic training
2022	North West	Generic training
2022	Free state	Generic training
2022	Northern Cape	Generic training
2022	Refresher training (National)	Train the trainers

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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 like 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 oversees 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
TIPAct	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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