



the **doj & cd**

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS NATIONAL POLICY FRAMEWORK

ABUSE OF VULNERABILITY
RESIDENCE PERMIT
REINTEGRATION
DATA PROTECTION
INVESTIGATION
SLAVERY
EMPLOYMENT
FORCED LABOUR
NOTIFICATION
EXPLOITATION
EDUCATION
REMOVAL OF BODY PARTS
PARTNERSHIPS
REPORTING
FORCED MARRIAGE
SHELTER
PREVENTION
EXPLOITATION
VIOLENCE
VICTIMS
COUNTRY OF DESTINATION
IMMEDIATE FAMILY MEMBER
PREVENTION
FRAUD
DECEPTION
KIDNAPPING
BONDAGE
WITNESS PROTECTION
SERVITUDE
ABDUCTION
NATIONAL REFERRAL MECHANISM
**PREVENTION
AND COMBATING OF
TRAFFICKING
IN PERSONS**
LEGAL AND ILLEGAL ADOPTION
PROTECTION
COMPENSATION
COUNTRY OF ORIGIN
SOCIAL INCLUSION
HUMAN RIGHTS
INTERNATIONAL
COOPERATION
PROSECUTION
PROMOTION OF HUMAN RIGHTS

GloACT

Global Action against Trafficking in Persons and
the Smuggling of Migrants (2015-2019)

“Trafficking in persons is a vile crime that feeds on inequalities, instability and conflict. Human traffickers profit from peoples' hopes and despair. They prey on the vulnerable and rob them of their fundamental rights. Children and young people, migrants and refugees are especially susceptible. Women and girls are targeted again and again. We see brutal sexual exploitation, including involuntary prostitution, forced marriage and sexual slavery. We see the appalling trade in human organs. Human trafficking takes many forms and knows no borders. Human traffickers too often operate with impunity, with their crimes receiving not nearly enough attention. This must change. [...] Let us come together around the key issues of prevention, protection and prosecution to build a future where this crime cannot exist.”

Message of United Nations Secretary-General, António Guterres, on the World Day against Trafficking in Persons, 30 July 2018



Global Action against Trafficking in Persons and
the Smuggling of Migrants (2015-2019)

Foreword by the Minister of Justice and Correctional Services

“We are committed to establishing a society that is free from all forms of violence, particularly those perpetrated against vulnerable groups.”



Adv T M Masutha, MP

Trafficking in persons has been aptly described as modern day slavery.

It is a crime against humanity.

Every year thousands of men, women and children fall into the hands of traffickers through false pretences, abduction or other means for the sole purpose of exploitation in one way or another. Various factors contribute to the trafficking of persons, such as poverty and the lack of economic opportunities.

Our international obligations, as well as our Bill of Rights in the Constitution, which is a cornerstone of democracy in South Africa, compel us to act against this heinous crime.

Since the birth of the Constitution, our Parliament has given expression to the establishment of a society based on democratic values, social justice and fundamental human rights. It has passed pieces of legislation that give prominence to the achievement of the international protocols, whilst building a nation that takes pride in its cultures, norms and values to promote peace and *Ubuntu*.

The Prevention and Combating of Trafficking in Persons, 2013 is an example of a comprehensive piece of legislation that comprehensively deals with trafficking in persons.

It is an Act that provides for prevention of trafficking in persons, protection and assistance to victims and further provides various services to the victims of trafficking in persons. It creates a wide range of new specific crimes to better respond to trafficking in persons' offences and also provide for the co-ordinated implementation, application and administration of the Act.

With an emphasis on international trends of service coordination and integration, it further provides for the development of a policy framework to guide the integrated management of trafficking in persons' offences and related matters.

This document therefore stands to represent the fulfilment of this requirement. It is the National Policy Framework on the Management of Trafficking in Persons Offences (the NPF), which the key stakeholders in the criminal justice system, relevant stakeholders, international partners and civil society role-players jointly developed under the leadership of my Department.

This NPF seeks to ensure coordinated planning, resource allocation and the execution of services within the trafficking in persons sector. It entrenches a victim-centred approach and promotes better service delivery to respond to the needs of the victims.

To my colleagues and Members of Parliament, your devoted efforts and support in making this country crime-free are well appreciated.

I also thank the National Inter-sectoral Committee of Trafficking in Persons (NICTIP) for developing this Policy through its technical support. I extend this gratitude to the Provincial Task Teams on Trafficking in Persons,

academia, service providers and the civil society organisations that participated in making this Policy more comprehensive in its inter-sectoral approach.

It is an honour to present the NPF as a guiding tool in the inter-sectoral implementation of the Act.



Adv. T. M. Masutha, MP
Minister of Justice and Correctional Service

Foreword by the Deputy Minister of Justice and Constitutional Development

“Enslave the liberty of but one human being and the liberties of the world are put in peril.”



Mr John Jeffery, MP

These words, said by American anti-slavery abolitionist, William Lloyd Garrison, are still relevant today as we fight the crime of trafficking in persons.

The Prevention and Combating of Trafficking in Persons Act came into operation in August 2015. With this legislation we now have a comprehensive legal tool to combat trafficking in persons in all its forms.

The Act employs a wider definition of trafficking than that of the United Nations. South Africa's efforts are therefore directed at all forms of trafficking in persons (TIP) – in other words, not only sex trafficking, but **all** forms of trafficking in persons. The legislation further provides for various measures to protect and assist victims of trafficking in persons, with other departments such as Health and Social Development as well as civil society all playing a major role. It also allows us to partner with other countries in combating and prosecuting these crimes.

The aims of the TIP Act can only be achieved through proper coordination. This cannot be overemphasised, in particular because the Act can only be effectively implemented in an integrated and multi-disciplinary manner.

A National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) which comprises of national departmental representatives from, amongst others, Justice and Constitutional Development, Health, Home Affairs, International Relations and Cooperation, Labour, Social Development, Women, the SAPS, the NPA as well as civil society organizations was established. The Committee leads the implementation and administration of the Act at a national government level.

Provincial Task Teams (PTTs) on Trafficking in Persons were also established as well as Provincial Rapid Response Teams to attend to operational matters relating to suspected complaints and pending cases of trafficking in persons and providing support to the victims.

Other measures taken include general awareness campaigns to sensitise communities on TIP issues which were undertaken by governmental departments in partnership with civil society. An integrated and holistic Immigration Policy is receiving attention and the Justice Crime Prevention and Security Cluster departments have made the combating of trafficking of persons a priority in the Cluster's activities to ensure all persons in South Africa Are and Feel safe.

The Act highlights the need for co-ordinated implementation, application and administration of its provisions, including the development of a Draft National Policy Framework (NPF).

We are confident that the NPF's strategy and action plan has been informed by internationally recognised anti-trafficking guiding principles such as a human rights/victim-centred approach, a multi-disciplinary approach, government ownership, civil society participation, a gender-sensitive approach and overall sustainability.

In addition, the strategy should address the 4 pillars of anti-trafficking interventions or components, namely Prevention, Protection, Prosecution, and Partnership.

We believe that our NPF achieves this.

I would like to convey my sincere appreciation to members of the NICTIP and PTTs as well as civil society organisations who made inputs to the development of this policy framework.



Mr John Jeffery, MP

Deputy Minister of Justice and Constitutional Development

Acknowledgement by the Director-General: Department of Justice and Constitutional Development



The DoJ&CD is proud to present to you the National Policy Framework on the Management of Trafficking in Persons Offences. This Policy Framework is the result of collective endeavours of government departments, international partners, academia, and civil society organisations through consultative workshops in all the Provinces, to guide the country on the inter-sectoral implementation of the Prevention and Combating of Trafficking in persons Act, 2013 (the Act). The complex nature of the Act required lengthy and intensive consultations with the relevant stakeholders to ensure a well-informed and well-coordinated response, prevention and combating of trafficking in persons offences and related matters.

Mr Vusi Madonsela


It is our commitment to continually explore improved responses and preventative measures aimed at rooting out the heinous offences of trafficking in persons from our communities and to collaborate with our neighbouring countries, wherever necessary. We need to jointly take a robust approach against this crime to achieve better outcomes with limited resources. This Policy Framework, therefore, encourages the multi-disciplinary approach to planning, resourcing and service delivery. It sets out distinct strategic objectives that are operationalized through a 3 year Inter-departmental Implementation Plan. It establishes the National Inter-sectoral Committee on Trafficking in Persons (NICTIP) in addition to provincial inter-sectoral committees as well as rapid response teams. The Policy Framework will serve as a monitoring tool that the NICTIP will use in the exercise of its monitoring function across all the implementing government departments and institutions.

Without the concerted efforts of the stakeholders, the aspirations of the Policy Framework will only remain on paper and never reach the intended beneficiaries, particularly the victims of trafficking. It is therefore the unfailing commitment to service delivery and regular reporting of the different stakeholders that will bring about the desired outcomes to South Africa, the Continent and the World. I stand committed to all legal efforts aimed at realising a South Africa that is free from all forms of violence and crimes, particularly the heinous offence of trafficking in persons.

To the government departments and civil society organisations participating in the national and provincial coordination mechanisms, your commitment and support to make these processes and systems work is appreciated. Without the technical support of the National Inter-sectoral Committee on TIP (NICTIP) and Provincial Task Teams of TIP (PTT), we could not have achieved this deliverable, hence my deepest gratitude goes to all members of these Committees and all the operational structures attached to them.

Lastly, I wish to extend my sincere word of appreciation to the civil society organisations, faith based organisations, traditional leaders and the academia at large that generously joined hands with government during the consultative workshops throughout all the Provinces and at National level, providing valuable inputs towards the development of this Policy Framework.

It is only through integrated efforts and commitment that we can reach the milestones set before us.

A handwritten signature in black ink, appearing to read 'Vusi Madonsela', written over a horizontal line.

Mr Vusi Madonsela

Director-General: Department of Justice and Constitutional Development

ACKNOWLEDGEMENTS

The Department of Justice and Constitutional Development would like to express its sincere appreciation to the UNODC for its exemplary support and guidance throughout the process of the finalisation of the National Policy Framework. Further appreciation is expressed to the European Union, UNICEF and the International Organisation on Migration, under the auspices of the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants (GLO.ACT) programme for their continuous financial and technical support to the Government of South Africa on the implementation of its national legislation aimed at preventing and combating trafficking in persons in South Africa. Social partners and government departments in the Justice and Crime Prevention and Security cluster too have provided invaluable assistance in finalising the National Policy Framework. We are grateful for their support and urge them to continue their active participation in the national and provincial coordinating structures.

ACRONYMS AND ABBREVIATIONS

| | |
|--------|---|
| APA | Africa Prosecutors Association |
| CJS | Criminal Justice System |
| CSO | Civil Society Organizations |
| CYCC | Child and Youth Care Centre |
| COGTA | Department of Co-operative Governance and Traditional Affairs |
| CSEC | Commercial Sexual Exploitation of Children |
| CGE | Commission for Gender Equality |
| DBE | Department of Basic Education |
| DCPO | Designated Child Protection Organizations |
| DHA | Department of Home Affairs |
| DHE | Department of Higher Education |
| DIRCO | Department of International Relations and Co-operation |
| DOH | Department of Health |
| DOJ&CD | Department of Justice and Constitutional Development |
| DOL | Department of Labour |
| DOW | Department of Women |
| DPCI | Directorate for Priority Crime Investigations |
| DSD | Department of Social Development |
| GA | Governmental Agency |
| GCIS | Government Communication and Information Systems |
| IAP | International Association of Prosecutors |
| IIMS | Integrated Information Management Systems |
| IO | International Organisation |
| IOM | International Organization for Migration |
| NC | National Anti-Trafficking Coordinator |
| NGO | Non-Governmental Organisation |
| NICTIP | National Inter-sectoral Committee on Trafficking in Persons |
| NPA | National Prosecuting Authority |
| NPF | National Policy Framework |
| NRRT | National Rapid Response Team |
| NRM | National Referral Mechanism |
| PPTs | Provincial Task Teams |
| PRRTs | Provincial Rapid Response Teams |
| SAHRC | South African Human Rights Commission |
| SAPS | South African Police Service |
| SARS | South African Revenue Services |
| SOPs | Standard Operating Procedures (SOPs) |
| TIP | Trafficking in Persons |

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CHAPTER 1 - NATIONAL POLICY FRAMEWORK (NPF): THE PREREQUISITES

1.1 Why a National Policy Framework against Trafficking in Persons in South Africa

Trafficking in persons is a serious crime and a grave violation of human rights posing a serious challenge to communities and to society at large. The Government of the Republic of South Africa is committed to put in place measures to prevent this criminal phenomenon, stepping up its efforts to assist and protect victims of trafficking, while prosecuting the perpetrators.

Trafficking in persons results in the exploitation of men, women, boys and girls in situations where victims are unable to escape from their trafficker. Deception, coercion, physical or psychological threats, abuse of vulnerability are **some** of the means used to exploit victims, including in forced labour, sexual exploitation, servitude or slavery-like practices, removal of body parts, forced marriages and other exploitative practices.¹ In terms of acts, trafficking entails any or all of the following: delivery, recruitment, transportation, transfer, harbouring, sale, exchange, lease or receipt of persons within or across borders.

The Republic of South Africa is a primary destination for trafficked persons in the Southern African region and within Africa at large. It is also an origin and transit country for trafficking towards Europe and North America. The majority of victims identified in 2017 were South African nationals. Other nationalities included Thailand, Ethiopia, Lesotho, Mozambique, Ghana, Nigeria, Bulgaria, Swaziland and Tanzania. Trafficking in persons in South Africa involves a range of criminal networks, dominated by different nationalities in specific locations.²

Countering this complex phenomenon is challenging and efforts to curb the crime and protect its victims require the intervention of a multiplicity of stakeholders, including governmental agencies, non-governmental organisations, civil society at large and international organisations. A comprehensive national policy framework (NPF) is necessary to foster a shared understanding of the phenomenon and a coordinated response among different stakeholders.

The NPF seeks to ensure all government departments and other engaged stakeholders from civil society are collectively guided in the implementation of anti-trafficking responses and of their statutory responsibilities. In particular, the NPF intends to support the implementation of the **Prevention and Combating of Trafficking in Persons, 2013 (Act No. 7 of 2013)**, hereinafter referred to as **the Act**, which aims to ensure that the criminal justice system is effective in prosecuting the criminals and protects the victims of trafficking in persons, promoting a cooperative and aligned response among all government departments, as well as with civil society organisations engaged in assisting and supporting trafficked persons.

As a strategic planning tool, the national policy framework is also key to secure political and financial support and to ensure rational use of resources and effective responses.

Section 41(1)(a) of the Act mandates the **Director-General of Justice and Constitutional Development to develop the draft NPF** after consultation with the National Commissioner of South African Police Service, the National Director of Public Prosecutions, the Chief Executive Officer of the Government Communications

¹ See legal definition of trafficking in persons below, Textbox 2.

² The Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT), *Responding to Trafficking in Persons and Smuggling of Migrants, South Africa*, 2016.

Information Systems, the Commissioner of South African Revenue Services and the Directors-General of Health, Home Affairs, International Relations and Cooperation, Labour, Social Development, State Security Agency and Department of Women respectively.

The draft NPF must include guidelines for implementation of priorities and for measuring progress on achievement, ensuring that the different organs of state comply with roles and responsibilities allocated to them and monitoring of the overall implementation of the national policy framework and the Act.

Section 40(1) of the Act further requires the **Minister of Justice and Correctional Services** (herewith the Minister) **to approve the national policy framework**, after consultation with the Minister in the Presidency responsible for performance, monitoring and evaluation, Finance, Home Affairs, Health, International Relations and Cooperation, Labour, Police, Social Development, State Security and Women as well as the National Director of Public Prosecutions.

The national policy framework shall relate to all matters dealt with in the Act in order to:

- (i) Ensure a uniform, coordinated and cooperative approach by all government departments, organs of state and institutions in dealing with matters relating to the trafficking of persons;
- (ii) Guide the implementation, enforcement and administration of the Act, and
- (iii) Enhance service delivery as envisaged in this Act by developing a plan within available resources.

In addition to the NPF, the Act provides for drafting of Regulations, Directives and Instructions to improve the effective and efficient implementation of the Act. Such regulatory framework may provide for additional issues informed by the objectives of the Act.

The NPF must be tabled in Parliament by the Minister in consultation with all Ministers mentioned in section 40(1) of the Act. It must be reviewed by the Minister within three years after its publication in the *Gazette* and at least every five years thereafter (section 40(2)(c)).

The NPF was the result of an extensive consultative process carried out by the Director General Department of Justice and Constitutional Development (DOJ&CD) in cooperation with the anti-trafficking coordination structures of South Africa at national and provincial level and with the enlarged support of numerous other representatives from academia, civil society and International Organisations (IOs).

The Structure of the NPF

The NPF comprises of a strategic and an operational level. The strategic level, or National Anti-Trafficking Strategy, identifies the priorities to be pursued in the medium term: three-year goals for the first strategy; five years goals for the subsequent updates to guide the implementation of the Act.³ The strategy outlines the overall vision of what should be achieved through the NPF.

The Anti-Trafficking Action Plan details how to achieve the goals and objectives set in the strategy, indicating activities, responsibilities, timeframes and resources.

³ Act, Section 40(2)(c).

To allow the monitoring of the overall implementation of the NPF and the Act, the NPF provides indicators to measure progress and ensure that the different organs of state comply with the roles and responsibilities allocated to them by the Act.

Fig. 1 - NPF Structure



1.2 Guiding Principles and Approaches

The NFP is based on a set of principles and approaches in line with constitutional imperatives, national legislation and international standards that all anti-trafficking stakeholders and service providers in South Africa shall employ during all steps of its implementation.

The principles acknowledge that trafficking in persons is a hideous violation of human rights. Their full and consistent adoption and implementation will ensure the sound enactment of the legal instruments and operational procedures to fight trafficking in persons in South Africa, to provide proper and enhanced identification, high quality assistance to suspected, and actual trafficked persons, thus, also avoiding any risk of re-victimisation of the assisted persons.

- The government, through the NICTIP, has full responsibility and participation for the design, coordination, and implementation of the NPF against trafficking in persons (i.e. **government ownership**).
- The NPF is implemented with the full **participation, cooperation, and coordination** of PTTs, RRTs, accredited NGOs and other civil society (e.g. traditional leaders, academia, etc.), international organisations, competent state and local stakeholders according to their mandates and agreed procedures (**multi-disciplinary and cross-sectoral approach**).
- All anti-trafficking stakeholders shall place the **human rights** of the trafficked persons **at the centre** of any legal provision, activity and measure they carry out. They shall then respect, protect, fulfil and promote the full range of civil, cultural, economic, political, and social rights every person unconditionally holds at any stage of the NPF implementation.
- All presumed and identified trafficked persons are **treated** equally before the law and access the identification, protection and assistance measures **without any discrimination** on any ground such as race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or any other arbitrary ground.
- **Children** must be given primary consideration. A prompt and in-depth assessment of their **best interests** shall be carried out in full compliance with the national applicable law ensuring the protection of the child and with the international standards.
- The views and the wishes of trafficked persons, both children and adults, shall always be taken into account to allow their full participation in the decision-making process concerning all procedures and measures that concern them (**participation**).
- All measures to be implemented shall respond to the specific needs of each trafficked person (**tailored-made approach**) with due respect to her/his psychological and physical integrity to ensure her/his short- and long-term **safety and security**.
- Presumed and identified trafficked persons shall be granted **assistance regardless of their willingness to co-operate with** the police and judicial authorities.
- **No detention, prosecution or penalties** shall be imposed on trafficked persons for their participation in unlawful activities as a direct result of their trafficking experience or for their irregular stay in South Africa or for the immigration status.
- All foreign trafficked persons shall be enabled to fully understand their rights and entitlements, procedures, viable options, and measures they will be involved in. If a (suspected/presumed) trafficked

person and the anti-trafficking stakeholders do not speak any common and clearly understandable language, **interpretation** shall be provided by accredited interpreters.

- Assistance measures shall aim at improving the capacity of the trafficked persons to gain the knowledge, skills and attitude to make self-determined choices. In order to do so, the assisted persons shall have access to information and resources for taking full, properly informed decisions and have a wide range of options to choose from (**empowerment**).
- All stakeholders involved in any step of the NPF shall exchange information in a timely manner having as primary consideration the safety, security and privacy of the trafficked persons, who should be given appropriate information about the exchange of their data, to which they must consent (**data protection**).
- All professionals working in the anti-trafficking field shall be **regularly trained and provided with refresher courses** on issues concerning the new trends of the different forms of trafficking in persons; local, national, regional, and international legislation; strategies and operational tools and measures to employ in their daily work with potential, presumed or identified trafficked persons.

1.3 Strategic Objectives

- To establish a coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders
- To establish an adequate legal and regulatory framework to protect victims and to counter human trafficking
- To secure resources necessary to fully implement the NPF
- To improve continuously anti-trafficking responses adjusting them as needed in time
- To raise public awareness and prevent human trafficking
- To reduce vulnerability to human trafficking and re-trafficking
- To improve knowledge on human trafficking
- To ensure the early identification of potential and presumed trafficked persons
- To ensure that victims of trafficking have access to comprehensive assistance programmes

1.4 Glossary of Terms

Abuse of vulnerability: any abuse that leads a person to believe that he or she has no reasonable alternative but to submit to exploitation, and includes but is not limited to, taking advantage of the vulnerabilities of that person resulting from the person having entered or remained in the Republic illegally or without proper documentation; pregnancy; any disability of the person; addiction to the use of any dependence-producing substance; being a child; social circumstances; or economic circumstances.

Act: Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013).

Accredited organisation: An organisation, including a government institution, accredited to provide services to adult victims of trafficking.

Assistance: Measures, programmes and services aimed at the recovery of trafficked persons that might include, but are not limited to, appropriate housing; medical, psychological and material assistance; educational, training and employment opportunities; legal counselling and assistance. First, short- and long-term assistance may be offered by non-governmental organisations, governmental agencies or international organisations in countries of destination, transit and origin and they may involve one or multiple services.

Assisted trafficked person: A person who has been identified as a victim of trafficking and who has agreed to accept assistance from a non-governmental, governmental, international or other relevant organization (also referred to as “assisted victim of trafficking” or “assisted person”).

Best interests of the child: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Best interests determination: It describes the formal process with strict procedural safeguards designed to determine the child’s best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option⁴.

Best interests of child standard: It describes the factors that need to be taken into consideration to determine the best interests of the child and includes a broad range of elements to be considered, e.g. the nature of the personal relationship between the child and the parents, or any specific parent, or the child and caregivers; the attitude of the parents/caregivers; the capacity of the parents/caregivers to provide for the needs of the child, including emotional and intellectual needs; the likely effect on the child of any change in the child’s circumstances, including separation from both or either parents/care-giver/siblings, with whom the child has been living; the need to protect the child from any physical or psychological harm; and many other factors.⁵

Child: A person under the age of 18 years.

Child marriage: a child below the minimum age set by law for a valid marriage may not be given out in marriage or engagement.

Children’s Act: Children’s Act, 2005 (Act No. 38 of 2005).

Child and Youth Care Centres: They provide residential care programmes suited to the child’s needs including trafficked children, according to the Children’s Act.

Commercial Sexual Exploitation of Children: It refers to (a) the procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography, irrespective of whether that reward is claimed by, payable to or shared with the procurer, the child, the parent or care-giver of the

⁴ UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008.

⁵ See Children Act no. 38, 2005, chapter 2, section 7.

child, or any other person; or (b) trafficking in a child for use in sexual activities, including prostitution or pornography.

Compensation: It is the procedure to support the victim to obtain – through criminal proceeding, civil action or administrative systems – material and moral damages from the perpetrator(s) and to the State for the physical and psychological harm suffered and wages lost during the trafficking and exploitation experience (also generally referred to as “restitution”, “reparation”, “redress”, “damages”).

Country of origin: The country a trafficked person comes from (also referred to as “source country”).

Country of destination: The country that is the ultimate destination of a trafficked person (also referred to as “receiving country”).

Data protection: The regular implementation of security measures for the protection of personal data collected, stored, and used in full compliance with the pertinent laws that protect the right to privacy of any individual.

Debt bondage: The involuntary status or condition that arises from a pledge by a person of his or her personal services; or the personal 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, by that person if the debt owed or claimed to be owed, as reasonably assessed, is manifestly excessive; length and nature of those services are not respectively limited and defined; or value of those services as reasonably assessed is not applied towards the liquidation of the debt or purported debt.

Designated Child Protection Organisation: An organisation designated to render statutory services to children including children who are trafficked.

Empowerment: It is the process of improving the capacity of a person to gain the knowledge, skills and attitude to cope with her/his trafficking experience and protection and assistance process to make self-determined choices and changes in her/his personal and professional life. In order to do so, a person must have access to information, protection, support and social inclusion programmes and resources for taking full, properly informed decisions and have a wide range of options to choose from.

Exploitation: It comprises, but is not limited to, all forms of slavery or practices similar to slavery; sexual exploitation; servitude; forced labour; child labour; the removal of body parts; or the impregnation of a female person against her will for the purpose of selling her child when the child is born.

Forced labour: It refers to labour or services of a person obtained or maintained without the consent of that person; and through threats or perceived threats of harm, the use of force, intimidation or other forms of coercion, or physical restraint to that person or another person.

Forced marriage: A marriage concluded without the consent of each of the parties to the marriage.

Human rights: Fundamental and universal rights and freedoms that all human beings are entitled to. They consist of civil, political, economic, social and cultural rights that States are obliged to fully respect according to common standards established by national and international legislation.

Identified trafficked person: A person who has been recognized as a victim of trafficking according to a formal or informal identification mechanism (also referred to as “Identified victim of trafficking”).

Immediate family member: The spouse, civil partner or life partner and dependent family members of a victim of trafficking.

National Referral Mechanism (NRM): It is a framework aimed at promptly identifying, protecting and assisting victims of trafficking in persons, through referral. It involves relevant public authorities, civil society organisations and, when relevant, international organisations cooperating in a strategic national partnership to coordinate their response through formally adopted and shared Standard Operating Procedures (SOPs). The latter generally concern the early and formal identification; the short-term and long-term assistance, protection, and inclusion; return, repatriation, and reintegration; criminal proceedings. The main cross-cutting goal of the NRM is to ensure that the human rights of trafficked persons are respected at any stage of their identification and referral.

Potential trafficked person: Any person (minor or adult) who has not been trafficked but, given her/his profile or the appearance of certain indicators, may be vulnerable to trafficking in persons (also referred to as “potential victim of trafficking” or “person at risk of trafficking”).⁶

Personal data: It refers to sensitive information of a presumed or identified trafficked person that are to be minimised, collected, stored, and used only for the purposes related to her/his case. Presumed or identified trafficked persons should be informed at all stages about the use and storage of their personal data.

Presumed trafficked person: A person who is presumed to be a victim of trafficking but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified (also referred to as “suspected victim” or “presumed victim”).⁷ Presumed trafficked persons are entitled to the same treatment as the identified victims from the beginning of the identification process.

Protection: It refers to the procedures to ensure the trafficked person’s physical safety and safeguard of her/his prospects of social inclusion in the country of origin, destination, or a third country.

Reintegration: Reintegration or integration is focused on empowering the trafficked person, reuniting her/him with the family or her/his community, or her/his integration into a new community. In addition to the physical action of the return or repatriation, it involves cooperation/consent of the victim to the social environment and is targeted as a long-term social-economic solution in the country of destination or in the country of origin (also referred to as “Social inclusion”).

Removal of body parts: It is the removal of or trade in any body part in contravention of any law.

Repatriation: To repatriate to one’s country of origin through the provision of logistical, financial and other materials assistance. In the context of anti-trafficking work, repatriation involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

Residence permit: Any permit or authorisation issued by the authorities of a country, in the form provided for under that State’s legislation, allowing a third country national or stateless person to reside on its territory.

Return: To return to one’s community of origin through the provision of logistical, financial and other material assistance. In the context of anti-trafficking work, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

Service providers: Accredited organisations that provide one or more of the support and assistance measures supplied to trafficked persons. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

Servitude: a condition in which the labour or services of a person are provided or obtained through threats of harm to that person or another person, or through any scheme, plan or pattern intended to cause the person to believe that, if the person does not perform the labour or services in question, that person or another person would suffer harm.

⁶ The term ‘potential victim’ or ‘potential trafficked person’ refers to the condition of vulnerability individuals may find themselves into. Vulnerability is defined by UNODC as “a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities” (UNODC, . *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, 2008, p. 7). Potential victims may also be referred to as ‘person vulnerable to trafficking in persons’.

⁷ The Act and some Regulations refer to the term ‘suspected victim’ instead of ‘presumed victim’. In order to align the terminology of the NPF with international human rights standards, the term ‘presumed victim’ or ‘presumed trafficked person’ have been inserted in the glossary of terms and are used throughout the document.

Shelter: Premises where trafficked persons are hosted during the first and long-term assistance, including the social and labour inclusion period. Shelters may be open or with restricted freedom of movement justifiable with reference to the risk assessment; offer short- or long-term stay; provide round-the-clock, part-time or no in-house assistance.

Slavery: The act of reducing a person by any means to a state of submitting to the control of another person as if that other person were the owner of that person;

Social inclusion: It is the process ensuring that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live. It also ensures that they have greater participation in decision-making that affects their lives and access to their fundamental rights. Through such a process vulnerable groups are granted access to education, training, employment, accommodation, collective services, and health assistance. A social inclusion programme for trafficked persons can take place either in the country of origin or in that of destination.

Suspected trafficked person: see 'Presumed victim' or 'Presumed trafficked person'.

Temporary safe care: It is the care of an adult person suspected of being a victim of trafficking in a shelter, private home or any other place approved by the DG: DSD where that person can be accommodated safely pending the placement of that person in an accredited organisation.

Trafficked child: Any person under eighteen who is recruited, transported, transferred, sold, exchanged, leased, harboured or received for the purpose of exploitation, either within or outside a country, even if no element of coercion, deception, abuse of authority or any other form of abuse is used.

Trafficked person: See "Victim of trafficking".

Trafficker: Person complicit in the trafficking of another human being (or human beings) for any form of exploitation.

Trafficking in persons: Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders by means of a threat of harm; the threat or use of force or other forms of coercion; the abuse of vulnerability; fraud; deception; abduction; kidnapping; the abuse of power; the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; the direct or indirect giving or receiving of payments, compensation, rewards, benefits, or any other advantage; aimed at either the person or an immediate family member of that person or any other person in close relationship to that person for the purpose of any form or manner of exploitation, is guilty of the offence of trafficking in persons. Furthermore, any person who adopts a child, facilitated or secured through legal or illegal means; or concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or other person in any form or manner, is guilty of an offence.

Victim of trafficking: A person who is subject to the crime of trafficking in persons, namely a child who is found to be a victim of trafficking after an assessment (Act, section 18(6)) or an adult person who has been issued with a letter of recognition (Act, section 19(10)).

Witness protection: The range of security measures employed to assure the safety of a witness involved in legal proceedings. Witness protection must be offered, before, during and/or after the legal proceedings and must include any measures assuring the safety and security of the witness and her/his family.

CHAPTER 2 - NPF: OVERVIEW OF LEGISLATION AND COORDINATION STRUCTURES

2.1 Legislative Framework

2.1.1 International Legal Instruments

South Africa ratified the United Nations Convention against Transnational Organized Crime (UNTOC) and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air.⁸ The universally agreed definition of trafficking in persons is provided in Art. 3 of the Trafficking in Persons Protocol. Important provisions are enshrined in a number of other conventions, which need to be taken into account when addressing trafficking in persons. South Africa ratified the following relevant international legal instruments:

- i) United Nations Convention on the Rights of the Child (CRC, 1989);
- ii) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000);
- iii) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000);
- iv) Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO 182 (1999);
- v) Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption (1993);
- vi) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979);
- vii) Declaration on the Elimination of Violence against Women, UN General Assembly Resolution 48/104 of 20 December (1993);
- viii) United Nations Declaration of the Basic Principle of Justice for Victims of Crime and Abuse of Power;
- ix) The Convention on the Rights of Persons with Disabilities (2007);
- x) United Nations Convention against Corruption (UNCAC) (2005);
- xi) Forced Labour Convention, ILO 29 (1930);
- xii) Abolition of Forced Labour Convention, ILO 105 (1957);
- xiii) Domestic Workers Convention, ILO 189 (2011);
- xiv) Slavery Convention (1926);
- xv) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956;
- xvi) The Convention relating to the Status of Refugees (1951).

2.1.2 Regional Legal Instruments

Also relevant for the fight against trafficking in persons are a number of instruments adopted at regional level, including the following:

- i) African Charter on Human and People's Rights (also known as the Banjul Charter);
- ii) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa;
- iii) African Charter on the Rights and Welfare of the Child (ACRWC);

⁸ 20 February 2004.

- iv) SADC Regional Protocol on Extradition;
- v) SADC Regional Protocol on Mutual Legal Assistance in Criminal Matters;
- vi) SADC Regional agreement on TIP;
- vii) SADC Protocol on Gender and Development;
- viii) Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children;
- iv) Economic Community of West African States (ECOWAS) Declaration on the Fight against Trafficking in Persons.

2.1.3 National Legal Instruments

The legislative process that led to the adoption of the Prevention and Combating of Trafficking in Persons Act (Act. No. 7 of 2013) started in 2010 upon initiative of the Department of Justice and Constitutional Development. The Act was adopted after various rounds of feedback by relevant departments and successive deliberations, which took place between October 2010 and June 2012.

The Act was approved by the National Council of Provinces (NCOP) in May 2013 and was signed by the President on 28 June 2013. It was then published in the *Gazette* on 29 July 2013. The Act came into operation on 9 August 2015, except sections 15, 16 and 31(2)(b)(ii), in respect of which the Department of Home Affairs has not yet issued regulations.

The Act addresses the phenomenon of trafficking in persons comprehensively. It adopts a broad definition of trafficking in persons (see Textbox 2, below) and introduces provisions for compensation to the State and to victims of trafficking in persons. It creates offences such as debt bondage, possessing, destroying or tampering with travel documents, and using services of victims of trafficking in persons. It provides for the protection of victims, including foreign nationals, and gives South African courts extra-territorial jurisdiction in certain circumstances, for example, where the victim is a South African resident or where the suspect is present in South Africa.

The Act adopts a victim-centred approach, prioritising the welfare of victims during investigations and prosecutions. Protective measures include the prohibition of the prosecution of victims who entered the country without valid documentation, the prohibition of summary deportation of foreign victims and the conduct of risk assessments with respect to the safety and life of presumed victims before any repatriation is carried out.

The Act imposes harsh penalties for violations, including the following:

1. Trafficking in persons is punishable by a maximum of life imprisonment or a fine not exceeding R100 million.
2. Engaging in conduct that causes a person to enter into debt bondage is punishable by up to 15 years' imprisonment.
3. Benefiting from services of trafficking in persons victims is punishable by up to 15 years' imprisonment.
4. Facilitation of trafficking in persons is punishable by up to 10 years' imprisonment.

The Act also provides for severe fines and enables the state to confiscate the assets of traffickers.

The definition of trafficking in persons in the Prevention and Combating of Trafficking in Persons Act

Trafficking in persons is an offence in South Africa and is defined in Act No. 7/2013. The constitutive elements of the crime – acts, means and purpose – are illustrated below:

Acts | *Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders*

Means | *by means of a threat of harm; the threat or use of force or other forms of coercion; the abuse of vulnerability; fraud; deception; abduction; kidnapping; the abuse of power; the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; the direct or indirect giving or receiving of payments, compensation, rewards, benefits, or any other advantage; aimed at either the person or an immediate family member of that person or any other person in close relationship to that person*

Purpose | *for the purpose of any form or manner of exploitation, is guilty of the offence of trafficking in persons (Art. 4 (1)).*

“**exploitation**” includes, but is not limited to—

- (a) all forms of slavery or practices similar to slavery;
- (b) sexual exploitation;
- (c) servitude;
- (d) forced labour;
- (e) child labour as defined in section 1 of the Children’s Act;
- (f) the removal of body parts; or
- (g) the impregnation of a female person against her will for the purpose of selling her child when the child is born.

Furthermore, any person who (a) adopts a child, facilitated or secured through legal or illegal means; or (b) concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or other person in any form or manner, is guilty of an offence.

The Act provides the legal framework to assist competent authorities in identifying victims and prosecuting suspects and recognises the centrality of the role of civil society organisations in providing victims of trafficking in persons with support and assistance services.

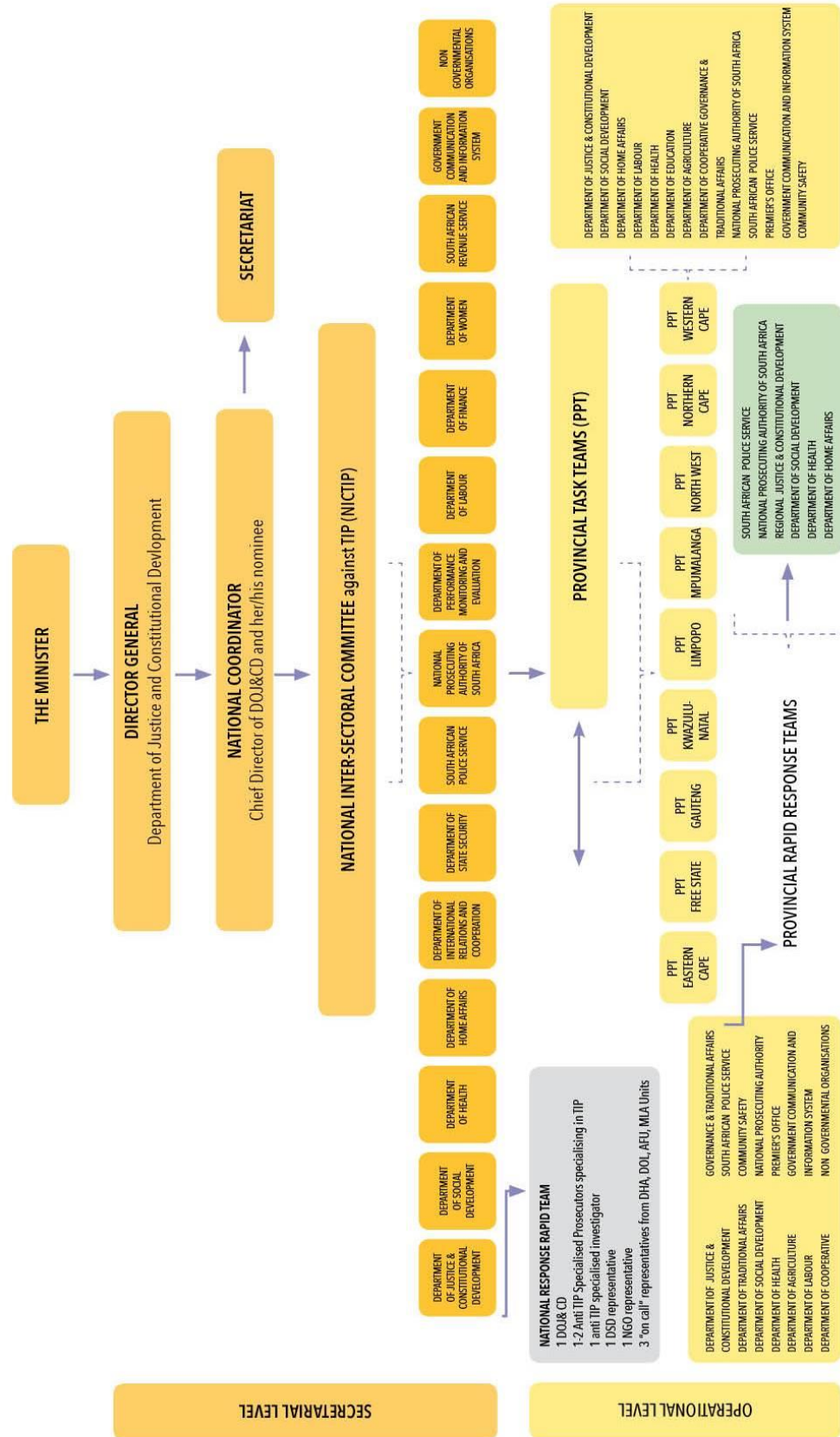
While the Act is the primary piece of legislation regulating and informing action against trafficking in persons, various other pieces of legislation and policies need to be taken into account including, *inter alia*, the following:

- i) The Constitution of the Republic of South Africa, 1996
- ii) The Criminal Procedure Act (Act No. 51 of 1977)
- iii) The Criminal Law Amendment Act (Act No. 105 of 1997)
- iv) The Witness Protection Act (Act No. 112 of 1998)
- v) The Prevention of Organised Crime Act (Act No. 121 of 1998)
- vi) Private Security Industry Regulation Act (Act No. 56 of 2001)
- vii) The Immigration Act (Act No. 13 of 2002)

- viii) The National Health Act (Act No. 61 of 2003)
- ix) The Children's Act (Act No. 38 of 2005)
- x) Basic Conditions of Employment Act (Act No. 75 of 1997) as amended in 2014.
- xi) The Films and Publications Act (Act No. 3 of 2009)
- xii) The Human Tissues Act (Act No. 28 of 2008)
- xiii) Protection from Harassment Act, (Act No. 17 of 2011)
- xiv) The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007)
- xv) The Child Justice Act (Act No. 75 of 2008)
- xvi) The Service Charter and Minimum Standards for Victims of Crime (2004)
- xvii) The National Policy Guidelines for Victim Empowerment (2009)

2.2 Anti-Trafficking Coordination Structures

ANTI TRAFFICKING COORDINATING STRUCTURES IN SOUTH AFRICA



The anti-trafficking coordination structures of South Africa are key to ensure the implementation of the NPF through a uniform, coordinated and cooperative approach by all government departments, organs of state, institutions, IOs, NGOs, faith-based and community-based organisations dealing with trafficked persons and TIP matters.

In order to be effective and efficient, the anti-trafficking coordination structures are to be guided in their work by clearly defined terms of reference, describing roles and responsibilities for all stakeholders providing services related to trafficking in persons as to prevention, victim protection, prosecution, and partnerships across all spheres of government and civil society. The Act places the responsibility of coordination on the Director-General of Justice and Constitutional Development⁹ and stipulates that the Minister may set up a mechanism to facilitate the implementation of the Act and coordinate responsibilities, functions and duties.

In view of this and taking into consideration the provisions of the Act, the Minister shall appoint the Chief Director of Justice and Constitutional Development or her/his nominee as the National Anti-Trafficking Coordinator (NC) to coordinate, monitor, and report as to the implementation of the NPF. The NC will lead the National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) that will facilitate and support the NPF execution by ensuring that the relevant departments and other stakeholders fulfil their respective obligations. The NICTIP will draw support from the National Rapid Response Team (NRRT) and the nine Provincial Task Teams (PTTs) seized with the responsibility for the management and implementation of the Act and the NPF at grass roots level. The PTT will further be supported by the Provincial Rapid Response Teams (PRRT) that are responsible for the operational matters of the TIP cases locally.

The NC, the NICTIP, the NRRT, the PTTs, and the PRRTs will carry out their mandates in line with the NPF guiding principles and approaches and in full compliance with the terms of reference to be drafted by the Minister's Office in cooperation with the Director-General of Justice and Constitutional Development.

This structure constitutes South Africa's National Coordination Referral Mechanism as envisaged in the Act as well as International principles

2.2.1 National Anti-Trafficking Coordinator and Secretariat

Appointed by the Minister, the Chief Director of Justice and Constitutional Development or her/his nominee will act as the National Anti-Trafficking Coordinator (NC), who will lead the National Inter-sectoral Committee on Trafficking in Persons (NICTIP). More specifically, the NC will be responsible for:

- Ensuring the overall coordination and cooperation of the different stakeholders and their compliance with the roles and responsibilities assigned to them in the NPF;
- Supporting the development and review of guidelines on the identification of victims of trafficking and traffickers;
- Supporting the development and review of Standard Operating Procedures (SOPs) to ensure a sound case management and assistance of trafficked persons by all anti-trafficking professionals involved at the different stages of the identification, protection, and support process;

⁹ Act, Sections 41(1) – (3).

- Supporting the establishment of an integrated information and reporting system to ensure a continuous overview of all work carried out by the NICTIP members and to facilitate the effective monitoring and implementation of the NPF;
- Ensuring regular flow of information on the NPF implementation to all NICTIP members and other relevant stakeholders;
- Gathering data and information to support the drafting and submission of annual reports for tabling in Parliament;
- Supporting the development and implementation of performance standards, monitoring and evaluation systems;
- Supervising and monitoring the execution of the NPF activities throughout the Republic and ensuring the NPF final assessment by an independent party;
- Listing anti-trafficking stakeholders' contacts and projects and make them available upon request;
- Establishing contact with foreign and international peer anti-trafficking structures, when required;
- Participating at meetings of national and international anti-trafficking networks and fora, when required.

The NC shall be supported by a soundly staffed and funded Secretariat, either in-house or outsourced, to ensure effective and efficient functioning of its mandate.

2.2.2 National Inter-Sectoral Committee on Trafficking in Persons (NICTIP)

The DoJ&CD is responsible for setting up and leading the NICTIP, whereas the Minister of Justice and Correctional Services carries the ultimate authority over all its operations.

The NICTIP is composed of government Departments and institutions that play an important role in the effective execution of the Act and the NPF, namely:

- Department of Justice and Constitutional Development
- Department of Social Development
- Department of Home Affairs
- Department of Labour
- Department of Health
- Department of Women
- Department of International Relations and Cooperation
- Department of State Security
- Department of Finance
- Department of Performance, Monitoring and Evaluation
- National Prosecuting Authority of South Africa
- South African Police Service
- Government Communication and Information System
- South African Revenue Services
- NGO representatives appointed by DSD.

New members may be added, when necessary.

The NICTIP is chaired by the Chief Director of Constitutional Development or her/his nominee who acts also as National Coordinator and it is co-chaired by the National Prosecuting Authority. The participation of the

national Departments is monitored through the JCPS Development Committee and Provincial Development Committees (DevCom).

The NICTIP is tasked to contribute to the development of a coordinated and thorough anti-trafficking response in South Africa by:

- Proposing improvements to anti-trafficking legislation if/as needed and finalise the NPF;
- Providing all necessary information on behalf of departments to the NC and the NICTIP members to facilitate coordination of responsibilities, duties, and functions for effective implementation of the national policy framework and the Act;
- Facilitating and supporting the implementation of the NPF activities of the participating Departments, including, inter alia, research, public awareness campaigns, uniform trainings, and outreaches;
- Ensuring the accountability of the participating Departments;
- Facilitating communication between national and provincial structures;
- Facilitating the development of an integrated information and reporting system to ensure a continuous overview of all work carried out by the NICTIP members and to facilitate the effective monitoring and implementation of the NPF;
- Supporting the Provincial Task Teams (PTTs) to allow them to carry out their work effectively and in a coordinated fashion;
- Facilitating the submission of the reports by coordinating the annual provincial reports inputs;
- Promoting common communication strategies;
- Mobilising sufficient resources in terms of skills and funds needed to implement the NAP.
- Supporting the monitoring and assessment of the overall effectiveness of counter-trafficking responses through the active involvement of the Department involved.

DoJ&CD must ensure dedicated expert human and financial resources through the establishment of a Secretariat, either in-house or outsourced, to ensure effective functioning of the anti-trafficking coordination structures.

2.2.3 National Rapid Response Team (NRRT)

The National Rapid Response Team is the operational anti-trafficking front-line response at the national level, providing a coordinated and rapid response when suspected cases of trafficking in persons are reported or are pending in the criminal justice system.

The NRRT is chaired by the Department of Justice and Constitutional Development and is composed of a team of anti-trafficking officials from:

- Department of Justice and Constitutional Development
- National Prosecuting Authority of South Africa
- Department of Social Development
- South African Police Service
- Department of Health
- Department of International Relations and Cooperation
- Department of Home Affairs
- Department of Labour

- Government Communication and Information Systems
- NGO appointed by the Department of Social Development

Additional members may be added or invited to participate in addressing specific cases when necessary.

The NRRT is responsible for contributing to the development of a coordinated anti-trafficking response in South Africa at the national level by:

- Promptly attending the convened meetings whenever a suspected or pending TIP case is reported, ensuring the full participation and accountability of all relevant stakeholders and service providers;
- Swiftly setting into motion the coordinated and multi-disciplinary management of the TIP case throughout all steps of the identification, support, protection of the victims and prosecution of traffickers, according to the shared SOPs;
- Responding to requests of PTTs when needed;
- Managing effectively and efficiently the case flow process;
- Promoting and/or participating in capacity building trainings;
- Regularly updating the NC on progress of pending TIP cases and on data to be eventually reported to the NICTIP through a uniform reporting system;
- Allocating and/or using the available resources effectively and efficiently.

2.2.4 Provincial Task Teams (PTTs)

The Regional: DoJ&CD and the National Prosecuting Authority are responsible for setting up the PTTs in all nine Provinces of South Africa. Each PTT is constituted by Provincial Government Departments and institutions that play an important role in the implementation of the NPF and the Act, namely:

- Department of Justice and Constitutional Development
- Department of Social Development
- Department of Home Affairs
- Department of Labour
- Department of Health
- Department of Education
- Department of Agriculture
- Department of Co-operative Governance and Traditional Affairs
- National Prosecuting Authority of South Africa
- South African Police Service
- Premier's Office
- Government Communication and Information Systems
- Community Safety
- NGO representatives appointed by DSD
- New members may be added, when necessary.

The PTTs are chaired by the Director of Legal Services or her/his nominee from Regional: DoJ&CD or by the NPA. The participation of these Provincial Departments will be monitored through the Provincial Development Committee (Devcom).

The PTTs are responsible for contributing to the development of a coordinated anti-trafficking response in South Africa at the provincial level by:

- Ensuring that all relevant stakeholders are represented at provincial level, regularly attend the meetings, and are held accountable;
- Facilitate departmental consultations during the drafting, approval, implementation and revisions of the NPF;
- Provide all the necessary information and facilitate communication on behalf of provincial departments to ensure coordination of responsibilities, duties and functions for effective implementation of the NPF and the Act, in compliance with the integrated information management system to be developed by the NICTIP;
- Developing and executing provincial anti-trafficking action plans in line and in compliance with the NPF. Such plans will ensure the provision of training and capacity building activities targeting all relevant stakeholders; public awareness and outreach initiatives; research activities;
- Establishing the Rapid Response Teams (RRTs);
- Ensuring the management of cases in close cooperation with the RRTs based on shared SOPs;
- Allocating and/or using available human and economic resources effectively and efficiently to implement the provincial anti-trafficking action plans;
- Monitoring and assessing the overall effectiveness of the provincial anti-trafficking action plans;
- Regularly reporting to the Regional DOJ&CD.

The Regional: DOJ&CD shall ensure dedicated expertise and skills to secure the functioning of the PTTs through an in-house or outsourced Secretariat.

2.2.5 Provincial Rapid Response Teams (PRRTs)

Each Provincial Task Team is responsible for setting up the Provincial/Rapid Response Team in its territory. The RRTs are the operational anti-trafficking front-liners at the provincial level providing a coordinated and rapid response when suspected cases of trafficking in persons are reported or are pending in the criminal justice system.

The composition of the PRRTs varies depending on various factors at local level.

The PRRTs are chaired by the National Prosecuting Authority or the Department of Justice and Constitutional Development (DOJ&CD).

The participation of the appointed members of the PRRTs will be monitored through the PTTs.

The PRRTs are responsible for:

- Promptly attending the convened meetings whenever a suspected or pending TIP case is reported, ensuring the full participation and accountability of all relevant stakeholders and service providers;
- Swiftly setting into motion the coordinated and multi-disciplinary management of the TIP case throughout all steps of the identification, support, protection of the victims and prosecution of traffickers, according to the shared SOPs;
- Managing effectively and efficiently the case flow process;
- Promoting and/or participating in capacity building trainings;
- Monitoring and assessing the overall effectiveness of the PRRTs work;
- Regularly updating the PTTs on progress of pending TIP cases and on data to be eventually reported to the NICTIP through a uniform reporting system;
- Allocating and/or using the available resources effectively and efficiently.

The PTTs are responsible for allocating the necessary funds for the sound and smooth functioning of the PRRTs.

CHAPTER 3 - NPF: THE NATIONAL ANTI-TRAFFICKING STRATEGY AND ACTION PLAN

Introduction

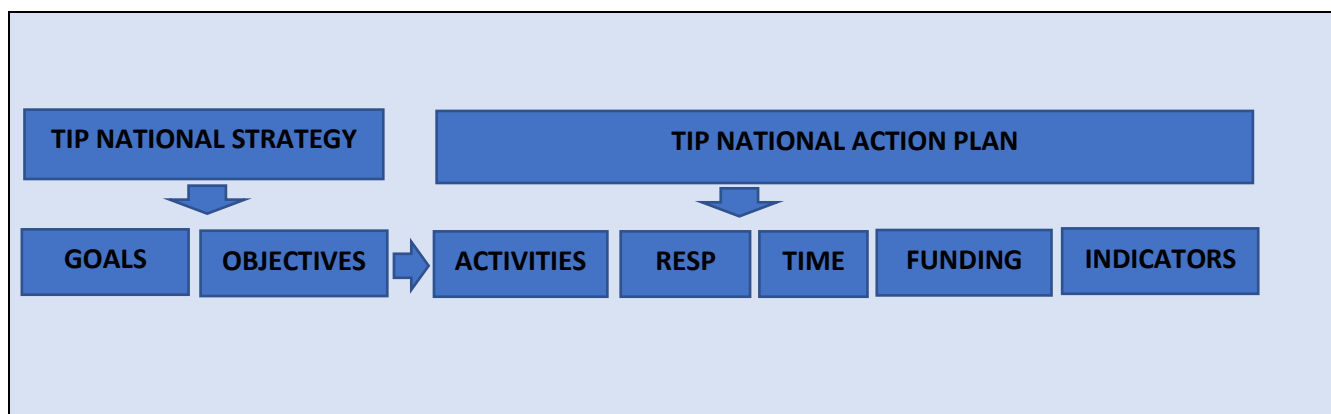
The NPF is articulated into two parts: the national anti-trafficking strategy and the action plan.

The strategy outlines the strategic goals and specific objectives to be achieved to facilitate a comprehensive implementation of the Act. It provides the vision of what are the priorities for the Republic of South Africa in the current phase, taking into account also realistic resource mobilisation capacity. The set goals and objectives for the NPF are presented in narrative form in this chapter. They are organised around areas of intervention: prevention, protection, etc. (see 'Pillars on anti-trafficking responses'). To make consultation easier, goals and objectives for each pillar have been colour coded, as illustrated below.

The Action Plan details how to achieve those goals, indicating the activities to be undertaken, the expected timeframes for implementation, the lead responsibilities, and the allocated or mobilised resources (internal and external). The action plan has been elaborated on the basis of the goals and objectives identified in the strategy. The methodology used attempts to cater to the need of rendering the link between goals, objectives and envisaged activities clear and easy to review. The action plan is directly illustrated in the summary table '**Integrated Strategy and Action Plan**', which also reproduces in a synthetic form the strategic goals and objectives in order to allow to visualize easily the connection between the two levels of the NPF.

For each strategic goal and specific objective, indicators have been listed to help monitoring and evaluating the implementation of the NPF. Indicators have been formulated as impact, outcome or output indicators depending on the level and type of goal and objective. This approach aims to facilitate the task of subsequent revisions as necessary.

Figure 2 – Overview integrated strategy and action plan








Pillars of Anti-Trafficking Responses

The strategy is structured on the basis of the four pillars of anti-trafficking responses – also commonly referred to as the 4 Ps: prevention, protection, prosecution and partnerships. This reflects an evolution of anti-trafficking policies, as originally responses to trafficking in persons were structured only along three pillars: prevention, protection and prosecution. To acknowledge the importance of cooperation and coordination of responses at national and international level, in time a fourth pillar has been added:

partnerships. For ease of planning, this pillar is conventionally sub-divided into two levels: 'partnerships at national level' and 'partnerships at international level' (sections 3.1 and 3.5 below).

Overview of the anti-trafficking strategic pillars used in the NPF and the colour code adopted for each pillar:

| | |
|---|-----------------------------------|
|  | Partnerships: National Level |
|  | Prevention |
|  | Protection |
|  | Prosecution |
|  | Partnerships: International Level |

3.1 Partnerships: National Level



This section of the NPF refers to the fundamental pillar of partnerships at national level, which is also referred to as the anti-trafficking institutional framework. It describes measures in four policy areas: Anti-trafficking Coordination Structures; the Legal and Regulatory Framework; Resources Budget and Mobilization; Monitoring, Evaluation and Review.

A comprehensive anti-trafficking response requires multi-disciplinary bodies and an effective coordination mechanism in place to allow each stakeholder to act in synergy with others. The complexity of this policy area cannot be underestimated as trafficking in persons is a phenomenon that manifests itself in many sectors and affects society broadly. Responses require the involvement of different stakeholders depending on the case. This entails flexibility in the response mechanism, but requires standardisation of procedures to ensure quality of services and consistency of interventions. The legal and regulatory framework must be complete and consistent to ensure that all stakeholders are guided consistently in the implementation of the Act. Resources need to be allocated or sought through extra-budgetary sources to ensure that strategic and operational measures foreseen in the NPF can be implemented. The NPF must be monitored, evaluated and reviewed regularly on the basis of data to ensure correcting or improving measures when necessary.

In line with these priorities, the following strategic and specific objectives and measures have been identified.

3.1.1 Anti-Trafficking Coordination Structures

STRATEGIC GOAL:

- To establish a coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders

SPECIFIC OBJECTIVES:

- To establish relevant anti-trafficking institutional structures and monitor related tasks, roles, and responsibilities
- To ensure the participation of all relevant institutions, civil society (NGOs, traditional leaders, etc.) and IOs in anti-trafficking coordination structures and response
- To set up an officially binding mechanism and procedures to ensure a uniform, coordinated, and cooperative anti-trafficking response by all relevant anti-trafficking stakeholders
- To ensure and facilitate regular information exchange among all stakeholders involved

The anti-trafficking national response in South Africa is organised through multi-disciplinary bodies at national and provincial level involving governmental agencies, civil society (e.g. non-governmental organisations, academia, traditional leaders, civic movements) and international organisations. An overview of the South Africa anti-trafficking coordination structures has been provided above in section 2.2 above. **At the time of writing, most of the anti-trafficking coordination structures have been established.** Two additional functions need to be established: the National Coordinator and the National Rapid Response Team (see details in section 2.2 above).

The already established anti-trafficking coordination structures are functioning and have been meeting regularly. A number of priority activities to support their functioning have been identified in the course of 2018 and have been inserted in the NPF for follow up action. These include the compilation of contact lists with anti-trafficking focal points in the country, and the development of Standard Operating Procedures

(SOPs) for the entire anti-trafficking cycle of responses, from early identification of victims to short and long-term assistance and protection, including return/repatriation and long-term social inclusion or re-integration measures, as well as in investigations and prosecutions, and/or support and assistance in criminal justice proceedings and access to remedies (e.g. compensation) for victims who decide to cooperate with the criminal justice authorities.

3.1.2 Legal and Regulatory Framework

STRATEGIC GOAL:

- To ensure the establishment of a comprehensive regulatory framework to protect trafficked persons and counter trafficking in persons;

SPECIFIC OBJECTIVES:

- To complete the regulatory framework by issuing missing Regulations, National Directives, Instructions, etc.;
- To ensure periodic review and amendment of the necessary legislation and regulatory framework.

One of the most important features of anti-trafficking responses is the effectiveness of the legal and regulatory framework. The Act provides a comprehensive legal framework to counter trafficking in persons and protect the victims of the crime. In order to become fully operational, the Act requires that specific sets of regulations are made. In particular, section 43 stipulates that:

The Minister of Justice and Correctional Services must make regulations regarding the manner in which prosecutors must refer children and adult persons suspected of being victims of trafficking for assessment to the provincial department of social development¹⁰ and apply to the court for a postponement in case of criminal proceedings concerning the presumed victim of trafficking.

The Minister of Home Affairs must make regulations regarding:

- the manner in which a foreigner will be issued with a visitor's visa to remain in the Republic for a recovery and reflection period and the conditions upon which that visa is issued;
- the manner in which the DG:DSD must request an extension of the recovery and reflection period for cases in which the DSD is unable to complete an investigation on the circumstances of a victim before the expiration of the recovery and reflection period. In particular this is necessary when the victim is unwilling or unable to co-operate with law enforcement and prosecuting authorities, to determine whether it is safe to repatriate him or her to his or her country of origin or the country from where he or she has been trafficked;
- the manner in which any extension of the recovery and reflection period must be granted as provided for in section 15(4) i.e. in cases where the DG:DSD is unable to complete an investigation before the expiration of the recovery and reflection period. The extension may not exceed a period of three months.¹¹
- the manner in which a person must be informed of arrangements that have been made for his or her reception in the country to which he or she is to be repatriated as provided for in section 31(2)(b)(ii).¹²

¹⁰ Act, Section 22(2)(b).

¹¹ Act, Section 15 (4).

¹² 'The Director General: Social Department must inform a person referred to in paragraph (a) in the prescribed manner, of any arrangements that have been made for his or her reception in the country to which he or she is to be repatriated'.

The Minister of Social Development must make regulations regarding:

- the assessment of a person to determine whether he or she is a victim of trafficking as provided for in sections 18(6) and 19(8) as well as the information to be obtained from the South African Police Service as provided for in those subsections;
- the letter of recognition to be issued to a person who has been found to be a victim of trafficking as provided for in section 19(10);
- the manner in which a provincial head may withdraw a letter of recognition as provided for in section 19(11);
- the manner in which a person must lodge an appeal as provided for in section 20(1)(b);
- the manner in which the MEC must deal with an appeal as provided for in section 20(2);
- the manner in which the provincial department of social development must refer a person referred to in section 20(3) to the Department of Home Affairs;
- the system of accreditation of organisations to provide services to adult victims of trafficking as provided for in section 24(2)(a);
- the circumstances in which accredited organisations qualify for financial assistance as provided for in section 24(2)(b);
- the manner in which the applications for accreditation of organisations must be considered and the form of the certificate of accreditation to be issued to an organisation which provides services to adult victims of trafficking as provided for in section 24(4)(a);
- the manner in which the developmental quality assurance process must be conducted in respect of each accredited organisation, as provided for in section 24(5);
- the norms and minimum standards for accredited organisations as provided for in section 25(1);
- the manner in which information on victims of trafficking must be collected as provided for in section 25(4);
- the form of the plan [to address the needs of the victim] referred to in section 28(2); and
- the manner in which an adult victim of trafficking is to be returned as provided for in section 34(2)(b).

The Act came into operation on 9 August 2015, except sections 15, 16 and 31(2)(b)(ii), in respect of which the Department of Home Affairs has not yet issued regulations. Hence the NPF sets as a strategic goal to ensure the establishment of a comprehensive regulatory framework to protect victims and counter trafficking in persons, and as a specific objective to complete the regulatory framework by issuing the necessary Regulations, National Directives, Instructions.

Only after full implementation is achieved, will it be possible to start evaluating if the provisions of the existing legal and regulatory framework are adequate. In line with this approach, the NPF foresees to ensure the periodic review and in case of need amendment of the legal and regulatory framework (see also 3.1.4).

3.1.3 Resource and Budget Mobilisation

STRATEGIC GOAL:

- To secure resources necessary to fully implement the NPF

SPECIFIC OBJECTIVES:

- To identify the human, technical, and financial resources required to implement anti-trafficking activities by Province
- To secure and progressively increase budget allocations within regular budgets of government agencies
- To establish a tracking and analysis system of budget allocations and expenditures

In order to implement an effective and sustainable anti-trafficking response, it is crucial to allocate sound human, financial, and technical resources for all pillars envisaged in the NPF. The NC bears the overall responsibility for resource and budget mobilisation for the coordination function. Each Department bears the responsibility for the allocation of their own budget and resources to implement the Act and the NPF.

In this regard, the government of South Africa commits to mobilize, increase, and allocate the budget necessary to achieve the NPF goals. In this view, a needs assessment will be carried out via a survey distributed to all stakeholders concerned, which will provide information on their specific needs in a timely fashion. Based on the survey's findings, a detailed plan of the resources needed and how to mobilise them will be drafted, along with the identified priorities to take into account. Eventually, a budget plan will be developed and adopted.

Financial resources will be allocated from the baseline budgets of key implementing departments. NICTIP will engage with departments in joint budgeting and funding to optimise the anti-trafficking response throughout all nine provinces. The integrated budget plan may also provide for the financial support of international donors and public-private partnerships. Furthermore, a tracking and analysis system of budget allocations and expenditures will be established.

Appropriate and equitable human and technical resources must be ensured to fully equip PTTs and RRTs. This is essential for effective functioning of the provincial structures. Through the NPF, capacity building activities will be delivered to provide all anti-trafficking stakeholders with the necessary skills to manage anti-trafficking cases and, most of all, to fully protect trafficked persons.

3.1.4 Monitoring, Evaluation and Review

STRATEGIC GOAL:

- To improve regular anti-trafficking responses adjusting them as needed in time

SPECIFIC OBJECTIVES:

- To ensure systematic data gathering and analysis of all relevant information and data at strategic and operational level
- To ensure regular evaluation of all activities and measures undertaken within the NPF
- To ensure the annual review of the NPF

Monitoring, evaluation and reviews of the national anti-trafficking strategy and the action plan are important to determine the success of the national anti-trafficking response and ensure the adaptation of the response to emerging trends. The NPF sets as a strategic goal to improve anti-trafficking responses adjusting them as needed in time.

To determine the success of the national anti-trafficking response, it is not enough to monitor and evaluate only the elements of the operational level, by examining anti-trafficking activities, or to concentrate on the strategic level by determining the achievement of strategic goals. It is necessary to look at all elements: activities, outputs, specific objectives and strategic goals.

Monitoring is the continuous collection and analysis of data. It provides the basis for evaluation and review. Monitoring data should be collected on a regular basis from all stakeholders involved in the implementation of anti-trafficking activities. Monitoring data should be collected according to a predefined monitoring template and it should be stored and accessible in a central place. In the context of the national anti-trafficking response monitoring should take place at the strategic and the operational level.

Evaluation is a systematic collection and analysis of predefined information to make judgements, improve programme effectiveness and/or generate knowledge to inform decisions about future programmes/policies. In the context of the NPF, evaluation will mainly take place at the operational level with the aim to improve the implementation of projects and measures and to assess the achievement of the operational aims.

Review of the national anti-trafficking response means to determine the degree of its success on a yearly basis. Thus, the review focuses on the achievement of the envisaged goals, at the strategic level as well as at the specific objectives at operational level. If necessary, goals are adjusted to reflect new requirements or changing situations.

All stakeholders' representatives are to be held accountable for non-adherence to their duties and obligations as per national instructions and directives. Disciplinary measures should therefore be imposed as per Section 44(11) of the Act.

Research may be linked to monitoring and evaluation of all activities undertaken to implement the Act. Information management systems of the departments must be utilised to monitor the effective implementation of the Act by comparing and analysing available data for trends and assessing impact. Regular reports must be provided to the DG:DOJ&CD by relevant departments.

The DG: DOJ&CD may assist with the identification of key research areas within trafficking in persons sector to ensure the progressive implementation of the Act, based on accurate data.

Research results must first be submitted to the DG: DOJ&CD for recommendations, thereafter shared with different role players to ensure the development of strategies and actions that are responsive to the research recommendations.

The DG: DOJ&CD may assign the execution of a research study to any implementing stakeholder in matters relevant to the obligations and responsibilities of such stakeholder. All research activities will be conducted within the available resources of the stakeholders.

3.2 Prevention

Prevention is a key component of any anti-trafficking response specifically aimed at reducing factors that allow for the crime of trafficking in persons to occur and the individuals to be harmed. It encompasses a variety of strategies, policies, and measures that require the involvement of different anti-trafficking stakeholders. In order to be successful, any prevention strategy and policy must result from an updated, comprehensive, and multidisciplinary knowledge and thorough analysis on the root causes, the ever-changing features, and the effects of trafficking in persons on the individuals, their communities, and society at large. Also, the assessment outcomes of prior prevention measures must inform the design and implementation of any new prevention programme. Through the NPF, the **government of South Africa commits to implement in all its territory a comprehensive prevention strategy through a wide range of measures that will integrate a human rights-based approach and will involve all anti-trafficking stakeholders** tasked with the execution of the NPF as well as the local communities. More specifically, it commits **to improving the knowledge base on different trafficking in persons-related issues through multi-disciplinary research**; the achievement of both commitments will contribute to gather crucial data to design and implement tailored policies and interventions to prevent trafficking, assist victims, and prosecute the traffickers. The NPF also intends **to tackle the factors that make people vulnerable to trafficking and exploitation, including administrative controls, and to raise awareness in different areas of South Africa**. In this regard activities carried out under the NPF will be integrated with government's broader efforts on preventing and combating gender based violence. Through the NPF, the government is also determined to prevent trafficking, provide proper support to victims, and counter-act the crime through the **regular delivering of training targeting all professionals and stakeholders** who may come into contact with a potential or presumed victim, a trafficker, or exploiter.

In line with these priorities, the following strategic and specific objectives and measures have been identified.

3.2.1 Awareness Raising and Education

STRATEGIC GOAL: To raise public awareness and prevent trafficking in persons

SPECIFIC OBJECTIVES:

- To improve knowledge of the general public on trafficking in persons
- To prevent trafficking of vulnerable groups and re-trafficking of former victims
- To contribute to behaviour change by clients (individuals, private and public companies/enterprises) who purchase goods and services provided by trafficked victims

Based on an interdepartmental public awareness and communication strategy, integrated public awareness programmes or other measures for the prevention and combating of trafficking in persons will be carried out, in full compliance with the Act¹³. They will target the general public as well as specific target groups, such as, vulnerable persons (women, children, undocumented migrants, LGBTI people, people with disabilities, etc.), foreigners applying for SA visas, and SA citizens travelling abroad. Information covered should include common root causes of trafficking, recruitment techniques, forms of exploitation, practices used to keep victims in exploitative situations, safe migration and existing possibilities for labour migration,

¹³ Act, Section 41(1)(d).

and contact details of institutions, civil society organisations, NGOs, IOs, and law enforcement agencies that can provide further information or help.

Public awareness and communication must be designed to discourage the demand and supply of cheap labour that foster trafficking and exploitation of vulnerable individuals, especially women and children, who may fall prey to fraudulent employment offers and find themselves in coercive and exploitative conditions. Harmful traditional practices, distorted cultural and other practices should also be dealt with harshly (e.g. the distorted practice of “Ukuthwala”) in the awareness raising measures.

These programmes will further be implemented throughout the country, including in schools, in order to reach people in rural areas, where possible be offered in local languages understood by audience and be reviewed every second year to determine their effectiveness. Forms of media (print, electronic, mainstream and alternative) will be used in the dissemination of information on trafficking in persons. Through communication units of the implementing government departments and the government Communication Information System (GCIS), relationships must be established to provide public information on implementation of the Act and NPF. Publicity material on the NPF must be produced and shared with all NPF stakeholders so to reach the widest population possible.

3.2.2 Reduction of Vulnerability

STRATEGIC GOAL: To reduce vulnerability to trafficking in persons and re-trafficking

SPECIFIC OBJECTIVES:

- To ensure children access to education
- To improve social and labour inclusion of persons living in poor conditions
- To improve social and economic conditions of vulnerable populations
- To strengthen the fight against all forms of discrimination

A wide range of economic, social, and cultural factors, such as, *inter alia*, poverty, poor or no education, unemployment or unprotected labour conditions, restrictive migration policies, gender and ethnic discrimination, gender based violence, lack of public protection systems increase vulnerabilities and fuel trafficking in persons.

Through the NPF, the government of South Africa intends to reduce vulnerability for trafficking by counteracting discrimination, marginalisation, and social exclusion, with a particular emphasis on women, minorities and children. In this view, it intends to promote programmes that offer livelihood options, basic education, access to health services, and inclusive employment schemes to individuals living in poor conditions or socially excluded because discriminated against due to their gender, sexual orientation, national or ethnic group, age, religion, disability, migration status.

Prevention and elimination of gender-based discrimination and promotion of women’s economic rights will be pursued through community educational and awareness programmes and schemes to ensure women equal access to and control over economic and financial resources, i.e. promotion of flexible financing and access to credit, micro-credit with low interest for socially vulnerable women.

Children who do not have access to education or are forced to drop out of school because of inequalities that originate in sex, health and cultural identity are especially vulnerable to trafficking and exploitation. Measures to reduce the non-schooling and the drop-out rate will be implemented to ensure the children

benefit from learning that is key to their intellectual and social development. Special efforts will be made to reduce the gap between girls and boys with regard to access to education.

3.2.3 Research

STRATEGIC GOAL: To improve knowledge on trafficking in persons

SPECIFIC OBJECTIVES:

- To ensure an up-to-date overview on trafficking in persons in South Africa
- To improve the anti-trafficking framework
- To ensure that research is relevant for policy development and linked to operational needs

Research is key to understand and monitor the scope, nature, and impact of trafficking in persons, which is an ever-evolving phenomenon. It is crucial because it provides the information to design legislation, policies, and practices to better prevent and fight trafficking in persons and protect victims.

In the last few years, knowledge on trafficking has improved in South Africa but more effort is needed to have a more comprehensive overview both of the phenomenon and the functioning of the anti-trafficking legislation and protection support system, with a special attention to children. In order to fulfil this knowledge gap, the NPF will commission multi-disciplinary quantitative and qualitative research to investigate different trafficking in persons related-issues, including a public financial management analysis to create baseline knowledge on costs. NGOs will be involved in research-action both to assess the anti-trafficking services and gather information on the trends of the phenomenon. Ethics for researchers and researching in the anti-trafficking field will be adopted to ensure proper investigations. Research findings will be used to design or revise the NPF's goals and measures in order to better fulfil its purpose.

3.3 Protection and victim assistance

In order to effectively address trafficking in persons and prevent re-trafficking, States should ensure support and protection to trafficked persons, regardless of their willingness or capacity to cooperate with the law enforcement agencies and/or testify against their traffickers and exploiters. By doing so, States comply with their **obligations under international human rights and anti-trafficking laws**, which regard **trafficked persons as victims of serious human rights violations** and, therefore, are entitled to **protection, assistance and redress**. In many areas of South Africa, identification of potential and presumed victims, though, is still a challenge that jeopardizes the life of too many women, men, and children, both nationals and foreigners, who may or have already fallen prey to traffickers and exploiters. Several public institutions and NGOs grant assistance and protection to victims but more specialised service providers are needed along with a comprehensive and shared set of tools and standardised guidelines to ensure proper identification, assistance, and protection. Through the NPF, the **government of South Africa commits to improve the identification of potential and actual victims of trafficking and ensure them full protection**. More specifically, it intends to develop **identification indicators** and **Standard Operating Procedures (SOPs) to establish a cooperative and coordinated framework involving all relevant anti-trafficking stakeholders to enhance identification, referral, and protection of assisted trafficked persons**. In line with the Act, the NPF will also design **measures to support swift access to compensation**. Special attention will be given to foreign victims through the enactment of **regulations to grant them a residence permit and access to protection; schemes for a sound repatriation to their home countries will also be designed**.

In line with these priorities, the following strategic and specific objectives and measures have been identified.

3.3.1 Identification

STRATEGIC GOAL:

- To ensure the early identification of potential and presumed trafficked persons

SPECIFIC OBJECTIVES:

- To improve the ability of law enforcement and other state and non-state actors to identify potential and presumed victims of all forms of trafficking
- To establish and adopt standardised and shared procedures and tools of identification at national level

Identification of potential and presumed victims of trafficking in persons is an authentic challenge for many reasons. To name but a few, trafficking tends to be a hidden phenomenon; trafficked persons are too scared to come forward or do not identify as victims and rights' holders; stakeholders are often not trained on identifying and helping victims. Identification of a trafficked person can be a complex and time-consuming process because of the complexity of the criminal case or the time necessary for a victim to sever ties with their traffickers and exploiters, recover and speak out. Therefore, in many instances, identification is more a process rather than a result of a prompt act. Nevertheless, it needs to be carried out quickly and accurately to help and protect victims.

Even though trafficked persons are officially identified by law enforcement officials, they may be detected by many other stakeholders, such as, for instance, NGOs and IOs workers, labour unionists, labour inspectors, social workers, health professionals, people working in schools and in juvenile facilities, if properly sensitised. Against this background, through the NPF, the government of South Africa is committed to improving the

identification skills of a wide range of stakeholders, by ensuring that comprehensive trainings and refreshers courses on different forms of trafficking in persons and related-issues are designed and delivered. Moreover, modules on trafficking will be regularly included in training curricula of agencies that most likely may come into contact with trafficked persons.

Knowledge on trafficking-related issues must be coupled with operational tools and coordinated procedures to ensure the early identification of victims. The NPF will thus provide for the development of a list of indicators to be adopted by all relevant anti-trafficking stakeholders. The list will take into consideration all forms of trafficking since victims can be found in many different situations of exploitation. It will also be regularly reassessed and revised to include new information and trends.

Guidelines to coordinate the different stakeholders within and across the agencies involved in the distinct steps of identification will be drafted and be part of the Standard Operating Procedures (SOPs) the government intends to deliver. Both lists of indicators and guidelines will be disseminated by NICTIP to PTTs and RRTs, which will be required to use them.

Public awareness raising initiatives can also have a role in informing and alerting people that might come into contact with trafficked persons, such as colleagues, neighbours, (potential) clients, and others and therefore provide another means of identification. This will be taken into account when drafting the NPF awareness raising strategy in order to develop messages that include information on how to obtain/activate professional support.

3.3.2 Assistance, Protection and Social Inclusion

STRATEGIC GOAL:

- To ensure that victims of trafficking have access to comprehensive assistance programmes aimed at their protection and social inclusion irrespective of their willingness to cooperate in criminal proceedings and immigration status

SPECIFIC OBJECTIVES:

- To ensure all victims are safe and fully informed about their rights and options
- To ensure victims have access to opportunities and resources aimed at their social and labour inclusion
- To ensure standardized service provision in line with international standards
- To ensure shared, coordinated and cooperative procedures for social protection and support

Assistance is of primary importance to ensure that victims are free from exploitation and regain control over their life as rights' holders. It is crucial to ensure that assisted persons have access to the opportunities and resources necessary to regain their dignity and have a fair chance to participate in economic and social life. Services provided by public institutions and accredited organisations must therefore offer an opportunity for trafficked persons to escape trafficking, violence and exploitation and enable them to acquire their self-reliance and become fully-fledged citizens or, in case of foreign nationals, regular migrants.

Assistance should include at a minimum safe and appropriate accommodation, counselling, health and psychological care, free legal assistance, education, and whenever possible training and employment opportunities. All services must be provided on a voluntary and confidential basis, in a non-discriminatory and non-judgemental manner and in compliance with international human rights standards, especially respect for the right to privacy, confidentiality, self-determination, and freedom of movement. An individual

needs assessment must be the starting point to develop a tailor-made, multi-disciplinary assistance plan to properly meet the specific needs of the persons assisted. All trafficked persons should be entitled to social assistance and protection regardless of their willingness or capacity to press charges and/or give testimony against their traffickers.

The Act sets out the system for accreditation of organisations that provide services to adult victims of trafficking as well as the norms and minimum standards to comply with. It also establishes the requirements of the programme to be offered by the accredited organisations to victims. In order to ensure that assistance meets the victims' needs and is provided consistently and efficiently across the country, the government of South Africa intends to assess the services provided against the international standards of quality assistance and care, also to identify needs and gaps to eventually improve the overall assistance system and allow trafficked persons to achieve full social and labour inclusion. In this view, it is also determined to gather and analyse best practices and evaluate their replicability in the country.

Moreover, the NPF intends to address the special needs of children, especially by ensuring child-friendly measures, including psychological and social support, care service, placement and protection in child and youth care centres or alternative care solutions.

Finally, in order to ensure uniform, coordinated and cooperative procedures for social protection and support shared by all anti-trafficking stakeholders, the government commits to develop Standard Operating Procedures also in this area.

3.3.3 Access to Civil Procedures, Witness Protection and Compensation

STRATEGIC GOAL:

- To ensure special protection to victims/witnesses and access to redress

SPECIFIC OBJECTIVES:

- To implement legislation and guidelines on victims/witnesses in cases of trafficking in persons
- To ensure compensation schemes for victims

Provision of legal aid to ensure access to justice is a key component of assistance to trafficked persons, who have the right to seek legal redress and compensation for the violation of their rights, and for harm suffered. Very few trafficked persons though receive information or legal assistance to claim compensation. Many trafficked persons are detained or expelled as irregular migrants before they have an opportunity to seek remedies. Trafficked persons should always be treated as victims of a crime and holders of rights. They should not be criminalised, re-victimised or re-traumatised as a result of their contact with law enforcement and judicial authorities. Too often, in fact, victims are treated as criminals or irregular migrants and are detained, charged or prosecuted for violations of immigration law or for activities committed as a direct consequence of their being trafficked (e.g. prostitution, possession or use of fraudulent documents, etc.).

In line with international standards, including the UN Convention on Transnational Organised Crime, witness protection and judicial treatment of trafficked persons must provide effective protection from retaliation or intimidation to the trafficked persons and their family as appropriate¹⁴, regardless of their degree of co-operation with police or judicial authorities, or the extent of their involvement in criminal proceedings. Full information should be given at all stages, including access to advice and time to consider the available

¹⁴ UNTOC, Art. 24.

options, including victim and witness assistance and protection schemes. Protection should be based on individual risks and needs assessment and include special procedures to protect victims possibly before, during, and after proceedings, including through relocation in a third country if necessary.

The right to compensation should be enforced in both criminal and civil proceedings, as well as any State compensation schemes. It should apply for the injuries suffered by the trafficked person as a victim of crime as well as for the loss of wages caused by forced labour suffered. Compensation is key to allow trafficked persons to rebuild their lives and start a process of social and labour inclusion. Compensation is not only a right but an empowering tool for victims of trafficking. The role of the Asset Forfeiture Unit (AFU) is key to support efforts in this area, as is the use of the Criminal Asset Recovery Account (CARU) and in general strengthening of financial investigations linked to trafficking in persons cases. Recent efforts and research in other countries and regions on these areas should be used to build responses in this field.

In compliance with the Act, through the NPF, the government of South Africa intends to support effective access to justice and compensation for trafficked persons. Furthermore, it intends to ensure the consistent application of witness protection schemes before, during, and after the civil and criminal proceedings to fulfil its obligations to treat trafficked persons as holders of rights.

3.3.4 Return and Repatriation

STRATEGIC GOAL:

- To ensure a safe and sound return and integration to trafficked persons into their South African community, origin country or - if deemed necessary – into a third-country

SPECIFIC OBJECTIVES:

- To develop comprehensive SOPs on return/repatriation of trafficked persons, both nationals and migrants
- To establish appropriate risk assessment and voluntary resettlement procedures for victims to avoid re-victimization and/or re-trafficking
- To develop long-term re/integration programmes for returnees in collaboration with local stakeholders

Returning/repatriating trafficked persons to their place of origin – within South Africa or abroad – is a decision that requires due consideration as to their rights, safety and dignity and shall preferably be a voluntary measure. In fact, the consequences of trafficking in persons do not end with the victims leaving the exploitative conditions or with the return/repatriation to their community or home country. Indeed, they may face reprisals, arrest, detention, prosecution, stigmatisation, discrimination, social exclusion and even rejection by their families or, in some cases, they risk their own life. Furthermore, due to a lack of proper assistance, protection and subsistence means, returned/repatriated victims run the risk to be re-victimised and be re-trafficked. In no case a trafficked person should be returned home if her or his life may be endangered or she or he may be subjected to in human or degrading treatment.

Reintegration programmes for returnees/repatriated trafficked persons are often unavailable or, in case they are provided, they are mostly short-term and do not provide sustainable social and economic means. Long-term assistance programmes – including access education, vocational training, employment opportunities – based on tailor-made solutions and a personalised plan should be developed in close cooperation with local social services and NGOs in order to enable returnees/repatriated trafficked persons to regain control over their lives and build a sustainable future.

Against this background and in line with the Act, the government of South Africa– in cooperation with the relevant stakeholders – will develop comprehensive return/repatriation SOPs to make sure that all relevant stakeholders take all necessary steps without undue or unreasonable delay. Special attention will be given to the elaboration of risk assessment procedures to gauge the safety of trafficked persons on their return/repatriation, including their prospects of social and labour inclusion and risks of re-trafficking. Appropriate voluntary resettlement procedures will also be developed as well as special measures for child victims based on their best interests determination in full compliance with the national and the international child protection standards. Foreign victims may be transferred to a third-country if they cannot return/be repatriated back to their homeland for safety reasons. In all cases, trafficked persons assisted will be provided with all relevant information on the return/repatriation options and procedures.

3.4 Prosecution

3.4.1 Investigations and Prosecutions

Trafficking in persons has been for many years a high profit, low risk crime for perpetrators. While efforts to investigate and prosecute traffickers have been stepped up recently thanks to the entry into force of the Act, the results in terms of convictions are still low in comparison to available estimates on the crime. With this NPF, the government of South Africa commits to further **strengthen the overall capacity of the criminal justice system to investigate and prosecute offenders**. This is a complex goal that will require a varied set of measures, whose effectiveness will be closely monitored.

One of the main difficulties in investigating trafficking in persons is the collection of evidence to prove the elements of the crime. Often defendants' strategies in court are successful in dismantling investigations because the evidence-base is weak, or the prosecution strategy rests exclusively on the testimony of the victims. To increase the chances of successful investigations, it is necessary **to improve cooperation between investigators and prosecutors** in order to develop stronger and more complex investigative strategies leading to the systematic gathering and corroboration of evidence. This in turn requires the application of a combination of proactive and reactive investigative techniques. This approach is also in line with another priority identified through this NPF: the need to **target organized crime systematically**, utilizing all the tools available in the national criminal justice system to counter transnational organized crime.

Within this frame, the strategy envisages **to institutionalise training on trafficking in persons for all criminal justice practitioners** in order to enhance specialised knowledge and skills of criminal justice stakeholders related to trafficking in persons, paying particular attention to strengthening multi-disciplinary coordination and cooperation among key players.

A closely related area that needs to be prioritised concerns the need **to ensure the correct implementation of provisions on the non-criminalization of victims of trafficking**. The limited capacity of the criminal justice system to detect the crime and to identify its victims has often resulted in the past in the paradox of victims being prosecuted for offences committed as a consequence of their position as trafficked persons. The NPF sets as a priority to ensure compliance with the Act in this key area of the anti-trafficking response.

Furthermore, under this NPF, increased attention will be paid to **investigating trafficking for labour exploitation**, a manifestation of the crime that requires a dedicated focus. While the capacity to detect trafficking for labour exploitation in South Africa has improved in recent years, the link between labour and criminal investigations remains weak. This results in inadequate responses, which send the wrong signal to criminals. As trafficking is a criminal business generating conspicuous profits, the government sets as a strategic goal to **pursue the seizure and confiscation of assets and proceeds of crime**.

In line with the above-mentioned measures, and to send a strong deterrent signal to criminals, this NPF also sets as a strategic objective **to promote the effective, proportionate and dissuasive application of penalties and sanctions** for cases of trafficking in persons so that penalties and sanctions related to trafficking in persons are commensurate to the gravity of the crime.

The government is also determined **to introduce anti-corruption measures to counter complicity in trafficking in persons**, as organised crime and corruption are a priority to be tackled in order to defend the State and its citizens.

In line with these priorities, the following goals and objectives have been identified:

STRATEGIC GOAL:

- To strengthen the capacity of the criminal justice system to investigate and prosecute the crime of trafficking in persons ensuring protection and assistance to trafficked persons

SPECIFIC OBJECTIVES:

- To improve cooperation between investigators, prosecutors and all other stakeholders
- To investigate organized crime groups engaged in trafficking in persons
- To institutionalise training on trafficking in persons for all criminal justice actors
- To ensure the correct implementation of provisions concerning the non-criminalization of victims of trafficking

Effective prosecutions require strong investigations, resting on solid evidence and utilizing a suitable combination of reactive and proactive (or intelligence-led) approaches. Victims' testimonies are often relied upon as the only or the main source of evidence in court. This is a practice that needs to be overcome in favour of more structured investigative strategies, which value the importance of using a vast range of evidence-gathering techniques, including special investigative techniques. To this end the cooperation between investigators and prosecutors is fundamental.

Investigations must focus not only on individuals, but also on the organised criminal networks involved in trafficking in persons. Investigative approaches and techniques to pursue organized crime must become central to anti-trafficking efforts. The challenge in promoting this approach is that such investigations are time-consuming and resource intensive, and that incentives to carry out complex operations are currently low. This is a trend which needs to be inverted and for which it is necessary to find adequate resources. Through this NPF, the government will endeavour to address this goal to the best of its capacity and availing itself of the support of international partners.

In the past few years, training of criminal justice practitioners has been carried out within individual programs and projects, which have created a solid knowledge base within various institutions and departments. In the forthcoming phase, it is necessary to build upon this knowledge base and institutionalise training on trafficking in persons for all criminal justice actors, addressing the need to enhance specialised knowledge and skills, by introducing trafficking in persons as a topic in existing curricula of all relevant stakeholders. It is also necessary to institutionalise multi-disciplinary trainings utilising adequate training methods in order to strengthen cooperation among key players. As multi-disciplinary cooperation and coordination is not a theoretical, but rather a practical challenge, trainings must cater to the reality of practitioners in a pragmatic and effective way, going beyond traditional training approaches and focusing not only on TIP technical matters, but rather on the development of a combination of soft and technical skills necessary to enhance cooperation and coordination in the South African anti-trafficking context.

STRATEGIC GOAL:

- To investigate and prosecute trafficking for labour exploitation

SPECIFIC OBJECTIVES:

- To enhance the capacity to detect and investigate cases of trafficking for labour exploitation
- To develop standard operation procedures (SOPs) for TIP labour cases

Trafficking takes many forms as criminals constantly find new ways of exploiting individuals' vulnerabilities for profit. This NPF intends to raise attention to the need of pursuing trafficking for labour exploitation, a form of crime that is emerging as increasingly significant and that affects not only adults but also children. Fighting labour trafficking requires a dedicated focus in terms of detection capacity, investigations and partnerships between labour authorities, specialized investigative units and assistance service providers.

Trafficking for labour exploitation happens in legal and illegal sectors of the economy, in official businesses and in private houses. Victims of labour trafficking do not necessarily share the same assistance needs of persons trafficked for other purposes. Hence assistance services must become more differentiated and flexible to be able to meet the needs of different persons affected by the crime.

This is why the challenges of designing and implementing effective responses are manifold. The first necessary step in this field is to develop a shared understanding of what constitutes trafficking for labour exploitation and to develop the basic knowledge and tools to address it as a serious crime.

STRATEGIC GOAL:

- To confiscate and seize assets and proceeds of crime in cases of trafficking in persons

SPECIFIC OBJECTIVES:

- To enhance the capacity of investigators/prosecutors to conduct financial investigations in trafficking in persons cases;
- To strengthen cooperation between specialised investigative units and the Asset Forfeiture Unit (AFU)
- To deprive traffickers of assets and proceeds of the TIP crime;
- To apply procedures to compensate victims as foreseen in the Act.

Trafficking is a crime that generates significant profits. The seizure and confiscation of assets and proceeds of crime is an important goal to be pursued by the criminal justice system to send strong deterrent signals to criminals. It is also a venue to recover resources, which may, if appropriate, be used to compensate victims of the crime or the State, implementing the corresponding provisions of the Act.¹⁵

To this end, it is necessary to enhance the capacity of investigators and prosecutors to conduct financial investigations in trafficking in persons cases and to strengthen cooperation with the Asset Forfeiture Unit (AFU).

STRATEGIC GOAL:

- To promote effective, proportionate and dissuasive application of penalties and sanctions

SPECIFIC OBJECTIVES:

- To sensitise judicial officers to the specificities of the crime of trafficking in persons
- To promote a shared understanding of the crime among judicial officers and prosecutors

¹⁵ Act, Sections 29 and 30.

Although efforts to investigate trafficking cases have been stepped up, the number of convictions is still relatively low and sanctions applied in recent years have not always been commensurate to the gravity of the crime. This reflects a generally low awareness about the crime of trafficking and its specificities. It is also possibly a consequence of weaknesses in investigative approaches, which result in insufficient or poor evidence produced in courts. While the latter aspect will be dealt with as outlined above in this same section, the former requires attention in terms of sensitisation measures for the judiciary. It is necessary to raise the attention of all stakeholders in the judiciary and in particular of judicial officers to the crime of trafficking in persons in its national and transnational dimension. In connection with adequate, high-level awareness-raising efforts, it is also necessary to promote the effective, proportionate and dissuasive application of sanctions, in line with the Act.

Another important objective to be pursued is to promote a common vision and a shared understanding of the crime between judicial officers and prosecutors to ensure that the response of the State to this abhorrent crime is consistent.

STRATEGIC GOAL:

- To eliminate corruption as one of the contributing factors to trafficking in persons

SPECIFIC OBJECTIVES:

- To integrate a comprehensive set of measures to eliminate corruption by public officials in government's national anti-corruption strategies

Trafficking networks dispose of significant resources and rely on corrupt officials along the institutional system, at low and high levels, to conduct their criminal business. It is of paramount importance to strengthen measures against corruption as a systematic component of the anti-trafficking strategy to eliminate corruption as one of the contributing factors to trafficking in persons. The NPF sets as a strategic goal to eliminate corruption as one of the contributing factors to trafficking in persons, by introducing a set of measures to eliminate corruption in trafficking in persons.

3.5 Partnership: International Level



3.5.1 International Cooperation in Criminal Matters

A transnational crime such as trafficking in persons must be countered through a criminal justice response capable to function across borders. Through international cooperation, essential evidence and intelligence may be obtained, in the absence of which investigations and prosecutions risk being significantly hampered. The Republic of South Africa has a solid legal basis for international cooperation. The United Nations Convention on Transnational Organised Crime (UNTOC) contains comprehensive provisions on international cooperation. As a State Party to the Convention, South Africa has an obligation to cooperate with other States when requested to do so and may request cooperation of other States when . South Africa's International Cooperation in Criminal Matters Act 75 of 1996 allows domestication of its obligations under international law to provide mutual legal assistance through facilitating provision of evidence, executing sentences, and confiscation of proceeds of crime. Requests from other countries to South Africa and vice-versa are enforced through the courts. South Africa also has bi-lateral treaties to facilitate extradition of fugitives from justice.¹⁶ In addition to provisions of the UNTOC, the Extradition Act 1962 (Act no. 67 of 1962)

¹⁶ GLO.ACT Assessment Report, 2016.

together with bilateral treaties with other States provide the legal basis to facilitate extradition of fugitives from justice. Furthermore, the legal framework on trafficking in persons and on transnational organised crime provides for extraterritorial jurisdiction in specific circumstances.

There are positive examples of cooperation with neighbouring countries and a significant success on a trafficking for an organ removal case involving cooperation with Israel and Brazil. However, difficulties and technical hurdles often slow cooperation processes and risk compromising the effectiveness of entire proceedings.

The main goal to be pursued in this field is **to increase the cooperation with other States for investigating and prosecuting trafficking in persons through strengthening the overall national capacity in the field of international cooperation, improving judicial cooperation through mutual legal assistance, and law enforcement cooperation, for instance by fostering the use of joint investigative teams.** Consistently with the goal set in section 3.4 – Prosecution, related to confiscation of assets, and with the aim to complement it, another objective in this area will be **to adopt measures to enable the confiscation of assets and proceeds of crime through international cooperation.**

STRATEGIC GOAL:

- To increase the cooperation with other States to counter-TIP

SPECIFIC OBJECTIVES:

- To strengthen national capacity in the field of international cooperation for TIP
- To improve judicial cooperation through mutual legal assistance
- To foster the use of joint investigation teams in cases of trafficking in persons
- To adopt measures to enable confiscation of assets and/or proceeds of crime

To increase international cooperation in TIP cases, the NPF sets as a priority to strengthen the national capacity in the field of international cooperation fostering knowledge of other countries' approaches to investigating trafficking in persons; promoting the establishment of trusted professional relationships at international level. RSA being a major hub for trafficking also at transnational level, it is necessary to support the establishment of a wider network, involving countries and regions from/to which criminal routes have been mapped (e.g. West Africa, East Africa and Russia, as well as Asian, Latin American, European countries).

To improve judicial cooperation through MLA, reducing delays and inefficiencies in the administration of MLA requests, it is useful to use internationally standardized tools, which can help reduce the risk of inefficiencies, and strengthen formal and informal channels of cooperation and communication across borders. Improved channels of cooperation will also foster the possibility to establish joint investigative teams to investigate TIP.

The proceeds of trafficking in persons and the property or instrumentalities used in the commission of the offences, will almost always be located in two or more jurisdictions. International cooperation can be key to identify, trace, freeze and/or seize those assets. As such, it is necessary to adopt measures to enable confiscation of assets and/or proceeds of crime.

**Table – Integrated Strategy and Action Plan
2019 – 2022**

3.1 PARTNERSHIP: NATIONAL LEVEL

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|--|--|------------------|-------------------|---|---|--|--|
| | | | | 1 | 2 | 3 | | |
| 3.1.1 ANTI-TRAFFICKING COORDINATION STRUCTURES To establish a coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders | To establish relevant anti-trafficking institutional structures and monitor related tasks, roles, and responsibilities | | DOJ&CD | | | | | <ul style="list-style-type: none"> Increased effectiveness of cooperation according to all stakeholders involved. Satisfaction with coordination of all stakeholders involved. |
| | | Appointment of the National Anti-Trafficking Coordinator or equivalent | DOJ&CD | X | | | Baseline Budget of DoJ&CD: Branch Constitutional Development: Chief Directorate: Constitutional Implementation | <ul style="list-style-type: none"> ToRs Approved memo Existence of National Anti-Trafficking Coordinator Annual reports to the government and the Parliament |
| | | Establishment of the Anti-Trafficking Secretariat | DOJ&CD | X | | | To be costed, subject to Business Process Investigation | <ul style="list-style-type: none"> ToR Appointment letter/memo Existence of Anti-Trafficking Secretariat |
| | | Establishment of the National Inter-Sectoral Committee against TIP (NIC-TIP) | DOJ&CD | X | | | R2,5 million | <ul style="list-style-type: none"> ToR Approved memo and NPF Existence of NIC-TIP Number of meetings/year Attendance records Replacement procedure in place in case of prolonged absence |
| | | Establishment of the National Rapid Response | DOJ&CD | X | | | | <ul style="list-style-type: none"> ToR Existence of the NRRT |

3.1 PARTNERSHIP: NATIONAL LEVEL

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|-----------------|--|--|------------------|-------------------|---|---|---------------------|---|
| | | | | 1 | 2 | 3 | | |
| | | Team | | | | | | <ul style="list-style-type: none"> • Number of meetings/year • Attendance records • Replacement procedure in place in case of prolonged absence • No of progress reports |
| | | Establishment of the Provincial Task Teams on TIP | DOJ&CD | X | | | | <ul style="list-style-type: none"> • ToR • Appointing decree • Existence of PTTs • Number of meetings/year • Attendance records • Replacement procedure in place in case of prolonged absence (TBD) • No of progress reports |
| | | Establishment of the Rapid Response Teams (RRT) | DOJ&CD and PTTs | X | | | | <ul style="list-style-type: none"> • TOR • Appointment letter/memo • Existence of RRTs • Number of meetings/year • Attendance records • Replacement procedure in place in case of prolonged absence (TBD) • No of progress reports |
| | To ensure the participation of all relevant institutions, civil society (NGOs, traditional leaders, etc.) and IOs in anti-trafficking coordination structures and response | Regular monitoring and update from institutions, civil society, and IOs engaged in the anti-trafficking field in the country | DOJ&CD | X | X | X | R 50 000 | <ul style="list-style-type: none"> • Regularly updated register of: <ul style="list-style-type: none"> – government institutions working in anti-trafficking – Civil society stakeholders (anti-trafficking NGOs, traditional leaders, etc.) – IOs working in anti-trafficking in the country – Traditional leaders • Number of NGOs in the coordination structures • Number of IOs in the coordination structures • Number of traditional leaders involved • Resource Directory of Roleplayers |

3.1 PARTNERSHIP: NATIONAL LEVEL

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|---|---|---|--------------------------|-------------------|---|---|---|--|
| | | | | 1 | 2 | 3 | | |
| | | | | | | | | |
| | To conduct the vetting of stakeholders | Regular vetting of participating stakeholders | DOJ&CD NICTIP PTTs | X | X | X | To be determined with the Chief Directorate: Risk | <ul style="list-style-type: none"> Regularly updated list of anti-trafficking focal points Number of people vetted |
| | To establish an officially binding mechanism and procedures to ensure a uniform, coordinated, and cooperative anti-trafficking response by all relevant anti-trafficking stakeholders | Drafting and adoption of Standard Operating Procedures (SOPs) | DOJ&CD NICTIP PTTs | X | X | X | International Organisations | <ul style="list-style-type: none"> SOPs Regular use of SOPs Working tools developed and shared |
| | | Capacity building trainings | DOJ&CD NICTIP PTTs | X | X | X | R200 000 | <ul style="list-style-type: none"> Number of trainings held/a year at NICTIP and per Province Training materials used with revision date |
| | | Writing and sharing updates and tools | DOJ&CD NICTIP PTTs | X | X | X | R 250 000 | <ul style="list-style-type: none"> Legislative updates, directives, regulations, case law shared by NICTIP with PTTs/ RRTs Working tools developed or updated and shared by NIC-TIP with PTTs/RRTs (reporting forms, shared indicators, etc.) Number of electronic updates of relevance facilitated by NICTIP Number of newsletters/year |
| 3.1.2 LEGAL AND REGULATORY FRAMEWORK To establish the necessary legal and regulatory framework to protect victims and to counter trafficking in persons | | | | | | | | <ul style="list-style-type: none"> Comprehensive laws and regulations enacted Web page created |

3.1 PARTNERSHIP: NATIONAL LEVEL

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|--|--|--------------------------|-------------------|---|---|-----------------------------|---|
| | | | | 1 | 2 | 3 | | |
| | To ensure the establishment of a comprehensive regulatory framework to protect trafficked persons and counter trafficking in persons | Finalization of outstanding regulations Assessment of the regulations | DHA DOJ&CD | X | | | No budgetary implications | Regulations in terms of sections 15, 16 and 31(2)(b)(ii) issued |
| | To ensure periodic review and amendment of the necessary legislation and regulatory framework | Identify gaps/policy and legislation challenges | DOJ&CD NICTIP | | | X | No budgetary implications | <ul style="list-style-type: none"> List of new legislation List of amended legislation |
| 3.1.3 RESOURCE AND BUDGET MOBILISATION To secure resources necessary to fully implement the NPF | | | | | | | | Increased resources for the implementation of the NPF regularly allocated |
| | To identify the human, technical, and financial resources required to implement anti-trafficking activities by Province | Needs assessment Resource plan drafting and approval | DOJ&CD NICTIP PTTs | X | | | International Organisations | <ul style="list-style-type: none"> Needs assessment report Yearly detailed resource plan for the implementation of the National Action Plan |
| | To secure and progressively increase budget allocations within regular budgets of government agencies | Departmental financial plan | NICTIP PTTs | X | | | International Organisations | <ul style="list-style-type: none"> Total regular budget increases allocated Break-down of allocations per pillar (4Ps)/Province |
| | To establish a tracking and analysis system of budget allocations and expenditures | Set up of a budget tracking system | NICTIP | X | | | International Organisations | Regular reports of budget spent on activities undertaken |

3.1 PARTNERSHIP: NATIONAL LEVEL

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|--|--|--|-------------------|---|---|-----------------------------|---|
| | | | | 1 | 2 | 3 | | |
| | To increase special funding by government bodies and IOs | Submit budget proposal to National Treasury and IOs | DOJ&CD National Departments Provincial Departments | Biannual | | | International Organisations | <ul style="list-style-type: none"> Total extra-budget resources allocated/spent on activities Break-down of allocations per pillar (4Ps)/Province |
| 3.1.4 MONITORING, EVALUATION & REVIEW To improve continuously anti-trafficking responses adjusting them as needed in time | | | | | | | | Regular monitoring and evaluation mechanism of the NPF in place |
| | To ensure systematic data gathering and analysis of all relevant information and data at strategic and operational level | Drafting of a monitoring tool/adoption of the SADC tool adapted for South Africa Appointment of actor/expert responsible for monitoring Drafting of monitoring tools | DOJ&CD NICTIP | X | X | X | International Organisations | <ul style="list-style-type: none"> ToR for monitoring Monitoring tools Yearly monitoring report |
| | To ensure annual monitoring and reporting of all activities and measures undertaken within the NPF | Drafting of Departmental Reports Drafting of Annual Consolidated Report Appointment of actor/expert responsible for evaluation Drafting of evaluation tools | DOJ&CD, DSD, DHA, SAPS and NPA NICTIP PTTS | X | X | X | R200 000 | <ul style="list-style-type: none"> Annual Reports received from Departments Consolidated Annual Report Tabling of Annual TIP Report to Parliament Yearly evaluation report |
| | To ensure the review and evaluation of the NPF as stipulated by the Act | Drafting of review ToR Appointment of actor responsible for review Drafting of review report | DOJ&CD NICTIP PTTs | | | X | R 500 000 | <ul style="list-style-type: none"> ToR for review Review report/every two years |

| 3.2 PREVENTION | | | | | | | | |
|---|--|---|----------------------------------|-------------------|---|---|---------------------|--|
| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
| | | | | 1 | 2 | 3 | | |
| 3.2.1 AWARENESS RAISING AND EDUCATION To raise public awareness and prevent trafficking in persons | To improve knowledge of the general public on trafficking in persons | | | | | | | <ul style="list-style-type: none">Increased awareness on TIP and related risks among population and reduced rates of victims |
| | | Design and develop communication implementation strategy (Awareness tools e.g. print/online campaigns, TV/radio initiatives, websites and social media content music/theatre performances and of community engagement events Assessment of awareness raising activities | DOJ&CD GCIS NICTIP PTTs | X | X | X | R 2 million | <ul style="list-style-type: none">ToRStrategy and work planCommunication strategy/concept documentTools developedAssessment reports- No. of tools delivered- No. of initiatives delivered- No. of community engagement events held- No. of persons reached |
| | To prevent trafficking of vulnerable groups and re-trafficking of former victims | Design and implementation of awareness tools (e.g. print/online campaigns, websites and social media content, TV/radio initiatives, music/theatre performances) Design and implementation of community engagement events Assessment of awareness raising activities | NICTIP PTTs | X | X | X | | <ul style="list-style-type: none">ToRStrategy and work planCommunication strategyTools developedAssessment reports- No. of tools delivered- No. of initiatives delivered- No. of community engagement events held- No. of persons from at vulnerable reached |
| | To effect change by buyers who purchase | Organize community dialogues with stakeholders | NICTIP PTTS | | X | X | | <ul style="list-style-type: none">ToRNumber of dialogues held |

| 3.2 PREVENTION | | | | | | | | |
|----------------------------------|---|--|---|-------------------|---|---|--|--|
| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
| | | | | 1 | 2 | 3 | | |
| | goods and services provided by trafficked victims | to raise awareness Assessment of awareness raising activities | | | | | | <ul style="list-style-type: none">• Tools developed• Assessment reports- No. of tools delivered- No. of initiatives delivered- No. of community engagement events held- No. of persons from at risk group reached |
| 3.2.2 REDUCTION OF VULNERABILITY | | | | | | | | Reduced number of TIP victims |
| | To ensure children access to education | Development and delivery of child rights and gender equality courses targeting teachers and students in school curricula Design and implementation of engagement initiatives targeting parents and traditional leaders on gender equality and child rights Design and implementation of engagement initiatives targeting local communities on gender equality, children rights, and other vulnerable groups Assessment of school programmes | DSD DBE Constitutional Rights Education Working Group (DOJ&CD and SAHRC) COGTA | X | X | | Existing baseline budgets as this work has already commenced | <ul style="list-style-type: none">• Programmes developed• Tools developed• Assessment reports |

3.2 PREVENTION

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|-----------------|---|---|--|-------------------|---|---|--------------------------------|--|
| | | | | 1 | 2 | 3 | | |
| | To improve social and labour inclusion of persons living in poor conditions | Design and implementation of programmes offering livelihood options, basic education, access to health services, and inclusive employment schemes Assessment of social and labour inclusion programmes | Activities are carried out under other programs by: DoL DSD DoW DoH DBE | X | X | X | National Development Plan 2030 | <ul style="list-style-type: none"> • Programmes developed • Tools developed • Assessment reports <ul style="list-style-type: none"> - No. of programmes delivered - No. of persons living in poor conditions who accessed livelihood options - No. of persons living in poor conditions who accessed health services - No. of persons living in poor conditions who accessed employment schemes - No. of persons living in poor conditions who accessed education measures |

3.2 PREVENTION

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|-----------------|---|--|---|-------------------|---|---|---------------------|---|
| | | | | 1 | 2 | 3 | | |
| | To improve social and economic conditions of vulnerable populations | Design and implementation of economic and financial programmes targeting vulnerable women Assessment of economic and financial programmes | DoL DSD DoW DoH DBE DoW Small Business Enterprises National Treasury Economic Development | X | X | X | | <ul style="list-style-type: none"> • Programmes developed • Tools developed • Assessment reports <ul style="list-style-type: none"> - No. of programmes delivered - No. of vulnerable women targeted |

| 3.2 PREVENTION | | | | | | | | |
|--|--|---|---|-------------------|---|---|---------------------|--|
| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
| | | | | 1 | 2 | 3 | | |
| | To strengthen the fight against all forms of discrimination | <p>Review and enactment of anti-discrimination laws</p> <p>Development and adoption of diversity and inclusion policies in state and non-state institutions</p> <p>Development and delivery of human rights courses targeting teachers and students in school curricula</p> <p>Design and implementation of engagement initiatives targeting local communities on rights of vulnerable groups</p> | DOJ&CD National Action Plan to Combat Racial Discrimination, Xenophobia Steering Committee(NAP) SAHRC | | X | X | NAP Budget | <ul style="list-style-type: none"> • Anti-discrimination laws reviewed and enacted • Diversity and inclusion policies adopted and enforced • Gender equality and human rights included in school curricula <ul style="list-style-type: none"> - No. of engagement initiatives held - No. of students/teachers/parents/traditional leaders/local individuals reached - List of diversity and inclusion policies adopted |
| 3.2.3 RESEARCH To improve knowledge on trafficking in persons | To ensure an up-to-date overview on trafficking in persons in South Africa | | | | | | | Increased knowledge on different forms and issues related to trafficking |
| | | Design and delivery of multi-disciplinary quantitative and qualitative research on different trafficking-related issues | DOJ&CD NICTIP Research Institutions | X | X | X | R 250 000 | <ul style="list-style-type: none"> • Research protocols developed • List of publications and distribution <ul style="list-style-type: none"> - No. of research delivered - No. of stakeholders involved - No. of persons reached |
| | To improve the anti-trafficking framework | Review of policies and practices based on the research findings | DOJ&CD NICTIP Research Institutions | X | X | X | | <ul style="list-style-type: none"> • Reviewed policies, measures and tools <ul style="list-style-type: none"> - List of policies, measures, and tools reviewed and approved |

| 3.2 PREVENTION | | | | | | | | |
|-----------------|--|--|------------------|-------------------|---|---|---------------------|--|
| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
| | | | | 1 | 2 | 3 | | |
| | To ensure that research is relevant for policy development and linked to operational needs | Develop research project proposals based on needs assessed by stakeholders | DOJ&CD NICTIP | | X | X | | <ul style="list-style-type: none">Published research papers/publications |

| 3.3 PROTECTION AND VICTIM ASSISTANCE | | | | | | | | |
|---|---|---|-----------------------|-------------------|---|---|--|---|
| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
| | | | | 1 | 2 | 3 | | |
| 3.3.1 IDENTIFICATION To ensure the early identification of potential and presumed trafficked persons | To improve the ability of stakeholders to identify potential and presumed victims of all forms of trafficking | | | | | | | Improved identification skills through a uniform, coordinated and cooperative approach by all anti-trafficking stakeholders Higher identification rates of potential/presumed/actual victims |
| | | Disseminate standard International list of shared indicators of list of shared indicators Review and adapt to S.A context Distribution and use of list of shared indicators | DSD NICTIP PTTs | X | | | Baseline Budget | <ul style="list-style-type: none">List of shared indicators officially adopted by all relevant government departmentsList of shared indicators disseminated by NICTIP to PPTs and RRTsList of shared indicators regularly used by PPTs, RRTs and other coordination structures at local level |
| | | To establish and adopt standardised and shared procedures and tools of identification at national level (SOPs) Drafting of SOPs for identification Formal adoption and use of SOPs for identification | DSD NICTIP PTTs | X | X | | Baseline Budget International organisations | <ul style="list-style-type: none">SOPs on identification of trafficked persons adopted by all relevant government departmentsSOPs on identification of trafficked persons disseminated by NICTIP to PPTs and RRTs |

3.3 PROTECTION AND VICTIM ASSISTANCE

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|-----------------|--|---|--------------------------|-------------------|---|---|-----------------------------|---|
| | | | | 1 | 2 | 3 | | |
| | | | | | | | | <ul style="list-style-type: none"> SOPs on identification of trafficked persons regularly used by PPTs and RRTs No. of Child Victims identified No. of letters of recognition issued/yearly No. of reports indicating problems with issuing letters of recognition |
| | To improve the ability of law enforcement officers, social workers, labour inspectors, NGOs, IOs and other first responders to identify victims of all TIP forms | Training design and delivery Training assessment | DOJ&CD NICTIP PTTs | X | X | X | International Organisations | <ul style="list-style-type: none"> Training curricula Training package Training assessment reports No. of trainees per state e non-state agency broken down by Province trained No. victims identified by law enforcement officials No. victims identified by social workers (DSD) No. victims identified by NGO workers No. victims identified by other stakeholders |

3.3 PROTECTION AND VICTIM ASSISTANCE

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|---|---|---|-----------------------|-------------------|---|---|-----------------------------|--|
| | | | | 1 | 2 | 3 | | |
| 3.3.2 ASSISTANCE, PROTECTION AND SOCIAL INCLUSION To ensure that victims of trafficking have access to comprehensive assistance programmes aimed at their protection and social inclusion irrespective of their willingness to cooperate in criminal proceedings and immigration status | | | | | | | | Increased number of victims accessed social protection and support |
| | To ensure victims have access to opportunities and resources aimed at their social and labour inclusion | Mapping and needs assessment on social support and protection services available, including treatment centres, for children, child and youth care centres, women, and men Increase of available accommodation solutions for victims Assistance provision based on individual plan, including shelter; social, medical, psychological, and legal support; education, training and job inclusion programmes | DSD NICTIP PTTs | X | X | X | Baseline Budget | <ul style="list-style-type: none"> List of services available Needs assessment report No. of shelters available for women, men, LGBTIQ and persons with disabilities (physical and mentally) No. of Child and Youth Care centres for Children No. of victims assisted No. of victims who received legal counselling No. of victims who received psychological counselling No. of education/training attended by victims No. of job inclusion programmes attended No. of victims employed Information material for victims |
| | To ensure standardised service provision in line with international | Disseminate and training of service standards for service providers as per accreditation | NICTIP PTT | X | X | X | International Organisations | <ul style="list-style-type: none"> Service standards protocol Compliance checks reports No. of service providers trained |

3.3 PROTECTION AND VICTIM ASSISTANCE

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|--|--|-----------------------|-------------------|---|---|-----------------------------|--|
| | | | | 1 | 2 | 3 | | |
| | standards | in the TIP ACT Regular compliance checks | | | | | | |
| | To ensure shared, coordinated and cooperative procedures for social protection and support | Drafting of SOPs for protection, social and labour inclusion Formal adoption and use of SOPs for protection and support Multi-agency training on SOPs for protection and support | NICTIP PTTs | X | X | X | International Organisations | <ul style="list-style-type: none"> SOPs on assistance and protection issued No. PPTs and RRTs members trained on SOPs by Province |
| | To ensure all victims are safe and fully informed about their rights and options | Customisation of guidelines for individual safety risk assessment Drafting and implementation of individual safety plan Drafting, printing, and distribution of information tools in SA official languages spoken by victims | DSD SAPS NICTIP | | X | X | Baseline Budget | <ul style="list-style-type: none"> Guidelines for individual safety plan Individual safety plans in place List of information materials in main languages spoken by foreign victims available in temporary shelters |
| 3.3.3 ACCESS TO CIVIL PROCEDURES, WITNESS PROTECTION AND COMPENSATION To ensure special protection to victims/witnesses and access to redress | | | | | | | | Increased number of victims accessing civil procedures, witness protection and compensation schemes |

3.3 PROTECTION AND VICTIM ASSISTANCE

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|---|--|---|------------------------------|-------------------|---|---|---|---|
| | | | | 1 | 2 | 3 | | |
| | To implement legislation and guidelines on victims/witnesses in cases of trafficking in persons | Regular use of legislation and guidelines for protection of victims/witnesses | NICTIP PTTs | X | X | X | Baseline Budgets of Relevant Departments | <ul style="list-style-type: none"> No. of victims/witness in criminal proceedings who access witness protection schemes No. of risk assessment procedures |
| | To ensure compensation schemes for victims | Development of measures to improve the lodging of compensation claim and access to compensation schemes | NICTIP PTT | X | X | X | To be determined | <ul style="list-style-type: none"> No. of compensation claims lodged No. of compensation issued Compensation amounts average |
| 3.3.4 RETURN AND REPATRIATION To ensure a safe and sound return/repatriation and integration to trafficked persons into their South African community, origin country or – if deemed necessary – into a third-country | | | | | | | | Increased number of trafficked persons safely and successfully returned/repatriated home or relocated in a third country and reintegrated. |
| | To develop comprehensive SOPs on return of trafficked persons, both nationals and migrants | Drafting of SOPs for return/repatriation | DHA NICTIP PTTS | X | X | | Baseline Budgets of Relevant Departments International Organisations | <ul style="list-style-type: none"> SOPs on return/repatriation issued No. PPTs and RRTs members trained on SOPs by Province |
| | | Formal adoption and use of SOPs for return Multi-agency training on SOPs for return/repatriation | | | | | | |
| | To establish appropriate risk assessment and voluntary resettlement procedures for victims to avoid re-victimisation and/or re-trafficking | Drafting procedures and related guidelines for voluntary resettlement to be included in the SOPs on return and repatriation | DOH DSD NICTIP PTTs | X | X | | Baseline Budgets of Relevant Departments International Organisations | <ul style="list-style-type: none"> Procedures and guidelines for voluntary resettlement developed and included in the SOPs |

3.3 PROTECTION AND VICTIM ASSISTANCE

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|-----------------|---|---|---|-------------------|---|---|---|--|
| | | | | 1 | 2 | 3 | | |
| | To develop long-term re/integration programmes for returnees in collaboration with local stakeholders | <p>Drafting personalised plan for the social and labour inclusion of the returnees</p> <p>Signing MoUs and setting up procedures at the RRT level with social, training and labour agencies as well as employers to provide viable economic opportunities</p> | <p>DOL</p> <p>DSD</p> <p>NICTIP</p> <p>PTTs</p> <p>RRTs</p> | | | X | <p>Baseline Budget of Relevant Departments</p> <p>International Organisations</p> | <ul style="list-style-type: none"> Personalised plans achieved MOUs and procedures set up at the RRT level |

3.4 PROSECUTION

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|--|--|-----------------------|-------------------|---|---|---|---|
| | | | | 1 | 2 | 3 | | |
| 3.4.1 INVESTIGATIONS AND PROSECUTIONS To strengthen the capacity of the criminal justice system to investigate and prosecute TIP ensuring protection and assistance to trafficked persons | | | | | | | | <ul style="list-style-type: none"> Increased number of investigations with respect to previous year/s Increased number of prosecutions Perception of improved capacity to response of criminal justice practitioners |
| | To improve cooperation between investigators, prosecutors and all other stakeholders | Pilot Joint mock investigation trainings for police and prosecutors on TIP cases | SAPS NPA NICTIP | X | X | X | International Organisations | <ul style="list-style-type: none"> No. of joint training per Province |
| | To investigate organised crime groups engaged in TIP | Training programs for police and prosecutors on TIP as O.C. – institutionalised (different levels and combinations of practitioners) | SAPS NPA NICTIP | X | X | X | Baseline Budgets | <ul style="list-style-type: none"> No. of TIP investigations/year Number of criminal networks targeted/affected Links between trafficking and other forms of organised crime |
| | To institutionalise training on trafficking in persons for all criminal justice actors | Training programs on TIP – institutionalised | NICTIP | X | X | X | Baseline Budget International Organisations | <ul style="list-style-type: none"> Effectiveness of cooperation according to specialized criminal justice practitioners Satisfaction of specialised criminal justice practitioners No. of training per Province |
| To focus on investigating and prosecuting trafficking for labour exploitation | | | | | | | | <ul style="list-style-type: none"> Increased number of cases of TIP for labour exploitation investigated/prosecuted Increased no. of victims identified |
| | To enhance the capacity to detect and investigate trafficking for labour exploitation | Training programs for police and labour inspectors on trafficking for labour exploitation – institutionalised | SAPS DOL NICTIP | X | X | X | Baseline Budgets International Organisations | |
| | To develop standard operation procedures for TIP labour cases | Draft SOPs for TIP labour cases Validate and adopt SOPs | DOL NICTIP | X | X | X | International Organisations | SOPs for TIP labour cases adopted |

3.4 PROSECUTION

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|---|--|--|---------------------------|-------------------|---|---|--|--|
| | | | | 1 | 2 | 3 | | |
| To focus on confiscation and seizure of assets and proceeds of crime in cases of trafficking in persons | | | | | | | | Increased number of confiscation or seizure of assets and proceeds of crime in TIP cases |
| | To enhance the capacity of investigators and prosecutors to conduct financial investigations in trafficking in persons cases | Training on financial investigation | SAPS NPA NICTIP | X | X | | Baseline Budget International Organisations | • |
| | To strengthen cooperation between specialised investigative units and the Asset Forfeiture Unit (AFU) | Training SOPs | NPA | X | X | X | Baseline Budget | • |
| | To pursue confiscation and seizure of assets and proceeds of crime in TIP cases | Implementation of measures to identify, trace, seize and confiscate assets and proceeds of TIP crime | NPA SARS DPCI- PCSI | X | X | X | Baseline Budget | • No. of confiscations/year • Amounts confiscated |
| | To compensate victims of trafficking | Implementation of legislative measures outlined in Sec 29 of the TIP Act | NPA SARS DPCI-PCSI | X | X | X | Determined by the Court | • No. of compensations awarded • No. of compensation not awarded • Report on cases for which the court refrained from granting compensation |
| To promote effective, proportionate and dissuasive application of penalties and sanctions in line with the Act | | | | | | | | <ul style="list-style-type: none"> • Penalties and sanctions are appropriate and proportionate to the gravity of the crime • No. of penal sanctions applied • No. of sanctions reflecting aggravating circumstances • Number of additional administrative and/or other non-criminal sanctions used |
| | To sensitize judicial officials to the specificities of TIP | Hosting of conferences, seminars/colloquiums on TIP for judicial officers | OCJ SAJEI | X | X | X | International Organisations | <ul style="list-style-type: none"> • Number of conferences and seminars/colloquiums organized • Number of judicial officials participating |

3.4 PROSECUTION

| Strategic Goals | Specific Objectives | Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|---|--|--|-------------------|---|---|---|---|
| | | | | 1 | 2 | 3 | | |
| eliminate corruption as one of the contributing factors to TIP | | | | | | | | <ul style="list-style-type: none"> Increased no. of investigations for corruption related to trafficking in persons cases Increased no. of prosecutions Increased no. of convictions |
| | To introduce a comprehensive set of measures to eliminate corruption in TIP Trafficking | Issue directive/instructions on pursuing cases of corruption in TIP as a priority | NPA SAPS Anti-corruption secretariat | X | X | X | Baseline Budget International Organisations | <ul style="list-style-type: none"> Directive/instructions by... issued No. of investigations/year No. of prosecutions/year No. of convictions/year |
| | | Implementation of measures on confiscation and seizure of assets and proceeds of the crime of corruption | NPA SAPS SARS Anti-corruption secretariat | X | X | X | Baseline Budget | <ul style="list-style-type: none"> Increased no. of TIP corruption related confiscations of assets carried out No. of TIP corruption related seizures carried out |
| | | Development and delivery of anti-corruption training for law enforcement officers, judicial officials, prosecutors, immigration officers, judicial authorities | NICTIP NPA SAPS Anti-corruption secretariat | X | X | X | Baseline Budget International Organisations | <ul style="list-style-type: none"> No. of officials trained on anti-corruption per Province |
| | | Conducting a zero-tolerance campaign among criminal justice practitioners on TIP-corruption | NICTIP Anti-corruption secretariat | X | X | X | Baseline Budget International Organisations | <ul style="list-style-type: none"> Campaign indicators (TBD) |
| | | Introduction of vetting procedures at all relevant levels of the counter-trafficking coordination structures | NICTIP Anti-corruption secretariat | X | X | X | Baseline Budget | Vetting procedures in place |

3.5 PARTNERSHIP: INTERNATIONAL LEVEL

| Strategic Goals | Specific Objectives | Activities / Sub-Activities | Responsibilities | Timeline Years | | | Financial Resources | Indicators |
|--|--|--|--|-------------------|---|---|---|---|
| | | | | 1 | 2 | 3 | | |
| 3.5.1 INTERNATIONAL COOPERATION IN CRIMINAL MATTERS To increase cooperation with other States to counter trafficking in persons | | | | | | | | <ul style="list-style-type: none"> Increased use of international cooperation tools in criminal matters related to TIP (extraditions, mutual legal assistance, transfer of sentenced persons, confiscation of assets/proceeds of crime) Perception of effectiveness of international cooperation to counter TIP |
| | To strengthen national capacity in the field of international cooperation in criminal matters for TIP | Include international cooperation in training programs for criminal justice actors (Training on UNTOC , MLA tool) | DOJ&CD DIRCO NPA SAPS DSD DHA NICTIP PTTs | X | X | X | Baseline Budget International Organisations | No. of trained staff by Province No. of staff who participated in regional/international workshops |
| | To support the establishment of an international network of practitioners in relevant countries | | NPA APA IAP | | X | X | Baseline Budget International Organisations | |
| | To improve judicial cooperation through mutual legal assistance (MLA) | Include training on MLA requests in programs for criminal justice actors | NPA DOJ&CD | X | X | X | Baseline Budget | Guidelines/procedures for handling requests issued No. of MLA requests processed (received, submitted, responded) |
| | To foster the use of joint investigation and prosecution teams in cases of trafficking in persons | Establish teams and conduct joint investigations on TIP cases | SAPS NPA | X | X | X | Baseline Budget | No. of formal agreements or informal arrangements signed No. of joint investigative teams established |
| | To adopt measures to enable confiscation of: (a) Proceeds of crime derived from TIP offences or property the value of which corresponds to that of such proceeds; (b) Property, equipment or other instrumentalities used in or destined for use in offences covered | Make/respond to requests to identify, trace and freeze or seize proceeds of crime or property, equipment or other instrumentalities for purposes of confiscation | NPA | | X | X | Baseline Budget | No. of requests made for confiscation related to TIP cases No. of requests executed, where applicable, for confiscation related to TIP cases No. of requests received No. of requests executed, where applicable, for confiscation related to TIP cases |



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