Trafficking in Persons in the SADC Region: A Statistical Report

2014 - 2016
Preface

Trafficking in persons (TIP) is a public security concern, affecting citizens of southern African as well as globally. To respond to this crime in southern Africa, Member States of the Southern African Development Community (SADC) developed the 10 Year Strategic Plan of Action to Combat Trafficking in Persons, especially women and children (2009 – 2019), which serves as a blueprint for regional and national responses to TIP.

The strategic plan of action underwent a mid-term review to align it to emerging challenges in the region. The Revised Strategic Plan of Action covering the period from 2016 to 2019, was approved by the SADC Ministerial Committee of the Organ (MCO) on Politics, Defence and Security Cooperation in July 2017. This revised plan also considered progress made by Member States in the region in responding to the crime.

The strategic document identifies priorities for action in addressing TIP. One of these priorities—Research and Information Sharing—requires Member States to collect data, conduct research and continuously share information on TIP. This statistical report, therefore, responds directly to that strategic priority for action.

This is also in line with the United Nations Office on Drugs and Crime’s (UNODC’s) mandate and duty from the United Nations General Assembly, through the Global Plan of Action to Combat Trafficking in Persons, to collect data and report biennially on TIP patterns and flows at the national, regional and international levels. This mandate originates from request of UN Member States that UNODC, as the custodian of global legislative frameworks on transnational organised crime, expands the knowledge base on TIP.

The SADC Regional Trafficking in Persons Data Collection System, is a collaborative effort between SADC Secretariat and the UNODC, which aims to support Member States to collect national data at country level in a coordinated manner in order to understand the nature and extend of the crime; profile traffickers and victims; facilitate development and implementation of appropriate programmes countering the heinous crime; and inform decision-making and policy formulation and implementation. At Member State level, the system has designated users that are tasked with continuously updating the system with reliable and verified data. The data collected at national level feeds into the regional system, which is managed by regional administrators.

Therefore, this Statistical Report is a result of data collected from the SADC Regional Trafficking in Persons Data Collection System primarily for the period 2014-2016. It is also important to emphasise that a cross-pollination of sources was consulted to ensure that the statistical report was as comprehensive as possible. The report further presents recommendations towards effectively addressing the malady of TIP, with a particular focus on addressing data challenges.

The draft report was validated by focal persons working on the anti-TIP initiatives in SADC Member States during their regional coordination and data collection workshops held in Swaziland (June 2017) and South Africa (October 2017). Further inputs were submitted by Member States between October and November 2017, leading to the finalisation of the statistical report in December 2017. It is, therefore, hoped that the report will be a critical tool in evidence-based policy development and implementation in Member States in SADC as they endeavour to respond effectively to the scourge of TIP.
Acknowledgements

The SADC Secretariat and the UNODC Regional Office for Southern Africa wish to extend their appreciation to all SADC Member States and stakeholders who contributed to the development of this regional statistical report. This report was developed through a consultative process involving immeasurable and invaluable inputs from all 15 SADC Member States who form part of the regional network of TIP focal persons—the SADC Trafficking in Persons Network (SADCTIPNet).

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Zimbabwe: Maria Phiri (ZRP), Chiyedza Bindu, Munyaradzi Mutore, Claris Shopo (TIP Secretariat)

Without their inputs and their support in coordinating data collection in their respective countries, the production of this report would not have been possible. It is hoped that they will
remain instrumental in disseminating the report in their respective Member States, as well as in strengthening data collection and management on TIP.

Last but not least, UNODC and SADC would like to thank their development partners, the American Department of State's Office to Monitor and Combat Trafficking in Persons (USJTIP) and the European Union (EU) for their generous support towards the regional data collection system without which the production of this report would not have been possible.
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<thead>
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<th>Full Form</th>
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<tr>
<td>BNLTEH</td>
<td><em>Bureau National de Lutte contre la Traite des Etres Humains</em> (Madagascar)</td>
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<tr>
<td>DPP</td>
<td>Directorate of Public Prosecutions</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>FARDC</td>
<td><em>Forces Armées de la République Démocratique du Congo</em> (Armed Forces of the Democratic Republic of the Congo)</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organisation for Migration</td>
</tr>
<tr>
<td>INAC</td>
<td><em>Instituto Nacional da Criança</em> (National Children’s Institute, Mozambique)</td>
</tr>
<tr>
<td>MGECW</td>
<td>Ministry of Gender Equality and Child Welfare (Namibia)</td>
</tr>
<tr>
<td>NAMPOL</td>
<td>Namibia Police Force</td>
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<tr>
<td>PGR</td>
<td><em>Procuradoria-Geral da República</em> (Attorney General of the Republic)</td>
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<tr>
<td>POCA</td>
<td>Prevention of Organised Crime Act</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<td>SAPS</td>
<td>South African Police Services</td>
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<td>SOM</td>
<td>Smuggling of Migrants</td>
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<td>SPA</td>
<td>Strategic Plan of Action</td>
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<tr>
<td>TIP</td>
<td>Trafficking in Persons</td>
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<tr>
<td>TIP Protocol</td>
<td>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCTOC</td>
<td>United Nations Convention against Transnational Organised Crime</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>USJTIP</td>
<td>The US Department of State’s Office to Monitor and Combat Trafficking in Persons</td>
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<tr>
<td>VOT</td>
<td>Victim of Trafficking in Persons</td>
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<td>ZRP</td>
<td>Zimbabwe Republic Police</td>
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1.0 Introduction
The crime of trafficking in persons (TIP) is considered a serious public security concern in the Southern African Development Community (SADC) region. However, it is widely acknowledged that there is a dearth of information on the crime in the region. This hampers the regional response to the crime.

The United Nations Office on Drugs and Crime (UNODC), being the custodian of the United Nations Convention against Transnational Organised Crime (UNCTOC) and its supplementing protocols, “has been collecting data on the patterns and trends of trafficking in persons from official, national criminal justice sources [around the world] since 2003”.

During the 70th session of the UN General Assembly (UNGA) in 2015, Member States of the global grouping were encouraged to provide UNODC, based on its custodianship of the global legislative frameworks on TIP, with “evidence-based data on patterns, forms and flows of trafficking in persons, including for the purposes of removal of organs”.

This report, which provides an analysis of statistics on TIP in the SADC region, complements the work done by the respective Member States in collecting crime statistics, as well as the research and documentation activities being fronted by SADC Secretariat and UNODC in ensuring that reliable statistics on the crime are documented and disseminated.

Perhaps the need for TIP statistics is best articulated by the statement, “One of the most common iterations emerging in recent years from the anti-traffic king community is the questions of scale … How many trafficked people do you think there are in the country? Do you know where they come from?”

This statistical report, therefore, seeks to:

- Analyse trends and provide a scope of the crime of TIP in the SADC region;
- Analyse criminal justice responses to TIP including investigations and prosecutions;
- Provide decision makers with objective information to facilitate appropriate and informed decision making and implementation of counter-TIP measures.

1.1 Concepts
Traffic in persons (TIP), smuggling of migrants (SOM), and irregular/illegal migration are concepts that are often confused and sometimes used interchangeably. Although there are relationships between these terms, they are fundamentally different

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2 These are:
   (i) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;
   (ii) Protocol against the Smuggling of Migrants by Land, Sea and Air; and
   (iii) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP Protocol) defines TIP as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

It further articulates what constitutes ‘exploitation’, stipulating that this “shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Therefore, when a certain action, which includes any of recruitment, transportation, transfer, harbouring or receipt of persons, is done by the coercive or deceptive means for purpose of exploitation, this constitutes the crime of TIP.

On the other hand, Article 3 of the United Nations Protocol on Smuggling of Migrants by Land, Sea and Air defines SOM as:

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

There are, therefore, fundamental differences between TIP and SOM. These include:

i. Consent. While TIP involves the use of means—threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability—for purposes of exploitation, SOM is a voluntary transaction whereby the smuggled migrant pays a smuggler a consideration (financial or material) to illegally enter or remain in a country they are not a citizen or legal resident of.

ii. Exploitation. The relationship between the smuggled migrant and smuggler ends upon facilitation of the border crossing and payment of the fees for this service. The smuggler does not intend to exploit the smuggled migrant at destination. Whereas the trafficker has a continuous relationship of exploitation with the victim at destination.

iii. Transnationality. Smuggling of migrants always involves crossing of an international border, whereas trafficking in persons can happen both domestically and internationally.

iv. Offence. TIP is an offence against an individual whereas SOM is an offence against the State. This is why smuggled migrants in international

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law are not considered “victims” as such. However, international law recognises that smuggled migrants are vulnerable in the hands of smugglers and potentially subjected to violence, dangerous conditions, and sometimes forced to continue with a journey even after they have withdrawn their consent. Hence protection and assistance measures are extended to them in recognition of these vulnerabilities.

Although SOM and TIP are distinct offences, they are interlinked. There are instances where SOM turns into TIP, that is when perpetrator's main purpose becomes exploitation of the victim, and not just to receive financial remuneration as is the case in SOM.

While TIP and SOM are fully defined in their respective Protocols, there is no universally accepted definition of irregular migration. However, the International Organisation for Migration (IOM) has coined the definition “movement that takes place outside the regulatory norms of the sending, transit and receiving countries”. This definition covers a wide variety of mixed migration movements by people who do not have necessary requirements for legal entry into a country.

1.2 Legislative Response
1.2.1 Global Legal Framework
The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was the first instrument to give an internationally accepted and binding definition of TIP. It was signed on 15 November 2000, during the United Nations General Assembly held in Palermo, Italy, and came into force on 25 December 2003. Prior to the TIP Protocol entering into force, TIP was dealt with in a piecemeal fashion in other international legal instruments including conventions on slavery, labour, and women and children.

As of October 2016, 170 countries worldwide had ratified the TIP Protocol. Furthermore, 158 countries have domestic legislative provisions criminalising TIP. Within the SADC region, all substantive Member States are parties to the United Nations Convention against Transnational Organised Crime (UNCTOC) and the TIP Protocol, as shown in Table 1.

Table 1 Status of ratification of UNCTOC and TIP Protocol by SADC Member States

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<tr>
<td>Date of signature</td>
<td>Date of ratification or accession (a)</td>
<td>Date of signature</td>
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7 All articles of the United Nations Protocol Against the Smuggling of Migrants by Land Sea and Air that relate to smuggled migrants (i.e. Articles 3, 5, 6 and 14), refer to them as persons who have been the “object of such conduct” [i.e. smuggling of migrants].
8 Article 6(3). United Nations Protocol Against the Smuggling of Migrants by Land Sea and Air.
9 See https://www.iom.int/key-migration-terms for definitions of irregular migration and other key migration terms.
In order to be a party to the TIP Protocol, a country is required to first be a party to the UNCTOC. The TIP Protocol emanates from the UNCTOC, together with the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. The Protocols and the Convention are always read together. The Convention has some overarching measures that apply to all three of its supplementary protocols, for example, criminalising organised crime and its ancillary offences; criminalising money-laundering; criminalising corruption by public officials; adopting measures to ensure confiscation of proceeds of crime; strengthening mutual legal assistance in investigation; and prosecution.

1.2.2 Regional Policy Framework
SADC has developed some key legal and policy instruments in response to the scourge of TIP. These include:

- SADC Protocol on Gender and Development (2008)\(^{12}\);
- The 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019);
- Harmonised SADC Regional Strategic Plan on Combating Illegal Migration, Smuggling of Migrants and Trafficking in Persons (2016 – 2020); and
- SADC Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO)

Article 20(5) of the SADC Protocol on Gender and Development provides for TIP, requiring SADC Member States to enact specific legislative provisions to prevent TIP and dismantle criminal networks that perpetuate the crime, as well as putting in place harmonised data collection mechanisms to ensure effective monitoring.

Meanwhile, the 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019), which was adopted by Members States in 2009, identifies 8 strategic priorities for action against TIP (Box 1.1).

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\(^{11}\) The Union of the Comoros was admitted into SADC in August 2017, although still as an observer.

\(^{12}\) The SADC Protocol on Gender and Development was revised and amended in 2016
Box 1.1: Strategic priorities for action as outlined in the 10 Year SPA

**Legislation and policy measures:** This priority speaks to the need to sign, ratify, and domesticate international and regional frameworks addressing TIP; development of regional model legislation on TIP; development of harmonised national policies and legislations on TIP; and strengthening security mechanisms of travel and identity documents to prevent unlawful production, issuance and use of the documents.

**Training for skills enhancement and capacity building:** The development of a regional child-focused and gender-sensitive training curriculum on TIP is outlined as one of the activities towards achieving this priority. The other activities include conducting specialised regional training of trainers for various stakeholders on TIP; and establishing and/or strengthening institutional mechanisms in combating TIP.

**Prevention and public awareness raising:** Having realised that awareness on TIP was still limited in the region, the Member States emphasised the need to develop and disseminate regional public awareness on TIP, and conduct awareness campaigns on the crime.

**Victim support and witness protection:** In this case, the Strategic Plan of Action makes a case for physical, psychological and social support to victims and protecting witnesses and people who report TIP cases.

**Coordination and regional cooperation:** This involves establishing and/or strengthening channels of communication between various stakeholders at the Member State and regional levels, and facilitate sharing of intelligence, information and trends on TIP.

**Research and information sharing:** Research on TIP in Member States is critical in informing decision-making on TIP. In addition, the development of a TIP Regional Management Information System and documentation of effective practices on TIP are proposed as key activities.

**Monitoring and evaluation:** Regional monitoring, evaluation and reporting on the implementation of the Strategic Plan of Action is necessary to track progress in the Plan’s implementation.

**Resource mobilisation:** Resource mobilisation ensures that resources for implementing the Strategic Plan of Action at the regional and Member State levels are available and sustainable.

**Source:** 10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019), p.11-15

The strategic plan of action has been the main document that has guided the region’s response to TIP since 2009. It includes minimum requirements for a comprehensive response to TIP. These are prevention, advocacy and awareness raising; protection; rehabilitation, integration and repatriation; and investigation and prosecution.

In 2016, the Strategic Plan of Action (SPA) underwent a mid-term review aimed to refocus the priorities for the remaining period of the SPA. The Revised SPA, which was approved in July 2017, identifies the following priority interventions for the period from 2016 to 2019:

- **Capacity Building and Training:** This priority identifies the need to continuously build capacity of stakeholders in preventing and combating TIP.
- **Public Education and Awareness Raising:** Just as the 10 Year SADC SPA identified public awareness raising as a key component of the fight against TIP, the Revised SPA echoes the same, and went a step further by advocating for the development of regional and national guidelines on resource mobilisation for public education and sensitisation programmes on TIP.
• **Victim Support and Witness Protection:** The Revised SPA calls for the development of regional minimum standards for assistance provided to victims of TIP, as well as establishing houses of safety and shelters for victims of TIP.

• **Research and Information Sharing:** This priority recognises the importance of strengthening the Regional Database on TIP that was established in 2014 as a collaborative initiative between SADC Secretariat and UNODC. In addition, there is need to enhance capacity in data collection, conducting research, and disseminating the research results in order to facilitate evidence-based policy and programme formulation and implementation.

• **Coordination and Regional Cooperation:** The Revised SPA advocates for the formation of a regional network of key service providers to facilitate improved cooperation in cross-border cases of TIP, and the establishment and/or strengthening of bilateral and multi-lateral cooperation between source, transit and destination countries to implement joint operations on TIP.

• **Harmonisation and Operationalization of Laws:** The Revised SPA recognises progress made by Member States in developing legislation criminalising TIP, and calls for alignment of national laws to regional and international legislative instruments on TIP, training of legal personnel in the implementation of the harmonised laws, and development of a SADC Protocol on TIP.

Prior to the entry into force of the UN TIP Protocol in 2003, SADC had some instruments that are also important to the regional response to TIP. These include:

- SADC Protocol on Mutual Legal Assistance in Criminal Matters (signed in 2002 and entered into force in 2007);
- SADC Protocol on Extradition (signed in 2002 and entered into force in 2006);
- SADC Code of Conduct on Child Labour (signed in 2000); and

### 1.2.3 National Legal Framework

To date, 13 out of 15 SADC countries have developed specific legislation on TIP. The remaining two countries—Democratic Republic of Congo (DRC) and Namibia—are at varying stages of developing their respective TIP legislation. However, these countries are using other pieces of legislation to prosecute TIP cases, as shown in Table 2. Meanwhile, Comoros, which is still in an observer capacity, utilises its Penal Code and Law Countering Child Labour and Child Trafficking, in the absence of a stand-alone legislation addressing TIP issues holistically.

Several SADC countries have also developed national strategic frameworks and action plans on TIP complementing their respective laws, as shown in Table 2. These also facilitate international and regional cooperation in combating the crime.

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13 The SADC Trafficking in Persons Network (SADCTIPNet) was launched in June 2017 in Swaziland.
<table>
<thead>
<tr>
<th>Country</th>
<th>Title of national legislation on trafficking in persons</th>
<th>Title of the National Action Plan/Strategic Framework on Trafficking in Persons</th>
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<tbody>
<tr>
<td>Botswana</td>
<td>The Anti-Human Trafficking Act, No. 32 of 2014</td>
<td>Drafting National Action Plan in progress</td>
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<tr>
<td>Comoros</td>
<td>Code Penal [Article 322 and 323 penalise] aiding and abetting the prostitution of others, with stiffer penalties for prostitution of minors]</td>
<td>Not yet in place</td>
</tr>
<tr>
<td>DRC</td>
<td>Loi N° 09/001 du janvier 2009 portant protection de l’enfant [Child Protection Code, Law 09/001] [Article 162]</td>
<td>Not yet in place</td>
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<tr>
<td></td>
<td>La Code Pénal Congolais Decret du 30 Janvier 1940 [Congolese Penal Code Law of 30 January 1940] [Article 67 ]</td>
<td>Drafting of specific legislation on trafficking in persons in progress</td>
</tr>
<tr>
<td></td>
<td>La Constitution de la Republique Democratique du Congo du 18 février 2006 [The Constitution of the Democratic Republic of Congo of 18 February 2006] [Article 16]</td>
<td></td>
</tr>
<tr>
<td>Lesotho</td>
<td>Anti-Trafficking in Persons Act, No. 1 of 2011</td>
<td>National Anti-Trafficking in Persons Strategic Framework and Action Plan (2014-2016). To be reviewed in April 2018</td>
</tr>
<tr>
<td></td>
<td>Child Welfare Protection Act of 2011 (a66-72)</td>
<td></td>
</tr>
<tr>
<td>Malawi</td>
<td>Trafficking in Persons Act, No. 3 of 2015</td>
<td>National Plan of Action against Trafficking in Persons (2017-2022)</td>
</tr>
<tr>
<td></td>
<td>Child Care Act, No.22 of 2010</td>
<td></td>
</tr>
<tr>
<td>Mauritius</td>
<td>Combating of Trafficking in Persons Act Child Protection Act (Section 13A and 13C)</td>
<td>Drafting in progress</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Trafficking in Persons Law, No. 6 of 2008</td>
<td>Draft National Action Plan in place and awaiting finalisation</td>
</tr>
<tr>
<td>Namibia</td>
<td>Prevention of Organised Crime Act, No. 29 of 2004 (Section 15 covers trafficking in persons),</td>
<td>TIP was incorporated in the National Gender Based Violence Plan of Action, which has since lapsed</td>
</tr>
</tbody>
</table>
Child Care and Protection Act No. 3 of 2015 (Sections 200 – 212 covers child trafficking)

The above are used in conjunction with the Labour Act No. 11 of 2007, the Combating of Immoral Practices Act No. 21 of 1980, and the Combating of Rape Act No. 8 of 2000

Drafting of specific legislation on trafficking in persons in progress

Seychelles
Prohibition of Trafficking in Persons Act, No. 9 of 2014


South Africa
Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013

National Strategic Plan for Addressing Trafficking in Persons (2014). South Africa is in the process of developing a comprehensive strategic framework and action plan

Swaziland
The People Trafficking and People Smuggling (Prohibition) Act, No. 7 of 2009


Tanzania
The Anti-Trafficking in Persons Act, No. 6 of 2008


Zambia
The Anti-Human Trafficking Act, No. 11 of 2008
Penal Code Amendment Act No. 15 of 2005 (s143 criminalises trafficking and sale of children)

National Policy on Human Trafficking of 2007

Zimbabwe
 Trafficking in Persons Act, Chapter 9.25 of 2014

The Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC): 2016-2018

Source: Member States

This statistical report has analysed the various pieces of legislation in the Member States to monitor whether TIP has been criminalised in line with the TIP Protocol, and whether provision for basic mandatory victim protection and assistance has been provided. **Box 1.2** outlines the mandatory requirements under the TIP Protocol:

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**Box 1.2: Mandatory requirements of the UN TIP Protocol**

**Criminalisation**¹⁴

1.1 It is mandatory for State Parties to establish as a criminal offence of conduct consisting of:
(a) The *action* of: recruitment, transportation, transfer, harbouring or receipt of persons
(b) By means of: threat or use of force or other forms of coercion, of abduction, of fraud, deception, abuse of position of vulnerability and giving or receiving of payments or benefits to achieve the consent of a person having control over another
(c) *For the purpose of exploitation*: which includes at a minimum the exploitation of the prostitution of others, other sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or removal of organs

1.2 The criminal offence should exclude the relevance of consent where means are used

1.3 The criminal offence of child trafficking shall consist of:
(a) The *action* of: recruitment, transportation, transfer, harbouring or receipt of persons
(b) *For the purpose of exploitation*:
Even where no means are used.

1.4 Subject to the basic concepts of individual legal systems, State Parties are furthermore required to criminalise¹⁵:
(a) attempt to commit the crime;

---

(b) participation as an accomplice; and
(c) organising and directing others to commit the offence.

**Victim protection and assistance**
2. With regard to victim protection and assistance, it is mandatory for State Parties to:

2.1 Protect the privacy and identity of victims in appropriate cases and to the extent possible under domestic law [Art 6(1)];
2.2 Ensure that victims receive information on relevant court proceedings in appropriate cases and have an opportunity to have their views presented and considered [Art 6(2)];
2.3 Endeavor to provide physical safety of victims while they are in their territory [Art 6(5)];
2.4 Ensure measures to allow victims the opportunity to seek compensation for damages suffered [Art 6(6)];
2.5 Facilitate and accept the return of victims who are nationals or permanent residents [Art 8(1)]; and
2.6 Verify without unreasonable delay whether a trafficked person is a national or a permanent resident and issue appropriate travel documents for re-entry [Art 8 (3) and (4)]

There are also mandatory requirements around prevention of TIP and international cooperation. However, a lot of these requirements do not require legislative measures. There are some countries that have, nonetheless, legislated prevention and international cooperation requirements. However, most countries in the region have included these measures in their national strategies and action plans on TIP, or are just implementing the measures without any formal enabling instrument.

With reference to criminalisation of the offence of TIP in line with the TIP Protocol requirements in the national legislation, the analysis found that five (5) countries (Botswana, Malawi, Mozambique, Namibia and Seychelles) fully met the requirements (see Table 3). The remaining 10 countries partially meet the requirements. This was mostly because of a lack of a separate definition of child trafficking, which does not require the means element to be proven, as well as conceptual limitations in the definition in that the definition includes elements of the offence as set out in international law, but not as a composite offence, made up of three constituent elements consisting of an act, a means and a purpose.

With regard to ensuring adequate victim assistance provisions in national legislation, seven (7) countries (Botswana, Lesotho, Mozambique, South Africa, Seychelles, Tanzania and Zambia) have met all mandatory requirements of the TIP Protocol. The other countries fell short mainly in the area of repatriation of victims, verification of nationality and issuance of travel documents of their nationals who are found to be victims of TIP elsewhere. In some countries, victim assistance provisions are only for children, while adult victims are not addressed.

It must be noted, however, that having good legislation alone is not sufficient. There should also be effective implementation of the legislation in practice. All the countries, including the ones with a sound legislative framework have encountered some challenges in implementation of counter TIP provisions. However, this is not within the scope of this statistical report.
<table>
<thead>
<tr>
<th></th>
<th>Criminalisation of TIP offence consisting of Act, Means and Purpose, and irrelevance of consent</th>
<th>Criminalisation of child trafficking consisting of Act and Purpose</th>
<th>Criminalisation of attempt, participation as an accomplice, aiding and abetting (in TIP Act or other related legislation)</th>
<th>Protection of victim identity and privacy</th>
<th>Provision of information and victim views heard</th>
<th>Physical safety of victims</th>
<th>Compensation for damages suffered</th>
<th>Accept return of victims</th>
<th>Verify nationality of victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>√ (partially, not all acts, means and minimum forms of exploitation taken into account)</td>
<td>X</td>
<td>√</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Botswana</td>
<td>√</td>
<td>√</td>
<td>(in Criminal Code)</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>DRC</td>
<td>√ (partially, but only child trafficking)</td>
<td>X (child trafficking defined, but means are required)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Lesotho</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Madagascar</td>
<td>√ (partially, definition of exploitation does not follow that of the Protocol)</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>(not explicitly stated but it is implied)</td>
<td>√</td>
<td>√</td>
<td>√ (partially)</td>
<td>√</td>
</tr>
<tr>
<td>Malawi</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mauritius</td>
<td>√</td>
<td>√</td>
<td>(Common Law)</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Mozambique</td>
<td>√</td>
<td>√</td>
<td>(in Penal Code)</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
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<td></td>
</tr>
<tr>
<td>Seychelles</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>South Africa</td>
<td>√</td>
<td>X</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Swaziland</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Tanzania</td>
<td>√ (although means is mostly implied and not stated explicitly)</td>
<td>X</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Zambia</td>
<td>√</td>
<td>X</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>√ (partially, transportation-based offence, and no explicit mention of exploitation)</td>
<td>X</td>
<td>√</td>
<td>√</td>
<td>X</td>
<td>√</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
2.0 Data collection and analysis

This statistical report provides an overview of the TIP cases reported in each of the 15 SADC Member States, excluding Comoros. The statistics were gathered from a variety of sources, depending on the availability and accessibility of the data, as well as its relevance to the issues of TIP in the SADC region. The process sought to collate data on the following indicators, *inter alia*:

i. Number of TIP victims by age group and sex;
ii. Forms of exploitation, disaggregated by age and sex;
iii. Number of TIP victims by citizenship;
iv. Number of traffickers by age group and sex;
v. Number of traffickers by citizenship;
vi. Number of cases identified, investigated, and/or prosecuted per year per country;
vii. Number of convictions and acquittals; and
viii. Countries of origin, transit, and destination.

The information was collected from the following sources:

*National reports on TIP*

A number of Member States conducted baseline studies on TIP. For example, a research report titled *Tráfico de Pessoas em Moçambique, em particular, de crianças* was released in 2014, which analysed the scale of TIP with particular reference to child trafficking in Mozambique.\(^{16}\) Such baseline studies provided essential information in the compilation of this statistical report. It is important to emphasise though that not all Member States had conducted baseline studies on TIP by the time of compiling this report, and this presented a challenge in identifying and collecting information specific to the different Member States.

*The Regional Trafficking in Persons Data Collection System*

The SADC Regional Trafficking in Persons Data Collection System\(^{17}\) was established in 2014, as part of a collaborative initiative between the SADC Secretariat and UNODC. The system was established to respond to the challenges of limited statistics on the crime in the region and the need to develop a Regional Management Information System on TIP as outlined in the *10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)*.

At the time of compiling this statistical report, 11 countries\(^{18}\) had been connected to the regional system. The system collects information on reported TIP cases following a standardised set of questions outlined in the case interview forms. In each Member State, users to the system are drawn from various departments that are involved in preventing and combating TIP at the national level, as presented in Table 4.

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\(^{16}\) The research was conducted by the Institute of International Relations (ISRI), commissioned by the Attorney General of the Republic (PGR).

\(^{17}\) The system was designed for TIP data collection and management across the SADC region. Although referred to as the SADC Regional Trafficking in Persons Data Collection System, this only means that it is a system for the SADC region. However, emphasis must be placed on the SADC Secretariat and UNODC collaboration in the development of the data collection system.

\(^{18}\) Botswana, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Seychelles, Swaziland, Tanzania, Zambia and Zimbabwe
At the national level, the information captured in the system is drawn from criminal case dockets obtained at police stations and from the courts, while some countries such as Malawi, Seychelles, Swaziland and Tanzania have victim screening forms outlined in their respective principal and/or subordinate legislation that provide for collection of valuable information for the system. The data capturing also provides an opportunity for validation of the data before it is captured into the system, and that is largely defined by the respective lead agencies responsible for countering TIP in the different SADC Member States.
Table 4 Departments capturing data into the system in Member States

<table>
<thead>
<tr>
<th>Country</th>
<th>Botswana</th>
<th>Lesotho</th>
<th>Madagascar</th>
<th>Malawi</th>
<th>Mozambique</th>
<th>Namibia</th>
<th>Seychelles</th>
<th>Swaziland</th>
<th>Tanzania</th>
<th>Zambia</th>
<th>Zimbabwe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departments</td>
<td>Botswana Police Service</td>
<td>Lesotho Mounted Police Service</td>
<td>Bureaux National de Lutte contre la Traite des Etres Humains (BNLTEH)</td>
<td>Malawi Police Service</td>
<td>Attorney General's Office</td>
<td>Namibia Police Force</td>
<td>Secretariat of the National Coordinating Committee on Trafficking in Persons</td>
<td>Prevention of People Trafficking and Smuggling Secretariat</td>
<td>Ministry of Home Affairs, Tanzania Police Force, Director of Public Prosecutions</td>
<td>Department of Immigration Zambia Police Service</td>
<td>Ministry of Home Affairs Zimbabwe Republic Police</td>
</tr>
<tr>
<td></td>
<td>Ministry of Local Government</td>
<td>Director of Public Prosecutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Regional and global trafficking in persons reports

In 2016, the SADC Secretariat published a research report titled *Trafficking in Persons in the SADC Region: a Baseline Report*, that “sought to determine the nature, extent and impacts of TIP in the SADC region”. On the other hand, UNODC, as the custodian of the UNCTOC and the global TIP Protocol, publishes a global TIP report after every two years, while the United States Department of State’s Office to Monitor and Combat Trafficking in Persons (USJTIP) has an annual publication, the *Trafficking in Persons Report*. This statistical report is, therefore, a cross-pollination of findings from these various reports, in addition to the other mentioned resources.

The process of data gathering and analysis followed the process as detailed below:

a. **2014**: the SADC Regional Trafficking in Persons Data Collection System was developed and piloted in Lesotho and Swaziland;

b. **2015 to 2017**: the process of rolling out the database to other Member States commenced with the Regional Training of Trainers on Data Collection and Database Management in February 2015 in Johannesburg, South Africa. As already mentioned, at the time of compiling this report, the database had been rolled out to 11 Member States;

c. **2017**: the drafting of the statistical report commenced. This included collecting statistics from the Regional Trafficking in Persons Data Collection System, as well as other sources. The draft statistical report was validated in June 2017 by the focal agencies working on countering TIP in the Member States, and the report was subsequently finalised after incorporating the inputs from the validation process.

### 2.1 Limitations encountered

A number of limitations can be associated with the data, both at process and output level. These include the following:

*Limited capacity to differentiate between TIP and smuggling of migrants*, which negatively affects the data collection process, as well as the data collected on either of the phenomena. For example, the SADC TIP baseline report identified that there was “no clear demarcation between data on TIP and smuggling of migrants in Malawi”. As such, it presented data that included SOM, the percentage of which is not known. In some instances, cases within the region are reported and prosecuted as TIP, yet in fact they are SOM cases.

The *confidential nature of TIP* made access to TIP data in the Member States challenging. As such, the data was not readily available both for capturing in the SADC Regional Trafficking in Persons Data Collection System and for purposes of compiling this statistical report.

The *crime of TIP is so complex* that it is difficult to identify and prove. It is widely acknowledged that TIP is a hidden crime and that several cases might actually be

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21 These are available at [https://www.state.gov/j/tip/rls/tiprpt/index.htm](https://www.state.gov/j/tip/rls/tiprpt/index.htm) [accessed 19 December 2017].


undetected. This, therefore, means that the reported cases might only be a proportion of the situation in the region.

In some cases, **victims of TIP might decide not to cooperate with prosecutors in prosecuting the traffickers**, largely because of the trauma that they would have experienced, as well as for fear of further persecution by the traffickers and/or their accomplices. Under such circumstances, it is difficult to collect the information from the victims, which further hampers the compilation of any statistical report.

The **collection of data on TIP involves several entities** at the national level, and in most cases these entities function in parallel to each other and might not share the information among themselves. In any research on TIP, it is common to find that the information provided by one department does not tally with that provided by another. This presents a challenge in that the probability to undercount or double count cases of TIP is high. It is important, therefore, that national mechanisms are put in place to ensure information sharing among the various institutions and that validation of the information is conducted at the national level.

The **stand-alone laws on TIP in the Member States are relatively new**, with seven of them being enacted in or after 2013. It is, therefore, not surprising to find that investigators and prosecutors might still be comfortable registering reported cases under laws that they are most comfortable using, such as those on child protection, labour matters and sexual violence. As such, once a case is not registered as a TIP case, it will not be represented in the statistical report on TIP, even though it might have all the necessary elements to treat it as such.

The SADC Regional Trafficking in Persons Data Collection System, which is the main basis of this statistical report, has a **strong focus on law enforcement** in the representation of users of the system, as shown in Table 4. This means that departments that are responsible for the welfare of victims have limited representation in most of the countries where the database has been rolled out. However, it should be noted that there are deliberate efforts in Member States to integrate social workers in data capturing on TIP.

Although the Regional Trafficking in Persons Data Collection System had been rolled out to 11 Member States by the time of compiling this statistical report, it was not uncommon to find that data was not being uploaded in the system owing to a number of factors, among them the capacity to capture the data in the countries. As such, data that had not yet been captured in the system was not included in the report, unless it was provided using other means.

Although these limitations were prevalent throughout the process, mechanisms were put in place to ensure that the collected data provides a near-accurate reflection of what is transpiring on the ground in the Member States. These include, among others, using:

i. Collecting data in the national reports on TIP. It is believed that such data would have undergone validation before publication;

ii. Collating data from court judgments representing real cases of TIP prosecuted in the Member States; and

iii. Gathering information stored in the respective national TIP data hubs that are linked to the regional database. The information captured in the database is backed

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24 For example, the SADC regional TIP report acknowledges that data on the number of victims in South Africa, provided by the National Prosecuting Authority (NPA), the South African Police Service (SAPS) and the IOM country mission, differed significantly across the three institutions.

25 This include Madagascar’s legislation amending the 2007 law on TIP. The amended legislation was enacted in 2015.
by real cases identified and reported in the Member States, as indicated in accessed dockets or case documents.
3.0 Country-by-Country Analysis

3.1 Angola

Angola enacted the Law on Criminalisation of Underlying Offenses to Money Laundering in 2014. Trafficking in persons is criminalised thereunder as a predicate offence, and this is the main provision used to charge perpetrators of the offence. Angola is not yet part of the Regional Trafficking in Persons Data Collection System. However, an orientation on the System for Angolan Inter-Ministerial Commission Against TIP, was conducted in February 2017. This resulted in a recommendation being made to the Minister of Justice to adopt the System. In the meantime, for purposes of this report, the data below was obtained from the Angolan Inter-Ministerial Commission Against TIP.

3.1.1 Data on Trafficking

<table>
<thead>
<tr>
<th>Box 3.1: Submission on TIP in Angola</th>
</tr>
</thead>
<tbody>
<tr>
<td>To date, two trafficking in persons cases have been heard in Angolan courts. One of these cases involved six (6) Chinese nationals convicted of sex trafficking, and sentenced to prison terms of between eight (8) and 10 years. The second case concerns a 32-year-old Congolese (DRC national) who was sentenced to two years’ imprisonment for trafficking four (4) boys from DRC aged between 13 and 16 years. Both cases were heard in court in 2015, and were finalised in 2016.</td>
</tr>
<tr>
<td>During the same period, the Ministry of Foreign Affairs, through the Institute for the Communities, registered an increase in alleged asylum-seeking Angolans in Brazil for various reasons between 2015 and 2016. Of these, there were 10 suspected cases of TIP with cases under investigation by the Brazilian authorities.</td>
</tr>
<tr>
<td>During 2017, the Commission received three children—two Angolans and one from the DRC—through the National Children’s Institute (INAC). Investigation of these cases is still pending to ascertain whether or not the children are victims of TIP.</td>
</tr>
<tr>
<td>In addition, the movement of buses and lorries with unaccompanied children in the provinces of Namib, Huila, Lunda Norte, Zaire and Cabinda has also been undergoing close monitoring by the INAC and the organs of the Ministry of the Interior to ascertain if any TIP might be taking place.</td>
</tr>
</tbody>
</table>

Source: Angolan Inter-Ministerial Commission against Trafficking in Persons

3.1.2 Comparison with other major TIP reports

Similarly to the above, the 2017 USJTIP Report discusses the two (2) convictions obtained as a result of a prosecution initiated in 2016. It, however, states that the perpetrators were three (3) Vietnamese nationals (two women and a man) and one Chinese perpetrator, while the victims were Vietnamese and Chinese nationals who were being exploited in the commercial sex industry. The report also mentions the case of the Congolese woman who trafficked the four minor boys as discussed in Box 3.1.

Also according to the 2016 USJTIP Report, 55 victims were identified and referred to government shelters and other services. Of these victims, 51 were trafficked for labour

exploitation, and 40 of them were minors. In the 2017 report, the number of identified victims increased to 91 victims, the majority of whom were children.29

The 2016 SADC baseline report on TIP had no statistics on TIP in Angola. However, it reaffirms that women and children constitute the most vulnerable groups and the majority of reported cases involve labour and sexual exploitation.30

3.1.3 Recommendations:
It is recommended that the Government of Angola and relevant stakeholders should:

- Align TIP criminal provisions with the UN TIP Protocol;
- Develop victim and witness protection legislation;
- Strengthen criminal justice capacity to appropriately and effectively identify, investigate and prosecute TIP cases; and
- Implement the Regional Data Collection System for SADC Member States.

3.2 Botswana
Botswana enacted the Anti-Human Trafficking Act in 2014. As such, the statistics presented under this section were drawn from cases reported and/or prosecuted under the Anti-Human Trafficking Act, No.32. The cases only cover 2015 and 2016. Article 114 of the Children’s Act, No.8 of 2009, also addresses child abduction and child trafficking. The SADC Regional Trafficking in Persons Data Collection System was rolled out in Botswana in 2017, and cases were yet to be captured in the system at the time of compiling this report. The information was, therefore, obtained directly from the Directorate of Public Prosecutions (DPP) in the country, unless specifically indicated otherwise.

3.2.1 Data on trafficking in persons
3.2.1.1 Victims of trafficking in persons
Approximately 30 people were identified or flagged as victims of TIP in Botswana during the period from 2015 to 2016, as presented in Figure 1 and 2. This is not far from the figure of 33 (six in 2015 and 27 in 2016) reported in the annual TIP report produced by the American Department of State.31

Research has identified women and children as the most vulnerable groups to TIP in Botswana and worldwide.\textsuperscript{32} However, it is worth noting that trends are changing, and men are increasingly falling prey as victims of this complex crime\textsuperscript{33}, as evidenced by the statistics provided by the DPP where 66.7\% of identified victims of TIP in 2015 and 2016 were male, and 90\% of those were adults between 18 and 34 years of age (Figure 1 and 2). It is important to emphasise that the age and/or sex of a victim depends on the demand that the traffickers want to satisfy.\textsuperscript{34}

\textbf{Figure 1} Number of victims identified in Botswana grouped by age and sex

\textbf{Figure 2} Number of victims in Botswana by sex and year of occurrence


\textsuperscript{34} SADC Secretariat. 2016. \textit{Trafficking in Persons in the SADC Region: a Baseline Report}. Gaborone, SADC Secretariat, p.58.
Of the 30 identified victims of TIP in Botswana in 2015 and 2016, 73.3% were Malawian nationals and 10% were Ethiopians (Figure 3). The rest were from Somalia (1), Tanzania (1), Zambia (2) and Zimbabwe (1).

![Botswana: Number of victims by nationality and sex (2015-2016)](image)

Figure 3 Number of victims identified in Botswana grouped by nationality and sex

In addition, it was reported that the Botswana government had paid for legal expenses and repatriation costs of a Motswana child trafficking victim exploited in Canada in 2016. This confirms reports that Botswana is a source of victims trafficked particularly to Canada.

While “forced labour and labour exploitation, mainly in the agricultural sector” were identified as possible forms of exploitation, statistics have indicated that the 30 identified victims potentially experienced sex trafficking and forced labour as presented in Figure 4. This corresponds with the numbers also presented in other reports where four victims experienced child sex trafficking while three endured child forced labour. Of particular concern is the high number of victims subjected to forced labour (77% adult and 10% children).

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3.2.1.2 Trafficker information

Twenty-five (25) suspected traffickers had been apprehended by the time of compiling this report, the majority of which were male (60%), and between 35 and 60 years of age (52%) as presented in Figure 5.

Statistics provided by the DPP also reveal that the majority of suspected traffickers identified were from Malawi (24%) and Botswana (20%). Other traffickers were from Ethiopia (1), Jamaica (1), Kenya (1), Nigeria (3), Somalia (1), South Africa (2), Tanzania (1), Zambia (1) and Zimbabwe (3).
3.2.1.3 Investigation and prosecution of trafficking in persons cases

The statistics provided by the DPP indicate that 13 cases had been brought before the courts for prosecution by the time of compiling this report. Two (2) of these cases had been finalised. One of these concluded cases resulted in a conviction. However, the DPP appealed against the sentence of 18 months in prison of which nine (9) months were suspended on conditions, as the DPP viewed this as lenient considering the gravity of the crime. The accused was immediately released from prison as she had served eight months in prison. The second, which was initially heard in the Magistrate’s Court, was subsequently committed to the High Court for trial, as it was found that Magistrate’s Courts have no jurisdiction to hear TIP cases.

3.2.3 Comparison with other major TIP Reports

The 2017 USJTIP Report\textsuperscript{39} found that 27 victims were identified in 2016, an increase from six (6) victims reportedly identified in 2015. Similarly, it also observed that the majority of victims of TIP were trafficked for forced labour, and that there is an increase in the number of male victims.

The same report also says that 12 cases were investigated and prosecuted in 2016, compared to five (5) investigations and 7 prosecutions in 2015, and also made reference to the 18 month’s sentence which is the DPP had lodged an appeal against. By and large, the findings of the USJTIP Report are comparable with the above.

It is worth noting that at the time of conducting the SADC regional research on TIP in 2014, there had been no “definitive cases of TIP that had been prosecuted in the country”.\textsuperscript{40}


\begin{figure}
\centering
\includegraphics[width=\textwidth]{Botswana_Suspected_Traffickers_by_Nationality.png}
\caption{Figure 6 Number of suspected traffickers in Botswana grouped by nationality}
\end{figure}
Since the enactment of the Anti-Human Trafficking Act in 2014, the number of cases prosecuted under this law have been on the increase.

3.2.4 Recommendations

It is recommended that:
- Capacity to collect and appropriately manage TIP data should be strengthened;
- TIP data should be captured in the national data hub linked to the SADC Regional Trafficking in Persons Data Collection System;
- Appropriate interventions to address specific forms of exploitation that are of concern in the country, for example forced labour, should be developed and implemented;
- Vulnerable groups should be identified, and prevention interventions developed targeted at such groups; and
- Capacity initiatives for investigators, criminal justice practitioners and social services providers should be strengthened.

3.3 Democratic Republic of Congo

The Democratic Republic of Congo (DRC) was not yet connected to the SADC Regional TIP Data Collection System at the time of compiling this report, hence there was no statistical information available. Therefore, the current report has relied on data from other major reports for purposes of this section.

3.3.1 Data on Trafficking in Persons – Information from Major TIP Reports

The 2016 UN Global TIP Report provided some data on forced child recruitments into armed forces based on reports from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), where children are used mainly as porters, cooks and sex slaves.\(^{41}\)

The report states that 268 child recruits (221 male and 47 female), some as young as 10 years old, were separated from armed forces between December 2013 and March 2014. In the period between March and June 2014, 21 children (17 boys and four girls, eight of them under the age of 15, used as porters, cooks, escorts and fighters were rescued. During the same period, the UN Children’s Fund (UNICEF) and MONUSCO identified 233 other children (12 girls and 221 boys who had been recruited into armed forces. In the early months of 2015, MONUSCO identified 298 children (18 girls and 280 boys) who had been separated from armed forces. This information demonstrates that young children, especially boys, are disproportionately affected by TIP for purposes of recruitment into armed forces.\(^{42}\)

Similarly, the 2016 USJTIP report indicates that in 2015 there were 491 children forcibly recruited into armed forces, while 2120 were separated from armed groups.\(^{43}\) This number reduced to 1662 children separated from armed forces in 2016.\(^{44}\) As far as counter-

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TIP efforts are concerned, the DRC government continued with prosecution of officials complicit to child soldiering and exploitation, including investigation of six members of the Armed Forces of the Democratic Republic of Congo (FARDC) in 2015.\(^{45}\) According to the same report, there were also officials charged with sexual violence, although it is not clear whether there was a link with TIP. In this instance, 13 National Congo Police (PNC) and 55 FARDC officials were charged.\(^{46}\) This number increased dramatically to 319 FARDC members, 135 PNC member and 18 civilians.\(^{47}\) It is unclear how many of them were convicted. In 2014 though, two convictions had been reported of FARDC officials who were found guilty of sexual slavery.\(^{48}\)

### 3.3.2 Recommendations

It is recommended that relevant stakeholders must:

- Enact the country’s draft Trafficking in Persons legislation as soon as possible in order to begin to prosecute TIP in all its manifestations
- Adopt and implement the SADC Regional Data Collection System

### 3.4 Lesotho

Further to signing both the UNCTOC and the TIP Protocol on 14 December 2000, and ratifying them on 24 September 2003, Lesotho enacted the *Anti-Trafficking in Persons Act, No. 01 of 2011*, to prohibit and punish all forms of TIP. The Act also outlines the protection measures for victims of TIP. The *Sexual Offense Act, No. 29 of 2003* and the *Labour Code Act, No 2 of 1992* complement the anti-TIP Act as additional pieces of legislation.

Lesotho was one of the pilot countries to which the SADC Regional Trafficking in Persons Data Collection System was rolled out in 2014. The data below has been uploaded onto the System by Lesotho since that time. The data includes information for the period 2011 – 2016.

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3.4.1 Data on trafficking in persons

3.4.1.1 Victims of trafficking in persons

The majority of the identified victims of TIP in Lesotho were male, at 52% of the 25 victims. Therefore, statistics show that men and boys aged 18 and below and men aged 35-60 years are most at risk of being trafficked, although women are also vulnerable.

Lesotho’s geographical positioning in relation to South Africa is seen as making it a convenient transit point for TIP victims and perpetrators from other countries to South Africa, whereby victims and traffickers travel to O.R. Tambo International Airport in Johannesburg, South Africa, whereupon they would connect to Lesotho through the Moshoeshoe International Airport. Once they are in Lesotho, they would obtain temporary travel documents enabling them to re-enter South Africa (usually by road) purporting to be Lesotho nationals.49

The majority of victims (20) identified are Basotho (Lesotho citizens), while citizens from China, Ethiopia, Nigeria, Pakistan, and South Africa were also recorded in the national

TIP data hub. The *National Anti-Trafficking in Persons Strategic Framework and Action Plan* highlights South Africa as the country of destination for the majority of trafficked victims, “where they are subjected to domestic servitude and sexual exploitation”. 50

The main forms of exploitation include sexual exploitation, forced marriage, forced labour, labour exploitation and domestic servitude. Although public education campaigns and awareness raising initiatives such as door-to-door campaigns51 and outreach at border posts were conducted, awareness raising still requires further strengthening to prevent the crime from being committed in the first place.

The TIP flows in Lesotho are also characterised by domestic (internal) patterns where victims are recruited and trafficked from rural areas to urban cities and towns mainly for domestic servitude and commercial sexual exploitation (women and girls), while boys are mainly exploited as livestock herders.

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The statistics in the SADC Regional TIP Data Collection System further shows that the majority of the victims were identified in 2014, as depicted in the Figure 10. A total of six (6) male and seven (7) female victims of TIP were identified in 2014, while only one case of TIP involving a male victim was reported in 2011.

3.4.1.2 Trafficker information
At the time of compiling this report, 11 suspected traffickers had been apprehended. As illustrated below, the majority of traffickers are male (Figure 11), and these are within the 19 – 35 age group. Therefore, victims of trafficking in persons are largely being lured by their age-mates.

3.4.1.3 Prosecutions
Prosecutions have progressed at a very slow pace in Lesotho. Two (2) cases were finalised in 2012. However, 10 cases identified during the period 2013 - 2016 have since been carried
over to the following year. In the System, it is indicated that these cases have been awaiting allocation of a trial date. There is a case management issue with prosecution of TIP cases.

![Figure 12 Status of prosecutions in Lesotho](image)

3.4.2 Comparison with other major TIP Reports

The 2017 USJTIP\(^{52}\) found that 5 new investigations had been initiated with 7 new prosecutions had been launched during the course of 2016, compared to 5 prosecutions in 2015. It was noted that no convictions were obtained.

The 2016 UNODC Global Report has data for 2015, and indicates that 6 victims were identified, and six (6) investigations launched, whereas 10 prosecutions were carried forward from previous years.\(^{53}\)

The SADC Report\(^{54}\) has data for the period 2012 – 2014, which includes 29 victims who were identified during the period and 2 cases finalised with one conviction and one acquittal.

3.4.3 Recommendations:

It is recommended that:

- The capacity of focal persons to collect and manage data on TIP should be strengthened within the framework of the SADC Regional TIP Data Collection System;
- The collection of data on domestic TIP should be strengthened and appropriate response interventions developed; and


Greater capacity has to be built, and political will secured, to prosecute trafficking in persons cases.

3.5 Madagascar

Although Madagascar is part of the Regional TIP Data Collection System for SADC Member States, the country has not yet begun uploading data onto the system. The following information was, however, by the National Office on the Fight Against Trafficking in Persons (Bureau National de Lutte contre la Traite des Etres Humains) on the situation of TIP in the country. The BNLTEH was established by the Government of Madagascar with a mandate to coordinate the national counter-TIP response.

3.5.1 Data on trafficking in persons

3.5.1.1 Victims of trafficking in persons

![Madagascar: Number of victims identified per year](image)

During 2015, 146 victims of TIP were identified. This number reduced to 17 in 2016 and has increased again to 98 victims in for the period January – September 2017. The data provided on victims of TIP prior to 2017 was not disaggregated by sex or age; only absolute numbers of victims were available. However, the 2017 victim data illustrates that women are disproportionally affected by TIP.

Although exact proportions were not available, government sources reported that during 2015, victims were trafficked to Lebanon for exploitation in the domestic sector, for sexual and labour exploitation in the Arab states, and for commercial sexual exploitation. There was also attempted TIP to China.

The information from the BNLTEH further indicated that in 2016, victims were trafficked to Kuwait for labour exploitation, while trafficking for commercial sexual exploitation was also reported.
3.5.1.2 Trafficker information

The data on traffickers for 2015 and 2016 is not disaggregated by sex. However, in total 46 traffickers were apprehended in 2015, compared to 40 in 2016 and 53 in 2017. The 2017 data is disaggregated by sex as follows: 29 men and 24 women were apprehended. Traffickers identified during 2015 were of a variety of nationalities including, Madagascans, Mauritians, Zimbabweans, Pakistanis and Chinese. During 2016 traffickers apprehended were Madagascan and Comorian. During 2017, only Madagascan traffickers were identified.

3.5.1.3 Judicial decisions on Trafficking in Persons cases

With regards judicial decisions, Madagascar had a total of 23 convictions, six (6) in 2015, 11 in 2016 and six (6) in 2017. However, most judicial processes have resulted in acquittals. Notably in 2015, out of 144 cases brought before the courts, there were 138 acquittals and six (6) convictions. Proportionally though, there seems to be an improvement in the number of convictions compared to acquittals over the three (3) years.
3.5.3 Comparison with other major TIP Reports

The 2015 USJTIP report echoed the sentiment that Madagascar was a source country for victims of TIP and identified cases of trafficking of children, especially rural children, for exploitation in prostitution, sex tourism, domestic servitude, forced labour in mining, fishing and agriculture. Although the report did not have an exact number of victims detected in 2014-2015, it observed that 187 cases of child sexual exploitation of minors between the ages 5 – 18 had been reported during that year, and these included cases of TIP. Thousands of Malagasy women were also reported to be exploited in the domestic sector in Lebanon, Kuwait, Saudi Arabia, and to a lesser extent, Jordan, Mauritius and Seychelles. The report also –made reference to women victims exploited in forced labour and forced marriage while men were exploited mainly on Chinese fishing vessels.\(^{55}\) The 2016 USJTIP report observed a stark decrease in investigation of TIP cases, from +/-187 in 2014-2015 to about eight (8) cases in 2015-2016.\(^ {56}\) The 2017 USJTIP Report says the government identified 117 victims and referred 40 of them to care, while NGOs identified 415 victims during 2016-2017.\(^ {57}\)

Likewise, Kuwait, Lebanon and Saudi Arabia were identified as main destination countries for victims of TIP, with the main vulnerable populations being women and girls, the poor, orphaned and illiterate. However, there was no statistical information provided on TIP in Madagascar, although two cases were indicated as reported in 2015.\(^ {58}\)

Information on Madagascar presented in the 2016 UN Global TIP Report was based on the Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (23 December 2013)\(^ {59}\), as provided the Ministry of Population and Social Affairs. The information shows that 1,043 children were subjected to abuse, of which 33 were sexually exploited. The Special Rapporteur’s report mainly focused on child prostitution, child marriage, child pornography and exploitation of children in the tourism sector. It also discussed the issue of children being made to work in mines and gold quarries in situations of debt bondage whereby a parent owed money to an employer and agreed that the child would work to pay off that debt.\(^ {60}\)

The 2016 USJTIP report indicates that there were six (6) convictions in 2014-2015, and 10 convictions in 2015-2016.\(^ {61}\) This corresponds with the statistics provided in Figure 15.

The SADC Report picked up 2 cases in 2015, of trafficking to Kuwait, Lebanon and Saudi Arabia.\(^ {62}\)


3.5.3 Recommendations

It is recommended that Madagascar:

- Build capacity and allocate personnel to upload data onto the Regional Data Collection System for SADC Member States
- Strengthen capacity to prosecute trafficking in persons cases

3.6 Malawi

Malawi’s *Trafficking in Persons Act, No. 3*, was enacted in 2015. Prior to the enactment of the legislation, the criminal justice system had begun to identify and investigate cases of TIP, which were being prosecuted under other pieces of legislation such as the penal Code (Chapter 7:01), the Child Care, Protection and Justice Act, No.22 of 2010, and the Employment Act of 2000 (as amended). The SADC Regional Data Collection System was rolled out to Malawi in March 2017, authorities are still in the process of uploading data onto the System. For purposes of the current report, the Malawi Police provided the data analysed below.

3.6.1 Data on trafficking in persons

3.6.1.1 Victims of trafficking

According to the Malawi Police Service, during the period between 2014 and 2016, there were a total of (142) victims of TIP. There were 30 victims in 2014, of which all were male, 58 victims in 2015, of which 93.1% were male and 6.7% were female and 54 victims in 2016, of which 53.7% were male and 46.3% were female (Figure 16).

![Figure 16 Number of victims of TIP in Malawi grouped by year and sex.](image-url)
Figure 17 depicts the number of victims of trafficking in persons in Malawi, over the years from 2014 to 2016. It is evident that a majority of the victims are young people, with 104 of Malawi’s 142 victims being under the age of 18.

Figure 18 depicts the number of rescued victims of TIP by sex and exploitation in Malawi during the period from 2014 to 2016. A majority of the rescued male victims were subjected to labour exploitation (111), while only 25 rescued female victims were subjected to labour exploitation. Only four rescued female victims were subjected to sexual exploitation.
3.6.1.2 Trafficker information

Figure 19 depicts the number apprehended traffickers by sex and year during the period 2010 – 2016. It is quite peculiar that only male traffickers have been identified, and the data provided by authorities indicate that they are all in the 18 – 35 age range, except one minor aged 16.

Figure 20 illustrates that the majority of traffickers apprehended are Malawi nationals. To a lesser extent, nationals other SADC countries, namely Mozambique and Tanzania have been identified as traffickers.
3.6.1.3 Investigations and Prosecutions

**Figure 21 Number of investigations and prosecutions in Malawi**

Figure 21 illustrates that 29 cases have been investigated and prosecuted since 2010. The number of cases has increased over the years. The country has registered 14 convictions during the period 2014 – 2016, with highest number of convictions in 2015 (i.e. 6). Data provided by authorities indicates that the majority of sentences meted out range between six (6) months and 36 months’ imprisonment.

Below is a list of selected cases heard in Malawian Courts to date:

<table>
<thead>
<tr>
<th>Case Name</th>
<th>Exploitation</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ruth Lourenco</td>
<td>Exploitation of the prostitution of others</td>
<td>Acquittal on technical grounds</td>
</tr>
<tr>
<td></td>
<td>Child trafficking</td>
<td></td>
</tr>
<tr>
<td>Masautso Banda</td>
<td>Child trafficking for labour exploitation</td>
<td>Conviction, fine paid</td>
</tr>
<tr>
<td>Republic vs. Jailosi Makwinja</td>
<td>Child trafficking for labour exploitation</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>Republic vs Mavuto Jailosi and Patson Luka</td>
<td>Child trafficking for labour exploitation</td>
<td>Conviction, 15 months imprisonment</td>
</tr>
<tr>
<td>Republic vs. Mandi Fernado</td>
<td>Child trafficking for labour exploitation</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>Republic v Bitoni Pambala</td>
<td>Child sale exploitation not specified</td>
<td>Conviction, sentence not yet passed</td>
</tr>
</tbody>
</table>
Figure 22 illustrates that 52 traffickers over the years 2010-2016 were in the age group 18-34 years, whilst only four (4) were in the 35-60 years' age group during the same period.

3.6.2 Comparison with other TIP Reports
According to the 2016 UNODC Global Report on Trafficking in Persons, in Sub-Saharan Africa the most frequently detected victims of TIP are boys and the most frequently detected form of exploitation is forced labour. This is confirmed by this SADC report that a majority of victims of TIP are males and a majority of the victims of TIP are subjected to forced labour. Meanwhile, the 2017 USJTIP report states that most Malawian trafficking in persons victims are exploited within the country for forced labour in agriculture (predominately the tobacco industry).

3.6.3 Recommendations
It is recommended that:

- Malawi strengthens data collection capacities especially in TIP hotspots;
- Malawi authorities implement the Malawi Trafficking in Persons National Plan of Action (TIPNPA) (2017-2022) in order to fight the scourge of Trafficking in Persons;
- Malawi is urged to forge regional and trans-regional cooperation in the fight against Trafficking in Persons; and
- Malawi embarks on massive awareness raising campaigns amongst her citizens to educate them on the subject of Trafficking in Persons.

3.7 Mauritius
Mauritius enacted the *Combating of Trafficking in Persons Act of 2009* to criminalise all forms of TIP. In addition to the stand-alone legislation, the *Child Protection Act of 2005* and the *Judicial Provisions Act of 2008* also describe child trafficking as a serious crime with stiff penalties. The Inter-Ministerial Committee is responsible for coordination of the national response under the chair of the Attorney-General.
Mauritius is a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. Small numbers of Mauritian adults have been identified as labour trafficking victims in the United Kingdom, Belgium, and Canada, while Malagasy women transit Mauritius in search of employment as domestic workers in the Middle East, where many are subjected to forced labour and sex trafficking.

At the time of compiling this Statistical Report, the country was yet to be connected to the SADC Regional TIP Data Collection System. However, the country provided some data on trafficking in persons.

3.7.1 Data on Trafficking in Persons

For purposes of this report, the government of Mauritius provided the following general information about trafficking in persons in the country for the period 2014 – 2017.

**Trafficking in persons recorded from the year 2014 to year 2017 for the Island of Mauritius:**

<table>
<thead>
<tr>
<th>Offence</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases of Trafficking in persons established under the Combatting of Trafficking in Persons Act 2009</td>
<td>1 (under enquiry)</td>
<td>NIL</td>
<td>NIL</td>
<td>2 (under enquiry)</td>
</tr>
<tr>
<td>Cases of trafficking in persons under the Child Protection Act 1994</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Cases having bearing on human trafficking</td>
<td>4</td>
<td>9</td>
<td>8</td>
<td>2</td>
</tr>
</tbody>
</table>

**Source:** Crime Record Office, Mauritius Police Force

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3.6.2 Comparison with other TIP Reports

According to the SADC TIP Baseline Report, as of April 2015, a total of 64 cases of TIP had been reported in Mauritius covering the period from 2010-2015 (Figure 23). Meanwhile, according to Police Records, only one (1) case of TIP was reported from January 2015 – 15 July 2016. It is further highlighted that girls are induced or sold into sex trafficking, often by their peers, family members, or by businesspeople offering other forms of employment.

Figure 23 Number of victims of trafficking in persons identified in Mauritius by year and sex. Source: 2016 SADC TIP Baseline Report

Figure 24 Percentage of victims of TIP by age in Mauritius. Source: 2016 UNODC Global TIP Report

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65 Government of Mauritius website
http://www.govmu.org/English/News/Pages/PM-Mauritius-has-solid-reputation-for-respect-of-Human-Rights.aspx
The majority of victims in Mauritius are children (52%), while 48% of victims are adults.\textsuperscript{66}

3.7.1 Recommendations
It is recommended that:

\begin{itemize}
  \item the capacity of law enforcement officers to effectively respond to the crime of TIP should be strengthened;
  \item the SADC Regional TIP Data Collection System should be rolled out to Mauritius; and
  \item a National Action Plan on preventing and combating TIP should be developed and should outline clearly the roles and responsibilities of all stakeholders and partners, including data collection on TIP.
\end{itemize}

3.8 Mozambique
Mozambique was the first country in the SADC region to enact specific trafficking in persons legislation, namely Law No. 6 of 2008. The country also uses provisions of its Penal Code to address TIP cases. Mozambique joined the Data Collection System in August 2016, and is in the process of uploading data into the System. However, for purposes of this Report, in order to give more accurate picture of the situation on the ground, including information from previous years, the Office of the Attorney General, which coordinates the national TIP response, has provided the following information:

3.8.1 Data on Trafficking in Persons
3.8.1.1 Victims of trafficking in persons

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Mozambique_Pie_Chart}
\caption{Number of trafficking in persons victims by year in Mozambique}
\end{figure}

Between 2014 and 2015, the number of victims increased from 51 to 53 persons, and in 2016, this number dropped by 60.4% to 21, in the year 2016. The highest number of victims (53) was recorded in 2015 and the lowest (21) in 2016.

Table 5 Number of victims identified in Mozambique by nationality

<table>
<thead>
<tr>
<th>Nationality</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mozambican</td>
<td>51</td>
<td>53</td>
<td>20</td>
<td>124</td>
</tr>
<tr>
<td>Rwandese</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Most of the victims of trafficking are male children, of Mozambican nationality, with no relation to traffickers. South Africa remains the main destination for people trafficked from Mozambique to abroad.

Traffickers operate on cross-border networks operating in both countries, including through falsification of documents, use of false documents and corruption.

Cases involving foreign victims

In 2016 there was a trafficking case for the purpose of sexual exploitation in which a Rwandese citizen was exploited in Mozambique after having been deceived with false promises of employment. The case was indicted and referred to the court on the 4th of April 2016. The defendant was tried on 23 November 2016 and sentenced to 16 years imprisonment.

Victims by Age Group

Table 6 Number of victims identified in Mozambique by age group

<table>
<thead>
<tr>
<th>Victims/Age Group</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minors</td>
<td>45</td>
<td>45</td>
<td>4</td>
<td>94</td>
</tr>
<tr>
<td>Adults</td>
<td>6</td>
<td>8</td>
<td>17</td>
<td>31</td>
</tr>
</tbody>
</table>

The most frequent age group of victims identified in human trafficking cases during the 3 years under analysis consists of minors, who make up 75.6% of victims, compared to adult victims, whom make up 24.4%.

![Mozambique: Forms of exploitation](image)

Figure 26 Forms of exploitation in Mozambique

Based on 2016 data available which documents forms of exploitation, trafficking for the extraction of Organs at 67%, was the most dominant form of exploitation detected, followed by trafficking for forced labor, at 22%.
3.8.1.2 Trafficker information

The number of traffickers increased from 28 to 122 persons from 2014 to 2015; and reduced again to 32 in 2016. The highest number of victims (122) was observed in 2015 and the lowest (28) in 2014.

Most of the traffickers apprehended to date have been male. The highest number of male traffickers apprehended was 113, in 2015 and the lowest number was 21, in 2014.

3.8.1.3 Investigations and Prosecutions

The Attorney General’s Office provided the information below relating to the total prosecuted cases on TIP. In the years 2014 and 2015, the Attorney General’s registered a consistent figure of 38 reported cases for each year respectively. This number decreased by 50% to 19
cases in 2016. The highest number of reported and indicted cases reached was 38 cases in 2014 and 2015 respectively, and the lowest was 19, in 2016.

The Attorney General's Office attributes the significant reduction in reported cases to the following factors:

- Greater awareness raising efforts at community level on trafficking in persons;
- Training of Attorney Generals’ Office and magistrates in the criminal courts on the constituent elements of the crime of trafficking in persons, which improved capacity to correctly classify the offence and prefer the correct criminal charges.

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![Cases Reported Per Year](image1)

*Figure 29 Total number of cases reported in Mozambique per year*

![Prosecutions](image2)

*Figure 30 Number of prosecuted cases in Mozambique grouped by year*
The Attorney General’s Office recorded a growth from 18 to 22 prosecuted cases in the years 2014 and 2015. This number decreased by 22.7% to 17 cases in 2016. The highest number reached was 22 cases in 2015 and the lowest number was 17 in 2016.

**Convictions and Sentences**

In the period under review, 41 traffickers were sentenced, and given a variety of sentences ranging from 8 to 20 years in prison. There was 27.3% increase in convicted traffickers, from 11 to 14 persons in the years 2014 and 2015 respectively. During the period 2015 – 2016, this number increased by 14.3% to 16 convicted traffickers.

![Mozambique: Number of convicted traffickers by year](image)

**Figure 31 Number of convicted traffickers in Mozambique grouped by year**

### 3.8.1.4 Albino Trafficking Cases

During the period under review, the Attorney General’s Office recorded a 66.7% increase in reported cases of trafficking of albinos for removal of body parts/organs, from 6 cases in 2014 to 15 in 2015. This number decreased by 46.7% to 8 cases in 2016. The highest number of reported cases was in 2015 and the lowest was in 2014.
Prosecuted Albino Trafficking Cases

The Attorney General’s Office recorded a 150% increase in albino trafficking cases prosecuted between 2014-2015, from 4 cases to 10 cases. This number decreased by 50% to five (5) cases in 2016.

3.8.2 Comparison with other TIP Reports

The 2016 data reported above is comparable to the 2017 USJTIP Report, which also reported 17 prosecutions and 16 convictions for the year 2016. However for the years 2015 and 2014, the data is quite different - with reports of 35 traffickers being prosecuted and 11

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convictions being obtained for 2015\textsuperscript{68}, and 44 traffickers begin prosecuted and 32 convictions being obtained for 2014.\textsuperscript{69}

The SADC Report has data only for 2014 on TIP victims, and found that 53 victims were identified, of whom 89\% were children.\textsuperscript{70}

The UNODC Global Report on Trafficking in Persons found that 27 victims were identified in 2014.\textsuperscript{71}

\textbf{3.8.3 Recommendations}

It is recommended that:

- The Attorney General’s Officers strengthens capacity to collect data, especially from the social sector and the police; and
- Mozambique continues to establish strong cross border cooperation with neighbouring countries, especially in the area of albino trafficking.

\textbf{3.9 Namibia}

Namibia had not yet enacted stand-alone legislation on TIP at the time of compiling this statistical report, although the draft \textit{Trafficking in Persons Bill} was ready to be tabled in Parliament.\textsuperscript{72} However, a number of laws that address TIP were in use to criminalise the practice (see \textbf{Table 2}). These laws also comply with the global principles articulated in the UNCTOC and TIP Protocol (see \textbf{Table 3}). The statistics presented here were mainly drawn from cases that were captured in the SADC Regional Trafficking in Persons Data Collection System. Namibia was connected to the system in 2015, but started capturing the data in the system in 2016. Subsequent to the rolling out of the database in the country, a number of capacity building initiatives targeting officers responsible for TIP data collection were conducted.


3.9.1 Data on Trafficking in Persons – Information from Major TIP Reports

3.9.1.1 Victims of trafficking in persons

While research conducted in Namibia has acknowledged the dearth of data on TIP in the country, and attributed it to the absence of specific anti-TIP Act\(^7\), the data from the Namibian Police Force (NAMPOL) shows that 82 victims were identified in the country, the majority (58.5%) of whom were adults (Figure 34), while 62% were Namibians (Figure 35).

It has been reported that of the victims identified in Namibia, some were of Angolan origin who were subjected to “forced labour in cattle herding, while others [were] forced to serve as couriers as part of a scheme to skirt import fees in cross-border trade with Namibia”. The data from NAMPOL appears to corroborate this notion, as 21% of the victims identified in Namibia between 2010 and 2017 were of Angolan origin who were all exploited in the domestic labour sector, while there was also a six month old baby who was reportedly sold in 2017 (Figure 36). Among the other forms of exploitation identified in Namibia are forced labour, labour exploitation and sexual exploitation (Figure 36). A research conducted by the Ministry of Gender Equality and Child Welfare (MGECW) in 2009 suggested that victims were exploited in charcoal production, construction and fishing industries.

3.9.1.2 Investigation and prosecution of trafficking in persons cases

Between 2010 and 2017, 31 cases were registered in Namibia (Figure 37).

It is evident that the number of cases registered with the NAMPOL increased from 2014 as shown in Figure 37. This is probably as a result of the capacity building initiatives conducted for criminal justice practitioners, mainly by UNODC, in the country. According to Figure 38, seven cases were investigated, two of which were prosecuted in 2015\textsuperscript{76}, while eight were investigated in 2016 leading to two being prosecuted\textsuperscript{77}.


Of the cases registered with NAMPOL, it is indicated that 57.1% of the 35 traffickers were Namibians, while 17.1% were Angolans (Table 7). In addition, men constitute the majority (62.9%) of traffickers as registered with NAMPOL between 2010 and 2017.

Table 7 Number of traffickers detected in Namibia grouped by sex and nationality

<table>
<thead>
<tr>
<th></th>
<th>Angola</th>
<th>Congo</th>
<th>Malawi</th>
<th>Namibia</th>
<th>South Africa</th>
<th>Uganda</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>12</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>22</td>
</tr>
<tr>
<td>Female</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>8</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Unknown</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>20</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>35</td>
</tr>
</tbody>
</table>

The State v Lukas case in 2015 remains the most notable case to have been convicted in Namibia, whereby the accused was sentenced to a total of 47 years in prison, but will serve an effective 13 years’ imprisonment. The case was prosecuted under Prevention of Organised Crime Act (POCA) and the Combating of Rape Act, No.8 of 2000.78

3.9.3 Recommendations
It is recommended that:
- Capacity to collect and appropriately manage TIP data within the realm of the SADC Regional Trafficking in Persons Data Collection System should be strengthened;
- Enactment of the Trafficking in Persons Act should be expedited; and

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Capacity initiatives for investigators, criminal justice practitioners and social services providers, especially in identification and reporting, should be strengthened.

3.10 Seychelles

Seychelles’ Prohibition of Trafficking in Persons Act, No. 9, was enacted in 2014. Seychelles is part of the Regional Data Collection System. To date, one case of TIP has been detected and this was in 2016. Specifics are detailed below.

3.10.1 Data on Trafficking in Persons

3.10.1.1 Victims of Trafficking in Persons

![Number of victims identified in Seychelles grouped by age and sex](image)

Four victims were identified during 2016. All of them are adult males from Bangladesh. Three of them are in 18-34 age group, while one (1) is in the 35 – 60 age-group.

They were all trafficked for labour exploitation.

3.10.1.2 Trafficker Information

One trafficker has been apprehended to date in relation to this case. He is an adult male, Bangladeshi national.

3.10.1.3 Investigation and prosecution

Prosecution is on-going in the one case of TIP identified since 2016.

3.10.2 Comparison with other reports

The SADC and UNODC Reports did not pick up on any official statistics on TIP in the Seychelles.
The 2017 USJTIP Report found that two potential TIP cases were investigated and one was prosecuted. The data on the prosecuted case mirrors the information provided by Seychellois authorities above on the TIP case involving 4 Bangladeshi victims.\textsuperscript{79}

### 3.11 South Africa

The *Prevention and Combating of Trafficking in Persons Act, No.7*, was enacted in 2013 and came into effect in August 2015.\textsuperscript{80} At the time of compiling this report, the SADC Regional Trafficking in Persons Data Collection System had not yet been rolled out to South Africa. However, the South African Police Services (SAPS) provided the following information for purposes of this report.

#### 3.11.1 Data on Trafficking in Persons

##### 3.11.1.1 Victims of trafficking in persons

A total of 207 victims were detected during the period between 2014 and 2016. Although 21 victims were detected in 2014, this number was not disaggregated by sex. During 2015, this number decreased to 18, with female victims being the majority (72.2%). However, the number of victims detected during 2016 increased significantly to 168, (57.7%) of which were male.

![South Africa: Victims of trafficking in persons grouped by sex (2014-2016)](image)

*Figure 40 Number of victims identified in South Africa grouped by sex*

South Africa was able to provide information on most of the nationalities of identified victims. The number of victims detected over the years were mainly from the SADC region, notably from Malawi (*Figure 41*). This indicates that intra-regional trafficking in persons is the most predominant form of trafficking in persons in the region. There were also quite a significant number of South African victims who were detected. Victims from beyond the SADC region, including from as far afield as Bulgaria, Canada, India, and Nigeria were also detected.

\textsuperscript{79} US Department of State (2017) *Trafficking in Persons Report - June 2017*  

This shows that South Africa is also affected by inter-regional trafficking in persons, although this is to a lesser extent than domestic and intra-regional trafficking in persons.

The SAPS also reports that 123 rescues were made during the period between 2016 and 2017, although these were not included as part of these statistics as they did not result in any criminal investigations and prosecutions. This included rescue of 57 Malawians, five (5) South African women, 10 Thai female victims of trafficking in persons, one (1) Ugandan and 41 Zimbabweans.

Figure 41 Number of victims identified in South Africa, grouped by sex and nationality

The SAPS also reports that 123 rescues were made during the period between 2016 and 2017, although these were not included as part of these statistics as they did not result in any criminal investigations and prosecutions. This included rescue of 57 Malawians, five (5) South African women, 10 Thai female victims of trafficking in persons, one (1) Ugandan and 41 Zimbabweans.
The statistics also demonstrate that the most detected form of exploitation is sexual exploitation, followed by isolated incidents of labour exploitation and removal of organs for muti purposes. However, in 65% of cases, the form of exploitation is indicated as unknown. The information obtained from the South African Police Services is that these were the cases of the 116 Malawian victims, where the crime of trafficking in persons was intercepted before exploitation had taken place. Therefore, all that could be proven was smuggling of migrants. As such, the cases were charged under immigration legislation. However, the intercepted cases are still registered in the trafficking in persons statistics as it was suspected that exploitation would have taken place had the victims reached their destination.

### 3.11.1.2 Trafficker information

During the reporting period, 74 traffickers were apprehended, of which 24 were arrested in 2014. However, the data was not disaggregated by sex. During 2015, the number of traffickers dropped to 19, and increased in 2016 to 31. During the period 2015-2016, the majority of traffickers detected were male as shown in Figure 43.
Predominantly, male Nigerian traffickers (35% of the total traffickers) were detected during the reporting period. Malawian and South African traffickers also dominated the cases detected during the reporting period, as well as a handful of traffickers from within the SADC region and abroad.

### 3.11.1.3 Prosecutions

Statistics available for prosecution are for the period 2015 to 2016. During 2015, five (5) cases were prosecuted and five (5) convictions were obtained (a 100% conviction rate), while six (6) cases were prosecuted and five (5) convictions were obtained in 2016.
Some notable cases convicted in South Africa since 2009 are listed in Table 8:

Table 8 Selected TIP cases from South Africa

<table>
<thead>
<tr>
<th>Case</th>
<th>Main convicted crime</th>
<th>Legislation used</th>
<th>Effective sentence for main accused</th>
</tr>
</thead>
<tbody>
<tr>
<td>State v Mabuza and another, on appeal to the high Court in Mabuza v The State</td>
<td>TIP for sexual exploitation</td>
<td>Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)</td>
<td>Eight life sentences</td>
</tr>
<tr>
<td>State v MMF (Fakudze)</td>
<td>TIP for sexual exploitation</td>
<td>Prevention and Combating of Trafficking in Persons Act 7 of 2013</td>
<td>Life imprisonment</td>
</tr>
<tr>
<td>State v Palan and another</td>
<td>TIP for sexual exploitation</td>
<td>Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)</td>
<td>10 years’ imprisonment, and ZAR10,000 or five months in prison (for additional charge of acquisition/ use/ possession of proceeds of unlawful activities</td>
</tr>
<tr>
<td>State v Eke Ugochukwu</td>
<td>Child sexual exploitation</td>
<td>Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)</td>
<td>20 years’ imprisonment</td>
</tr>
<tr>
<td>State v Shadrack Pinityi Mathiso</td>
<td>TIP for sexual exploitation purposes</td>
<td>Criminal Law (Sexual Offences and Related Matters)</td>
<td>5 years’ imprisonment</td>
</tr>
</tbody>
</table>
State v Sandile Zweni and others  
TIP for sexual purposes  
Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)  
35 years’ imprisonment

State v Rasibe Jaqueline Ramohlola  
Child trafficking  
Children’s Act, No.38 of 2005  
12 years’ imprisonment

State v Nahimana Allima  
TIP for sexual exploitation purposes  
Rape  
Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)  
Life imprisonment

State v William Knoetze and another  
TIP for sexual purposes  
Rape  
Sexual exploitation of a child  
Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)  
15 years’ imprisonment

3.11.3 Comparison with other major reports
It is widely acknowledged that South Africa is a source, transit and destination country for victims of TIP, with victims from as far as Asia and Eastern Europe having been identified in the country.81 The collection and management of data on TIP remains a challenge though, resulting in a wide range of figures being forwarded, some as high as 30,000 children being reported as trafficked in the country each year, especially for purposes of sexual exploitation.82

According to the statistics provided by the National Prosecuting Authority (NPA) to the SADC TIP baseline research process in 2015, approximately 184 victims were identified between 2008 and 2014, with 23 victims identified in 2014, broken down as presented in Table 9 and Figure 40. This is close to the figure of 21 victims reported in Figure 40 above.

Table 9 Number of victims identified in South Africa grouped by year

<table>
<thead>
<tr>
<th>Year in which victim identified</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2008</td>
</tr>
<tr>
<td>Men</td>
<td>0</td>
</tr>
<tr>
<td>Women</td>
<td>86</td>
</tr>
<tr>
<td>Boys</td>
<td>0</td>
</tr>
<tr>
<td>Girls</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>88</td>
</tr>
</tbody>
</table>

Table 9 shows the total number of prosecuted and convicted cases as reported in the US TIP reports for the period from 2013 to 2016. It is worth noting that the prosecution figures for 2015 and 2016, as obtained from the annual US TIP reports, match those provided for purposes of this statistical report.

Table 10 Number of prosecuted cases and convicted traffickers (2013 - 2016)

<table>
<thead>
<tr>
<th>Cases prosecuted</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convicted traffickers</td>
<td>3</td>
<td>3</td>
<td>11</td>
<td>11</td>
<td>28</td>
</tr>
</tbody>
</table>

It is noteworthy that the victims of TIP identified in South Africa are mostly reported to have experienced sexual exploitation (excluding the 65% of the unspecified exploitation as indicated in Figure 42), which calls for concerted efforts to address this form of exploitation, and enhancing capacity to identify others. In fact, TIP for sexual exploitation was the main convicted crime in South Africa as shown in Table 8.

3.11.3 Recommendations
It is recommended that:

- A centralised TIP data collection system should be established in the country, and linked to the SADC Regional Trafficking in Persons Data Collection System;
- Identification and investigation of TIP cases should be enhanced;
- Capacity of investigators and prosecutors in other forms of exploitation besides sexual exploitation should be strengthened; and
- Capacity for investigators, criminal justice practitioners and social services providers in responding to TIP should be strengthened.

3.12 Swaziland
Swaziland’s unique location, neighbouring only Mozambique and South Africa makes it mainly a source and transit country, and, to a lesser extent, a destination country for victims of TIP, with South Africa being the primary destination for victims trafficked from or through Swaziland.83

The People Trafficking and People Smuggling (Prohibition) Act, No. 7 was enacted in 2009, and to operationalise the implementation of the Act, the Swaziland National Strategic Framework and Action Plan to Combat People Trafficking (2013 – 2015) was developed and adopted.

The Prevention of People Trafficking and People Smuggling Secretariat is housed in the Office of the Prime Minister, and its main objective is to coordinate the implementation of the Act and, in particular, to (i) suppress people trafficking and people smuggling (ii) offer protection and render assistance to trafficked or smuggled persons, and (iii) increase public awareness of the causes and consequences of the act of people trafficking and people smuggling.84

3.12.1 Data on Trafficking in Persons

3.12.1.1 Victims of Trafficking by Sex

The total number of victims of TIP in the Regional TIP Data Collection System at the time of compiling this report was 35, with male victims being the majority (62.9%), while the remainder (37.1%) were female. The SADC Baseline Report found that the poor, unemployed, illiterate and orphans constitute the social groups most vulnerable to TIP in Swaziland.\(^{85}\)

The majority of TIP incidences were reported in 2012 (15) and 2015 (8), with men and boys still remaining the majority of those trafficked. Only one case involving a male victim was reported in 2010, which was also the situation in 2016.

The majority of victims identified in Swaziland were Chinese (22.9%), followed by those of Indian and Swazi origin (20% each). It is worth noting that victims from Asia comprise 42.9% of the total number of victims identified in Swaziland. This shows that Swaziland is largely a transit or destination country for victims of the crime.

Although awareness raising and public education campaigns, such as the Red Light 2010 Campaign were undertaken to reinforce messages on the seriousness of the crime of trafficking, as well the 975 toll free telephone line, there are still case of seven (7) Swazis that are victims of the crime.

3.12.1.2 Prosecution of TIP
Since the onset if its national TIP Response Swaziland has 4 concluded prosecutions on TIP. These are listed in the box below:
The following cases are still pending before the courts

- The King v Amelia Khanyisile Manyisa, High Court, (2015)
- The King v Agrippa Makhiligi Shongwe, Nhlangano Magistrates Court, (2016)

3.12.2 Recommendations

It is recommended that:

- awareness raising and public education campaigns on TIP should be intensified;
- capacity of law enforcement officers should be strengthened with adequate investigative tools and appropriate training; and
- special courts should be established together with the necessary training for magistrates and prosecutors.

3.13 Tanzania

Tanzania’s Trafficking in Persons Act, No. 6, was enacted in 2008, becoming one of the first SADC countries to enact legislation criminalising TIP. The country’s Standard Procedures for Identification and Assistance to Victims of Trafficking in Persons, that were drafted to facilitate ‘systematic investigation of cases of human trafficking as well as providing necessary assistance to victims’, were launched in 2015. Additionally, regulations for the establishment of centres for protection and assistance to TIP victims, and for prevention of TIP as well as protection and treatment of victims were published in 2015. The SADC Regional Data Collection System was rolled out to Tanzania in August 2017 authorities are still in the process of uploading data onto the System. For purposes of the current report, the Tanzania Police in collaboration with Anti-trafficking in Persons Secretariat have provided the data below.

3.13.1 Data on Trafficking in Persons

3.13.1.1 Victims and Cases of TIP

According to the Tanzania Police Service, during the period between 2015 and June 2017, there were a total of 27 reported cases of TIP. There were 62 victims of TIP between the years 2015 – June 2017. In 2016, there were 15 male victims and 7 female victims, while in 2017 there were 8 male victims and 22 female victims (Figure 49).
Figure 49 Number of victims grouped by year and sex (2015 - 2017).

Figure 50 Number of victims of TIP in Tanzania grouped by year and nationality (2015 - 2017)

Figure 50 depicts the number of victims of TIP in Tanzania, from 2015 to June 2017. It is evident that a majority of the victims of TIP are Tanzanian nationals. In 2016 there were 18 victims of TIP who were Tanzanian and only 4 victims of TIP who were Malawian.
Figure 51 depicts the number of victims of TIP per year by place identified. In 2015 a majority of victims of TIP were rescued in Dar es Salaam, while 2016 the majority of victims of TIP were rescued in Rukwa. In 2017 the majority of victims of TIP were rescued in Arusha and Rukwa.

Figure 52 depicts the number of victims of TIP per year by place of destination. In 2015 the majority of victims of TIP were on their way to Oman. In 2016 the majority of victims of TIP were on their way to Mbeya and Kigoma, while in 2017 the majority of victims of TIP were on their way to Arusha and Rukwa.
Figure 53 Number of victims of TIP in Tanzania grouped by year and age group

Figure 53 depicts the number of victims of TIP per year by age group. In 2016 the majority of the victims of TIP were in the age group less than 18 years while 9 were in the age group 18–34 years. In 2017, the majority of the victims of TIP were in the age group less than 18 years while only 4 were in the age group 18–34 years.

Figure 54 Number of cases by year and status

Figure 54 depicts the number of TIP cases per year by status. In 2015 1 conviction was obtained out of 10 cases investigated and/or prosecuted. In 2016, 6 convictions were obtained. The majority of 2017 cases are still pending before the courts.

3.1.4 Comparison with other TIP Reports

According to the 2017 US Department of State Trafficking in persons report, internal trafficking is more prevalent than transnational trafficking in Tanzania facilitated by victims’ family members. This is confirmed by the current report because it also illustrates that majority of the victims of TIP in Tanzania (2015–June 2017) are nationals of Tanzania while only four (4) Malawi nationals were victims of TIP during the same period. This points to internal trafficking being prevalent also the fact that the majority of victims of TIP in Tanzania had their destination in different parts of Tanzania.
3.1.5 Recommendations
It is recommended that:

- Tanzania is urged to forge regional and trans-regional cooperation in the fight against Trafficking in Persons;
- Tanzania embarks on massive awareness raising campaigns amongst her citizens to educate them on the subject of Trafficking in Persons;
- Tanzania authorities to urgently launch a National Plan of Action against Trafficking in Persons in order to respond to the scourge of Trafficking in Persons; and
- Training for law enforcement agencies should be increased to build capacity in the area of investigation, prosecution and trial of TIP cases.

3.14 Zambia
Zambia’s Trafficking in Persons Act, No. 11, was enacted in 2008, becoming one of the first SADC countries to enact legislation criminalising the crime of TIP. An inter-ministerial steering committee was established and a comprehensive action plan was adopted. The action plan provides for strengthening the government’s reposes to cases of trafficking in persons as well as the development of partnerships with non-state actors to achieve improved public awareness, and the provision of appropriate and accessible services to victims of trafficking in persons. The SADC Regional Data Collection System was rolled out to Zambia in 2016. However, authorities in Zambia were still in the process of uploading data into the System at the time of compiling this report. For purposes of this statistical report, data was provided by the Zambia Police Service.

3.14.1 Cases of trafficking in persons
According to the Zambia Police Service, during the period 2009 -2016, there were a total of 26 reported cases of TIP while there were 207 victims of TIP during the same period. (Figure 55).

![Zambia: Number of reported TIP cases per year (2009 - 2016)](image)
Figure 56 depicts the number of victims of TIP by sex and age group over the years (2009 -2016). It is evident that a majority of the victims of TIP are males which might be linked to the type of exploitation experienced by TIP victims in Zambia.

Figure 57, depicts the number of victims of TIP per year by nationality. Throughout the years the majority of victims of TIP were Ethiopians, while in 2009 the victims of TIP were Bangladeshi nationals. In 2012 there were 13 victims of TIP who were Pakistani nationals.
Figure 58, depicts the number of TIP cases by status in 2015. About 4 cases on TIP were on trial while there were 5 cases that reached a conviction verdict while 3 cases on TIP were discontinued.

3.14.2 Comparison with other TIP Reports
According to this TIP report the majority of victims of TIP in Zambia are males and this might be linked to the type of exploitation detected in Zambia. This confirms the 2016 UNODC TIP report which stated that in Sub Saharan Africa the mostly detected victims of TIP were boys and also the most frequently detected form of exploitation is forced labour. While the 2017 USJTIP report states that a majority of the victims of trafficking involves women and children from rural areas exploited in cities in domestic servitude or forced labour in agriculture, textile production, mining, construction, small businesses such as bakeries, and forced begging.

3.14.3 Recommendations
It is recommended that:

- Zambia strengthens data collection capacity;
- Zambia forge regional and trans-regional cooperation in the fight against Trafficking in Persons;
- Zambia strengthens capacity of key criminal justice practitioners and judicial officials to effectively respond to trafficking in persons.

3.15 Zimbabwe
Zimbabwe’s Trafficking in Persons Act, No. 4, was enacted in 2014. Prior to the enactment of the Act, the Government of Zimbabwe had promulgated temporary measures to prosecute cases of TIP, the Presidential Powers (Temporary Measures) (Trafficking in Persons Act), 2014. The regulations were operational for a period of six months leading to the enactment of the Act. The government of Zimbabwe launched its Trafficking in Person National Plan of Action (NAPLAC) on the 29 July 2016. The SADC Regional Data Collection System was rolled out to Zimbabwe June 2015 authorities are still in the process of uploading data onto the System. For purposes of this statistical report, the Zimbabwe Republic Police (ZRP) provided the data that was analysed in this section.
3.15.1 Data on Trafficking in Persons

3.15.1.1 Victims and Cases of TIP

During the period 2014-2016, there were 75 reported cases of Trafficking in Persons identified in Zimbabwe. Three (3) cases were reported in the year 2014, whilst seventy-two (72) were reported in the year 2016. A majority of the victims of trafficking in persons in Zimbabwe were trafficked to Kuwait, while one victim of trafficking in persons was trafficked to Angola and forced into sexual exploitation or prostitution. There were 3 male victims of TIP and 8 female victims of TIP in 2014, while in 2016 there were 79 female victims of TIP whilst only one male victim (Figure 59).

![Figure 59 Number of victims of TIP identified in Zimbabwe (2015 - 2016)](image)

Figure 59 Number of victims of TIP identified in Zimbabwe (2015 - 2016)

![Figure 60 Number of victims of TIP per year by age group (2014 -2016)](image)

Figure 60 Number of victims of TIP per year by age group

Figure 60 depicts the number of victims of TIP per year by age group age (2014 - 2016). In the year 2014, a majority of the victims of TIP (7) were in the age group 18-34 years, whilst also in the year 2016 a majority of the victims of TIP (77) were in the age group 18 -34 years.
Figure 61 depicts the number of victims of trafficking in persons by gender and type of exploitation over the years (2014 -2016). A majority of female victims of trafficking in persons in Zimbabwe were subjected to labour exploitation and only one female victim was victim of sexual exploitation.

Figure 62 depicts the number of victims of TIP by sex and country of destination over the years (2014 -2016). A majority of the victims of trafficking were trafficked to Kuwait (79), whilst only seven (7) victims taken China.
Figure 63 depicts the number of victims of traffickers per year by sex. In 2014 there were two (2) male traffickers whilst only three (3) female traffickers were identified in the same year. In 2016, there were 21 male traffickers whilst there were only 13 female traffickers during the same year.

Figure 64 depicts the TIP cases per year by status. In 2014 there was 1 conviction and 1 discharge of TIP cases. In 2016 there were 20 pending cases of TIP while, 36 cases were under investigation and 16 TIP cases had evidence issues. The cases included under investigation include cases where the accused persons are on the run, are placed on Red Notice, have relocated to another country, and where they have not yet been arrested. The cases included under “Evidence issues” include those where the accused persons have been removed from remand due to being critically ill, or due to refusal of further remand by the court for reasons such as the witness not showing up at court, or that the victim-witness is not interested in pursuing the matter altogether and is not cooperating with prosecution.

3.15.2 Comparison with other TIP Reports
According to the 2017 USJTIP report, Zimbabwe is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labour. This is confirmed by this study which reports that the destination country of a majority of victims of TIP is outside
of Zimbabwe, being Angola, China, Kuwait and Saudi Arabia during the years (2014-2016). This report also confirms that a majority of victims of TIP are subjected to labour exploitation (2014-2016). Furthermore, the 2016 UNODC Global Report on Trafficking in persons also reports that most frequently detected form of exploitation in Sub-Saharan Africa is forced labour.

The 2017 USJTIP report also states that Zimbabwean men, women, and children are subjected to forced labour in agriculture and domestic service in the country’s rural areas, as well as domestic servitude and sex trafficking in cities and surrounding towns, although as demonstrated by statistics provided by the government. However domestic trafficking cases have to date not been reported to the police.

3.15.3 Recommendations
It is recommended that Zimbabwe should:

- Establish new and strengthen existing regional and inter-regional cooperation in the fight against Trafficking in Persons;
- Embark on massive awareness raising campaigns amongst her citizens to educate them on the subject of Trafficking in Persons; and
- Strengthen data collection from the labour and social services sectors.
4.0 Regional Analysis

4.1.1 Victims of trafficking
Approximately 1,217 victims were officially reported to law enforcement agencies in the SADC region during the period 2014 – 2016/7. It is believed that this is just a small proportion of cases of trafficking in persons as a number of cases are not identified and, therefore, not reported. This is largely because of the complex and hidden nature of the crime. There are also cases where victims are rescued, or approach a civil society organisation or a social services provider for assistance, but are not interested in cooperating with law enforcement for purposes of investigation and prosecution of the offence.

Of the sex disaggregated data reported, 71% of victims were male, with 15% of them being under the age of 18, whereas 29% of victims were female with 5% of them being under the age of 18. This brings a unique trajectory to trafficking in persons trends in the region, in that men, especially those of working-age appear to be most vulnerable to trafficking in persons, as compared to the global trend where women and children are said to be most vulnerable.

![Percentage of victims of trafficking in persons by sex and age in SADC region](Diagram)

4.1.2 Exploitation
The most prevalent form of exploitation identified in the region was labour exploitation. Countries reported an average prevalence of 66% labour trafficking in the region, this includes trafficking for domestic servitude. Sexual exploitation was the second most prevalent form of exploitation reported at an average prevalence of 23% across the countries. A unique issue
faced by the region is trafficking for purposes of forced marriage, which had a prevalence rate of 12%. Trafficking for purposes of organ removal was only reported by Mozambique and South Africa, based on those 2 countries, the mean prevalence was 13%.

4.1.3 Trafficker Information

Law enforcement agencies managed to detect approximately 581 suspected traffickers during the period 2014 – 2016/7. The majority of them were male, making up 82% of the available disaggregated data, while women made up 18% of traffickers apprehended. Traffickers were primarily from within the SADC region and East Africa, and in most cases, had the same nationality as the victim.
4.1.4 Prosecutions
During the period between 2014 and 2016/7, 369 cases were prosecuted, of which 101 resulted in convictions. Conviction rates remain quite low in the region with most countries recording less than 10 convictions over a period of three (3) years. The 2016 UN Global Report on TIP\textsuperscript{86} found that there is a correlation between the number of convictions, and the year of introduction of a specific anti-TIP legislation. According to this report, countries that enacted legislation during the period 2004 – 2008 registered an average number of 18 convictions in 2014. Countries that enacted legislation during the period 2009 – 2012 registered three (3) convictions in 2014, whereas countries that enacted legislation thereafter had no convictions. Most countries in the SADC region enacted their legislation after 2012 (see Table 2). As such, the conviction rate is still low as countries are still getting accustomed to identifying, investigating and prosecuting such cases.

4.1.5 Recommendations
It is recommended that:

- The countries that do not have national data hubs on TIP should establish them and link them to the regional TIP data collection system;
- Data management capacity in all member states should be strengthened;
- Regular national reports should be generated to inform policy development and implementation; and
- All countries in the region should strengthen capacity to identify, investigate and prosecute TIP cases.

2014 - 2016

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