

Judicial Colloquium

Combating Trafficking in Persons, Smuggling of Migrants in the Kingdom of eSwatini

Matsapha, eSwatini



Group photo: Magistrates in the Kingdom of eSwatini

Matsapha, 6-8 June 2022 – UNODC Regional Office for Southern Africa (ROSAF) in collaboration with the Office of the Chief Justice in the Kingdom of eSwatini convened a Judicial colloquium on combating trafficking in persons and smuggling of migrants in the kingdom of eSwatini from the 6 – 8 June 2022, which is part of UNODC ROSAF priorities in the Southern Africa Development Community (SADC) Region in enhancing the capacity of Judicial Officers in the response to human trafficking using victim centred approaches under the joint UNODC-SADC Regional Programme (2013 -2023).

The objectives of the judicial colloquium were to strengthen capacity of Judicial officers to effectively address trafficking in persons with a special emphasis on vulnerabilities of victims and the trauma they suffer; strengthen Judicial officers' understanding of vulnerability and its role in presenting challenges to evidence and using tools that explain psychology and culture with special emphasis on child victims to resolve the evidential challenges and to build the capacity of judicial officers on Sentencing principles on anti-trafficking in persons.

The judicial colloquium was in line with UNODC Strategic Vision for Africa 2030, which aims to build capacities and expertise sustainably at national and regional level and furthering the growth of mentors and champions in addressing trans-national organized crime. As well as providing innovative ways to support Member States and stakeholders over the next 10 years to strengthen crime prevention, enhance the effectiveness of criminal justice systems, countering organized crime and corruption, promoting balanced drug control and improving the rule of law. Furthermore, UNODC is committed to gender mainstreaming and exercises a proactive gender perspective in the process of assessing the implications of any planned action for both women and men, hence, the workshop was designed in line with UNODC Gender Strategy.

In the Southern African Development Community (SADC), one unique trend that stands out is that convictions on human trafficking remain low. However, UNODC has over the years convened



His Lordship Justice M.J. Dlamini of the High Court of eSwatini

Regional Judicial Trainings on Combating Trafficking in Persons for Judges and Magistrates to strengthen the adjudication of trafficking in persons cases. As such, the convening of anti-human trafficking trainings for judicial officers remains a key intervention in the response to human trafficking.

During the official opening of the workshop, His Lordship Justice M.J. Dlamini of the High Court of eSwatini said that “one hopes that the colloquium will take a holistic approach to the problem, its causes, manifestations, and possible solutions”. He went on to say that “in all embracive effort you will be looking at the legislations in eSwatini, their effectiveness or otherwise and how the

preferred solutions can be crafted or improved for greater effect, even as that may be work for the eSwatini legislature”.

Speaking about the Judicial Colloquium, Ms. Xohle Nxumalo, Magistrate in the Kingdom of eSwatini said that “the Judicial colloquium has been an eye opener, my understanding of application of a victim centred approach in the response to trafficking in persons has been enhanced, I also enjoyed the case studies discussions as they allowed us to apply the skills and knowledge acquired”.



Group work: Participants analysing a trafficking in persons' case

During the Judicial Colloquium, robust discussions of TIP cases occurred, raising many complex issues. These issues included proving the intention to traffic where the case was intercepted in transit, proving TIP for organ removal with only circumstantial evidence, evidential complexities around the sale of children and borderline labour disputes which appear to have crossed the line to being a TIP case.

The Judicial colloquium was made possible thanks to technical and financial support of the European Government under the framework of the Southern Africa Migration Management (SAMM) Project.