



UNODC
United Nations Office on Drugs and Crime



Trafficking in Persons in the SADC Region: A Statistical Report

2014 - 2016



SADCTIPNet

Southern African Development Community
Anti-Trafficking in Persons Network



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 extent 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).

Sincere appreciation is extended to the team from SADC Secretariat and UNODC Regional Office for Southern Africa who worked tirelessly in compiling this statistical report. These are Mukundi Mutasa, Jacinta Hofnie, and Alphonci Muradza (SADC Secretariat); and Samantha Munodawafa, Banele Kunene and Tshifhiwa Mukumela (UNODC Regional Office for Southern Africa).

The following contributors from SADC Member States who participated in two regional consultative workshops where the Statistical Report was tabled and validated are duly acknowledged with gratitude.

- Angola:** Felismino Lisboa, Sonia M Coelho Doutel Pinto, (Ministry of Justice), Elizandra Costa (PGR);
- Botswana:** Madoda Nasha (Ministry of Defence, Justice and Security);
- DRC:** Joseph Ditunga (Ministry of the Interior);
- Lesotho:** Mohlolo Lerotholi; and Nthatisi Thabane (Ministry of Home Affairs);
- Madagascar:** Fabien Tombohavana (Ministry of Justice);
- Malawi:** Patricia Liabuba (Ministry of Home Affairs and Internal Security), Trevor Hamela (Ministry of Gender, Children, Disability and Social Welfare);
- Mauritius:** Pasmawtee Sohun (Ministry of Defence and Rodrigues), Johan Leckning (Director of Public Prosecutions);
- Mozambique:** Amabelia Chuquela, Francisco Cardoso Nhango (PGR), Moises Felisberto Chicuni (Ministry of the Interior);
- Namibia:** Sydney Philander (NAMPOL), Victor Shippoh, Penoshinge Shililifa, Hileni Alupe (MGECW);
- Seychelles:** Linda William (Ministry of Social Affairs, Community Development and Sports);
- South Africa:** Aaron Raletjana (NPA), Joseph Mogoshane (Ministry of Justice), Angelina Matlabe (SAPS – Hawks);
- Swaziland:** Nompumelelo Lukhele, Ndududzo Hlatshkwayo (The Prevention of People Trafficking and People Smuggling Secretariat – Prime Minister’s Office);
- Tanzania:** Separatus Fella, Ahmad Mwendadi (TIP Secretariat);
- Zambia:** Archie Magayi, Dickson Matembo (Zambia Police), Boris Mulengu (Ministry of Home Affairs);
- 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.

List of acronyms and abbreviations

BNLTEH	<i>Bureau National de Lutte contre la Traite des Etres Humains (Madagascar)</i>
DPP	Directorate of Public Prosecutions
DRC	Democratic Republic of Congo
FARDC	<i>Forces Armées de la République Démocratique du Congo (Armed Forces of the Democratic Republic of the Congo)</i>
IOM	International Organisation for Migration
INAC	<i>Instituto Nacional da Criança (National Children's Institute, Mozambique)</i>
MGECW	Ministry of Gender Equality and Child Welfare (Namibia)
NAMPOL	Namibia Police Force
PGR	<i>Procuradoria-Geral da República (Attorney General of the Republic)</i>
MONUSCO	<i>Mission de l'Organisation des Nations unies pour la stabilisation en République démocratique du Congo (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo)</i>
POCA	Prevention of Organised Crime Act
SADC	Southern African Development Community
SAPS	South African Police Services
SOM	Smuggling of Migrants
SPA	Strategic Plan of Action
TIP	Trafficking in Persons
TIP Protocol	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
UN	United Nations
UNCTOC	United Nations Convention against Transnational Organised Crime
UNODC	United Nations Office on Drugs and Crime
USJTIP	The US Department of State's Office to Monitor and Combat Trafficking in Persons
VOT	Victim of Trafficking in Persons
ZRP	Zimbabwe Republic Police

Contents

Preface	i
Acknowledgements	ii
List of acronyms and abbreviations	iv
List of Tables	vii
List of Figures	vii
1.0 Introduction	1
1.1 Concepts	1
1.2 Legislative Response.....	3
1.2.1 Global Legal Framework	3
1.2.2 Regional Policy Framework.....	4
1.2.3 National Legal Framework	6
2.0 Data collection and analysis	12
2.1 Limitations encountered.....	15
3.0 Country-by-Country Analysis.....	18
3.1 Angola	18
3.1.1 Data on Trafficking	18
3.1.2 Comparison with other major TIP reports.....	18
3.1.3 Recommendations:	19
3.2 Botswana.....	19
3.2.1 Data on trafficking in persons	19
3.2.3 Comparison with other major TIP Reports	23
3.2.4 Recommendations	24
3.3 Democratic Republic of Congo	24
3.3.1 Data on Trafficking in Persons – Information from Major TIP Reports	24
3.3.2 Recommendations	25
3.4 Lesotho	25
3.4.1 Data on trafficking in persons.....	26
3.4.2 Comparison with other major TIP Reports	29
3.4.3 Recommendations:	29
3.5 Madagascar.....	30
3.5.1 Data on trafficking in persons.....	30
3.5.3 Comparison with other major TIP Reports	32
3.5.3 Recommendations	33
3.6 Malawi	33
3.6.1 Data on trafficking in persons.....	33
3.6.2 Comparison with other TIP Reports.....	37
3.6.3 Recommendations	37
3.7 Mauritius.....	37
3.7.1 Data on Trafficking in Persons	38
3.6.2 Comparison with other TIP Reports.....	39
3.7.1 Recommendations	40
3.8 Mozambique	40
3.8.1 Data on Trafficking in Persons	40
3.8.2 Comparison with other TIP Reports.....	45
3.8.3 Recommendations	46
3.9 Namibia	46
3.9.1 Data on Trafficking in Persons – Information from Major TIP Reports.....	47
3.9.3 Recommendations	50

3.10	Seychelles	51
3.10.1	Data on Trafficking in Persons	51
3.10.1.2	Trafficker Information	51
3.10.2	Comparison with other reports	51
3.11	South Africa.....	52
3.11.1	Data on Trafficking in Persons	52
3.11.3	Comparison with other major reports.....	57
3.11.3	Recommendations	58
3.12	Swaziland	58
3.12.1	Data on Trafficking in Persons	59
3.12.2	Recommendations	61
3.13	Tanzania.....	61
3.13.1	Data on Trafficking in Persons	61
3.1.4	Comparison with other TIP Reports	64
3.1.5	Recommendations	65
3.14	Zambia.....	65
3.14.1	Cases of trafficking in persons	65
3.14.2	Comparison with other TIP Reports	67
3.14.3	Recommendations	67
3.15	Zimbabwe	67
3.15.1	Data on Trafficking in Persons	68
3.15.2	Comparison with other TIP Reports	70
3.15.3	Recommendations	71
4.0	Regional Analysis.....	72
4.1.1	Victims of trafficking.....	72
4.1.2	Exploitation	72
4.1.3	Trafficker Information.....	73
4.1.4	Prosecutions.....	74
4.1.5	Recommendations.....	74

List of Tables

Table 1 Status of ratification of UNCTOC and TIP Protocol by SADC Member States	3
Table 2 Legal and policy frameworks on TIP in SADC Member States	7
Table 3 Analysis of national TIP legislation compliance with mandatory criminalisation and victim protection provisions of the UN TIP Protocol	10
Table 4 Departments capturing data into the system in Member States	14
Table 5 Number of victims identified in Mozambique by nationality	41
Table 6 Number of victims identified in Mozambique by age group	41
Table 7 Number of traffickers detected in Namibia grouped by sex and nationality	50
Table 8 Selected TIP cases from South Africa	56
Table 9 Number of victims identified in South Africa grouped by year	57
Table 10 Number of prosecuted cases and convicted traffickers (2013 - 2016)	58
Table 11 Citizenship of victims of trafficking in persons in Swaziland	60

List of Figures

Figure 1 Number of victims identified in Botswana grouped by age and sex	20
Figure 2 Number of victims in Botswana by sex and year of occurrence	20
Figure 3 Number of victims identified in Botswana grouped by nationality and sex	21
Figure 4 Number of victims identified in Botswana grouped by form of exploitation	22
Figure 5 Number of suspected traffickers in Botswana by age and sex	22
Figure 6 Number of suspected traffickers in Botswana grouped by nationality	23
Figure 7 Number of victims in Lesotho grouped by age and sex	26
Figure 8 Number of victims in Lesotho grouped by citizenship	26
Figure 9 Prevalence of identified forms of exploitation in Lesotho	27
Figure 10 Number of victims in Lesotho grouped by year identified and sex	28
Figure 11 Number of suspected traffickers detected in Lesotho	28
Figure 12 Status of prosecutions in Lesotho	29
Figure 13 Number of victims identified in Madagascar grouped by year and sex	30
Figure 14 Number of suspected traffickers detected in Madagascar by sex and year	31
Figure 15 Investigations and judicial decisions on TIP cases prosecuted (2015 - 2017) in Madagascar	31
Figure 16 Number of victims of TIP in Malawi grouped by year and sex.	33
Figure 17 Number of victims of TIP in Malawi grouped by sex and age.	34
Figure 18 Number of victims in Malawi grouped by year, sex and exploitation.	34
Figure 19 Number of suspected traffickers identified in Malawi by sex and year	35
Figure 20 Number of traffickers detected in Malawi grouped by nationality	35
Figure 21 Number of investigations and prosecutions in Malawi	36
Figure 22 Number suspected traffickers in Malawi by age group	37
Figure 23 Number of victims of trafficking in persons identified in Mauritius by year and sex	39
Figure 24 Percentage of victims of TIP by age in Mauritius	39
Figure 25 Number of trafficking in persons victims by year in Mozambique	40
Figure 26 Forms of exploitation in Mozambique	41
Figure 27 Number of traffickers in Mozambique grouped by year identified	42
Figure 28 Number of traffickers in Mozambique grouped by sex	42
Figure 29 Total number of cases reported in Mozambique per year	43
Figure 30 Number of prosecuted cases in Mozambique grouped by year	43
Figure 31 Number of convicted traffickers in Mozambique grouped by year	44
Figure 32 Number of reported albino trafficking cases in Mozambique per year	45
Figure 33 Number of prosecuted albino trafficking cases in Mozambique per year	45
Figure 34 Number of victims identified in Namibia grouped by age and sex	47
Figure 35 Number of victims identified in Namibia grouped by citizenship	48
Figure 36 Number of victims in Namibia by type of exploitation	49
Figure 37 Number of cases registered with NAMPOL grouped by year case was registered	49
Figure 38 Number of TIP cases investigated and prosecuted in Namibia (2010 - 2016)	50

Figure 39 Number of victims identified in Seychelles grouped by age and sex _____	51
Figure 40 Number of victims identified in South Africa grouped by sex _____	52
Figure 41 Number of victims identified in South Africa, grouped by sex and nationality _____	53
Figure 42 Forms of exploitation in South Africa _____	54
Figure 43 Number of suspected traffickers grouped by year and sex in South Africa _____	55
Figure 44 Number of suspected traffickers in South Africa grouped by sex and nationality _____	55
Figure 45 Number of prosecutions and convictions in South Africa (2015 - 2016) _____	56
Figure 46 Number of victims in Swaziland grouped by sex (2010 - 2016) _____	59
Figure 47 Number of victims identified in Swaziland by year and sex of victims _____	59
Figure 48 Number of victims identified in Swaziland by sex and age group _____	60
Figure 49 Number of victims grouped by year and sex (2015 - 2017). _____	62
Figure 50 Number of victims of TIP in Tanzania grouped by year and nationality (2015 - 2017) _____	62
Figure 51 Number of victims of TIP in Tanzania grouped by year and place identified _____	63
Figure 52 Number of victims of TIP in Tanzania grouped by year and destination _____	63
Figure 53 Number of victims of TIP in Tanzania grouped by year and age group _____	64
Figure 54 Number of cases by year and status _____	64
Figure 55 Number of reported TIP cases in Zambia per year (2009 - 2016) _____	65
Figure 56 Number of victims of TIP by sex and age group _____	66
Figure 57 Number of victims identified in Zambia by year and nationality _____	66
Figure 58 Investigations and prosecutions of cases in Zambia _____	67
Figure 59 Number of victims of TIP identified in Zimbabwe (2015 - 2016) _____	68
Figure 60 Number of victims of TIP identified in Zimbabwe per year by age group _____	68
Figure 61 Number of victims of TIP grouped by gender and type of exploitation _____	69
Figure 62 Number of victims of TIP identified in Zimbabwe grouped by sex and country of destination _____	69
Figure 63 Number of traffickers in Zimbabwe grouped by year and sex _____	70
Figure 64 Investigations and prosecutions of TIP cases in Zimbabwe _____	70
Figure 65 Percentage of victims of trafficking in persons grouped in by sex and age in the SADC Region _____	72
Figure 66 Average prevalence by form of exploitation endured by victims of TIP in the SADC Region _____	73
Figure 67 Proportions of traffickers by sex in the SADC Region _____	73

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.¹ 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 (UNTOC) and its supplementing protocols², “has been collecting data on the patterns and trends of trafficking in persons from official, national criminal justice sources [around the world] since 2003”.³ 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”.⁴

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-trafficking 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?”⁵

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; and
- Provide decision makers with objective information to facilitate appropriate and informed decision making and implementation of counter-TIP measures.

1.1 Concepts

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

¹ SADC. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, accessed on 31 May 2017

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.

³ UNODC. 2016. *Global Report on Trafficking in Persons 2016*. New York, United Nations Publication, p.23. Available at https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf, accessed on 31 May 2017

⁴ UNGA Resolution 70/179: Improving the coordination of efforts against trafficking in persons. Available at http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_179.pdf, accessed on 15 August 2017

⁵ S Yea, ‘Editorial: The politics of evidence, data and research in anti-trafficking work’, *Anti-Trafficking Review*, issue 8, 2017, pp. 1—13. Available at http://qaatw.org/ATR/AntiTraffickingReview_issue8.pdf, accessed on 04 July 2017

concepts, and it is important to understand these differences as they inform the response to each of them.

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 include⁶:

- 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

⁶ UNODC. 2009. *Anti-human trafficking manual for criminal justice practitioners*. New York. United Nations Publications.

law are not considered “victims” as such.⁷ 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.⁸

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”.⁹ 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.¹⁰ 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 (UNTOC)* and the TIP Protocol, as shown in **Table 1**.

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

Country	United Nations Convention against Transnational Organised Crime		Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	
	Date of signature	Date of ratification or accession (a)	Date of signature	Date of ratification or accession (a)
Angola	13.12.2000	01.04.2013	--	19.09.2014 (a)
Botswana	10.04.2002	29.08.2002	10.04.2002	29.08.2002

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.

¹⁰ UNODC. 2016. *Global Report on Trafficking in Persons 2016*. New York, United Nations Publication.

Comoros ¹¹		25.09.2003 (a)	--	--
Democratic Republic of Congo (DRC)	--	28.10.2005 (a)	--	28.10.2005 (a)
Lesotho	14.12.2000	24.09.2003	14.12.2000	24.09.2003
Madagascar	14.12.2000	15.09.2005	14.12.2000	15.09.2005
Malawi	13.12.2000	17.03.2005	--	17.03.2005 (a)
Mauritius	12.12.2000	21.04.2003	--	24.09.2003 (a)
Mozambique	15.12.2000	20.09.2006	15.12.2000	20.09.2006
Namibia	13.12.2000	16.08.2002	13.12.2000	16.08.2002
Seychelles	12.12.2000	22.04.2003	22.07.2002	22.06.2004
South Africa	14.12.2000	20.02.2004	14.12.2000	20.02.2004
Swaziland	14.12.2000	24.09.2012	08.01.2001	24.09.2012
United Republic of Tanzania	13.12.2000	24.05.2006	13.12.2000	24.05.2006
Zambia	--	24.04.2005 (a)	--	24.04.2005 (a)
Zimbabwe	12.12.2000	12.12.2007	--	13.12.2013(a)

Source: United Nations Treaty Collection; Member States; SADC Secretariat (2016)

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**).

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 network¹³ 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
- *SADC Protocol on Combating Illicit Drug Trafficking in SADC* (signed in 1996 and entered into force in 1999).

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.

¹³ The SADC Trafficking in Persons Network (SADCTIPNet) was launched in June 2017 in Swaziland.

Table 2 Legal and policy frameworks on TIP in SADC Member States

Country	Title of national legislation on trafficking in persons	Title of the National Action Plan/Strategic Framework on Trafficking in Persons
Angola	<i>Lei sobre a Criminalização das Infrações subjacentes ao Branqueamento de Capitais, Lei 3/2014</i> [Law on Criminalisation of underlying offenses to Money Laundering, Law 3/2014] (Article 19 addresses trafficking in persons) <i>Código Penal 2017</i> Criminal Code (Articles 177 and 179 – 184) sex trafficking abuse or trafficking of minors and child pornography.	Drafting National Action Plan in progress
Botswana	The Anti-Human Trafficking Act, No. 32 of 2014	Drafting National Action Plan in progress
Comoros	<i>Code Penal</i> [Article 322 and 323 penalise} aiding and abetting the prostitution of others, with stiffer penalties for prostitution of minors] <i>Loi N° 14-034/AU, du 22 décembre 2014, contre le travail et la traite des enfants</i> [Law Countering Child Labor and Trafficking in Children] No specific legislation in place	Not yet in place
DRC	<i>Loi N° 09/001 du janvier 2009 portant protection de l'enfant</i> [Child Protection Code, Law 09/001] [Article 162] <i>La Code Pénal Congolais Decret du 30 Janvier 1940</i> [Congoese Penal Code Law of 30 January 1940] [Article 67] <i>La Code Pénal Militaire Congolais du 18 Novembre 2002, Loi 024-2002</i> [The Congoese Military Penal Code of 30 January 2002] [Article 166] <i>La Constitution de la Republique Democratique du Congo du 18 février 2006</i> [The Constitution of the Democratic Republic of Congo of 18 February 2006] [Article 16] Drafting of specific legislation on trafficking in persons in progress	Not yet in place
Lesotho	Anti-Trafficking in Persons Act, No. 1 of 2011 Child Welfare Protection Act of 2011 (s66-72)	National Anti-Trafficking in Persons Strategic Framework and Action Plan (2014-2016). To be reviewed in April 2018
Madagascar	<i>Loi N° 2014-040 du 20 janvier 2015</i> [Anti-Trafficking in Persons Law No. 40 of 2014] <i>amending LOI N° 2007-038 du 14 janvier 2008</i> [Anti-Trafficking Law No. 38 of 2007]. Penal Code	Le Plan National de Lutte contre la Traite des Personnes (2015-2019)
Malawi	Trafficking in Persons Act, No. 3 of 2015 Child Care Act, No.22 of 2010	National Plan of Action against Trafficking in Persons (2017-2022)
Mauritius	Combating of Trafficking in Persons Act Child Protection Act (Section 13A and 13C)	Drafting in progress
Mozambique	Trafficking in Persons Law, No. 6 of 2008 <i>Código Penal Lei N° 35/2014 Art 161 (trafficking in human organs) and 159 (trafficking in persons)</i>	Draft National Action Plan in place and awaiting finalisation
Namibia	Prevention of Organised Crime Act, No. 29 of 2004 (Section 15 covers trafficking in persons),	TIP was incorporated in the National Gender Based Violence Plan of Action, which has since lapsed

	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	Seychelles National Strategic Framework and Action Plan to Combat Trafficking in Persons (2014-2015)
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	Swaziland National Strategic Framework and Action Plan to Combat People Trafficking (2013-2015)
Tanzania	The Anti-Trafficking in Persons Act, No. 6 of 2008	National Anti-Trafficking in Persons Action Plan (2015 - 2017)
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)	Anti-Human Trafficking National Action Plan (2012-2015) 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:

Box 1.2: Mandatory requirements of the UN TIP Protocol

Criminalisation¹⁴

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;

¹⁴ Article 3, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000).

¹⁵ Article 4, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000).

- (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 3 Analysis of national TIP legislation compliance with mandatory criminalisation and victim protection provisions of the UN TIP Protocol

	Criminalisation of TIP offence consisting of Act, Means and Purpose, and irrelevance of consent	Criminalisation of child trafficking consisting of Act and Purpose	Criminalisation of attempt, participation as an accomplice, aiding and abetting (in TIP Act or other related legislation)	Protection of victim identity and privacy	Provision of information and victim views heard	Physical safety of victims	Compensation for damages suffered	Accept return of victims	Verify nationality of victims
Angola	√ (partially, not all acts, means and minimum forms of exploitation taken into account)	X	√	X	X	X	X	X	X
Botswana	√	√	√ (in Criminal Code)	√	√	√	√	√	√
DRC	√ (partially, but only child trafficking)	X (child trafficking defined, but means are required)	X	X	X	X	X	X	X
Lesotho	√	X	√	√	√	√	√	√	√
Madagascar	√ (partially, definition of exploitation does not follow that of the Protocol)	√	√	√	√ (not explicitly stated but it is implied)	√	√	√	√ (partially)
Malawi	√	√	√	√	√	√	√	X	X
Mauritius	√	√	√ (Common Law)	√	√	√	√	√	√
Mozambique	√	√	√ (in Penal Code)	√	√	√	√	√	√
Namibia	√ (In Prevention of Organised Crime Act - POCA)	√ (in Child Care and Protection Act)	√(Criminal Procedure Act, Prevention of Organised Crime Act- POCA)	√ (Criminal Procedure Act – vulnerable witnesses especially if children, or for sexual offences) Child Care and	√ (partially – for children, in Child Care and Protection Act) Criminal Procedure Act where form of exploitation is rape	√ partially – for children, in Child Care and Protection Act) Criminal Procedure Act	√ (In POCA)	√(partially – for children, in Child Care and Protection Act)	√ (partially – for children, in Child Care and Protection Act)

				Protection Act					
Seychelles	√	√	√	√	√	√	√	√	√
South Africa	√	X	√	√	√	√	√	√	√
Swaziland	√	√	√	√	√	√	√	X	X
Tanzania	√ (although means is mostly implied and not stated explicitly)	X	√	√	√	√	√	√	√
Zambia	√	X	√	√	√	√	√	√	√
Zimbabwe	√ (partially, transportation-based offence, and no explicit mention of <u>exploitation</u>)	X	√	√	X	√	√	X	X

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 System¹⁷ 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 countries¹⁸ 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**.

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

Country	Botswana	Lesotho	Madagascar	Malawi	Mozambique	Namibia	Seychelles	Swaziland	Tanzania	Zambia	Zimbabwe
Departments	Botswana Police Service Directorate of Public Prosecutions (Attorney General's Chambers) Ministry of Local Government Ministry of Justice, Defence and Security	Lesotho Mounted Police Service Ministry of Home Affairs Director of Public Prosecutions	<i>Bureau National de Lutte contre la Traite des Etres Humains (BNLTEH)</i>	Malawi Police Service Ministry of Home Affairs and Internal Security Ministry of Gender, Children and Social Welfare	Attorney General's Office Ministry of the Interior Ministry of Gender, Child and Social Action	Namibia Police Force	Secretariat of the National Coordinating Committee on Trafficking in Persons	Prevention of People Trafficking and Smuggling Secretariat	Ministry of Home Affairs, Tanzania Police Force, Director of Public Prosecutions	Department of Immigration Zambia Police Service	Ministry of Home Affairs Zimbabwe Republic Police

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”.¹⁹ On the other hand, UNODC, as the custodian of the UNCTOC and the global TIP Protocol, publishes a global TIP report after every two years²⁰, 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*²¹. 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”.²² 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 crime²³ and that several cases might actually be

¹⁹ SADC. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017].

²⁰ These global reports – published in 2012, 2014 and 2016 – are available at <http://www.unodc.org/unodc/en/human-trafficking/publications.html?ref=menu#Reports> [accessed 01 June 2017].

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

²² SADC. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.21

²³ See for example *Trafficking in Persons Report 2017*, p.2. Available at <https://www.state.gov/documents/organization/271339.pdf>, [accessed on 04 July 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.²⁴ 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 2013.²⁵ 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 to. 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

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

Box 3.1: Submission on TIP in Angola

To date, two trafficking in persons cases have been heard in Angolan courts. One of the 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.

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.

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.

In addition, the movement of buses and lorries with unaccompanied children in the provinces of Namib, Huila, Lunda Norte, Zaíre 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.

Source: Angola Inter-Ministerial Commission against Trafficking in Persons

3.1.2 Comparison with other major TIP reports

Similarly to the above, the 2017 USJTIP Report²⁶ 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**.²⁷

Also according to the 2016 USJTIP Report, 55 victims were identified and referred to government shelters and other services.²⁸ Of these victims, 51 were trafficked for labour

²⁶ US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/j/tip/rls/tiprpt/2017/index.htm> [Accessed 18 July 2017].

²⁷ US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/j/tip/rls/tiprpt/2017/index.htm> [Accessed 18 July 2017].

²⁸ US Department of State (2016) *Trafficking in Persons Report - June 2016* <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm> [Accessed 18 July 2017].

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:

- o Align TIP criminal provisions with the UN TIP Protocol;
- o Develop victim and witness protection legislation;
- o Strengthen criminal justice capacity to appropriately and effectively identify, investigate and prosecute TIP cases; and
- o 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

²⁹ US Department of State (2017) *Trafficking in Persons Report – June 2017*
<https://www.state.gov/j/tip/irls/tiprpt/2017/index.htm> [Accessed 18 July 2017].

³⁰ SADC Secretariat (2016) *Trafficking in Persons in the SADC Region: A Baseline Report*
http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf [Accessed 18 July 2017]

³¹ US Department of State. 2017. *Trafficking in Persons Report June 2017*, p.96-7. Available at
<https://www.state.gov/documents/organization/271339.pdf>, [accessed on 20 July 2017].

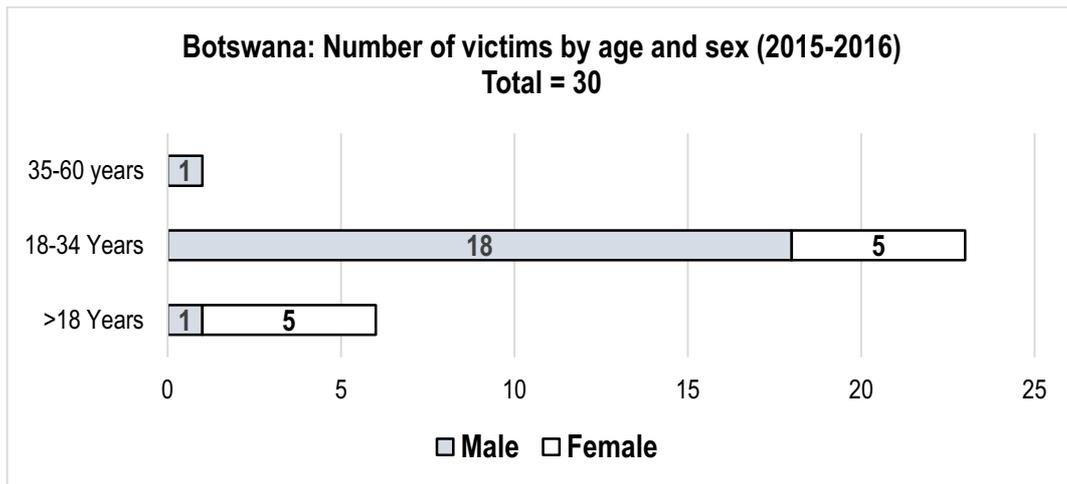


Figure 1 Number of victims identified in Botswana grouped by age and sex

Research has identified women and children as the most vulnerable groups to TIP in Botswana and worldwide.³² However, it is worth noting that trends are changing, and men are increasingly falling prey as victims of this complex crime³³, 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.³⁴

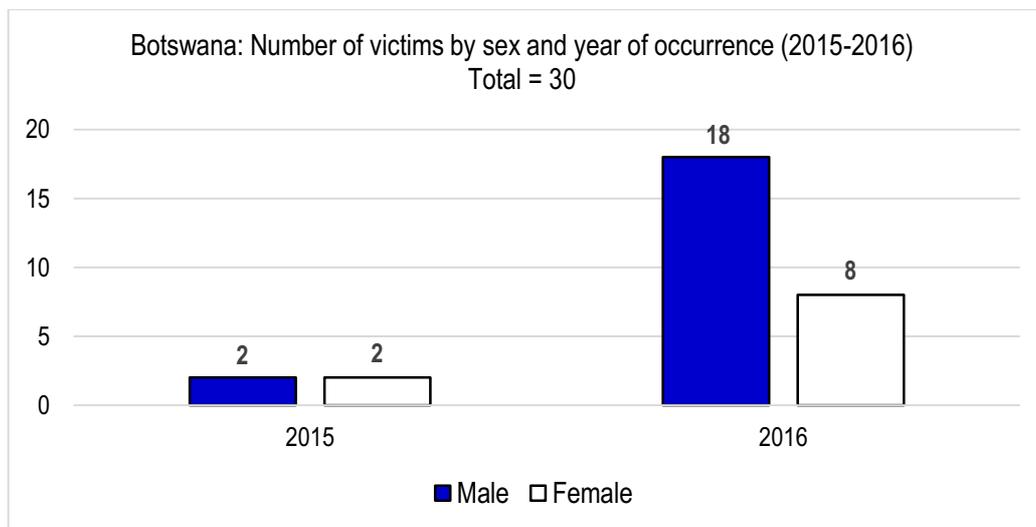


Figure 2 Number of victims in Botswana by sex and year of occurrence

³² US Department of State. 2017. *Trafficking in Persons Report June 2017*; and SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017]

³³ UNODC. 2016. *Global Report on Trafficking in Persons 2016*. New York, United Nations Publication, p.6. Available at https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf, [accessed on 31 May 2017].

³⁴ SADC Secretariat. 2016. *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).

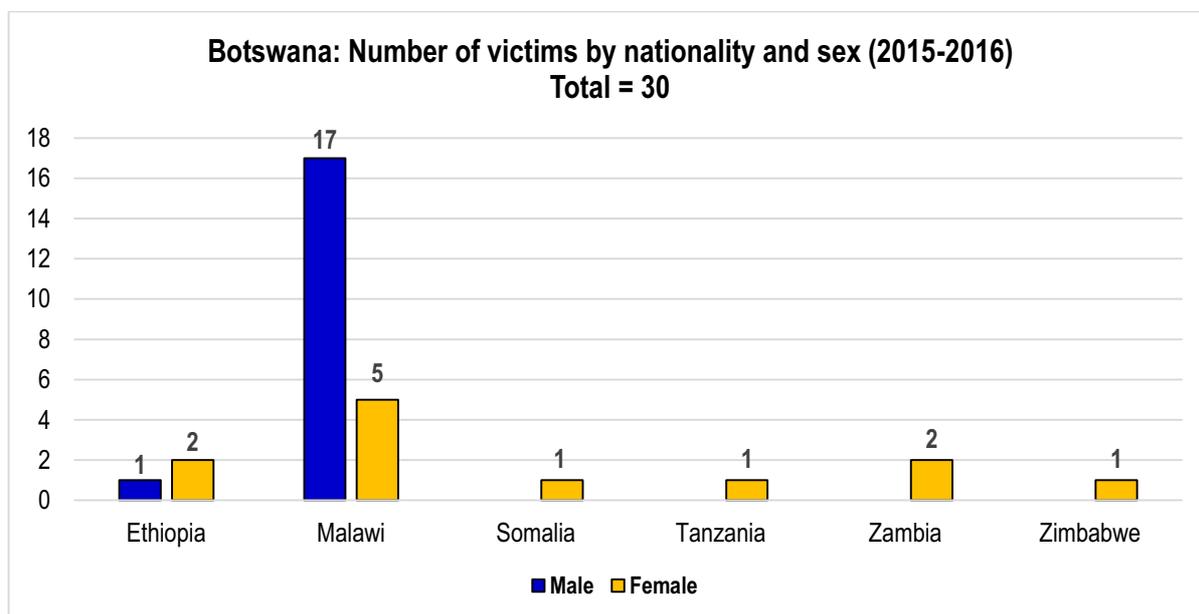


Figure 3 Number of victims identified in Botswana grouped by nationality and sex

In addition, it was reported that the Botswana government had paid for legal expenses and repatriation costs of a Botswana child trafficking victim exploited in Canada in 2016.³⁵ This confirms reports that Botswana is a source of victims trafficked particularly to Canada.³⁶

While “forced labour and labour exploitation, mainly in the agricultural sector”³⁷ 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.³⁸ Of particular concern is the high number of victims subjected to forced labour (77% adult and 10% children).

³⁵ US Department of State. 2017. *Trafficking in Persons Report June 2017*, p.97. Available at <https://www.state.gov/documents/organization/271339.pdf>, [accessed on 20 July 2017].

³⁶ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.15. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017].

³⁷ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.16. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017].

³⁸ US Department of State. 2017. *Trafficking in Persons Report June 2017*, p.96. Available at <https://www.state.gov/documents/organization/271339.pdf>, [accessed on 20 July 2017].

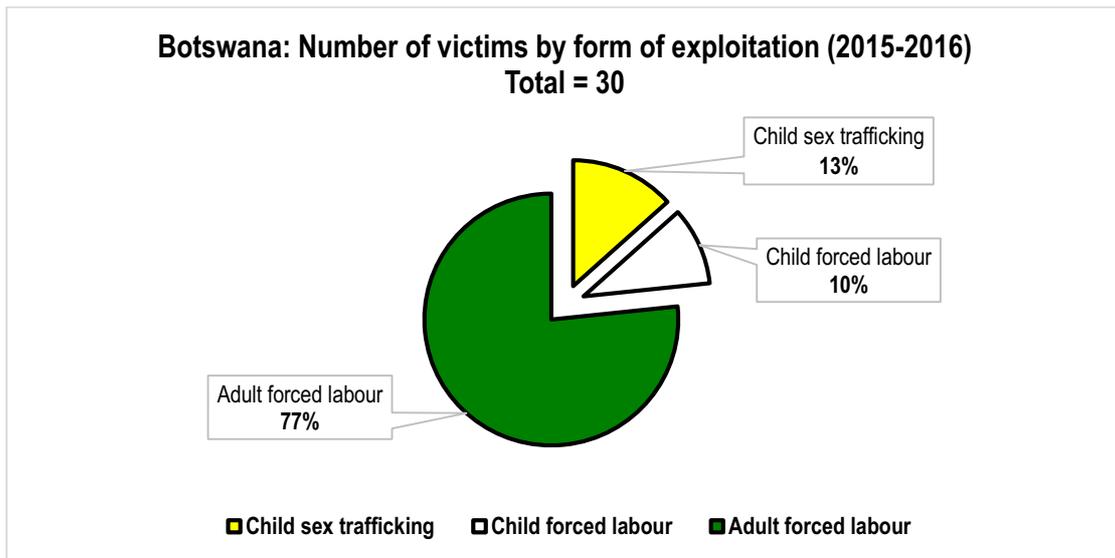


Figure 4 Number of victims identified in Botswana grouped by form of exploitation

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**.

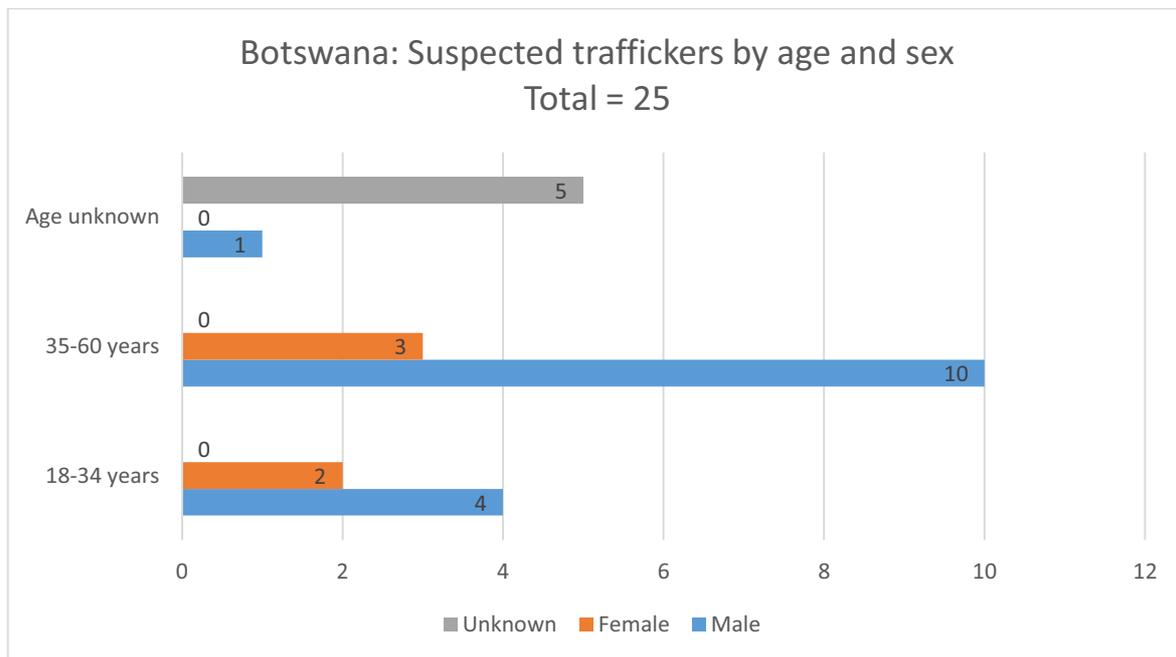


Figure 5 Number of suspected traffickers in Botswana by age and sex

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).

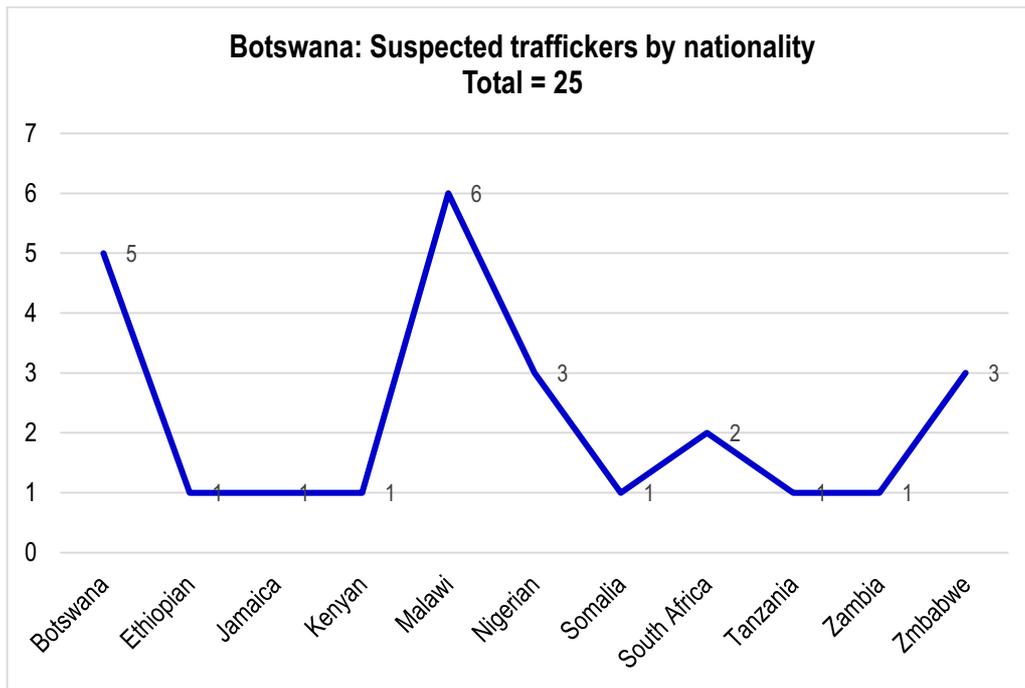


Figure 6 Number of suspected traffickers in Botswana grouped by nationality

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 Report³⁹ 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".⁴⁰

³⁹ US Department of State. 2017. *Trafficking in Persons Report June 2017*, p.97. Available at <https://www.state.gov/documents/organization/271339.pdf>, Accessed on 8 October 2017.

⁴⁰ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.15. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017].

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:

- o Capacity to collect and appropriately manage TIP data should be strengthened;
- o TIP data should be captured in the national data hub linked to the SADC Regional Trafficking in Persons Data Collection System;
- o Appropriate interventions to address specific forms of exploitation that are of concern in the country, for example forced labour, should be developed and implemented;
- o Vulnerable groups should be identified, and prevention interventions developed targeted at such groups; and
- o 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-

⁴¹ UNODC. 2016. *Global Report on Trafficking in Persons 2016*. New York, United Nations Publication, p.113.

⁴² UNODC (2016) *Global Report on Trafficking in Persons 2016* http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf [Accessed 18 July 2017]

⁴³ US Department of State (2016) *Trafficking in Persons Report - June 2016* <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm> [Accessed 18 July 2017].

⁴⁴ US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/documents/organization/271341.pdf> [Accessed 18 July 2017]

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:

- o Enact the country's draft Trafficking in Persons legislation as soon as possible in order to begin to prosecute TIP in all its manifestations
- o 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.

⁴⁵ US Department of State. 2016. *Trafficking in Persons Report June 2016*. Available at <https://www.state.gov/documents/organization/258876.pdf>, [accessed on 18 July 2017].

⁴⁶ US Department of State (2016) *Trafficking in Persons Report - June 2016* <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm> [Accessed 18 July 2017].

⁴⁷ US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/documents/organization/271341.pdf> [Accessed 18 July 2017].

⁴⁸ US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/documents/organization/258878.pdf> [Accessed 18 July 2017].

3.4.1 Data on trafficking in persons

3.4.1.1 Victims of trafficking in persons

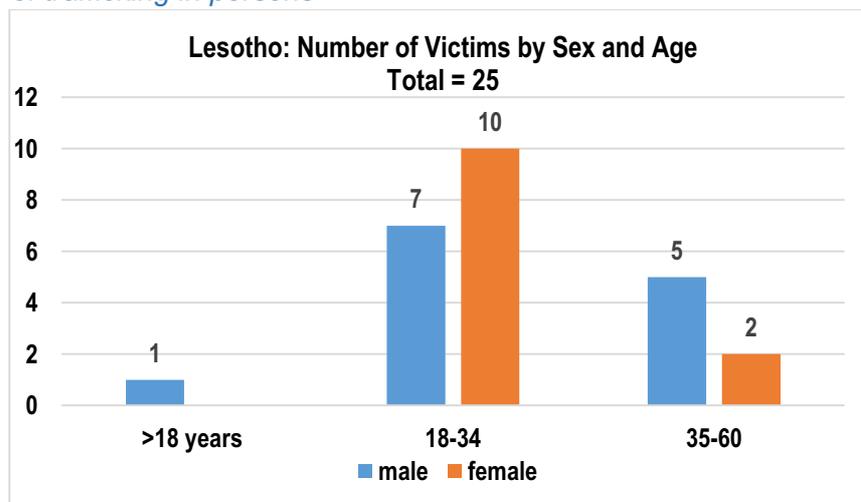


Figure 7 Number of victims in Lesotho grouped by age and sex

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 Moshoeshe 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



Figure 8 Number of victims in Lesotho grouped by citizenship

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

⁴⁹ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.17

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

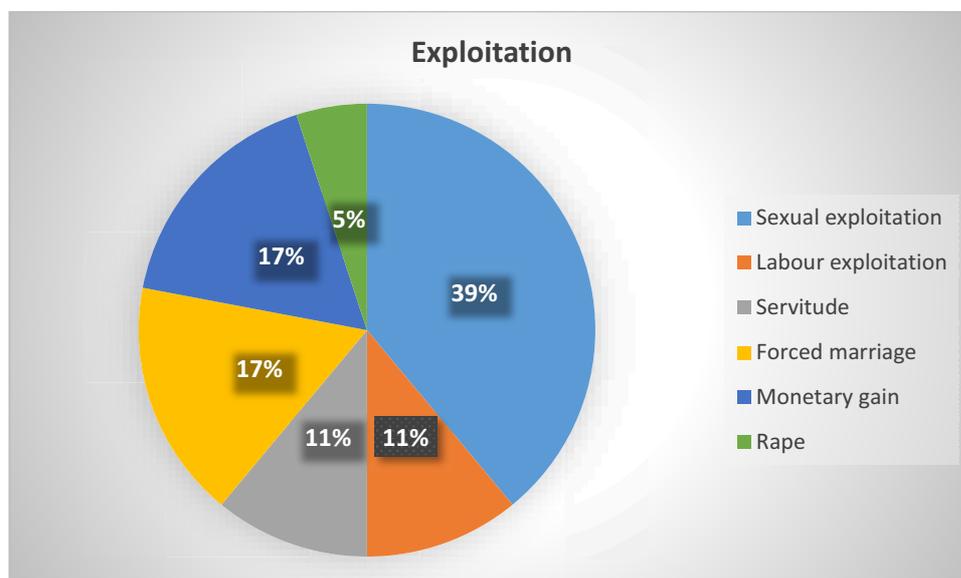


Figure 9 Prevalence of identified forms of exploitation in Lesotho

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.

⁵⁰ Lesotho Multi-Sectoral Committee on Trafficking in Persons. 2014. *National Anti-Trafficking in Persons Strategic Framework and Action Plan (2014-2016)*, p.4.

⁵¹ SADC Secretariat. 2017. *Preventing and Combating Trafficking in Persons: lessons from the SADC region*. Gaborone, SADC Secretariat, p.15.



Figure 10 Number of victims in Lesotho grouped by year identified and sex

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.



Figure 11 Number of suspected traffickers detected in Lesotho

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.

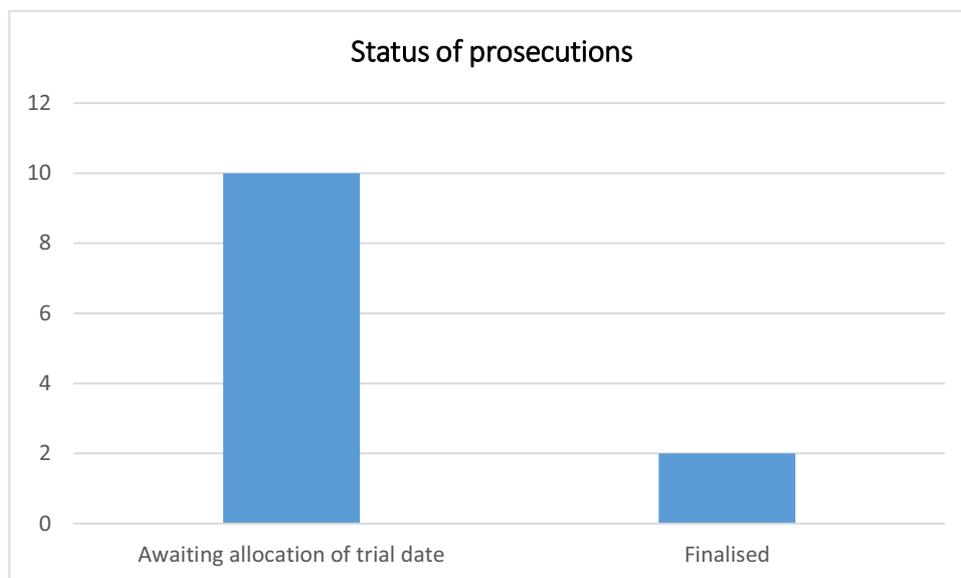


Figure 12 Status of prosecutions in Lesotho

3.4.2 Comparison with other major TIP Reports

The 2017 USJTIP⁵² 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 Report⁵⁴ 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:

- o 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;
- o The collection of data on domestic TIP should be strengthened and appropriate response interventions developed; and

⁵² US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/documents/organization/271341.pdf>. [Accessed on 8 October 2017].

⁵³ UNODC (2016) *Global Report on Trafficking in Persons 2016* http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf [Accessed on 18 July 2017].

⁵⁴ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.15. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf. [Accessed 8 October 2017]

- o 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

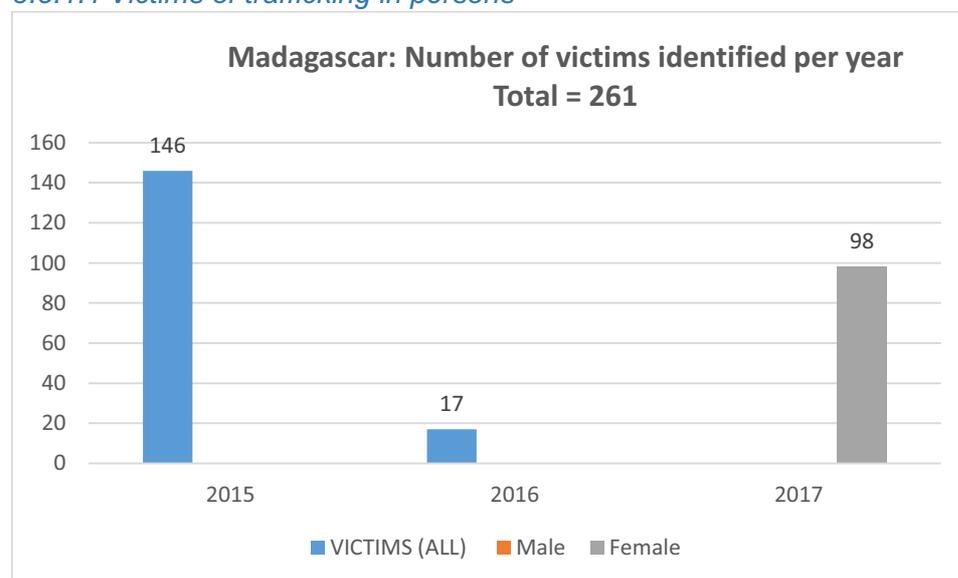


Figure 13 Number of victims identified in Madagascar grouped by year and sex

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 disproportionately 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.

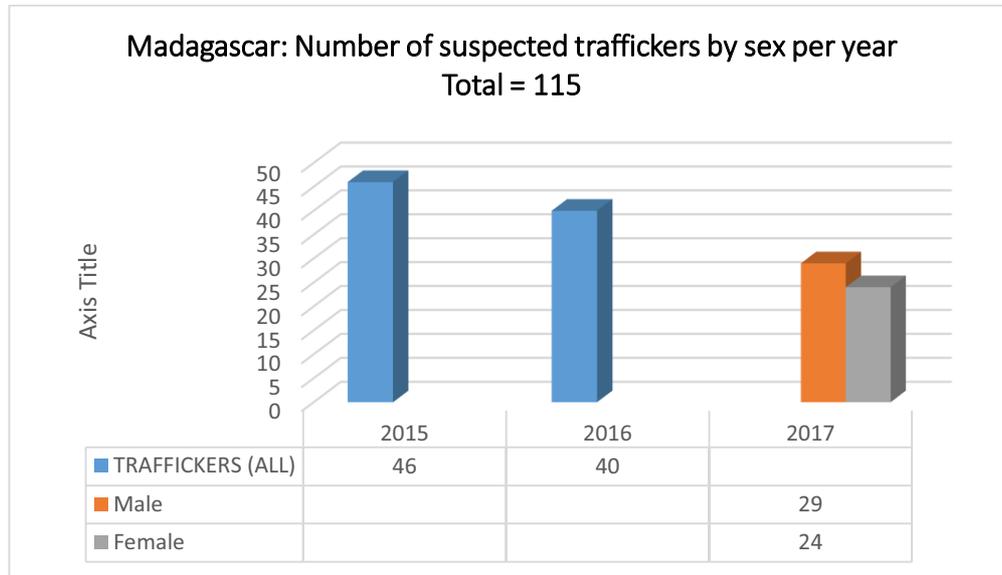


Figure 14 Number of suspected traffickers detected in Madagascar by sex and year

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.

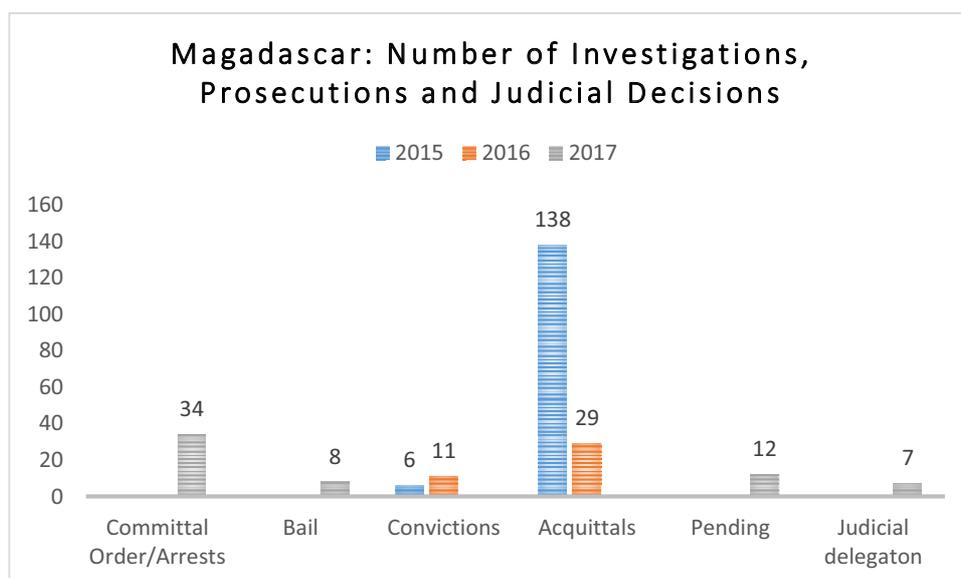


Figure 15 Investigations and judicial decisions on TIP cases prosecuted (2015 - 2017) in Madagascar

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

⁵⁵ US Department of State (2015) *Trafficking in Persons Report - June 2015* <https://www.state.gov/documents/organization/243560.pdf> [Accessed 18 July 2017].

⁵⁶ US Department of State (2016) *Trafficking in Persons Report - June 2016* <https://www.state.gov/documents/organization/258880.pdf> [Accessed 18 July 2017].

⁵⁷ US Department of State (2017) *Trafficking in Persons Report – June 2017* <https://www.state.gov/documents/organization/271343.pdf> [Accessed 18 July 2017].

⁵⁸ SADC Secretariat (2016) *Trafficking in Persons in the SADC Region: A Baseline Report* http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf [Accessed 18 July 2017].

⁵⁹ OHCHR (2013) *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography* http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-48-Add2_en.doc, [accessed on 18 July 2017]

⁶⁰ UNODC (2016) *Global Report on Trafficking in Persons 2016* http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf Accessed on 18 July 2017.

⁶¹ US Department of State (2016) *Trafficking in Persons Report - June 2016* <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm> [Accessed on 18 July 2017].

⁶² SADC Secretariat (2016) *Trafficking in Persons in the SADC Region: A Baseline Report* http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf. Accessed on 8 October 2017.

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**).

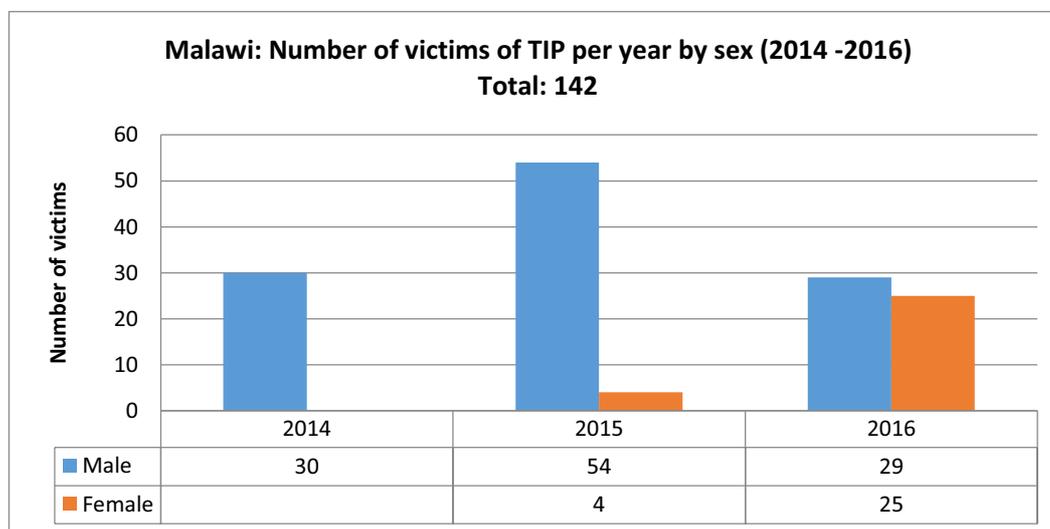


Figure 16 Number of victims of TIP in Malawi grouped by year and sex.

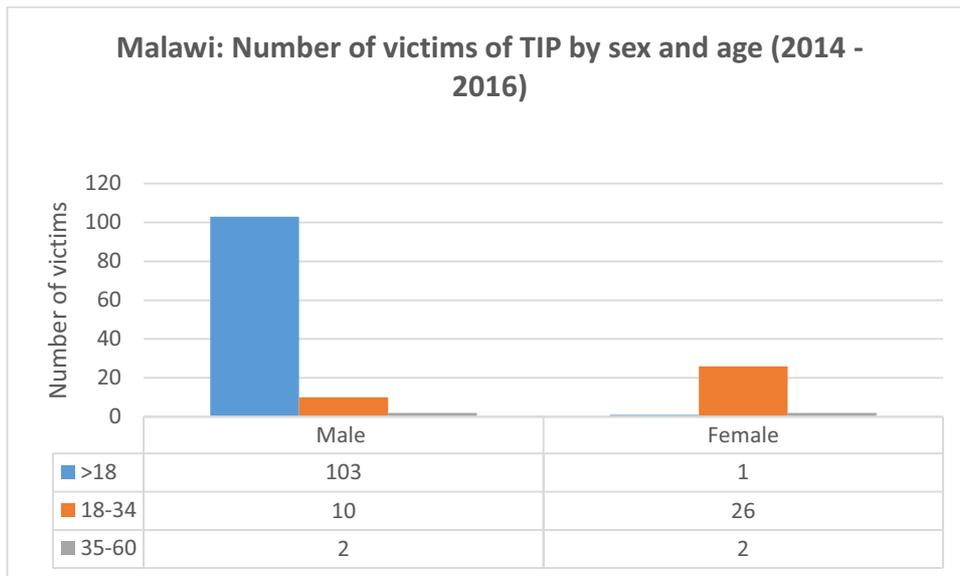


Figure 17 Number of victims of TIP in Malawi grouped by sex and age.

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.

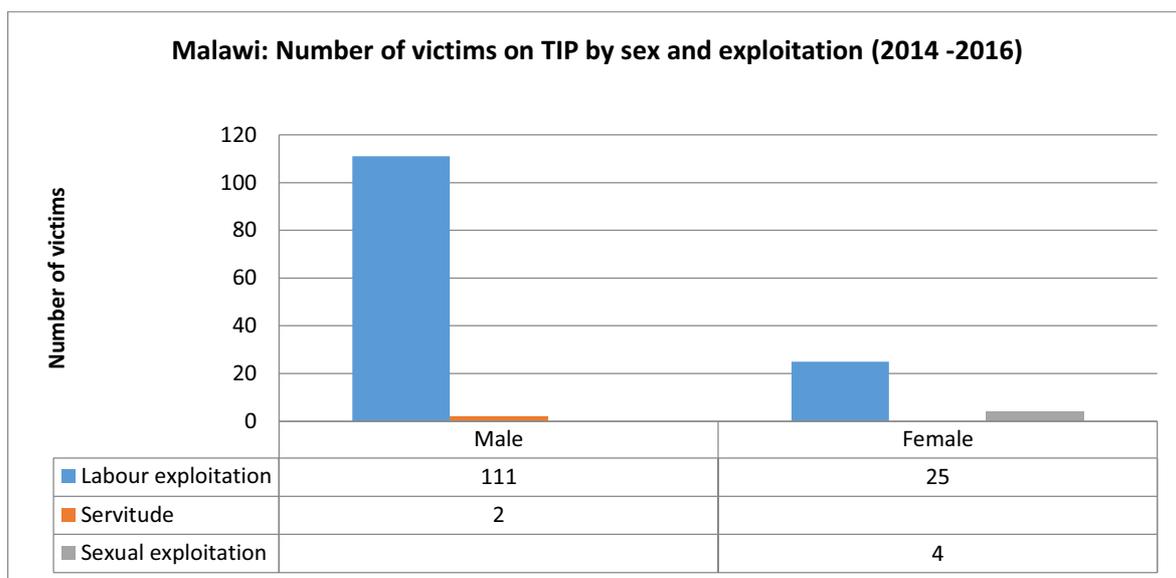


Figure 18 Number of victims in Malawi grouped by year, sex and exploitation.

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

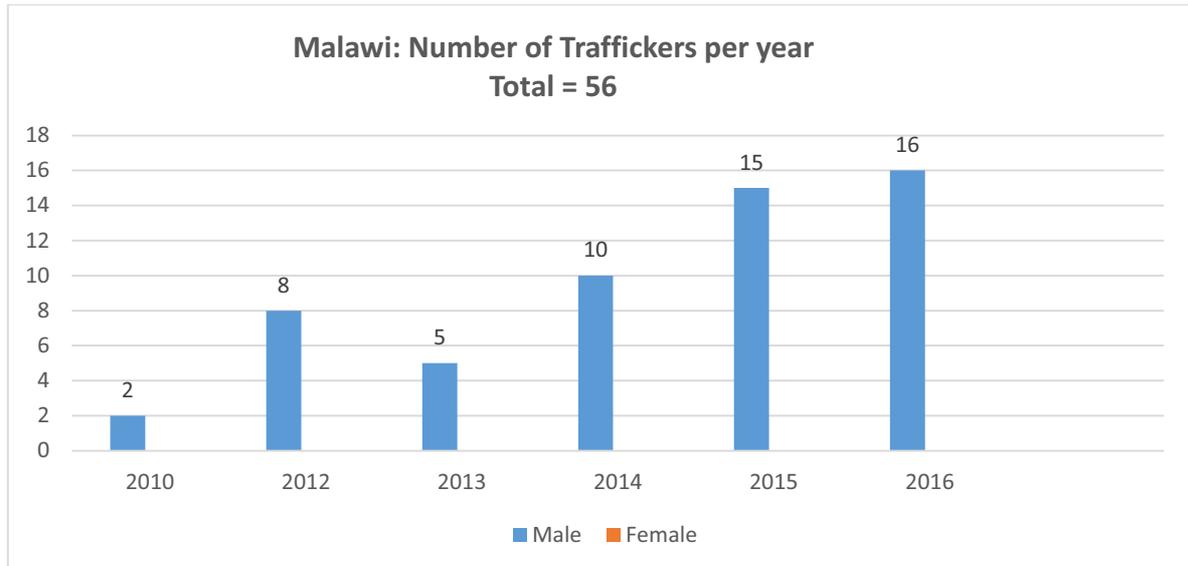


Figure 19 Number of suspected traffickers identified in Malawi by sex and year

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.

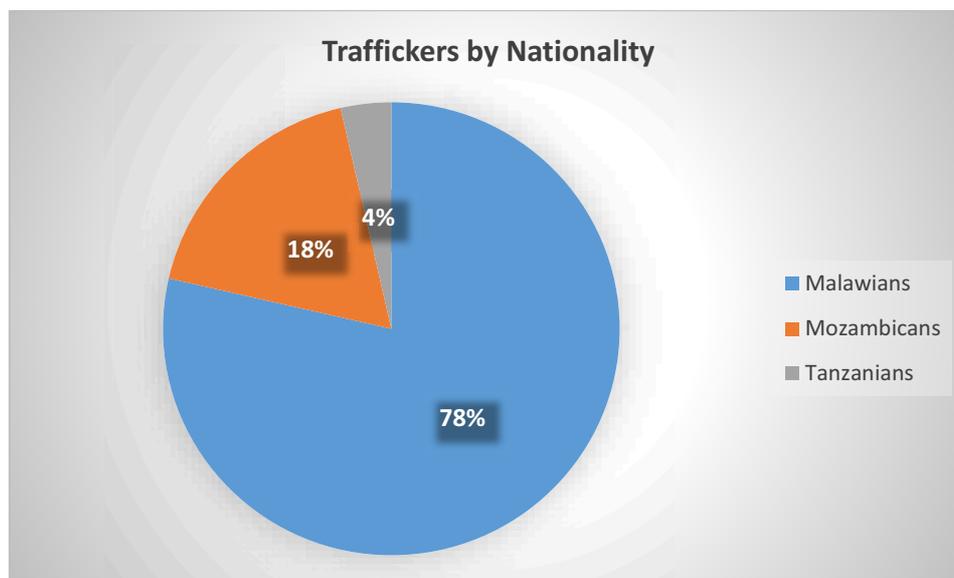


Figure 20 Number of traffickers detected in Malawi grouped by nationality

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

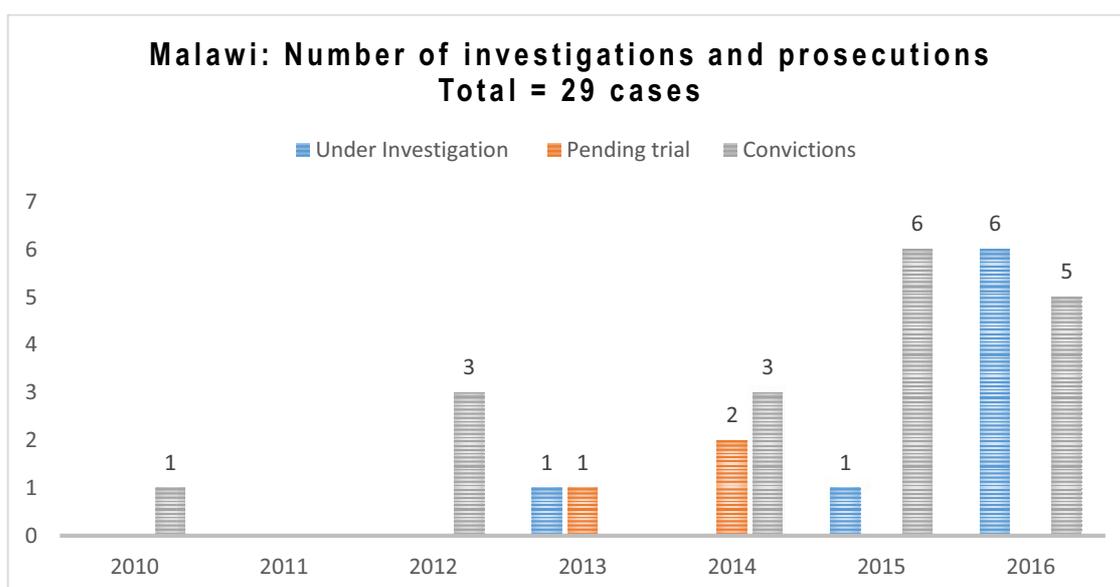


Figure 21 Number of investigations and prosecutions in Malawi

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:

Case Name	Exploitation	Outcome
<i>Ruth Lourenco</i>	Exploitation of the prostitution of others Child trafficking	Acquittal on technical grounds
<i>Masautso Banda</i>	Child trafficking for labour exploitation	Conviction, fine paid
<i>Republic vs. Jailosi Makwinja</i>	Child trafficking for labour exploitation	Withdrawn
<i>Republic vs Mavuto Jailosi and Patson Luka</i>	Child trafficking for labour exploitation	Conviction, 15 months imprisonment
<i>Republic vs. Mandi Fernando</i>	Child trafficking for labour exploitation	Withdrawn
<i>Republic v Bitoni Pambala</i>	Child sale exploitation not specified	Conviction, sentence not yet passed

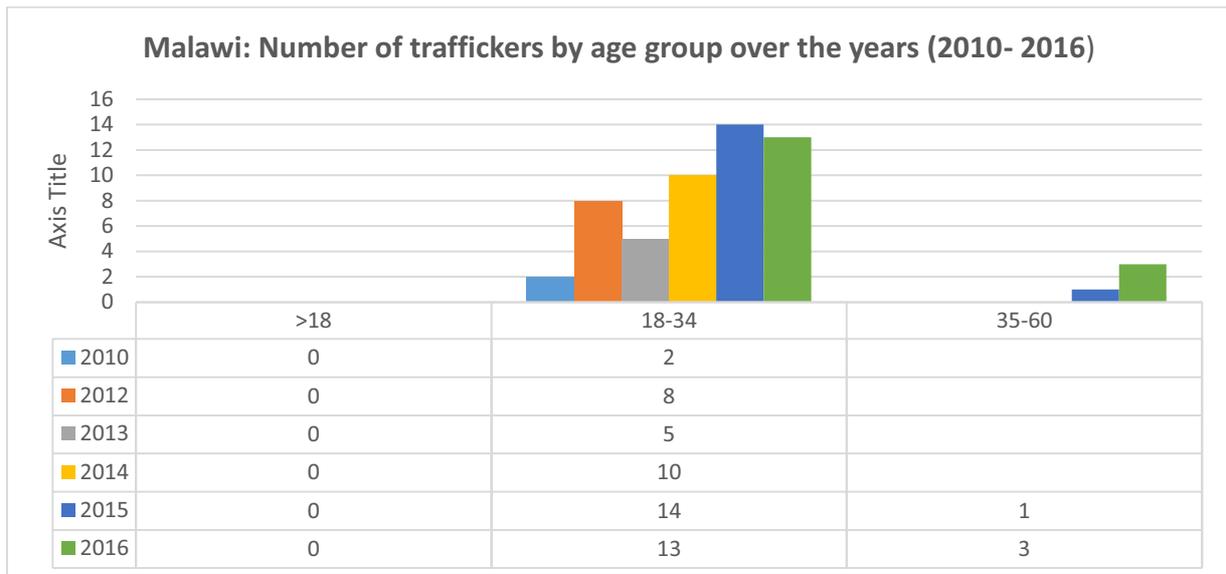


Figure 22 Number suspected traffickers in Malawi by age group

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:

- o Malawi strengthens data collection capacities especially in TIP hotspots;
- o 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;
- o Malawi is urged to forge regional and trans-regional cooperation in the fight against Trafficking in Persons; and
- o 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.⁶³ 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.⁶⁴

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:

	2014	2015	2016	2017
Cases of Trafficking in persons established under the Combatting of Trafficking in Persons Act 2009	1 (under enquiry)	NIL	NIL	2 (under enquiry)
Cases of trafficking in persons under the Child Protection Act 1994	5	5	4	1
Cases having bearing on human trafficking	4	9	8	2

Offence	2014	2015	2016	2017 Up to March
Child trafficking	5	5	3	1
Inciting child to be sexually abused	1	NIL	NIL	
Causing child to be sexually abused	1	NIL	2	
Child labour	1	1	1	
Human Trafficking	1	2	NIL	2 (illegal stay in Mauritius- Human Trafficking)
Debauching Youth	1	NIL	NIL	
Brothel keeping	1	2	6	
Procuring prostitute	NIL	1	NIL	
Abducting Child	NIL	1	NIL	

Source: Crime Record Office, Mauritius Police Force

⁶³ US Department of State. 2017. Trafficking in Persons Report June 2017. <https://www.state.gov/documents/organization/271343.pdf> [Accessed 18 July 2017].

⁶⁴ US Department of State. 2017. Trafficking in Persons Report June 2017. <https://www.state.gov/documents/organization/271343.pdf> [Accessed 18 July 2017].

3.6.2 Comparison with other TIP Reports

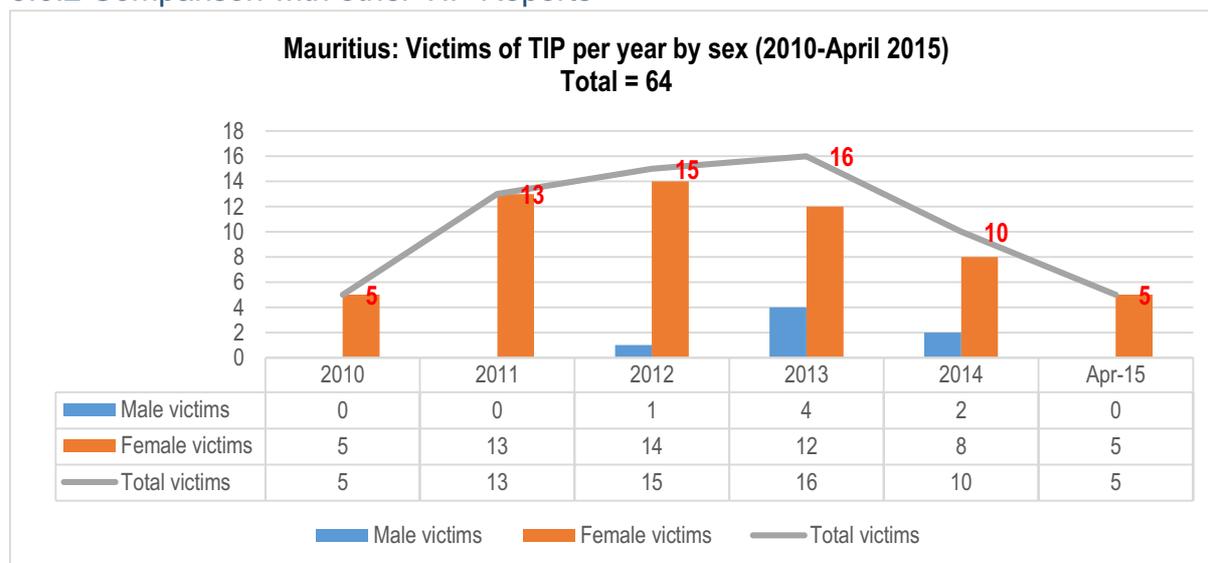


Figure 23 Number of victims of trafficking in persons identified in Mauritius by year and sex. Source: 2016 SADC TIP Baseline Report

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 2016.⁶⁵ 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.

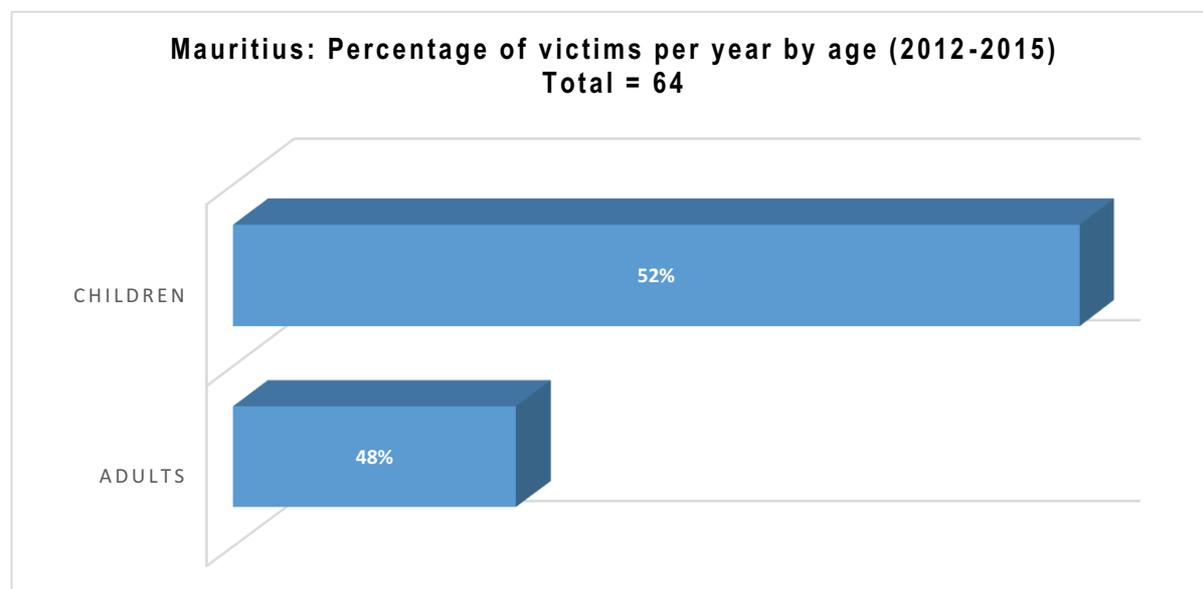


Figure 24 Percentage of victims of TIP by age in Mauritius. Source: 2016 UNODC Global TIP Report

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.⁶⁶

3.7.1 Recommendations

It is recommended that:

- o the capacity of law enforcement officers to effectively respond to the crime of TIP should be strengthened;
- o the SADC Regional TIP Data Collection System should be rolled out to Mauritius; and
- o 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.

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

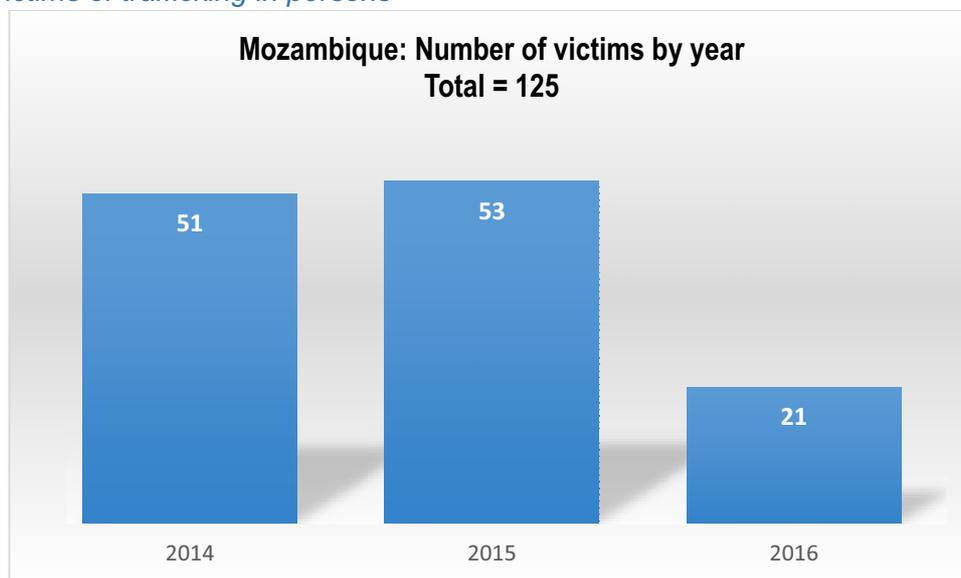


Figure 25 Number of trafficking in persons victims by year in Mozambique

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.

⁶⁶ UNODC (2016) *Global Report on Trafficking in Persons 2016* http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf [Accessed 18 July 2017].

Table 5 Number of victims identified in Mozambique by nationality

Nationality	2014	2015	2016	Total
Mozambican	51	53	20	124
Rwandese	0	0	1	1

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

Victims/Age Group	2014	2015	2016	Total
Minors	45	45	4	94
Adults	6	8	17	31

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%.

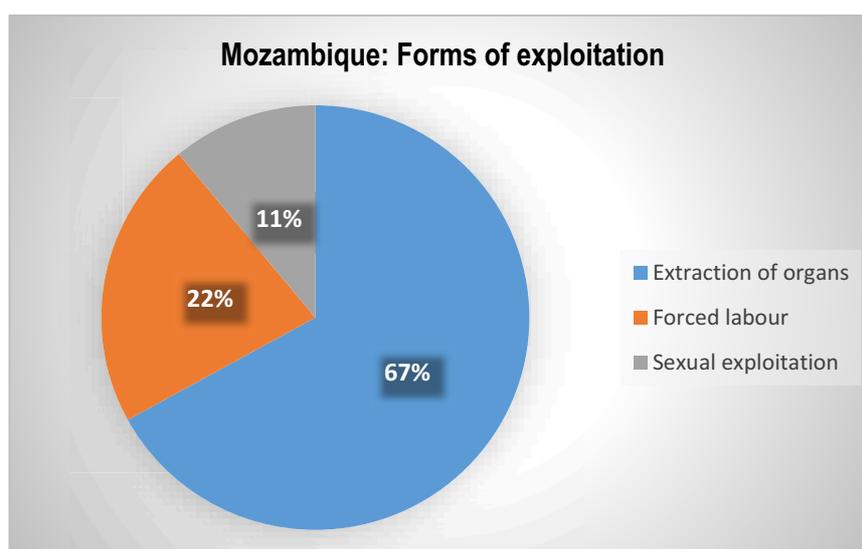


Figure 26 Forms of exploitation in Mozambique

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

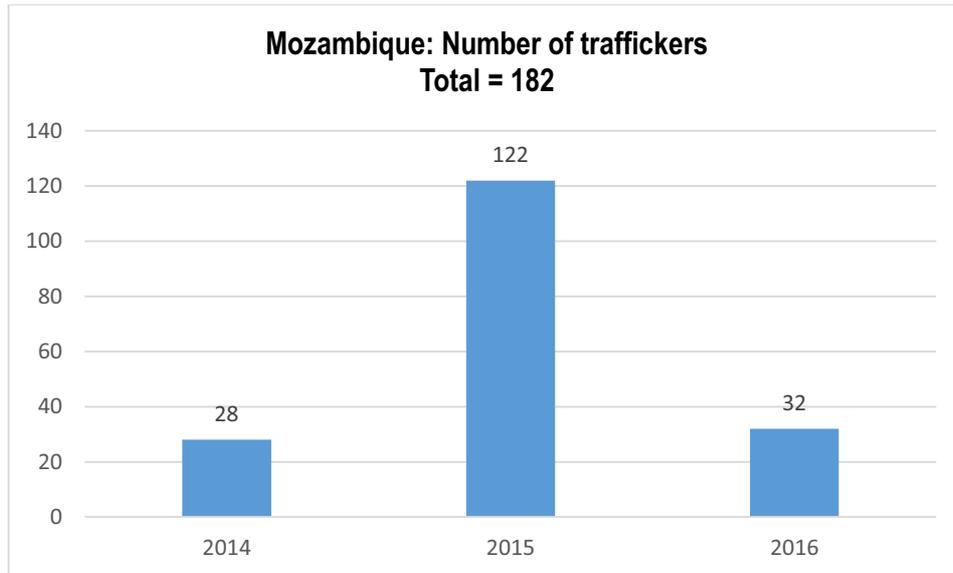


Figure 27 Number of traffickers in Mozambique grouped by year identified

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.

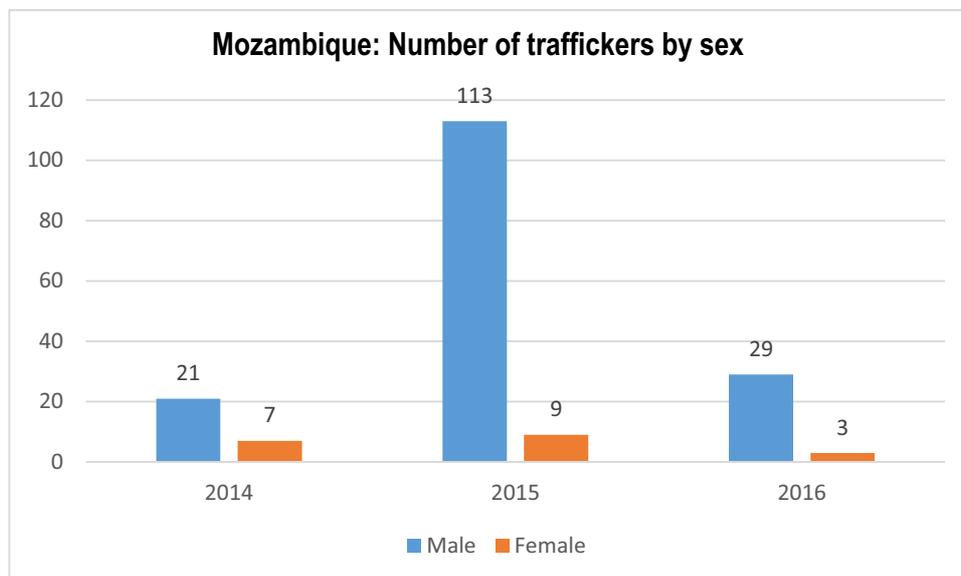


Figure 28 Number of traffickers in Mozambique grouped by sex

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.

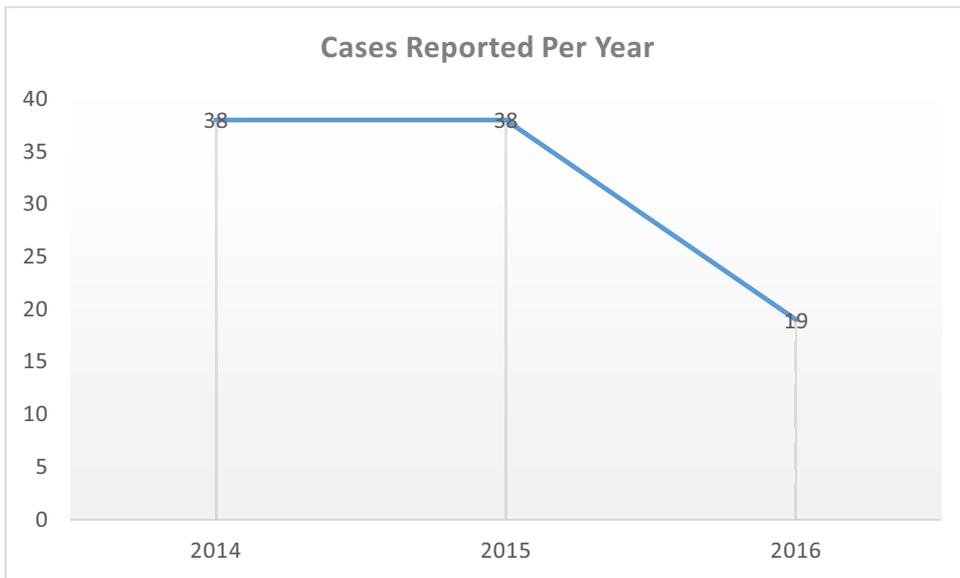


Figure 29 Total number of cases reported in Mozambique per year

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.

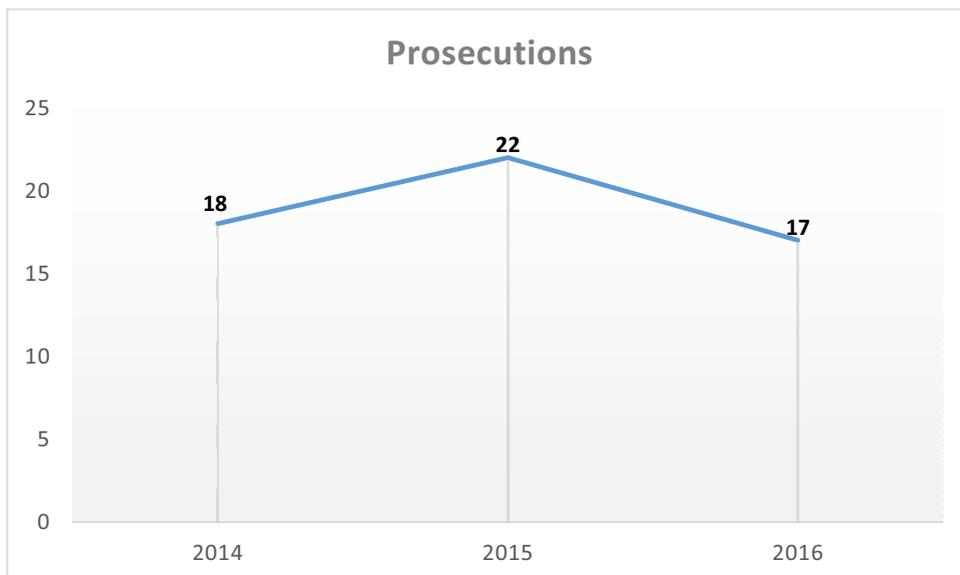


Figure 30 Number of prosecuted cases in Mozambique grouped by year

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.

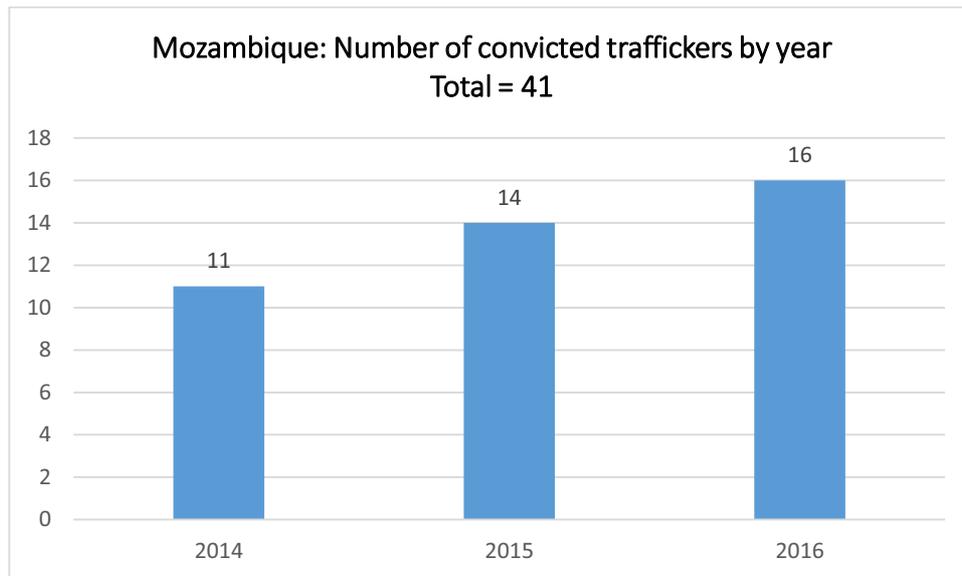


Figure 31 Number of convicted traffickers in Mozambique grouped by year

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.

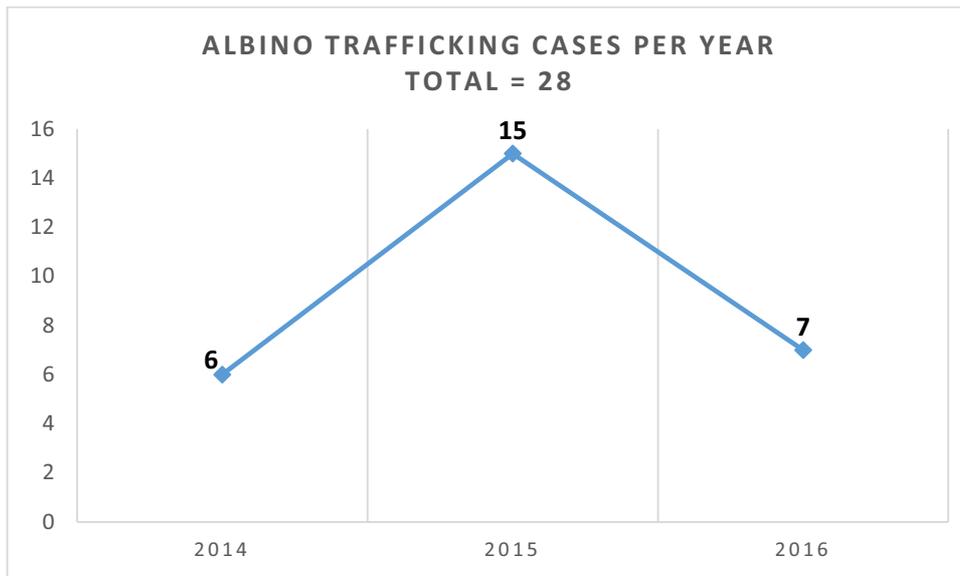


Figure 32 Number of reported albino trafficking cases in Mozambique per year

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.

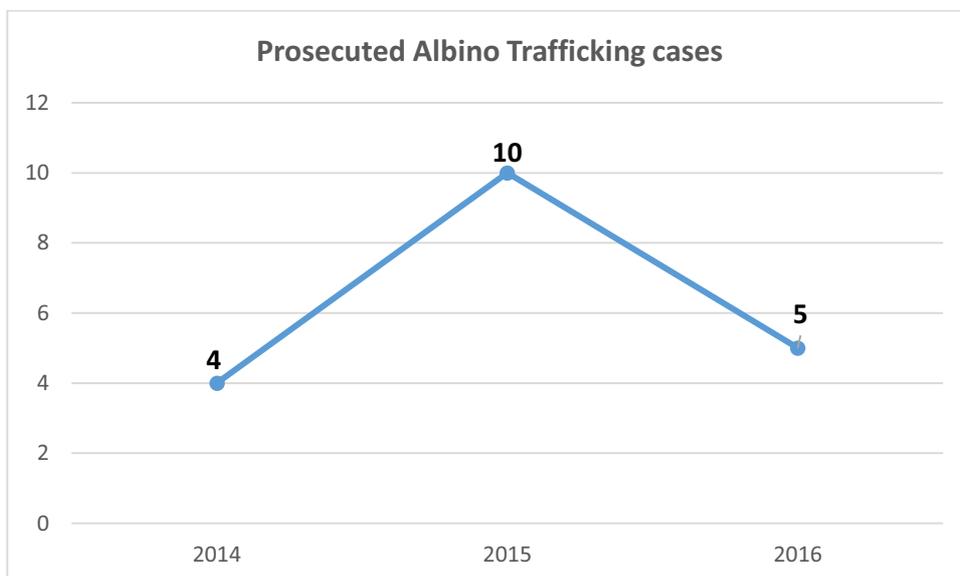


Figure 33 Number of prosecuted albino trafficking cases in Mozambique per year

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 2016.⁶⁷ However for the years 2015 and 2014, the data is quite different - with reports of 35 traffickers being prosecuted and 11

⁶⁷ US Department of State. 2017. *Trafficking in Persons Report June 2017*, p.219. Available at <https://www.state.gov/documents/organization/245365.pdf>, [accessed on 26 October 2017].

convictions being obtained for 2015⁶⁸, and 44 traffickers begin prosecuted and 32 convictions being obtained for 2014.⁶⁹

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

The UNODC Global Report on Trafficking in Persons found that 27 victims were identified in 2014.⁷¹

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.

3.9 Namibia

Namibia had not yet enacted stand-alone legislation on TIP at the time of compiling this statistical report, although the draft *Trafficking in Persons Bill* was ready to be tabled in Parliament.⁷² However, a number of laws that address TIP were in use to criminalise the practice (see **Table 2**). These laws also comply with the global principles articulated in the UNCTOC and TIP Protocol (see **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.

⁶⁸ US Department of State. 2016. *Trafficking in Persons Report June 2016*, p.279. Available at <https://www.state.gov/documents/organization/245365.pdf>, [accessed on 26 October 2017].

⁶⁹ US Department of State. 2015. *Trafficking in Persons Report June 2015*, p.254. Available at <https://www.state.gov/documents/organization/245365.pdf>, [accessed on 26 October 2017].

⁷⁰ SADC. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.29. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 26 October 2017].

⁷¹ UNODC (2016) *Global Report on Trafficking in Persons 2016* http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf [Accessed 26 October 2017].

⁷² See http://www.parliament.na/index.php?option=com_phocadownload&view=category&download=7966:bills-that-may-be-tabled-in-the-national-assembly-2017-2018&id=162:bills-2017&Itemid=1269 for the full list of Bills to be considered in 2017

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

3.9.1.1 Victims of trafficking in persons

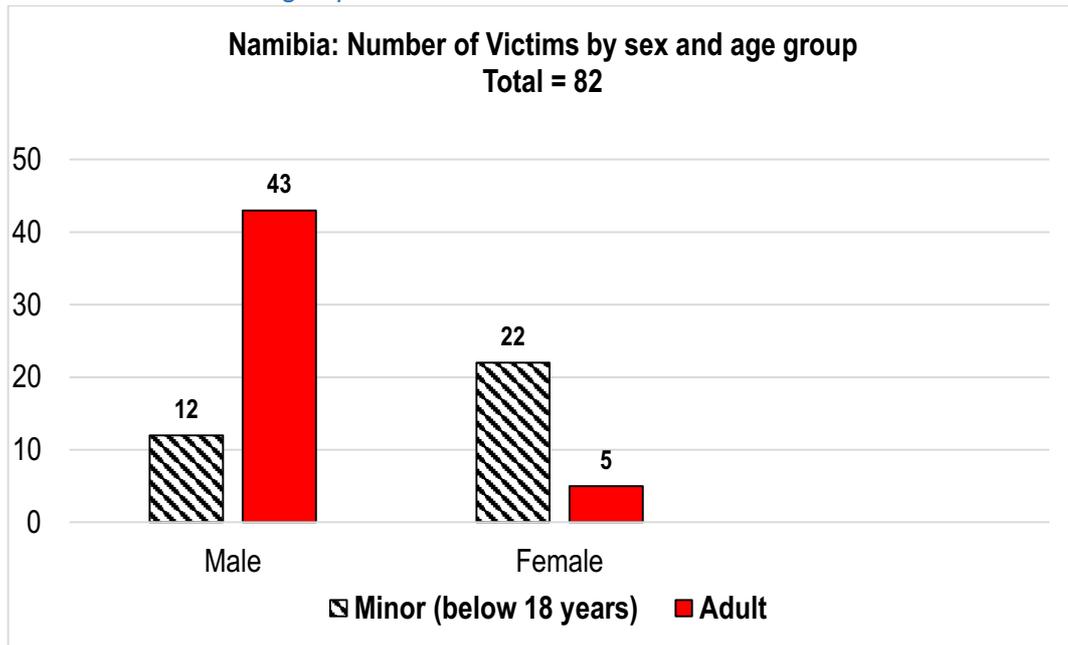


Figure 34 Number of victims identified in Namibia grouped by age and sex

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 Act⁷³, 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**).

⁷³ SADC. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.34. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017].

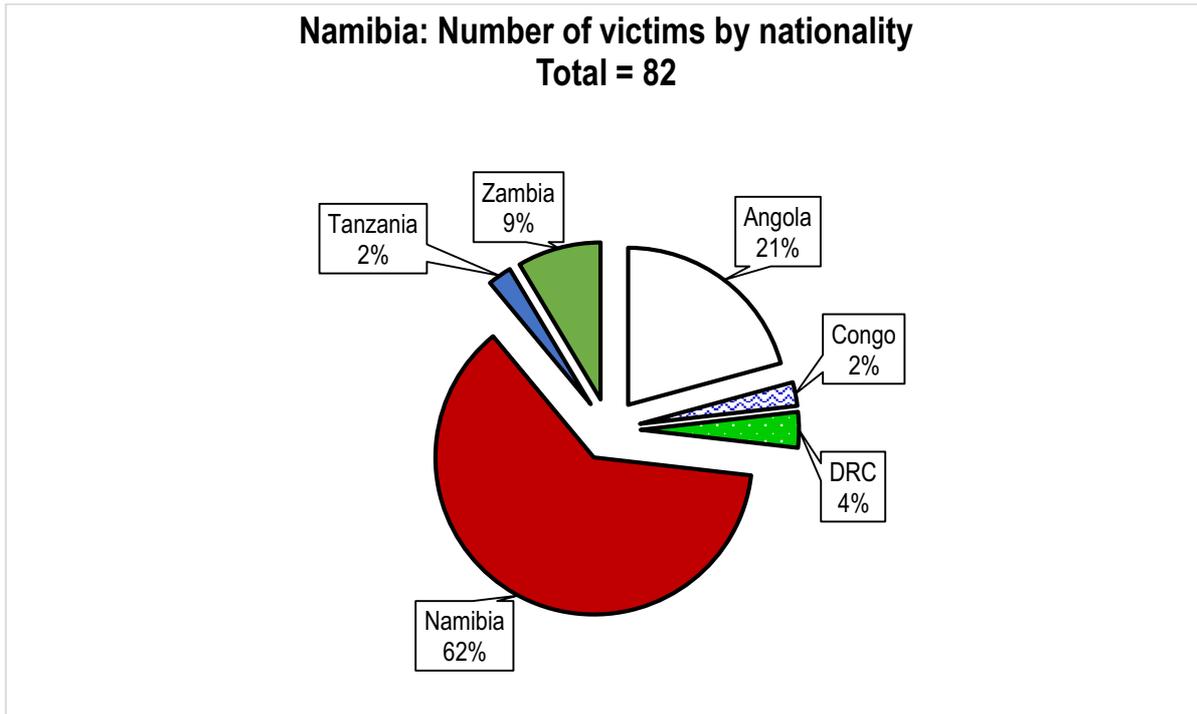


Figure 35 Number of victims identified in Namibia grouped by nationality

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”.⁷⁴ 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 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 (MGE CW) in 2009⁷⁵ suggested that victims were exploited in charcoal production, construction and fishing industries.

⁷⁴ US Department of State. 2015. *Trafficking in Persons Report June 2015*, p.68. Available at <https://www.state.gov/documents/organization/245365.pdf>, [accessed on 20 July 2017].

⁷⁵ MGE CW. 2009. *A Baseline Assessment of Human Trafficking in Namibia: a nationally representative qualitative assessment*. Windhoek, Ministry of Gender Equality and Child Welfare.

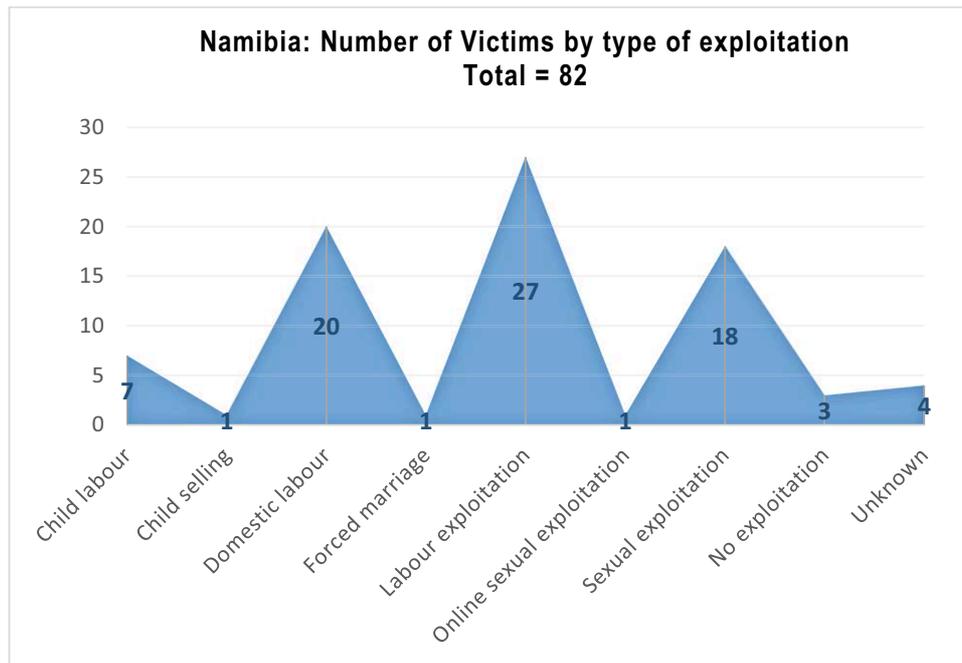


Figure 36 Number of victims in Namibia by type of exploitation

3.9.1.2 Investigation and prosecution of trafficking in persons cases

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

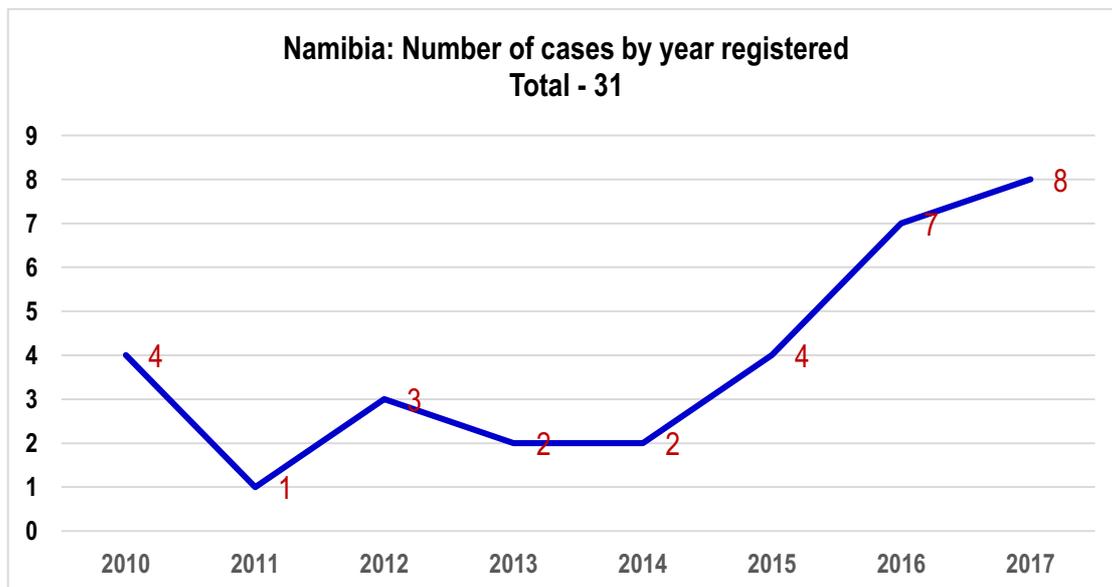


Figure 37 Number of cases registered with NAMPOL grouped by year case was registered

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 2015⁷⁶, while eight were investigated in 2016 leading to two being prosecuted⁷⁷.

⁷⁶ US Department of State. 2016. *Trafficking in Persons Report June 2016*, p.280. Available at <https://www.state.gov/documents/organization/258876.pdf>, [accessed on 20 July 2017].

⁷⁷ US Department of State. 2017. *Trafficking in Persons Report June 2017*, p.293. Available at <https://www.state.gov/documents/organization/271339.pdf>, [accessed on 20 July 2017].

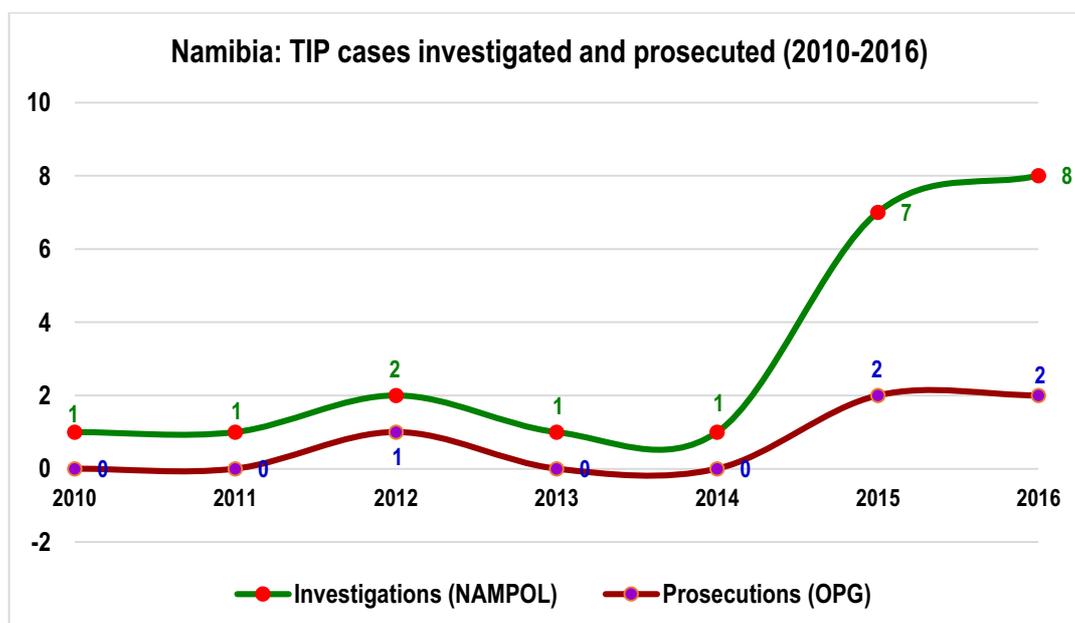


Figure 38 Number of TIP cases investigated and prosecuted in Namibia (2010 - 2016)

*Note: 2015 and 2016 statistics were obtained from the 2016 and 2017 US TIP Reports and validated by Namibian authorities

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

	Angola	Congo	Malawi	Namibia	South Africa	Uganda	Unknown	Total
Male	6	1	0	12	2	0	1	22
Female	0	0	1	8	0	1	0	10
Unknown	0	0	0	0	0	0	3	3
Total	6	1	1	20	2	1	4	35

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:

- o Capacity to collect and appropriately manage TIP data within the realm of the SADC Regional Trafficking in Persons Data Collection System should be strengthened;
- o Enactment of the *Trafficking in Persons Act* should be expedited; and

⁷⁸ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.35. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017]

- o 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



Figure 39 Number of victims identified in Seychelles grouped by age and sex

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.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 2015.⁸⁰ 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.

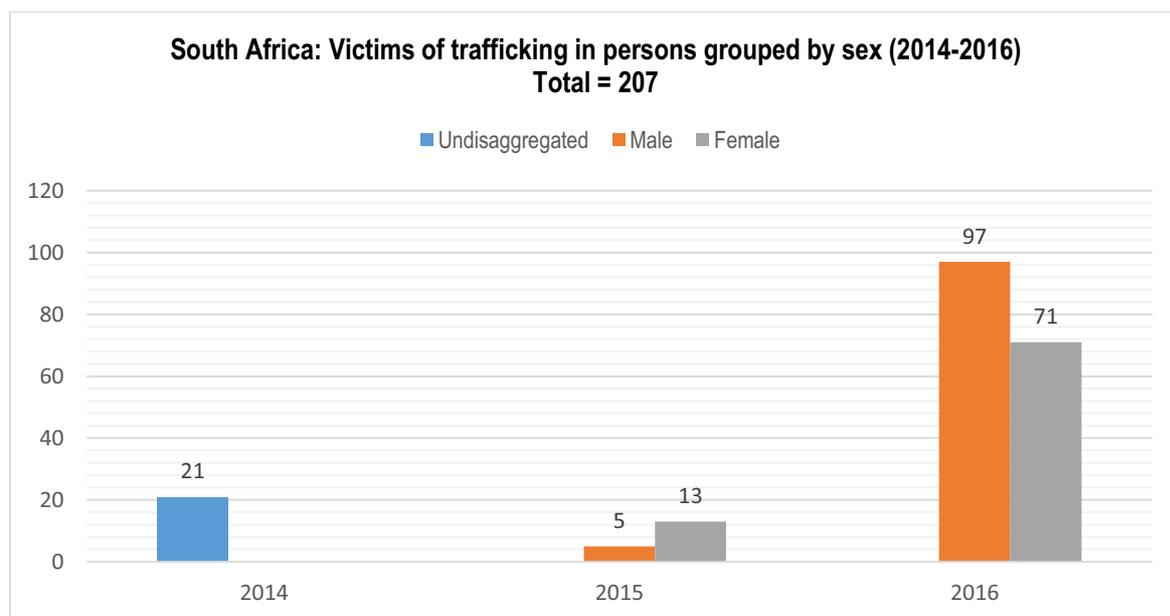


Figure 40 Number of victims identified in South Africa grouped by sex

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.

⁷⁹ US Department of State (2017) *Trafficking in Persons Report - June 2017* <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm> [Accessed on 26 October 2017.]

⁸⁰ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 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.

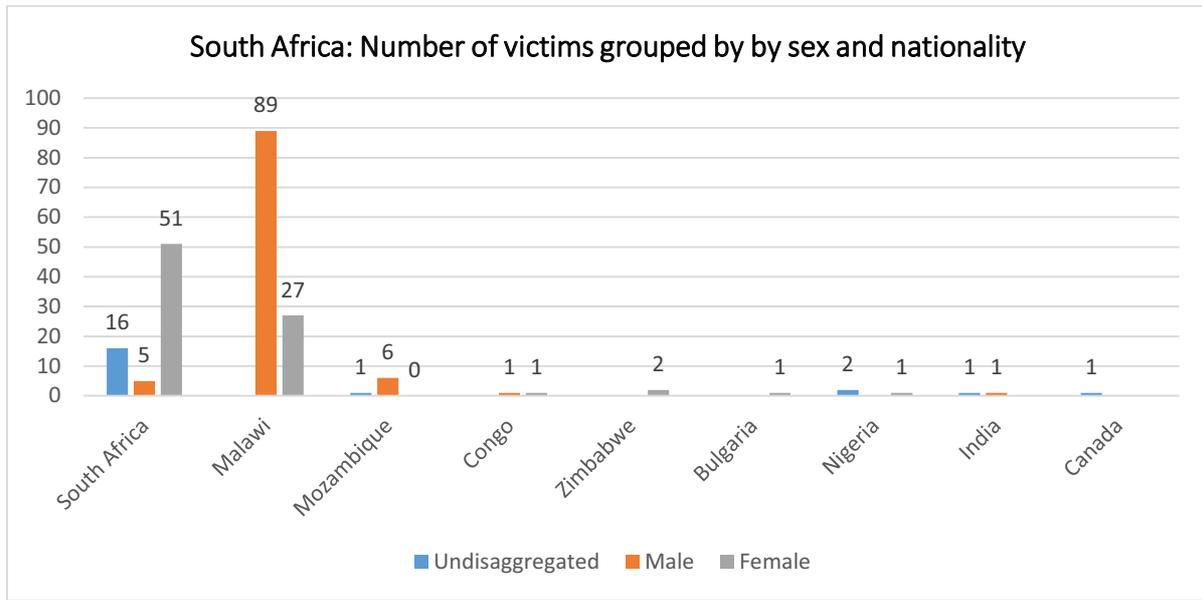


Figure 41 Number of victims identified in South Africa, grouped by sex and nationality

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.

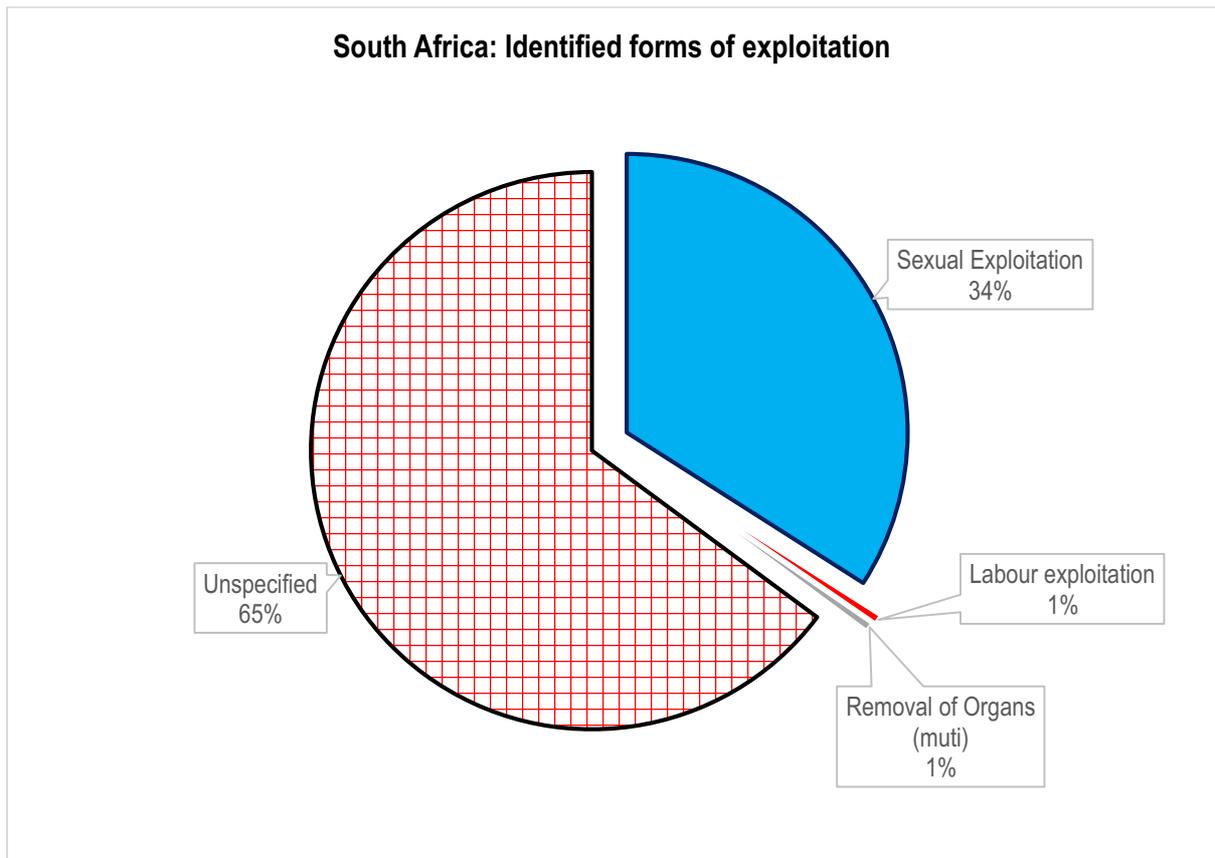


Figure 42 Forms of exploitation in South Africa

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**.

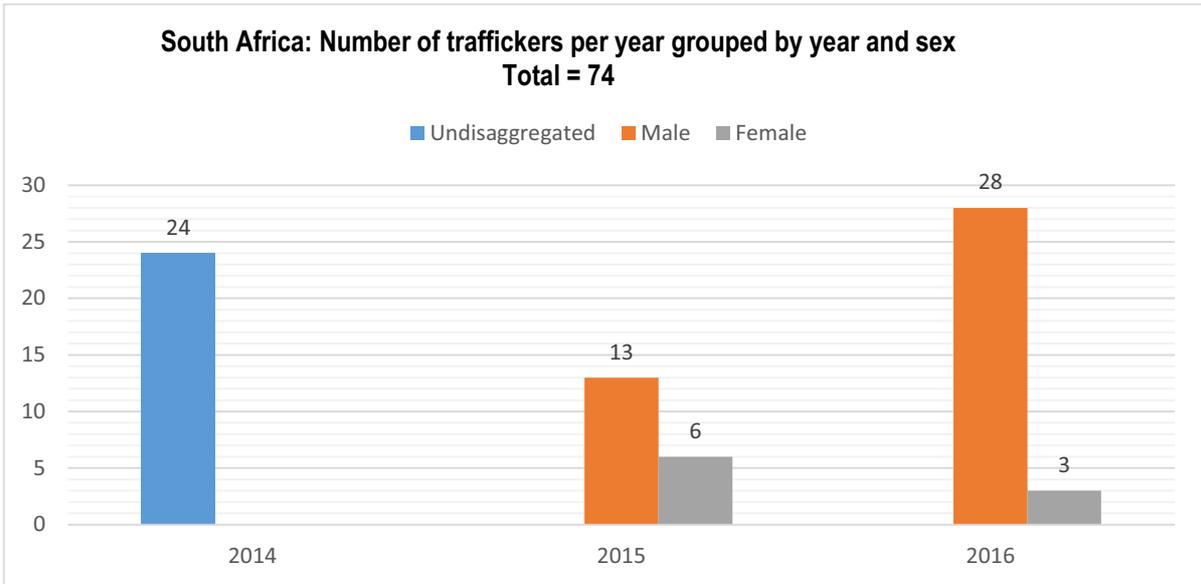


Figure 43 Number of suspected traffickers grouped by year and sex in South Africa

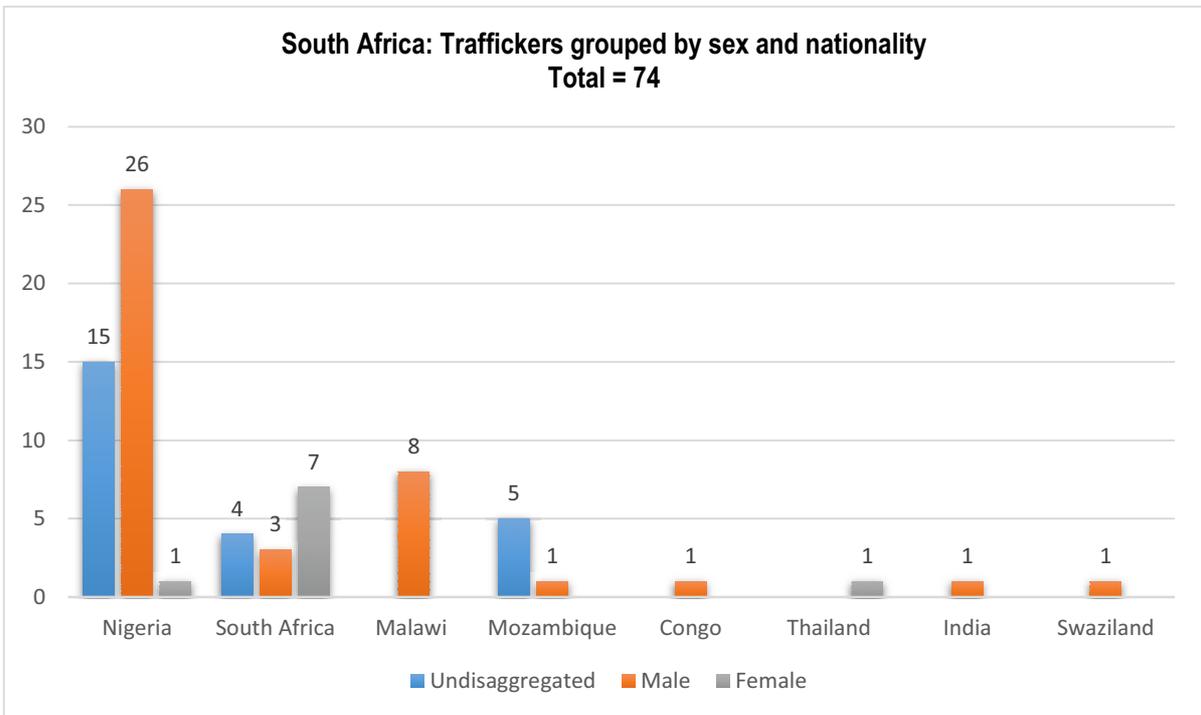


Figure 44 Number of suspected traffickers in South Africa grouped by sex and nationality

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.

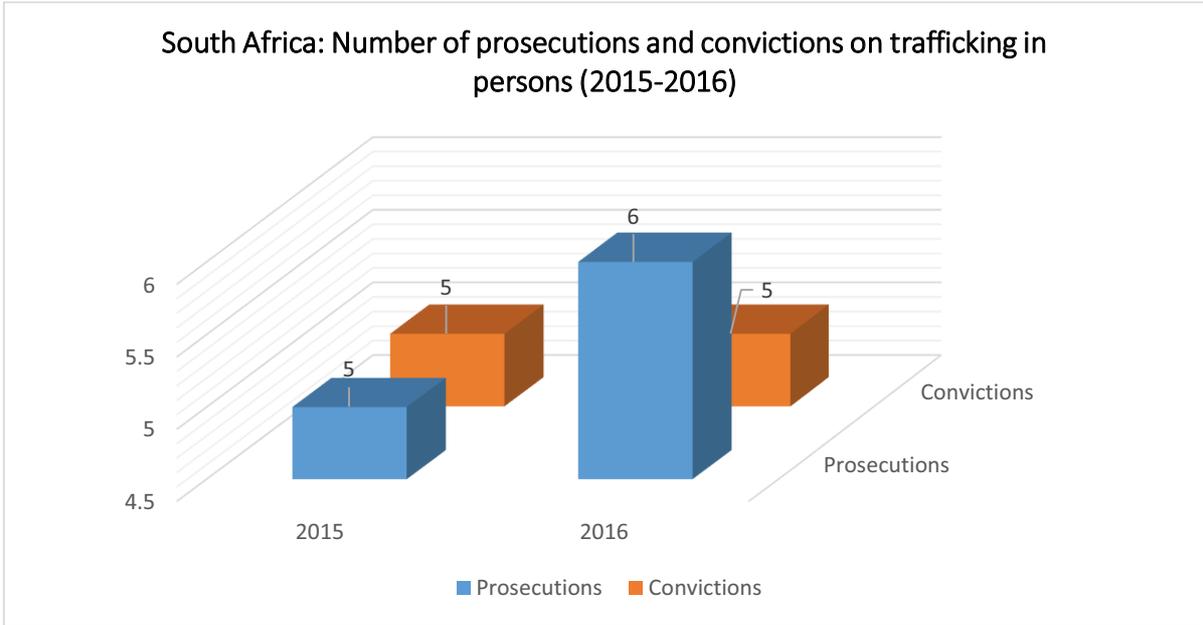


Figure 45 Number of prosecutions and convictions in South Africa (2015 - 2016)

Some notable cases convicted in South Africa since 2009 are listed in Table 8:

Table 8 Selected TIP cases from South Africa

Case	Main convicted crime	Legislation used	Effective sentence for main accused
<i>State v Mabuza and another, on appeal to the high Court in Mabuza v The State</i>	TIP for sexual exploitation	Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)	Eight life sentences
<i>State v MMF (Fakudze)</i>	TIP for sexual exploitation	Prevention and Combating of Trafficking in Persons Act 7 of 2013	Life imprisonment
<i>State v Palan and another</i>	TIP for sexual exploitation	Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)	10 years' imprisonment, and ZAR10,000 or five months in prison (for additional charge of acquisition/ use/ possession of proceeds of unlawful activities)
<i>State v Eke Ugochukwu</i>	Child sexual exploitation	Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) Children's Act, No.38 of 2005 Prevention and Combating of Trafficking in Persons Act, No.7 of 2013	20 years' imprisonment
<i>State v Shadrack Pinityi Mathiso</i>	TIP for sexual exploitation purposes	Criminal Law (Sexual Offences and Related Matters)	5 years' imprisonment

		Amendment Act, 2007 (Act No. 32 of 2007)	
<i>State v Sandile Zweni and others</i>	TIP for sexual purposes	Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)	35 years' imprisonment
<i>State v Rasibe Jaqueline Ramohlola</i>	Child trafficking	Children's Act, No.38 of 2005	12 years' imprisonment
<i>State v Nahimana Allima</i>	TIP for sexual exploitation purposes Rape	Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)	Life imprisonment
<i>State v William Knoetze and another</i>	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

	Year in which victim identified							Total
	2008	2009	2010	2011	2012	2013	2014	
Men	0	0	1	0	0	0	0	1
Women	86	8	32	2	0	12	11	151
Boys	0	0	0	1	0	0	0	1
Girls	2	3	4	2	7	12	1	31
Total	88	11	37	5	7	24	12	184

⁸¹ UNODC. 2016. *Global Report on Trafficking in Persons 2016*. New York, United Nations Publication, p.116. Available at https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf, [accessed on 31 May 2017].

⁸² Van der Watt, M. 2015. Human trafficking in South Africa: an elusive statistical nightmare. *The Conversation*. Available at <http://theconversation.com/human-trafficking-in-south-africa-an-elusive-statistical-nightmare-43949>, [accessed on 15 August 2017].

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)

	2013	2014	2015	2016	Total
Cases prosecuted	12	19	5	6	42
Convicted traffickers	3	3	11	11	28

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:

- o A centralised TIP data collection system should be established in the country, and linked to the SADC Regional Trafficking in Persons Data Collection System;
- o Identification and investigation of TIP cases should be enhanced;
- o Capacity of investigators and prosecutors in other forms of exploitation besides sexual exploitation should be strengthened; and
- o 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

⁸³ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, Botswana.

⁸⁴ The Prime Minister's Office http://www.gov.sz/index.php?option=com_content&view=article&id=413&Itemid=215 [Accessed 27 October 2017].

3.12.1 Data on Trafficking in Persons

3.12.1.1 Victims of Trafficking by Sex

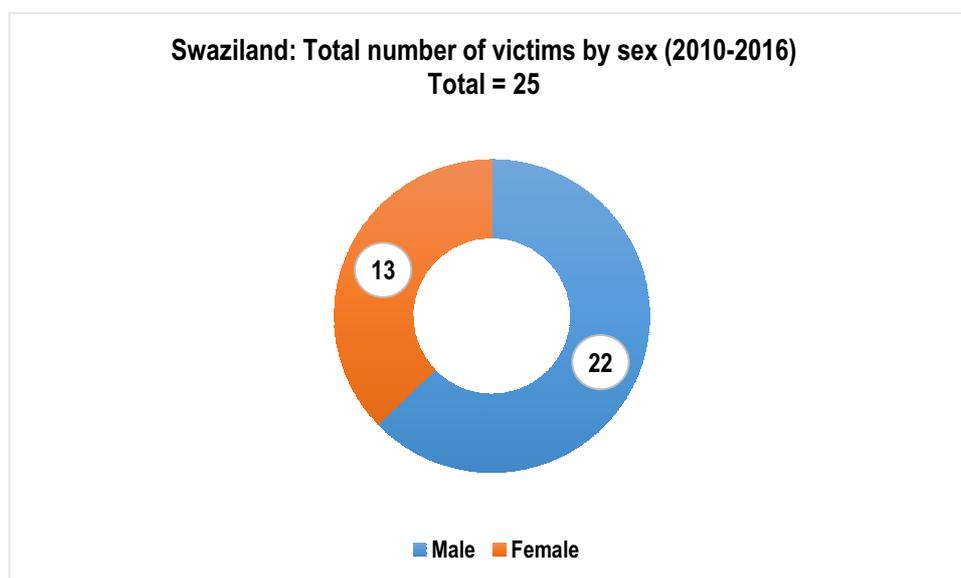


Figure 46 Number of victims in Swaziland grouped by sex (2010 - 2016)

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

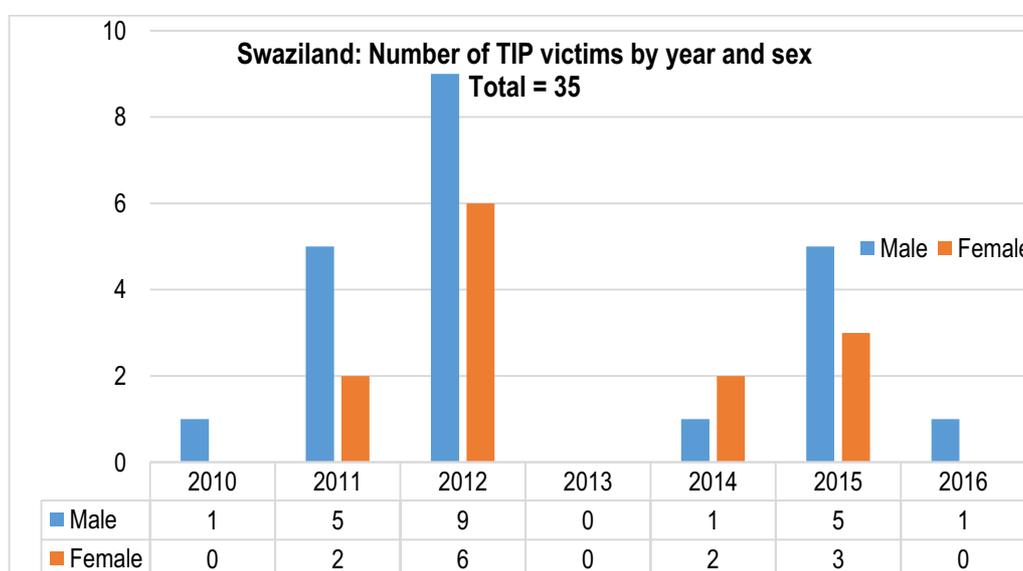


Figure 47 Number of victims identified in Swaziland by year and sex of victims

⁸⁵ SADC Secretariat. 2016. *Trafficking in Persons in the SADC Region: a Baseline Report*. Gaborone, SADC Secretariat, p.61. Available at http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf, [accessed on 31 May 2017].

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.

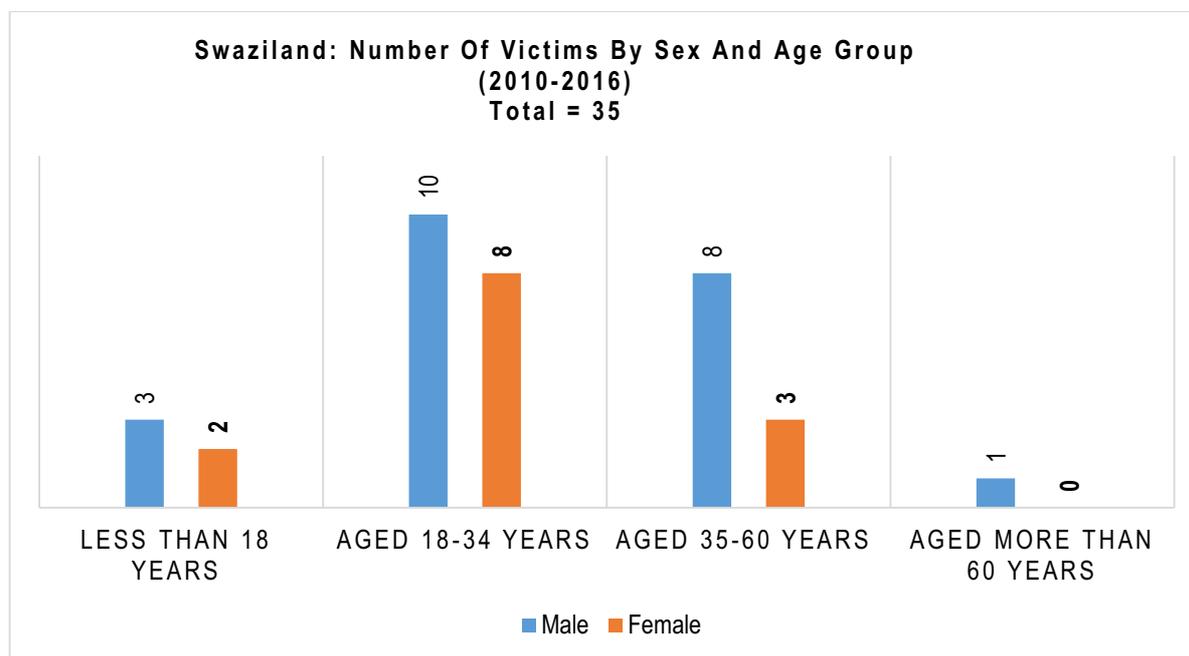


Figure 48 Number of victims identified in Swaziland by sex and age group

The majority of victims identified in Swaziland between 2010 and 2016 were aged 18 to 34 years (51.4%), a group that is universally recognised as the economically active. These were followed by those aged between 35 and 60 years (31.4%). There were five child victims identified during the period under reporting.

In addition, victims are subjected to sexual exploitation, forced labour or labour exploitation.

Table 11 Citizenship of victims of trafficking in persons in Swaziland

	Bangladesh	China	Gabon	India	Lesotho	Mozambique	Nigeria	Swaziland	Uganda	USA	Total
Male	1	3	0	6	1	2	0	4	4	1	22
Female	0	5	1	1	0	1	1	3	0	1	13
Total	1	8	1	7	1	3	1	7	4	2	35

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 King v Zakhele Mlimi* – sexual exploitation, conviction obtained, Siteki Magistrates Court (2013)
- *The King v Ifemoa Dike & Another* – labour exploitation, acquittal on TIP charges, High Court (2012)
- *The King v Gastigo Maziya*, acquittal, Siteki Magistrates Court
- *The King v Phatsakahle Mike Mndzebele*, acquittal, Manzini Magistrates Court (2015)

The following cases are still pending before the courts

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

3.12.2 Recommendations

It is recommended that:

- o awareness raising and public education campaigns on TIP should be intensified;
- o capacity of law enforcement officers should be strengthened with adequate investigative tools and appropriate training; and
- o 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**).

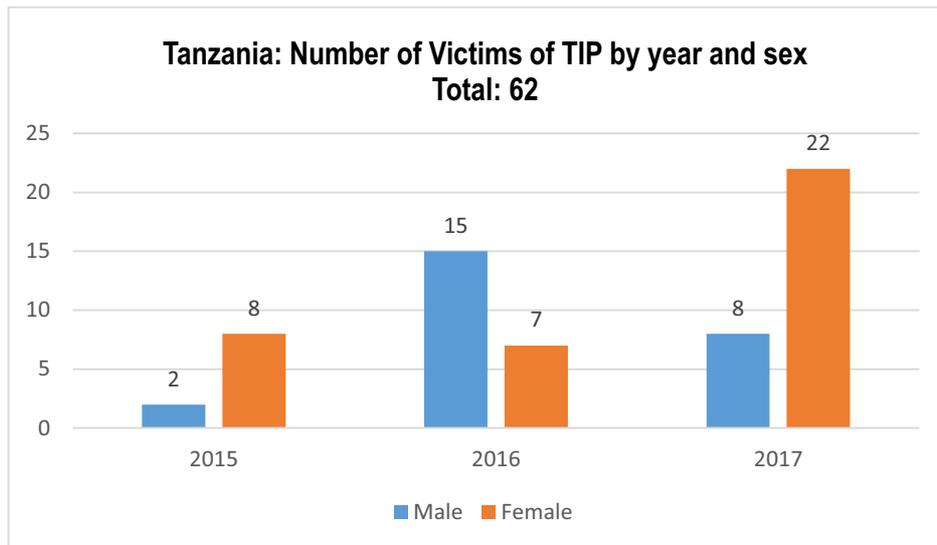


Figure 49 Number of victims grouped by year and sex (2015 - 2017).

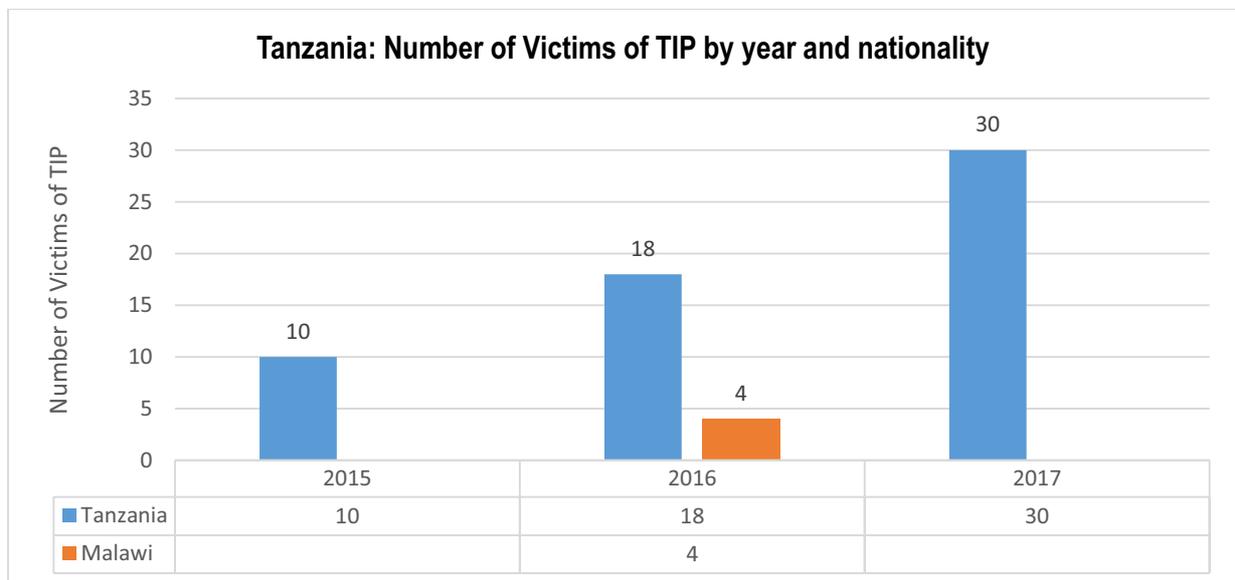


Figure 50 Number of victims of TIP in Tanzania grouped by year and nationality (2015 - 2017)

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.

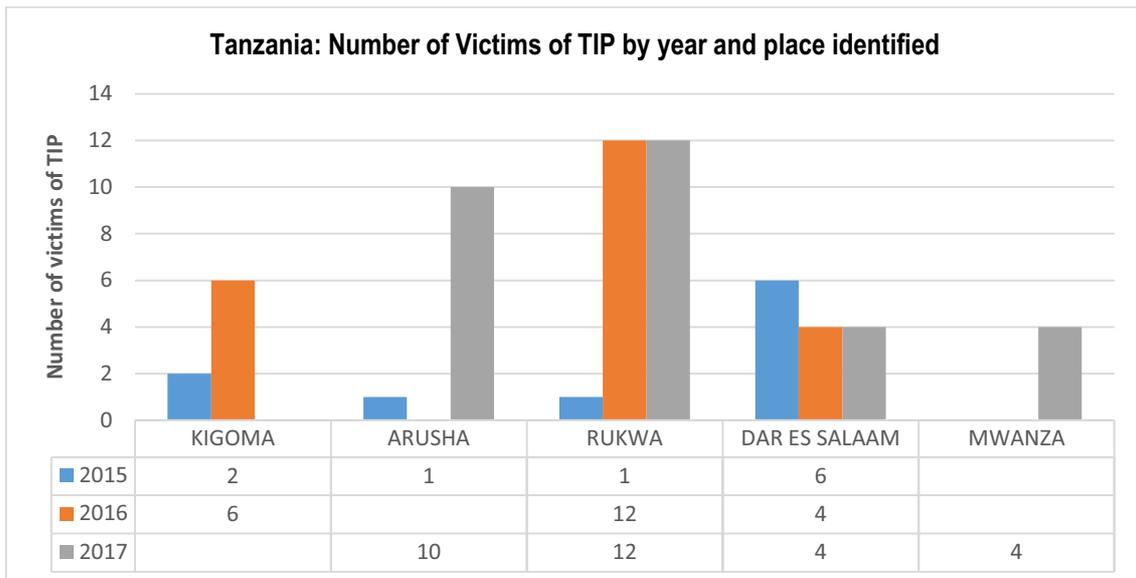


Figure 51 Number of victims of TIP in Tanzania grouped by year and place identified

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.

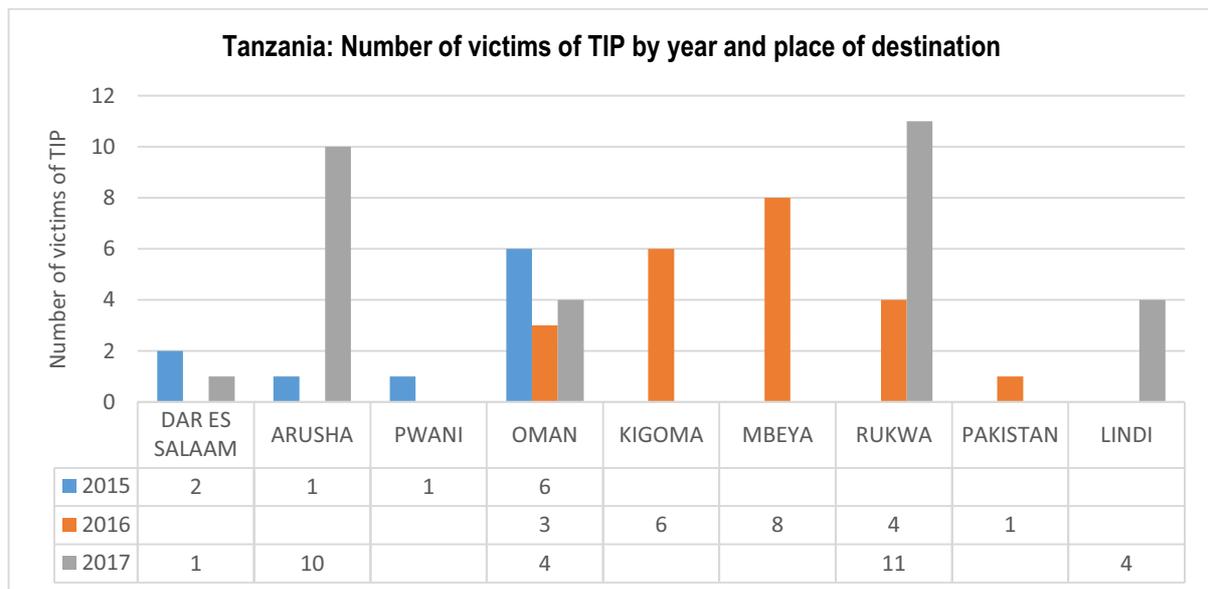


Figure 52 Number of victims of TIP in Tanzania grouped by year and destination

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.

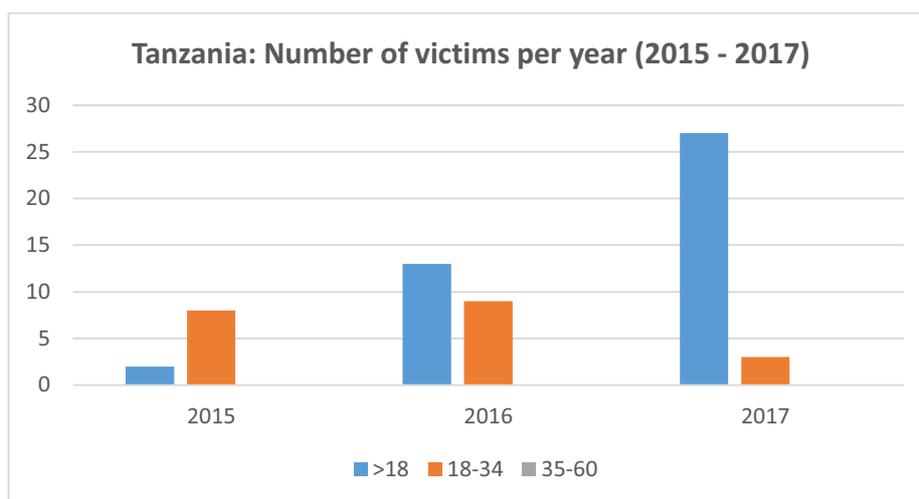


Figure 53 Number of victims of TIP in Tanzania grouped by year and age group

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.

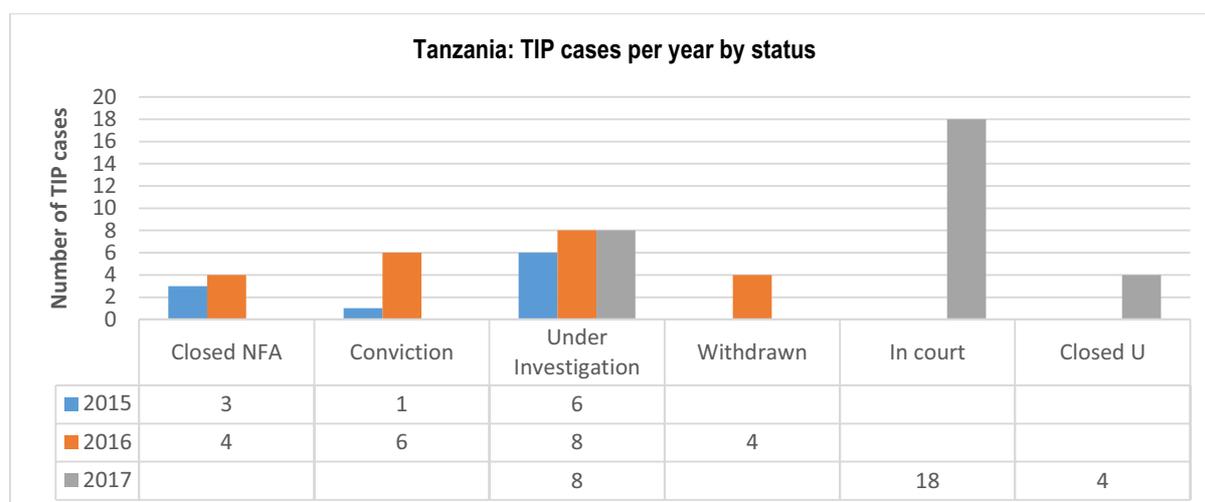


Figure 54 Number of cases by year and status

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:

- o Tanzania is urged to forge regional and trans-regional cooperation in the fight against Trafficking in Persons;
- o Tanzania embarks on massive awareness raising campaigns amongst her citizens to educate them on the subject of Trafficking in Persons;
- o 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
- o 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 responses 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**).

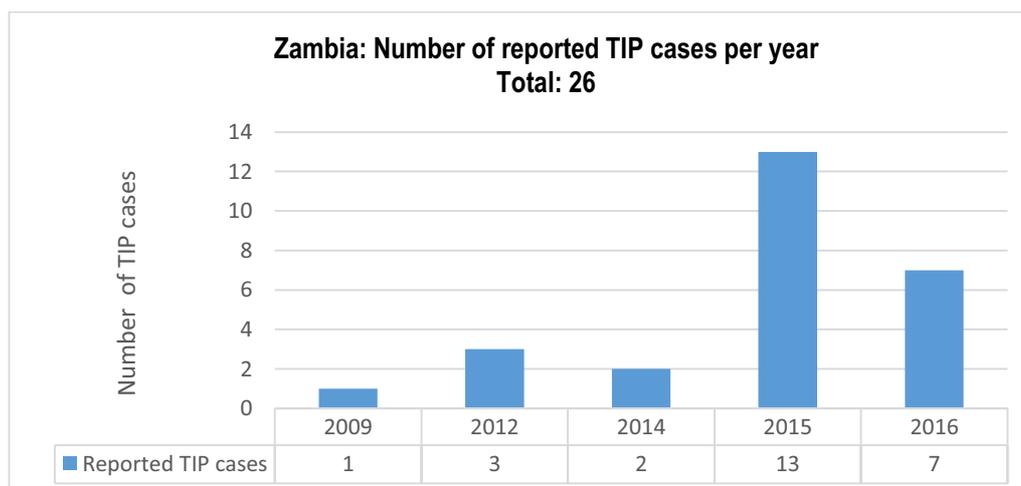


Figure 55 Number of reported TIP cases in Zambia per year (2009 - 2016)

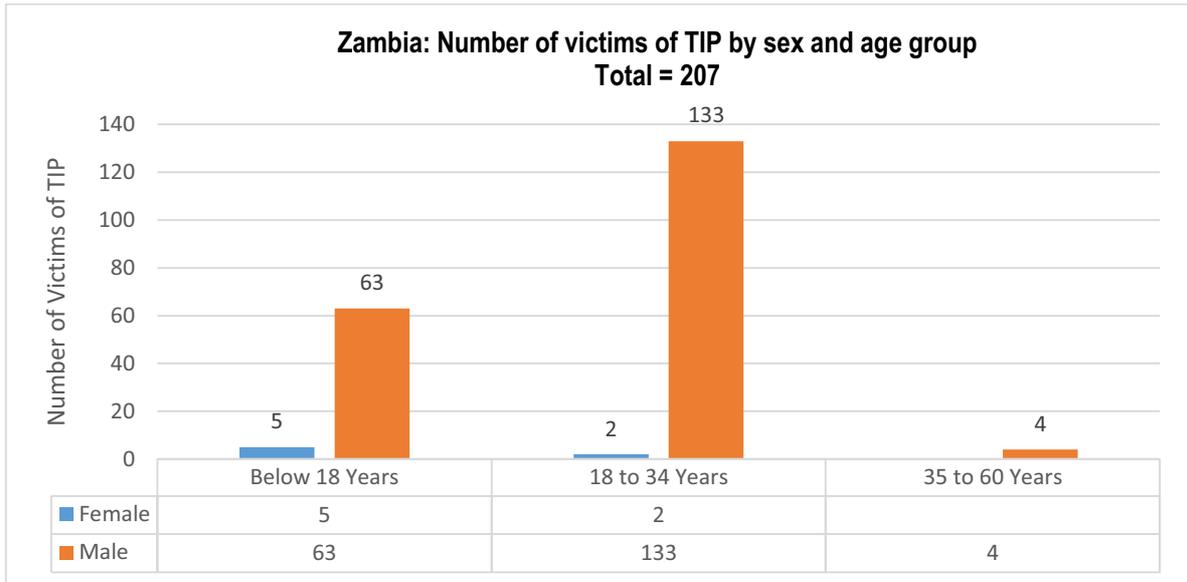


Figure 56 Number of victims of TIP by sex and age group

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.

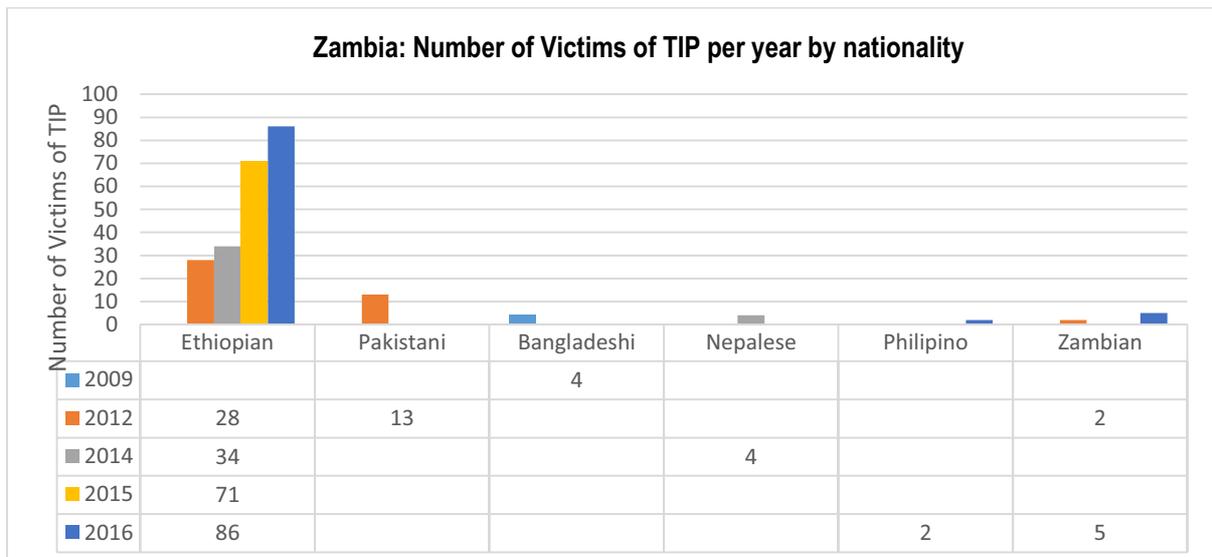


Figure 57 Number of victims identified in Zambia by year and nationality

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.

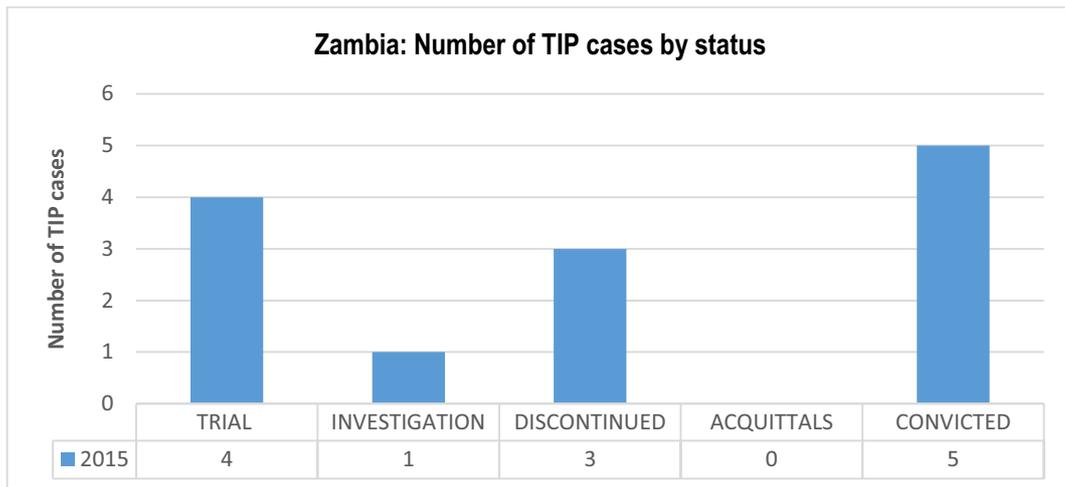


Figure 58 Investigations and prosecutions of cases in Zambia

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:

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

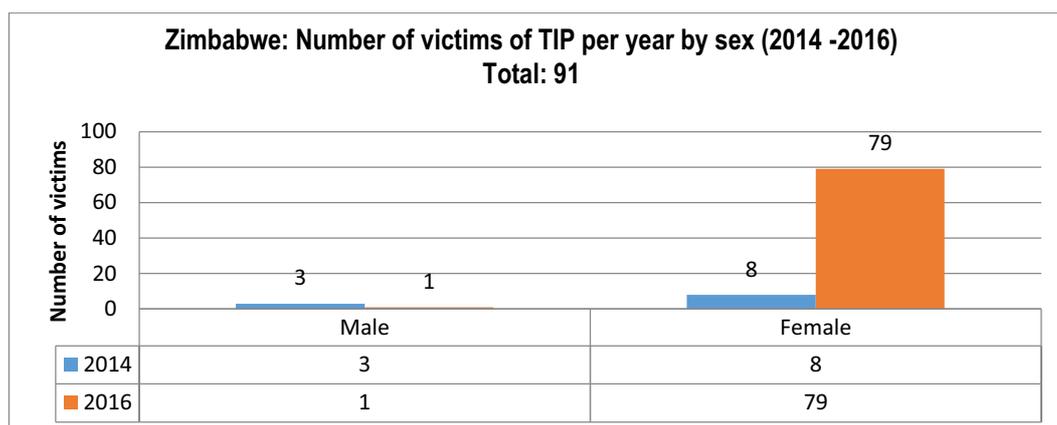


Figure 59 Number of victims of TIP identified in Zimbabwe (2015 - 2016)

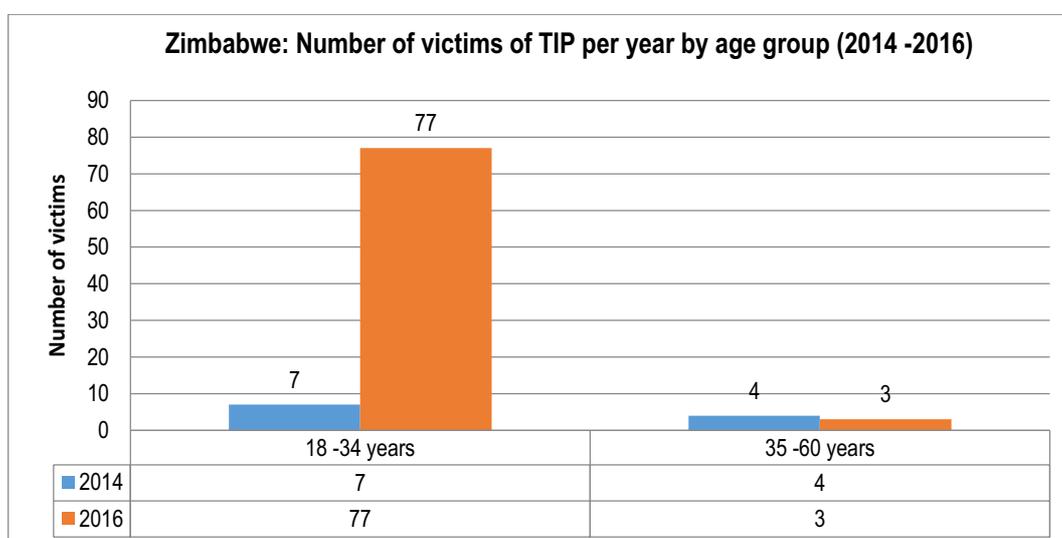


Figure 60 Number of victims of TIP identified in Zimbabwe per year by age group

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 Number of victims of TIP grouped by gender and type of exploitation

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.

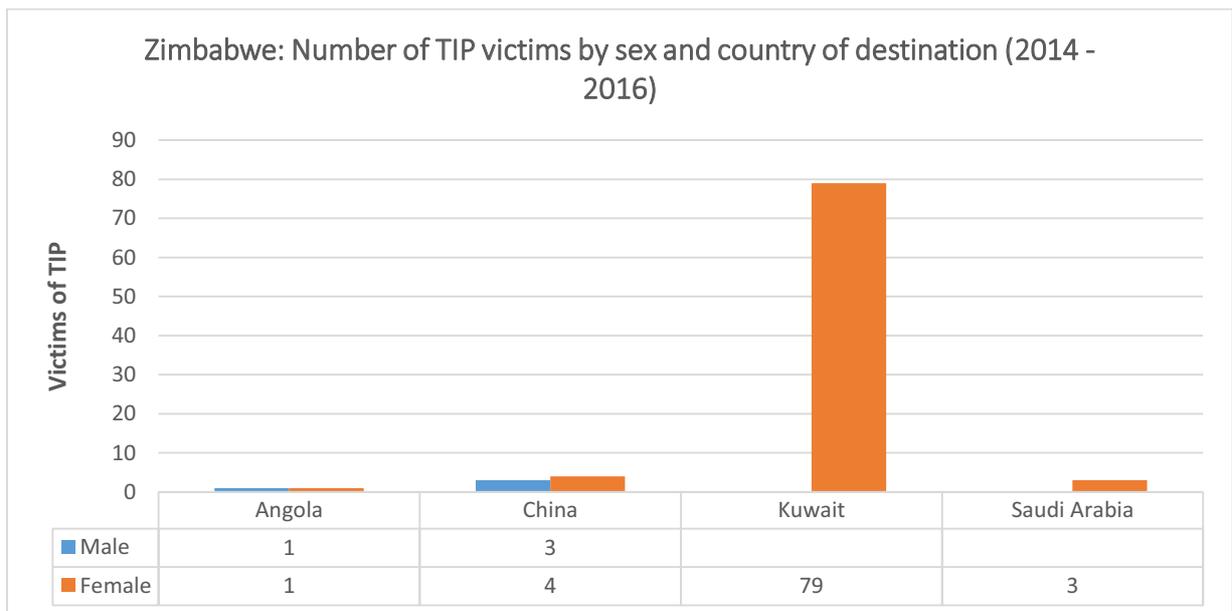


Figure 62 Number of victims of TIP identified in Zimbabwe grouped by sex and country of destination

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.

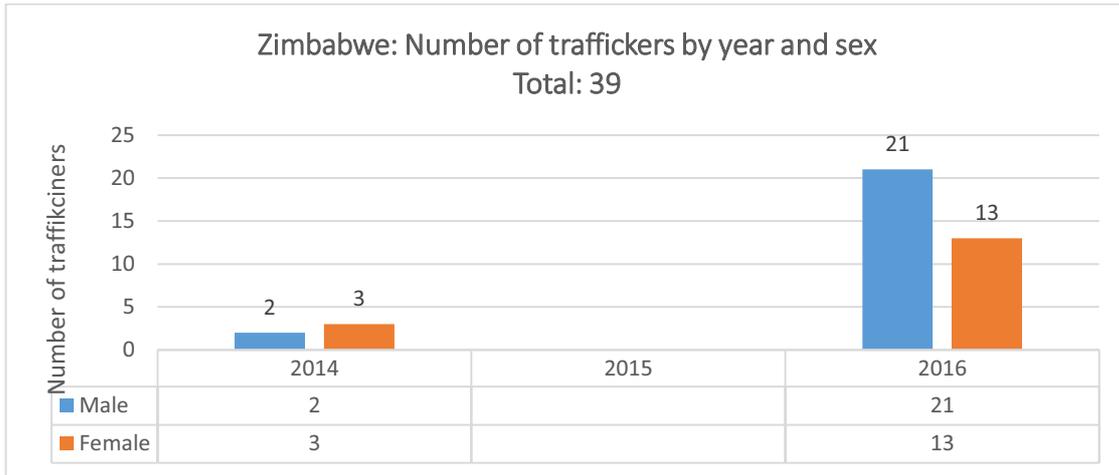


Figure 63 Number of traffickers in Zimbabwe grouped by year and sex

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.

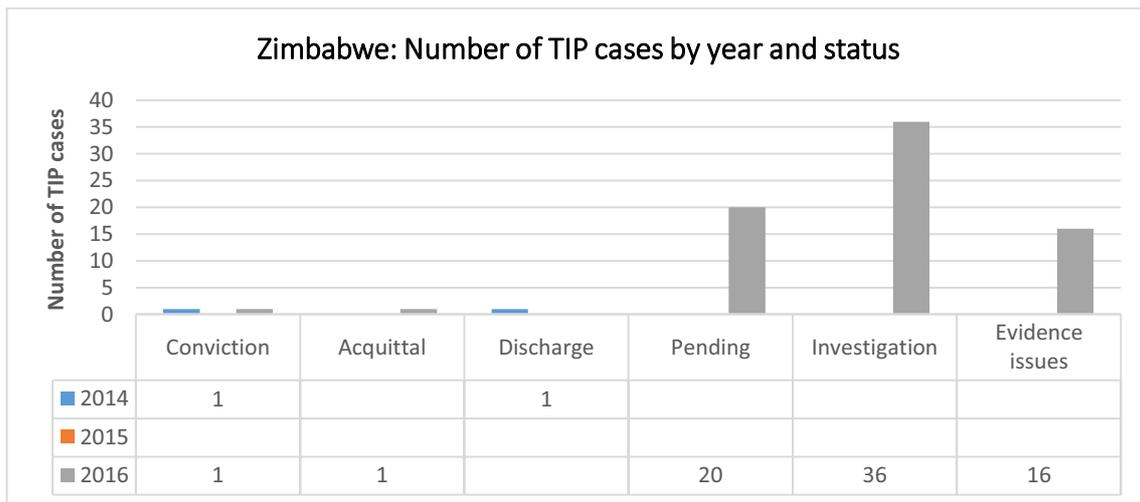


Figure 64 Investigations and prosecutions of TIP cases in Zimbabwe

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:

- o Establish new and strengthen existing regional and inter-regional cooperation in the fight against Trafficking in Persons;
- o Embark on massive awareness raising campaigns amongst her citizens to educate them on the subject of Trafficking in Persons; and
- o 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.



Figure 65 Percentage of victims of trafficking in persons grouped in by sex and age in the SADC Region

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%.

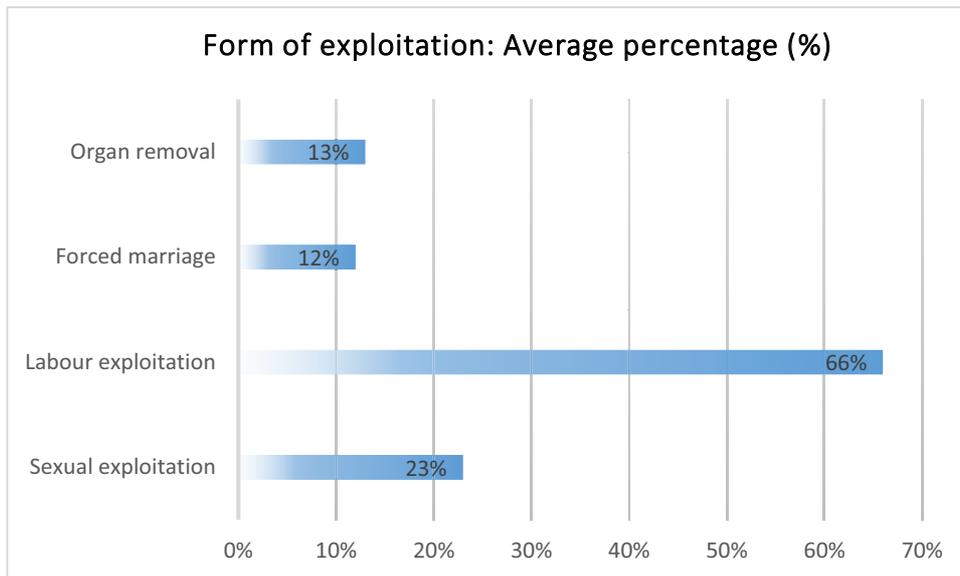


Figure 66 Average prevalence by form of exploitation endured by victims of TIP in the SADC Region

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.

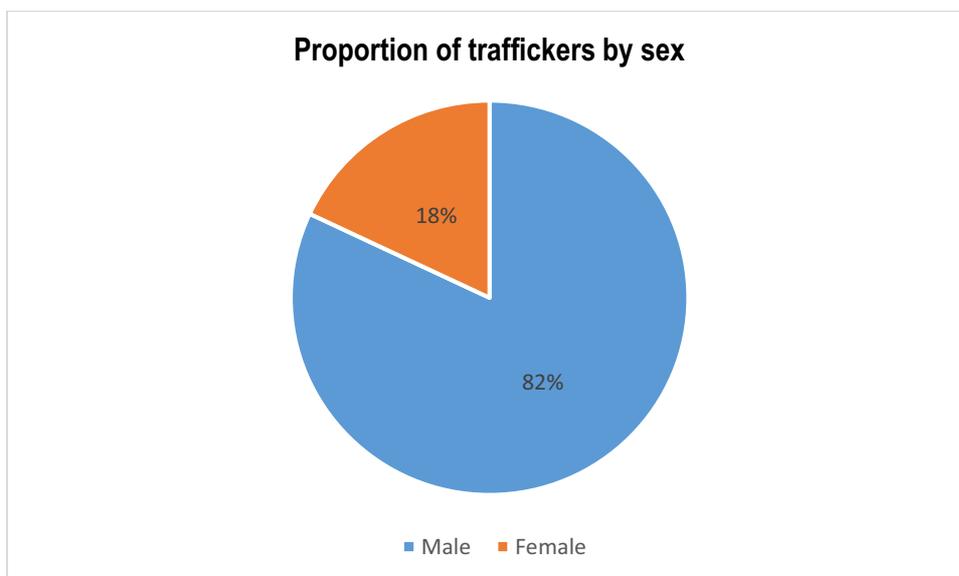


Figure 67 Proportions of traffickers by sex in the SADC Region

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 TIP⁸⁶ 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.

⁸⁶ UNODC (2016) *Global Report on Trafficking in Persons 2016* http://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_Sub-Saharan_Africa.pdf [Accessed on 18 July 2017].

2014 - 2016



SADCTIPNet

**Southern African Development Community
Anti-Trafficking in Persons Network**

Production of this statistical report was made possible by funding from...

