



REPUBLIC OF SOUTH AFRICA

PRESENTATION BY

**THE 10TH SESSION OF THE WORKING GROUP ON
TRAFFICKING IN PERSONS
(10 to 11 September 2020)**

HELD AT THE UNITED NATIONS, VIENNA

Introduction and Overview

1. On behalf of the Government of South Africa we wish to express a special gratitude to the United Nations Office on Drugs and Crime (UNODC) and International Organisation for Migration (IOM) for the support they rendered to South Africa in reinforcing our efforts to combat trafficking in persons and related matters.

South African National Context

2. Pursuant to the Palermo Protocol, which South Africa ratified on 20 February 2004, the South African Government enacted, effective from 9 August 2015, the Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013 (hereinafter referred to as the TIP Act), which is a comprehensive legislative instrument to prevent and combat trafficking in persons in all its forms, the protection of victims of TIP and the prosecution of offenders.

3. South Africa's TIP Act comprises comprehensive legal prescripts on definitions, offences and penalties and extra-territorial jurisdiction, status of foreign victims required to assist in investigations and prosecutions, identification and protection of victims of trafficking, accreditation of organisations to provide services to adult victims of trafficking, compensation to victims of trafficking and compensation to the State, return and repatriation of victims of trafficking and a chapter dedicated to the administration of the Act.

4. In terms of Section 41(1)(a) of the TIP Act, a National Policy Framework (NPF) on TIP in collaboration with the all the relevant government departments and CSOs was developed and implemented as four pillars, Partnerships (national & international), Prevention, Protection and support, Prosecution & investigation with roles and responsibilities allocated to them, and to monitor of the overall implementation of the NPF and the Act.

Gaps and challenges:

5. One of the main challenges encountered by South Africa was the fragmented approach to the response to the crime of trafficking in persons in South Africa.

6. Certain challenges are commonly faced by prosecutors and law enforcement agencies, no doubt throughout the world, in their efforts to combat the crime of TIP. Investigating and prosecuting cases of TIP can be a difficult task due the clandestine nature of the crime, social and economic factors that cause TIP victimisation, and effect of trauma on victims. Cases are seldom reported, as victims of trafficking are often cowed into silence by the offenders and/or unable to self-identify due to trauma or mental health problems, including substance abuse disorder.

7. The offence of TIP is committed for the purpose of exploitation, and can be committed regardless whether the exploitation happened or not. The exploitation itself refers to the commission of other offences.

8. Effective secondary crime prevention measures to TIP require strong cooperation among law enforcement officials, both at the national and cross-border level. It is difficult to secure the cooperation of victims for the investigation and prosecution of TIP, and when there is a need to rely on evidence collected abroad and/or on the services of interpreters and translators, the potential for victims and witnesses to be intimidated and/or becoming uncooperative increase substantially.

To address some of these challenges the following has been achieved with the support of the UNODC and the IOM:

9. South Africa developed and launched the National Policy Framework on TIP (NPF) comprising a three year strategy and action plan.

10. South Africa adopted the SADC data collection tool and improved cooperation among SADC countries.

11. South Africa provided generic (UNODC) as well as sector-specific (IOM) training material and training on TIP to frontline officials from government and civil society.

Criminal prosecution of victim of trafficking

12. Prohibited by Section 22 and regulations in terms of Section 43 of the TIP Act

Joint investigations and specialized prosecutions

13. The Republic of South Africa has a solid legal basis for international cooperation. As a State Party to the United Nations Convention on Transnational Organised Crime (UNTOC), South Africa has an obligation to cooperate with other States when requested to do so and may request cooperation of other States.

Specialized, multidisciplinary team or unit to prosecute complex cases of trafficking in persons

14. The establishment of the Directorate of Priority Crime Investigations in the South African Police Service as well as a specialised unit in the National Prosecuting Authority dealing with sexual and related offences, South Africa is seeing an increase in reporting and investigations of TIP, more prosecutions, and improved convictions of TIP cases.

15. We are confident that South Africa's legislation on Trafficking in Persons, along with the National Policy Framework launched on 25 April 2019, will bring us a step closer to this much-needed systemic response to eradicate trafficking in persons.

I thank you.