



IOM International Organization for Migration

IOM I SACTAP

Southern African Counter Trafficking Assistance Programme

Frequently Asked Questions Sheet

The counter-trafficking strategy worldwide focuses on three aspects: prevention, protection and prosecution. This document is meant to serve as a tool for prevention as it aims to raise awareness by providing factual and accurate information on trafficking in persons.

Myths and Facts¹

MYTH	FACT
<i>All victims of trafficking are abducted</i>	Though some victims of trafficking are forcibly taken, many are actually lured through false promises of opportunities, which later are proven to be far from what the victim was led to believe.
<i>Those who migrate legally cannot be victims of trafficking</i>	Though some victims of trafficking are brought into countries through irregular means, others travel using legal documents or enter on valid work visas.
<i>All people are trafficked for the purposes of sexual exploitation</i>	Though some people are trafficked for sexual exploitation, people are also trafficked for other reasons, including for forced labor (e.g. factories or agriculture), domestic servitude or to fight in armed conflicts.
<i>All victims of trafficking are women and children</i>	Women, men and children are all trafficked and IOM has provided assistance

¹ IOM Counter Trafficking Training Modules – Direct Assistance

	for such cases. However, the majority of them have been women due to sexual exploitation cases being detected more often than forced labor, domestic servitude and other forms of exploitation.
Trafficking is only a problem in Eastern Europe and Southeast Asia	Trafficking occurs in all parts of the world. Globalization and the increasing interconnectedness of the world have contributed to an increase in the occurrence of this transnational crime constituting among other issues a violation of human rights of its victims.
Only uneducated, poor people are trafficked	Though some victims are vulnerable because they live in poverty, all groups of people are trafficked . For example, in some parts of the world, highly educated women are at risk because there are few jobs available to them where they live and they seek out other opportunities.
All trafficking occurs in the same way	The local context and specific situation will determine who is most at risk and how he or she is exploited.

General Information – Basic Concepts²

How does trafficking work?

Though trafficking in persons occurs in a variety of ways, trafficking often occurs in three phases: Means, Mobilization and Exploitation.

Means

The consent of the victims has been altered through one of the following forms:

- **Partial deception**
Victims may be aware that they are to be employed in a given activity but do not know under what conditions
- **Full deception**
Victims are lured by promises of employment and financial gain, and are fully deceived as to the true intentions of the traffickers

² IOM Counter Trafficking Training Modules – Direct Assistance

- **Forcible**
Victims are forcibly taken

Mobilization

Mobilization can take place within the country of origin and also across international borders directly to destination countries and also using other countries and as merely transit destinations.

Victims travel both legally and through irregular means by land, air or sea often accompanied by traffickers who hold on to the victims' travel documents at all times in order to keep them under control.

Exploitation

Traffickers transport their victims for the sole purpose of **personal gain**, often either to make large amounts of money from their exploitation or to obtain free services or labor. The following examples are just some forms of exploitation.

- Sexual exploitation (streets, bars, brothels, massage parlors, saunas, call-girls, escort agencies)
- Forced labor (agriculture, fishery, construction, mines, sweatshops, catering)
- Domestic servitude
- Street begging or peddling
- Forced military service
- Organ removal

International law has left the door open for every country to legislate on what activities are considered forms of exploitation, based on local context and cultural patterns. Some countries have as a result included recruitment for minor crimes and commercialization of organs as forms of exploitation, and consequently as forms of trafficking, in their domestic laws.

Can a person consent to be trafficked?

By definition, trafficking takes place when a person's consent to be exploited has been obtained by means of deception or force. Even though sometimes victims agree to engage in a certain activity driven by need, they are rarely fully aware of the violence they will be subjected to. They are rarely fully explained the control and extreme violent situations that they will find themselves in. Decisions regarding consent must be made on a case by case basis, analyzing the specifics of the situation.

Can children consent to be trafficked?

No. Children can not consent to be trafficked. According to international law, every person under the age of 18 is considered to be a child.

Where child victims are involved, it is enough to prove that they were mobilized and then exploited in order to determine that the case is one of trafficking. The fact is that children do not have the capacity to make informed decisions, and agreement therefore is inconsequential. The means employed where the trafficking of children is concerned, are irrelevant.

Should there be any doubt regarding the age, the victim must be treated as a minor.

Can trafficking take place within the same country?

Yes. Trafficking can involve mobilization of victims across international borders in which case, trafficking takes the name of international trafficking or cross-border trafficking. However, if mobilization of the victim takes place within a country, this is called internal trafficking.

What are the trafficking routes?

Trafficking routes will always reflect one consistent factor – victims will be routed to where the demand exists for their services, where the potential profit of their exploitation is the highest.

Who are the traffickers?

Trafficking in persons is a complex crime that consists of different phases, each of them being a core component: recruitment, transportation, transfer, harboring, receipt and exploitation of people. Therefore, all the people involved in any of the abovementioned activities can be prosecuted as traffickers.

Traffickers range from inexperienced individuals who get involved in trafficking on a once-off basis to highly experienced organized networks. When traffickers operate in large criminal groups, they have accomplices who facilitate the transportation and exploitation of a victim.

Often a trafficker is an individual known to the victim which makes it easy for the victim to be deceived into trusting the trafficker during the recruitment phase.

In other cases, traffickers target vulnerable people and use recruiters to spot them and deceive them into trafficking. Recruiters come from diverse backgrounds and belong to every age group. They are usually people who can be good at manipulating their peers, using false promises of a better life such as a job, education opportunity, or even marriage. The recruiters often come from the same dire social and economic background as their victims. There are also private employment agencies, who recruit job seekers to send them abroad with the purpose of exploiting them.

How do traffickers control their victims in order to force them to remain exploited?

Traffickers use numerous and diverse forms of coercion and force to control their victims. The following control mechanisms have been collected from victims' testimonies:

- Debt bondage
- Isolation
- Use of fear and extreme violence against them or other victims to set precedents
- Denial of food and medical care
- Forced consumption of drugs and alcohol to create dependence
- Use and threat of reprisal against victims' families
- Withholding of passports and identity documents

Why are criminals in the trafficking business?

Most traffickers get personal gain out of getting involved in human trafficking since it is one of the most lucrative crimes in the world. Furthermore, in some countries human trafficking poses few risks for traffickers due to lack of legislation, corruption and ineffective or non-proactive law enforcement.

The low cost of trafficking persons and the fact that victims can be repeatedly exploited or sold makes it an attractive business for traffickers.

Are there any statistics available on trafficking?

Obtaining global statistics related to trafficking in persons remains a daunting task. Trafficking is a clandestine phenomenon where victims are normally exploited behind closed doors and therefore remain invisible. Another major constraint is the lack of comprehensive legislation without which reported cases are not recorded as trafficking but rather under Sexual Offences Act, Immigration Act, Basic Conditions of Employment Act, etc. Furthermore, victims may not be aware that they are victims of trafficking or may be so controlled by the trafficker that they are simply not able to report their

situation to the authorities. It is for these reasons that accurate numbers on a clandestine crime such as trafficking in persons, are difficult to come by.

Are there cultural factors that facilitate trafficking in certain contexts?

Globally, some cultural practices such as arranged marriages and the sending of children to relatives so they can help work the land or access education, have been abused by traffickers. Traffickers manipulate such traditional practices to recruit persons for exploitation purposes.

Traffickers will use any cultural practice that offers an opportunity to easily turn it into an avenue for trafficking. For example, the media has reported that traffickers involved in the removal of organs use related cultural practices as a means to commit their crime. In this regard, IOM believes that culture is part of peoples' livelihoods and therefore undertakes specially designed awareness-raising activities in communities where there are practices that facilitate trafficking in persons.

Trafficking of Persons is not the same as Smuggling of migrants³

Trafficking and Smuggling are different crimes with specific elements explained below.

What are the essential elements of the Trafficking definition?

- Means: Threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability or giving or receiving of payments or benefits to achieve the consent of a person having control over another person
- Mobilization: Recruitment, transportation, transfer, harbouring, receipt of persons
- Exploitation: Financial or in kind profit through exploitation.

All three elements must be present and connected to each other for trafficking in persons to occur.

³ Smuggling of migrants according to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime is 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”.

What are the essential elements of the Smuggling of Migrants definition?

- Means: No element of distortion of the free will of the person, either by force, deception or abuse of power. In most smuggling cases, the intending irregular migrants seek and initiate the contact with smugglers themselves to realize their objective of crossing a border into a third country through irregular means.
- Mobilization: Transportation and transfer of persons
- Purpose: Financial profit from the irregular border crossing

How are Trafficking in persons and Smuggling of migrants connected?

Trafficking and Smuggling are connected when a person who has been smuggled into a foreign country is then exploited, it then becomes a case of trafficking. However, available data on successful migrants' stories and internal trafficking proves that not every smuggled person ends up being a victim of trafficking, and that not every victim of trafficking has necessarily been smuggled.

How does one distinguish Trafficking in persons from Smuggling of migrants in a real life situation?

Since traffickers and smugglers have a completely different purpose, there are some hints to pay attention to in order to identify a trafficking situation:

- There is rarely advanced payment required from the victim
- There is deliberate and targeted recruitment of specific types of potential migrants to satisfy specific demand i.e. strong men for labor exploitation in agriculture and building, and young children for forced begging.
- Victims forced or deceived

What is the main difference between Trafficking and Smuggling?

Trafficking is a violation of human rights and coercion for exploitation and therefore a crime against an individual.

Smuggling is an organized irregular border crossing and therefore a crime against the State.

What are the similarities and other differences between Trafficking and Smuggling?



Causes and Consequences of Trafficking⁴

What are the root causes for this problem?

Root causes vary from country to country and even from one internal region to another. Local context shapes root causes among other characteristics of trafficking. However, IOM's experience providing direct assistance for victims proves that there are certain circumstances that put populations under higher risk and vulnerability to be trafficked:

- Globalization of poverty
- Lack of employment opportunities
- Social and political conflict
- Social and cultural practices
- Feminization of migration
- Gender discrimination
- Lack of information
- Demand for inexpensive labor
- Demand for sexual services
- Restrictive immigration policies

⁴ IOM Counter Trafficking Training Modules – Direct Assistance

What are the consequences of trafficking in persons?

Trafficking is a crime that affects both the victims and the communities in which it takes place.

Consequences for the victims

Generally, victims of trafficking go through the following:

- Abuse and coercion
- Irregular status in the country of destination
- Treated as a criminal
- Risk/danger of death and serious diseases
- Difficult reintegration in their communities of origin and stigmatization upon return
- For further information, please refer to The Victim section.

Consequences for the communities

- Increase of irregular migration
- Presence of criminal activities and organizations
- Problems of national security
- Violation of national legislation
- Public confidence is undermined

The victim of trafficking⁵

Who is the victim of trafficking?

A victim of trafficking is a person who has been deceived and/or forced and then transported from his/her home for the purpose of exploitation. The experience of being exploited can be extremely traumatic as explained in the next question. :

What kind of abuse does a victim experience throughout the trafficking process?

Imagine being a victim of trafficking and going through the following situations:

- Physical abuse and extreme violence
- Sexual harassment and/or abuse

⁵ IOM Counter Trafficking Training Modules – Direct Assistance

- Psychological coercion and abuse
- Restriction and manipulation
- Social isolation
- Forced consumption of drugs and alcohol
- Close control by perpetrators/traffickers who are involved in networks of organized crime
- Abusive working and living conditions
- Confiscation of documents
- Dangerous modes of transportation
- Exploitation

After experiencing such circumstances day and night during an extended period of time, it is very common that victims blame themselves for the situation they are in and do not understand that they are “victims”.

Can a victim be involved in other crimes related to trafficking?

Victims of trafficking are often confused as criminals and/or irregular migrants and imprisoned. Traffickers force victims into irregular border crossings and consequent arrest are common in the case of international trafficking.

What are the consequences for the victim of trafficking?

Even after being rescued, the victim faces difficult situations since the trauma experienced is often similar to victims of torture. As a consequence a victim will likely carry one or more of the following harms to his/her health:

- Physical injuries and disabilities
- Sexually transmitted diseases, HIV/AIDS
- Psychological/mental issues: Hopelessness, anger, violence, amnesia, isolation and withdrawal, nightmares, chronic fatigue, distrust, shock or self-harm
- Psychosomatic reactions: Aches, pains, headaches, gastro-intestinal problems, trembling, sweating, heart palpitation, insomnia or loss of appetite
- Substance/alcohol abuse induced by the traffickers as mechanisms of control

What happens to victims returning home after a trafficking experience?

The victim’s capability to establish and connect with social networks in his/her family and community is often been damaged. After the trafficking experience, the victim will normally feel isolation, loneliness, inability to establish or maintain meaningful relationships, mistrust, stigmatization and fear.

What are the rights of the victim of trafficking?

Victims' rights are declared in several international law instruments issued by the United Nations Assembly:

The Palermo Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children

According to the Palermo Protocol a victim of trafficking is entitled to:

- Appropriate housing
- Counseling and information, in particular regarding legal rights, in a language that he/she can understand
- Medical, psychological and material assistance
- Employment, educational and training opportunities
- Due compensation for damage suffered

Special considerations for needs of children, gender issues and special needs of each victim must be taken into account and strategies designed accordingly.⁶

In order to guarantee full exercise of such rights, access to direct assistance services are offered to victims and only provided if they agree to benefit from them. Such voluntariness to receive assistance offers victims the opportunity to take responsibility for their future.

The United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking

According to the principles laid out under this International Human Rights Law, a victim of trafficking is entitled to:

- Not being detained, charged or prosecuted for the illegal entry into a foreign country or residency in countries of transit and destination, or for their involvement in unlawful activities that are a direct consequence of their situation as trafficked persons
- To be protected from further exploitation and harm. Such protection and care shall not be made conditional upon the capacity or willingness to cooperate in legal proceedings
- Access to adequate physical and psychological care

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 Article 6.

- Not to be held in immigration detention centers, other detention facilities or vagrant houses
- Not be subject to mandatory testing for diseases, including HIV/AIDS
- Legal proceedings that are not prejudicial to the victim’s rights, dignity or physical or psychological well-being
- Confidentiality of his/her identity and privacy⁷

Do children victims have special rights?

Yes. Child victims must be identified as such. Their best interests must be considered paramount at all times and they must be provided with appropriate assistance and protection. Full account must be taken of their special vulnerabilities, rights and needs when providing direct assistance and care.⁸

Do foreign victims have special rights?

Yes. According to international law, foreign victims are entitled to:

- Physical safety
- Remain in the country where they were rescued, temporarily or permanently,
- Travel documents or other authorization as may be necessary to enable the person to travel back to his/her country⁹
- Access to diplomatic and consular representatives from their State of nationality
- Temporary residence permits to victims and witnesses during legal proceedings
- Safe and voluntary return to the country of origin
- Legal alternatives to repatriation such as residency in the country of destination or third-country resettlement when such repatriation would pose a serious risk to safety of the victim and/or the family¹⁰

Is it common that victims’ families are involved in the trafficking?

Globally, parents have been known to be involved in the trafficking process of their children, especially if they are dealing with extreme poverty. In some cases, parents have been clearly identified as traffickers since they purposefully exploit their children for their own benefit. In other cases, parents have fallen prey to false promises of

⁷ United Nations Economic and Social Council, “Recommended Principles and Guidelines on Human Rights and Human Trafficking” par 7-11 and Guideline 6.

⁸ United Nations Economic and Social Council, “Recommended Principles and Guidelines on Human Rights and Human Trafficking” par.10.

⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 Article 7.

¹⁰ United Nations Economic and Social Council, “Recommended Principles and Guidelines on Human Rights and Human Trafficking” Guideline 6

handing over their children for employment purposes, without knowing that they will actually be exploited. Some of the parents who give their children away to work see it as an opportunity for their children to escape poverty or other adverse situations.

What makes a person to be at higher risk of being trafficked?

Traffickers and trafficking networks continuously take advantage of vulnerable situations as they arise. However, prior to being trafficked, a majority of victims face difficult situations that serve as push factors for trafficking in persons :

- Negative physical, emotional, family and/or social experiences
- Poor health condition and lack of services in the community of origin
- Lack of economic opportunity, education and information

Such circumstances have been identified as factors contributing to a higher risk of being trafficked. Nevertheless, trafficking in persons being a demand-driven crime must be taken into account when comprehensively understanding the phenomenon.

Is it possible to interview a victim in order to help to raise awareness?

IOM understands the impact of putting a face to the crime, but confidentiality and safety must be highly regarded. IOM's experience is that such a move often aggravates the trauma that a victim has already experienced. Since the rights and wellbeing of victims are of priority, interaction with the press is not an option.

A further consideration is that trafficking is a form of organized crime. Therefore the security risk for both the victim and those they come into contact with is heightened. For this reason, IOM does not reveal the identity and whereabouts of victims.

IOM however is willing to provide any information that will sensitize and enable interested people to capture the salient features of trafficking in persons.

Trafficking in the South African context

How big is trafficking in South Africa?

No country in the world is immune to the crime of trafficking since it is a global phenomenon and the third largest profitable illegal trade after drugs and weapons. A country can be the place of origin, transit and destination of victims. South Africa is all of the above.

Due to its hidden nature, substantiating trafficking in terms of statistics is difficult. There is, however, evidence that this crime is being committed in South Africa. The number of victims assisted since 2004 shows that South Africans are being trafficked to other countries, that traffickers use the country as a transit destination and that there are victims recruited from other regions of the world such as eastern Europe and Asia, primarily Thailand, and brought into South Africa.

There is also evidence of internal trafficking taking place in South Africa. As reported in IOM's 2008 research report, 'No Experience Necessary: The Internal Trafficking of Persons in South Africa' victims of internal trafficking are recruited from informal settlements and rural areas and traffickers also take advantage of the fact that they are looking for an opportunity for a better life. Victims often end up in the country's major cities such as Cape Town, Johannesburg, Durban, Pretoria, Bloemfontein, Port Elizabeth, and mining regions like Rustenburg.

How many cases of trafficking have been reported in South Africa?

To date, over 300 victims of trafficking have been assisted, since 2004. These are the ones that have been referred to IOM and have voluntarily agreed to be assisted through IOM's Victims' Assistance Program. It is important to bear in mind that human trafficking is hidden in nature and often under reported.

What kind of assistance and protection does a victim receive in South Africa?

Once a case of human trafficking is reported, IOM conducts an interview in a safe and secure environment to establish that the individual is a victim of human trafficking according to the UN Protocol. If the individual is indeed a victim of trafficking they are placed in a shelter that meets internationally established best practices. (For further information on this specific topic please visit

<http://www.iom.org.za/CounterTrafficking.html>

and/or

http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=116)

As a first step, IOM provides victims with shelter and 'dignified packages' of essential items such as basic clothing and personal care products. After assessing and addressing mental and physical health needs, legal assistance is also provided NGO partners. As a next step, psychosocial support is provided by the trained staff at the shelter and further referral is done if specialized treatment is required. Furthermore, all victims are provided with a full health screening to determine if they have any medical needs. Legal assistance is also provided to ensure that the victim is aware of their rights and responsibilities. Finally, An assisted voluntary return to country of origin is provided on a

voluntary basis. All the arrangements for such a return are coordinated with the receiving country, IOM missions and managed by IOM.

All assistance services provided to victims are strictly on a voluntary basis ensuring that the victim has provided full consent prior to any assistance being rendered by IOM.

The objective of reintegration assistance is to reduce the chances of re-victimization and re-trafficking as well as address some of the pre-trafficking factors such as unemployment and poverty. Therefore, reintegration may include addressing the victim's need for vocational training, access to education and training on a small income generating activity.

Protecting the privacy and identity of the victim is central to all assistance. IOM has trained several thousand law enforcement and social workers to adequately respond to cases of trafficking in persons.

What laws are traffickers tried under in South African courts?

Currently there is no specific law that addresses trafficking. Perpetrators can be charged under laws prohibiting related offences such as the Organized Crime Act, laws prohibiting forced servitude, child labor, sexual offences, kidnapping, and the Children's Amendment Act Nos.38, 41. of 2005 and 2007. The Sexual Offences Act allows prosecuting trafficking for the purpose of sexual exploitation. It is hoped that specific legislation against trafficking in persons will be passed during 2010. A Bill is presently in Parliament for consideration.

Answers to the problem of Trafficking/The way out of Trafficking

What can be done?

The human rights of trafficked persons must be at the center of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.

The Government has a responsibility under international law to act with due diligence to:

- Prevent trafficking
- Investigate and prosecute traffickers, and
- Assist and protect the victims

Anti-trafficking measures must not adversely affect the human rights and dignity of people, in particular the rights of the victims, and of migrants, internally displaced persons, refugees and asylum-seekers.

Is there an international strategy to combat trafficking?

The strategy contained in the Palermo Protocol consisting of prevention of trafficking, prosecution of traffickers and protection of victims currently guides every counter-trafficking initiative around the world. Furthermore, Ms. Joy Ngozi Ezeilo, the United Nations Special Rapporteur on Trafficking, has recently highlighted the importance of a victim-centered approach and enhanced coordination among countries of origin, transit and destination through regional and sub-regional groups.¹¹

What can citizens do to help counter-trafficking initiatives?

The best that citizens can do is being well-informed about trafficking.

Once you have accurate information you can take preventive measures and be aware that some job offers or opportunities may be illegitimate and therefore need to be counterchecked.

You can also contact your local community-based organizations and collaborate with or propose awareness-raising initiatives that better respond to the local context.

Finally, you can be aware of trafficking happening in your community and immediately report it to the authorities. It is not recommended to act on cases individually as this can pose risks for the victims and that attempt rescues. Cases can be reported through the helpline 0800 555 999 which is a toll free number.

What is the helpline 0800 555 999?

The helpline is a toll free number managed by trained professionals who handle calls ranging from general enquiries about trafficking in persons to calls that report suspected cases of trafficking. Calls to report suspected cases of trafficking are reported to law enforcement partners who then engage in the necessary follow up to retrieve trafficked persons.

What do parents need to know about trafficking?

¹¹ Intervention of the Special Rapporteur on Trafficking of Human Beings before the Human Rights Council. Geneva on June 2nd, 2010. Report available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.32.pdf>

Parents need to stay informed about criminal activities in their communities because this enables them to educate their children on safety measures. Good safety practices include not talking to strangers or falling prey to dubious education or other opportunities targeted at children.

Where should children or parents go to for help?

They should call the Police or call the toll free helpline **0800 555 999** for assistance.

What is being done to combat the problem in South Africa?

The government counts on a counter-trafficking programme called Tsireledzani, which is being steered by the National Prosecuting Authority (NPA). As part of this Tsireledzani programme, Provincial Task Teams composed of local government departments are being established. These Teams meet to explore ways of responding to human trafficking at the provincial level.

Other organizations such as non-governmental organizations and faith-based organizations are currently actively involved in continuing with counter trafficking awareness-raising campaigns that have been in place since 2004 as well as in the provision of safe shelters for victims.

Counter-Trafficking Legislation

Is there specific international legislation to combat human trafficking?

Yes. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, commonly known as the Palermo Protocol is the only specialized international instrument on counter-trafficking. The Palermo Protocol sets the guidelines on what trafficking in persons is and how to combat it worldwide through a strategy composed of: prevention, prosecution of criminals and protection of victims. States that have ratified it are obliged to implement this strategy.

Is there specific legislation to combat human trafficking in Southern Africa?

Yes. Some countries in the region such as Swaziland, Mozambique and Zambia now have national legislation that directly addresses human trafficking. Although South Africa has

ratified the Palermo Protocol on Trafficking of Human Beings, there is still no comprehensive law that specifically addresses human trafficking. A draft bill has been presented to Parliament and it is hoped that it will soon be passed as law. IOM and other experienced organizations on counter-trafficking have contributed to the process of developing the draft bill which has been presented to Parliament.

Governments, international organizations, local NGOs and other partners are currently undertaking efforts to enforce such legislation

IOM in the Counter Trafficking strategy in Southern Africa

What is IOM?

Established in 1951, the International Organization for Migration –IOM- is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. With 127 member states, a further 17 states holding observer status and offices in over 100 countries, IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

What is the role of IOM in Counter-trafficking?

IOM takes a comprehensive approach to trafficking in persons within the wider context of managing migration. IOM's wide range of activities are implemented in partnership with governmental institutions, NGOs and international organizations. The approach is based on three principles that govern all counter trafficking activities:

- Respect for human rights
- Physical, mental and social well-being of the individual and his or her community
- Sustainability through institutional capacity building of governments and civil society

What is IOM doing to help fight trafficking in Southern Africa?

IOM fights against exploitation of migrants in all its forms, especially the severe human rights violations suffered by trafficked persons. Building on IOM's individual commitment and global presence, the Organization strengthens the capacities of partners in government and civil society and set operational standards to achieve sustainable results that will:

- provide protection and empower trafficked women, men, girls and boys;

- raise awareness and understanding of the issue and;
- bring justice to trafficked persons

To this end, IOM has a specific initiative called the Southern African Counter Trafficking Assistance Programme, known as SACTAP. SACTAP is organized around four key components of counter-trafficking intervention: research and data collection; information and awareness raising; capacity building; and victim assistance. *For further specific information please see (here link to SACTAP Brochure).*

Furthermore, IOM's Migration Dialogue for Southern Africa (MIDSA) process, which is the main forum where SADC member states discuss migration issues of common concern, has also discussed counter-trafficking strategies. SACTAP has hosted MIDSA workshops addressing the issue of Human Trafficking in relation to Legislative Responses, Investigations on Trafficking and Effective Prosecution of the crime.

To date, significant achievements are worth mentioning. First, specific counter-trafficking legislation has been passed by Mozambique, Swaziland and Zambia. Second, SADC Governments, IOM, local NGOs and other partners work together in a direct assistance programme that currently provides human rights-based protection and reintegration services for victims. These services have been provided in countries such as Angola, South Africa, Democratic Republic of Congo, Mozambique, Zambia, Zimbabwe, Lethoso and beyond the SADC region.

What is IOM doing to help fight trafficking in South Africa?

IOM has served on the National Inter-Sectoral task team since 2004. The task team is composed of all government agencies relevant to addressing trafficking in persons.

In particular, IOM is working to provide training for the Departments of Home Affairs, Social Development, Health, Labor, Justice and Constitutional Development (including the National Prosecuting Authority and the Lower Courts Magistrates) and SAPS.

Furthermore, IOM has been able to undertake extensive research, which enables training and the capacity building of the mentioned key partners on how to respond to human trafficking. In addition through awareness-raising initiatives, IOM continues to develop relevant material that informs the public about human trafficking as well as the assistance available to victims of human trafficking.

In addition, IOM has taken a preventative approach to counter human trafficking through the economic stabilization project. The economic stabilization project focuses on impoverished communities in rural areas in South Africa. The vulnerable circumstances of women and children in rural communities make them susceptible to human traffickers who lure them through false promises of a better life. Providing women with alternative means of economic improvement potentially decreases their vulnerability to victimization of crimes such as human trafficking. Initial targeted rural

areas are Mpumalanga, Limpopo and the Eastern Cape. Beneficiaries will receive training on how to start and manage small business in order to ensure they have alternative ways to generate an income.

Finally, IOM provides victims of trafficking with comprehensive assistance provided on a strictly voluntary basis ensuring that the victim has provided full consent prior to any assistance rendered by IOM. *For further information please refer the Victim Assistance section.*

Trafficking and the Soccer World Cup 2010

What is IOM's position?

IOM continues to detect trends of human trafficking both into and within South Africa. There is no research data that ties these trends to the World Cup. Generally, whenever there are events of the magnitude of the World Cup, criminals tend take advantage of them to commit crimes like trafficking. However due to the clandestine and 'hidden' nature of human trafficking empirical data is difficult to reach. Therefore expectations and anticipations are often and necessarily based on speculation.

During the 2006 World Cup in Germany, it was speculated that trafficking cases would increase to 40,000. Research conducted by IOM following the World Cup revealed that only 33 cases of human trafficking were reported of which only 5 were linked to the World Cup. Research available at:

http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/mrs29.pdf

Will the FIFA World Cup pose a chance for traffickers to take advantage of children left unoccupied by parents who are working?

IOM does not discount that trafficking can take place at any time. However there is no evidence-based link to events such as the World Cup, which does not mean it cannot happen. Therefore, due vigilance is required at all times.

It is important not to speculate in order to avoid unnecessary panic. Trafficking is linked to destinations where there is a demand for particular services whether in forced prostitution, forced labor or any other form of exploitation.

See other questions people have asked before about Trafficking

How closely are prostitution and human trafficking linked?

Victims of trafficking experience sex exploitation which is not the same as voluntary prostitution. Victims of trafficking are forced into a sex exploitative scenario with no chances to escape so they can produce money for their traffickers. Trafficking in of persons is a crime that has to be specifically addressed in order to develop appropriate strategies of preventing, prosecuting traffickers and protecting the victims of trafficking. IOM does not take an official position on prostitution per se.

How many people are estimated to have been trafficked for human labor per year in recent years?

Human trafficking as already mentioned is hidden in nature, this makes it difficult to obtain statistics related to the crime. **IOM strongly discourages the use of guesstimates** through the use of statistics.

What support structures are in place to keep foreign victims long enough in South Africa to testify in the trials against their traffickers?

The Ministry of Justice and Constitutional Development of South Africa provides services to all those who testify in cases that have a high degree of organized criminal involvement through the Witness Protection Programme. It is hoped that the trafficking legislation yet to be finalized will provide guidance on the procedures to be followed when assisting victims of trafficking prior to prosecution.

Furthermore, the Department of Social Development runs safe shelters where victims can access counseling, as well as legal and health services while recovering from their ordeal, thus also giving them a chance to testify.

Can video evidence be admitted to the courts in South Africa?

Recommendations to the draft bill on trafficking have been made to provide video testimony as per IOM's best practice guidelines.

What assistance victims of trafficking currently get in terms of the existing law and if this is going to change considerably under the new Act?

With regard to the law in relation to the assistance that victims of human trafficking receive, there is currently no comprehensive law that specifically addresses the issue. It is hoped that the situation will change once the Law against human trafficking is enacted. The draft bill clearly stipulates the rights of victims of trafficking and the assistance they will be entitled to. Victims will be entitled to legal redress and protection, safe accommodation and medical healthcare.

Foreign victims will be entitled to a 90 day period of reflection and will not be summarily deported as it has happened in the past. For more information on the draft legislation bill please check the following website:

http://www.justice.gov.za/legislation/invitations/20090508_EnglishTIP.pdf

Special Section for Researchers interested in Trafficking

Research on Trafficking Worldwide

http://publications.iom.int/bookstore/index.php?main_page=products_all&zenid=b32677db05ea67ccd1809ac1f764907c

Research on Trafficking in Southern Africa

<http://southafrica.iom.int/publications/counter-trafficking>