

Combating *Trafficking in Persons* and *Migrant Smuggling* in Southern Africa

Human trafficking is a global and widespread crime that targets people for profit. Men, women or children are bought and sold as commodities by organized networks and even by family and others.



The most vulnerable victims are people in economic need, undocumented migrants, children in dysfunctional families, persons who are marginalized such as those with mental disorders.

Harmful cultural practices, like early marriages and beliefs around special groups, such as people living with albinism, contribute to this crime.

Migrant smuggling is the facilitation, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident. It is a related but separate enterprise that preys on the desperation and vulnerability of individuals seeking to escape hardship. The smuggling of migrants generates huge profits for the criminals involved and fuels corruption and organized crime.

During the recruitment phase, human traffickers often employ deception through fake job advertisements or establish direct contact with victims pretending that they want friendship, or that they can offer them a better life. Traffickers do not have a particular profile and can be men or women, family members acting alone, intimate partners, acquaintances or members of organized syndicates.



Trafficking victims, by form of exploitation



SEXUAL EXPLOITATION



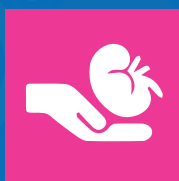
FORCED LABOUR



DEBT BONDAGE



DOMESTIC SERVITUDE



ORGAN REMOVAL



FORCED BEGGING



CHILD SOLDIERS



FORCED MARRIAGE



What is Trafficking in Persons?

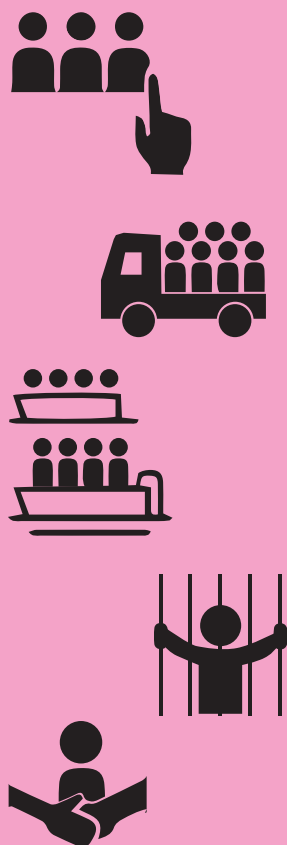
Traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims.

Globally, 50 per cent of detected victims were trafficked for sexual exploitation and 38 per cent for forced labour, while 6 per cent were subjected to forced criminal activity and more than one per cent to begging.

There are three core elements to the crime of trafficking in persons:

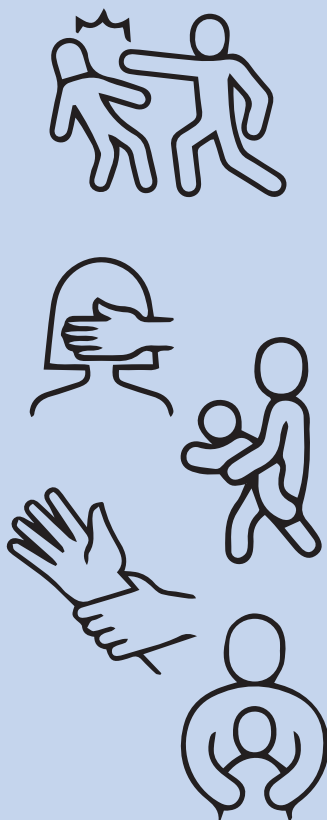
The act:

Recruitment, transportation, transfer, harbouring, receipt of persons



The means:

Threats, use of force, coercion, abduction, fraud, deception, abuse of power, inducements



The purpose:

Exploitation, e.g. prostitution, forced labour, slavery, removal of organs



Physical and sexual abuse, blackmail, emotional manipulation, and the withholding of official documents are used by traffickers to control their victims. Exploitation can take place in a victim's home country, during migration or in a foreign country.



Our Support Work

UNODC assists countries to ratify and implement the Trafficking Protocol, recognizing that an effective response to human trafficking is transnational, multifaceted and interrelated.

- **Expertise.** We assist countries to draft, develop and review the laws, policies and action plans they need to effectively combat human trafficking.
- **People.** We train and mentor people who use these instruments to apprehend, prosecute and convict traffickers, protect and support victims.
- **Networks.** We form partnerships with international, governmental and non-governmental organizations and support joint investigations into trafficking crimes.
- **Tools.** We supply studies, toolkits and model laws for training, research and policy reform purposes that provide evidence-based and up-to-date knowledge.





What is Migrant Smuggling?

Migrant smuggling occurs when a person voluntarily enters into an agreement with a smuggler for assistance to move across an international border with the aim of gaining irregular entry into a foreign country.

Violence, abuse and the risk of exploitation are widespread traits of this crime which is often tied to well-organized, multinational networks. Many migrants die of thirst in deserts, perish at sea, or suffocate in containers.

Our Support Work

UNODC is the leading entity within the United Nations system to address the criminal elements of migrant smuggling. We assist countries to ratify and implement the Migrant Smuggling Protocol which addresses the growing problem of organized criminal groups who smuggle migrants primarily for money. The protocol aims to:

- Prevent and combat the smuggling of migrants
- Protect the rights of smuggled migrants
- Promote cooperation between States.





What is the Difference Between Trafficking and Smuggling

Consent: The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

Exploitation: Smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim in some manner to generate illicit profits for the traffickers. From a practical standpoint, victims of trafficking also tend to be affected more severely and to be in greater need of protection from re-victimization and other forms of further abuse than are smuggled migrants.

Transnationality: Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or only moved from one place to another within the same State.

However:



- Some victims of trafficking in persons might start their journey by agreeing to be smuggled into a country, but find themselves deceived, coerced or forced into an exploitative situation later in the process.
- Criminals may both smuggle and traffic people, employing the same routes and the same means.

Mentality of a victim of trafficking:






Human Trafficking Indicators

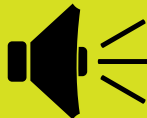
	Poor living conditions		Signs of physical abuse
	Many people in cramped space		Cannot speak the local language
	Not being allowed to converse alone with an individual		Submissive or fearful
	Answers appear to be scripted and rehearsed		Unpaid or paid very little
	Employer is holding identity documents		Under 18 and in prostitution

The Internet has led to a boom in recruitment for the purpose of human trafficking, usually with fake job offers online. It may also encompass advertising the services offered by traffickers as well as showing acts of exploitation, in addition to arranging victims' transport and accommodation, and transferring the proceeds of these crimes.


Internet Use: recruitment, advertising and exploitation



Recruitment through social media and on webpages



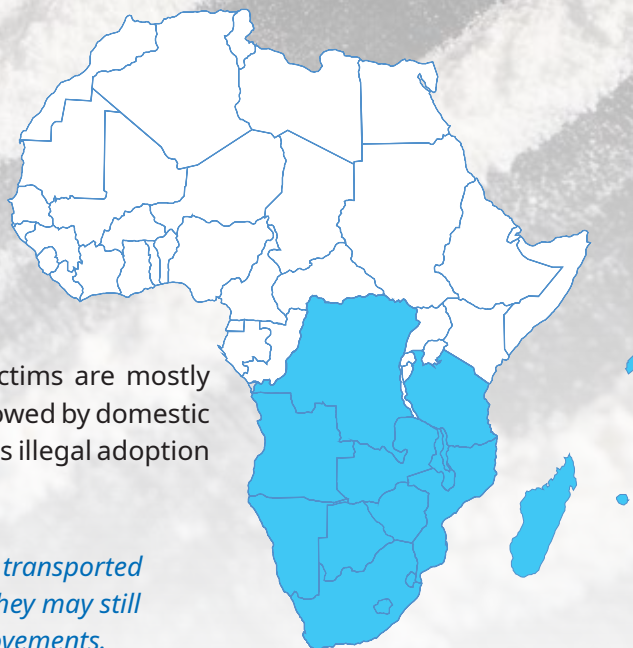
Advertising job offers and exploitative services on the internet



Use of video equipment to stream and broadcast exploitative services



The Situation in Southern Africa



The region is not free of human traffickers. Victims are mostly trafficked for labour and sexual exploitation, followed by domestic servitude, forced labour and other crimes, such as illegal adoption and the removal of organs.

While victims of domestic trafficking are not transported across borders, court narratives show that they may still be subject to significant geographical movements.



Children have been trafficked and exploited as vendors in markets and on the streets, mines, quarries and on farms. Evidence suggests that traffickers kidnap or pick up children who are lost and transport them to different regions or countries where they may not know the language. The trafficking of children often involves guardians or accomplices who coerce children or parents to give up their offspring, enticing them with promises of a better future.

Female victims continue to be particularly affected by trafficking in persons. In 2018, for every 10 victims detected globally, about five were adult women and two were girls. About one third of the overall detected victims were children, both boys and girls, while 20 per cent were adult men.

Many of the victims of trafficking start off as smuggled migrants and only when they reach their destination do they find themselves trapped as victims of trafficking. In most cases the exploitation begins with victims being deceived by the traffickers in the recruitment and transportation phases. When they enter the exploitation phase, coercion, violence and drug abuse occur to maintain control over the victims. Drug use is often linked to debt bondage, a strategy used to subject the victims and keep them in exploitation indefinitely. One effect of drug addiction among victims is that the more addicted they are the less credible they become, making it difficult for national response teams and social workers to assist them.



Challenges in Southern Africa



Human trafficking can be transnational, hence cross-border cooperation among agencies is critical. The most common type of trafficking involves the sexual exploitation of women and girls. For males, traffickers often deceive or coerce victims by suggesting that work and living conditions are better elsewhere, and when the victims agree they are either directed to or smuggled irregularly to the destination of the trafficker's choosing. If the victims protest they may be reported to the authorities as irregular migrants and deported, allowing the traffickers to begin the cycle all over again.

- A key to the fight against trafficking in persons and migrant smuggling is greater understanding of the **migrant-smuggling-trafficking nexus**. Victims often move between positions as vulnerable migrants and victims of trafficking, and may in turn be treated as irregular migrants by the authorities and thus punished, instead of victims of exploitation deserving protection.
- The fight against these crimes is difficult where transnational cooperation is lacking, or where there are no specialised units or where there is limited coordination among agencies responsible for identifying, referring, and certifying victims.

Most of the victims detected in Southern Africa are either citizens of the country of detection or citizens of other African countries. Victims of trafficking are generally exploited within the same geographical area.

- Border control officers are not always able to distinguish between undocumented migrants and victims of trafficking. In addition to a lack of screening for victims of trafficking, they usually do not have judicial leeway to act on suspicious behaviour.
- Victims are often mis-diagnosed due to the conflation of gender-based violence and human trafficking, and as a result are not always able to access emergency services. Similarly, inspections and investigations of agricultural, mining, construction and fishing sectors for forced labour are sometimes hampered by a lack of resources and access.
- Undocumented foreign nationals face additional barriers in accessing both care and justice while law enforcement officials are in need of continuing training to avoid re-traumatizing victims. Lacking adequate investigation capacity, they tend to rely heavily on victim testimony for prosecutions. Meanwhile, a lack of clarity on cases, lengthy delays in cases and low prospects of success often dissuades victims from taking part in trials.
- Data suggests that the most serious issue in the region is legal response to human trafficking crimes. The courts across the region struggle with the processing of cases, the handling of witness and victim protection, while law enforcement and social services have trouble upholding meaningful witness and victim protection programmes. This often leads to the dismissal or postponement of trafficking court cases and the perpetrators avoiding legal justice.
- Another key issue that is routinely neglected or does not receive the requisite funding is victim assistance. Shelters are usually few and far between, can be in poor condition, in addition to lacking adequate security for the victims. Their location may be such that the victims are far from the support of family and friends.





















Opportunities to Reduce Human Trafficking and Migrant Smuggling

- The region is now better positioned to tackle both human trafficking and migrant smuggling. Confronting these crimes has become a political priority.
- All 16 countries have signed the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol), as well as the United Nations Protocol against Smuggling of Migrants by Land, Sea and Air (the Migrant Smuggling Protocol). Since the ratification of these protocols, early successes were the rise in conviction rates, albeit from a low base.
- Multiple institutions are working to combat trafficking in persons at national and regional level. This is despite that national responses to trafficking in persons vary between member states.
- There is now greater awareness of these crimes across communities while ongoing trainings are giving officials the skills needed to identify and investigate suspects as well as protect victims.
- Through the efforts of UNODC, the SADC Secretariat and SADC member states, a **SADC Regional Trafficking in Persons Data Collection System** has been rolled out, leading to a more coordinated collection and compilation of trafficking in persons data. One effect of this system has been the set-up of a **Regional Trafficking in Persons Case Digest for Southern Africa**, with over 80 ground-breaking cases. Its purpose is to assist prosecutors and other judicial officers working to boost the conviction of traffickers.





Ratification of key protocols

Country	United Nations Convention Against Transnational Organized Crime Adoption: 15 November, 2000 Entry into force: 29 September, 2003		Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Adoption: 15 November, 2000 Entry into force: 25 December, 2003		Protocol Against the Smuggling of Migrants by Land, Sea and Air Adoption: 12 December, 2000 Entry into force: 28 January 2004	
	Date of signature	Date of ratification or accession	Date of signature	Date of ratification or accession	Date of signature	Date of ratification or accession
 Angola	13/12/2000	01/04/2013		19/09/2014		19/09/2014
 Botswana	10/04/2002	29/08/2002	10/04/2002	29/08/2002	10/04/2002	29/08/2002
 Comoros		25/09/2003		15/12/2020		15/12/2020
 Democratic Republic of Congo (DRC)		28/10/2005		28/10/2005		28/10/2005
 Eswatini	14/12/2000	24/09/2012	8/01/2001	24/09/2012	13/12/2000	24/05/2006
 Lesotho	14/12/2000	24/09/2003	14/12/2000	24/09/2003	14/12/2000	15/09/2005
 Madagascar	14/12/2000	15/09/2005	14/12/2000	15/09/2005		17/03/2005
 Malawi	13/12/2000	17/03/2005		17/03/2005		24/09/2003
 Mauritius	12/12/2000	21/04/2003		24/09/2003	15/12/2000	20/09/2006
 Mozambique	15/12/2000	20/09/2006	15/12/2000	20/09/2006	13/12/2000	16/08/2002
 Namibia	13/12/2000	16/08/2002	13/12/2000	16/08/2002	22/07/2002	22/06/2004
 Seychelles	12/12/2000	22/04/2003	22/07/2002	22/06/2004	14/12/2000	20/02/2004
 South Africa	14/12/2000	20/02/2004	14/12/2000	20/02/2004	08/01/2001	24/09/2012
 United Republic of Tanzania	13/12/2000	24/05/2006	13/12/2000	24/05/2006		24/04/2005
 Zambia		24/04/2005		24/04/2005		
 Zimbabwe	12/12/2000	12/12/2007		13/12/2013		



UNODC in Action



UNODC's mandates distinguish the organization from others in the same field: serving as guardian of international conventions and secretariat to global policy bodies; providing strong research and policy analysis; and combining global expertise and a wide field presence to provide specialized analytical, normative and technical assistance to Member States.



Normative and Policy Support

- As guardian of conventions and other legal instruments and by serving as the secretariat to global policy bodies on drug control, organized crime, terrorism and corruption.
- As custodian of the UN standards and norms in crime prevention and criminal justice.
- By providing normative support to Member States with ratification and implementation of these instruments.
- By developing domestic legislation and providing services to intergovernmental policy-making bodies.
- By strengthening Member States' legal and policy frameworks including civil society's involvement.



Analysis, Research, Evidence

- Through authoritative research products and analysis
- By strengthening Member States' data, analysis, research and statistics to generate a much-needed evidence-base for legislative, policy and operational responses.
- Through increased understanding of the causes and drivers of organized crime, crime group profiles and the nexus between drugs, organized crime types and other phenomena.



Technical Assistance

- By combining substantive global expertise at HQ level with an extensive field presence that promotes approaches tailored to the African context.
- By building capacities and expertise sustainably at national and regional level and furthering the growth of mentors and champions.
- By maximizing South-South cooperation and facilitating mutually beneficial partnerships between countries and institutions.

**United Nations Office on Drugs and Crime
Regional Office for Southern Africa**

1059 Francis Baard Street (formerly Schoeman Street)
1st Floor
Hatfield Pretoria

P.O. Box 12673
Hatfield 0028
Pretoria
South Africa

Tel: +27 12 432 0821

Email: unodc-za.info@un.org

www.unodc.org/southernafrica

Twitter: @UNODC_ROSAF



**Funded by the
European Union**

This publication was produced with the financial support of the European Union through the Southern African Migration Management (SAMM) project.