

NEWSLETTER

DECEMBER 2022 EDITION



NOTE ON THE **FIRST ISSUE**

Welcome to the UNODC and Southern African Migration Management (SAMM) project's first newsletter highlighting the fight against trafficking in persons and migrant smuggling in the region. These crimes transcend national borders. It is therefore only through cooperation, partnership and vigilance that the criminals and syndicates involved can be brought to book.

The newsletter will highlight ongoing efforts by SADC, Member States and UNODC, under the SAMM project, to identify and confront both human trafficking and migrant smuggling, in addition to supporting victims. The aim of the newsletter is to showcase such efforts.

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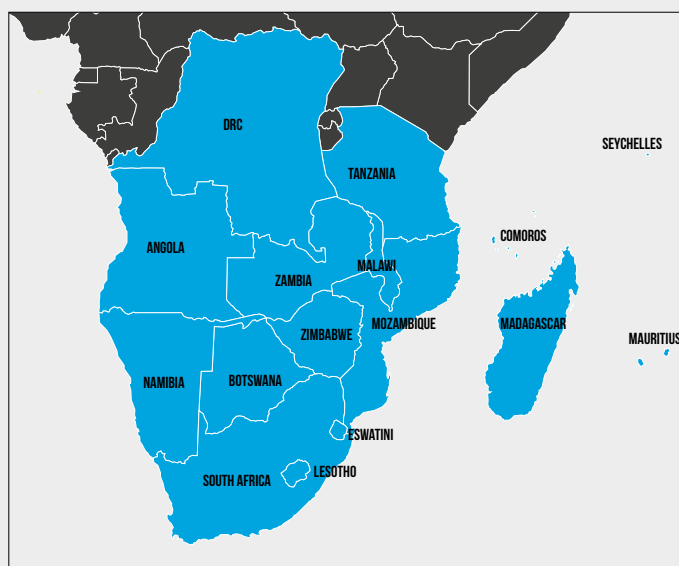
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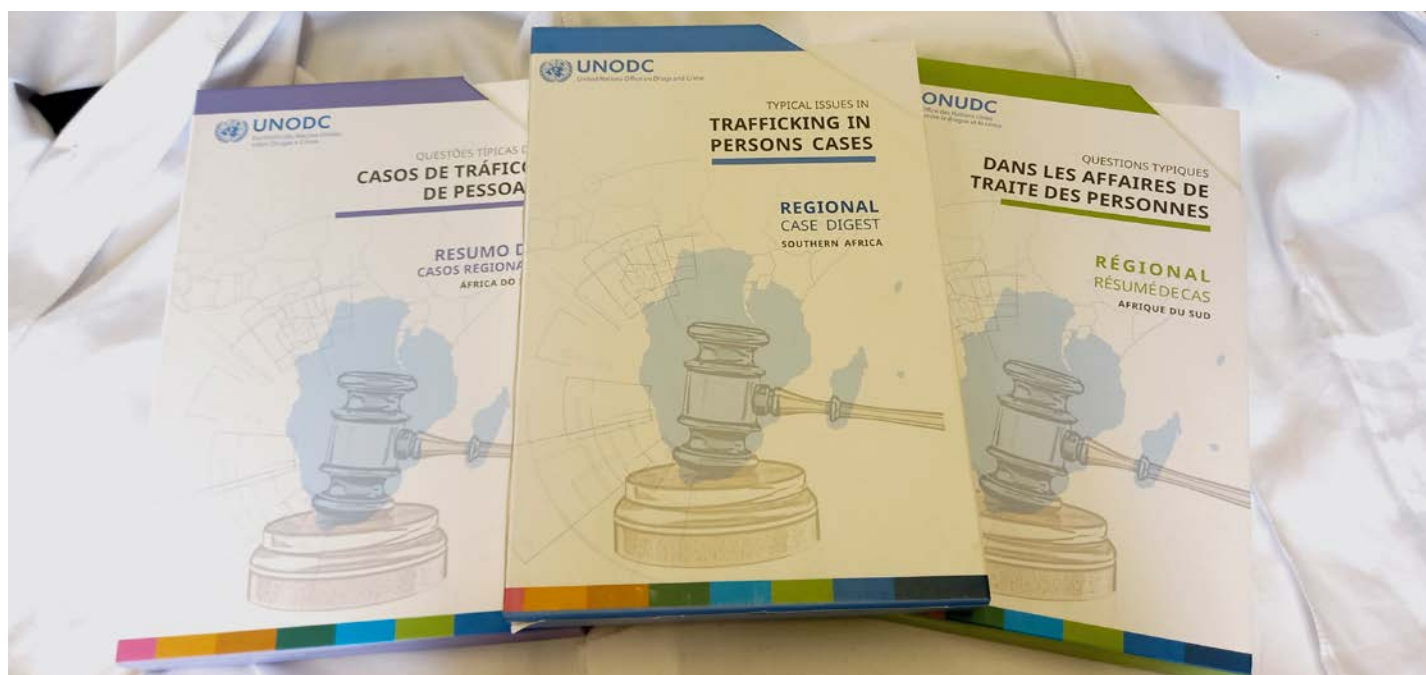
ABOUT THE **SOUTHERN AFRICAN MIGRATION MANAGEMENT PROJECT**

The SAMM project is funded by the European Union and is a collaboration of four UN agencies under the one-UN model: UNODC, the International Labour Organization, the International Organization for Migration and the United Nations High Commissioner for Refugees. Its overall objective is to improve migration management in the Southern Africa and Indian Ocean region.

The project supports the development of an improved policy environment for migration across the region, in addition to enabling better access to legal and efficient means of mobility for prospective migrants. Member States are supported to manage mixed migration flows. This is done through the implementation of evidence-based management strategies, as well as the formulation and implementation of appropriate protection frameworks for the most vulnerable, including victims of human trafficking and people smuggling.



REGIONAL CASE DIGEST SUPPORTS PROSECUTION OF SUSPECTS



It was a victory for law enforcement against a crime that originated in cyberspace. The accused, ML, had been using Facebook over a period of four years to lure and groom young girls by promising modelling jobs and money. He requested them to send him nude pictures and, once received, blackmailed the victims by threatening to expose their identities if they refused to engage in sexual acts with him and the co-accused. In some instances, these acts were filmed.

ML was eventually sentenced to 25 years' imprisonment for his guilty plea on 26 counts of, inter alia, sexual assault, extortion, possession of indecent photographs, possession of prohibited visual recordings, and recruiting, harbouring, transferring and receiving a child while

knowingly or recklessly disregarding that the person was a child for the purpose of exploitation.

This case (R v ML & Ors Cr S 63/19) was heard in the Seychelles and is featured in a Regional Case Digest launched in 2022 by SADC Member States and UNODC. The Digest is meant to provide a quick reference for case law and best practices for investigation and prosecution in different circumstances of human trafficking. It is a compilation of over eighty cases from each of the Southern African States and contains ground-breaking prosecutions involving various complex scenarios. The Digest can be found [here](#).

“The Digest provides references to challenges specific to Southern Africa, including child trafficking, sexual exploitation, and the significance of customary practices.”

COMPASSION AND COOPERATION KEY TO ADDRESSING HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

The police in Johannesburg had a lead – a real chance to uncover victims of human trafficking. But despite the clear information leading them to a house in the city, they could not find where the victims were being held.

Some patience, persistence, and careful surveying of the house eventually paid off, with a startling discovery: the traffickers owned two neighbouring houses connected via tunnel – where the victims were hidden, and this is the reason why it had been difficult to locate them.

In another instance, also in Johannesburg, the South African police had rescued 10 Asian women from sexual exploitation. The women were relieved at the prospect of being repatriated to their respective homes in Asia. But when one of them phoned her mother en route to say she was coming home, her mother warned: “Do not come home; the people from South Africa [i.e. the traffickers] are here waiting for you.”

These anecdotes were relayed in Johannesburg by Colonel Parmanand Jagwa, the National Coordinator of the fight against human trafficking in the Hawks, the South African police's elite crime fighting unit. Speaking at the start of a series of training sessions aimed at building capacity among law enforcement agencies, Col. Jagwa emphasized that human traffickers were not ordinary criminals. Rather, he stressed, they are usually dangerous members of organized syndicates.

During the trainings, law enforcement officers were encouraged to adopt a “victim-centred approach” rooted in the care and welfare of victims, rather than treating them as criminals. Compassion, they were informed, also builds a relationship of trust that is critical in winning the cooperation of victims during the investigation to bring the criminals to justice.

At the training, Major General Ebrahim Kadwa, the head of the Hawks in Gauteng province, referred to young children working in disused mine shafts, pulling out whatever gold they could find. Most of them are believed to be foreign nationals.

“The questions being asked are: How did they get here? Who brought them here? Are they trafficked? Is it just a pure question of unemployment and extreme poverty that are the push and pull factors bringing them to South Africa?” However, Maj-Gen Kadwa also urged police officers not to lose sight of in-country trafficking that is happening “in plain sight”. One sign was the prevalence of brothels in some areas of Johannesburg.



Colonel Parmanand Jagwa, the national coordinator of the fight against human trafficking in the Hawks



Maj-Gen Ebrahim Kadwa, the head of the Hawks in Gauteng province

Maj-Gen Kadwa encouraged police officers to cooperate with civil society groups focused on combating trafficking in persons and the smuggling of migrants, saying some among such groups or their families have themselves been victims. “I want us to see them [civil society] as our force multiplier,” he said. “I want us to see them as our eyes and ears.”

Commenting on the upskilling of law enforcement officers, UNODC Crime Prevention and Criminal Justice Officer Ms. Jeptum Bargoria said: “It is when law enforcement officers are given the requisite support and skills that we will see further improvements in the prosecution of those involved in human trafficking and migrant smuggling.”

SAPS OFFICERS HONE THEIR SKILLS **TO INVESTIGATE TRAFFICKING**

Law enforcement officers across South Africa have had the opportunity to improve their skills to identify and prosecute cases of human trafficking and migrant smuggling. A series of professional development sessions got underway, beginning in Johannesburg and Pretoria.

Participating officers were taken through best case scenarios in investigating and preparing identified cases to court. They were also encouraged to pay attention to the welfare and well-being of victims.

To date over 200 South African police officers have been trained and it was envisaged that a further 200 officers would have taken part in the training by the end of 2022.

The training is meant to boost the capabilities of officers to identify the various manifestations of human trafficking, including how to secure crime scenes for the purpose of gathering evidence. The importance of cooperating with law enforcement agencies in neighbouring countries is also emphasized.



SAPS officers share a light moment during a training in Pretoria.



Retired SAPS Brigadier Scott Naidoo stresses a point during a session on evidence gathering.

MOZAMBIQUE-ESWATINI OFFICIALS **SHARE EXPERIENCES**

At a meeting in Pretoria, officials from Mozambique and Eswatini agreed to the need for further interactions to share experiences and strategies on how to tackle human trafficking and migrant smuggling. Both countries share a border with South Africa and are source and transit locations, in addition to being destination States for migrants, including smuggled migrants and victims of trafficking.



Among the issues raised was the need for joint trainings for investigators, prosecutors, judges and others.

DRAFT LAW PROPOSES COMPENSATION FOR **VICTIMS IN MOZAMBIQUE**

A revised draft law on trafficking in persons proposes the creation of a fund to compensate victims of this crime in Mozambique. This is in line with the spirit of the Trafficking in Persons Protocol which stipulates procedures to ensure that victims have access to redress.

Mozambique is just the latest country seeking to adopt this specification into national legislation. With a population of about 30 million, Mozambique is a country of origin, transit and destination for victims of human trafficking who are often part of wider mixed migration flows.

Tete province, for example, located on the border with Malawi, is a key transit area on the “Southern Route” used by irregular migrants from the Horn of Africa and beyond, trying to reach South Africa. This route is also believed to be targeted by human traffickers.

Mozambican victims, on the other hand, are often detected in Eswatini with which the country shares a 430km border.

The desire for a better life can result in manipulation by traffickers. “People in Mozambique believe that South Africa is the Eldorado,” said Ms. Amabelia Chuquela, Assistant Attorney-General in Mozambique and coordinator of the National Reference Group on Trafficking in Persons.

The proposed compensation mechanism for victims of trafficking is, according to Ms. Chuquela, an innovation drawn from the experiences of other countries, including Egypt, that provide payment to enable victims to re-establish their lives.

This is supported by Article 6 paragraph 6 of the Trafficking in Persons Protocol which obligates State parties to ensure that domestic legal systems include provisions that offer victims the possibility of obtaining compensation for damages suffered.

Compensation can be in the form of restitution provisions in criminal law, victim compensation funds supported by the State, or civil remedies enabling victims to initiate legal action against an offender in order to obtain damages for the harm suffered.

“It is important that States put in place ways that enable victims to be compensated for the grave harms they have suffered and the lost opportunities as a result of their ordeal,” commented Ms. Zoi Sakellidou, Crime Prevention and Criminal Justice Officer at UNODC.

Among the major advocates for compensation is the UN Special Rapporteur on Trafficking in Persons. However, Ms. Sakellidou said just as important is “making compensation accessible and meaningful.”

Significantly, civil society groups across the world are stepping forward to support victims to access compensation and research into the issue of remedies is growing, she said.

In Mozambique the proposal gained ground, thanks to a case that placed human trafficking high up the Government’s agenda, leading to



a review of the 2008 trafficking in persons legislation.

The case involved the trafficking for sexual exploitation of three Mozambican women who were promised the opportunity to study and to work in a hair salon in South Africa. Eventually, cooperation between the authorities in Mozambique and South Africa led to the perpetrators being convicted of trafficking for practices similar to slavery and forced labour.

With support from UNODC, Mozambique had ratified both the United Nations Trafficking in Persons Protocol and the Migrant Smuggling Protocol, in September 2006.

Despite this major achievement, Ms. Chuquela emphasized the complexity inherent in identifying the crime of trafficking in persons as well its victims “Every day the perpetrators change their modus operandi,” she said.

However, Mozambique’s internal dynamics also play a role. For example, instability to the north of the country has led to claims of citizens being coerced to join terrorist groups. Traffickers are also alleged to have targeted internally displaced persons. In the same region, a link is often made between trafficking and the removal of organs.

Recent cyclones on the Mozambique coast displaced thousands, rendering them vulnerable to exploitation. This is compounded by a lack of adequate resources for the fight against trafficking in persons and migrant smuggling.

But UNODC has been on hand to assist the Government, including by supporting legislative reforms as well as providing capacity building, along with data collection and analysis.

In parallel, UNODC has supported cooperation between Mozambique and Eswatini. “Due to regular bilateral meetings, cooperation in cross-border anti-trafficking in persons and anti-smuggling of migrants initiatives is at an advanced stage,” said Ms. Jeptum Bargariora, UNODC’s coordinator of the SAMM project.

CALL TO PRESENT TRAFFICKING CASES IN **COURT FOR PROSECUTION**



UNODC Regional Resident Representative Dr. Jane Ongolo and Deputy Minister of Justice and Correctional Services Mr. John Jeffery.



High Court Judge Mr. Vincent Ratshibvuma

Participants attending a colloquium of judicial officers heard that suspected cases in South Africa are more likely to be in personal conversations and on social media than in the courts. This points to the need for improvements in both law enforcement and prosecution, according to the country's Deputy Minister of Justice and Correctional Services, Mr. John Jeffery.

This view was shared by Mr. Vincent Ratshibvuma, a High Court judge. "That is why I made a case for the NPA (National Prosecuting Authority) to be trained in such cases since they are the ones who bring cases to court," he said.



All ears: Judicial officers at the colloquium



WHAT IT TAKES TO CREATE AWARENESS FOR THE **CRIME OF TRAFFICKING IN PERSONS**

Misunderstood and misidentified, human trafficking is usually anything but human trafficking. All too often, perpetrators are charged with the lesser crimes of assault, gender-based violence, child abuse or labour violations.

Trafficking in persons carries heavy prison sentences and relatively few cases make it to court. Reversing this reality requires a high level of awareness on the tell-tale signs of what constitutes trafficking in persons.

Yet the best awareness-raising act for this crime is nothing short of a successful investigation and prosecution, according to South African prosecutor Ms. Carina Coetzee.

“A high profile and successful prosecution will reverberate across society over many years,” she said, urging law enforcement officials to make use of cell phone records, among other forms of digital evidence, to support cases.

This is because in recent years traffickers have modified their methods and have taken to recruiting their victims online through the offer of fake job and study opportunities. Individuals can also be targeted on social media with the offer of friendship. Traffickers extend the use technology and the Internet to arrange logistics such as transportation and accommodation for victims, in addition to moving and hiding the proceeds of their crimes.

“Everyone leaves an electronic footprint,” said Ms. Coetzee. “Digital evidence is extremely important. You must be able to link this information with the accused.”

Ms. Coetzee was speaking at a meeting of South Africa’s National Inter-Sectoral Committee on Combating Trafficking in Persons (NICTIP) held in Johannesburg.

Over the course of three days, government representatives and stakeholders took stock of the gaps, challenges and opportunities in addressing the country’s national policy framework on the crime of human trafficking, and reached consensus on a roadmap for the finalization of a revised framework.

The Deputy Minister of Justice and Correctional Services, Mr. John Jeffery, spoke of the need for government to bolster its reporting duties on human trafficking, along with strengthening partnerships with civil society organizations.

He described the need for good data as being among the most “burning issues”. According to Mr. Jeffery: “On the one hand the cases being investigated by the police are not that high and on the other hand the cases being reported to the (crime) hotline are high.”

Ms. Heather Merritt, the Deputy Chief of Mission at the US embassy in Pretoria, commended South Africa for making strides in the



fight against trafficking in persons. She said the US supported 13 bilateral and regional projects meant to bolster efforts to confront trafficking in persons.

Mr. Theodorus Kaspers, Head of Development and Cooperation with the European Union Delegation to South Africa, highlighted contributions made under the SAMM project in the fight against trafficking in persons. This included boosting capacity among frontline personnel, such as through the production of an anti-trafficking in persons handbook for judges.

“Human trafficking usually follows migration patterns, making refugees and migrants more vulnerable than others,” he said. “Women and girls are often the most vulnerable.”

Ms. Atuwani Juwayeyi-Agbermodji from the UNODC Southern Africa Regional Office cautioned against the perception that foreign nationals are the primary victims as well as the main perpetrators of human trafficking. “Such thinking could blind us to the crime happening in plain sight, before our very own eyes,” she said.

Ms. Juwayeyi-Agbermodji also referred to the reported rise in kidnappings in South Africa and drew attention to the prevalence of beggars with young children, who occupy key junctions in parts of the country.

“What this means is that we need to pay closer attention to such issues happening in our own neighbourhoods,” said Ms. Juwayeyi-Agbermodji. “In some of the big cities the prevalence of so-called ‘guest houses’ calls for more vigilance and scrutiny.”

RURAL SCHOOL HOSTS WORLD DAY AGAINST TRAFFICKING EVENT

Learners at Mphaphuli Secondary School in Limpopo province, South Africa, interacted with dignitaries, including the Minister of Justice and Correctional Services, Mr. Ronald Lamola, who also commissioned a digital centre with 10 computers and furniture sourced through UNODC.

The event, held under the global theme for World Day Against Trafficking in Persons: 'Use and abuse of technology', was meant to emphasize that technology has become both an enabler of trafficking and also a possible tool to fight such crimes. UNODC Regional Representative Dr. Jane Ongolo implored the learners to always navigate the Internet safely, including by refraining from accepting friend requests from strangers.



Students at Mphaphuli Secondary School now have the chance to acquire digital skills as they learn how to safely navigate the Web.



Mr. Lamola led the inauguration of the computer centre.



Mphaphuli Secondary School dates back to the 1920s.

SOCIAL MEDIA ENABLES RECRUITMENT OF VICTIMS

The Internet has revolutionized human trafficking. It has presented recruiters with easier ways to connect with targeted victims and clients. They do this with fake job or study opportunities, or by advertising their products such as human kidneys, said Dr. Jane Ongolo, UNODC's Resident Representative for Southern Africa. She noted that in the SADC Member States the number of trafficking cases recorded fell between 2017 and 2020, likely due to increased focus on the crime of human trafficking. More countries have developed specific laws prohibiting such crimes after ratifying the United Nations Trafficking Protocol.



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