



## HUMAN TRAFFICKING VICTIM IDENTIFICATION

PRESENTED BY MRS T P LWANA

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## DEFINITIONS

- **The** recruitment, transportation, harbouring, transfer or receipt of person by **means** of force or other forms of coercion, abduction, fraud, deception, abuse of power or of giving or receiving money or benefits to achieve the consent of a person having control over another for the purpose of **exploitation**, forced labour or services, slavery or similar practices or domestic servitude or for the removal of organs

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## DEFINITION OF HT IN PHILIPINES ACT OF 2003

- To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretence of domestic or overseas employment or training or apprenticeship for the purpose of prostitution, pornography.
- To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation
- To maintain or hire a person to engage in prostitution or pornography.
- To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage.
- To recruit, hire, adopt, transport or abduct a person by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person.
- To recruit, transport or adopt a child to engage in armed activities.

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## ELEMENTS OF TRAFFICKING

- **MOBILIZATION - The act** – recruitment, transportation, transfer, harbouring, receipt of persons, exchange of person
- **The MEANS** – use of force, coercion, fraud, deception, abuse, giving of payments (abduction, forcefully taking a person, partial deception and full deception)
- **The PURPOSE** – to exploit – prostitution, sex, forced labour, removal of organs, begging, domestic servitude, or adoption

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## METHODS OF CONTROLLING VICTIMS

- DEBT BONDAGE (lady from church)
- CONFISCATION OF DOCUMENTS
- VIOLENCE AND THREATS OF VIOLENCE
- ISOLATION
- FINANCIAL DEPENDANCY
- BLACKMAIL
- PHYSICAL AND EMOTIONAL ABUSE
- DRUG DEPENDENCY
- IGNORANCE OF THE VICTIM
- MARRIAGE

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## ISSUE OF CONSENT

IRRELEVANT WHEN:

- Fraudulent job offer
- Deceit regarding work conditions
- Exploitation involves children

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## SMUGGLING

- **MIGRATION –**

- movement from one place to another
- crossing borders
- purpose of survival
- did not go through the proper applications to enter into another country
- running away from conflict, war, disasters, bad economy in country
- Pay people to take over border
- No legal documents
- Travel in poor circumstances
- Once they have reached the other side of the border the relationship terminates.



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## LEGISLATION

Prevention and Combatting in trafficking in persons ACT NO 7 OF 2013

The Organized Crime Convention

The Palermo Protocol

The Migrants protocol

The South African Victim's Charter

The Constitution

The Sexual Offences and related matters Act no 32 of 2007

The Refugee Act

The Film and Publications Act, act 65 of 1996 as amended 2004

Basic Conditions of Employment Act, 57 of 1997

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- Toll Free Numbers in South Africa: 0800 222 777
- SA Government: 0800 146 873/ 012 421 1915



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## ARTICLES OF THE PROTOCOL

### *GENERAL PROVISIONS*

#### Article 1:

- Supplements the UN Convention against transnational organized crime.

#### Article 2: Purpose

- To prevent and combat trafficking
- To protect and assist victims
- To promote cooperation

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## Article 3: use of terms

- Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, **by means of** threat or use; of force or coercion or 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 consent of a person having control over another person with the purpose of exploitation.
- **Exploitation** – for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

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### *PROTECTION*

#### Article 6 : Assistance to and protection of victims.

- Protect the privacy and identity
- Information on relevant administrative proceedings
- Enable their views and concerns
- Measures to provide for the physical, psychological and social recovery
- Appropriate Housing
- Counseling and info
- Medical and material assistance
- Employment, educational and training
- Physical safety of the victims
- Measures to offer compensation to victims

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***PREVENTION< COOPERATION & OTHER MEASURES***

**Article 9: Prevention of trafficking**


- Mass media campaigns, research, social and economic initiatives to prevent.
- Policies and procedures to be put in place.

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**Article 10 : Information exchange and training.**

- All relevant parties – authorities will exchange information according to their laws
- Training shall be provided to all relevant officials in the prevention
- Should encourage cooperation between civil society, ngo's and all relevant organizations.

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# PURPOSE OF TRAFFICKING & FACTORS PROMOTING TRAFFICKING

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## EXPLOITATION

- **Sexual exploitation** – strippers, sex workers, lap dancers, etc.
- **Forced labour, slavery or servitude** – cheap labour especially in factories and farms, people are trafficked for drug couriers and domestic work.
- **Bonded labour** – this is a form of force or coercion in terms of dept bondage that is used to keep the victim. 
- **Purpose of body parts** – this is used for muti as well as organ transplants.
- **Forced marriages**
- **Adoption**
- **Child soldiers**




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## FACTORS PROMOTING TRAFFICKING

- Family disintegration and economic stress.
- Violence and domestic violence
- Educational levels
- Peer pressure
- Gender discrimination
- Prospect of a better life in another place.
- Poor salaries and poor working conditions
- Impact of conflict
- Natural disasters and environmental challenges
- HIV/AIDS – or child headed households
- Poverty and lack of job opportunities
- Low morals in our communities



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## VICTIM IDENTIFICATION



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## VICTIM IDENTIFICATION

People who have been trafficked may:

- Believe they must work against their will
- Signs of movement that are controlled
- Believe they cannot leave
- Fear and anxiety
- Subjected to violence and threats
- Suffer from injuries
- Dependent

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## VICTIM IDENTIFICATION

- Distrustful of authorities
- Have false ID documents or even no ID documents
- Not know their home addresses
- Allow others to speak for them
- Disciplined through punishment
- Forced to work under poor circumstances
- Receive little to no payments

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## VICTIM IDENTIFICATION

- Have no access to their earnings.
- Work long hours
- No days off
- Live in poor or substandard accommodation
- No access to medical care
- Limited to no social interaction
- Limited contact with family members
- Unable to communicate freely with others.

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## VICTIM IDENTIFICATION

- **Children:**
  - No access to parent or guardians
  - Intimidated and behave in a manner not corresponding with age appropriate behaviour.
  - No friends of their own age
  - No access to education
  - No time to play
  - Eat apart from other members
  - Given only leftovers

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## VICTIM IDENTIFICATION

### **Sexual Exploitation:**

- Sleep where they work
- Live or travel in groups
- Few clothing items
- Clothes linked to performing sex work
- Have no cash of their own
- Move from one area to another
- Escorted from one place to the next

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## VICTIM IDENTIFICATION

- Ownership marks or tattoo
- No ID documents
- Evidence of violent sex
- Evidence of being bought
- Find that they are good in a variety of languages

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## VICTIM IDENTIFICATION

### Domestic Servitude

- Live with family
- Not eat with family
- No private space
- Sleep in inappropriate space
- Reported as missing by employer
- Never or rarely leave house
- Subjected to abuse

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## VICTIM IDENTIFICATION

### Begging and crime

- Can be children, elderly or disabled people
- Carrying and or selling drugs
- Unaccompanied minors
- Punished if not collect enough
- Live with gang members
- Move long distances and in large groups
- Large group with same guardian

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## HUMAN TRAFFICKING IDENTIFICATION

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### PRINCIPLES WHEN INTERVIEWING

- Be professional
- Identify your own feelings and work through them
- Main objective is to find the truth /facts
- Minimize trauma
- Action plan with the client not for the client
- Victim should be informed

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## PRINCIPLES CONT.

- Safety of yourself and client – no business cards and cell numbers.
- Treat all victims as being high security risk
- Ensure that you are able to know who you can trust in terms of the people you work with
- Focus on client getting back her control
- Maintain confidentiality
- Ready to address any crises.

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## PRINCIPLES CONT.

- Rights based – participation, treated with dignity and respect.
- Best Interest of the child approach
- Targeted approach – all actions proceedings' etc must be in line with developmental, intellectual and physical needs
- Evidence and result based – process of gathering evidence through surveillance – observation monitoring and evaluation.

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## PRINCIPLES CONT.

- Nested systems approach must be followed - taking into consideration that children are raised in family concept
- Local programme - neighbourhood response need to build protective factors
- Family preservation programs with a strength base approach to families are needed.
- Participation
- Integrated approach – clear referral and follow up protocols are needed – also between provinces



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## PREVENTION AND COMBATTING IN TRAFFICKING IN PERSONS ACT NO 7 OF 2013

- to promote inter-departmental and inter-sectoral collaboration within the framework of each department's roles and responsibilities as outlined in the Act.
- Section 44 (6) (a) & (b) mandated the Department to provide directives on the manner in which victims of trafficking must be identified, interviewed and treated, with particular attention to the vulnerability of children and the referral of victims of trafficking to various intervention programs including; social, health care and psychological services.

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## **TIP Prevention and Combating of Trafficking in Persons Act 7 of 2010**

**Chapter 4 section 19** Reporting and referral of adult victim of trafficking

- 1(a) Any person who knows or ought reasonably to have known or suspect that an adult who he or she comes into contact with during the execution of his or her duties, is a victim of trafficking **must** immediately report that suspicion to a police official for investigation. (Organised Crime)
- (b) An accredited organisation must immediately report to a police official of any suspicion.

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## **TIP REPORTING**

Must provide **reasons for your suspicion or knowledge**

Person making this report in good faith is **not liable for a civil or disciplinary action**.

Person disclosing may request for his or her identity to be kept confidential.

In the Bill one would have had to obtain the consent of the person in order for you to make such a statement but this is no longer required according to the act.

Where a victim's life is in danger and with the victims written consent the police may detain the victim and later place in a temporary safe care facility pending admission at a accredited organisation.

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## TIP REPORTING

(5)(b) A Police official to whom a report is made must within 24 hours refer that person to an accredited organisation and notify the provincial department of Social Development of that person.

Provincial Department that was notified as provided in subsection (5)(b) must without delay assess whether the person concerned is a victim of trafficking after taking into account the info received from SAPS

If the provincial Dept. is satisfied that it is a TIP victim the HOD must immediately issue a letter of recognition to the victim.

A person issued with a letter is entitled to access an accredited service and must have a intervention plan as well as exit plan.

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## TIP

Any person who fails to comply with this is guilty of an Offence

Section 23 states that any person who allows any unauthorised person to gain access to a victim of trafficking, or discloses their identity or place where they are kept is guilty of an offense.

Section 24 deals with the accreditation of facilities dealing with trafficking victims.

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## GROUP ACTIVITY



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