



The 2017 Trafficking in Persons Report

1. Introduction

On 27th June, 2017, the American Secretary of State, Rex Tillerson, released the US's 2017 Trafficking in Persons Report. On that occasion he said:

“Human trafficking is one of the most tragic human rights issues in our time. It splinters families, distorts global markets, undermines the rule of law and spurs other transnational criminal activity. It threatens public safety and national security. But most of all the crime robs human beings of their freedom and dignity. That is why we must put an end to the scourge of human trafficking.”¹

The UN and other experts estimate the total market value of illicit human trafficking at \$32 billion, about \$10 billion of which is derived from the initial “sale” of individuals, with the remainder representing the estimated profits from the activities or goods produced by the victims of this barbaric crime.² It is estimated that approximately 27m people are in trafficked situations, with 12.7m of these in some form of bonded labour.

2. Assessing the Report

All reports of this nature run a great risk of being politically biased, and are open to statistics being manipulated or to being crafted to suit ideological ends. It goes with the territory. One of the commentators on this report, David Abramowitz of Humanity United, says of the USA, the sponsor of this report:

“If the Administration wants to end human trafficking and modern slavery it must put an end to the climate of fear where victims are afraid to report crimes and apply for trafficking protection for fear of deportation. It must commit to funding foreign aid that keeps countless people safe, and it must continue to invest in the enforcement of labour laws that keep people here and abroad safe.”

Humanity United also criticised the upgraded status given to Burma and Malaysia.³

Nonetheless, this report is widely acknowledged as being one of the best resources available for gauging the political will of governments to fight what Pope Francis has called a ‘shameful wound,’⁴ and of assessing the steps being taken to implement good practices around the world. Many NGOs and international organisations use it as a basis for deciding where resources, political pressure and advocacy are most needed. Some of the most useful information is the statistics for Africa, which show that prosecutions in this area increased from 272 in 2010 to 1 251 in 2016. For the same period there was an increase in convictions from 163 in 2010 to 1 119 in 2016. The number of victims identified rose from 9 626 in 2010 to 18 296 in 2016.⁵

The report analyses 190 nations, two more than in 2015, with the addition of Libya and Yemen. It highlights that 20 nations are doing better than in 2015, while 27 countries were downgraded according to the tier system used to assess the effectiveness of various nations’ actions in this regard.

3. The Tier System

Tier 1 is a grade for those governments which fully comply with the minimum standards of the USA's Trafficking Victims Protection Acts (TVPA). This Act, and its grading of countries, is broadly constructed around the 'three Ps' of prosecution, protection and prevention.

Tier 2 is a grade for governments which do not fully comply but are making significant efforts to bring themselves into compliance. In our region, South Africa and Namibia are in this category.

The *Tier 2 Watch List* is a grade for governments which are making efforts to comply but where, in addition:

- a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.⁶

If a country remains on the Tier 2 Watch List for two consecutive years it is automatically downgraded to Tier 3 unless the US Secretary of State specifically grants that country a reprieve. In our region Zimbabwe is on this list.

Tier 3 is the lowest grade and is for countries that do not comply and which show scant desire to do so. Swaziland is listed in this category.

Special Case countries are those that have particular current problems regarding human trafficking and are deemed to require special attention. Libya, Somalia and Yemen are categorised thus.

4. Southern Africa

4.1. South Africa

South Africa is a source, transit, and destination country for men, women, and children subjected

to forced labour and sex trafficking. In particular, South African children are recruited from poor rural areas to urban centres, often as domestic workers, but also as part of the sex industry. There are reports of criminal syndicates from Russia, Bulgaria and Nigeria operating in this sector.

South Africa remains on Tier 2 despite the acknowledged strides made over the past few years to implement legislation, and despite identifying double the number of victims than in the year before and referring them all to care. Eleven traffickers were convicted, ten of whom received stringent sentences. The government established an anti-trafficking hotline as well as a programme to screen deportees for trafficking indicators prior to deportation. It also, together with churches and other NGOs, held vigorous information campaigns using traditional media such as radio and print, but also through social media. The government also took steps to provide consular and immigration officials with basic anti-trafficking training in order to screen for trafficking indicators among visa applicants and individuals entering the country.

Despite these steps, the report argues that,

“the government did not meet the minimum standards in several key areas. The government severely under-budgeted the funds required to implement the anti-trafficking law and consequently could not fully implement the law. The government did not comprehensively monitor or investigate forced child labour or the labour trafficking of adults in the agricultural, mining, construction, and fishing sectors. The government did not prosecute or convict any officials allegedly complicit in trafficking offenses, despite allegations of complicity involving immigration and law enforcement officials. The South Africa police service (SAPS) was widely criticized for not identifying victims, even after NGOs conducted preliminary identification screenings. Officials across the government had difficulty identifying labour trafficking victims and differentiating between trafficking and smuggling crimes.”⁷

As with many other areas of the South African reality, the policies and legislation are excellent but the follow up and the political will to implement legislation is seriously wanting. Again, as seems to be endemic in South Africa, the culture

of corruption short-circuits proper investigations and bypasses officials who might be complicit in human trafficking offences. Despite any number of illegal border crossings, faked documentation, and failure by the police to follow up on reported offences, as well as anecdotal stories of police warning traffickers about imminent raids on premises, during the period under review no arrests of officials or enforcement officers were recorded.

A further problem is that there is as yet no national register of trafficking offenders, nor of the kinds and scope of help offered to victims. These are eminently avoidable lacunae in the fight against trafficking in persons. The report noted that, “while the majority of trafficking victims in South Africa are labour trafficking victims, the government did not prosecute or convict any labour traffickers in 2016.”⁸

It is also true that male labour trafficking victims seem to slip through many nets and are therefore not as likely to be tested for trafficking indicators. It has also been noted before in several quarters that the South African government has done very little, if anything, to reduce the demand for commercial sex or forced labour.

4.2. Other Regional Countries

Most of the countries in the region were either on Tier 2, such as South Africa, Lesotho, Botswana, Angola, Namibia and Malawi, or on Tier 2 Watch List, such as Mozambique, Swaziland and Zimbabwe. The reports for the countries in the region were predictably varied but also showed common features. In almost every report the question of lack of political will was evident in the routine failure to provide sufficient financial support to meaningfully implement policies, or in the failure to finalise legislation and co-ordinated national plans. The failure to systematically collect intelligence and data so as to better police criminal activity, and the lack of co-ordinated and coherent training of people at the forefront of this battle, also adds to the lack of success. On the other hand, most countries have a tradition of good campaigning and sharing of information in the public domain. Most have policies in place, even if they are not implemented, and most are signatories to various international conventions. In many countries there is a reliance on NGOs and

international support for the work that is being done.

5. Recommendations

Amongst the recommendations was a strong emphasis on investigating employers who benefitted from trafficked workers and who often flew under the radar screen. It also called for greater stringency in investigating, prosecuting and punishing corrupt officials and law enforcement personnel. Despite policies that are avowedly victim centred, studies found that this was not necessarily so in practice and urged more sensitive and extensive training across the board for those who come into contact with victims. Practices in KwaZulu-Natal and the Western Cape were deemed worthy of replication in the other provinces. There also seemed to be an uneven compliance with the requirement to examine sex workers, labourers and other vulnerable groups for trafficking indicators, and to follow up on the results of such tests.

6. Conclusion

Despite the progress made in combatting human trafficking, especially in the area of legislation; despite admirable training programs for law enforcement agents, social workers and immigration officials; and despite the herculean work being done by faith communities and NGOs, it is scandalous that more funding to implement the policies has not been forthcoming; that corruption bedevils our national life; and that a lack of political will unnecessarily hampers real progress in this regard. The words of Pope Francis ring true. He said human trafficking is “worsening” and that, in some instances, “evidence brings one to doubt the real commitment of some important players.”⁹ These words should be a challenge to real introspection as this form of modern slavery gains momentum, devastating the lives of millions irreparably and rending social cohesion for generations yet to come.

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- ¹ <https://cl.usembassy.gov/remarks-2017-trafficking-persons-report/>
 - ² <http://www.un.org/apps/news/story.asp?NewsID=22009#.WVVwiulLc2w>
 - ³ <https://humanityunited.org/humanity-united-response-2017-tip-report/>
 - ⁴ <http://www.catholicnewsagency.com/news/pope-francis-tough-words-against-horrors-of-human-trafficking-99070/>
 - ⁵ <https://paei.state.gov/j/tip/rls/tiprpt/2017/271114.htm>
 - ⁶ <http://www.knowyourcountry.com/humantrafficking.html>
 - ⁷ <https://www.state.gov/documents/organization/271344.pdf>
 - ⁸ <https://www.state.gov/documents/organization/271344.pdf>
 - ⁹ http://en.radiovaticana.va/news/2017/04/03/pope_%E2%80%98human_trafficking_worsening/1303041

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