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# Human trafficking and the new legal framework in South Africa: Intervention needed for the law to reach vulnerable girls and women

Silindile Buthelezi

## abstract

The upsurge in human trafficking within South Africa's borders has garnered extensive public attention in recent years. Much of the attention has been centred on the absence of comprehensive legislation to adequately address and counter the increased trading of persons occurring within the country's borders. The supporting legal framework has been limited in that offenders could only be prosecuted for crimes associated with human trafficking (a few examples being the common law crimes of rape, assault, kidnapping, murder or attempted murder). There was considerable progress when "child trafficking" and "trafficking for sexual exploitation" was criminalised in the Children's Act, no 38 of 2005, and Criminal Law (Sexual Offences and Related Matters) Amendment Act, no 32 of 2007 respectively. However, these have proved insufficient in defining human trafficking in all its various components. Consequently the Prevention and Combating of Trafficking in Persons Act, no 7 of 2013, hereafter referred to as the 'TIP Act', was signed into law in 2013 but is not yet operational. This article presents a review of this new legislation to bring awareness of its scope and provisions and analyses the extent to which it attempts to address all the elements of human trafficking.

## keywords

trafficking, legislation, Prevention and Combating of Trafficking in Persons Act, no 7 of 2013, violence against girls/women.

## Introduction

South Africa has been identified as a major destination, and to a lesser extent, country of origin and transit for people trafficked both to and from other African countries and worldwide (Human Sciences Research Council - HSRC, 2010). *The Global Slavery Index 2013*, conducted by the Walk Free Foundation, stated that approximately 44 545 people in South Africa were enslaved (Walk Free Foundation, 2013:120). The Walk Free

Foundation indicated that this number "is, most likely, a gross underestimate" (Walk Free Foundation, 2013:118 fn 476). In addition to cross-border trafficking, there is also a prevalence of domestic trafficking that occurs within South Africa's borders, and the largest movement of persons trafficked within the country is from rural areas to cities (Swart, 2012). The International Organisation for Migration (IOM) report on internal trafficking in South Africa (Bermudez, 2008:12) explains

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the country's high level of internal trafficking as being a result of "its unique socio-political history and stark economic inequalities". According to the IOM (Bermudez, 2008), victims trafficked internally in South Africa are generally recruited from regions with lower socio-economic status (such as Mpumalanga, Limpopo, Northern Cape and Eastern Cape), as well as the informal settlements or rural areas of the Western Cape, Free State and Gauteng. The victims are reported to then be mainly trafficked to the urban areas of Johannesburg, Pretoria, Cape Town, Bloemfontein and Durban (ibid.). The purpose for which victims are trafficked internally includes trafficking for the purposes of prostitution, domestic servitude, forced labour, begging, drug trafficking, criminal activity, removal of body parts and for sacrifice in rituals (HSRC, 2010).

Very often, the same criminal syndicates involved in international trafficking are involved in domestic trafficking as well (HSRC, 2010). The IOM (Bermudez, 2008) found evidence that syndicates working as employment agencies were trafficking coloured girls and young women from the rural areas of the Western, Eastern and Northern Cape and North-West province to work as domestic servants in the suburbs of Cape Town, where they were subjected to slave-like conditions and bonded by debt. It also found that adolescent girls and young women who left the exploitative domestic work situations were vulnerable to recruitment into the sex industry (ibid.). Alarming, in addition to criminal syndicates, the perpetrators of domestic trafficking also often include family members of the victims (HSRC, 2010). The HSRC report on trafficking in South Africa (2010), highlights that the domestic trafficking of children is often perpetuated by close family members, including the parents themselves. Young girls, in both rural and urban settings, are sometimes recruited by relatives who force them to work as domestic servants or exploit them for other forms of labour or sex work (HSRC, 2010).

adolescent girls and young women who left the exploitative domestic work situations were vulnerable to recruitment into the sex industry

According to the HSRC (2010), female offenders have a more prominent role in

present-day slavery than in most other forms of crime. The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT, nd) estimates that at least 42% of traffickers are women, while the United Nations Office on Drug and Crime (UNODC, nd) reports that in some parts of the world, women trafficking women is the norm. However, the women offenders' roles are more commonly that of intermediary rather than primary perpetrator, and these offenders include women who were victims of trafficking themselves (HSRC, 2010).

Women, and in particular, young girls, constitute the largest group of victims in all the various forms of trafficking (Martin, 2004). Trafficking for the purposes of sexual exploitation remains dominant in the South African trafficking landscape (HSRC, 2010). There are a number of factors which contribute to women, and especially young girls, being placed at risk of being victims of such trafficking. Some of these factors include: the prevalence of violence against women; concealment of incest and rape; discrimination and devaluation of women and children; a lack of educational opportunities; patriarchy; unemployment or underemployment; political instability; armed conflict and, natural disasters (Birkenthal, 2011-2012). According to the HSRC (2010), the demand for underage girls for the purposes of sexual exploitation is fuelled by perceptions that young girls pose less of a risk in terms of HIV, that they represent the 'sexual desirability of youth', the increase in underage sex tourism in big cities such as Cape Town, Durban, Johannesburg and Port Elizabeth, and by people looking for anonymity and vulnerable children who are available for prostitution (HSRC, 2010).

The real extent and magnitude of women and children trafficked to and from, and within, South Africa, remains unknown (Swart, 2011). It has been estimated that approximately 28 000 children are being trafficked to South African cities for the purpose of sexual exploitation every year (*Independent Online*, 'Human trafficking as terrible as slavery', 19 October 2008), although there is no official (available) data in existence which provides a definitive number of how many women and children are trafficked in South Africa. It is no different in the legal sector. Until recently, South Africa did not have a comprehensive legal framework which effectively addressed the crime

of human trafficking. Lack of an effective and comprehensive framework to address trafficking not only limits the capacity of government officials to arrest offenders, identify and assist victims, but precludes the collection of data about all forms of trafficking (Swart, 2011).

This article presents a brief review of the existing legal framework which is used to address the crime of trafficking, and discusses the limiting nature of South Africa's current laws. It then proceeds to provide an overview of the Prevention and Combating of Trafficking in Persons (TIP) Act, no 7 of 2013, with emphasis on the significant provisions which demonstrate a potentially important contribution to the combating of human trafficking. The article will draw attention to some of the challenges that are likely to be encountered in the implementation of the TIP Act, and how these problems could be addressed. I will conclude by highlighting the possible interventions which may make the Act and its provisions more widely accessible to women and young girls.

### **The limitations of the preceding legal framework**

In the absence of a distinct piece of legislation which exclusively deals with the crime of human trafficking in its entirety (considering all the elements involved), the pre-existing legal framework which sought to address this crime has been inadequate due to its fragmented nature. The perpetrators of human trafficking commit a series of other crimes in the trafficking process (Bales, 2005), and offenders could only be prosecuted for these 'other' crimes which exist under the common law and legislation. The common law crimes for which an offender could be prosecuted include the crimes of kidnapping, rape, murder and attempted murder, common assault, and assault with intent to do grievous bodily harm; although it must be noted that this list is not exhaustive. The established definitions of these crimes comprise of their own elements which have to be proved in order to secure a successful conviction, and sometimes even where all the elements have been proved, and a successful conviction has been achieved, the penalty which accompanies such crimes provides for relatively light punishment of offenders.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, no 32 of 2007, criminalises the act of trafficking of persons for the purposes of sexual exploitation, and the Children's Act, no 38 of 2005, criminalises the trafficking of children. The Criminal Law Amendment Act limited the purpose of trafficking to sexual exploitation, which overlooks the many other purposes for which women and young girls are trafficked. In addition, neither make provision for victim services (Swart, 2011). The absence of legislation specific to human trafficking limits prosecutors' capacities to deal with traffickers comprehensively (ibid.). As a result, human trafficking remains an under-reported crime and a majority of cases remain undiscovered.

### **The Prevention and Combating of Trafficking in Persons Act: A step in the right direction**

Even though the TIP Act is not yet operational, it is important to gain an understanding of the fundamental provisions of the law, and the role they will play in transforming the legal landscape of human trafficking in South Africa.

#### ***Defining "Trafficking in Persons"***

The most notable feature of the legislation is that it provides a comprehensive definition of the term "trafficking in persons". Section 4(1) of the TIP Act provides that:

"any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of threat of harm, the threat or use of force or other forms of coercion, the abuse of vulnerability, fraud, deception, abduction, kidnapping, the abuse of power, the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person for the purposes of any form or

manner of exploitation, is guilty of the offence of trafficking in persons.”

The effect of having this definition is that it provides a clear identification of all the elements that render a particular act a crime of “trafficking in persons”, thereby enabling the police officers to carry out their responsibilities in detecting and investigating the crime efficiently. Horne (2011:23) points out that in terms of this definition, human trafficking consists of three elements, namely:

**“action** (“delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives”),

**means** (“threat of harm, the threat or use of force or other forms of coercion, the abuse of vulnerability, fraud, deception, abduction, kidnapping, the abuse of power, the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person”) and,

**purpose** (“any form or manner of exploitation”).”

Furthermore, section 4(2) of the TIP Act provides that:

“any person who adopts a child, facilitated or secured through legal or illegal means; or concludes a forced marriage with another person, within or across the borders of the Republic, for the purposes of the exploitation of that child or other person in any form or manner, is guilty of an offence.”

### ***The meaning of exploitation: Casting a wider net in order to protect the vulnerable***

The TIP Act (section 1) defines exploitation as including, but not limited to:

“all forms of slavery, or practices similar to slavery; sexual exploitation; servitude; forced labour; child labour as defined in section 1 of the Children’s Act; the removal of body parts; or the impregnation of a female against her will for the purposes of selling her child when the child is born.”

The meaning of “exploitation” is broadened in order to take into account the various forms in

which women and children may be oppressed. Sexual exploitation may be the prominent purpose for which women and young girls are trafficked, but is not the only purpose. Women and children from Africa have been trafficked into South Africa for domestic servitude, and the largest movement of trafficked women and children for domestic servitude occurs within South Africa, from rural areas to cities (Swart, 2012). According to Swart (2012), women and children in domestic servitude may well be the most vulnerable and exploited people as well as the most difficult to protect. Section 5 of the TIP Act further criminalises “debt bondage”, and defines it as the:

“involuntary status or condition that arises from a pledge by a person of his or her personal services; or the personal services of another person under his or her control, as security for a debt owed, or claimed to be owed, including any debt incurred or claimed to be incurred after the pledge is given, by that person if the debt is owed or claimed to be owed, as reasonably assessed, is manifestly excessive; length and nature of those services are not respectively limited and defined; or value of those services as reasonably assessed is not applied towards the liquidation of the debt or purported debt.”

The criminalising of this form of exploitation is significant, as debt bondage is probably the least known form of labour trafficking, yet it is the most widely used method of enslaving people (Swart, 2012). According to Swart (2012), debt bondage is seen as one of the means used by traffickers to exploit women and children. Traffickers will often assist women in travelling, making illegal border crossings, and finding employment, often in the form of commercial sex work, domestic servitude and farm labour, and these trafficked women and children are then required to “work off” the debt they owe for the services provided (ibid.). These supposed debts become impossible to pay off because traffickers will increase interest and falsify accounting (Fowler, Che and Fowler, 2010) and trafficked women are prevented from escaping their situation as the traffickers have retained their travel documents, and because of violence and threats of violence against captive women or their families (Advocates for Human Rights, 2010). The

TIP Act (section 1) also includes “the removal of body parts” as a form of exploitation. This is relevant in South Africa as ‘muti murders’ are reported to be on the increase (HSRC, 2010). Muti murder refers to the killing with the purpose of harvesting body parts for use as traditional medicine (*muti*) (Swart, 2012). Muti killings are practiced widely in some rural areas in southern Africa (ibid.). According to the HSRC (2010), the majority of victims are women and children, although men are also targeted. Once victims are acquired through kidnapping, deception or exchange of money ie: the purchase of a child victim from parents or guardians, they may be held in what traffickers call ‘safe houses’, and then allegedly “sold” to church and faith-based groups for removal of body parts (HSRC, 2010:8). In addition to muti killings, the commercial harvesting of organs for the purposes of organ trafficking has been given wide publicity in South Africa. In the 2010 case of the *State v Netcare KwaZulu Natal (Pty) Ltd*, Netcare, a South African private hospital, pleaded guilty to 109 counts related to charges of illegal kidney transplant operations. In the Netcare case, the illegal kidney transplants took place between June 2001 and November 2003 where Israeli patients in need of kidney transplants were brought to South Africa for such transplants to be performed at St Augustine’s Private Hospital. The kidneys were bought from Romanian and Brazilian citizens who were willing to sell their organs (ibid.).

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Since the offence of trafficking in persons is so complex, there is a possibility that the operations of the syndicates that are perpetrators of this crime may become even more sophisticated in the future. This may result in the current scope of “means” and “purpose” as considered in the Act being too narrow, giving rise to situations which were not contemplated in the Legislature at the time of drafting. However, the inclusion of the words “but not limited to”, in the definition of “exploitation” in section 1, provides flexibility and makes provision for circumstances which were not expressly stated in the Act.

Another noteworthy inclusion in the TIP Act is the recognition of “abuse of power”,

“abuse of vulnerability”, and “other forms of coercion” as a means of trafficking victims (sections 4(1)(b),(c), and (h)). According to Mbecke (2010:1), around 14 million children live in deep poverty with inadequate access to basic services, and under these circumstances, children are vulnerable to being “sold” and trafficked for the purposes of sexual exploitation or domestic or agricultural labour. A majority of the South African population already experiences disempowerment as a result of the apartheid history of the country, and this disempowerment is aggravated by poverty which denies disadvantaged and vulnerable groups of people the opportunities to assume the socially prescribed roles of breadwinner. As a result of HIV/AIDs many vulnerable households are headed by children and grandmothers (Swart, 2011). Poverty, unemployment and the search for improved socio-economic opportunities contribute to the vulnerability of persons (in particular women and children) to trafficking (ibid.). The classification of “abuse of vulnerability” (section 4(1)(b)) as a means of exploitation is progressive as it acknowledges the socio-economic realities of South African women and children from disadvantaged communities, and how these play a role in their falling victim to trafficking. In addition to social and economic circumstances, the TIP Act lists disability, pregnancy, being a child, addiction to the use of any dependence-producing substance, and, being a person who has entered or remained in South Africa illegally or without documentation, as protected from an “abuse of vulnerability”.

The recognition of persons who have entered or remained in South Africa illegally or without documentation as “vulnerable” and in need of protection from abuse of that vulnerability is an important provision. According to Zlotnik (2003), the number of female migrants in the world has increased significantly. Most female migrants are forced migrants who have fled conflict, persecution, poverty, natural disasters and other situations that affect their habitat and livelihood (Martin, 2004). This migration of women, specifically within and from developing countries, raises a number of challenges to immigration and refugee policies that address issues relating to family reunification and formation, labour migration, trafficking and smuggling and forced migration (ibid.).

Female immigrants are particularly vulnerable and difficult to protect (ibid.). They are vulnerable to poverty, hardship, abuse, and they face discrimination both due to their status as migrants and due to their status as women (ibid.). Therefore, the protection of persons who have entered the country illegally or without documentation under the new TIP Act is a progressive step towards comprehensively addressing all the dynamics of human trafficking.

Interestingly, the new Act does not define the terms “abuse of power” and “coercion” (section 4(1)(b)(h)). The effect is that judges/magistrates will be tasked with interpreting these terms without any guidelines at their disposal. The reason for the absence of definitions for these terms remains unclear. It may be possible that the Legislature deemed “coercion” and “abuse of power” to be forms of abuse of vulnerability in themselves, and therefore considered its description sufficient as an ‘umbrella’ term.

### ***The sentencing of trafficking offenders under the TIP Act and the introduction of victim services***

A strength of the new legislation is that the conviction of trafficking in persons accompanies it harsher sentences which may serve as a deterrent for perpetrators. In terms of section 13(a), a person convicted of trafficking in persons as defined in section 4(1) of the TIP Act, will be liable to a maximum fine of R100 million or imprisonment, including life imprisonment, or both. Although it is important to note that section 13(a) does specify that these penalties are subject to section 51 of the Criminal Law Amendment Act, no 105 of 1997, which lays down the different discretionary minimum sentences that are to be applied for certain serious offences. The implication of this condition is that should the exploitation of the trafficked victim include the crime of rape, for example, then the judge/magistrate is required by law to impose a minimum sentence of life imprisonment, unless substantial and compelling circumstances exist which necessitate a departure from this sentence. However, section 13(a) does not prevent a judge/magistrate from imposing a sentence of life imprisonment as a penalty for other forms of exploitation (although section 14 of the Act lists factors that judges/

magistrates are required to consider in the sentencing process).

In addition to providing the necessary comprehensive legal framework which enables law enforcement agencies to investigate and convict perpetrators of human trafficking, chapter 3 of the TIP Act, establishes legal support for foreign victims of trafficking. The provisions in this chapter attach a positive duty on the State to provide sufficient shelter or rescue for foreign victims. The provisions also require that the State endeavour to ensure an atmosphere conducive for victims to testify, by providing for witness protection, the issuing of a visitor’s visa to a foreign victim in order to prevent such a victim being treated as an illegal immigrant. It affords the victim rights to be repatriated to their own countries at the expense of the State, and if that repatriation may result in harm to the victim, such victim may be assisted in applying for permanent residence within South Africa. Even though the new Act provides a type of safeguard for foreign victims in the form of a visitor’s visa or permanent residence status should they have entered the country illegally, it must be mentioned that sections 16 and 17 of the Act specifically provide that this protection is dependent on the victim’s cooperation in the investigation and prosecution of the human trafficking case.

### the TIP Act establishes legal support for foreign victims of trafficking

The TIP Act also draws a distinction between traffickers and victims of trafficking, in so far as it safeguards victims from being further penalised by the criminal justice system. This distinction is important in cases where a female trafficker was used to recruit other women, and where it transpires that the female trafficker is also a victim of trafficking herself. In this regard, section 22 of the TIP Act makes provision for persons who initially are criminally prosecuted for human trafficking, but are subsequently discovered to be victims of trafficking themselves, by prohibiting the criminal prosecution of such persons.

### **Possible challenges to the implementation of the Tip Act**

As with any legislation, implementation is often a major challenge to its efficacy. Law

enforcement plays an indispensable role in the identification and rescue of victims of trafficking, as well as the arrest and prosecution of the offenders (Horne, 2011). However, local and international activists, as well as some organisations like the Family Policy Institute in Cape Town and the Sex Worker Advocacy Taskforce (SWEAT) do not have much faith in the abilities of the South African Police Service (SAPS) to combat human and child trafficking (Swart, 2011). This lack of faith leads to difficulties in obtaining physical evidence from victims due to their fear of retribution from traffickers and their associates (Horne, 2011). The concern by SWEAT raises a distinction that is important in considering the implementation of the law and the protection and rights afforded to women and girls - that is the difference between adult sex work and human trafficking. Although SWEAT is an organisation that advocates for the rights of adult sex workers who have voluntarily entered the sex work industry, human trafficking also exists within the sex industry. Sex workers' isolation from authorities and services and the 'fluid' nature of the industry can have the effect of placing sex workers in a position where they are equally vulnerable to abuse, exploitation and trafficking (*Independent Online*, 'Human Trafficking in the sex industry', 31 July 2007)

The issue of a lack of confidence in the SAPS is one that may be addressed in a number of ways. One way of addressing the issue is that as part of the implementation process of the Act, police officers be trained on the provisions of the Act, as well as the dynamics of human trafficking itself, a concern addressed in more detail below.

The training of the law enforcement sector, as well as the judiciary, is crucial in the successful implementation of the new TIP Act

The issue of police corruption also requires urgent attention. The corruption of police officers and border officials has been identified as playing a role in the trafficking of women and children across borders (Swart, 2011). The relationship between police corruption and women and child trafficking was confirmed when *Media24* unveiled a syndicate who trafficked young girls between Mozambique and South Africa in March 2010 (*ibid.*). According to Nando Matsingi, head transporter of the

syndicate, "women were smuggled through the Lebombo post by friendly policemen" (*ibid.*:31). Police corruption must be addressed in order for confidence to be restored in the country's law enforcement officers, and for the legislation to have the intended effect.

Implementation challenges may also exist at judicial level. Judges and/or magistrates (as well as prosecutors) must be trained and sensitised to handle trafficking cases. This training must include education on the provisions of the new Act, and the dynamics of human trafficking itself. Since women and young girls are the main victims of all forms of trafficking, this training must also incorporate a gender-sensitive lens. The United Nations Handbook for Legislation on Violence Against Women (UN, nd) (hereinafter referred to as 'The UN Handbook'), recommends gender sensitivity training on violence against women and proposes consultation with non-governmental organisations (NGOs) in the process of training development. This gender-sensitive lens may include a contextual understanding of why and how women and young girls (specifically) fall prey to human trafficking, and explain the effect that the exploitation that the women and young girls have suffered as a result of being trafficked may influence their ability or willingness to fully cooperate in the investigation of a human trafficking case or in testifying in a human trafficking trial. Judges, magistrates, police officers and prosecutors must then be provided with the skills necessary to successfully (yet sympathetically) engage women and young girls in order to secure their cooperation. The training should also incorporate awareness on the issues surrounding female migration. Furthermore, the United Nations Entity for Gender Equality and the Empowerment of Women (nd) (hereinafter referred to as the 'UN Entity for Gender Equality'), provides that in matters relating to violence against women, training should be mandatory for judges, magistrates, police officers and prosecutors and focus on both the criminal and civil aspect of cases. For example, human trafficking cases often involve separate immigration and employment issues, in addition to the criminal aspect. This means that all law enforcement persons (including prosecutors and members of the judiciary) will require specialised training.

The UN Entity for Gender Equality (nd) has identified a poorly trained justice sector as a

factor which aids in perpetuating violence against women. The training of the law enforcement sector, as well as the judiciary, is therefore crucial in the successful implementation of the new TIP Act. Moreover, the success or failure of the Act will only be evident once matters are brought before the courts, as case law provides valuable insight into the direction that the law is taking in the interpretation of the provisions of the Act.

### Conclusion: Moving forward to interventions

It is clear that human trafficking is a widespread and ever-increasing crime which primarily affects women and children. It is important for women and young girls to be made aware of the provisions of the TIP Act, in particular the rights and remedies available to them should they become victims of human trafficking. Furthermore, awareness of their rights will alert them to different preventative measures that they can take in order to safeguard themselves from falling victim to human trafficking, as well as the need to report trafficking.

through intervention with teachers the provisions of the Act will be made accessible and understandable to the learners

The effective implementation of the new TIP Act will require community support. According to the UN Entity on Gender Equality (nd), the implementation of any new laws and policies is most effective when paired with the development of a community-wide strategy that ensures that all members of the community respond in a consistent way to violence against women. It suggests Coordinated Community Response (CCR) programmes which will engage the entire community in efforts to develop a common understanding of violence against women and to change social norms and attitudes that contribute to violence against women. This means that law enforcement, civil society, health care providers, child protection services, educators, local businesses, the media, employers and faith leaders should be involved in a coordinated community response (UN Entity on Gender Equality, nd). The focus of the CCR must be to provide victim safety and support as required in the

TIP Act, create awareness of the new Act among women and young girls, and ensure that offenders are punished accordingly.

The responsibility of providing such awareness to women and young girls, should lie with institutions such as the Departments of Education, Social Development, and Justice and Constitutional Development. A way in which the Department of Education can play a role is through the introduction, or integration, of the topic of human trafficking and the TIP Act within the curriculum of the Life Orientation learning area in schools. The Life Orientation learning area was introduced in order to develop:

“skills, knowledge, values and attitudes that empower learners to make informed decisions and take appropriate actions regarding health promotion, social development, personal development, physical development and movement, and orientation to the world of work” (Department of Education, 2004:4).

The Curriculum Statement includes health promotion as a focus area in order to address issues relating to “nutrition, diseases including HIV/AIDS and Sexually Transmitted Diseases (STDs), safety, violence, abuse and environmental health” (Department of Education, 2002:5).

The topic of human trafficking encompasses issues of safety, violence, abuse and health issues, such as prevention of HIV/AIDS and STDs. Therefore, the Department of Social Development (with the collaboration of the Department of Justice and Constitutional Development) should provide funding and support to organisations that work with women and gender issues, for the purposes of bringing awareness to and educating teachers on the issue of human trafficking and the TIP Act. Teachers need not be taught the entire Act, as they are not legal professionals and may have difficulty in understanding the legal jargon. However, they do need to be made aware of the important provisions relating to the ways in which victims may be trafficked, how victims are protected by the Act, and other issues which are linked to human trafficking. After obtaining this knowledge, teachers can transform and transfer it to the learners in posters and other learner-friendly formats. Through intervention with teachers the provisions of the Act will be made

accessible and understandable to the learners, and thereby reach vulnerable groups of girls.

NGOs and child protection services can also be encouraged to assist the law enforcers in understanding the dynamics of human trafficking in order to guard against situations where police responses to trafficking cases further endanger the victim.

Chapter 4 of the TIP Act requires that any person, child protection organisation or any other organisation who comes into contact with either a child or adult person whom they suspect to be a victim of trafficking must immediately report that child or adult person to a police official for investigation. Chapter 4 imposes this duty on every person and organisation irrespective of any law, policy or code of conduct which prohibits the disclosure of personal information. The TIP Act specifically provides that such person or organisation who reports a child or adult suspected to be a victim of trafficking, will not be liable to civil or disciplinary action on the basis of the report, if such report violates a law, policy or code of conduct which prohibits the disclosure of personal information.

Raising awareness of this section of the Act (along with other provisions of the Act and the topic of human trafficking itself), will have a far-reaching effect in encouraging community-wide action. Once community members and religious and cultural leaders are aware of the dynamics (including gender-sensitive aspects of the law) of human trafficking, they will be better equipped in identifying women and young girls who may be victims of trafficking, but who are unable to escape their captors on their own.

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