



SOUTHERN AFRICAN  
MIGRATION PROJECT

# M I D S A

**Migration Dialogue for Southern  
Africa**



IOM • OIM

INTERNATIONAL  
ORGANIZATION  
FOR MIGRATION

**Summary Report and Recommendations of the MDSA Workshop on:  
“REGIONAL PROTECTION MECHANISMS FOR VICTIMS OF HUMAN TRAFFICKING  
IN SOUTHERN AFRICA”  
23-25 April 2008  
Durban, South Africa**

### ***Countries, Presenters and Observers***

The MDSA Workshop on Regional Protection Mechanisms for Victims of Human Trafficking in Southern Africa was held from 23-25 April 2008 in Durban, South Africa. The governments of Angola, the Comoros\*, the Democratic Republic of the Congo, Lesotho\*, Madagascar\*, Malawi\*, Mauritius, Mozambique\*, Namibia\*, South Africa\*, Seychelles\*, Swaziland\*, Tanzania\*, Zambia\* and Zimbabwe\* participated. The Royal Norwegian Embassy in South Africa, the Embassy of the United States of America, USAID, the Gender Unit at the SADC Secretariat, NAPTIP from the Government of Nigeria, FSCE from Ethiopian civil society, Mercy House, Ikaya Le Themba, and Lawyers for Human Rights were represented by observers or presenters.

### ***Summary of Proceedings***

#### **The Opening Session**

**Mr Hans-Petter Boe, IOM Regional Representative for Southern Africa**, welcomed all the participants to the workshop, noting that there had been several previous MDSA workshops on the subject of human trafficking, a pervasive global and regional trend that confines with blatant disregard for human dignity and that requires ongoing attention by lawmakers and officials across many government departments. Mr. Boe acknowledged and welcomed the presence of Members of Parliaments from the various countries and expressed his view that the participation of those who are involved in the policy and lawmaking processes would enrich the discussions and the outcome of the workshop. He lamented the absence of SAMP due to recent resource challenges and restructuring.

The keynote address was made by the Deputy Minister of Home Affairs of South Africa, H.E. Mr M Gigaba. The Deputy Minister thanked IOM and SAMP for convening the workshop and expressed the need for sustained focus, dialogue and discourse on the matter of Human Trafficking. The vulnerable, specifically women, were highlighted as those most at risk to becoming VoTs. Further mention was made that Human Trafficking is not only a cross border activity but also occurs internally within a country's borders. The global increase of irregular migration further emphasises the necessity to address the needs of those that fall prey to Human Trafficking. In the SADC region an increase in irregular migration is being experienced due to reduced human security in certain countries, but in response the focus should shift from control and combat of migration to migration management. Governments should take the challenges of

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\* Country delegations that included Members or Clerks of Parliament

immigration seriously and action should be taken. The Deputy Minister stated that Human Trafficking is a violation of human rights and... "It is time to stop the traffic!"

### **Session 1-Setting the Scene: global and Regional Trends**

**Ms. Maria Moreriane, Victim Assistance Specialist with IOM in South Africa**, spoke regarding the protection needs of VoTs and in doing so highlighted several best practices that have been employed in the region and beyond, in various anti-trafficking measures to protect victims. Essential components of protection include an integrated multi-agency approach to ensure assistance and protection; identification and referral with specific reference to the successful use of national help lines; assistance measures as a continuum of identification; a reflection delay period to address the residency status of VoTs; temporary residency permits issued to those considered to be high risk cases; legal representation; and unconditional support, regardless of whether a victim would choose to assist in a case.

One participant from Lesotho commented that human smuggling and human trafficking should be clearly defined to ensure clarification. Ms. Moreriane responded that both these concepts have been defined by the UN Convention Against Transnational Crime. Mr. Boe responded and summarised the definition highlighting the difference between these two concepts. A participant from South Africa enquired if there are any countries within the region or the continent that are considered to have applied best practices. Ms Moreriane responded that the list of best practices was not exhaustive. Another participant from Zimbabwe acknowledged that VoTs require assistance, but resources are limited and each country faces many challenges to ensure that the vulnerable are provided with the necessary services.

**Ms. Elizabeth N. Kakukuru from the Gender Unit at SADC Secretariat** provided the perspective of the SADC Secretariat with a specific focus on the Gender Protocol. The vulnerability of women and girls due to extreme poverty was mentioned as well as the prevalence of internal as well as cross border trafficking. The effect of HIV/AIDs and thus the occurrence of child-headed households added to the vulnerability faced by women and female children. The SADCs response to protection of VoTs includes policy development and capacity building. The Gender Protocol states that countries will be assisted to create and adopt legislation, to form networks for law enforcement agencies to share information, to collect data and report on it, and to obtain assistance with bilateral and multilateral agreements for support to law enforcement. The protocol will be submitted for acceptance and signature at the 2008 Heads of State SADC meeting in August 2008 in South Africa.

A participant from Lesotho asked for clarification on the Protocol and wanted to know to what extent sensitisation workshops have been carried out. Ms. Kakukuru responded that consultation with all stakeholders has been held and the final meeting will take place in the next few weeks. Mr. Boe commented that during the recent SADC meeting in Mauritius states were called upon to ratify the Protocol. Another participant from Zimbabwe expressed agreement and called for further sensitisation. He further mentioned that governments have to acknowledge and address Human Trafficking as an issue needing urgent attention. Another participant from South Africa asked how many SADC countries currently have legislation specifically addressing Human Trafficking. In addition Ms. Kakukuru was asked what assistance the SADC Secretariat provides to states developing legislation. Ms. Kakukuru responded that only Mozambique has developed and accepted legislation. SADC receives support to develop legislation and currently resources are being mobilised to assist states. Adv Beatri Kruger, Department of Criminal and Medical Law, University of the Free State stated that South Africa has existing legislation such as the Sexual Offences Act and the Children's Bill to address Human Trafficking. A participant from

Mozambique stated that they have recently adopted legislation to directly address Human Trafficking. The role that civil society played in the development of this legislation was highlighted. The focus is not only on prosecution but also on protection.

**Adv Beatri Kruger, Professor at the Department of Criminal and Medical Law, University of Free State, South Africa** provided an overview of the obligations of SADC states in providing appropriate protection to VoTs. A holistic approach to ensuring protection of VoTs has to include both prevention and prosecution. Most SADC countries have signed and ratified the International Instruments ensuring protection to VoTs. Human Trafficking was defined with specific reference to the Trafficking in Persons Protocol (TIP Protocol) and the obligation of states as described by the Protocol. Obligations differ according to the exploitation but include safety, assistance (medical, psychological, material), counselling, information, recovery (physical, psychological, social), other (training, employment, housing), legal assistance, reintegration and repatriation. Although these obligations are many, with the necessary training and knowledge, countries can work together to address and successfully eradicate Human Trafficking.

**Mrs. Lily N Oguejiofor, Director, Counselling & Rehabilitation, NAPTIP, Nigeria** gave an in-depth presentation on the Nigerian Approach towards Tip, and in particular towards protection of victims. The Nigerian approach is regarded as a best practice. Awareness-raising activities in the early nineties highlighted the plight of VoTs and had a direct influence on the development of national legislation in 2003. Nigeria was also directly involved in diplomatic negotiations to adopt the TIP legislation. NAPTIP was established as a law enforcement and rehabilitation agency involved in prevention of trafficking, prosecution of traffickers as well as counselling and rehabilitation of VoTs. The Agency has proven to be highly successful and has been charged by law to implement Counter Trafficking activities. Strategies adopted include research, networking, joint investigative mechanisms (NAPTIP co-ordinate all the activities), regional/provincial offices, prosecution, establishment of victims assistance and care, public enlightenment and sensitisation campaigns, investigation and monitoring through a national data base. Challenges mentioned included dependency, deportation from other countries, lack of institutionalised witness/victim protection programme, exploiters in destination countries and cultural believes.

Dr. Gajdadziev, IOM Kyiv, raised a question of access to victim data and Mrs. Oguejiofor responded that access is only given to recognised institutions and even then only limited information is shared. All information is password protected and a username is required. Procedurally, limited information is provided for the assisting organisation to provide the service.

## **Session 2: Protection Mechanisms for Victims of Trafficking; Update from Participating countries**

**Angola** The country suffered 18 years of prolonged war which, affected women and children more. Commitments have been made to enhance the lives of children and combat sexual exploitation of children. There are 17 articles of law still to be adopted and presented to court.

UNICEF and IOM have conducted workshops and also provide assistance with cases of trafficking involving children. Five areas of assistance have been identified and these will be looked into when developing legislation and include, negligence, pornography and objectifying of a child, child abuse, exploitation, and prostitution. A data base and helpline will be established and so far 10 cases involving children have been identified and the traffickers have been prosecuted. A network of NGOs in the community detects child abuse cases, deals with witchcraft and also addresses the rights of children.

**Lesotho** The problem of human trafficking is no longer perceived one for Lesotho, but rather a real one. Although, there is still no legislation that yet deals with it there are pieces of common law and foreign act legislations that are available but not necessarily related to trafficking. Debates on the development of human trafficking legislation have begun and the information gained at the workshop will be useful when looking at mechanisms for protection of victims.

**Madagascar** The country has laws that protect children from abuse and other forms of violence; the UN Protocol together with other laws, that relate to child sex tourism and crime boundary laws. There are services for children such as shelters, legal clinics, UNICEF also assists on issues of child labour and exploitation, and a multi-sectoral network for the rehabilitation of children including medical and psychological services. Awareness raising campaigns are held on the issue of child sex tourism and exploitation of children.

**Malawi** This is a source country where women, men and children are trafficked for purposes of sexual exploitation and forced labour. Children are especially trafficked for cattle herding and domestic servitude. On the lake shores there are a lot of unconfirmed reports regarding child sex tourism.

Many women receive job offers to go and work in South Africa.

Challenges that the country faces are related to the lack of legislation to appropriately respond to trafficking which makes it even more difficult to develop mechanisms for prevention, return and reintegration of victims due to lack of resources.

It is also a challenge for prosecutors to prosecute cases sufficiently. Legislation dealing with child care was approved by parliament to assist with cases regarding protection of children. Other pieces of legislation used to prosecute cases involving children are child labour and kidnapping laws. Sometimes perpetrators are fined, asked to pay for compensation or given warnings.

In 2006 law enforcement and prosecutors were provided with training on human trafficking. In March 2007, 74 police officers nationwide were also trained to provide services to children. In Lilongwe there is an NGO that provides services to victims and UNICEF assisted in establishing a rehabilitation centre that offers counselling services to children. Also the Department of Social services provides assistance to victims.

A national code of conduct for farmers, schools, hospitals and youth clubs has also been established.

Malawi is presently placed under tier 1 in the US TIP report and is making significant efforts to fully comply with the minimum standards to eliminate trafficking in persons.

**Mauritius** There are no available statistics on reported cases of human trafficking. The legislation process is underway and a draft bill will be reviewed with the technical assistance from the United Nations Office on Drugs and Crime.

There is a need for more harmonisation regarding issues of protection and prosecution together with repatriation.

A coordination body will be set up and a trust fund will also be set up to assist victims.

The present pieces of legislation available put emphasis on child abuse and sexual exploitation of children; also criminalizing other acts such as the selling of children. Other Laws include the child protection amendment bill and the Human Tissue Bill, which addresses the commercial selling of human organs.

SOS NGOs also provide assistance to women and children and media plays an active role in raising awareness.

**Mozambique** Through partnerships between, parliament, community and civil society, government has ensured that women and children are protected. Various studies that have been carried out that show that human trafficking is a growing problem which, involves organised

criminal groups. Due to economic vulnerability people become victims of this crime and furthermore they are also psychologically exploited. The adoption and approval of the law on human trafficking, shows that there is political will on the part of the state. A national development plan will be put in place to ensure that NGOs assist victims and respect their human rights. The police stations also offer assistance to women and children through the special directorate of the rights of children.

**Namibia** There is no legislation at the moment to criminalize TIP but IOM studies have shown that TIP is taking place. The ministry of Labour and Social Development report a number of practices related to TIP which are taking place in the country. Commercial cross country trucks are seen as targets in the provision of transportation of victims who are trafficked to farming and industrialised areas. Under the Ministry of Gender, Equality and Welfare there is legislation regarding the protection of women and children against abuse and degradation. Unfortunately, these laws are not effective in addressing TIP and we therefore need to strengthen border control. The Immigration Control Act can be used to prevent TIP and automated systems at the border would also be useful to better monitor the situation effectively. IOM has conducted workshops for immigration officials.

Namibia seeks further cooperation with IOM and other governments in developing a TIP law and putting mechanisms in place for victim protection.

**Seychelles** This is an island with no borders and therefore does not experience human trafficking. Mechanisms do exist to deal with TIP such as the ratified International Laws, Constitution, Criminal Law and Penal Code. Voluntary return of victims as a concept is yet to be integrated into the existing laws. Local legislation is not yet harmonised for addressing the issue of victim assistance.

24 Chinese migrants who were trafficked were successfully repatriated back to their country.

**South Africa** The South African Law Reform Commission (SALRC) is still finalizing the draft bill. The Sexual Offences Bill and the Child Care Act criminalise certain conducts which are in line with trafficking. A 10 member national task team has been formed to address the problem of trafficking. This team is chaired by the National Prosecuting Authority and according to the national action plan responsibilities are allocated to the different members of the team.

**Swaziland** Although legislation does exist, the conference has been an eye opener in terms of other issues needing to be addressed via legislation. The constitution of the country has been recently adopted and other laws are being formalised to be in line with the constitution. UNICEF together with existing NGOs assist in drafting a bill on the protection of children and this bill will be submitted to parliament for adoption. UNDP and UNICEF legal consultants will offer technical assistance with the drafting of the trafficking law.

**Tanzania** This country is bordering by 8 countries and serves as a transit country for source and destination countries. More awareness raising activities have to be conducted. The international provisions of law have been signed and ratified but trafficking is not really a serious problem except for Dar es Salam where a few case were identified.

Other international treaty and protocols that have been ratified are the ILO laws dealing with the worst forms of child labour and minimum age etc. There is strong political will to deal with cases relating to the exploitation of children. The country does have comprehensive legislation dealing with labour related matters and hope to develop legislation on trafficking.

The causes of TIP are related to poverty whereby women and children move from the rural areas seeking better opportunities in the urban areas.

The country seeks IOM's assistance in developing and promulgating a law on TIP.

**Zambia** TIP is a new issue for Zambia and the country ratified the UN Protocol in 2005. There is progress in developing the law on TIP which will be presented to cabinet in the next few weeks.

Two traffickers are presently serving 15 years each, and in 2006 a trafficker was convicted for selling his son for \$250 and was sentenced to 20 years in jail. Zambia has child friendly courts and a one stop centre at a university which offers medical assistance, counselling, and shelter. With the assistance of Care International these centres will be replicated around the country.

The government makes documentation available to victims and the department of Social Welfare offers assistance to children by conducting visits and family tracing and reunification.

NGOs offer assistance to child victims with the help of UNICEF, ILO and IOM. A hotline has been established and training of law enforcement has been taking place with the assistance of IOM.

A partnership with IOM and NGOs is in existence to ensure assistance of victims. Challenges identified are related to lack of transportation for police officials, lack of protection services, lack of data on internal trafficking and lack of awareness regarding TIP.

**Zimbabwe** No specific legislation on TIP is available but measures are being put in place to develop legislation through an interdepartmental working group supported by the IOM. Observations have been made regarding the high movement of people from the Great Lakes and the Horn of Africa regions travelling through Zimbabwe. Some of them are believed to be refugees or asylum seekers. These people are kept in the refugee camps and once their status has been sorted they leave the camps and these camps are not well monitored.

IOM Zimbabwe conducts different awareness raising campaigns and also provides assistance to VoTs.

### **Session 3: Special Considerations for the Protection of Victims**

**Dr. Vasil Gajdaziev, IOM Kiev** addressed the need to ensure women's right to health of around the world and in particular the interventions needed to properly assist VoTs. Dr. Gajdaziev focuses on the various conditions of health throughout all stages of the trafficking process. Dr. Gajdaziev addresses the results of comprehensive studies that have been conducted on VoTs in Europe, indicating that the health services provided to VoTs has dramatically lowered their symptoms of illness. Health interventions have helped relieve the most common symptoms such as headaches, sexual reproductive health problems, back pains, memory loss and fatigue.

A VoT will experience little ability to comprehend the trauma that was undergone. Therefore, a period of recovery and reflection must be considered and applied for a reasonable time, in order for women to gain a chance of recovery and minimisation of trauma symptoms.

Dr. Gajdaziev recommends that we take equal responsibility to call attention of health complications and to ensure implementation of health services for VoTs. Furthermore, governments will have to respond to the health needs of VoTs' sexual, mental and psychosocial health care. Moreover, professional procedures related to health concerns must be put in place to officials holding VoTs in custody. Additionally, countries implementing service programs must agree to the 90 days Reflection and Recovery – during which the victims are receiving adequate physical and socio-physical health. Women should not be forced to return to states where their health needs cannot be addressed. Lastly, he indicated that states need to implement prohibition of the removal of VoTs before they have reached adequate health phase.

**Ms. Zemzem Gemal Geda, FSCE** -the Forum on Street Children of Ethiopia focused on the protection of vulnerable children susceptible to trafficking. FSC-E works together with the Police Child Protection Unit that facilitates rescue, referrals and legal aid. Throughout the past years there has been a steady increase in the number of cases referred to the police, indicating a rise in community awareness regarding the issue of human trafficking. Moreover there has also been an increase in the number of successful family reunifications.

Although the success is undisputable, Ms. Gemal Geda addressed some of the major challenges that face this field of work. Mechanisms of follow ups on safety, methods of identifying traffickers and finding solutions for children who cannot be united with families remain inadequate. Ms. Zemzem Gemal Geda encouraged other civil society organisations to prioritise the provision of credible information in order to facilitate the protection of VoTs – as there can be no intervention without adequate information. She also urged civil society organisations to be at the forefront of strategy build-up and the monitoring of state interventions. Finally, she highlighted the importance of understanding and enhancing the concept of child centred protection. Children are entitled to specific rights and needs – civil society organisations need to consider childrens’ rights and their needs as VoTs.

**Sister Colleen of Mercy House** made a presentation focused on the role of faith based organisations that have been called to share in this mission and assist and protect those in need. The Sisters of Mercy have, since 1998, tended to the special needs of women who are subjected to domestic violence. At Mercy House the women receive counselling and support to eventually become self sufficient. The shelters offer its residents security, basic comfort, professional care, individual counselling, life skills and skills training.

Sister Colleen accentuated the importance to provide space for privacy, especially for VoTs. Mercy House has a separate room for VoTs where they have a place to rest, read and write. There is also a prayer room for private meditation, as VoTs embrace religion as everything has failed. Sister Colleen further explained that Mercy House shelters VoTs, who need counselling and life skills in order to be reintegrated into society and to become economically self sufficient. Nevertheless, protecting VoTs is a difficult issue and requires cooperation with other stakeholders. By taking part in the international network of sisters, the Sisters of Mercy have been able to work on grassroot levels providing information and direct services.

**Mrs. Kaajal Ramjathan-Keogh, Lawyers for Human Rights in South Africa** focused on the legal issues relevant to protecting VoTs. In short, these would concern areas of return, health care, labour and employment rights. The options for return and the need of legal advice and representation is a focal point in the protection mechanisms for VoTs. Although there is no legislation in South Africa dealing solely with VoTs - the suggested bill (2006) will deal with whether criminalisation should be installed against traffickers. As it is today, VoTs have the option whether to decide to contribute to prosecution of traffickers. In the absence of counter trafficking legislation, victims can use the Criminal Procedure Act 51 of 1977 against traffickers. A temporary residence permit is available for VoTs to facilitate possible prosecution of traffickers.

Mrs. Kaajal Ramjathan-Keogh also accentuated that VoTs should be treated in a dignified manner and ideally able to go through a voluntary return process. Although in many cases, embarrassment has hindered the victims’ return. Moreover, the issue of victims being re-trafficked in country of origin was raised. On the same note, the law has resorted to involuntary return when there has been no valid reason for VoTs to remain in the country or if they refused to give any information on traffickers. Mrs. Ramjathan-Keogh continued to explain the need for

labour protection, as VoTs often find themselves in difficult employment situations. Since South Africa has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families it is difficult to legalise the status of immigrant workers.

### **Discussion**

Mr. Burton Joseph, Director of South Africa's Immigration Policy confirmed the newly accepted clause assuring the rights of migrant workers- that have obtained an employment contract in South Africa. He further reassured that the ILO conventions - the fundamental ones- and the provisions of these conventions are contained and approximate to the UN convention of migrant workers. Furthermore, he emphasised that there is no denial on the behalf of the South African government towards the rights of migrant workers and South Africa is a signatory to 8 of the international workers conventions.

Hon. Edger Sing'ombe (Zambia) expressed gratitude for the knowledge that had been shared by the presenters and in particular commented on Sr. Colleen's work – applauding her for the commendable job.

With regard to Ms. Zemzem Gemal Geda presentation the Zambian delegation also commented on their child protection unit, and that in the coming weeks (May 5<sup>th</sup>) Zambian police would be training on child witnessing, which helps prosecutors to understand the witnesses better. Furthermore Zambian CPU would take part in training which facilitates the inclusion of children in the witness process.

Facilitator of the session, Dr. Maria Manuela Coelho closed the discussion by agreeing that there is a strong call for a regional common approach to protect our children.

**Susan Le Roux, Victim Assistance Specialist with IOM in South Africa**, spoke about the very important issue of 'voluntariness' as it relates to VoTs. The idea of voluntariness means that a VoT that has been rescued and is offered assistance from IOM, should not feel coerced, but is free to choose. In addition, all information needed in order to make decisions, should be available in the relevant language. The victim must be able to control their life and thus make decisions based on accurate updated and correct information. Under no circumstances should VoTs feel pressurized to accept any services from referral to repatriation and reintegration stages. Furthermore, during this entire period all information shared must remain confidential. Any information that is shared with a third party has to be so for an obvious and acceptable reason.

Ms. Le Roux highlighted that VoTs have experienced violations of their human rights and that these rights need to be reinstated. As such the voluntariness process shall ascertain the right to the best possible assistance without discrimination on the basis of gender, age, disability, colour, race, religion, language, political beliefs or other status. Voluntariness should encourage VoTs' participation in decision-making and thus help restore their autonomy and sense of self. Each VoT that is provided with services from the IOM will sign a consent form and a declaration of voluntariness form so as to confirm the understanding of rights as well as obligations when taking part in the SACTAP victim assistance program.

### **Discussion**

A participant queried about returning children VoTs and what assistance is offered. Ms. Susan Le Roux mentioned that reintegration assistance is available and also that IOM partners with NGOs to monitor the reintegration specifically in countries where there are no designated IOM offices.

Furthermore, the same participant mentioned returning women who were taken during the war in the DRC and now find themselves destitute in neighbouring countries and asked how this

relates to the issue of trafficking. Susan Le Roux responded that IOM has assisted a number of women who were returned from Uganda and provided them with reintegration upon arrival in the DRC.

As a response the participant also called for a similar forum to MDSA to address this issue.

**Plenary discussion** – *Facilitated by Alison Wainwright, Director, Ikaya le Themba*

Allison Wainwright, Director of Ikhaya Le Themba facilitated the plenary discussion on the protection needs of victims of trafficking. Ikhaya Le Themba is a one stop service centre for victims of sexual violence and abuse. Ms Wainwright invited Sister Coleen Wilkinson from Mercy House, Ms Oguejiofor from NAPTIP and Ms Zenzem Jemal Geda from FSCE to be part of the panel. Participants were invited to address questions to the panel. Topics discussed included the importance of voluntary participation in all services provided to victims of trafficking. Participants also wanted more information on experiences from the panel with regard to the psychosocial needs of victims. Ms Oguejiofor provided examples from the Nigerian experience including the importance of building a relationship of trust with victims to ensure effective counselling interventions. Sister Colleen Wilkinson emphasized the importance of ensuring that a safe and stable environment is provided to all victims prior to return to country of origin. This will ensure that victims engage more freely in activities and also have a positive effect on psychosocial interventions. Ms Wainwright shared experiences of Ikhaya Le Themba with the participants including the importance of cultural sensitivity to the needs of all victims.

**Session 4: Towards a Common SADC Approach: BREAKAWAY GROUPS**

In this session participants were asked to break into three groups to discuss in detail issues pertaining to aspects of protection for victims of trafficking. They were asked to focus on three key areas that the groups considered as those of concern for protection of victims of trafficking. The groups were further asked to make recommendations on the basis of these three areas, both at the national and regional levels.

**The Closing session** of the workshop saw the presence of the Deputy Mayor of Durban Mr. Logie Naidoo. A senior official from the Zambian police service, Dr. Martin Malama made a Vote of Thanks, on behalf of conference participants, and pledged to utilize in Zambia the key issues discussed at the conference. Mr. Naidoo spoke to the historic challenges of migration management in the southern African region and said he was heartened by the efforts of governments and the IOM to discuss difficult but important issues such as the one at hand. He thanked IOM for hosting the event in Durban, which itself has served as a crossroads for migration. Mr. Hans-Petter Boe, IOM Regional Representative for Southern Africa, thanked the participants for the fruitful discussions and urged all governments to continue to work on the criminalization of trafficking and in the very important area, of protecting the victims of this trade. He expressed his gratitude to the Members of Parliament, the Deputy Mayor and all participants for the important roles that they all played at this important moot.

The draft conclusions and recommendations from each group had been compiled by the Secretariat, and were discussed in this session. The final conclusions and recommendations were put forth by consensus as below:

## **CONCLUSIONS AND RECOMMENDATIONS**

Recognising that trafficking of human beings is emerging as a significant and pervasive migration management related challenge in the Region and cognisant of the need to take concrete measures to afford protection to victims of the trade both at the national and regional levels, participants to this MIDSA workshop have drawn the following recommendations:

1. Workshop participants recognised that addressing the protection needs of VoTs requires the development and implementation of comprehensive anti-trafficking laws. They encourage Governments in the Region to take necessary legislative measures to criminalise human trafficking and address the protection needs of victims, and further emphasised the need to harmonise legislation at the regional level in order to ensure a common approach.
2. SADC is called upon to consider adopting a Protocol that would criminalise trafficking in persons and provide for the protection of the victims of the trade. Meanwhile, States in the Region should negotiate bilateral and multilateral agreements to establish mechanisms for information sharing and coordination as well as appropriately addressing the needs of victims.
3. Regional States are also called upon to use existing international law enforcement coordination bodies such as ICPO (Interpol) and SARPCCO to coordinate their responses to have a unified approach on the issue of human trafficking at the managerial and operational level.
4. Participants called for urgent capacity building of public service and civil society structures at all levels. States are urged to undertake specialised and inter-disciplinary training to equip all stakeholders to address protection needs of victims, while also facilitating rapid information exchange and coordination. At the same time participants requested continued research, and assessment into evolving trends in human trafficking to assist governments in formulating their policy responses. In both these regards, states are encouraged to call on international organisations such as IOM, UNODC, UNICEF and others to share their expertise.
5. Participants agreed that public education and awareness-raising programmes around human trafficking and relevant laws need to be designed on the national level, to address the information needs and educational requirements of particularly vulnerable groups, and also to sensitize relevant players in law enforcement agencies, social, judicial and educational institutions, as well as communities at large.
6. To the extent possible, States are urged to ensure the allocation of budgetary and human resources to respond to trafficking in persons and protect VoTs. International partners are encouraged to support governments and organizations mobilizing resources for these purposes.
7. Participants recognized that proper management of borders prevents irregular migration in general, including the trafficking in persons. As such, States must put in place necessary individual and joint measures to effectively control their borders, including procedures to assist victims should they be identified.

8. Measures of comprehensive assistance specifically designed for and addressing the special needs of VoTs need to be made available at the national level. Such services include safe, secure and dignified shelter, medical treatment aimed at ensuring mental as well as physical well-being, psychosocial support, and empowerment opportunities through education and skills training.
9. Participants are cognizant of the vital nature of legal assistance to victims prior to, during and after a court trial. States and the legal community should endeavour to ascertain that this form of assistance is made available to victims identified/rescued in their territories and would at a minimum include court preparations, support throughout the course of proceedings, and post-trial debriefings. Support of 'law clinics' is encouraged.
10. Participants felt that to the extent laws provide for it, it is important to publicize information pertaining to known traffickers as a discouragement and to ensure that the public is sufficiently informed and thereby effectively protected from traffickers. Convicted traffickers should be required to undergo rehabilitation.
11. Governments are called upon to establish and maintain designated one-stop health and counselling service structures, including child victim support systems, to provide easy access to comprehensive services for VoTs.
12. Recognizing the need of special protection for children as established in the Child Rights Convention (CRC) and the African Charter for the Rights and Welfare of the Child, participants stressed the need for sharing information between and amongst countries aiming to help families affected by trafficking through family tracing and reunification as well as support for the successful recovery and reintegration of the trafficked child.
13. Participants recognized the importance of allowing for a 90 day "reflection period" for VoTs to recover and be eventually able to make informed decisions and provide meaningful information. States are urged to consider applying this by extending victims' leave to remain on their territory and avoid deporting them.