

RESPONDING, REPORTING AND RECOVERY

Victim identification is only the first step in responding to trafficking in persons (TIP). Responding appropriately to a potential victim and reporting the crime are crucial steps to support a survivor's recovery from the trafficking or exploitative situation.

Responding

HOW DO YOU ENGAGE WITH A POTENTIAL VICTIM?

When engaging with a potential victim of trafficking, a victim-centred approach must be used to minimise re-victimisation and allow for open communication. A victim-centred approach is trauma-informed and prioritises the victim's needs and concerns while engaging with the victim in a sensitive manner without judgement or creating fear of reprisal. Trauma-informed care is an approach that considers the psychological impact of trauma on an individual and implements that consideration when interacting with and responding to the victim.

Please see [Victim-Centred Approach](#) and [Identifying Trafficking in Persons](#) for more information.

▶ If possible:

- ▶ **Avoid raising any concerns of exploitation with the victim if they are in the presence of their suspected trafficker.**
Potential victims should be separated from the person travelling with them or accompanying them, even if it is a family member or 'romantic partner', as they could be complicit in facilitating exploitation.
- ▶ **Avoid asking 'Are you enslaved?' or 'Are you a victim of trafficking?'**
Many individuals may not recognise their own victimisation as a form of trafficking, which would likely impact any disclosure of their circumstances. For example, some victims who experience sexual exploitation may be so manipulated by the trafficker that they believe they have willingly engaged in a particular 'lifestyle'.
- ▶ **Avoid making promises you can't keep, such as 'I will keep you safe' or 'I will ensure you get justice'.**
Victims have often experienced multiple violations of their trust. If someone who purports to help them makes a promise that cannot be fulfilled, this can re-traumatise them and make them cautious of engaging with the authorities in the future. This may particularly hamper efforts to bring the trafficker to justice through the criminal justice system.
- ▶ **Avoid starting the conversation with the topic of immigration status.**
At some point in the conversation, you may need to discuss how the victim came to the country and who may be in control of their passport and identification documents. However, many traffickers will threaten their victims that if they disclose their immigration status, they will be immediately deported and/or face criminal charges. Not focussing on this topic may assist you in eliciting more important information about the victim's trafficking situation.

► Questions to consider:

You may want to consider asking some of the questions below.

Note: These examples are suggestions and are not a prescriptive list to be asked. Follow-up with questions relevant to their responses, rather than the order laid out below.

- What brings you to South Africa?
- Did you come here freely?
- How did you travel to South Africa?
- Who paid for your ticket to come to South Africa?
- What type of work do you do?
- How did you find out about this opportunity?
- Are you getting paid? And if yes, how much?
- Are you doing the work you expected to do, or is it different to what you were promised?
- Did someone tell you to come?
- Have you or your family been threatened?
- Is anyone forcing you to do anything that you do not want to do?
- Are you in possession of your identification and travel documents?
- Do you have any family in South Africa or a significant other?
- Where did you meet your significant other?
- Do you want to return to the person you are with or would you prefer to be separated?
- Is there anything that we could assist you with?
- Do you feel comfortable with us reporting this situation to the police?
- Would you be happy to speak to the police directly?

WHAT DO I DO IF A VICTIM DOES NOT WANT HELP?

It is important to note that an individual is not obligated to accept assistance, or services when offered. Traffickers will often traumatise their victims through severe methods of coercion and control to keep them from seeking help. A trafficker may misrepresent how authorities will respond to the victim if they reach out. They may go so far as to threaten that the authorities will deport, arrest, or bring criminal charges against the individual instead of safeguarding them. Foreign national victims who may have entered South Africa without documents may be concerned about their immigration status and potential violations of the law.

Therefore, even if the potential victim declines assistance, offering informational handouts like the *CYSM?* flyers, or emergency contact numbers, such as the National Human Trafficking Hotline number, could support future self-identification and recovery. Alternatively, some individuals may prefer to save the Hotline number on their phone under a fake name, as they may fear the trafficker discovering them with hotline flyers.

Reporting

THE LAW

The Prevention and Combating of Trafficking in Persons Act, No.7 of 2013, provides different reporting obligations for adults and children.

Reporting and dealing with a child victim of trafficking (Section 18)

'Any person who knows or ought reasonably to have known or suspected that a child is a victim of trafficking must immediately report that knowledge or suspicion to a police official for investigation'

Reporting and dealing with an adult victim of trafficking (Section 19)

'Any person who knows or ought reasonably to have known or suspected that an adult person 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 knowledge or suspicion to a police official for investigation'

THE LAW EXPLAINED:

- The law requires even reasonable suspicions to be reported to the correct authorities.
- An investigation will confirm or dismiss the suspicions.
- Whether the potential victim is an adult or a child, a report should be made despite any law, policy or code of conduct prohibiting the disclosure of personal information.
- Where the report is made in good faith, the reporter is not liable to disciplinary or civil action, based on the information contained within the report, should there be no actual or prosecuted trafficking.
- You are only legally required to report cases involving adults if discovered while engaged in your official employment. However, any cases involving a child must be reported regardless of the circumstances of its discovery.
- Reports may also be made to accredited organisations, such as the National Human Trafficking Hotline.

THE NATIONAL HUMAN TRAFFICKING HOTLINE: 0800 222 777

The National Human Trafficking Hotline ('NHTH') is a toll free 24/7 line for potential victims, frontline professionals and the general public. It is a dedicated service that provides advice and assistance on human trafficking issues.

Its primary function is to receive calls for assistance from victims of trafficking, or reports of potential trafficking situations from anyone, and provide a rapid, coordinated and effective response to these reports.

National Human Trafficking Hotline Services:

CRISIS CALLS

- ▶ The NHTH receives calls from self-identifying victims and survivors in need of assistance or calls on behalf of victims where immediate assistance is required.

VICTIM ASSISTANCE

- ▶ Call specialists provide assistance to callers through safety planning (this can include creating an action plan for extraction with the victim and relevant stakeholders as well as preparing and supporting the victim to leave the situation), emotional support and/or connections to emergency services through a network of trained service providers and law enforcement partners.

REPORT TRAFFICKING

- ▶ Call specialists are available 24/7 to receive reports of potential human trafficking. All reports are confidential, and callers may remain anonymous. Tips include calls received from individuals wishing to report information related to potential trafficking victims, suspicious behaviours and/or locations where trafficking is suspected to be occurring.

1. The Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013, S 18.

The NHTH facilitates reporting relevant tips to counter-trafficking and organised crime departments, local law enforcement, and service providers (such as other non-profit organizations, social services organisations, child welfare organisations and more) throughout the country. Please remember, when reporting exploitation, victims are not obligated to accept services.

- ▶ Even tips with minimal information can be useful as this can be combined with information from other tips about the same potential trafficking situation.

TECHNICAL ASSISTANCE

- ▶ Callers may request training and technical assistance on counter-trafficking topics such as requests for specialised information, guidance on next steps, materials, training/presentations, and field training/presentations for frontline professionals, as well as requests for joint activities, such as awareness raising events.

REFERRALS

- ▶ Survivors and potential victims may contact the NHTH for referrals to other organisations to receive services in their area. Other organisations can also contact the NHTH on behalf of other potential or actual victims.

JOB VETTING

- ▶ The NHTH also provides a job vetting service. If you are concerned about a prospective job, you can ask the NHTH to review the job advertisement to assess whether there are any trafficking risks present.

WHAT HAPPENS AFTER A CALL IS RECEIVED?

After receiving a call, the NHTH team conducts a thorough internal review process to determine the appropriate next steps. This could include approaching and assisting local law enforcement in further investigation of the matter(s). It could also include referring a caller to healthcare or temporary accommodation/shelter services.

TELE-INTERPRETATION

The NHTH has access to an accredited tele-interpretation service to assist callers in over 200 languages. This service is utilised in three-way teleconference discussions in order to communicate with callers who speak another language so that key information is communicated correctly and assistance can be rendered.

THE STANDARD OPERATING PROCEDURES (SOPS)

The aim of the South African Government's SOPs on human trafficking is to ensure consistent and efficient responses to the crime of TIP. This includes appropriate referral pathways to ensure the early identification of victims, short and long term assistance and protection, return/repatriation to the survivor's place of origin and support and assistance with criminal justice proceedings.²

There are separate SOPs for adult victims and child victims of trafficking. Each SOP has a clear diagram of the referral pathway as well as the various forms or documents used by each department.

FOR MORE INFORMATION

See the [Standard Operating Procedures](#).

2. Department of Justice and Constitutional Development, 'Prevention and Combating of Trafficking in Persons National Policy Framework' April 2023

Recovery

It is important to note that some professionals will not have an active role in a survivor's journey to recovery even if they will interact with survivors through the course of their duties. However, for social work, counselling and other NPO sectors, further information on a survivor's recovery journey is considered below.

After identification, the survivor may enter a period of transition to 'recover' from the trafficking or exploitative situation. This recovery is multifaceted and can involve a multitude of entities, including state entities, government agencies, and NPOs that provide a variety of different support and aftercare services.

Barriers to victim identification (listed in 'Identifying Trafficking in Persons') provide insight into the emotional complexity of the healing process, beginning before identification and continuing through the recovery period. Often, this process begins after individuals successfully distance themselves from exploitation, so they can receive care that meets their needs during recovery.

MULTI-AGENCY HOLISTIC CARE

Recovery should be seen as a necessary step that follows a survivor's initial identification that also helps to prevent re-trafficking. After being identified, survivors should be provided access to holistic support services that aid their recovery and lead them into a life of independence and fulfilment.

A multi-agency approach is required to provide comprehensive mental, emotional and physical support services to assist with their recovery and reintegration into society. Access to services may come through several different governmental or civil society organisations. They may include, but are not limited to:

- ▶ Medical treatment
- ▶ Housing
- ▶ Financial support
- ▶ Employment
- ▶ Access to counselling services

Without access to the necessary recovery services, victims remain highly vulnerable to re-trafficking or other unsafe situations.

It is essential to note that recovery is a choice - it takes time and is ever-evolving. The circumstances and outcomes of each survivor's recovery are different, and it is vital not to impose a recovery timeline or framework on their journey. For example, one survivor may view the recovery process as 'complete' when they enter a safe house programme and complete legal proceedings. However, others may have no interest in pursuing legal action against their trafficker. Rather, their recovery process may be a decision to enter into a substance misuse programme after living on the streets with an active addiction.

EXAMPLES

- A victim may be identified and exit their situation as a result of an outreach activity by law enforcement at a hotel. However, they may quickly re-enter the situation or be re-trafficked when the trafficker manages to re-establish contact with them.
- The victim may then be re-identified in a subsequent outreach activity and again choose to leave the situation. This cycle would then repeat, with the victim continuing to return to the situation.

This may be due to the lack of support services available where the individual is not granted access to a relevant safe house or aftercare support, increasing the likelihood of the victim returning to the exploitative situation.

Each survivor will have unique needs throughout their recovery process, and they may be unaware of all of the available services. Rather than formulating a fixed 'recovery plan', research a broad range of services and the requirements to access them, before offering these options to survivors. The survivor-centred approach empowers individuals to choose what support they would like to receive for themselves. Presenting survivors with options and supporting them as they overcome access barriers fosters an informed, consent-based approach to holistic care. Ideally, showing a survivor how to research available services empowers them with a life skill that sets them up to be independent, which is vital for recovery.

The recovery period can also be influenced by social perceptions of trafficking and victimisation. For example, opinions of sex work or illegal migration might impact the services that a victim can access, even after formal recognition as a victim of human trafficking. In addition, the type of support services that a victim can access during their recovery period is often dependent on the individual's gender, age, exploitation type, location, legal status and possibly nationality.

SERVICES AVAILABLE TO SURVIVORS

In South Africa, the Standard Operating Procedures offer guidance on the services available to survivors. The relevant services are rendered by the following:

- ▶ Department of Social Development
- ▶ Department of Health
- ▶ Department of Home Affairs
- ▶ Civil Society Organisations
- ▶ The South African Police Service

FOR MORE INFORMATION

For more information on the services provided, please see the [Standard Operating Procedures](#).

The NHTH is also available to direct and/or connect individuals and organisations to the relevant services in the province the survivor is located.

Summary

Once a victim is identified, the following steps should be taken:

- 1. Refer to the Standard Operating Procedures**
 - ▶ To understand the relevant next steps and referral pathways for your industry.
- 2. Call the SAPS or the National Human Trafficking Hotline**
 - ▶ To report your suspicion and receive guidance and relevant contacts to ensure a coordinated response.