



**Conference Report on the
International Association of
Women's Judges**

**African Regional Conference -
Human Trafficking in Africa: A
Regional and Domestic
Response**

18-21 October 2007

Acronyms

CSE	Commercial Sexual Exploitation
IAWJ	International Association of Women Judges
IAWJ SA Chapter	South African Chapter of the International Association of Women Judges
ILO	International Labour Organisation
IOM	International Organisation for Migration
NPA	National Prosecuting Authority(South Africa)
PALERMO	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
TELC	Towards the elimination of the worst forms of child labour
TIP	Trafficking in persons

Executive Summary

This report outlines the proceedings of the International Association of Women Judges (IAWJ) African Regional Conference titled 'Human Trafficking: A Regional and Domestic Response' hosted by the South African Chapter of the International Association of Women Judges (IAWJ SA Chapter).

Human trafficking is a serious offence against humanity and a problem that can only be tackled with regional and international cooperation. It is extremely difficult to determine the extent of the problem within the African region because most countries have not criminalised the trafficking of persons (TIP) and therefore there are no reliable statistics. Law enforcement agencies within the region are also not empowered to deal decisively with trafficking in persons as they currently investigate, charge and prosecute these crimes in terms of an array of existing laws that are not adequate in addressing the problem. The absence of a specific offence criminalising trafficking of persons therefore poses major challenges. The challenge for judicial officers is to use the regional and international human rights instruments when dealing with cases involving human trafficking where no clear legislation is in place. The aim of the conference was to stimulate lateral thinking among judicial officers when they are confronted with situations involving human trafficking. The main objectives of the conference were:

- To promote the need for legislative and judicial intervention
- To promote the use of, *inter alia*, the African Charter on the Rights and Welfare of the Child, The United Nations Convention on the Rights of the Child and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (PALERMO)
- To promote the interests of vulnerable groups which include women and children affected by human trafficking
- To promote victim Charters regionally to ensure access to assistance where ever such persons may find themselves

The conference comprised presentations from leading researchers and practitioners working in the field of human trafficking. Presenters were drawn from South Africa, the African region as well as from the United States of America.

The conference opened with a reminder by the Director of the Sexual Offences and Child Abuse Unit of the National Prosecuting Authority on behalf of the Minister of Justice and Constitutional Development that human trafficking is a threat to our security, stability and democratic values. She encouraged the strengthening of international cooperation and action at every level of society. On the second and third days of the conference, the honourable Chief Justice Pius Langa and Professor K Asmal respectively reiterated these sentiments around multi-disciplinary and co-ordinated approaches to combating TIP.

During the conference, delegates heard a series of presentations that mapped out the scope of human trafficking in Africa and in certain African countries (South Africa, Uganda and Kenya specifically) as well as the legislative and judicial response to the phenomenon in those countries. International and Regional Conventions with a special focus on trafficking and the obligations they place on States were discussed. Several conference presentations paid particular attention to the theme of trafficking of children for the purposes of child labour. Delegates heard of on-going Southern African regional initiatives on trafficking as examples of regional cooperation, as well as the experiences of the United States of America Department of Homeland Security in trying to combat human trafficking in that country.

The conference concluded with delegates proposing resolutions for implementation by member associations in their countries. The delegates present at the conference unanimously adopted the following resolutions –

Resolutions of the members of the IAWJ African region present at the African Regional Conference - Human Trafficking in Africa: A Regional and Domestic Response, held in Johannesburg South Africa, 18-21 October 2007

We the members of the IAWJ African Region present at this conference note that:

- Human trafficking is a global phenomenon.
- While all human beings are vulnerable to trafficking, we recognise that perpetrators tend to prey on persons, particularly women and children, who find themselves in desperate socio-economic conditions.
- Trafficking results in the exploitation of persons and strips them of their dignity, humanity, and freedom.
- It amounts to modern day slavery and cannot be tolerated in a civilised society.
- Trafficking in persons (TIP) is the third largest income earner for criminal syndicates.
- There is a lack of comprehensive legislation to combat TIP.
- There is a lack of awareness and understanding of TIP.
- There is a lack of government policies and programmes to assist victims of trafficking.

This conference meeting therefore resolves that:

1. Its member associations call upon their respective governments that have not ratified the international conventions and protocols on human trafficking to do so immediately.
2. Its member associations call upon their respective governments to enact comprehensive TIP legislation as a matter of urgency and, that where legislation is in place, it be implemented as a priority.

3. Its member associations call upon their respective governments to commit themselves to developing policies and programmes that will facilitate the implementation of the Palermo Protocol.
4. Its member associations collaborate with NGO's working in the area of human trafficking with a view to lobbying their respective governments to make financial resources available for victim assistance and training of functionaries engaged in combating TIP.
5. The delegates at this conference work together with academics and other entities in developing and conducting training programmes for judicial officers to raise awareness on the need to combat TIP.
6. The delegates at this conference work together with other organisations to create community awareness of the need to combat TIP.
7. The member associations promote on-going awareness programmes in their respective countries.
8. This meeting commits itself to promote regional cooperation with members and non-members in combating TIP.
9. The member associations urge that implementation of programmes and policies to counteract TIP should always be in accordance with regional and international human rights standards.
10. The delegates at this conference urge the prosecution authorities, law enforcement agencies and relevant government departments, as well as NGO's in their countries to establish a database of relevant information and a helpline to combat TIP in their countries.

11. We as judicial officers commit ourselves to being more vigilant in identifying human trafficking elements in matters that come before the courts.

Conference Proceedings (Summary)

DAY 1: Thursday 18 October 2007

Welcome Address: Judge Rosheni Allie¹ President of the IAWJ SA Chapter welcomed local and international delegates. A special welcome was extended to Joan Winship of IAWJ International. Judge Rosheni Allie highlighted the objectives of the conference.

Key Note Address: Advocate Thoko J Majokweni², Director of the Sexual Offences and Child Abuse Unit of the National Prosecuting Authority (NPA) of South Africa delivered the keynote address on behalf of Brigitte Mabandla, Minister for Justice and Constitutional Development.

She began by acknowledging that human trafficking is a serious offence against human dignity and can only be tackled if there is regional and international cooperation. She highlighted the challenges of determining the extent of the human trafficking problem within Southern Africa due to lack of trafficking legislation. The speech highlighted African States obligations under the United Nations Convention Against Trans-national Organised Crime and the PALERMO Protocol and challenged countries to review their actions singularly and in concert, to stem the tide of human trafficking. She then went on to give a brief overview of the South African situation and the road South Africa is currently taking towards legislation to combat TIP.

In conclusion, she congratulated the IAWJ for taking firm steps to capacitate itself on the issues relating to this new crime phenomenon in order to see to it that justice is done in a fair and just manner.

¹ Picture 31, 01 folder

² Picture17, 01 folder

Address by Joan Winship³ of IAWJ International: Ms Winship brought greetings from the IAWJ international body and expressed her excitement at being able to join the African Region for this Conference. She gave an overview of the IAWJ, its history, objectives, achievements, programmes and resources. She invited and encouraged members to extend their partnership with the international body by making use of programmes like the Jurisprudence of Equality Program (JEP) as well as other resources available on the website. Ms Winship also updated members on the upcoming IAWJ International activities including the upcoming 9th IAWJ Biennial International Conference to be held in Panama from the 25 – 28 March, 2008.

1. An overview on international conventions with special focus on the regional charters in Africa –Professor Susan Kreston⁴

The first conference presentation gave an introduction to the concept of human trafficking as modern day slavery. Professor Kreston mapped out the scope of TIP. She stated that approximately 12.3 million people are trafficked worldwide annually and 1.2 million of these are children. 800,000 are trafficked across international borders. Approximately half of these are children and 80% female. There were more than 3,160 convictions for trafficking worldwide in 2006, and 3,800 in 2005. Most trafficking is for commercial sexual exploitation.

Professor Kreston also gave some background to the research that has been done on TIP in South Africa and within Africa as a region. She discussed the elements of trafficking and the types of trafficking that have been identified.

The presentation gave an overview of Conventions, Charters and Protocols that are relevant to trafficking (international and regional) and their provisions.

During the session discussion, participants raised concerns about the link between some cultural practices that encourage gender inequality and trafficking. Some delegates felt this explained why women were more vulnerable to TIP.

³ Picture 23, 01 folder

⁴ Picture39, 01 folder

Concern was expressed regarding inadequate statistics, especially within the region. The need for further research on the various forms of trafficking as well as comprehensive legislation on TIP was reinforced.

A concern was raised that trafficking legislation may be overzealously used to prosecute other issues like labour disputes and migrations gone wrong, or turned into an idealistic law. In clarification it was noted that TIP is a very specific crime that requires several elements be met; and where other violations that are not trafficking have occurred other legislation more suited to each set of circumstances may be applied.

The Palermo Protocol checks on repatriation of trafficked persons, especially children, and is recognised as a valuable tool in redressing the problem. This is particularly important as children who have been trafficked may very well be returned and repatriated to hostile environments of origin which then results in re-victimisation of the child.

2. Existing Legal Provisions in SA on Human Trafficking –Adv Beatri Kruger⁵

The presentation began with the screening of the movie 'Escudo' which gave delegates a visual example of trafficking in Africa. Advocate Kruger discussed the South African legal response to human trafficking in detail. Commencing with a discussion of the Constitution, current common law crimes that can be used to prosecute trafficking as well as applicable legislation were discussed. They include - rape, murder, abduction, kidnapping, fraud, indecent assault and assault with intent to cause grievous bodily harm, *crimen iniuria*, and slavery. She alluded to an array of legislation that may be applicable in a human trafficking case. Advocate Kruger explained the challenges in prosecuting TIP using these provisions and in the light thereof advocated the need for specific TIP legislation. Ms Kruger then discussed the proposed legislation that will deal with trafficking, including the Children's Act and the Sexual Offences Bill. She discussed

⁵ Pictures 46, 48 01 folder

the strengths of the current TIP Bill, which is still in the form of a discussion paper. It is noted that the proposed Bill goes beyond the Palermo Protocol on several aspects and addresses issues specific to the South African context such as illegal adoptions. Advocate Kruger closed by issuing a challenge for a united effort to fight against trafficking.

Although delegates commended the fact that there is currently discussion around comprehensive TIP legislation in South Africa, concern was expressed about the time that it takes to pass a Bill through parliament in view of the upcoming Soccer World Cup in 2010 to be hosted by South Africa. The concern is expressed in the light of the experiences of countries such as Germany which have shown that the demand for sex workers may increase, prompting an increase in cases of trafficking for commercial sexual exploitation. This concern elicited a suggestion from the NGO sector in South Africa which encouraged participants to engage in discussion around possible initiatives from the conference that could be taken to parliament regarding the concern raised above. The meeting noted that the IAWJ SAC as an association of judicial officers is not in a position to lobby for legal reform in the light of the doctrine of separation of powers. It noted however that it could form partnerships on specific issues and give support to other organisations. Its view regarding the problem of trafficking is that it is a grave threat to the rights of persons.

The reasons why there is a need for new comprehensive legislation and not just the amendment of existing penal codes was also addressed. Delegates noted that the obligations arising from the Palermo Protocol go beyond applying the criminal law and include victim protection and prevention services. Further, because trafficking issues are dealt with in fragmented sections of current legislation (e.g. in labour law, penal codes, children's laws, immigration laws), it is difficult for practitioners, particularly prosecutors, to apply this law in one forum, thus making prosecution of trafficking difficult and unlikely to succeed.

3. Child Trafficking/Child Labour –Elna Hirschfield⁶

The presentation focused on the International Labour Organisations (ILO) Conventions that deal with trafficking of children, namely Convention 138 and Convention 182. Ms Hirschfield highlighted the main elements of the conventions and the differences between the definition of child trafficking and adult trafficking in terms of the conventions.

The presentation also focused on the role of different United Nations' agencies in relation to trafficking, the nature & extent of child trafficking in the sub-region– South Africa, Botswana, Lesotho, Namibia & Swaziland and the ILO programme in the sub-region. The presentation then focused on a particular programme, namely the 'towards the elimination of the worst forms of child labor' (TECL) programme, the activities in the sub-region and specifically TECL activities against child trafficking in South Africa. Delegates were informed about the Child Labour Programme of Action which is a pilot programme, the research results, the legislation considered, and how asset forfeiture featured. It highlighted the lessons learnt and action required as determined by the ILO. The presentation highlighted TECL action on child trafficking in Botswana, Lesotho, Namibia and Swaziland as well as TECL action on child trafficking at the broader regional level.

In the session discussion, the challenges around combating child trafficking for labour purposes in countries that have inadequate legal protections for children was noted. The challenges raised by some societal and traditional practices regarding children were discussed and it was noted that such practises make them more vulnerable to trafficking. The integration of human trafficking with concepts which communities have an understanding of, like HIV/AIDS issues, was recognised as a possible strategy to introduce TIP discussions where the concept is foreign.

⁶ Picture 53, 01 folder

DAY 2: Friday 19 October 2007

Movie: The day began with the screening of an excerpt of a motion picture on the trafficking of women and children from Eastern Europe and Asia to the United States of America.

Chief Justice Langa's Address⁷: The Chief Justice delivered a very powerful address that highlighted the problem of trafficking in human beings globally. His challenge was that wherever delegates come from, full attention must be given to the problem of trafficking. He reminded delegates that TIP is the third biggest income earner for organised crime syndicates and is indeed 'the business of the future', preceded only by the sale in drugs and arms.

The presentation gave an overview of the protections offered by the South African Constitution in the context of trafficking, namely the right to respect for one's dignity and freedom from slavery. He also alluded to South Africa's international obligations under treaties and protocols that South Africa has signed. An overview of the legal, policy and programmatic steps that have been taken to date in response to the problem of trafficking was highlighted.

The Chief Justice strongly emphasised that, although the law has a role to play in solving the problem of trafficking, it must be remembered that trafficking is a serious social problem attributable to factors such as extreme poverty, unemployment, lack of education and the existence of cultural norms that place women in a position of inequality vis- a-vis men. He emphasised that although these realities will never be an excuse or defence for TIP, they make it difficult to combat the phenomenon of TIP without dealing with the root causes.

⁷ Pictures 55, 56 01 folder

The Chief Justice also commented on the treatment of victims of TIP and emphasised that often the justice system fails to respect the dignity of victims and criminalises victims of abuse. He stressed that this is not only intolerable from a human rights perspective but also hampers the successful prosecution of TIP, as often victims are simply not interested in cooperating with a system that victimises and alienates them.

Finally, he added his voice to that of previous presenters regarding the need for legislation that comprehensively covers TIP as well as continued education for communities (potential victims and recruiters) and all the parties that interact with trafficking victims and perpetrators (i.e. the police, investigators, social workers, prosecutors and judicial officers). He also added his voice to the need for interaction between all the players and integrated rather than individual action in dealing with the problem of TIP.

During the discussion session participants suggested that the conference be regarded as a 'Train the Trainer' session and that the delegates present should disseminate the information they acquired and facilitate the organisation of seminars for their colleagues in their countries or provinces to raise awareness of the problem of TIP.

The representative from the University of the Free State advised delegates that the university had already started integrating human trafficking components into Undergraduate and Masters Law programmes in criminal law and human rights modules as a way of ensuring that legal practitioners, which included judicial officers, are aware of the crime of human trafficking and are appropriately trained.

Delegates from Uganda shared how they incorporated training on how to deal with TIP related cases in their judicial training programme. The IAWJ member associations from the African region who were present committed to collaborate on curriculum development for a training manual for judicial officers on TIP.

4. Current laws available to combat trafficking in the SADC region: options and challenges – Jill Thompson⁸

This presentation gave an overview of an IOM study in five (5) SADC countries. The study investigated the scope of trafficking and the legislation in place to combat trafficking as well as compliance with Palermo principles. The study found that none of the countries studied had comprehensive TIP legislation but several recognised crimes could be used to prosecute TIP. The presentation gave an intriguing overview of the options that can be used to prosecute TIP in the different countries as well as the challenges in using these options.

The discussion session focused on the tools that can be used to impart knowledge on TIP to the grass roots level. It highlighted that different organisations have tried different things. The ILO, for example, engages with chiefs, teachers, local government officials and churches to impart knowledge on child labour to their communities.

The ILO also uses child protection committees, which are ordinary groups of community members who are tasked to look out for the most vulnerable children in their communities, particularly children without adult care. This worked in Malawi where one of the TIP cases prosecuted was actually brought to the attention of the police by community members who saw a man trying to cross the border to Zambia with thirteen (13) children.

Other methods include the use of hotlines, television and radio. The presentation illustrated that much can be learnt from the work that has already been done with HIV/AIDS information dissemination in hard to reach areas.

Delegates from Kenya expressed their gratitude for being present at the conference. They said that they were really unaware of the issue of TIP or the extent thereof and shared how they envisaged that their courts may unwittingly be used to aid TIP, particularly trafficking of children. A particular case in point was adoption cases that were being raced through the courts in Kenya. The conference has alerted judicial

⁸ Picture 75, 76 01 folder

officers to be vigilant about seemingly suspicious speedy adoptions. Delegates recognised the need for judicial officers to probe and make further enquiries about suspicious matters, especially immigration matters involving children that may come before the court.

5. The legislative and judicial response to human trafficking – A Kenyan Perspective – Mary Ang’awa⁹

This presentation gave an overview of the phenomenon of trafficking in Kenya. The honourable Justice Ang’awa explained that trafficking in Kenya occurs mostly through adoptions or enticements to work abroad. Justice Ang’awa focused on trafficking of children for purposes of labour exploitation and commercial sexual exploitation. She highlighted the Children’s Act and the Sexual Offences Acts in Kenya as legislation that protects persons from trafficking.

The proactive concept of a private hospital, which specialises in dealing with victims of sexual abuse and collecting evidence necessary for successful prosecution, was highlighted as one of the witness protection measures. She noted however that there is currently no discussion about comprehensive TIP legislation to cater for other types of trafficking in Kenya.

6. The efficacy of anti-child labour legal provisions/ child trafficking – Pamela Silolo

This presentation commenced with an explanation of the history of Molo Songolo in relation to trafficking related matters. Ms Silolo shared some background on their first trafficking case namely; the Andrews Case. Molo Songolo is a non governmental organisation that focuses on children’s rights and the presentation focused on trafficking of children for child labour and sexual exploitation. She described the situations that place children at risk of HIV infection and explained the consequences of trafficking on children. Finally, Pamela gave an overview of the law in South Africa that can be used to prosecute child trafficking. Starting with the Constitution, she highlighted other South African legislation like the Children’s Act (Act 38 of 2005), the Basic Conditions of

⁹ Picture 79, 01 folder

Employment Act (Act 75 of 1997), the Domestic Violence Act (Act 116 of 1998), the Prevention of Organised Crime Act (Act 121 of 1998), the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000), the Films and Publications Act (Act 65 of 1996), the Immigrations Amendment Act (Act 19 of 2004), the Children's Amendment Bill, and the Sexual Offences Bill.

The discussion session focused on sharing useful tools to educate communities and the police on TIP related issues.

7. Human rights: indivisible or hierarchical? – Joyce Maluleke

In this presentation, the presenter took on the role of an ordinary female citizen trying to understand the law on sexual offences. She sought to highlight the confusion and despair she believes is apparent in the light of her view that there has been a gradual loss of rights that women thought they had gained. She critiqued several judgements from the South African courts on the basis that they send out a negative message to offenders and victims alike. Her concern is that some of the jurisprudence that has come from the higher courts will put victims of trafficking in difficult and compromised positions in the justice system if their cases are prosecuted. Her argument is that most women are trafficked for the purposes of commercial sexual exploitation (CSE) and that the jurisprudence on rape will apply to them resulting in double victimisation. She critiqued the term and criteria in the term 'substantial and compelling circumstances' in relation to sentence as well as the term 'aggravating and mitigating factors', noting that judgements illustrate that perpetrators treated with more consideration and mercy and that victim's rights are compromised in doing so. She referred to several judgements in her presentation.

It was noted that it is difficult for judicial officers to publicly criticise judgements, especially from the higher courts, and that academics are appropriately placed to do this.

Delegates expressed the concern that in some instances victims are not accorded a role to play particularly in the prosecution of the crime that involves them. It was noted that

in South Africa provision is made for a victim impact statement to be taken but that prosecutors often do not utilise this tool or assist victims with this and that it may be that they do not make victims aware that it exists.

The disparities in sentencing and pronouncements of the court was explained by the fact that judicial officers come from different backgrounds and that this possibly accounts partially for the disparities in sentencing and further that differences in sentencing are to be expected for this as well as other reasons. It was also highlighted that in many cases it is not just the court in the form of the judicial officer but the broader administration of justice system that fails the victim, including among them the police, investigating officers and prosecutors. Further that judicial officers are bound by the quality and nature of the evidence before them and that if the evidence is weak the court is bound to return the appropriate verdict.

8. The National Prosecuting Authority's (NPA) strategy to address human trafficking – Adv Qaba

This presentation gave an overview of the multi sectoral strategy initiative on human trafficking in South Africa. Adv Qaba also gave an overview of the trafficking cases the NPA has dealt with in South Africa as well as those that are yet to be processed. These cases include: State vs Amien Andrews, 2002 (Cape Town), State vs Elizabeth Maswanganye, 2006 (Pretoria), State vs Phillips *sub judice* -'The Ranch' case (Witwatersrand Local Division).

Address by the Deputy Chief Justice of Uganda: At the gala dinner the Deputy Chief Justice of Uganda spoke of the responsibility which the African Region of the IAWJ has to make in contributing to addressing the scourge of human trafficking which results in the abuse of the most vulnerable members of the society.

DAY 3: Saturday 20 October 2007

Keynote address Professor Kader Asmal, member of Parliament (former Minister of Education in South Africa): The presentation emphasised that the law will not cure all evils of society and that even judicial officers need to consider a role they can play to combat TIP, which is outside the realm of the law. Professor Asmal highlighted the important role that non governmental organisations play in combating TIP. He noted that the state cannot focus on a particular issue in the same way that non governmental organisations do. He noted that the state had limited resources with which to address many issues and therefore sometimes one issue may not receive the attention it requires. He warned that international conventions often impose impossible burdens on countries that are not fully developed and this may be one of the reasons for non-compliance with international conventions and the standards they imposed.

9. Migration dialogue for Southern Africa (MIDSA)– Miriam Khokhar

Ms Khokhar gave an overview of the IOM as an organisation and particularly the Migration Dialogue for Southern Africa. She explained that the regional consultative processes on migration (RCPs) bring together representatives of states, international organizations and, in some cases, non-governmental organizations (NGOs) for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern. These efforts of regional cooperation have yielded some results and strategies to assist in combating TIP.

It was emphasised that many countries now realise that there is a great need for TIP laws. During the discussion it was suggested that the reason why many countries in the region do not have TIP laws was due to a lack of political will. It was noted that Draft Bills take a long time to be brought before parliament and are superseded by less important matters. A specific example mentioned was the South African Sexual Offences Bill.

10. Human Trafficking: Promising Practices in Law Enforcement and Victims Service Response – Marie L Martinez

This presentation by a representative from the investigative branch of the United States of America's Department of Homeland Security provided insight into the promising practices in law enforcement and victim services, which may provide guidelines for developments in the African region.

The presentation gave an overview of the role of Immigration and Customs Enforcement (ICE) with regard to trafficking as well as the US law on trafficking. The delegates were referred to some cases that have already been prosecuted and some on-going investigations. Finally the presentation focused on investigations themselves, giving guidelines on how to do sensitive, victim centered investigations where human trafficking is concerned.

11. Human Trafficking: A Domestic and Regional Response: The Uganda Experience – Honourable Justice Margret Oumo Oguli and Her Worship Henrietta Wolayo, Registrar of the Supreme Court of Uganda

The presentation gave an overview of the problem of trafficking in Uganda. Delegates were informed that trafficking for sexual exploitation, migrant and domestic labour is rife. Trafficking is from rural to urban areas as well as across borders. The abduction of children who are forced to become child soldiers as a result of the internal armed conflict in Northern and Eastern Uganda is a peculiar feature of trafficking in Uganda. Finally, the presenters gave an overview of the law in Uganda and how it may be used to combat trafficking cases. There is no law that specifically uses the term trafficking in persons but there are provisions that prohibit slavery and abduction. The presenters ended by posing some recommendations for action.

DAY 4: Sunday 21 October 2007

12. Circumstances in which children from neighbouring countries are being trafficked into South Africa – Tshefiwe Maumela

In this presentation the presenter a senior magistrate from the Limpopo province in South Africa spoke of his experiences with the trafficking of children from Mozambique and Zimbabwe into South Africa. He shared with delegates how children from neighbouring countries are exploited on farms and the conditions that they live under. The presenter also focused on the boy child and his vulnerability to trafficking, especially for the purposes of labour as well as incorporation into criminal and drug syndicates in the municipal areas of South Africa.

Wrapping up and resolutions:

Cheryl Loots a member of the Executive Committee of the IAWJ SA Chapter gave a summary of the proceedings of the conference and highlighted the major challenges and themes that arose during the presentations and deliberations which included the following:

- The need for more research on human trafficking
- The importance of raising community awareness about trafficking
- Cooperation with other organisations, including NGO's
- The urgency of promoting the enactment and implementation of TIP legislation
- Creative use of existing statutes and common law crimes in the interim
- The need to sensitise and train the role players in the criminal justice system
- Intergration of human trafficking into university and professional curricula
- The importance of victim protection and rehabilitation
- Adequate provision for witness protection

Delegates considered the contribution that they as judicial officers can make towards meeting the challenges raised during the conference. The conference concluded with delegates making resolutions for implementation by member associations in their countries. The delegates present at the conference unanimously adopted the following resolutions –

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- It amounts to modern day slavery and cannot be tolerated in a civilised society.
- TIP is the third largest income earner for criminal syndicates.
- There is a lack of comprehensive legislation to combat Trafficking in Persons (TIP).
- There is a lack of awareness and understanding of TIP.
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