

BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES

**THE EFFICACY OF SOUTHERN AFRICA DEVELOPMENT COMMUNITY (SADC)
LEGAL INSTRUMENTS AND POLICIES TO COMBAT TRAFFICKING IN PERSONS
IN THE SADC REGION.**

BY

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**A DISSERTATION SUBMITTED TO THE DEPARTMENT OF PEACE AND
GOVERNANCE IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE
MASTERS IN INTERNATIONAL RELATIONS**

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DECLARATION FORM

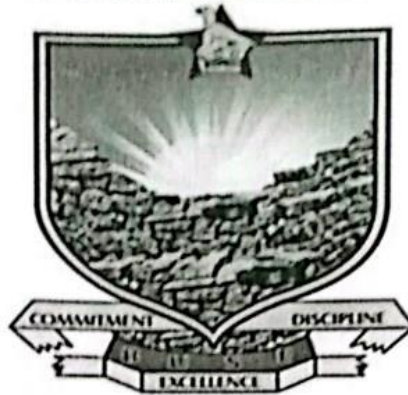
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DEDICATION

I dedicate this research to my wife, children, relatives, friends who supported me throughout the entire project.

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I extend my profound gratitude to my esteemed supervisor Dr. T. Katsinde whose unwavering commitment, support and guidance gave me strength and wisdom to produce this work.

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ABSTRACT

This research aimed at assessing the efficacy of the Southern Africa Development Community (SADC) Legal and Policy Instruments to Combat Trafficking in Persons in the SADC Region. The study was carried out using an interpretive research philosophy and a qualitative (inductive) research approach. It used a case study research design and drew conclusions from three SADC

countries namely: Zimbabwe, South Africa and Malawi. The main aim of the study was divided into four objectives: to examine the effectiveness of the Ten (10) Year SADC Strategic Plan of Action in combating trafficking in persons in the region; to examine the effectiveness of the SADC Gender and Development Policy in combating trafficking of women in the region; to assess the effectiveness of the SADC Mutual Assistance in Criminal Matters in combating Trafficking in Persons in the region and to evaluate the effectiveness of the SADC Regional Trafficking in Persons Data Collection system in combating trafficking in persons in the region. Nonetheless, the SADC Legal and Policy instruments to combat TIP in the region was found to be less effective. This was attributed to lack of effective implementation; weak institutional capacity, inadequate data management of TIP cases; lack of political will by member states and lack of robust cooperation between and among SADC member states on mutual assistance in investigating, repatriating and prosecution of offenders. Therefore, the research recommends that SADC member states should strengthen their cooperation, collaboration and commitment towards full implementation of the legal and policy frameworks in place in order to eradicate all forms of Trafficking in Persons and its root causes.

LIST OF ABBREVIATIONS AND ACRONYMS

ATIMC	Anti-Trafficking Inter Ministerial Committee
AU	Africa Union
GBV	Gender Based Violence

IOM	International Organisation for Migration
NAPLAC	National Plan of Action
SACTAP	Southern Africa Counter-Trafficking Assistance Programme (SACTAP) Southern Africa Counter-Trafficking Assistance Programme
SADC	Southern Africa Development Community
SADC TIPNet	Southern Africa Development Community Trafficking in Persons Network
TIP	Trafficking in Persons
UNODC	United Nations Office on Drugs and Crime
USDOS	United States Department of State

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CHAPTER ONE

INTRODUCTION

1.1 Background to the study

The concept of Trafficking in Persons commonly referred to as human trafficking stems from the historical slave trade, in which about 10 million African men, women, and children were forced to go through the Atlantic Ocean and transported to the United States of America for forced labour in plantations. (Shelly, 2010; Gavhera, 2014). According to Toge-Lawson (2008), the origins of Trafficking in Persons may be traced back to colonialism, slavery, and forced servitude, when people were sold and forced into slavery, where they were frequently abused, dehumanized, and not compensated for their labor. Trafficking in Persons is one of the most serious human rights issues of our time. It is a complex phenomenon consisting of several offenses that occur over a period of time or as part of the criminal process (Yesuf, 2020). While sexual exploitation of women and children is the most common motive, there are others, such as forced labor, slavery, servitude, and organ removal and trading (Muthwa, 2023). Thus, the modern international community rejects all forms of human trafficking (United Nations, 2014).

Trafficking in Persons is a large, rapidly developing, and very profitable unlawful activity worldwide (Chembe, 2016). It has become a global issue; however, the magnitude varies by region and countries driven by push and pull factors. In 2009, 66% of the trafficked were female, 12% were men, and 22% were children (United Nations Office on Crime and Drugs (2011). According to the Salvation Army as cited in Chembe (2016), at least 2,000,000 persons are trafficked each year, with Africa accounting for 450,000 of that total. Aside from the fact that it is a very profitable illegal endeavor, agents in the Trafficking in Persons syndicate also benefit from the low chance of being detected, arrested, and punished. Furthermore, statistics reveal that 30% of cases handled by the Southern Africa Counter-Trafficking Assistance Programme (SACTAP) involved SADC nationals (Chembe, 2016).

The United Nations General Assembly adopted the United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo

Protocol) in 2000, which supplements the United Nations Convention against Transnational Organized Crime (Muthwa, 2023). This Protocol harmonized and introduced an international definition of Trafficking in Persons and signified a giant step forward in an endeavor to fight human trafficking with 169 countries being party to the treaty. As of 2023, 15 of the SADC countries have ratified or acceded to the treaty (Muthwa, 2023) and enacted national laws to combat Trafficking in Persons. The adoption of this Protocol created a new cornerstone upon which to build a global initiative to combat this crime.

The Sustainable Development Goal (SDG) 8 on Decent Work and Economic Growth, specifically SDG target 8.7 aims at taking immediate and effective measures to eradicate human trafficking as well as forced labour, child labour, modern slavery and the recruitment of children as soldiers (United Nations 2020). In Africa, people are mostly trafficked for forced labour and sexual exploitation. In Southern Africa, specifically, the UNODC Global Report on Trafficking in Persons (2018) reported that of the detected trafficking victims, 83 percent of them were trafficked for forced labour whilst 17 percent were trafficked for sexual exploitation.

From the early 1990's most governments around the world began taking initiatives by means of legislations and protocols to fight this crime regionally, sub-regionally and nationally. At the regional level, the African Union (AU) is regarded as Africa's principal organization for the promotion of regional integration and the co-operation of member states in their international relations. In order to supplement the international framework, the African Charter on Human and Peoples' Rights of 1981 was adopted by the former Organisation of African Unity (OAU) (Chembe, 2016). Even though the Charter does not specifically make reference to human trafficking; it explicitly outlaws slavery and related activities. Furthermore, the Charter is the parent treaty of the two African legal texts on the specific rights of African women and African children (Muthwa, 2023). The Protocol on the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Women's Protocol) was adopted on the 11th of July 2003 in Maputo. The Protocol explicitly deals with trafficking of women. Furthermore, it also provides that women should not be subjected to exploitation or degradation, which is critical issues in so far as

human trafficking is concerned. The African Charter on the Rights and Welfare of the Child (ACRWC) specifically provides for the protection of victims of child trafficking (Houston, 2020).

SADC adopted the Protocol on Gender and Development and the Protocol mainly tackles state obligations in addressing violence against women and children (Mollema, 2013). This Protocol explicitly deals with Trafficking in Persons and compels States Parties to enact and adopt specific legislative provisions to prevent the crime, and to provide holistic services to survivors, with the aim of reintegrating them into society (Mollema, 2013). The Gender Protocol is not the only Protocol within the SADC institution that makes mention of human trafficking. However, there are a number of Protocols that may also be utilized to combat human trafficking in SADC such as the SADC Protocol on Mutual Assistance in Criminal Matters of 2002 and the SADC Regional Data Collection System. Apart from the legislative means, the ministers responsible for combating Trafficking in Persons met in 2009 in an attempt to promote regional and sub-regional cooperation on the issue. The meeting resulted in all SADC Member States adopting a Ten Year (2009-2019) SADC Strategic Plan of Action to Combat Trafficking in Persons which was reviewed in 2016 (PoA) (Mollema, 2013). This henceforth raises critical questions relating to the efficacy of the SADC legal instruments and policies in combating human trafficking in the region which is a research gap that this research seeks to close.

1.2 Statement of the problem

Despite the signing and ratification of many international and regional treaties, legislations and policies, Trafficking in Persons remains a cause for concern in SADC. It is a crime against humanity, security of persons and development. The region is increasingly being utilised as a source of trafficked persons, a transit hub for trafficking networks, and a destination for trafficked persons and sex trafficking. Vulnerable groups' especially young women and girls continue to be commodified and victimised in many SADC countries and beyond. For instance, approximately 1,217 victims of human trafficking were officially reported to law enforcement agencies in the SADC region

during the period 2014 to 2016 (UNODC, 2016). However, it is believed that this is just a small proportion of cases of Trafficking in Persons as a number of cases are not identified and, therefore, not reported (UNODC, 2016). This is largely because of the complex and hidden nature of the crime. There are also cases where victims are rescued, or approach a civil society organisation or a social services provider for assistance, but are not interested in cooperating with law enforcement for purposes of investigation and prosecution of the offence. In 2022 Zimbabwe government repatriated over 130 victims of trafficking from Oman where they were enslaved for domestic servitude (US Department of State TIP Report, 2022). South Africa, Malawi, Zambia and Mozambique also suffered the same fate. Vhumbunu (2020) articulated that regardless of the existence of several legislative, institutional and policy measures put in place to combat Trafficking in Persons by the Southern African Development Community (SADC) member states at sub-national, national and regional level; the heinous crime and phenomenon continue to constitute a thriving illegal industry. Official reliable and updated statistics on Trafficking in Persons are absent, cases and incidents of Trafficking in Persons are awash in the media and several others pass unreported every day.

1.3 Purpose of the study

To assess the efficacy of SADC's Legal and Policy Instruments in combating Trafficking in Persons in the region.

1.4 Objectives of the study

The research was guided by the following objectives;

1. To examine the effectiveness of the Ten (10) Year SADC Strategic Plan of Action in combating trafficking in persons in the region,
2. To examine the effectiveness of the SADC Gender and Development Policy in combating trafficking of women in the region.
3. To assess the effectiveness of the SADC Mutual Assistance in Criminal Matters in combating trafficking in persons in the region.
4. To evaluate the effectiveness of the SADC Regional Trafficking in Persons Data Collection system in combating trafficking in persons in the region.

1.5 Research questions

- (i) How effective has the Ten (10) Year SADC Strategic Plan of Action been in combating trafficking in persons in the region?
- (ii) How effective has the SADC Gender and Development Policy been in combating the trafficking of women in the region?
- (iii) How effective has the SADC Mutual Assistance in Criminal Matters been in combating of trafficking in persons in the region?
- (iv) How effective has the SADC Regional Trafficking in Persons Data Collection System been in combating of trafficking in persons in the region?

1.6 Assumptions of the study

The research was carried out based on the following assumptions:

That the research participants would cooperate and provide reliable information on the subject of the study which would enable sound conclusions can be made.

That the research participants would be readily accessible for key informant interviews to proceed smoothly.

1.7 Justification of the study

Trafficking in persons is a gross violation of human rights, a human security and a development issue worldwide and regionally in SADC. The crime negatively impacts on national and regional security and development, and is a grave violation of human rights. This research is topical as it seeks to assess the effectiveness of the Southern Africa Development Community (SADC)'s legal instruments and policies in combating Trafficking in Persons in the region. The research seeks to illuminate the challenges and proffer beneficial solutions. As a result, a number of stakeholders would benefit from this study and these include member states of the SADC, the academia, researcher and the victims of human trafficking.

Member states of SADC: Since countries in the SADC region have a mandate to safeguard the rights of its citizens; this research would bring to the attention of policy makers the tragedy of human trafficking as well as practical solution to end it. This would enable evaluation of human rights policies and their weaknesses at regional or national level so as to come up with corrective measures towards the promotion of human rights and security in SADC region. The solutions will enhance achievement of a secure region and attainment of the SDGs.

Academia: This study added literature and knowledge to the existing body of literature in the topic of human trafficking by assessing the effectiveness of the Southern Africa Development Community (SADC)'s legal instruments and policies in combating Trafficking in Persons in the region. It also provided direction for other problematic areas that requires further studies around Trafficking in Persons.

Researcher: The study represents an important part to the researcher as it was submitted in partial fulfillment of the requirements of a Master of Science in International Relations at Bindura University of Science Education.

Victims of human trafficking: The research is of paramount importance to the vulnerable persons as it may strengthen the security of SADC in fighting human trafficking.

1.8 Delimitations of the study

The research was carried out in Zimbabwe, Malawi and South Africa, which are all members of SADC. Although Trafficking in Persons is a global challenge, this research focused on assessing the efficacy of the Southern Africa Development Community (SADC)'s Legal and Policy instruments in combating Trafficking in Persons in the region. Research participants were chosen from SADC officials and non-government organizations that are operating within the region. The research was carried out in Zimbabwe, Malawi and South Africa.

1.9 Limitations of the study

This research tended to be political which had the propensity to limit the research participants from openly producing some of the facts and opinions regarding Trafficking in Persons in the region. Participants were however assured that the information they give would be treated confidentially. Accessibility to research participants seemed to be difficult due geographical locations. However, the researcher took advantage of their attendance at a SADC Regional Trafficking in Persons and Smuggling of Migrants in Harare, Zimbabwe and administered the research instruments.

1.10 Definition of key terms

1.10.1 Efficacy

Efficacy refers to the capacity or ability of an intervention to produce desired or intended result which can be of beneficial effects in real world (Cambridge Dictionary). This research therefore sought to assess the capacity of the various legal and policy instruments to combat trafficking in persons. These legal and policy instruments were interventions whose desired results were to eliminate, reduce or stop the crime of TIP.

1.10.2 Trafficking in Persons

Trafficking in persons, also known as human trafficking is often referred to as modern day slavery, encompassing domestic servitude, sex trafficking, forced and bonded, child labour, and forced marriage among a host of exploitative forms (ILO, 2022). An internationally agreed definition of trafficking in persons was however given by the United Nations General Assembly sitting in Palermo, Italy. Article 3 (b) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention against Transnational Organised Crime (2000) defines Trafficking in Persons as:

“the act of recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation .” Here, “exploitation means, at a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The United Nations definition of TIP was subsequently used as a bench mark by member states to enact legislation to combat the crime. Worldwide majority of the countries ratified the Protocol to operationalise it.

1.10.3 Legal instruments

Legal instruments refers to the protocols, policies, body of laws, rules, agreements, enactments, strategic documents, and ordinances, among other that are put in place by governments, regional and international bodies to address an identified situation or problem (Mollema 2019). The legal instruments are given effect through signing and ratification by member states which they in turn operationalise by enacting appropriate national legislations. Essentially, the SADC regional body put in place legal instruments to combat trafficking in persons in the region. These legal instruments which are in the form of protocols such as the SADC Protocol on Mutual Assistance in Criminal Matters, the Ten Year SADC Strategic Plan of Action against Trafficking of Women and Children, the Gender and Development Protocol and the SADC Regional Data Collection System were thus put in place and ratified by the member states to give them effect for implementation to combat trafficking in persons in the region (SADC 2020).

These legal instruments are essentially important as they also work foreign relations instruments to enhance regional cooperation, coordination and collaboration for information sharing to eradicate common problems bedeviling the region such as transnational organised crime.

1.11 Dissertation outline

This study was structured as given below:

Chapter One: Introduction and background of the study

This chapter introduces the research topic and also explains the background of the study. It outlines the research aim, research objectives, research question, and statement of the problem and significance of the study.

Chapter Two: Literature Review

This chapter focused on the review of literature related to human trafficking from a global, regional to local perspective. This chapter also discusses the theoretical framework that underpins the study.

Chapter Three: Research Methodology

This methodology chapter provides the steps that the researcher was followed in order to find answers to the research questions. Data collection methods and data collection instruments used in the study was explained in greater depth. Specifically, this chapter elaborated the research approach, research design, data collection, data analysis, validity and reliability of the study and ethical considerations.

Chapter Four: Data analysis and presentation of the findings

This chapter presents the findings of the research on the effectiveness of SADC legal instruments and policies in combating TIP in the region. The findings were presented based on themes.

Chapter Five: Conclusion and recommendations

This chapter gave a summary of the research study and conclusions as well as giving the recommendations of the study in-line with the findings.

1.12 Chapter summary

This chapter provided the general introduction and background of the study. It covered the back ground of the study regarding the effectiveness of SADC legal instruments and policies in fighting human trafficking. It also highlighted the significance of the study, a statement of the problem, aim and objectives, research questions and the scope of the study. The next chapter reviews related literature on international and regional (SADC) laws on human trafficking as well as providing the theoretical and conceptual frameworks underpinning the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews existing body of literature done by other scholars in relation to the study aim and objectives. It reviews literature regarding the legislations and policies to combat Trafficking in Persons from global to regional level and exploring the current state of human trafficking in Southern Africa Development Community (SADC). It also provides a theoretical framework that underpins the study.

2.2 Theoretical framework

This research was based on the Systems Theory:

2.2.1 Systems Theory

The system theory focuses on the most appropriate ways to deal with the diverse issues of the society (Rasmussen 1997 cited by Caffrey & Munro 2018). Theory is a product of different schools of thought which have a common interest to decipher how different dynamics link to each other. This is further attested to by Kasiniuk (2015) who stated that the contemporary issues have become multifaceted and thus it is quite difficult to tackle them from a single dimension. Through these lenses political entities are regarded as political systems whereby it is a space of the interaction of a society, an institution where “authoritative allocations are made and implemented in the form of policies and decisions” (Anyebe 2018). The scholar further refers to Easton’s description that considers public policies being a response to societal issues from the political system. Social issues are also referred to as an environment or the inputs into the political system.

According to systems thinking, systems cannot be comprehended through analysis of a single part and that the properties of the parts can only be understood in the context of the whole (Watt, 2018). Thus, the composition (what the components are and what they are made of), structure (how the components are connected), and organization (how the components interact to maintain the system's coherent existence as a distinct 'whole') of a system define the system's identity at any given moment (Merali & Allen, 2011).

In the context of the effectiveness of SADC legal and policy instruments in combating human trafficking; the system comprises of the legal instruments, the implementing stakeholders in the region and in the global community. Fighting human trafficking in SADC requires active participation of all member states in the SADC and active participation of all other nations around the globe. Identification, investigation and prosecution of human traffickers require effective enforcement of legislations and total commitment from global, regional down to national level. This is because the world has turned into one global village making it difficult to deal with the complex problem of human trafficking without active participation and cooperation of all nations around the world.

2.2 Global Trafficking in Person

Globally, estimates point that trafficking in persons is among the most lucrative criminal enterprises and second to drug and firearms trafficking, generating billions of dollars annually. Global Trafficking in Persons Report (2022) estimates that about 2 million people are, at any given time, facing exploitation through enslavement in the world. The illicit trade in human beings continues to escalate at alarming rates thus attracting the concerns of the international community. Existing data on the crime remains vague and it is difficult to obtain the exact statistics due to the underground nature of the vice. Human trafficking around the world takes various forms, from labour and sexual exploitation, child pornography and organ removal. It is thus, a crime against humanity and it violates the fundamental rights of individuals. Several factors contribute to the trafficking problem. Political instability, socio-economic challenges, discrimination, wars, climate change, social inequality and globalization are some of the challenges that have been found to contribute to TIP (UNODC 2021).

The countries have collaborated together at various fora and came up with numerous interventions, policies, strategies, international legal instruments and protocols to combat the problem of trafficking in persons but not without challenges. According to Belser (2015), these instruments have not been fully effective in combating trafficking in persons. The failure is attributable to differences in national legislations, non cooperation and failure by states to address the underlying causes of human trafficking. As long as

poverty, inequality, gender discrimination, conflicts and wars, people will continue to be pushed into modern slavery in countries where assumed better opportunities exist. The international community has thus continued to prescribe solutions through crafting policy and legal instruments to combat trafficking in persons.

2.2.1 International laws on human trafficking

The international community has not remained silent to the global problem of Trafficking in Persons (TIP). In response to the growing concern of TIP international conventions and protocols were enacted and these include; Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949 Convention) and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) which was signed in 2000 and became effective in 2003.

2.2.2 Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others (1949 Convention)

The 1949 Convention sought to outlaw and control (undefined) practices of trafficking, procurement, and exploitation, whether internal or cross-border, and regardless of the victim's age or consent. It allows users a variety of options which include processes such as prosecution, centralization of anti-trafficking efforts, and protection of minor victims, victim care and support, victim's rehabilitation and social adjustment' those who will be returned. However, the convention has been heavily criticized for having a poor grasp of sexual exploitation and failing to distinguish between consensual and forced prostitution (United Nations, 2000). The strong moral response to prostitution remains in the convention, leading to claims that women's rights and agency are ignored; it reinforces the concept of women as paradigmatic victims; and it fails to connect gender inequity with prostitution (United Nations, 2000).

2.2.3 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)

The convention and protocol apply in their entirety and the convention seeks to facilitate international collaboration among nations in the fight against cross-border organized crime (United Nations, 2020). It requires States Parties to deal with major crimes by criminalizing: membership in an organized crime organization, laundering of criminal proceeds, corruption in the public sector, and obstruction of justice within their jurisdiction. The treaty includes provisions for law enforcement to combat Trafficking in Persons and Migrant Smuggling. The Palermo Protocol serves as the foundation for international law on anti-human trafficking (United Nations, 2020).

Border measures, security, and document control are provided for in paragraphs 11 and 12 of the Palermo Protocol and these are aimed at detecting trafficking while not impeding on international relations' free movement across borders (United Nations, 2020). States' integrity and security of travel documents are emphasized to avoid easy reproduction and abuse. Legislation is being drafted to ensure that commercial carriers and transportation companies can be held accountable if they are involved in trafficking operations. Article 13 also requires nations to authenticate the legitimacy and validity of documents on the request of another state (United Nations, 2020).

However, according to Sinha, Tashakor and Pinto (2019) the Palermo Protocol emphasizes criminal law measures, which are vital but only part of the answer to the problem of human trafficking. The protocol makes brief mention of unspecified measures that should be implemented to address poor, underdevelopment, and a lack of fair opportunity as factors that contributes to vulnerability (Sinha et al., 2019). The Palermo Protocol makes no mention of eliminating root causes and systemic issues.

The convention does not address the issues that make children and women vulnerable to trafficking, such as gender discrimination. On the other side, the provisions for information exchange and training, law enforcement, criminalization, and border controls are extensive (Skilbrei, 2019). To achieve success against human trafficking, they must

address the underlying reasons of this susceptibility and States are not compelled to explore steps that may change the economy away from the desire for cheap labor, despite the fact that forced labor is a major component of trafficking exploitation (Smith & Kangaspunta, 2018). Human commoditization, the free market, and consumer demands for low-cost goods and services are not addressed as part of the answer. The document's title emphasizes women and girls. This establishes the tone throughout the document, which fails to recognize that boys and men are also exploited for exploitation in both sex and labor trafficking and how can something be eradicated if it is barely recognized? (Smith & Kangaspunta, 2018).

2.3 The state of Trafficking in Persons in Europe.

Trafficking in Persons, also known as Human Trafficking is an issue which has plagued European countries for quite some time dating back to more than a century, though it has recently started to receive documented attention (Conway 2013). According to the USDOS (2013) the European Union, despite its vast development, is riddled with cases of human trafficking with approximately 675 000- 800 000 victims of TIP at any given moment. This is about 2,6% of the world's estimated 27 million victims. The UNODC (2019) estimated that females constitute 76% of trafficking victims and 58% of them were victims of sexual exploitation. Men account for 24% predominantly for labour exploitation. The lack of reliable trafficking in persons data is attributed to the differences between member states in the criminal codes, reporting and monitoring systems and in the rates of reporting cases to the police and other institutions. This point to the absence of a harmonized and coordinated data management system in the E.U. UNODC (2019) asserts that reliable statistical information is vital for shaping enforcement and legislative purposes; hence it is imperative for the E.U. to develop better system for aggregating statistical knowledge. However, despite the absence of reliable statistics, the European Union generally has an overall effective counter trafficking initiative because of its strong integration, member states cooperation, rule of law and thriving economy which provides opportunities to citizens.

As the European Union has widened its scope and strengthened its influence, transnational and domestic criminal syndicates involved in human trafficking have remained a symptom of societal social ills and institutional failures. Additionally, similar to organised crime, through which trafficking in persons frequently manifests, modern-day slavery occurs in regions where a large gap exists between government's legislative provisions and its ability to implement and enforce them (Thompson 2013). It is critical to note that, such regions are troubled by conflicts, corruption, economic down turns, and high levels of economic inequalities. Considering this fact, most illegal immigrants are motivated by dire economic and social conditions hence, the victims are sourced from poor countries with few economic opportunities where strong organised groups thrive. Most European countries have been destination countries for victims of trafficking who are lured from mostly Sub Saharan Africa and Asia on false job promises and find themselves in sexual exploitative situations (Thompson 2013).

2.4 The state of Trafficking in Persons in the SADC region

The Southern Africa Development Community (SADC) comprises 16 member states that have committed to regional integration, economic growth and addressing common challenges. One significant challenge faced by the SADC region is the prevalence of Trafficking in Persons (TIP). The scourge of Trafficking in Persons continues to persist despite implementation of various international protocols, legal and policy instruments to fight the crime (Chembe, 2016). In 2018, 148 nations detected and reported approximately 50,000 human trafficking victims (Muthwa, 2023). However, considering the concealed nature of this crime and absence of reliable data, the number of victims could be larger. Over the last 15 years, the proportion of minors among discovered trafficking victims has tripled globally, while the proportion of boys has climbed fivefold. Women and girls continue to be the principal targets of trafficking, accounting for 46% and 19% of all victims, respectively (Muthwa, 2023).

In the SADC region, Trafficking in Persons has been transformed by the internet where traffickers post phony job offers online offering labor in faraway locations to recruit

unsuspecting vulnerable victims (Chembe, 2016). Such recruiting and coercion are frequently carried out through social media targeting. The traffickers arrange for victims' transportation and lodging, as well as conceal the proceeds of their crimes. They may accomplish all of this swiftly and anonymously by assuming phony identities.

The SADC region is characterised by people in economic distress, irregular migration, children from broken households, and marginalized individuals who are mostly targeted by traffickers. People with albinism are among those targeted in Southern Africa such as in Malawi for their organs. Regionally, 50% of confirmed human victims of human trafficking were subjected to sexual exploitation, 38% to forced labor, 6% to forced criminal behavior, and more than 1% to begging (African Development Bank, 2019). A smaller number of people were trafficked for forced marriages, organ harvesting, and other purposes.

While trafficking in persons has become a global issue, the severity differs by region and country. According to the United Nations Office on Crime and Drugs (2011), 66% of those trafficked in 2009 were female, 12% were men, and 22% were children. According to Chembe (2016), at least 2,000,000 people are trafficked each year, with Africa accounting for 450,000 of that number. Aside from the fact that it is a lucrative illegal business, agents in the human trafficking ring benefit from the low likelihood of being discovered, arrested, and punished. Furthermore, statistics show that SADC citizens were implicated in 30% of cases handled by the Southern Africa Counter-Trafficking Assistance Programme (SACTAP) (Chembe, 2016).

In many SADC nations, vulnerable groups, particularly young women and girls, continue to be exploited by traffickers. For instance, from 2014 to 2016 in the SADC region, 1,217 victims of human trafficking were formally reported to law enforcement agencies (UNODC, 2016). Because many incidents of human trafficking go unreported, it is thought that this represents just a small part of the total cases (UNODC, 2016). This is largely a result of the crime's intricate and covert character. There are other instances where victims are saved or seek assistance from a civil society organization or a provider of social services, but they are not interested in working with law enforcement to investigate and prosecute the crime.

There is clearly not one single cause for human trafficking in Southern Africa and various factors work in concert contributing to a climate conducive to human trafficking (Motseki & Mofokeng, 2022). The following factors are identified as causes of human trafficking; poverty and inequity, conflict situations, gender based violence and discrimination within the family and the larger community, tolerance of violence against women and children, lack of appropriate legislation and political will to address human trafficking, restrictive immigration policies, the globalization of the sex industry, and the involvement of transnational organised crime networks (Motseki & Mofokeng, 2022; Davis & Snyman, 2005).

Langa (2014) divides the factors contributing to trafficking into primary causes (such as poverty, family breakdown, gender discrimination, culture, HIV/AIDS, war, natural disasters political instability and a demand by the sex industry) and secondary causes (such as weak laws, corruption and immigration). The root causes of women trafficking can also be viewed as social, cultural and economic causes and in this sense it is difficult to underline a specific cause. Trafficking in women may result from a combination of multiple factors, for example, an increasing level of household poverty, unemployment, and domestic violence, infidelity, abandoned by their husband, family disintegration, and ethnic conflict (Langa, 2014).

2.4 Legal and Policy instruments to combat human trafficking in Southern Africa Development Community (SADC).

The efficacy of SADC legal and policy instruments in combating trafficking in persons is a critical issue that demands utmost attention and analysis. Trafficking in Persons has emerged as a grave human rights concern in the region, causing extensive harm to vulnerable individuals and undermining regional stability and development (UNODC 2021). The SADC, as a regional organisation, has taken significant steps to combat this illicit trade, but the effectiveness of its policies in addressing the multifaceted nature of human trafficking remains a subject for debate. The increasing prevalence of trafficking in persons in the region necessitates a comprehensive understanding of its complexities, impacts and potential solutions. The U.N Global TIP Report (2022) states that countries

in Sub Saharan Africa and South Asia are convicting fewer traffickers, and detecting fewer victims than the rest of the world. At the same time, victims from these regions are being identified in more destination countries than people from elsewhere, suggesting a weak criminal justice response could be incentivizing the perpetrators to operate nationally and transnationally from these regions.

Following the ratification of the Palermo Protocol (2000) SADC member states in a regional concerted effort went further to prescribe domestic solutions to the increasing scourge of TIP. These efforts brought about the SADC Protocol on Extradition (2002) and the Ten (10) Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019); SADC Gender and Development Protocol; the SADC Protocol on Mutual Legal Assistance on Criminal Matters (2002); and the SADC Regional Data Collection System in 2014.

2.4.1 Ten (10) Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019)

The Ten-Year SADC Strategic Plan of Action on Combating Trafficking in Persons especially Women and Children (2009-2019) was specifically adopted to guide efforts to combat Trafficking in Persons in the SADC region (SADC, 2020). The Strategic policy outlines the eight strategic priority areas of emphasis and action in the fight against human trafficking. These are the minimum requirements for a comprehensive response to the crime of TIP which have to be implemented by member States at both national and regional levels namely; enacting laws and policies, training for capacity building and skills enhancement, prevention and public awareness raising, victim support and witness protection, coordination and regional cooperation, research and information sharing, monitoring and evaluation, and resource mobilization (SADC 2009). Individual member states have also signed and ratified various international instruments that oblige State Parties to take action to prevent TIP, identify, prosecute and punish offenders and to protect and support victims of TIP. Member States have also enacted comprehensive legislation aimed at combating the scourge of TIP since 2008.

The targets of the 10-year SADC Strategic Plan of Action on Combating Trafficking in Persons (2009-2019) were strategically refocused for the remaining implementation period from 2016 to 2019 following the mid-term assessment in 2016 (SADC, 2020). Consequently, the SADC Ministerial Committee of the Organ on Politics, Defense and Security Cooperation (OPDSC) drafted and approved the Revised Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2016-2019) in 2017. In order to accomplish this, the revised priority interventions of the Revised SADC Strategic Plan of Action on Combating Trafficking in Persons (2016-2019) now include capacity building and training, public education and awareness raising, victim support and witness protection, research and information sharing, coordination, and regional cooperation, and harmonization and operationalization (SADC, 2020). However, research by Britton and Dean (2014) posits that until appropriate funding and preventative measures are introduced, the underlying issues that foster human trafficking will continue.

2.4.2 SADC Gender and Development Protocol

Human trafficking is increasingly recognized as an outcome of economic insecurity, gender inequality, and conflict, all significant factors in the region of southern Africa. In response to the growing concern of trafficking in persons, the SADC region succeeded in developing a common understanding of trafficking in persons having noted that women and children were the most vulnerable to human trafficking. The SADC Gender and Development Policy (2002) was put in place to ensure equality and equity between boys and girls, eradicate gender-based violence, particularly domestic violence, sexual offences and human trafficking in the region. With the widespread adoption of the Palermo Protocol, the SADC countries committed themselves to providing assistance to victims, prosecuting offenders of human trafficking crimes, and organizing training campaigns for law enforcement officials and the public in order to raise awareness about trafficking in persons. Despite the growing global concern around human trafficking and achievements in framing the issue, there are differences among countries' performances in fighting against trafficking in persons. While previous research examines a number of factors, seeking answers to the question of why some states fail to take strict measures

against human trafficking, these studies suggest that main problems impeding counter-trafficking responses of national governments comprise gender representation, corruption, and political institutions (Bartilow, 2008; Avdeyeva, 2012; Cho et al., 2014; Schonhofer, 2017). According to extant research, more women in parliaments, low level of corruption and more political freedom will lead states to take serious measures to eliminate human trafficking. To date SADC has seen improvements in terms of the development of national gender policies, structures, guidelines, action plans and programmes addressing gender inequities and raising awareness on gender equality, gender analysis and mainstreaming at both national and regional levels. Despite these efforts, implementation still falls short of the stated commitments and those improvements may face emerging threats such as increasing poverty, HIV and AIDS and escalating levels of gender-based violence and human trafficking in the region.

2.4.3 SADC Protocol on Mutual Legal Assistance on Criminal Matters (2002)

Article 2 of this protocol states that; the State Parties shall, in accordance with this Protocol, provide each other with the widest possible measure of mutual legal assistance in criminal matters; Mutual legal assistance is any assistance given by the requested State in respect of investigations, prosecutions or proceedings in the Requesting State in a criminal matter, irrespective of whether the assistance is sought or is to be provided by court or some other competent authority; Criminal matters include investigations, prosecutions or proceedings relating to offences concerning transnational organized crime, corruption, taxation, custom duties and foreign exchange control; and The protocol is intended solely for mutual legal assistance between the State Parties. The provisions of this Protocol shall not give rise to a right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of a request (SADC, 2002).

Trafficking in persons poses a grave humanitarian and security challenge, affecting millions of vulnerable individuals worldwide. The SADC countries are not immune to this global problem. However, through mutual legal assistance, these countries can effectively collaborate and exchange information to combat TIP in the region. Thus, the SADC Mutual Assistance in Criminal Matters Protocol can be significant as it has the potential to enhance intelligence sharing, investigation, prosecution and victim support

and protection in the SADC region. By sharing intelligence, SADC member countries can exchange information on trafficking networks, modus operandi and key actor involved in the vice. The collaborative intelligence enables law enforcement agencies to gain a broader understanding of TIP patterns, thereby informing targeted operations and investigations to contain the vice. Furthermore, sharing intelligence facilitates the identification of cross-border trafficking routes, which is vital in intercepting and thwarting organised criminal networks operating within the region.

Cooperation and collaboration are essential components of mutual legal assistance in fighting crime. These mechanisms enable SADC member countries to cooperate in the investigation and prosecution of traffickers. Through joint trainings and capacity building initiatives, law enforcement agencies can enhance their knowledge and expertise in TIP related investigations. Additionally, by aligning legal frameworks and procedures, countries in the SADC region can more effectively harmonise their efforts in arresting and successfully prosecuting traffickers, ensuring that human traffickers face justice regardless of borders and jurisdictions.

Another critical aspect of mutual legal assistance is the provision of support and protection for victims of trafficking. Collaboration among member countries allows for the sharing of best practices in victim identification, assistance and rehabilitation. The exchange of knowledge and resources ensures a comprehensive response to trafficking in persons, addressing the needs of survivors in a culturally sensitive manner. Governments can also work together to establish victim-centered strategies, such as cross-border referral mechanisms, to ensure that victims receive necessary psycho-social support and protection throughout their journey to recovery.

The SADC Mutual assistance protocol works hand in hand with the SADC Protocol on Extradition (2002) was signed with the goal of lowering crime rates by allowing member states to extradite to the other any individual under their jurisdiction who is wanted for prosecution or the imposition or implementation of a sentence in the requesting member state (SADC, 2002). In terms of mutual legal help in criminal situations, the SADC set standard rules for assisting one another in criminal matters. By signing the protocol, member governments pledged to provide cooperation in criminal investigations,

prosecutions, and processes. The protocol also specifies how such aid would be provided, who will be responsible, and why such assistance may be rejected.

Extraditable offenses are offenses that, under the laws of both State Parties, are punishable by imprisonment or other deprivation of liberty for at least one year, or by a more severe penalty. If the request for extradition is for a person wanted for the enforcement of a term of imprisonment or other deprivation of liberty issued for such an offense, extradition may be denied if less than six months of such sentence remains to be served (SADC, 2002).

2.4.4 SADC Regional Trafficking in Persons Data Collection System

The SADC Regional Trafficking in Persons Data Collection System was established in 2014 as part of a collaborative initiative between the SADC Secretariat and the United Nations Office on Drugs and Crime (UNODC 2015). The system was established to respond to the challenges of limited statistics on the crime in the region and the need to develop a Regional Management Information System on Trafficking in Persons as outlined in the Ten-Year SADC Strategic Plan of Action on Combating Trafficking in Persons especially Women and Children (2009-2019).

The System was envisaged to strengthen the 16 SADC member states' ability to collect, aggregate and analyse domestic and cross-border trafficking in the region and beyond. Such data will inform policy intervention by SADC and member states. In the absence of reliable data, it becomes difficult to state, with absolute certainty (Vhumbunu,2020). Whether cases of human trafficking are increasing or decreasing, and whether the criminal justice responses are being effective. The absence of such reliable data makes it difficult for governments and the SADC to take appropriate policy decisions. Ongoing use of the system by member states officials and sharing of information will result in, cooperation, coordination and communication among states; increased prosecutions and convictions, which acts as a deterrent for potential traffickers (UNODC, 2021). However, despite the deployment of the SADC Region Data Collection System, the SADC region continue to grapple with rising cases of human trafficking, hence the aim of this study to assess the effectiveness of the policy in combating TIP in SADC region.

2.5 Regional political integration combating trafficking in persons

Regional cooperation to combating crimes such as Trafficking in Persons that have a regional dimension are facilitated through regional integration. The process through which two or more nation-states agree to cooperate and work closely together to create peace, stability, and wealth is known as regional integration (World Bank, 2021). Typically, integration entails one or more written agreements outlining the specific areas of cooperation, as well as certain coordinating entities representing the countries involved. Political integration strengthens as the economies of the cooperating countries become fully integrated into a single market, a demand for shared social programs (education, health care, unemployment compensation, and pensions) and common political structures emerges (World Bank, 2021). This is political integration, and it reaches its apex when the cooperating countries share the same foreign policies and unite their forces. They effectively constitute a new country.

Regional integration assists countries in overcoming barriers to the flow of commodities, services, capital, people, and ideas (African Development Bank, 2019). These divisions stifle economic growth, particularly in emerging countries. Through shared physical and institutional infrastructure, the World Bank Group assists its client countries in promoting regional integration. Geographical divisions between countries, bad infrastructure, and ineffective policies all impede economic growth (African Development Bank, 2019). Regional integration enables governments to overcome these costly divisions by integrating markets for goods, services, and factors, so facilitating the flow of trade, capital, energy, people, and ideas.

Regional integration can be aided by shared physical and institutional infrastructure. Regional integration necessitates collaboration across countries in the following areas: trade, investment, and domestic regulation; transportation, ICT, and energy infrastructure; macroeconomic and financial policy; and the provision of other common public goods (for example shared natural resources, security, and education), security and combating crime (Sutherland, 2019). Regional integration can result in significant economic gains as countries can benefit from regional integration in the following ways: Increase market efficiency by sharing the costs of public products or massive

infrastructure projects (Sutherland, 2019). Make policy decisions collaboratively and have a reform anchor; have a foundation for global integration; other non-economic advantages include peace and security. In light of the above, regional integration may boost socio-economic development of member states which result in reduced vulnerabilities among the people.

There are, however, hazards to regional integration that must be identified and controlled. Countries' priorities for regional integration may differ depending on connection gaps, economic geography, or aspirations for sovereignty in specific areas (Sutherland, 2019). The influence of regional integration on trade and investment flows, economic activity allocation, growth, and income distribution is frequently difficult to quantify. Ineffective outcomes may result from a lack of complementing policies and structures. For example, legislative barriers at the border may cancel out the benefits of transportation infrastructure cooperation. Regional integration produces winners and losers, particularly among individual countries. To ensure that regionalism is inclusive and that social, environmental, and governance concerns are controlled, policies and institutions are required.

2.6 Empirical review

Garret (2022) carried out research on the impact of law enforcement training on the ability of officers to recognize human trafficking situations in West Tennessee. However, the research found out that laws that combat TIPs in the region were less effective due to lack of training of police officers about human trafficking which resulted in lack of police officer preparedness to TIP crime. Approximately one in five police officers did not correctly differentiate between human trafficking and smuggling and were not aware that human trafficking victims may not always ask for help (Garret, 2022). Thus, regardless of the availability of laws against human trafficking in West Tennessee, its implementation remained less effective due to lack of awareness by the police officers.

This Rapid Evidence Assessment (REA, 2020) examines current evidence on the effectiveness of interventions to combat human trafficking in four South Asian countries (Bangladesh, India, Nepal, and Pakistan). The studies reviewed include both pre- and

post-trafficking interventions. These include awareness and education programmes, training, border monitoring, worker-led identification and unionization, and rehabilitation and reintegration. Common outcomes of the studies included increased self-reported knowledge of victim identification and referral, and mitigation of risk factors (REA, 2020).

Dao (2018) conducted research titled, 'Human trafficking in the Southeast Asian Region. Dao (2018) discovered that cases of human trafficking in its various forms were ever increasing as a result of legislative and policy gaps that failed to address corruption in the government. In year 2017, there was a case in Thailand involving an Army General, Manas Kongpan, connecting him to human trafficking. Kongpan was a Lieutenant General who was convicted for human trafficking, alongside 103 other human trafficking suspects and as a senior military officer, Kongpan was in charge of leading operations that captured migrants off the coast of Thailand (Dao, 2018). With the evidence of millions of Baht being transferred into his account, the court declared him guilty of the transnational crime and sentenced him to twenty-seven years in prison (Yee, 2017). Another official connected to human trafficking in Thailand was Soe Naing and according to the evidence found on Naing, he was in charge of labor camps located in the jungle connected to the trafficking network. Among all of the 103 suspects convicted, Naing received the longest prison sentence of them all, a total of 94 years in prison (Yee, 2017).

Richard (2005) carried out research on the effectiveness of State legislation on human trafficking in United States. Richard found out that the effectiveness of the legislations in United was undermined by lack of enough resources to investigate the crime and prosecute the offenders. There is also concern that authorities may lack the resources to investigate human trafficking cases efficiently. According to the 2003 US Assessment, human trafficking cases are among the most labor-intensive and time-consuming criminal investigations that the US government conducts (Richard, 2005).

Various researches on the effectiveness of legal instruments and policies on human trafficking have been conducted globally as highlighted above. However, no studies have been conducted in SADC in order to evaluate the effectiveness of SADC legal

instruments on combating TIPs which this research seeks to cover that research gap. The research unveils the hidden barriers that hinder the effectiveness of legal instruments against human trafficking in SADC.

2.7 Chapter summary

This chapter have reviewed literature on the international and regional level and provided their strengths and weakness. It also provided the theoretical framework that underpins the study. The next chapter provides the research methodology that was used to gather data and analyze the findings

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter explains the procedures and techniques that were used in data collection in order to meet the objectives of the study. Research methodology is a technical and systematic process employed in solving research problems and structuring of the research through techniques which include observations, surveys, interviews, tests, critical studies and experiments (Leedy, 2016). This chapter further explains the research philosophy, research design, and target population, sampling, and research instruments and data collection and analysis procedures.

3.2 Research Philosophy

This research applied an interpretivism research philosophy in assessing the effectiveness of the Southern Africa Development Community (SADC) legal and policy instruments in combating Trafficking in Persons in the region as it best suits a qualitative study. In interpretivism research philosophy, emphasis is placed on understanding the individual and their interpretation of the world around them (Collins & Hussey, 2014). Hence, the key tenet of the Interpretivist paradigm is that reality is socially constructed. Basically, there are four types of research philosophy which are positivism, realism, pragmatism and interpretivism/phenomenology (Blumberg, 2011). Research philosophy contributes to the development of a study by establishing a plan or approach for the study. It is also regarded as the study's foundation, which includes the selection of the research strategy, how the problem is created, data collection, and data analysis (Kumar, 2019; Creswell & Creswell, 2018).

There are several distinct advantages to interpretive research philosophy. For instances, they are well-suited to uncovering the hidden causes of complex, interconnected, or multifaceted social processes such as inter-firm relationships or inter-office politics, where quantitative evidence may be biased, inaccurate, or otherwise difficult to obtain (Blackwell, 2018). Second, they are frequently useful for theory construction in areas

where there is no or insufficient prior theory. Third, they are appropriate for researching context-specific, one-of-a-kind, or idiosyncratic events or processes. Fourth, interpretive research can aid in the discovery of interesting and relevant research questions and issues for future study (Blackwell, 2018). However, interpretive research necessitates well-trained researchers capable of seeing and interpreting complex social phenomena through the eyes of the embedded participants and reconciling the diverse perspectives of these participants without introducing personal biases or preconceptions into their conclusions (Kumar, 2019).

3.3 Research approach

This research used a qualitative research approach in assessing the effectiveness of the Southern Africa Development Community (SADC) legal and policy instruments in combating Trafficking in Persons in the region. Basically, there are three types of research approaches namely mixed, qualitative and quantitative research approach. Kumar (2019) defines a mixed research approach as an approach that entails the use of different elements of the research process from both the qualitative and the quantitative research approaches in a single study. According to Creswell (2018) a qualitative research approach entails an approach in which the researcher aims to explore and understand the meanings ascribed to a human or social problem by individuals or groups of people. In contrast, a quantitative research approach refers to a “systematic experimental analysis of observable phenomenon through statistical, mathematical or computational techniques in numerical forms such as statistics and percentages” (Mishra and Alok, 2017). This study used a qualitative research approach as it allows the researcher to obtain an in-depth understanding in assessing the effectiveness of the Southern Africa Development Community (SADC)’s legal and policy instruments in combating Trafficking in Persons in the region from utilising qualitative data.

3.4 Research design

According to Tan (2018) a research design refers to a systematic way of deciding how to execute a research to rule out alternative explanations. Therefore, a research design depicts a plan utilised by the researcher to conduct research. In other words, the research design serves as a research blueprint which provides details of every aspect of the study from conceptualisation up to the dissemination of research findings. This study was based on a Case Study research design in order to assess the effectiveness of SADC's legal and policy instruments in combating Trafficking in Persons in the region. A case study research design enables gathering and analysis of data specifically for a selected case. Tight (2017) defined a case study as a design that focuses on an in-depth study of one or limited number of cases. The case can be a lot of things which includes animals, people, schools, companies, policies or ideas. This research is a case of Zimbabwe, Malawi and South Africa. A case study design was used in order to obtain an in-depth understanding of the effectiveness of SADC's legal and policy instruments policies in combating Trafficking in Persons in the region, a case of Zimbabwe, Malawi and South Africa, and come up with sound recommendations.

3.5 Study population

A study population is the group of individuals that the intervention intends to conduct research in and draw conclusions from (Barsbee and Nghiem, 2018).

The population of this research comprised of respondents from SADC secretariat, Interpol Regional Office for Southern Africa, National Prosecution Authority, Police officials and Ministry of Home affairs TIP Secretariat and Non-governmental Organisations. The participants were chosen for their involvement in Trafficking in Persons issues.

3.6 Sample

A sample is a part or subset of the population used to gain information about the entire population (Cohen et al., 2011). Best (2007) asserts that a good population sample must

not only be representative, but it has to be adequately of sufficient size to allow confidence in the stability of its characteristics.

3.7 Sampling procedure

A sampling procedure refers to a set of rules that specify how the research participants are selected (Marke, 2007). Nicolopoulou (2022) further posits that purposive sampling refers to a group of non-probability samples in which units are chosen because they have the characteristics desired in the sample. In this study the researcher used an accessible population to represent a targeted population. A purposive sampling procedure was used to select the research participants among stakeholders who deal with Trafficking in Persons in the SADC region as they had the desired knowledge and expertise in the subject under study. His was also necessitated by the researcher's background knowledge of the subject under study hence targeting the required population sample for the study was particularly easy. According to Nicolopoulou (2022), the advantages of using purposive sampling in research are that; representative sample relatively quickly allows the researcher to select a sample highly representative of the characteristics or attributes they are interested in studying. It is flexible, cost effective as it does not require a random selection process and allows the researcher to gather in-depth data on specific subject which provides valuable insights and understanding of the research question.

The disadvantage of purposive sampling it that it is subjective and relies on the researcher's judgment, which can cause bias in the study. However the researcher remained professional and ethical in the conduct of the research to avoid bias.

3.8 Sample size

Nicolopoulou (2022) posits that in purposive sampling, the selection of a sample size is based on the researcher's judgment rather than using random sampling. The sample size is also selected based on the clearly defined purpose of the study and is intended to be representative of the characteristics or attributes in which the researcher is interested. Cohen et al. (2011) state that generally a sample size of 30 individuals is often considered

sufficient for qualitative research. In this study 50 participants were, using expert sampling, purposively chosen from the SADC Secretariat, Interpol, National Prosecution Authority, Police, Ministry of Affairs, and NGOs who deal in trafficking issues in the SADC region. The sample size was deemed sufficient considering the area of study and the attributes of the participants. The researcher used his judgment to select the participants selected based on their attributes needed in the sample and their knowledge of the subject under study which trafficking in persons.

3.9 Sources of data

This research used both primary and secondary data sources in order to find answers to the research questions. Primary and secondary data are the two primary types of data that researchers can use to obtain the information they need to accomplish their objectives. Primary data is data that is collected directly from sources other than the researchers themselves. According to Saunders (2015) this is one of the most fundamental contrasts between the various types of data categories available to us. There are a variety of data collection methods available, including interviews, surveys, experiments, and observation, all of which include the capture of documentation and artefacts from the field (Wenger, 2013). Primary data comes from field surveys that are carried out in the field. Despite the fact that it is time-consuming and expensive, it provides the necessary and suitable information. It assures the accuracy of the data collected and provides up-to-date information to the public for dissemination. Secondary data is information that has been received and is being utilised for reasons other than those for which it was originally collected. Prior market surveys, as well as financial reports and government publications, might be used to get this type of secondary data. According to Hawkins (2013), secondary data is information that has been gathered for purposes other than solving a specific problem or problem.

3.10 Research instruments

In this research both a questionnaire and an interview guide were used to gather data from stakeholders who deal with trafficking in persons issues in the SADC region. On the other hand secondary data sources were explored used to examine the phenomenon, trends and typologies of Trafficking in Persons in SADC region.

3.10.1 Questionnaire

Ziekman (2010) asserts that a questionnaire is a method of gathering primary data about attitudes, knowledge, beliefs and feelings about a subject under study. Advantages of using a questionnaire are that; each respondent just fill in his/her responses thereby saving the researcher's time, data on a broad range of topics can be collected within a limited space of time, the format is standard for all subjects and is independent of the researcher's mood. Disadvantages include the aspect that respondents may sometimes not understand the language or terms used thereby giving a different contextual meaning to the question. However, this was curtailed by conducting a pilot study to clear such challenges. In this study the questionnaire was chosen as it could wholesomely solicits a wide range of input from respondents. A total of 45 questionnaires were distributed to research participants.

3.10.2 Response rate

The study obtained a response rate of 91% (41 out of 45 questionnaires distributed) as illustrated in table 3.1 below. On the other hand, the research got 100% (5 out of 5) response rate on interviews conducted with the SADC secretariat, Interpol Regional Office for Southern Africa, International Organisation for Migration National Prosecution Authority, and Police and Ministry of Home affairs and Cultural Heritage.

Table 3.1 Response rate (No. 41)

Country	Online Questionnaire Distributed	Questionnaires Returned	Percentage
Zimbabwe	15	14	93%
Malawi	15	13	87%
South Africa	15	14	93%

Total	45	41	91%
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According to Kumar (2014), an acceptable response rate should be greater than 70%. According to Donald (2013), the response rate should be greater than 50%. The response rate as shown in Table 3.1 above was thus valid in this study.

3.10.3 Interview

An interview is an in-depth interview with a key informant entails one-on-one, face-to-face interaction between the interviewer and respondent after establishing intimacy with the goal of mutual self-disclosure (Johnson, 2001). Five(5) face-to-face key informants were conducted with experts from the SADC Secretariat, Interpol, Police, I.O.M. and Ministry of Women Affairs. During the sessions, data was gathered by taking short notes. The objective of the key informant interviews was to gather in-depth information on the phenomenon of trafficking in persons, legal and policy instruments from the people with expertise and knowledge on the subject matter. Bogner, Littig & Menz; (2009) highlights the following are some of the benefits of interviewing key informants for this study: the interviewer was able to establish a solid relationship with the respondents as a result of this. The interviewer could also stimulate the participant's interest in his or her personal experiences, encouraging them to dig deeper into the study's most essential topics. The presence of the interviewer enabled the clarification of complex questions and the reduction of misinterpretation. However, the key informant interview guide has some drawbacks, such as the tool's association with generalization of feedback in some responses as the interviewer attempts to extract the meaning (Bogner, Littig & Menz; 2009). As a result, the problem was handled by questioning multiple key informants in order to triangulate the information.

3.10.4 Document analysis

The research also used secondary records such as publications and reports. Finding and retrieving data from authentic archive materials is known as archival research. Marshall (2006) makes the case that archival data are the routinely gathered records of a society, community, or organization. As a result, records used in archival research may be owned by institutional archive sources, which could be a government agency, company, family, or other organization. Further, Marshall (2006) avers archival research entails scanning current newspaper editorials or gathering information from a website and is appropriate for presenting the participants' values and ideas. In comparison to other sorts of data, this type is crucial because it is quick and saves time because the researcher was studying readily accessible materials.

3.11 Data presentation and data analysis

The research was based on qualitative research approach. Therefore data was analyzed through thematic data analysis and themes were formulated from the responses arising from the research participants. The purpose of presenting and analyzing data is to convert raw data into comprehensible explanation and meaningful events (Weiss 1998). The data used in this study was collected through questionnaires and key informant interviews and analysed using the content analysis. A classification system was further applied to record the information base on frequency of the response and a thematic analysis was used. Data obtained through questionnaire was presented through tables and charts, and analysed through Microsoft Excel. Qualitative data from key informant interviews was analysed with the aid of the Statistical Package for Social Sciences (SPSS) to calculate frequency of responses.

3.12 Reliability

Reliability refers to consistency in getting the same results under similar circumstances (Merriam 1998). Human beings interpret events in a different way this means that a similar

study with different researchers and participants yields different results. Personal constructions of meaning in human beings arise from different individual experiences as well as difference in data collection and analysis experience including data interpretation which impact on credibility of data. In this research the researcher ensured reliability of the research findings by interviewing more than one key informant from stakeholders dealing in TIP issues in the SADC region. The same questionnaire with set of questions was distributed to research participants for them to respond independently to the questions. Furthermore, an interview guide was used to solicit information from key informant interviews. This was done to ensure that all research participants respond to the same set of questions, the responses of which would be reliable. Internal consistency was thus achieved as the responses were consistent and there was correlation.

Peer reviews were used ensure reliability of the research instruments for both the interview and questionnaire. Peers were given the instruments and shared their views on areas that needed improvement in order to get consistent and stable results regarding the efficacy of the SADC legal and policy instruments in combating trafficking in persons in the region. Furthermore, the questionnaire with the same questions was used to solicit data from the different participants. The same was also done on face to face interviews in order to ensure reliable data was obtained for the study.

3.13 Validity

Validity refers to the ability of the research project to achieve expected results (Watson et al., 2009). Therefore, in order to ensure viability of this research a pilot study was carried out and the interview guide was pilot tested. Prior to using the research instruments be it a questionnaire or an interview guide there is need to pilot test the instruments. Pilot test involved giving the instrument to a small group of people like ten or fifteen people with the same characteristics as the target sample (Watson et al 2009). The purpose of pilot testing is to refine the research instruments. The critical issues to be attended to in relation to the interview guide were guided by McGregor and Vrazalic

(2004), Stansfield and Grant (2003) and Ramsey et al (2003) and the researcher looked at

- Clarity of instructions.
- Identification of ambiguous questions.
- Questions which seem to be difficult to answer.
- The major omission made by the research tool in relation to the area of study.
- The attractiveness and clarity of the layout.

These points were focused on and the weaknesses were attended to. The questions applied to the interview guide focused on the sequencing of the questions and the clarity of questioning on the part of the interviewer and ability to follow-up on misinterpretations and misunderstandings. Therefore, a pilot study is a critical step in fine tuning the research instruments in this study.

3.14 Ethical considerations

This research values the importance of ethics. An acceptable research investigation must be conducted with an ethical approach. Walsh (2001) defines research ethics as standards of behavior and practical procedures that researchers are expected to follow. This study upheld the following research ethics; authority to conduct the research, authorized access to information, protecting the respondents from any harm, getting informed consent, upholding confidentiality, privacy, anonymity, being honest, working with integrity and not deceiving the respondents.

The researcher first obtained authorization and access letter to conduct the research from Bindura University of Science Education. Additionally authority was sought from respective participants' organisations to carry out the research and it was obtained. Participants were clearly informed of the purpose of the study and assurance was given to them that they would remain anonymous and that the information collected from them would be used for educational purposes only. Additionally they were informed that their participation would be confidentially and privately done. The research participants were

given the right to opt out of the study at any stage should they felt uncomfortable with the study. Thus their informed consent to participate in the study was obtained. Furthermore, the research acknowledged the work and ideas borrowed from other scholars and all the research ethics highlighted were strictly observed.

CHAPTER FOUR

DATA PRESENTATION AND DISCUSSION OF STUDY FINDINGS

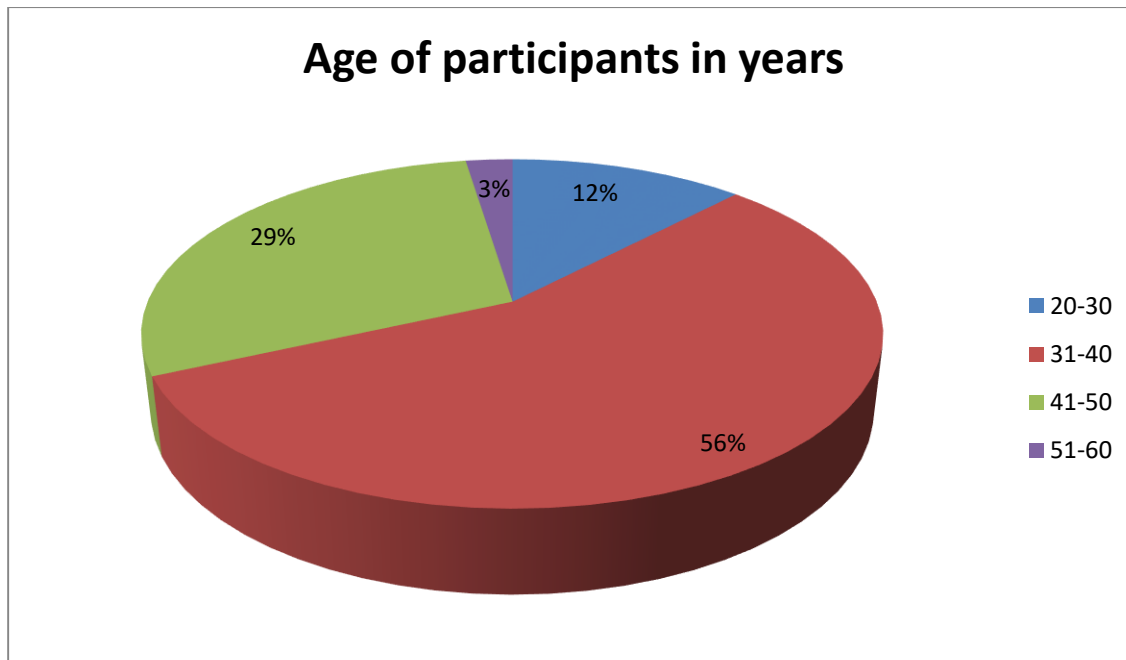
4.1 Introduction

This chapter provides presentation and analysis of the study findings. Results were presented in line with objectives and research questions. Quantitative data was analyzed and presented in form of graphs, charts, tables and themes. Qualitative data from interviews was analyzed and presented in thematic form using narrative and interpretive techniques in data analysis.

4.2 Demographic characteristics

The research sought information on demographic variables: age, sex, educational level and working experience obtained.

4.2.1 Age



4.1 Age (No. 41)

As illustrated in Figure 4.1 above, most of the respondents 23 (56%) were aged between 31-40 years while the least number of respondents 1(3%) was age between 50-60 years. The age distribution shows that respondents were mostly mature people. Knowing the age of respondents was important because it accorded the study to get information from participants with varying life experiences.

4.2.2 Sex

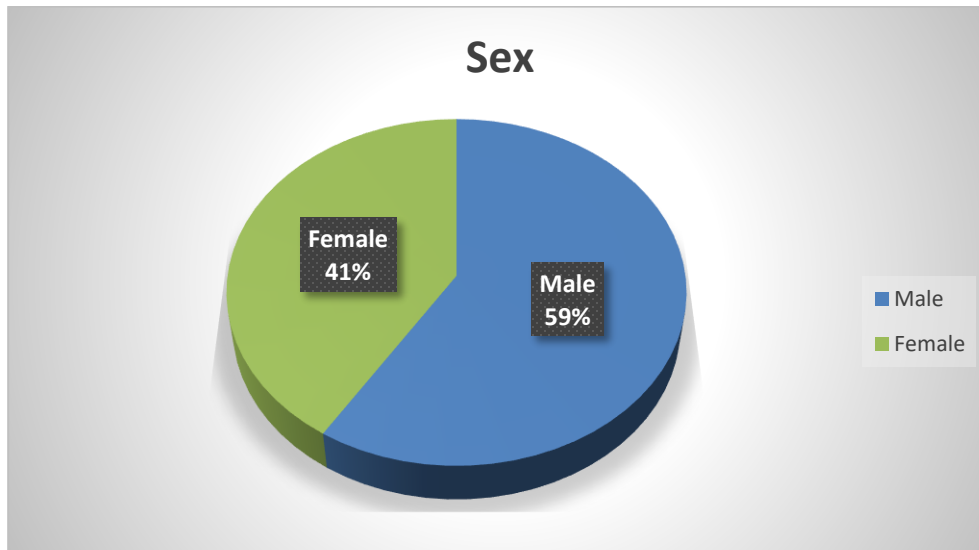


Figure 4.2 Sex (No. 41)

According to Figure 4.2 above, the majority of the respondents 24 (59%) were males while females were the minority with 17(41%) of the respondents. The distribution shows that there is gender balance as both males and females are almost equally represented. This is important because it accorded the study to get information from both sexes.

4.2.3 Level of Education

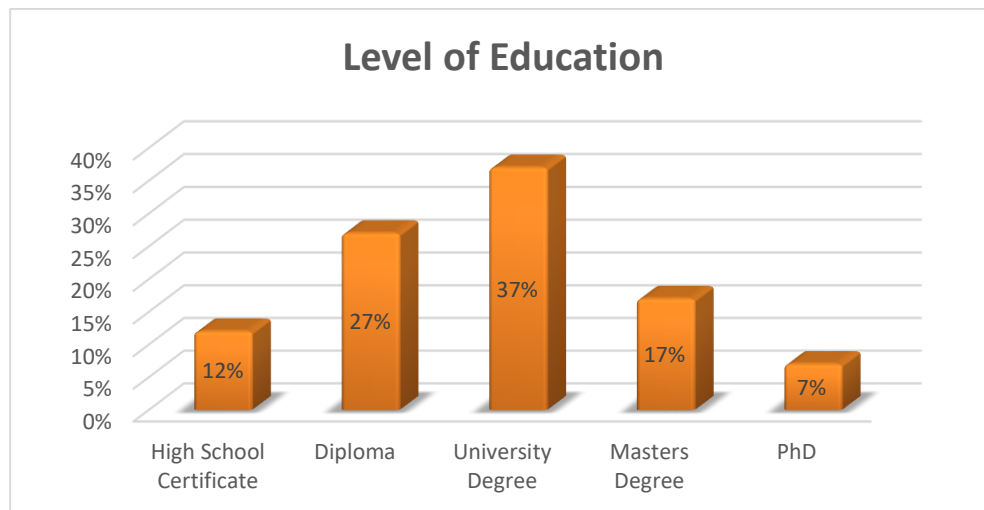


Figure 4.3 Level of Education (No. 41)

Most of the respondents 16 (39%) hold a University Degree, followed by 11 (27%) with a Diploma from tertiary institutions (Figure 4.3) and 7 (17%) had masters degree. The distribution shows that the respondents were learned people who could decipher the questions asked and make informed responses.

4.2.3 Work Experience

Table 4.1: Work experience (No.41)

Years of Experience	Frequency	Percentage
≤5years	3	7%
5-10 years	15	37%
10-15 years	20	49%
15 years +	3	7%
Total	41	100%

With regards to working experience, the majority of the respondents 20 (49%) had between 10-15 years working experience in fighting against TIP in SADC, followed by 15(37%) with 10 to 15years of working experience (Table 4.1). The distribution shows

that majority of the respondents were experienced in the field under study hence they could articulate the issues asked well.

4.3 Trafficking in Persons and the Ten (10) Year SADC Strategic Plan of Action

The first objective of the study sought to examine the effectiveness of the Ten (10) Year SADC Strategic Plan of Action in Combating Trafficking in Persons in the region. A five-point Likert scale was used to solicit the responses from participants as illustrated in Table 4.2 below. With regards to this objective, the study came up with the following themes: relevant laws and trafficking in persons; training and capacity building; public awareness; regional cooperation; resources; research and information sharing; victim support and witness protection and monitoring and evaluation.

Table 4.2 Ten-Year SADC Strategic Plan of Action. (No. 41)

Statement	Responses										Total	
	Strongly Agree		Agree		Not Sure		Disagree		Strongly disagree			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Relevant laws have been enacted to combat TIP in SADC Region	41	100	0	0	0		0		0		41	100%
The laws enacted have contributed to the reduction of TIP cases in the SADC region	0		14	35	8	20	23	55	0		41	100%
There have been robust public awareness raising to prevent TIP in the region	0	0	0	0	0	0	16	14	25	60	41	100%
Training and capacity building has enhanced skills of officials in combating TIP in the region	0		31	75	0	0	10	25	0	0	41	100%
Regional cooperation have contributed to the detection and prosecution of traffickers in the region	0		0		14	53	25	60	2	5	41	100%

Enough resources been allocated towards combating TIP in the region	0		0		12	30	19	46	10	42	41	100%
Research and information sharing contributes to the combating of TIP in the region	0		31	57			10	25	0		14	100%
Victim support and witness protection is contributing to successful prosecution of human traffickers	0		27	65 %					14	35 %	41	100%
Monitoring and evaluation of SADC plan in combating of TIP in the region	0		16	40 %	0		23	56%	2	5%	41	100%

In data analysis Strongly Agree (SA) and Agree responses were merged as they meant the same and similarly Strongly Disagree (SD) and Disagree were merged.

4.3.1 Relevant laws and trafficking in persons

Table 4.2 shows that data gathered through questionnaires established that most of the respondents 41 (100%) confirmed that relevant laws to combat Trafficking in Persons in the region are in place.

A key informant from the SADC Secretariat said that:

14 out of 16 countries in SADC Secretariat have national laws in place to punish, suppress and combat Trafficking in Persons. Analysis of secondary data, that is, relevant literature provided evidence that Comoros and the Democratic Republic of Congo are yet to enact a specific law to criminalize Trafficking in Persons but they have other laws which criminalize child trafficking. Malawi, South Africa and Zimbabwe have specific legislation on Trafficking in Persons. (Interview with a key informant from the SADC Secretariat, 2023).

Zimbabwe enacted the Trafficking in Persons Act Chapter 9:25 in 2014. Malawi has the Trafficking Persons Act, No. 3 of 2015 and South Africa enacted the Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013 (SADC, 2022).

The study findings are in tandem with U.S Department of State Trafficking in Persons Report (2023) which shows that all but one of the SADC countries ratified the Palermo Protocol and went on to enact relevant laws to combat Trafficking in Persons.

Interviews with key informants also indicated that while the laws are there, they have not contributed to the reduction of TIP in the region further highlighting that the vice was actually increasing. A South African Police Service key informant revealed that South Africa's. The key informant had this to say:

'South Africa's Prevention and Combating of Trafficking in Persons Act 7 of 2013 (PACOTIP Act), which came into effect on 9 August 2015 complies with the Convention on Transnational Organized Crime supplementing the Trafficking in Persons and Protocol by criminalizing all forms of trafficking and securing protection for TIP victims but the crime continues to increase.' (Interview with South Africa Police Service Key Informant, 2023).

Similarly study findings from Mollema (2013) revealed that SADC countries are generally unable to effectively combat human trafficking as they are failing to keep pace with its growth.

A key informant from the Zimbabwe Home Affairs-TIP Secretariat said:

Regardless of the laws to combat TIP in the region, Zimbabwe remained a source, transit and destination of TIP victims. Victims dealt with so far have been recruited mostly around the country by people masquerading as employment agents and transported to countries like Oman, Dubai, Kuwaiti and the Asian countries such as China. Victims are mostly women who constitute about 90% of victims and are recruited and exploited for labor as domestic workers. (Interview with a key informant from the Zimbabwe Home Affairs-TIP Secretariat, 2023).

Research findings established that enacting laws alone without addressing structural root causes and fully implementing policies to eradicate crime does not lead to eliminating Trafficking in Persons. Sinha et al. (2019), in support of this fact, states that, the Palermo

Protocol which brought about the first internationally agreed definition of Trafficking in Persons (TIP) emphasizes criminal law measures which only answer part of the problem of human trafficking. It fails to mention or address underlying contributory factors such as gender discrimination.

4.3.3 Training and Capacity building

Table 4.2 show that most of the respondents 31 (75%) agreed that training and capacity building has enhanced skills of officials in combating TIP in the region while the minority 10 (25%) were in disagreement. A key informant from the SADC Secretariat said that:

'The region through SADC Regional Office for Southern Africa and Interpol Regional Bureau for Southern Africa and other cooperating partners such as United Nations Office on Drugs and Crime (UNODC) and IOM has conducted several training and capacity building workshops to enhance skills of law enforcement agents, prosecutors and judicial officers in handling Trafficking in Persons issues. This has gone a long way in enhancing their skills to detect, investigate and prosecute trafficking in persons cases.'
(Interview with the SADC Secretariat, 2023)

However, this is evidently not enough as evidenced by the primary data gathered from key informant interviews. One key from International Organisation for Migration (IOM) informant stated that:

'Capacity building should target all law enforcement officials and TIP should be part of the curricula in their training institutions. Currently these are mostly being done at regional level which is not enough' (Interview with key informant from IOM, 2023).

The research findings concur with research by Garret (2022) which found that capacity building and training is key in raising the knowledge of law enforcement agencies and other stakeholders in the judicial system in handling complex issues surrounding Trafficking in Persons.

4.3.4 Public Awareness rising on TIP in the region

Table 4.2 shows that most of the respondents 41 (100%) disagreed that public awareness campaigns are being done towards conscientizing citizens about Trafficking in Persons in the region.

A key informant from Non-Governmental Organisation working on TIP issues indicated that:

Governments in SADC were leaving awareness campaigns to be done mostly by the Civil Society Organisations and inter-governmental organisations such as UNODC. As a result little has been done to improve the knowledge of the public in SADC member states about TIP in the region. (Interview with Key Informant from an NGO, 2023)

Another key informant from a non-governmental organisation stated that:

What we have witnessed is that you only see and hear of these awareness raising campaigns during international days such as the 30 July International Trafficking in Persons Day. Not much is being done to raise awareness on TIP. (Interview with Key Informant from an NGO, 2023)

Another key informant from Interpol Regional Bureau for Southern Africa had this say:

Member countries should not leave important awareness raising campaigns to civil society and development partners but should instead spearhead them. Countries in SADC have not invested their efforts towards this noble cause. (Interview with key informant from Interpol Regional Bureau for Southern Africa, 2023).

These findings are similar to those of the Rapid Evidence Assessment (REA, 2020) which examined current evidence on the effectiveness of interventions to combat human trafficking in four South Asian countries (Bangladesh, India, Nepal, and Pakistan) and found out that public awareness and education programmes and training of border monitoring workers are crucial in the fight against TIP. The findings are further supported by the United States Department of State Trafficking in Persons Report (USDOS) (2023) most SADC countries are ranked in Tier 2 because they do not fully meet the minimum

standards for the elimination of trafficking in persons, such as carrying out robust awareness raising campaigns.

4.3.5 Regional Cooperation

According to table 4.2 above, most 27 (65%) of the respondents feel that regional cooperation has not contributed to the reduction of Trafficking in Persons cases while the minority 14 (35%) were not sure of its impact. Actually, lack of regional cooperation has been cited as a contributing factor to the increase in TIP in the region.

A key informant from Interpol Regional Bureau for Southern Africa had this say:

While the member states have signed and ratified several agreements and platforms for cooperation and collaboration, they have failed to honour these interventions. (Interview with key informant from Interpol Regional Bureau for Southern Africa, 2023).

One key informant from Malawi National Prosecuting Authority had this to say:

Poor cooperation initiatives have proved to be a hindrance to fully combat human trafficking and other crimes. Human Trafficking is a transnational organised crime hence there is need for regional cooperation at all levels from Law enforcement through to the judicial processes to ensure the traffickers are brought to justice and pay for their reparations.” (Interview with Malawi National Prosecuting Authority key informant, 2023)

Research findings are similar to research by International Organisation for Migration (2021) who found that regional cooperation has failed to combat trafficking in persons because of various reasons, some of which are caused by lack of willingness to abide by regional conventions such as the mutual assistance protocol. It is clear that, for information exchange with law enforcement agencies of foreign countries in general, to enhance international cooperation, ICPO and diplomatic channels are theoretically available. However, both channels are characterised by too much red tape hence very tedious and lengthy.

4.3.6 Resources

The majority 29 (71%) of respondents as shown in table 4.2 disagreed that enough resources were being channeled towards combating Trafficking in Persons in the region. The minority 12 (29%) were not sure.

Interviews with key informant from SADC Secretariat intimated that:

Generally most SADC countries are affected by economic pressures and are poor hence the meager resources available are allocated to issues such as drought relief programs. (Interview with key informant from SADC Secretariat, 2023)

One key informant from Zimbabwe Republic Police stated that:

Limited resources have been hampering our efforts to investigate and prosecute TIP offenders. Victims of the crime were failing to access transport money to go to court resulting in some of the cases being withdrawn due to non-availability of witnesses. (Interview with key informant from Zimbabwe Republic Police, 2023)

The research findings indicate that member countries' efforts to combat TIP are being hindered by limited resources. National budgets have thus not spared enough resources for TIP issues. These findings correspond with the research by Richard (2005) on the effectiveness of State legislation on human trafficking in the United States. Richard found out that the effectiveness of the legislations in the United States was undermined by lack of enough resources to investigate the crime and prosecute offenders.

4.3.7 Research and Information sharing

According to Table 4.2 above, most 31 (75%) of the respondents strongly agreed with the assertion that research and information sharing can positively contribute to fighting Trafficking in Persons in the region. On the same note, the minority of the respondents was in agreement that research and information sharing can positively contribute to fighting Trafficking in Persons in the region.

One key informant from Malawi Statistics Agency had this to say:

Information gathered through research is fundamental in fighting not only trafficking in persons but all transnational organised crime. Research gives insight of the victims targeted by traffickers, routes used and modus operandi among other important issues. (Interview with Malawi Statistical Agency key informant, 2023)

The Regional Specialist for Southern Africa Trafficking in Persons and Smuggling of Migrants stated that:

Information sharing still falls short amongst the countries in the region because the process involved has too much red tape in it. Moreover, awareness campaigns are not yet enough hence traffickers continue to pounce. (Interview with the Regional Specialist for Southern Africa Trafficking in Persons and Smuggling of Migrants, 2023)

The study findings are similar to findings of several researches that have been done on impact of research and information sharing in fighting against trafficking in persons in Southern Africa. A study by Vhumbunu (2020) on combating human trafficking in Southern Africa also stressed the importance of research and information sharing. However conducting evaluations of anti-trafficking studies are hampered by a multitude of factors such as lack of reliable statistics for baseline surveys by which to evaluate the effectiveness of specific interventions in reducing Trafficking in Persons (Vhumbunu, 2020).

Findings from another IOM (2016) research carried out in Asia on international cooperation against human trafficking and smuggling of migrants revealed that information sharing information sharing between law enforcement agencies is key in dealing with human trafficking cases.

4.3.8 Victim Support and Witness Protection

Table 4.2 illustrates that the majority 27(65%) of respondents from questionnaires concurred and agreed that victims support and witness protection contribute to the successful investigation and prosecution of traffickers while the minority 14 (35%) disagreed.

A key informant from Ministry of Public Service, Labour and Social Welfare (MPSLSW), which chairs the Protection pillar in Zimbabwe's Anti Trafficking Inter Ministerial Committee, said that:

“Of the cases that have been successfully investigated and prosecuted in Zimbabwe, offering support and protection through provision of shelter and security to victims of TIP who are the main witnesses has been key.”
(Interview with a key informant from MPSLSW, 2023)

Another key informant from International Organisation for Migration in support said that:

“Victim support and witness protection should be continuously pursued as it has in majority of cases contributed to the successful prosecution and conviction of human traffickers.”

The research findings revealed that supporting victims of crime and protecting witnesses contributes to the successful prosecution of suspects of trafficking in persons. These findings are supported by the U.S Department of State Trafficking in Persons Report (2023) which found that when victims of Human Trafficking are offered support and protection in the form of shelter, psycho-social support and guaranteed security from traffickers, they cooperate with law enforcement agents and prosecutors leading to successful prosecution of offenders.

The research revealed that there is need to take on board NGOs and civil society to enhance victim support and witness protection as it is instrumental in ensuring the success of investigation and prosecution of traffickers in the SADC region. Development partners and NGOs can provide victims with temporary shelter, protection counseling and psycho-social support services. In terms of collaboration, NGOs and development partner with presence in various jurisdictions can chip in to assist in early repatriation of victims to their countries through provision of funds for transport.

4.3.9 Monitoring and Evaluation

Table 4.2 above shows that the majority 25 (60%) of the respondents were of the view that monitoring and evaluation has not contributed much to the combating of Trafficking in Persons while 16 (40%) were in agreement.

Key informants interview also established that monitoring and evaluation has not contributed to the reduction of Trafficking in Persons. This is attributed to lack of reliable data on trafficking in persons in the SADC region. One key informant from the SADC Secretariat stated that:

While monitoring and evaluation is key in combating transnational organised crime such as Trafficking in Persons, this cannot be done without reliable statistics. Statistics are to show whether crime is increasing or not, who the targets and perpetrators and the typologies. Thus, monitoring and evaluation has not contributed much. (Interview with key informant from the SADC Secretariat, 2023)

The results of this research revealed that monitoring and evaluation is very important in fighting TIP. However, evaluation done using unreliable data is as invalid as the data itself and cannot be relied upon to inform policies to combat trafficking in persons. The research findings are similar to Vhumbunu (2020), who posits that lack of reliable statistics for baseline surveys by which to evaluate the effectiveness of specific interventions in reducing Trafficking in Persons has remained a challenge in SADC region. The research findings established that each institution such as the police, Interpol, IOM, US Embassy has its own different data on TIP.

Research found out that the 10 year strategy to combat TIP in SADC region stimulated the development of relevant laws to combat TIP in the Region. However, the study found out that the implementation of the 10 year strategy has not been effective. The study also found out that that training and capacity building has enhanced skills of officials in combating TIP in the region.

Furthermore, lack of public awareness; lack of cooperation by member state, lack of resources and lack of robust monitoring and evaluation of the SADC 10 year strategy are

the main barriers to its effective implementation in combating trafficking in persons in the region.

4.4 SADC Gender and Development Policy and Trafficking in Persons.

The second objective of the research sought to examine the effectiveness of the SADC Gender and Development Policy in combating trafficking of women in the region. As such the following themes were developed: relevant laws to combat women trafficking; mechanisms in place to eradicate trafficking networks; bilateral and multilateral agreements against trafficking of women; capacity building and awareness raising campaigns. A five point Likert scale was used to solicit the responses from participants as illustrated in Table 4.3 below.

Table 4.3: SADC Gender and Development Policy and Trafficking in Persons (No. 41)

Description	Responses										Total	
	Strongly Agree		Agree		Not sure		Disagree		Strongly Disagree			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
There are relevant laws enacted to combat trafficking of women in the region	23	55	18	45	0	0	0	0	0	0	41	100%
There are mechanisms in place by which all relevant law enforcement authorities eradicate national, regional and international women	0		2	5	4	10	35	85	0	0	41	100%

traffickers' syndicates in the region												
There are bilateral and multilateral agreements in SADC region to run joint actions against trafficking of women among origin, transit and destination countries	0		0		14	33	27	67	0	0	41	100%
There are capacity building, awareness raising and sensitization campaigns in the region on trafficking of women	0		0		11	27	16	39	18	44	41	100%

4.4.1 Relevant laws to combat women trafficking

As indicated on Table 4.3 above all the respondents 41 (100%) agreed that relevant laws are in place to combat the trafficking of women in the SADC region. However, responses from the questionnaire show that lack of implementation of the laws to combat women trafficking remains a challenge. This was also revealed by a key informant from the Zimbabwe Republic Police who stated that:

TIP has been high in Zimbabwe but prosecution has been very low in terms of statistics. For instance, in 2016, Zimbabwe repatriated over 300 victims from Kuwait and in 2023 over 130 victims was repatriated from Oman. However, little prosecution was done as traffickers are not easily identified. (Interview with a key informant from the ZRP, 2023).

The results provide evidence that while the laws to combat trafficking in persons are available. These findings are similar to a research by Vhumbunu (2020) which found that

relevant legislation and regional protocols and strategic policies have been put in place to combat trafficking in persons. Several protocols to insulate women from being trafficked were ratified while member states have criminalised TIP through enactment of anti-trafficking legislations. Both Malawi and Zimbabwe promulgated the Trafficking in Persons act but their effectiveness is hampered by various factors such as the transnationality of the crime.

The low levels of prosecutions and convictions of human traffickers could be attributed to other factors which may impact on the effectiveness of the laws in place. The transnational nature of TIP presents challenging circumstances to law enforcement agencies that would have to conduct extra-territorial investigations to gather evidence from foreign jurisdictions, some of which may be reluctant to cooperate. Additionally, conflicting laws of various countries creates challenges in investigating, apprehending of suspects, extradition and prosecution of suspects.

4.4.2 Mechanisms in place to eradicate trafficking networks

The majority 35 (85%) of the respondents disagreed that there are mechanisms in place by which all relevant law enforcement authorities to eradicate national, regional and international women traffickers' syndicates in the region. The minority 6 (15%) however were not sure.

4.4.3 Bilateral and multilateral agreements against Trafficking of women

The results show that most of the respondents 27 (67%) disagreed with the statement that there are bilateral and multilateral agreements in SADC region to run joint actions against trafficking of women among origin, transit and destination countries.

The research findings notes that the absence of clearly defined bilateral and multilateral agreements between and among SADC member states against trafficking of women leave women at the mercy of traffickers as their vulnerability levels are high. Trafficking in persons is a transnational crime thus it require cooperation between legal authorities at home and abroad. The trafficking of women has been left out in terms of bilateral agreements in the SADC region, despite the regional body's acknowledgement in the

SADC Gender and Development Protocol (2008) that women are at risk and vulnerable to TIP.

4.4.4 Capacity building, awareness raising campaigns

Moreover, the majority of the respondents 34 (83%) disagreed with the statement that there are capacity building, awareness raising and sensitization campaigns in the region on trafficking of women. These findings were supported by another key participant from Interpol Regional Bureau who said:

Capacity building and awareness campaigns in SADC region have been very minimal, and have been conducted by NGOs and inter-governmental organisations. National governments usually come to the fore only on international days such as the 16 days of activism against gender based violence which is not enough when it comes to TIP. (Interview with Key informant from Interpol Regional Bureau, 2023).

However, another key informant from an NGO advocated that:

Capacity building and awareness raising are important factors which can address gender based violence which is linked to human trafficking. Traffickers can use violence to control and coerce victims, perpetuating power imbalances and abuse. It is thus crucial to capacitate vulnerable women in order to prevent and respond to human trafficking through awareness campaigns. (Interview with a key informant from an NGO, 2023).

From the results of the study, it is evident that member countries are not carrying out awareness raising campaigns to conscientise citizens, especially women about the scourge of trafficking in persons. SADC (2022) acknowledges that trafficking in persons is a crime which is difficult to detect because of the underground operations employed by traffickers, such as using internet based social media to advertise non-existent job opportunities in other countries in order to lure vulnerable victims. Awareness raising campaigns can go a long way in capacitating vulnerable groups to be able to know the indicators, signs and red flags of a potential TIP case before falling victim. It also helps

to educate the vulnerable communities on what entails TIP and how to recognise the signs of exploitation, hence the first step in identifying victims can save a life.

The study findings are similar to research by Britton and Dean (2014) posits that until appropriate funding and preventative measures such as capacity building and effective awareness raising campaigns are done, the underlying issues that foster human trafficking will persist.

4.5 SADC Mutual Assistance in Criminal Matters and Trafficking in Persons

The third objective of the study sought to assess the effectiveness of the SADC Mutual Assistance in Criminal Matters in Combating Trafficking in Persons in the Region. A five point Likert scale was also use to rate the responses from participants as illustrated in table 4.4 below. The following themes were developed under this research objective: ratification of the SADC Mutual Assistance; coordination among Member States; provision of mutual assistance by Member States and barriers to Mutual Assistance.

Table 4.4: SADC Mutual Assistance in Criminal Matters (No. 41)

Description	Responses										Total	
	Strongly Agree		Agree		Not Sure		Disagree		Strongly Disagree			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
SADC member States ratified the SADC Mutual Assistance in Criminal Matters Protocol	0	0	35	85	6	15	0	0	0		41	100%
Robust Coordination among member states is crucial in combating TIP in the region	37	90	4	10	0		0	0	0		41	100%
SADC member states provide each other with the widest possible mutual legal assistance in investigations,	0	0	6	15	9	23	19	46	7	18	41	100%

capturing and prosecution of traffickers												
There are no barriers in SADC region that hinders member states to provide each other with the widest possible mutual legal assistance in investigations, capturing and prosecution of traffickers	0	0	0	0	0	0	16	38	25	62	41	100%

4.5.1 Ratification of the SADC Mutual Assistance

The majority of the respondents 35 (85%) agreed that SADC member States ratified the SADC Mutual Assistance in Criminal Matters Protocol. The minority 6 (15%) of the respondents were not sure of the correct position. The results show that indeed SADC bloc countries ratified the protocol paving way for rendering assistance in investigation of criminal matters and sharing of information towards combating crime in general and Trafficking in Persons in particular as agreed in the protocol. In support of these findings, a key informant from the Interpol regional bureau stated that:

SADC countries have ratified the Mutual Assistance protocol thus opening ways for collaboration and information sharing amongst law enforcement officials which should see the fight against Trafficking in Persons being curtailed. (Interview with a key informant from Interpol Regional Bureau, 2023)

4.5.2 Coordination among Member States

According to Table 4.4 above, all the respondents 41 (100%) were in agreement that robust coordination among member states is crucial in combating Trafficking in Persons

in the SADC region. These sentiments were echoed by a key informant from Interpol NCB who said that:

The importance of regional coordination among member states cannot be over emphasized as it enhances dealing with organised criminal syndicates who might seek safe havens from various countries. Coordination of law enforcement is equally important as it lessens the burden of member countries in investigating trafficking in persons cases. (Interview with key informant from Interpol NCB Harare, 2023).

Another key informant from SADC Secretariat also said:

Coordination of member states is the reason why SADC's Southern Africa Regional Police Coordination Committee was put in place. It creates a platform and channel, both formal and informal, where law enforcement officials of member countries can share information on criminal syndicates and intelligence sharing can be enhanced.

The research findings are similar to International Organisation for Migration (IOM) (2019) research which revealed that multitudes of cases of human trafficking are reported globally, most of which are transnational. These cases therefore require international coordination, cooperation and assistance at multilateral and multilateral levels among various jurisdictions.

The research thus concludes that coordination among states in the SADC region through SARPCCO and Interpol platforms can be the panacea to relentless efforts towards combating trafficking in persons. Countries should make use of the joint commissions, memorandum of understanding and Interpol capabilities to coordinate and share information and intelligence on TIP. UNODC (2021) further asserts that the transnational character of trafficking in persons also means that source, transit and destination countries of victims must work together to effectively deal with the vice, thus demanding bilateral and multilateral international coordination for assistance.

4.5.3 Provision of mutual assistance by Member States

The research found out that most of the respondents 26 (63%) disagreed that SADC member states are providing each other with the widest possible mutual legal assistance in investigations, capturing and prosecution of traffickers whilst 9 (22%) were not sure. The results show evidence that SADC member states are not providing each other with the widest possible mutual legal assistance in investigations, capturing and prosecution of traffickers.

Similarly, in an interview, the Regional Specialist for Southern Africa Trafficking in Persons and Smuggling of Migrants said that:

Mutual assistance among member states has not been very effective in SADC region. As a result, Police Units in member states have resorted to the utilization of Interpol to reach out for assistance from member states. However, information gathered through Interpol channels would still need to be authenticated through mutual assistance. Several cases of TIP have thus been collapsing that way unfortunately. (Interview with the Regional Specialist for Southern Africa Trafficking in Persons and Smuggling of Migrants, 2023).

Another key informant from Interpol Regional Bureau supported the findings and said that:

The mutual assistance process in the region is less effective. Mutual Assistance in the region is a legal process which is time consuming and it does not work where urgent issues arise. Many TIP cases are based on mutual understanding hence nothing can be done to force assistance as Interpol we provide the platform for cooperation. Law enforcement officers apply through their prosecutors for mutual assistance to be assisted in locating victims or to apprehend suspects wanted for TIP. However, this process has not yield the expected results. No TIP cases have been solved through Mutual Assistance. The challenges stem from lack of cooperation by requested member states, sometimes the requested information is provided very late after the case has already crumbled. (Interview with the Malawian Police Officer, 2023).

The results revealed member states lack political will collaborate. It is therefore a case of willingness to cooperate with each other. The other problem noted is that the mutual assistance is a legal route which should follow the aid down channel which does not allow for urgent assistance where necessary. These findings are similar to the research by

Mollena (2019) who posits that Mutual Assistance in SADC countries has always been hindered by slow response by requested state to assist another country in their criminal investigations. This has been so visible in cases of trafficking in persons which transcends national boundaries. SADC (2021), also states that SADC member countries efforts to combat trafficking in persons were being drawn back by the member countries themselves due failure to honour the agreements of mutual assistance.

The research concludes that the ineffectiveness of the mutual assistance protocol has contributed to the overall efficacy of SADC to fight crime, especially human trafficking.

4.5.4 Barriers to Mutual Assistance

Most of the respondents 25 (62%) strongly disagreed whilst the minority 16 (38%) disagreed with the statement that there are no barriers in SADC region that hinders member states to provide each other with the widest possible mutual legal assistance in investigations, capturing and prosecution of traffickers. Going by the results as indicated in Table 4.4 it is clear that there are barriers which are hindering effectiveness of the SADC Mutual Assistance in Criminal Matters Protocol to combat Trafficking in Persons in the SADC region.

The research findings are similar to findings of the research by Kemp (2019) which concluded that international boundaries cause a few problems to the law enforcement officials as lack of cooperation and varying legal provisions scuttle their efforts to fight transnational organised crime.

The research revealed that lack of political will by member states and differences in legislation that are supposed to operationalised the Mutual Assistance in Criminal Matters Protocol have been identified as the major impediments to combating trafficking in persons in the region. Kemp (2019) further highlights international cooperation in criminal matters, be it on mutual legal assistance, extradition, freezing of assets intelligence and information sharing, is regarded as a foreign relations issue and not so much as a criminal justice issue, hence member countries tend to first safeguard their sovereignty and national interests before collaborating with a foreign state. This can be said of the Bushiri matter which caused a diplomatic tiff between the Republics of South

Africa and Malawi. In the end Malawi refused to extradite their national to face prosecution in South Africa after having been alleged to have committed some offences in that country.

The research henceforth concludes that there are several structural barriers to mutual assistance which should be addressed to effectively combat transnational organised crime such as trafficking in persons. Mutual Assistance work hand in hand with extradition and this where another challenge emanates from. Article 4 (a) of the U.N Model on extradition, enables a requested state to refuse extradition of its nationals to face prosecution in another country. More so, when the offence charged has a provision of a death penalty, some countries' laws does not allow extradition. This condition comes from the obligation of the state to protect its own citizens and the rationale maybe the lack of confidence in the fairness of foreign legal proceedings.

As revealed by this research, generally for information exchange with law enforcement agencies of foreign jurisdictions, Interpol and diplomatic channels are theoretically available. However, these channels are riddled by too much red tape, and administrative hurdles to be navigated before assistance is rendered. Consequently, the channels are time consuming and the information may be received very late thereby affecting the judicial processes intended. Therefore, establishing an informal network of contact points at each agency in member countries exclusively for trafficking in persons could be quite useful.

4.6 Data Collection System and Trafficking in Persons

The fourth and final objective of the study sought to evaluate the effectiveness of the SADC Regional Trafficking in Persons Data Collection System in Combating Trafficking in Persons in the Region. A five point Likert scale was also use to rate the responses from participants as illustrated in table 4.5 below. In line with this objective, the following objective the following themes were developed: consistency in data collection system; reliability of Trafficking in Persons Data; data collection tools; knowledge on identification of Trafficking in Persons; data collection and storage system in place; training of officials and ways in which victims may identify themselves.

Table 4.5: SADC Regional Trafficking in Persons Data Collection System (No. 41)

Description	Strongly Agree		Agree		Not Sure		Disagree		Strongly Disagree		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
There is a consistent data collection system to combat trafficking in persons in SADC region	0	0	0	0	0	0	23	55	18	45	41	100%
There is reliable data on TIP victims as well as data on traffickers in the SADC region							6	15	35	85	41	100%
Data collection tools make it possible to get a more complete picture of who the victims are, where they come from, where they are being trafficked to and for what purpose	0	0	24	59	7	18	9	23	0	0	41	100%
Gaps and limited knowledge on the identification of persons who are victims of trafficking or its perpetrators still exists	31	75	10	25	0		0		0	0	41	100%
The data collection and storage system in place is useful to determine and monitor whether cases of TIP are increasing, constant or decreasing in the region	0		0		0		28	68	13	32	41	100%
There is training of officers for them to be able to identification of persons who are victims of trafficking or its perpetrators	0		6	15	23	56	12	29	0		41	100%
There are ways on which victims may identify themselves without	0		0		15	36	26	64	0		41	100%

putting themselves or rescuers on risk of attack.															
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4.6.1 Consistency in data collection system

Table 4.5 above shows that the majority of the respondents 41 (100%) disagreed with the assertion that there is a consistent data collection system to combat trafficking in persons in SADC region. These results provide evidence that there is no reliable data to monitor Trafficking in Persons in the region.

Similar sentiments were also said by the South African Police Officer that:

The region is still struggling to deal with trafficking in persons. Countries in the region are not providing the statistics and there appear to be lacking of will. (Interview with the South African Police Officer, 2023).

Research findings show that there is no properly defined data collection in member countries which would then be transmitted to the SADC region to create a regional Trafficking in Persons data collection database. This observation has been highlighted by several reports and researches on TIP in the research region. IOM (2020) pointed out that their yearly researches have been limited by absence of official statistics in member countries.

This was also highlighted by USDOS (2022) which revealed that member countries’ institutions were providing different TIP data. This has had implications in evaluating the extent of the problem of TIP in individual member countries and at regional level.

4.6.2 Reliability of Trafficking in Persons Data

According to table 4.5 above, all of the respondents 41 (100%) were in disagreement with the statement that there is reliable data on TIP victims as well as data on traffickers in the SADC region. This implies that a number of TIP cases are not being identified or reported in the region. These results were supported by key informant interview outcomes who

stressed the importance of reliable data on trafficking in persons. One key informant stated:

The SADC member states have no verifiable data which makes puts their reliability and credibility in doubt. It is unfortunate to note that when one seek statistics from a member country, different state institutions and civil society organisations avail differing data. This hinders the region's efforts towards combating human trafficking. (Interview with key informant from IOM, 2023)

Another key informant from UNODC also corroborated the issue of absence of data indicating that:

The analysis of data on trafficking in persons has been made challenging by the absence of verifiable statistic. Member countries are not utilizing the Data collection system that was put in place by SADC in collaboration with UNODC in 2014.

The results from this research of respondents disagreeing that there was reliable data on victims and perpetrators of trafficking in persons are similar to findings of research by the International Labour Organisation (ILO) (2022) which found that almost all researchers on human trafficking issues were using estimates due to the absence of official data.

Lack of valid updated and accurate data makes it extremely difficult to understand the full extent of the phenomenon. Thus relying on unreliable outdated data and estimates of TIP can only serve to under rate the challenge of the serious crime. Standardizing data and improving data collection can improve and provide a reliable basis for better trafficking in persons research analysis, monitoring and evaluation to inform correct policy intervention.

4.6.3 Data collection Tools and system in place

More than half of the respondents 24 (59%) agreed that data collection tools make it possible to get a more complete picture of who the victims are, where they come from, where they are being trafficked to and for what purpose. However, 9 (23%) of the respondents disagreed with the statement that data collection tools make it possible to get a more complete picture of who the victims are, where they come from, where they are being trafficked to and for what purpose whilst 7 (18%) were not sure of the statement. The research findings show that the data collection tools in place make it possible to get disaggregated data of the victims, their vulnerabilities and the typology of trafficking in persons in the region. This is supported by a key informant from SADC Secretariat who said:

The data collection tools put in place by SADC cover all required aspects and when properly compiled, makes it very possible to get a clear picture of the phenomenon of trafficking in persons in the region, more so, victims targeted, the traffickers and their modus operandi. (Interview with SADC Secretariat key informant, 2023).

. Another key informant further corroborated this result saying that:

Information sharing among member states in SADC, awareness raising, investigations and prosecution of traffickers remained a challenge. Member states have not been uploading the statistics into the SADC TIPNET Data Collection System. Hence the system failed to contribute to combating TIP in the region. Therefore, there is under reporting and under capturing of statistics, hence they are not reliable as they do not present the true position of the prevailing TIP in the region. (Interview with the South African Police Official, 2023).

From the results, it is clear that the data collection systems in place are not effective. This is clear evidence that the system cannot be used as a monitoring mechanism in combating Trafficking in persons in the region. Similar findings were found by United Nations Interagency Coordination Group TIP Report (2019) which stated that lack of robust research and data hinders any efforts towards fighting trafficking in persons from national to international levels.

UNODC (2020) further asserts that lack of data can lead to a lack of understanding and public awareness about the crime. Furthermore without reliable and accurate data, governments will not be able to create data driven anti-trafficking measures such as resource allocation.

The research findings revealed that data collection methods being used in the SADC member countries need to be improved as they were not useful for the purpose of coming up with critical interventions to combat the trafficking in persons phenomena.

4.6.4 Knowledge on identification of Trafficking in Persons

The research found out that the majority of the respondents 41 (100%) agreed with the statement that gaps and limited knowledge on the identification of persons who are victims of trafficking or its perpetrators still exists as illustrated in table 4.5.

A key informant from UNODC states:

It is a fact that people lack basic knowledge about trafficking in persons in the SADC region. Resultantly cases of trafficking remain largely underreported as people and if fail to note the indicators they will not be able to identify a victim of TIP.

Another key informant from Interpol Regional Bureau for Southern Africa had this to say:

The fact that very few cases of trafficking in persons are reported contrary to what actually prevails on the ground points to a scenario of lack of knowledge of what TIP actually is. Thus victim remain in exploitative situations without rescue.

This clearly shows that a number of TIP victims and their perpetrators are not being identified due to lack of knowledge of what constitute the offence. The failure has resulted in the failure to identify the victims of TIP in SADC countries. This is evidenced

by the fact that internal trafficking is still prevalent and underreported in Zimbabwe, Malawi and South Africa and other SADC countries.

These findings are similar to the USDOS (2022) report which found that the general lack of knowledge about TIP has resulted in human traffickers exploiting domestic and foreign victims in SADC countries. Additionally, the USDOS (2022) states that more than 71 percent of child labour continue to occur in the farming areas such as tobacco, sugarcane and cotton farms, as well as in mining sector and street begging. Lack of knowledge among different stakeholders, has resulted in governments casting a blind eye on these exploitative situations.

4.6.6 Training of Officials

Table 4.4 shows that the majority of the respondents 23 (56%) were not sure if training is being provided to officials responsible for fighting TIP in SADC region. Only 6 (15%) of the respondents stated that there is training of officers for them to be able to identification of persons who are victims of trafficking or its perpetrators.

A key informant from Interpol said:

Capacity building trainings were being conducted to enhance knowledge of police officers in SADC region. These are being done annually in collaboration with SADC Secretariat, UNODC and IOM.

This view was also corroborated by a key informant from I.O.M who said:

Training workshops are being conducted at regional level where member countries second just a few officials to attend. However, state parties should be encouraged to cascade these training workshops to their respective member countries than to rely on regional and continental partners.

These results clearly show evidence that limited trainings are being conducted mostly at regional level. For effectiveness of these policies, training workshops should be cascaded down to shop floor officials who directly deal with TIP issues. IOM (2016) seem to

suggests that the low rate of TIP prosecutions and convictions in the SADC region viz-a-viz the detected cases points to lack of training of law enforcement agents, prosecutors and judicial officials. These research findings are similar to those of a research by Institute of Security Studies ISS (2013) which found that lack of training and capacity building of officials responsible for combating crime can be a contributory factor to the increase of the crime.

4.7 Chapter summary

This chapter has presented the research findings in line with the study objectives and questions. It provides findings regarding the effectiveness of the Southern Africa Development Community (SADC) Legal and Policy Instruments to combat TIP in the region. As such, the legal and policy instruments which include the SADC Ten Year Strategic Plan of Action in combating TIP in the region; SADC Gender and Development Policy; SADC Mutual Assistance in Criminal Matters and Trafficking in Persons; Data collection system and SADC Regional Trafficking in Persons and the SADC Mutual Assistance in Criminal Matters were all found to be less effective as cases of TIP continued to rise in the region regardless of them being in place.

The next chapter provides summary of research findings, conclusions and recommendations.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter provides summary, conclusions and recommendations in accordance with the study findings on the efficacy of the SADC legal instruments and policies to combat Trafficking in Persons in the region. The recommendations provided may assist SADC region in fighting Trafficking in Persons.

5.2 Summary

5.2.1 Summary of the whole project

This study applied the interpretive research philosophy and a qualitative research approach. It was based on a case study research design which used three SADC countries namely: Zimbabwe, Malawi and South Africa. The research used both questionnaire survey and interviews in order to find answers to the research questions. Both primary and secondary data was utilised in the study.

The research comprised chapters one to five. Chapter one covered the introduction, background of the study, statement of the problem, research aim, objectives of the research topic and the research questions, limitations and delimitations that surround the research topic and the conceptualization of terms that are pertinent to the study.

Chapter two reviewed existing body of literature done by other scholars in relation to the study aim and objectives. It reviews literature regarding the legislations and policies to

combat Trafficking in Persons from global to regional level and exploring the current state of human trafficking in Southern Africa Development Community (SADC). It also provides a theoretical framework that underpins the study.

Chapter three covered Research Methodology and explained the procedures and techniques that were used in data collection in order to meet the objectives of the study. This chapter further explains the research philosophy, research design, and target population, sampling, and research instruments and data collection and analysis procedures.

Chapter Four encompassed data presentation, analysis and discussion of the research findings in line with the study objects and questions.

Chapter Five provides summary, conclusions and recommendations.

5.2.2 Summary of findings

The first objective of the study examine the effectiveness of the Ten (10) Year SADC Strategic Plan of Action in combating trafficking in persons in the region.

The research findings show that the strategy was not effective in combating trafficking in persons in the region. Relevant laws to criminalise the crime of trafficking in persons were enacted in most of the SADC member states. However, the laws require to be continuously amended so that they fully criminalise all forms of trafficking. The study found that the laws put in place did not contribute to the reduction of trafficking in persons in the region as the vice continue to increase in Zimbabwe, Malawi and South Africa and the region. This was attributed to the failure by the member countries to address other underlying structural factors such as poverty and corruption by law enforcement officials. Training and capacity building was found to be instrumental in enhancing skills of officials in combating TIP. However, member states were found to be not conducting enough training and capacitating officials dealing in TIP issues, thus hampering the effectiveness of the strategy. Furthermore, the research found that member countries were not doing enough awareness raising campaigns and were leaving this to development partners and civil society organisations. Resultantly, there was general lack of awareness

on trafficking in persons hence traffickers continue on the prowl. Member countries have not fully committed to regional cooperation and the strategy has failed to contribute to the detection and prosecution of traffickers. Some of the contributing factors to the ineffectiveness of the 10-year strategy were found to be weak institutional capacity due to lack of resources. The inability by member states to dedicate resources to enhance institutional capacities to fight TIP represents a critical setback in the fight against TIP in the SADC region. Cho and Vadlamannati (2012) assert that the quality of institutions is important as it promotes higher levels of commitment to anti-trafficking policies in the four pillars of the Palermo protocol namely, Prevention, Prosecution, Protection and Partnerships.

The research findings revealed that research and information sharing can positively contribute to fighting the crime of trafficking in persons in the region. However, this has not been effective in the SADC region due to absence of reliable data of trafficking in persons for baseline survey to effectively produce research findings to inform policy changes and improvements. Vhumbunu (2020) asserts that availability of reliable data is important in research as it provides the key information of the magnitude of the phenomena. Using data estimates may lead to wrong conclusions and recommendations. The study also found that victim support and witness protection can contribute to the successful investigation and prosecution of traffickers. However, this has not effectively contributed to the combating of TIP in the region. The research found that most SADC countries have no mechanisms for victim psycho-social support, proper shelters for rescued victims and witness protection. The countries have no properly dedicated courts for trials of TIP cases. In terms of shelter and psycho-social support, member states rely more on civil society organisations whose resources are also limited. Additionally, the study found that monitoring and evaluation has not contributed to the fight against TIP due to non availability of reliable data on the state of the phenomena of TIP in the region. Vhumbunu (2020) posits that lack of reliable statistics for baseline surveys by which to evaluate the effectiveness of specific interventions in combating TIP is a challenge in the SADC region.

The second objective of the study sought to examine the effectiveness of the SADC Gender and Development Policy in combating trafficking of women in the region. The study revealed that to a lesser extent the policy was effective as it stimulated the creation of relevant laws enacted to combat trafficking of women in the region. However, the policy was overall not effective as more cases of trafficking of women are still being recorded and reported in the region. The study also established that there are no mechanisms in place by which all relevant law enforcement authorities eradicate national, regional and international women traffickers' syndicates in the region. This implies that relevant laws are in place but they lack implementation. Moreover, the region is not doing enough in terms of capacity building of officials dealing with TIP issues, awareness raising and sensitization campaigns in the region on trafficking of women are not enough.

The study further attributes the ineffectiveness to failure to address gender disparities which could be addressed by including women in policy making positions where issues affecting them. In terms of human security, the failure to arrest the scourge of trafficking in persons has negatively impacted Zimbabwe, Malawi and South Africa, and the SADC region as a whole. Trimble & Arscott (2013) in their research assert that gender representation leads to significant improvements in the region's responds to human trafficking. This was also supported by Lovenduski (2005) who states that an increasing number of women legislators and cabinet members tend to promote domestic legislation and policies that concern women. The research demonstrated that failure to implement the Gender and Development protocol has contributed to the exploitation of women in the region. Women from SADC countries are being trafficked within the region or abroad to countries like Oman, Dubai, Kuwaiti and the Asian countries such as China Asian countries for forced labor, forced marriages and sexual exploitation. Failure to eradicate poverty as prescribed by the United Nations 2030 Sustainable Development Goal 1 has resulted in mostly women being pushed into modern day slavery, exploitation and dehumanizing conditions. Trafficking of women is also a violation of human security as enunciated by The Convention on the Elimination all forms of Discrimination against Women CEDAW) (1979) of which state parties agreed to take appropriate against trafficking and exploitation of women. Poverty especially in Malawi and Zimbabwe was found to the most vulnerability factor putting women on high risk of trafficking in

persons. As a result, ineffective implementation of the SADC Gender and Development Policy in combating Trafficking of Women in the region has promoted traffickers to continue to exploit women for labor and sexual exploitation.

The third objective of the study aimed at assessing the effectiveness of the SADC Mutual Assistance in Criminal Matters in combating trafficking in persons in the region. The research concludes that the law was less effective despite ratification of the Mutual Assistance Protocol by member states. Factors that were found to be hindering the effectiveness of the protocol include: a lot of red tape and bureaucracy in the application for search, repatriation and prosecution of traffickers in other member states. The study findings showed evidence that most member states in SADC have difficult administrative procedures and processes that a requesting state should comply with before assistance either in the investigation, prosecution or rescuing of TIP victims can be rendered. The research also found that robust coordination among states is crucial in combating the crime of TIP. However, member states were reluctant to cooperate with other member countries in apparent disregard of the pact. Member states were thus not providing each other with the widest possible mutual legal assistance in investigations, arrest and prosecution of traffickers in the region. Differences in legislation on mutual legal assistance were found hampering the implementation of the Mutual Assistance Protocol in SADC region. Each member state has its own legal and administrative requirements and procedures which have to be followed in implementing the mutual assistance. Dao (2018) supported this assertion stating that cases of trafficking in persons in its various forms were ever increasing as a result of failure to harmonise legislative provisions to create dual criminality to enable investigation and prosecution in various jurisdictions within the region. Emerging routes where victims were recruited from SADC countries and transported to Middle East countries for domestic servitude also brought another challenge as member states have no mutual assistance agreement with such jurisdictions.

The fourth objective of the study sought to evaluate the effectiveness of the SADC Regional Trafficking in Persons Data Collection system in combating trafficking in persons in the region. The findings show that, SADC Regional Trafficking in Persons

Data Collection System has not been effective in combating trafficking in persons in the region. There is evidence that there is no consistent data collection system as member countries in the SADC region were not providing the TIP statistics to the SADC Secretariat. Additionally, the study revealed that the data collection tools provided by the SADC Regional Trafficking in Persons Data Collection System make it possible to get a more complete picture of phenomenon of TIP in the region. However, the study established that member countries are working in silos and their data was not being fed into the SADC regional data collection system, rendering the system ineffective. The research also found that various state institutions and non state actors working on TIP issues produced different data on TIP. Thus, such data becomes difficult to use as their validity are questionable. Furthermore, staff turnover and lack of information technology resources have affected the member states. Only some few SADC countries have dedicated units at national level to capture these statistics and upload them in the SADC TIPNet system and continuous training of staff on the project. Resultantly SADC region has no harmonized reliable data on trafficking in persons. Moreover, the research found out that the absence of statistics makes it difficult to make valid regional evaluation and monitoring initiatives to inform policy. Moreover, the findings revealed that identification of victims of victims of trafficking has been a challenge. Limited knowledge on the identification of persons who are victims of trafficking or its perpetrators still exists. This was attributed to lack of capacity building and awareness campaigns. Failure to identify victims impacts negatively on the victims themselves as traffickers perpetuate the exploitation which is a violation of their fundamental rights.

Despite the vigorous efforts of the Southern Africa Development community to create a comprehensive anti-trafficking framework, challenges in addressing the issue of trafficking in persons still exist as evidence in this study has demonstrated. Due to its global scope and severity, elimination of Trafficking in Persons requires effective collaboration between different countries determined to take serious measures to counter this violent crime. This is in line with the Systems Theory which seems to suggest that in the context of the efficacy of SADC legal and policy instruments in combating human trafficking; the system comprises of the legal instruments, the implementing stakeholders in the region and in the global community. Fighting human trafficking in SADC requires

active participation of all member states in the SADC and active participation of all other nations around the globe. Identification, investigation and prosecution of human traffickers require effective enforcement of legislations and total commitment from global, regional down to national level. This is because the world has turned into one global village making it difficult to deal with the complex problem of human trafficking without active participation and cooperation of all nations around the world.

5.3 Conclusions

The study sought to assess the efficacy of the SADC legal and policy instruments to combat trafficking in persons in the region. To assess the effectiveness of the available legal and policy instruments, the study came up with four objectives.

The first objective was to assess the effectiveness of the Ten (10) Year SADC Strategic Plan of Action in combating trafficking in persons in the region. The results from this study indicate that the Ten Year SADC Strategic Plan of Action has not been effective in combating trafficking in persons in the region. The failure has been attributed to lack of political will to commit to regional cooperation. Effective anti-trafficking efforts require coordinated action, information sharing, harmonized data collection system, robust awareness raising campaigns and cooperation between member states (SADC, 2022). However cooperation among SADC countries remains weak, hindering efforts to track and dismantle transnational trafficking networks. Insufficient collaboration also limits the capacity to investigate and prosecute traffickers, impeding the overall success of regional anti-trafficking initiatives.

The second objective was to assess the effectiveness SADC Gender and Development Policy in combating trafficking of women in the region. The results show that despite its sound objectives, the implementation of the SADC Gender policy has not been effective due to myriad of challenges ranging from weak institutional capacities to lack of political will. Lack of financial resources and capacity within member states to fully implement the policy has hampered the regional effort to combat TIP as adequate funding is crucial for the effective implementation of various interventions such as awareness programs, capacity building and victim support services. Without sufficient financial support,

member states may continue to struggle to effectively combat TIP and provide necessary support to victims. Many countries in the region struggle with limited resources, meager funding for anti-trafficking units and action plans. Socio-economic and structural challenges contribute significantly to the failure of SADC policies in addressing TIP. High levels of poverty, inequality, economic disparities, unemployment and limited access to education and health has serve as push factors for women's vulnerability to trafficking. The absence of viable economic opportunities and social support networks for women heightens the appeal of fraudulent job offers and entrapment into exploitative situations.

The third objective sought to assess the effectiveness of the SADC Mutual Assistance in Criminal Matters in combating trafficking in persons in the region. The findings of the research show that the SADC Mutual Assistance in Criminal Matters has not been effective towards the combating of trafficking in persons in the region. The failures are attributable to the lack of political commitment to fully implement the protocol, poor coordination and collaboration mechanisms in information and intelligence sharing on trafficking networks, modus operandi, key actors involved and new typologies employed by traffickers to enhance prevention, investigation, prosecution and victim support within the SADC region. Differences in national legal frameworks and procedures have also been found to be hindering cooperation among s member states.

The fourth objective was the assessment of the effectiveness of SADC Regional Trafficking in Persons Data Collection system in combating trafficking in persons in the region. The absence of reliable data on trafficking in persons in the region has made it difficult measure accurately the scope of the phenomena and its impacts. Available statistics are dependent upon a variety of sources and methodologies because of the underground nature of the vice putting their validity in question.

As the findings of this research have shown that a lot still need to be done by all member states in SADC towards the achievement of the United Nations 2030 Sustainable Development Goals (SDGs). Trafficking in persons is a grave violation of human rights and it hinders progress on several sustainable Development Goals, particularly Goal 5, 'Gender equality,' and Goal 8, 'Decent work and economic growth.' These SDGs seek

to eradicate gender disparities and promote inclusive and sustainable economic growth with maximum productive employment respectively. Goal 8 urges all nations to create decent work and economic development, specifically SDG 8.7 aims at taking immediate and effective measures to eradicate human trafficking as well as forced labour, child labour, modern slavery and the recruitment of children as soldiers to promote peace for sustainable development (UN, 2015). However, the SADC countries have not been able to achieve this goal and the implication has been grave as more and more unemployed people, in search of better opportunities abroad, have fallen into the hands of traffickers. Furthermore, human trafficking poses a significant challenge to the realization SDG 16 as it thrives on conditions created by weak institutions, misgovernance, conflict and corruption. Victims of human trafficking thus are denied access to justice, inclusive and accountable institution, which are the key pillars of this Goal. The research found that SADC has not achieved these SDGs resulting in more and citizens falling victim to human trafficking. Because of lack of capacity of state institutions several victims have not found justice as the perpetrators remain unaccounted for. Development is people centred hence; there can be no talk of development in SADC, when people continue to be trafficked, enslaved, exploited and dehumanized.

The continued prevalence of trafficking in persons within the SADC region calls for urgent reflection and re-evaluation of the current legal and policy framework. In order to enhance their effectiveness, SADC member states must collaborate to develop harmonized legal frameworks, strengthen efforts for regional cooperation, and improve institutional capacities. Additionally, tackling the socio-economic factors that contribute to TIP through comprehensive socio-economic development measures is vital. Only by addressing these challenges systematically can SADC region hope to effectively combat human rights of those affected.

5.4.1 Recommendations

The research prescribes the following recommendations.

- (i) Weak institutional capacity due to lack of resources hinders effectiveness in combating trafficking in persons in the region.** Member states should strengthen capacity of national institutions through training of law enforcement officials and allocation of required resources to combat trafficking in persons.
- (ii) Socio-economic factors such as extreme poverty and lack of opportunities contributed to the trafficking of women.** SADC member countries should address the socio-economic factors that put women in vulnerable situations causes that make people vulnerable in order to strengthen the capacity of national authorities, civil society and service providers to co combat trafficking in persons in the region.
- (iii) Trafficking in persons is a transnational organised crime that requires countries to work together, exchange information and cooperate on law enforcement efforts.** It is recommended that member states commit to strengthening bilateral and regional coordination mechanisms, promoting information-sharing platforms to enhance the implementation of the Mutual Assistance in Criminal Matters.
- (iv) The research findings show that there is lack of harmonized reliable trafficking in persons data in the SADC region which negatively impacted the combating of the crime.** It is therefore recommended that SADC member states should develop an adequate TIP database in line with the SADC Regional Data Collection System.

5.5 Suggestions for further studies

The issue of irregular migration has not gained enough attention in terms of research despite its linkage to transnational organised crime of Trafficking in Persons. Further researches can therefore be conducted to examine the impact of Labour Migration Policy in combating Trafficking in Persons in Southern Africa to fill that research gap.

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APPENDICES

Appendix 1: Questionnaire

My name is Josephat Chitambira, a student at Bindura University of Science Education. I am studying for a Master of Science in International Relations Degree. I am undertaking research titled ‘The Efficacy of Southern Africa Development Community (SADC) Legal and Policy Instruments to Combat Trafficking in Persons in the Region,’ in partial fulfilment of the Master of Science in International Relations Degree. I therefore kindly request you to respond to the few questions below. Please note that your responses will be kept private and confidential and will be used for academic purposes only.

Should you wish to contact me, please feel free to contact me on the details below:

Mobile Phone Number: +263772858027

Date of survey.....

(*Use a tick to indicate your appropriate response in all sections)

SECTION A: DEMOGRAPHICAL INFORMATION

1. Which of the following best describes your gender
 - a) State your age 20-30 [] 31-40 [] 41-50 [] 51-60 [] Over 61 []
 - b) Male [] Female [] Other []

2. What is your occupation?

3. Years of working experience in the organisation?

- a) ≤5years
- b) 5-10 years
- c) 10-15 years
- d) 15 years +

4. Education level attained?

- a) High School Certificate
- b) Diploma
- c) University Degree
- d) Masters
- e) Ph.D.

Other (please specify).....

The second part of the questionnaire covers sections B, C, D and E. Each section starts with an objective, main question and sub-questions. Kindly indicate your response by ticking in the appropriate box. The scale ranges from 1 to 5. The key is provided as follows:

1-Strongly agree 2-Agree 3-Not sure 4-Disagree 5- Strongly disagree

SECTION B: To examine the effectiveness of the ten (10) year SADC Strategic Plan of Action in combating Trafficking in Persons in the region.

	How effective has the Ten (10) Year SADC Strategic Plan of Action been in combating trafficking in persons in the region?	1	2	3	4	5
i.	Relevant laws have been enacted to combat TIP in the SADC region					
ii.	The laws enacted have contributed to the reduction of TIP cases in the SADC region					
iii.	Training and capacity building has enhanced skills of officials in combating TIP in the region					

iv.	Research and information sharing contributes to the combating of TIP in the region					
v.	Victim support and witness protection contributes to successful prosecution of human traffickers					
vi.	Monitoring and evaluation of the SADC plan contributes to the combating of TIP in the region					

SECTION C: To Examine the effectiveness of the SADC Gender and Development Policy in Combating Trafficking of women in the Region.

	How effective has the SADC Gender and Development Policy in Combating Trafficking of Women in the Region?	1	2	3	4	5
	Relevant laws have been enacted to combat trafficking of women in the region?					
i	There are mechanisms in place by which all relevant law enforcement authorities eradicate national, regional and international women traffickers' syndicates in the region					
ii	There is harmonized data collection mechanisms to improve research and reporting on the types and modes of women trafficking to ensure effective programming and monitoring in the region					
iv	There are bilateral and multilateral agreements in SADC region to run joint actions against trafficking of women among origin, transit and destination countries					
v	There are capacity building, awareness raising and sensitization campaigns in the region on trafficking of women					

SECTION D: To assess the effectiveness of the SADC Mutual Assistance in Criminal Matters in Combating Trafficking in Persons in the region.

	How effective is the SADC mutual assistance in criminal matters in combating trafficking in persons in the region?				

i.	SADC member states have ratified the SADC Mutual Assistance in Criminal Matters.				
ii.	Robust coordination among member states is crucial in combating TIP.				
iii.	SADC Member States provide each other with the widest possible mutual assistance in investigations, capturing and prosecution of traffickers.				
iv.	There are barriers in SADC region that hinders member states to provide each other with the widest possible mutual legal assistance in investigations, capturing and prosecution of traffickers				

If positive, kindly state some of the barriers or challenges in the region that hinders member states to provide each other with the widest possible mutual legal assistance in investigations, capturing and prosecution of traffickers:

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SECTION E: To evaluate the effectiveness of the SADC Regional Trafficking in Persons Data Collection System in Combating Trafficking in Persons in the region.

	How effective is the SADC regional trafficking in persons’ data collection system in combating trafficking in persons in the region?				
i.	There is supportive legal framework for data collection				
ii.	There is a consistent data collection system to combat trafficking in persons in SADC region				

iii.	There is reliable data on TIP victims as well as data on traffickers in the SADC region				
iv.	Data collection tools make it possible to get a more complete picture of who the victims are, where they come from, where they are being trafficked to and for what purpose				
v.	Gaps and limited knowledge on the identification of persons who are victims of trafficking or its perpetrators still exist and hamper combating TIP in the region.				
vi.	The data collection and storage system in place is useful to determine and monitor whether cases of TIP are increasing, constant or decreasing in the region				

What recommendations would you give to the SADC regional trafficking in persons’ data collection system in combating trafficking in persons in the region?

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Thank you for your time!

Appendix 2: Interview guide

Section A

1. What is your occupation?
2. For how long have you been working in this organization?
3. Do you deal with Trafficking in Persons issues directly or indirectly?
4. How is the phenomenon of Trafficking in Persons in your jurisdiction?
5. What laws associated with Trafficking are in Place?

Section B

6. Have you ever heard of the Ten (10) Year SADC Strategic Plan of Action in combating trafficking in persons in the region?

7. If yes, from your experience, how effective has the Ten (10) Year SADC Strategic Plan of Action been in combating trafficking in persons in the region?
8. Which enforcement efforts are in line with the Strategic Plan to combat Trafficking in Persons?

Section C

9. Have you ever heard of the SADC Gender and Development Policy in combating the trafficking of women in the region?
10. If yes, in your views, how effective has the SADC Gender and Development Policy been in combating the trafficking of women in the region?
11. Are there relevant laws to combat domestic violence being implemented?

Section D

12. Have you ever heard of the SADC Mutual Assistance in Criminal Matters contributed to the combating of trafficking in persons in the region?
13. How effective has the SADC Mutual Assistance in Criminal Matters contributed to the combating of trafficking in persons in the region?
14. Is there information sharing amongst law enforcement officials in investigating Trafficking in Persons cases?
15. Can you on how the Mutual Assistance has been utilised in terms of investigating and prosecuting Trafficking in Persons cases.
16. Are there particular cases which were concluded through Mutual Assistance?
17. Highlight any challenges in terms of Mutual Assistance.

Section E

18. From your experience, how effective has the SADC Regional Trafficking in Persons Data Collection System contributed to the combating of trafficking in persons in the region?
19. Are statistics of Trafficking in Persons readily available?
20. From the statistics, is the region succeeding in combating Trafficking in Persons?

21. What challenges, if any, are there in terms of data collection on Trafficking in Persons statistics
22. What improvement would you recommend stakeholders responsible for combating trafficking in persons in the region?

Thank you for your time!

Appendix 3: Permission to carryout research

DEPARTMENT OF PEACE AND GOVERNANCE

P. Bag 1020
BINDURA, Zimbabwe

Tel: 263 - 71 - 7531-6, 7622, 7624

Fax: 263 - 71 - 7534



BINDURA UNIVERSITY OF SCIENCE EDUCATION

Date: 28 SEPTEMBER 2023

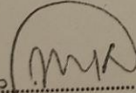
TO WHOM IT MAY CONCERN

RE: REQUEST TO UNDERTAKE RESEARCH PROJECT IN YOUR ORGANISATION

This serves to introduce the bearer, JOSEPHAT CHITAMBIRA, Student Registration Number B224084 B, who is a Master of Science in International Relations student at Bindura University of Science Education and is carrying out a research project in your area/institution.

May you please assist the student to access data relevant to the study, and where possible, conduct interviews as part of a data collection process.

Yours faithfully


.....
D. Makwerere (Dr)

