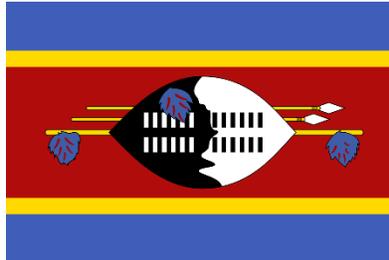


Baseline Assessment Summary (November 2016)
Kingdom of Swaziland / Secretariat to Prevent People Trafficking and People Smuggling



TECHNICAL EXPERTISE REQUEST:
Comprehensive study on the smuggling of migrants

The Kingdom of Swaziland's socio-economic challenges, proximity to the region's strongest economy, South Africa, and under-resourced national response mechanisms are just some of the factors that render the country vulnerable to irregular migration flows, including trafficking in persons (TIP) and the smuggling of migrants (SOM). Swaziland is a source and transit country for migration flows, and, to a lesser extent, a destination. Swaziland has encountered cases of SOM, but there is limited data on the characteristics and the extent of the issue.

Reasons of the request:

Frequent media reports on SOM and observations by frontline officers have brought the issue to the government's attention. However, response capacities are constrained by the lack of data, which hinders the development of targeted actions, while understanding of what constitutes SOM differs among stakeholders. To address this gap in data and understanding, the government's Secretariat to Prevent People Trafficking and People Smuggling has requested Technical Assistance (TA) to conduct a comprehensive study of SOM in the country. The TA is expected to improve understanding of the issue, while raising awareness of SOM among stakeholders. The findings will inform the government's SOM response.

Learning from the Baseline Assessment:

- In Swaziland, SOM involves Southern African regional migrants, other continental migrants, and extra-continental migrants, with South Asian migrants frequently mentioned. Many are smuggled through Mozambique into Swaziland, before transiting towards South Africa, where they seek employment, study or asylum.
- Smugglers may facilitate the irregular entry of Southern African migrants who do not have the valid documentation required to use formal channels, as well as continental and extra-continental

migrants, who may not have the right of entry into Swaziland or South Africa. Many cases are believed to be perpetrated by individual opportunists, though elements of organised crime have been identified, particularly with respect to documentary abuse.

- Little is known about the specific SOM routes, but it is believed that such movements utilise informal border crossings and break through border fencing, with the Swaziland-Mozambique border considered to be particularly porous.
- In response to both trafficking in persons (TIP) and SOM, the government passed legislation in 2009 to criminalise TIP and SOM, and ratified the United Nations SOM Protocol in 2012. Authorities use parallel mechanisms to respond to both TIP and SOM and there is a confusion of the two phenomena among stakeholders.
- The gap in understanding of SOM means that few cases have been brought to justice. Training activities are focused on TIP and law enforcement officers have difficulties in investigating SOM cases. The absence of a clear legal framework for SOM further renders prosecution difficult. The ongoing amendment of the legislative framework aims to address some of these issues.
- The government's prevention efforts have focused on combatting TIP, with SOM generally addressed to a lesser extent and in the context of TIP. Meanwhile, the existence of informal border crossings and weak border fences, as well as corruption and documentary abuse, further inhibit the government's attempts to prevent smuggling.
- The lack of a specialised protection framework for SOM also means that smuggled persons may on some occasions gain access to the same services as TIP victims, or they may be deported for unlawful entry under the Immigration Act.
- There is limited information exchange between law enforcement, border, immigration and other relevant authorities; and international cooperation on SOM is low, despite the existence of several platforms for cross-border cooperation.