
Human Trafficking of Young Women and Girls for Sexual Exploitation in South Africa

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Additional information is available at the end of the chapter

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1. Introduction

Young South African women and girls are trafficked internally (within South African borders) and externally (outside the borders of South Africa) for the purposes of sexual exploitation and other purposes, such as domestic labour, for criminal activities, as well as organ transplants.

External trafficking has occurred in this country since colonial times. Molo Songololo (2005), a children's rights organisation, reports that between 1726 and 1834, as many as 36 169 slaves were brought from Indonesia, Java, Ceylon, India, the East Indies, Mauritius, Malaysia and other countries to South Africa to work in mines, and as domestic workers. This was a practice instituted by the colonial authorities to boost the southern African economy by importing cheap labour. Three infamous examples typify the beginning of the trade in human beings internally and externally (Martens, 2003; Martens, Pieczkowski & Van-Vuuren-Smyth, 2003). One known notorious incident was the recruitment, with promises of economic prosperity and educational advancement, of Saartje Baartman, who was transported from the Cape Colony and exploited by European citizens in England and France (Martens et.al, 2003). The promises made to her in her country of origin were not fulfilled – instead, her naked live body was displayed as an object of attraction for everybody to view. She eventually died in France, where her private parts were put on display in a museum. Another, less well-known, example involved European girls who were trafficked into the Cape Colony for the purposes of involuntary prostitution to meet the demand of men for prostitutes (Molo Songololo, 2005). More recently, Mozambican children were trafficked into South Africa to be kept as concubines in the Carletonville mines (Martens, 2003; Martens et.al 2003).

In the last two decades, increasingly, reports of human trafficking for sexual exploitation have surfaced in the print and visual media, fuelled by the South African Police Service (SAPS) raids on brothels. One incident that made headlines in 1998 was human trafficking for sexual exploitation of Asian women, whose dead bodies were found on a railway track by the SAPS. These Asian women were brought into the country under false pretences – they were told they would be working in high-end restaurants where they could mingle with and marry rich men. When they arrived in South Africa, they became entangled in debt bondage and their passports were taken from them (Reuters, 1998). Since then, academic institutions and civil organisations have increasingly been reporting on the subject of internal and external human trafficking for sexual exploitation. Furthermore, government and non-governmental organisations (NGOs) are raising awareness on the topic, educating South African citizens about this form of crime.

Internal trafficking also has historical origins dating back to the late nineteenth and early twentieth century. At the turn of the century, a criminal leader called Nongoloza Mathebula (1867-1948) and his gang abducted and kidnapped women and boys from neighbouring areas to the mine compounds and kept them as sex slaves in the wake of the discovery of sexually transmitted diseases among prostitutes selling their bodies to mine workers (Van Onselen, 1998).

When the political struggle was at its highest (during the 1980s until 1990) and into the early 1990s, ‘jack-rollers’ kidnapped and abducted young women and girls who appeared to be superior and were less appealing to men from lower socio-economic backgrounds. The targeted victims led quiet lives and had been seriously pursuing educational goals. They were also physically attractive. The jack-rollers would confine them in secluded residences where the victims were repeatedly raped and physically assaulted (Mokwena, 1991). These practices were not considered human trafficking at the time. However, South Africa has defined these practices as criminal since becoming a signatory to United Nations Human Rights-oriented legislation. Such practices are now classified as trafficking for sexual exploitation in Part 6 Section 71 (1-2) b of the Criminal Law (Sexual Offences and Related Matters Act, Act (32 of 2007), as amended.

Internal trafficking is the most commonly reported form of human trafficking in South Africa. Human trafficking research reports produced in this country have revealed evidence of children being trafficked from poor socio-economic areas such as rural areas and farms in the Eastern Cape and KwaZulu-Natal to developed parts of the country, such as urban areas in the Western Cape and Gauteng (Bermudez, 2008; Molo Songololo, 2005). Another research report has identified case studies of teenagers recruited and transported under false pretences to work as prostitutes in hidden brothels across South Africa (Unicef, 2003; UN-ODC, 2007). In between these research reports, newspapers, television documentaries, workshops, seminars and conferences have provided evidence of the prevalence of internal trafficking. A criminal investigator aligned with the Organised Crime Unit of the SAPS in Port Elizabeth has also exposed organised Nigerian syndicates trafficking children from city centres to city centres across South Africa (Van der Watt, 2009). Furthermore, children as young as ten are being kidnapped and abducted by organised criminal gangs who first feed

them drugs in preparation for work as prostitutes (Chetty, 2009; Molo Songololo, 2005; UNODC, 2007). Some of the members of these syndicates were filmed by a crew of the local television programme Special Assignment while the syndicates were trafficking children from Durban to Bloemfontein and Johannesburg in 2004. Some of these criminals have since been caught by the SAPS. The conditions within which the trafficked children were held was described by one of the investigators as 'deplorable, not fit for a pig and downright shameful' (UNODC, 2007).

Although human trafficking occurs for other purposes in this country, sexual exploitation is the most frequently reported reason. Human trafficking for sexual exploitation occurs within a context of high levels of contact crimes (interpersonal violent crimes occurring between persons who are known to each other). As illustrated in Figure 1 below, for the period from 2009 to 2010, the SAPS recorded approximately 2.1 million criminal cases: 31.9% of these cases were contact crimes (Sigsworth, 2008).

Of these contact crimes, sexual violence comprised of 10.1% (see Figure 2, below). Although the details have not been released for the period 2009/2010, in the period 2008/2009, prostitution and other sexually exploitative acts accounted for 15.3% of the total number of sexual offence cases.

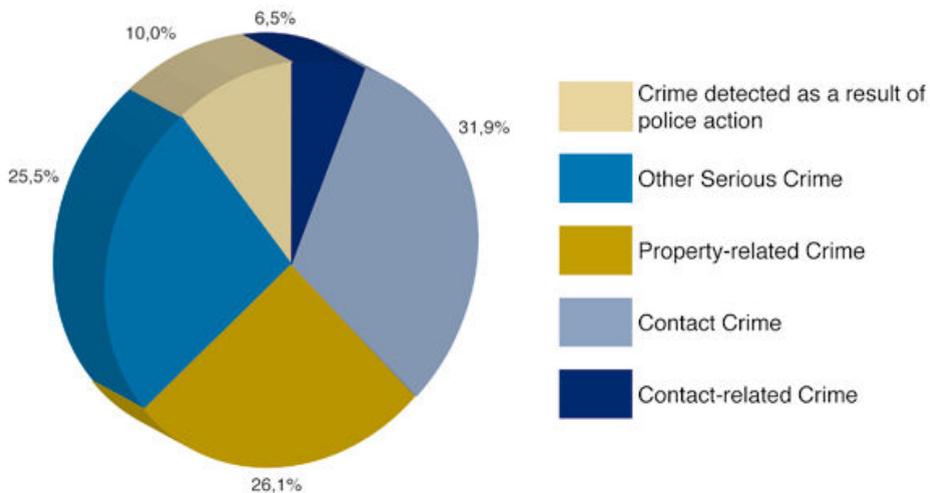


Figure 1. Crime figures for 2009/2010 ([70])

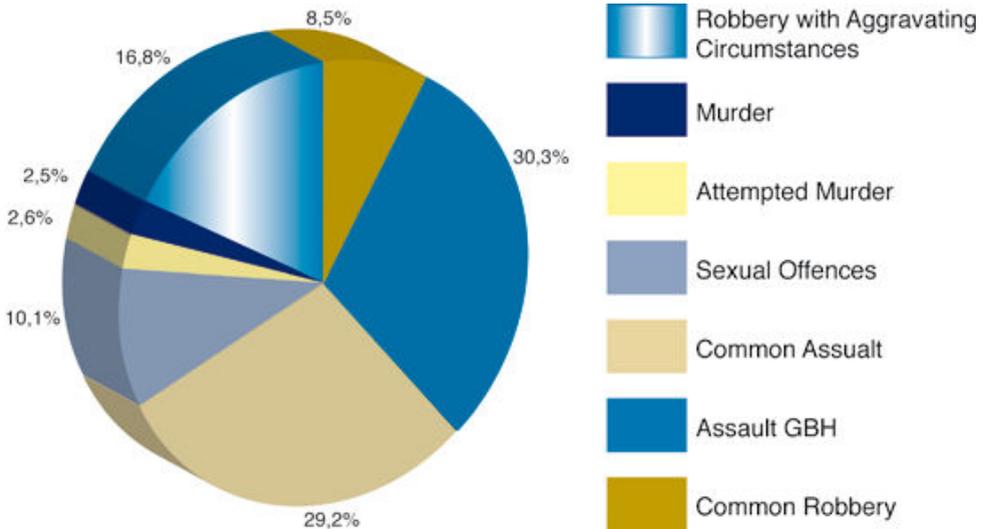


Figure 2. Contact crimes for 2009/2010 (70)

Despite high levels of contact crimes, especially sexual violence against women and children, the South African criminal justice system has been ineffective in its approach to sexually violent crimes affecting women and girls. Only approximately 5% of reported and prosecuted sexual violence cases receive a custodial sentence (Sigsworth, 2008). Regardless of the large amount of research and scholarly work on human trafficking, there is currently still no specific law to prosecute the crime in the country – South Africa literally does not have a crime called human trafficking. Parts of existing legislation are used to prosecute human trafficking activities (SALRC, 2008; Stuurman, 2009). However, there are some sections from the Criminal Law (Sexual Offences and Related Matters) Amendment Act (32 of 2007) and the Children’s Act (Act 38 of 2005) reserved only for the sexual exploitation of trafficked women and children. Part six of the Criminal Law (Sexual Offences and Related Matters) Amendment Act (32 of 2007) is reserved to prosecute trafficking in persons for sexual purposes. Chapter 18 of the Children’s Act 38 of 2005 is reserved to prosecute trafficking in children.

South Africa is a hotbed for human trafficking for a variety of other state-related factors. It is a source, transit and destination country for human trafficking (Le Roux, 2009b; SALRC, 2008; Stuurman, 2009; UNICEF, 2003). It is reputed among neighbouring countries to be economically advanced and therefore may be seen as potentially offering golden opportunities to poor immigrants. Since South Africa opened its borders to foreign citizens from neighbouring countries such as Zimbabwe, Lesotho, Mozambique and Namibia in 1994, a large number of documented and undocumented immigrants have entered the country as refugees, asylum seekers and tourists (Irish, 2005). On arrival in South Africa, many of these immigrants experienced xenophobia from the local population, which creates feelings of

insecurity and fear. They have been accused of stealing jobs from South African citizens, for example. As a result, some had their possessions stolen or burned by South African citizens. The insecurity felt by refugee women and girls on arrival in South Africa (Chetty, 2009; Minnaar, 2009, Mutongwizo, 2009; Palmary, 2005; Prince, 2009) aggravates the problem. They tend to rely on fellow citizens for economic opportunities instead of assimilating into and seeking help from South African citizens (Malapa, 2008). However, fellow citizens do not always provide legitimate economic opportunities. There is some evidence that some immigrants recruit fellow nationals for prostitution (Martens, 2003; O'Connor, 2009; SALRC, 2004).

1.1. Aim of the book chapter

In this chapter, the problem statement relating to human trafficking is addressed. Concepts such as 'human trafficking', 'sexual exploitation', 'child trafficking' and 'girl' are defined. A distinction is made between voluntary and involuntary prostitution. A theoretical framework to elucidate the vulnerability of young women and girls to human trafficking is also provided, particularly within the socio-economic and socio-cultural context within which human trafficking in South Africa occurs. South African responses to human trafficking are identified, taking into account the fact that the relevant legislation has not yet been passed into law, because certain social and legal politics are preventing the rapid processing of this law. A strategy or policy that could effectively reduce the human trafficking of young women and girls for sexual exploitation in South Africa is proposed.

2. Problem statement

The purpose of writing this chapter is to illustrate the plight of victims of human trafficking for involuntary prostitution. Given this plight, it is important to research and write about human trafficking for sexual exploitation over other forms of human trafficking. Matters of particular concern are the age of victims of human trafficking for sexual exploitation, the increasing numbers of sex trafficking victims, socio-cultural factors contributing to the crime, the context within which human trafficking for involuntary prostitution occurs, the limited South African responses to human trafficking, as well as the politics of legal reform hindering the promulgation of the Prevention and Combating of Trafficking in Persons Bill.

Human traffickers recruit, kidnap and abduct young girls between the ages of 11 and 17 (Dyanti & Pritz, 2009; Muller & Holley, 2009; UNICEF, 2003; Van der Watt, 2009). When these girls encounter human traffickers who make lucrative offers, or promise them economic prosperity, or when these girls are kidnapped and abducted, they are usually alone, without a capable guardian (Lutya, 2010b). The traffickers target this age bracket because of a client preference for younger girls – such clients believe that younger girls are compliant and docile, and therefore more likely to comply with their sexual demands (Bernat & Zhilina, 2010; Bernant & Winkeler, 2010; UNICEF 2003). In addition, the increasing number of HIV/Aids infections has popularized the socio-cultural myth of the virgin cure: some HIV/

Aids infected men believe that sexual intercourse with a virgin will cure them of the disease (Dyanti & Pritz, 2009; Fitzgibbon, 2003; Gould, 2008). The United Nations estimates that 79% of all trafficked victims are moved for the purposes of sexual exploitation (Tshwane Alliance for Street Children, 2009; Tyakume, 2009). Most of these victims are recruited, abducted or kidnapped from socio-economically deprived areas and are then moved to economically developed parts of the country (Bermudez, 2008; Bernat & Zhilina, 2010; Bernat & Winkeler, 2010; Molo Songololo, 2005).

Currently, South Africa does not have the means to distinguish between voluntary and involuntary prostitution. Public hearings are still being conducted by the South African Law Reform Commission to debate a suitable approach to prostitution. The country will have to decide whether to legalize or regulate, continue to criminalize or abolish prostitution.

If they cannot be rescued by the police or are not reported missing by family members, victims of sex trafficking cannot be identified easily (SALRC, 2008). They are often assumed to be just another group of morally depraved girls searching for 'easy money' (Bernat & Zhilina, 2010; Bernat & Winkeler, 2010). During the transportation process, if they are questioned by the authorities, human traffickers falsely identify victims as relatives (Bernat & Zhilina, 2010; Bernat & Winkeler, 2010). Even though they could be offered help by strangers, victims of sexual exploitation find it difficult to just leave their captors. They are consistently threatened with violence or may have been physically assaulted by human traffickers (Delport, Koen & MacKay, 2007; UNICEF, 2003; Van der Watt, 2009).

Although South Africa has made significant progress with regard to the prevention, protection, prosecution and partnerships to respond to human trafficking, there are still a number of ambiguities and gaps in the knowledge of human trafficking in South Africa. Furthermore, the politics of legal reform are hindering the promulgation of the Prevention and Combating of Trafficking in Persons Bill.

3. Definition of concepts

3.1. Human trafficking

The Prevention and Combating of Trafficking in Persons Bill (2009) defines human trafficking to include the recruitment, sale, supply, procurement, transportation, transfer, harbouring, disposal, or receipt of persons or the adoption of a child facilitated or secured through legal or illegal means within and across the borders of the Republic by means of threat, force, intimidation or other forms of coercion, abduction, kidnapping, fraud, deception, debt bondage, abuse of power, or the giving or receiving of payment in order to achieve the consent of the other or by abusing vulnerability for the purpose of exploitation.

There is, however, still some confusion with regard to the definition of human trafficking. Ambiguity arises from the inclusion of the word 'exploitation', with little explanation or an inadequate explanation of what constitutes 'exploitation' (Gould & Fick, 2008). Consequently, it is easy to include any exploitative situation under the umbrella of human trafficking.

The broadness of the definition of exploitation could mean that a common sense interpretation of exploitation is used to describe a human trafficking situation (Gould & Fick, 2009). For instance, a holiday visit of a child which turns into exploitation could be seen as human trafficking, instead of as a vulnerable situation that could lead to human trafficking if the child was to be removed under false pretences. Human trafficking has not yet occurred. The child has not yet been recruited, transferred, harboured, deceived or intentionally bought for exploitation, even when the child has been abused sexually, physically and emotionally by the relatives. The act of victimising the child becomes a spontaneous act during the period of stay at the relatives' home, but cannot be prosecuted as trafficking.

3.2. Sexual exploitation

According to the Prevention and Combating of Trafficking in Person Bill (2010), sexual exploitation implies the commission of any sexual offences against the victim of human trafficking. Literally, sexual exploitation implies the act of misusing or mistreating another person through sex. The various ways in which a person could be misused through sex are forced marriage, sex work, forced pregnancy for the purpose of selling the child, as well as personal gratification. Forced marriage and personal gratification are acts that occur within private homes, and that are often perpetrated towards young women and girls who have not been recruited, transported, sold, supplied, procured through deceit, fraud or debt bondage – the essential components of the South African definition of human trafficking. It seems that a clear distinction between a human trafficking victim and a child who has been forced into a marriage is lacking, as well as between a human trafficking victim and a young woman or a girl who is sexually exploited by a member of her family.

There needs to be legal and social criteria that can be used by social services and criminal justice authorities to identify victims of human trafficking. Currently, the Prevention and Combating of Trafficking in Persons Bill does not provide clear guidelines pertaining to the victims of human trafficking. Sections 11 and 12 refer to professionals that could assist in the identification, referral and reporting of a victim of trafficking, but these sections fail to describe the characteristics of the victim. A list of factors have been presented by SALRC (2008) describing the circumstances within which a victim could be experiencing when encountered by professionals. It might be best if the Bill requires that all these factors should be present at the time of identification, namely sexual violence, confinement, forcing drugs on the victim, threats by family members, and mental as well as sexual health related problems, to name just a few. However, these factors could be present in a person who has not been trafficked. Legally speaking, to be defined as a victim of human trafficking a person should have experienced crimes vital in the definition of human trafficking, at least social dislocation, and should be unfamiliar with the environment within which she was or is confined.

3.3. Child trafficking

According to section 1 of the Children's Act (Act 38 of 2005) child trafficking for sexual exploitation means the recruitment, transportation, receipt, harbouring, and transfer of children through deceit, fraud, abduction and kidnapping for the purpose of sexual exploitation

due to a position of vulnerability. In relation to children, section 1 of the Children's Act (Act 38 of 2005) states that commercial sexual exploitation implies the procurement of a child to perform sexual activities for financial or other rewards including acts of prostitution or pornography, irrespective of the person using or receiving the reward.

3.4. Girl

According to the South African Constitution (108 of 1996), a girl is any female person, daughter, or young woman under the age of 18. This person may still be residing with her parents, in a hostel or heading a household. Girls as young as seven are abducted, kidnapped or misled by traffickers to accept offers that promise to yield financial incentives. A set of gendered factors place girls in more vulnerable situations for abduction and kidnapping by human traffickers for sexual exploitation. Firstly, young girls are perceived as disease-free and therefore possess the potential to attract more customers/clients/users than older women. The International Labour Organization reports that the high incidence of HIV/Aids infections among young women has propelled users of sex workers to select girls' more than young women. This preference has led to many young South African girls' being recruited, abducted and kidnapped for sexual exploitation (Lutya, 2010a). Some girls have been abducted and kidnapped on their way to school, running an errand for their parents or venturing outside with friends (Lutya, 2010a). Secondly, the desire to own the latest labels and technological gadgets pushes some girls into pursuing their materialistic hopes. If they are offered a job, such girls may accept the job with little or no scrutiny in the hope of generating an income in order to reach this materialistic goal (Lutya, 2010a). It is possible that the need to achieve the patriarchally approved gendered notion of femininity, defined by aesthetics – fancy clothes, make-up, groomed hair and nails – as well as the desire to fit in and receive external confirmation (Russell & Tyler, 2002) may drive some girls to accept dubious jobs from traffickers. Gender and consumption could be ways in which some girls define who they are in relation to boys and society: that means they become feminine through consumer culture, a behaviour society expects of young women and girls (Russell & Tyler, 2002). In essence, any person under the age of 18 is vulnerable to human trafficking in three ways: legally (if the person is financially inadequately equipped to reside independently and in pursuit of financial independence), socially (if the person is in need of social affirmation) and individually (if the person hopes to obtain affirmation of her physical aesthetic attributes).

3.5. Difference between voluntary and involuntary prostitution

A prostitute is working on a voluntary basis if her decision to perform sex work has not been influenced, forced on her or coerced by anyone. She is working as a prostitute involuntarily if another person has forced, confined and manipulated her to work as a prostitute. In this paper, the term 'voluntary prostitution' pertains to any work that is performed by a prostitute, either indoors or outdoors, where the prostitute obtains the money from the customer for her own gain. By contrast, involuntary prostitution refers to any sex work that is performed indoors or outdoors where the prostitute works under the supervision and moni-

toring of another person. The money obtained from selling sex is taken by the monitor or supervisor (pimp). The difference between these two concepts is that a voluntary prostitute exercises agency by deciding on the job, area and type of client to serve, whilst an involuntary prostitute is forced to do the work in a chosen area and to serve clients preferred by the supervisor or monitor.

4. Theoretical framework

There are three theoretical attributes which can be used to explain human trafficking for the sexual exploitation of young women and girls in South Africa: victim vulnerability, victim precipitation, as well as the victim-criminal relationship (Daems, 2005; Nettlebeck, Wilson, Potter & Perry, 2000). These attributes should be present and stabilise in a victim's life for a long time (Nettlebeck et al 2000). Victim vulnerability pertains to the presence of factors, contextual and situational, in a victim's life that could make the victim more vulnerable to victimisation (Clark, 2005). It could be the victim's lifestyle; personal characteristics or the amount of time the victim spends or interacts with the offender (UNICEF, 2003; UNODC, 2007). Secondly, a victim's words, actions and behaviour may precipitate the offender's actively and passively victimising her (UNODC, 2007). In the context of human trafficking for sexual exploitation victim precipitation thus occurs when the victim accepts recruitment, travels with a chaperone and allows herself to be transported with or without the documentation required by immigration officials. In addition, the lack of a reasonable solution to socio-economic challenges facing her, the potential victim may seek help from traffickers. Eventually, the time spent by the victim in the company of human traffickers may provide traffickers with opportunities for the victimisation of girls.

Victim vulnerability is best explained when a person is surrounded by factors that could result in victimisation. It is attributed to a variety of internal and external factors that are multidimensional, such as their age and lack of maturity, which affects young women and girls more than adults, whilst socio-economic factors create potential victimisation for both children and adults (Clark, 2005). Many young South African women and girls spend a significant amount of free time in entertainment establishments that sell liquor (shebeens, nightclubs and bars), abusing intoxicating substances such as drugs and alcohol, engaging in risky sexual behaviour, as well as participating in criminal activities (Gould, 2005; Gould & Fick, 2008). These lifestyles place them within close proximity to human traffickers. Closeness to human traffickers of potential victims may not result in actual victimisation: some young girls do not accept offers from strangers. The contextual situation within which girls entertain themselves, coupled with their immaturity and the absence of a capable guardian, may make it easier for traffickers to recruit them successfully. Eccentric behaviours by a potential victim do not necessarily create vulnerability to victimisation, but poor control of feelings, inadequate social skills and confrontational responses to problematic situations may increase vulnerability to victimisation (Nettlebeck et al 2000).

Regardless of personal characteristics, a victim's lifestyle and the amount of time some young women and girls spend with human traffickers, the contextual and situational factors

surrounding victims make them vulnerable to human trafficking for sexual exploitation. The factors that drive most young women and girls to shebeens and bars, and into crime and promiscuity (such as unfavourable home and family conditions, including a lack of parental supervision and monitoring, inter-parental violence, sibling violence and parental use of intoxicating substances) combined with socio-economic challenges exacerbate the vulnerability of young women and girls to human traffickers (Clark, 2005; Lutya, 2010b; Lutya, 2007). When these factors are stronger in a child's life, careful scrutiny of an offered job may not feature in the young woman or girl's mind.

Although victims of human trafficking are often caught by surprise at the turn of events at the places of destination, the acceptance of a job provided through illegal means of which some young women and girls may be unaware can be regarded as victim precipitation. Victim precipitation refers to a person's willingness to move to another destination with the recruiter or chaperone. At times, victims may initiate the act, or agree to its occurrence, or may be joined by the perpetrator, which makes them accomplices in the perpetration of their victimisation (Muftic, Bouffard & Bouffard, 2007). By asking for help from human traffickers, the victim precipitates the occurrence of the crime. However, the victim may not be aware of the consequences of her actions, because the negative consequences of accepting or asking for help from human traffickers may be hidden, and she may fail to recognise a legal or conventional solution to her contextual and situational problems. In this regard, this chapter does not apportion blame, find fault or assign guilt to human trafficking victims, but attempts to illustrate some of the ways in which the contextual and situational factors surrounding victims could facilitate victimisation (Muftic, Bouffard & Bouffard 2007).

Prior to accepting jobs from human traffickers, victims are often confronted with socio-economic and individual challenges such as unemployment and poverty, domestic violence, a lack of knowledge of the crime, stereotyped perceptions of prostitutes, as well as socio-cultural factors hindering access to opportunities for economic advancement. Faced with such factors, they may accept (non-existent) opportunities that they believe could rescue them from this context. In turn, they are opening up chances for sexual exploitation. Moreover, human traffickers can be people that the victims trust, such as a close associate, family member, an employment agent or a neighbour (Lutya, 2009; O'Connor, 2009 & Prince, 2009). The relationship shared by the victim and the perpetrator, as well as the image presented by the employment agent may not be suspicious enough to encourage the potential victim to scrutinise the person's motives.

There is sometimes a relationship between a human trafficker and the victim, enabling them to interact, communicate and associate on a regular basis (UNODC, 2007). During this process, both parties play roles that define the existence of this relationship (UNODC, 2007). The victim may either actively or passively precipitate, provoke or instigate the formulation of this relationship, but is victimised in return (Molo Songololo, 2005 & Tyakume, 2009). An association between a human trafficker and a victim cannot always be construed as inappropriate, due to the quality of a relationship between the human trafficker and the victim. As stated above, human traffickers can range from close associates to strangers and apparently legitimate employment institutions. Therefore, the victimisation of a young woman or girl in

the process should not be blamed on the victim. Blaming the victim implies that the victimised young woman or girl behaved outside social norms by associating with a relative, friend, neighbour or seeking the services of employment agencies (Tyakume, 2009).

Vulnerability, a persistent search for better opportunities and interaction with persons that might turn out to be traffickers feature strongly in the lives of many young South African women and girls. However, given their biological and socio-economic vulnerability (Molo Songololo, 2005 & Tyakume, 2009), there is little victims can do to avoid association with the human traffickers. They may lack the ability or have only limited ability to change the disadvantaged positions that place them closer to human traffickers (Molo Songololo, 2005 & Tyakume, 2009), and they could reside in areas characterised by a disregard for law and order (Clark, 2005), where residents are likely to resort to violent means of resolving conflict and achieving their goals. Constantly battling to define themselves in socially acceptable ways, to rid themselves of socio-economic weakness, vulnerability and susceptibility to victimisation, they could precipitate victimisation and associate with persons that increase their chances of becoming victims. Other young women and girls in similar situations may not feel pressured to seek assistance from human traffickers, but may resort to ill-paid jobs to make ends meet. The personality characteristics of potential victims may therefore determine whether vulnerability will lead to actual victimisation.

5. Why is human trafficking associated with vulnerability?

The position of disadvantaged young South African women and girls places them in locations that are easily accessible to human traffickers. They come across human traffickers, wondering, bewildered and struggling with challenges that define them as passive victims (Bernat & Zhilina, 2010). They are often deprived of basic necessities such as food, shelter and medical care (Bernat & Winkeler, 2010). Because of the lack of these resources they feel less valuable as human beings, to such an extent that any person who either pays any attention to them to reduce their plight or promises to provide for them financially is welcome, regardless of the negative intentions of this person (Bernat & Zhilina, 2010). Ordinarily, being female is often equated with victimhood: societies often perceive young women and girls to be in need of rescue, or protection in order to remain in a pure state of femininity (Hargreaves, Vetten, Scheineder, Malepe & Fullere, 2006). Accepting and seeking assistance from a human trafficker is not an unusual move for a young woman or girl. It is a way of seeking incentives that will make her feel less unworthy, economically deprived, depressed, anxious and stressed – psychological variables that hamper a young woman's or girl's personal development (Hargreaves, 2006). Her goal is to move away from positions of deprivation that make her feel inferior, persistently undermined and unworthy (Hargreaves, 2006). In South Africa, child prostitutes, children heading households, girls who have been dislocated, are addicted to drugs and/or affiliated to gangs, as well as displaced and dislocated women and children consistently seek to meet people who might rescue them from such situations of victimhood and vulnerability to positions associated with conventional social acceptability.

It is estimated that about 30 000 South African children work as prostitutes and that 247 000 are in exploitative labour-related situations (Delpont et al 2007). The number of child-headed households is growing, as South African parents die from illnesses related to their HIV/Aids status, and other terminal illnesses. There were 148 000 child-headed households in South Africa in 2007 – that translates to 0.8% of the 18 292 000 children between 0 and 17 years in this country (Children's Institute, 2009). Most of these children live in poor provinces (Children's Institute, 2009), which are commonly targeted by human traffickers for recruitment into sexual exploitation, such as the Eastern Cape, Mpumalanga, KwaZulu-Natal and the Limpopo Province (Bermudez, 2008 & UNICEF, 2003). About one in ten school learners use some form of intoxicating substance. A high number of these learners have been offered drugs in classrooms and playgrounds during schooling hours (Burton, 2008).

South African girls between 13 and 18 are involved in gangs independently of boys and some courier narcotics for male drug dealers (Govender, 2008 & Naidoo, 2008). Male gang members have been known to kidnap young girls, feed them with 'Tik' (methamphetamine), and, once they are addicted, force them to work as sex workers to pay back the drug money (Naidoo, 2008). If they are not couriating drugs for male drug dealers (Naidoo, 2007), some young women and girls are used to recruit other girls into child trafficking rings for work as prostitutes (Parker, 2008). In the absence of parental supervision and monitoring, this behaviour could lead to human trafficking for sexual exploitation.

Displaced and dislocated young women and girls are another group of females that are vulnerable to human trafficking for sexual exploitation. Street children, refugees, children used by adults to commit crimes, as well as children in gangs, can easily be recruited clandestinely into human trafficking for sexual exploitation. Because of their need for sympathy, shelter, food and a sense of belonging, displaced and dislocated children could accept offers presented by human traffickers without verifying the details of the alleged job (Bolowana, 2004; Parker, 2008 & Van der Watt, 2009). In South Africa, due to the growing demand for sex with children, dislocated and displaced children are easily accessible and visible (Bolowana, 2004). The Tshwane Alliance for Street Children (2009) reports that about 10 000 children live on the streets of South Africa. In Tshwane (Pretoria) alone, it is estimated that 3 500 children live on the streets.

Refugee women and girls experience gender-specific victimisation that could result in their accepting offers from human traffickers. Whilst they are trying to re-invent coping mechanisms in the countries of exile (Wambugu, 2003), they risk being forced into marital unions with older men, as well as discrimination from the citizens of their adopted countries (Palmary, 2005). In some instances, families have forced war-raped female relatives to marry their rapists to avoid the shame that they believe war rape would bring to the family (Palmary, 2005). Rather than to marry their rapists, a number of these women have turned to prostitution to try to counter the trauma of rape and family rejection.

In addition, the xenophobic treatment experienced by legal and illegal immigrants in South Africa make foreign women and children more vulnerable to human trafficking, despite family and community rejection. Often accused of taking away jobs from the locals, intermittently, they have their houses destroyed and property stolen in retaliation for others' eco-

conomic deprivation. In this context, it might seem like a better choice to accept an offer from a fellow national than from a South African citizen, regardless of the negative repercussions the offer might bring.

Owing to these personal characteristics and situational circumstances of young South African women and girls, and of refugees and immigrants in South Africa, analysing their situations becomes a matter of the utmost importance. Although other types of human trafficking have been identified to occur within South African borders, 90% of the young women assisted between the ages of (12-24) have been trafficked for sexual exploitation (Le Roux, 2009a; Le Roux, 2009b). The employment commitments of South African parents are such that some spend considerable amounts of time travelling to and from work, thus leaving little time to supervise and monitor their daughters closely (Le Roux, 2009b). The increasing number of households headed by children with limited or no financial resources to provide for their younger siblings puts pressure on these children that could see the children who are heading such households accepting offers which turn out to be sexually exploitative.

6. Contextualising human trafficking

Socio-economic factors, a lack of parental supervision and monitoring, exposure to violence, households headed by children and a lack of a legal position on prostitution compound the problem of human trafficking of young South African women and girls for sexual exploitation. The experience of financial deprivation coupled with home and family circumstances, as well as limited knowledge pertaining to child-rearing drive some young women and girls into traffickers' nets. With no consistent legal position on prostitution, getting out of the victimisation process can be difficult.

6.1. Socio-economic factors

Although unemployment decreased from 30% in 2007 to 19% in 2008 (Statistics South Africa, 2009), women and young girls are still the worst hit by unemployment in South Africa. The Children's Institute (2009) reports that 75% of black children, 43% of coloured children and 4.9% of white children live in households generating an income below R350.00 a month: 67% of these children are female and 69% are between the ages of 12 and 17 years. Furthermore, 38% of South African children live in households with an unemployed adult. However, the employment and unemployment of parents may not necessarily translate to the avoidance or non-avoidance of victimisation from human trafficking. A parent should be present in a child's life, monitoring and supervising his or her movements. An average South African parent, especially among the poor, spends approximately eight hours at work and four hours travelling to and from work (Statistics South Africa, 2009).

6.2. Lack of parental supervision and monitoring

In most instances working and travelling parents leave behind unsupervised and unmonitored children. When they are left to their own devices, with no authority figure to control

unruly behaviour, some children are likely to visit areas that could bring them closer to human traffickers. On hearing of their children's misbehaviour during their absence, some parents may use corporal punishment to discipline their children (Dawes, Kropiwnicki, Kafaar & Richter, 2005 & Le Roux, 2010b). This may not be a helpful response to children's problematic behaviour, but some parents may select this response because work challenges, financial shortfalls, as well as fatigue from travelling, are likely to bring about stress and frustration which could make some parents impatient with ill-disciplined children (Dawes et al., 2008). However, a lack of parent-child interaction and corporal punishment may drive some children to play truant or to run away from home (Le Roux, 2010b).

6.3. A culture of violence

Violence in South Africa is a widespread and increasingly common phenomenon: the belief in the use of violence to solve problems is pervasive, embedded and entrenched in traditional norms and values (Bruce, Dissel & Menziwa, 2007; CSV, 2008 & Hargreaves et al, 2006). A recent survey has revealed that children who have witnessed violence at home – family members punching, kicking, beating, slapping and attacking another with a weapon –and community violence, as well as interaction with negative peers and use of substances, have a greater chance of being victims of school violence (Leoschut, 2008). The implication is that multiple victimisations are experienced by children in direct contact with violent neighbourhoods, peers and families.

Although criminologists predict that black males between 16 and 24 are more likely to become victims and perpetrators of violent crime, in South Africa, women and children are the most likely to become victims of violent crime (Mistry, Snyman & Van Zyl, 2001)). There were 197 284 reported cases of domestic violence between 2009 and 2010, the highest numbers coming from the industrialised areas, such as Gauteng and the Western Cape and the poor provinces, namely the Eastern Cape and KwaZulu-Natal (UNODC, 2007). The Teddy Bear Clinic and Childline report that in Gauteng alone, 1 200 children were raped in 2008 (Mashaba, 2009). In 1999, every day, four women died at the hands of their intimate partners in South Africa: 50% were killed by cohabiting partners, boyfriends murdered 30% of these women, and husbands were responsible for 18.4% of all female homicide cases (Mathews et al., 2004). Only 9% of gender-based violence cases – violence towards strangers as well as intimate partners – receive a conviction in South Africa (Sigsworth, 2008). In most instances, victims may drop the case before the end of the trial.

With human trafficking occurring in a clandestine and hidden manner, within similar power-related contexts between the victim and the offender, it becomes difficult to identify victims and report cases of human trafficking. The normalisation of violence, criminal justice approaches to gender-based cases, as well the secretiveness with which human trafficking occurs, makes it possible for human trafficking to thrive.

There is a link between human trafficking for sexual exploitation, poverty, gender violence and inequality in South Africa (Tyakume, 2009). It is common in South African families which experience deprivation, unemployment and poverty for girl children to be the first to be sent away, either to live with relatives, to marry older men or to be sold in exchange for

cash (Delport et al., 2007). Some of the cases of human trafficking for sexual exploitation involve parents' directly selling their children to human traffickers (Richter, 2009). In this regard, foreign nationals have been known to recruit female relatives from East and West African countries, and upon their arrival in South Africa, force them into prostitution for economic survival (Richter, 2009). As these practices are widespread, it appears that they could be morally accepted as forms of economic survival (Tyakume, 2009).

6.4. Child-headed households

Although a significant number of South African adolescents attend school (Children's Institute, 2009), parental unemployment, the HIV/Aids-related deaths of parents, early marriages and exposure to inter-parental violence at home result in limited chances for educational and economic advancement for some adolescents. When parents die, some parents leave behind adolescent girls to raise the younger children. Children who are heading households are often left with no resources to care adequately for their siblings. The need for resources might lead some young girls to child prostitution, which places them at risk of being coerced, kidnapped, abducted or deceptively recruited by human traffickers. Furthermore, the opportunities for relocation to economically developed South African provinces and abroad are not easily accessible to young women and adolescents. Very few young women have money for visas, plane tickets and start-up funds, or the skills required to get a job in the country of destination (Delport et al., 2007). If such opportunities are offered to them, they may accept a 'job' with no verification of the information offered to them.

6.5. Lack of a legal position on prostitution

The lack of a definite legal position on the act of prostitution creates confusion with regards to the acceptability of this activity. According to the Sexual Offences Act (Act 23 of 1957), prostitution, running a brothel, forcing a person to work as a prostitute and earning an income from prostitution are criminal activities. Nevertheless, it is possible for SAPS officers not to arrest prostitutes on the streets, but to intimidate them, interrogate them and allow them to carry on with night activities (Fick, 2007). The brothels that are raided might be closed down temporarily and then maybe allowed to carry on with their operations once the police leave the premises (Gould & Fick, 2008). Furthermore, the publication of advertisements for exotic dancers, masseuses and sex work in newspapers creates the impression that prostitution is an acceptable form of employment in this country. Young women and girls brought into prostitution by human traffickers are often caught up in the social perceptions and attitudes towards the industry that appear to be unable to separate voluntary and involuntary prostitution. The male 'need' for sex is often used by society as a reason for turning a blind eye on prostitution (Parker, 2008).

7. Cultural factors contributing to human trafficking

Some entrenched cultural norms and values that could be detrimental to the psychological and personal development of young women and girls survive in South Africa. Notably, child marriages due to HIV/Aids, child placement, as well as materialism and immediate gratification are some of the cultural practices drawing young women and girls to human traffickers in this country.

7.1. Child brides

With the high levels of HIV/Aids infection afflicting one in nine South Africans (HSRC, 2009), older men are currently reviving age-old customs, bordering on human trafficking, by kidnapping and abducting young girls for sexual exploitation to cure themselves of the infection (Prince, 2009). These girls are turned into child brides at a tender age. At times, the parents of these girls know about these marriages, but prefer to overlook the situation and accept *lobola* from the groom. Some of the parents receive approximately R500.00 or a sheep, goat or calf in exchange for their daughters (Oliphant, 2009). The mere fact that the girls are abducted or kidnapped, and kept as sex slaves and against their will could imply human trafficking for sexual exploitation. However, this practice is defined as a traditional custom, legitimately acceptable in some Eastern Cape communities. Historically, traditional leaders had specified orders regulating the practice, which was called *ukuthwala intombi* [taking of a bride by force]. The regulation of the occurrence of this cultural practice has changed. Currently, South Africa has ratified numerous human rights instruments which make it a crime for a man to take an adolescent girl for marriage without consent. This would apply to a situation where the main purpose of abducting girls is purely for sex slavery to cure Aids, or to satisfy the preconceived notion of women as carriers of HIV/Aids and young girls as pure.

7.2. Child placement

It appears that the everyday reality of some people has become a method to victimise young women and girls. It is customary for large South African families that are struggling socio-economically to send some of their children to relatives, usually residing in economically advantaged areas, in order to access economic and educational opportunities (Dyantyi & Pritz, 2009). This practice is currently being used to draw children into human trafficking for sexual exploitation. For example, a wealthy uncle from an economically privileged suburb invited his two nieces from an informal settlement in Port Elizabeth (in the Eastern Cape) to reside with him. He initially promised to provide education and access to other essential resources to his nieces. Instead, he confined them in his house and forced them to work as prostitutes and took away their earnings (Bermudez, 2007).

Even when they are not misled by relatives, some young women and girls may pursue relationships with older men, who in turn provide material objects in return for sex (Leclerc-Madlala, 2003). In some instances, human traffickers use this kind of scenario – they first spoil young girls between the ages of 13 and 17 with an expensive night out (UNODC, 2007).

Once the outing is over, they force them to work as prostitutes in order to return the money used for the night out.

Child placement and intergenerational sex are embedded in South African society, and are tolerated as strategies for unemployed young women and girls to earn an income (Dunkle et al., 2007; Dyantyi & Pritz, 2009; Leclerc-Madlala, 2003). This situation makes the identification of victims and communication of the prevention of the crime difficult to accomplish.

7.3. Materialism and immediate gratification

There is a growing culture of materialism and immediate gratification among young women and girls in South Africa. The ownership of cell phones, brand-label clothes, as well as partying at entertainment areas such as nightclubs and parties is a lifestyle desired by most South African adolescents (Lutya, 2010a). During such parties and social events, adolescents consume high volumes of alcohol, with some taking drugs and others involved in risky sexual behaviours (Dunkle, 2007). Survival sex is one mechanism which poverty-stricken teenagers use to access the material goods they desire (Leclerc-Madlala, 2003). They become intimately involved with older men who can purchase the wares the teenagers want in return for sexual favours. The male companion may then persuade the young female to perform sex work in order to generate more money. Eventually, the female companion is moved, harboured and commercially exploited for the benefit of the male companion.

In summary, although not all HIV/Aids-infected South African men kidnap and abduct young women and girls for early marriage, the cultural practice of *ukuthwala intombi* has received major criticism from government, civil society and human rights activists. As a result of these points of view, public hearings on this practice have occurred in order to ascertain the opinions of the citizens. The purpose of the public hearings is not to conflate cultural practices with human trafficking or to refuse some citizens their right to practise their culture. It is to ensure that the practice of *ukuthwala intombi* does not violate the rights of young women and girls or contribute to increasing levels of sexual violence. Furthermore, the practice of child placement is vital for social network support and family linkages. Family support is important for the survival of young women and girls from poverty-stricken backgrounds in the absence of government services and sufficient income-generating resources. Support from relatives prevents young women and girls from entering into relationships with older men for the purposes of generating an income. However, it should be done with the intention to provide for a struggling family, instead of human trafficking for sexual exploitation.

8. South African responses to human trafficking

The government and civil society are currently mobilizing society and the legal system to intensify prevention, protection and prosecution services, as well as partnerships to respond to this crime (Eye on Human Trafficking, 2007). Several partnerships have been created to broaden and give more publicity and information on human trafficking patterns and forms.

8.1. Prevention

Article 9 of the Palermo Protocol (United Nations, 2008) expects its signatories to develop comprehensive policies and programmes, to conduct research, to implement media campaigns and socio-economic strategies, as well as to provide information regarding human trafficking in order to deter human traffickers from committing the crime. The aim is to equip societies and countries with human trafficking knowledge. According to the Protocol, the programmes should seek to reduce factors that create vulnerability to human trafficking. Furthermore, the Protocol emphasises the establishment of regional, international and national coalitions in order to share and disseminate information. Since South Africa became a signatory to the Palermo Protocol and the publication of *'Seduction, sale and slavery'* (Mathews, 2004) by the International Organization for Migration (IOM) in 2003, prevention services have been intensified to educate and inform the public about human trafficking.

Awareness programmes, capacity building workshops and training of civil organisations, as well as government officials in human trafficking are some of the common prevention measures aimed at reducing human trafficking of young women and girls for sexual exploitation. The IOM and its partners, the United Nations Office on Drugs and Crime (UNODC), the Department of Social Development, women's organisations, religious groups as well as sporting clubs such as Kaiser Chiefs play an instrumental role in raising awareness about human trafficking in South Africa. During these workshops, participants are introduced to the concept in all its manifestations and are informed of the legal and social resources that they could use to respond to the crime. But however diligently South Africa is working to fulfil its obligations set out in the Palermo Protocol, the filtered information may not be put to good use due to personal and socio-economic challenges faced by some South African citizens. Informal conversations with South Africans have shown that an average citizen of this country will not turn down an opportunity if it were introduced by a stranger (Le Roux, 2009b; O'Connor, 2009). This attitude is motivated by the desire to experience the world, earn more and access employment opportunities.

Socio-economic challenges are cited in most South African reports on human trafficking as fundamental reasons fuelling the occurrence of human trafficking for all purposes. The IOM has reported that 84% of documented and undocumented immigrants vulnerable to human trafficking in South Africa cited family breakdown, religious and ethnic persecution as fundamental reasons that brought them into the country (IOM, 2009). However, on arrival in South Africa, they faced socio-economic hindrances that made it difficult for them to acclimatise to the country. They may encounter xenophobic treatment whilst looking for jobs and housing. As stated elsewhere in this chapter, South Africa has its own internal economic challenges, which are difficult to eradicate. Some children reside in homes earning less than an average wage. Economic Mobilization, a new initiative facilitated by the IOM to prevent human trafficking in South Africa, seeks to mitigate the socio-economic challenges driving some young women and girls to turn to human traffickers. Economic Mobilization provides training and funds to small businesses in three impoverished provinces, namely Limpopo, Mpumalanga and the Eastern Cape. The aim is create sustainable projects that could pro-

vide employment opportunities to young women and girls in order to reduce their vulnerability to human traffickers (Eye on Human Trafficking, 2009).

8.2. Protection

Identification, reporting and referral are some of the protective measures applied by South Africa to respond to human trafficking. A designated official, such as a social worker, border official or community worker, can determine whether a child is a victim of human trafficking. Once a child has been identified as a victim of trafficking, the official is expected to report the child to the criminal justice authorities. The identified child can then be referred to a place of safety whilst waiting for her circumstances and experiences to be documented. Article 6 of the United Nations' Palermo Protocol states that on identification of a trafficked victim, each member state is required to provide privacy and confidentiality, housing, counselling, medical, psychological and material assistance to the victims. The IOM offers trafficked victims shelter, medical and psychological support, legal assistance, as well as to return them to and reintegrate them in their community. The organisation has to date assisted 300 victims of sexual exploitation and forced labour trafficking inside and outside South Africa (Eye on Human Trafficking, 2009). Molo Songololo has assisted 26 victims of child sexual exploitation and 44 rape cases, as well as provided victim empowerment services to 32 children (Tyakume, 2009). Recommendations have been made by the South African Law Reform Commission for victims of trafficking to be granted immunity from prosecution.

8.3. Prosecution

Despite the absence of a legislation to prosecute human trafficking fully, South Africa has successfully prosecuted and is currently prosecuting suspects alleged to have committed the crime. Sections from existing legislation are used to prosecute human trafficking. The Prevention of Organised Crime Act (Act 112 of 1998), the Immigration Act (Act 13 of 2002) and the Sexual Offences Act (Act 23 of 1957) are some of the Acts used to prosecute human trafficking activities ([40, 74]). Furthermore, the Children's Act (Act 38 of 2005) and the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007) contain sections dedicated to combating the human trafficking of young women and girls for sexual exploitation. However, the Children's Act is not yet fully promulgated (Qaba, 2007). These efforts are not enough to prosecute and receive a conviction for the crime. Few trafficking offences have been prosecuted using parts of existing Acts in the absence of a concrete and specific trafficking legislation. The Criminal Law (Sexual Offences and Related Matters) Amendment Act (32 of 2007) and the Sexual Offences Act (23 of 1957) can only be used to prosecute sexual exploitation. Although the offenders are not convicted for human trafficking, but for sexual exploitation associated with human trafficking, the South African legal system is at least demonstrating some progress in this regard.

Two successfully prosecuted cases of human trafficking for sexual exploitation have been reported (Qaba, 2007). In the first of these, Elizabeth Maswanganye recruited, transported and lured into prostitution through false promises young women and girls looking for employment in Pretoria. She was charged with running a brothel and with soliciting girls for carnal

intercourse under section 2 and 14 of the Sexual Offences Act (Act 23 of 1957). She is currently serving a five-year term of imprisonment. In the second case, Amien Andrews lured young women and girls looking for a good time at shopping malls into brothels. He was charged with kidnapping, assault to do grievous bodily harm, indecent assault and rape. He is currently serving a 17-year sentence.

Eight suspects have appeared in a criminal court in KwaZulu-Natal Durban on human trafficking charges. A woman from Thailand and a South African man recruited female prostitutes in Thailand to work in up-market establishments in South Africa. The recruits were tied into debt bondage and intense sex work on arrival in this country. The Thai recruiter and the South African male are facing charges of racketeering under the Prevention of Organised Crime Act (Act 121 of 1998: Sections 20-21) of the contravention of immigration principles under the Immigration Act (Act 13 of 2002: Sections 16-19), of keeping a brothel and facilitating prostitution under the Sexual Offences Act (Act 23 of 1957: Sections 3-15), as well as of running a business without a license under the Business Act (Act 71 of 1991) (Lutya, 2009). Furthermore, 27 Chinese female prostitutes and their recruiter were arrested and charged with contravening the Immigration Act and Labour Acts for entering and working in South Africa illegally (Kreston, 2007). It is problematic that in these cases victims are prosecuted alongside traffickers and are offered no assistance. Once the trafficking legislation comes into effect, victims will be protected instead of being treated as accomplices to the crime (Kreston, 2007; Le Roux, 2009b; SALRC, 2004; Stuurman, 2009).

8.4. Politics of legal reform in South Africa

On 26 August 2009, the South African Cabinet approved the Prevention and Combating of Human Trafficking Bill (Qaba, 2009). The next step is tabling the law in Parliament for final approval. It has taken five years for this Bill to obtain Cabinet approval, due to the number of constraints hindering the process. Divergent opinions regarding the sections contained in the Bill and the manner in which the law will be interpreted could be the reason behind the slow progress. It appears that religious, political, moral, gender and medical differences are delaying the finalisation of the Bill. The main issue of concern is the sexual exploitation of victims by human traffickers by means of forced prostitution. Organisations such as Sex Worker Education and Advocacy Taskforce (SWEAT), which are fighting for the legalisation and decriminalisation of prostitution, are of the opinion that some trafficked young women and girls exercise agency and accept offers from human traffickers knowing what will transpire at the place of destination (Harper, 2009). With this mind, they argue that such young women and girls would also be prosecuted alongside human traffickers. SWEAT is of the opinion that when some young women and girls are caught by criminal justice authorities without legal documentation – tied into debt bondage – they cry sexual exploitation (Harper, 2009). Organisations fighting to reduce violence against women such as Masimanyane Women's Support Centre, which are seeking to criminalise prostitution by arresting users of prostitutes and saving prostitutes from the business, point out that prostitutes are not free to choose this profession, but are forced by a variety of gender-related discriminatory circumstances to work as prostitutes. The Bill should render prostitution a crime instead of distin-

guishing between voluntary and involuntary prostitution, as is the case now. Additional political pressures from the tourism sector, the trade sector and as a result of sporting events hosted by South Africa are putting pressure on South Africa to accept and regulate the prostitution industry.

In addition to this political pressure, religious organisations are defining prostitution, voluntary and involuntary, as an abomination to God. With all these opposing and contentious opinions on the table, the South African Law Reform Commission is responsible for ensuring that all parties are satisfied with the final outcome of this Bill. Notwithstanding the fact that South Africa is a diverse country consisting of citizens adhering to differing standpoints, it may appear that the only group of persons victimised by traffickers are young women and girls trafficked for involuntary prostitution. The moral connotations associated with prostitution may be the reason that most organisations are strongly opposed to or in agreement with some sections dealing with sexual exploitation in this legalisation. According to Section 4:3 (b) of the Bill, it is no defence not to charge a trafficker if an adult has consented to exploitation or exploitation did not occur, or if human traffickers have recruited, transported and manipulated young women or girls to think that the jobs offered are financially lucrative. SWEAT argues that consent should be disregarded where children are concerned (Harper, 2009). Adults should be seen as capable of giving consent to the work of prostitution, irrespective of the coercive methods traffickers use to lure women into the trade.

8.5. What would be a more effective policy to deal with human trafficking?

The promulgation of the Prevention of Trafficking in Persons Bill may not necessarily address women's legal and social challenges, but it will ensure that legal mechanisms exist to address the legal needs of formerly trafficked young women and girls. However, it will not address the factors which have motivated the trafficked victims to accept 'assistance' from human traffickers. The same applies to other laws addressing women's issues: it could make a difference to young women and girls who have been abducted and kidnapped. This set of victims is often caught by surprise whilst either walking home from school or running an errand for a parent.

For a woman who needs better employment opportunities, it may lead to the kind of self-blame that is often observed in victims of acquaintance rape. A more effective strategy could be a combination of services provided to potential victims of human trafficking. This strategy will necessitate a change in the manner in which families, communities and the South African citizens entirely select their lifestyles.

A combined strategy includes full participation by the families of potential victims, communities, civic organisations, criminal justice authorities and former victims of human trafficking, brothel owners, clients or users of human trafficking victims, as well as the families and relatives of former victims of trafficking. This strategy should be a government-driven policy led by the Department of Social Development (DSD). It should be implemented at a primary level before victims are recruited, kidnapped or abducted. At that point, human trafficking has not yet occurred. However, owing to the increasing number of young women

and girls who are falling victim to this crime, unaffected potential victims should be educated about the crime. The department is already driving many prevention and early intervention programmes aimed at addressing risk factors that could result in the victimisation of families in general.

However, human trafficking is a clandestine crime that should be addressed separately. Firstly, parenting programmes should be designed, planned and implemented. The facilitators of these parenting programmes should identify parenting deficits and behavioural factors expressed by young women and girls that could result in victimisation. The parenting programmes should be implemented at a community, school and family level. In this manner, teachers, neighbours as well as other family members are aware of the existence of the crime and can help alter young women and girls' behavioural expressions and parenting practices and styles that result in victimisation. Secondly, alongside parenting programmes civil organisations, criminal justice authorities' former victims of trafficking should be instrumental in raising awareness about the crime. Victims of human trafficking are likely to contact NGOs for assistance; formerly trafficked women are knowledgeable about the mechanisms used by traffickers to capture, confine and transfer them whilst increasing profits. Third, clients or users of prostitutes can engage with young women and girls in the business without making them feel interrogated. This information could be sent to the police who will contact brothel owners amicably and alert them to the finding before an arrest is made. Lastly, the families and relatives of trafficked young women and girls should form part of the strategy by supporting their trafficked victims in order to ensure that their reintegration is achieved with fewer challenges.

Most researchers in South Africa are advocating for the immediate promulgation of the Prevention and Combating of Trafficking in Persons legislation in order to reduce the occurrence of the crime. Gender equality can be achieved through the enactment of laws granting an opportunity for women to access justice (Ntlama, 2006). However, the introduction of this legislation is bound to be delayed, because of differing opinions pertaining to prostitution. It might be easier to separate voluntary and involuntary prostitution once the trafficking law has been promulgated (Qaba, 2009). Along with the legalisation and decriminalisation of (voluntary) prostitution, brothels will be inspected regularly, the human rights of prostitutes will be observed and prevention efforts will take cognisance of the socio-economic factors influencing young women and girls to perform the work (Khumalo, 2009; Qaba, 2009).

It is a betrayal of women's aspirations when the criminal justice system does not fulfil its obligations to improve the quality of their lives (Drakopolou, 2008). Meanwhile, owing to the diversity of young women and girls, justice may not be accessed by formerly trafficked young women and girls (Drakopolou, 2008). There are young women and girls who accept offers knowing fairly well that they will work as prostitutes, but they are not alerted to the conditions under which they will work. Once they exit the clutches of human trafficking, they do not report the violations encountered at the hands of human traffickers, but often continue to work in the prostitution industry as they were recruited to do.

8.6. Partnerships

Several partnerships have been established in South Africa to counter human trafficking for all purposes. They are situated in provinces, nationally and regionally coordinated by governmental and NGOs. The IOM, women's organisations and the National Prosecuting Authority (NPA) coordinate most partnerships against human trafficking. The Southern African Counter Trafficking Assistance Programme (SACTAP), Migration Dialogue for Southern Africa (MIDSA), the National Task Team, Mpulimo, the Southern African Network against Trafficking and Abuse of Children (SANTAC), and Activists Networking against the Exploitation of Child Domestic Labour (Anex CDW), are some of the partnerships addressing human trafficking in South Africa.

The publication of *Seduction, Sale and Slavery: Trafficking in Women and Children in Southern Africa* (Mathews et al., 2004) in 2003 resulted in the formation of SACTAP (IOM, 2009). SACTAP, coordinated by the IOM, is a regional body consisting of representatives from the South African Development Community (SADC) region. Since 2003 it has assisted 300 victims of human trafficking and trained more than 1 200 police officers, as well approximately 500 practitioners from civil organisations in victim assistance and identification (Eye on Human Trafficking, 2007). Its areas of focus are research, information dissemination, victim assistance, and capacity building (Le Roux, 2009a).

The IOM also coordinates MIDSA, which gets government officials from SADC to meet in workshops to debate matters related to migration issues three times a year (IOM, 2009). Human trafficking and human smuggling are some of the migration-related matters discussed at these workshops. Furthermore, the National Task Team, a government initiative, was formed in 2005 to monitor activities aimed at preventing human trafficking in South Africa. It is made up of government departments such as the Organised Crime Unit, the SAPS, Justice and Constitutional Development, Home Affairs, Social Development and Labour, as well as NGOs, the IOM, Molo Songololo and the UNODC. Its most important roles are to monitor strategies against human trafficking and share information pertaining to the developments in human trafficking matters (Qaba, 2009). They meet quarterly to share and disseminate information.

The Mpulimo Task Team against Human Trafficking includes government departments such as the SAPS, Health, Social Development, Home Affairs and the Vhembe District Municipality, as well as NGOs such as the SABC Polokwane branch, Terres Des Hommes Johannesburg, and Sithabile Youth and Child Care Centre (Amazing Grace, 2009). Most important among its tasks are to help the police investigate child trafficking cases and assist in the identification and assistance of victims. To date, Mpulimo has played a vital role in the prosecution of human traffickers operating around the Musina border between South Africa and Zimbabwe. They have rescued children transported to South Africa in trucks, taxis and private cars.

The Southern African Network against Trafficking and Abuse of Children (SANTAC) started in 2004 as a Norwegian-sponsored initiative aimed at creating awareness about the exploitation and abuse of children in the SADC region. The purpose of SANTAC is to

collaborate and interlink with other African countries in order to fight the commercial sexual exploitation, labour, trafficking and abuse of children (Le Roux, 2009a; Le Roux, 2009b). The network lobbies African governments to formulate legal policies for the purpose of prosecuting human traffickers and providing assistance to the victims of human trafficking. Former South African first lady Graça Machel and Archbishop Emeritus Desmond Tutu are patrons of SANTAC (Le Roux, 2009a; Le Roux, 2009b). SANTAC is working towards reducing human trafficking and child abuse. SANTAC launched an anti-trafficking campaign called Red Light 2010 in preparation for the 2010 Soccer World Cup, jointly with Women in Law in South Africa and the Child Welfare Society. The aim of Red Light 2010 was to raise awareness about human trafficking and address aspects creating vulnerability of women and children to the crime (Le Roux, 2009a; Le Roux, 2009b).

Tsireledzani, a TshiVenda word meaning '*Let's protect*' (Eye on Human Trafficking, 2009), is a coordinated group of organisations, governmental and non-governmental, applying the principles of the Palermo Protocol against human trafficking by conducting research, training practitioners in the field, raising awareness about the crime and supporting governments to formulate legal and social policies to counter human trafficking (Eye on Human Trafficking, 2009). Some of its affiliates include the Human Sciences Research Council (HSRC), the University of South Africa (UNISA), the United Nations Children's Fund (UNICEF), the IOM and the UNODC. It is driven by the National Prosecuting Authority (NPA) and financially supported by the European Commission. Tsireledzani has to date held workshops with the media – journalists, editors, producers, web managers, television presenters, photographers, correspondents and press officers – as well as with police officers, investigators and other government officials, such as Home Affairs and Immigration officials, for the purpose of educating them about human trafficking (Eye on Human Trafficking, 2009).

A provincial-based partnership, Activists Networking against the Exploitation of Child Domestic Labour (Anex CDW), aims to end the exploitation of children trapped in domestic labour with special consideration of girl-children moved from urban to rural areas. They perform advocacy work, conduct research, and lobby government to create policies that may improve the situation of children, run media campaigns, as well as create support for children in domestic labour (Eye on Human Trafficking, 2007). To date, Anex CDW has released a research publication describing the profile of children vulnerable to exploitation in domestic work and the occurrence of human trafficking from rural areas to urban areas in Cape Town.

9. Conclusion

Human trafficking for sexual exploitation occurs in South Africa. For the first time since South Africa ratified the United Nations Protocol in 2004, in 2008/2009 the SAPS recorded cases of human trafficking for sexual exploitation. It appears that this crime has historical roots going back to the colonial period and slavery. Traditional cultural practices are also

driving the occurrence of the crime. In addition, socio-economic conditions, gender violence, violent cultural practices, as well as dislocated and displaced children, form part of the context within which the crime occurs. Although the legislation to prosecute the crime has not yet been fully promulgated, sections of existing legislation are used to prosecute trafficking for sexual exploitation only. That presents some challenges, in the sense that most efforts to address the crime are geared towards reducing sex trafficking, despite the occurrences of other forms of trafficking. Differing opinions about the legalisation, decriminalisation or criminalisation of prostitution are delaying the process, because human trafficking for sexual exploitation and prostitution intersects to some extent. Nevertheless, legislation alone cannot be the only mechanism with which to deal effectively with the crime: primary prevention programmes should play a central role. The family, the community and criminal justice agents should collaborate to prevent human trafficking. Moreover, once human traffickers are caught, effective legislation should be in place to prosecute the crime fully.

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