Child exploitation in Cape Town: an exploratory-criminological investigation

by

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DECLARATION

I declare that "Child exploitation in Cape Town: an exploratory-criminological investigation", is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa or another qualification or at any other higher education.

SIGNATURE :...

G A J LAMBRECHTS

2021-07-14

DATE

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Executive summary

Human trafficking, which incorporates child exploitation, as interrogated and presented in this thesis, accentuates the significant contribution of criminology to comprehending the illegal manipulation, exploitation, and trafficking of persons, and specifically children. It expands and enhances the theoretical constructs and recommends justice through decisive, dedicated, and holistic intervention programmes and relevant strategies to defend the inherent rights of all citizens. This study serves as an instrument to profile human traffickers and their victims as well as their target selection and recruitment approaches. The research concerns South African child exploitation in the context of human trafficking and employs specific criminological theories to promote effectiveness and discovery. These theories are uncovered, scrutinised, and examined in this research to ascertain the correlation and alignment (or lack thereof) with the human trafficking phenomenon.

This study contributes to the field of human trafficking in post-modern criminology. The data obtained from the participants during the interviewing phase, together with information from the literature review, confirms evidence of human trafficking incidents occurring in Cape Town with a strong undercurrent of child exploitation practices. The overall conclusion is that certain forms of child exploitation are visible, namely forced labour practices that include domestic servitude, and children engaged in street hawking and sexual exploitation.

Furthermore, Cape Town is perceived as a sex tourism hotspot and the involvement of local gangs and taxi operators in the sex industry is obvious. The sexual exploitation of minors by parents on the Cape Flats, in particular, is an issue fuelled by poverty, unemployment, and alcohol and substance abuse that affect numerous households in impoverished areas. Since Cape Town is a major seaport city with a constant movement of foreign vessels, there is evidence of foreign fishing boats that employ forced labour practices. Abandoned seamen in need of care are often discovered on foreign vessels in Cape Town harbour, which is a transgression that requires more attention.

This study shows that the basic principles of human trafficking, namely the recruitment, movement, and control of victims, apply and are manifest in numerous incidents in South Africa. The general view of all participants is that the South African government has made significant progress with the establishment of the Prevention and Combatting of Trafficking in Persons (PACOTIP) Act (2013) and there is an expectation amongst participants that the act will serve as a benchmark to assess trafficking going forward. Considering the hidden nature of trafficking and the scarcity of South African research on the subject, the overall findings of this study are significant. This probe into trafficking contributes to the discipline of Criminology as indicated in this study.

Uitvoerende opsomming

Mensehandel, wat die uitbuiting van kinders insluit, soos ondersoek en aangebied word in hierdie proefskrif, beklemtoon die beduidende bydrae van kriminologie tot die begrip van die onwettige manipulasie, uitbuiting en handel in persone en spesifiek kinders. Dit brei die teoretiese konstruksies uit en versterk dit en beveel geregtigheid aan deur besliste, toegewyde en holistiese intervensieprogramme en relevante strategieë om die inherente regte van alle burgers te verdedig. Hierdie studie dien ook as 'n instrument om mensehandelaars en hul slagoffers te profileer, wat ook hul teikenkeuse en werwingsbenaderings uitlig. Die navorsing handel oor Suid-Afrikaanse kinderuitbuiting binne die konteks van mensehandel en wend spesifieke kriminologiese teorieë aan om doeltreffendheid en ontdekking van die misdaad te bewerkstellig. Hierdie teorieë word in hierdie navorsing ontbloot en ondersoek om die korrelasie en aansluiting (of gebrek daaraan) aan die mensehandelverskynsel vas te stel.

Die verwagting is dat hierdie studie 'n beduidende bydrae sal lewer tot die veld van mensehandel in die post-moderne kriminologie. Die gegewens wat tydens die onderhoudfase van die deelnemers verkry is, sowel as inligting wat voortspruit uit die literatuur, bevestig dat daar getuienis is van mensehandel-voorvalle wat in Kaapstad plaasvind met 'n sterk onderstroom van kinderuitbuitingspraktyke. Die algehele gevolgtrekking is dat verskillende vorme van uitbuiting van kinders sigbaar is, wat dwangarbeid en huishoudelike dienste insluit, kinders wat besig is met straatsmousery asook die seksuele uitbuiting van kinders.

Verder word Kaapstad as 'n brandpunt vir sekstoerisme beskou en die betrokkenheid van plaaslike bendes en taxi-operateurs in die seksbedryf is voor die hand liggend. Veral die seksuele uitbuiting van minderjariges deur ouers op die Kaapse Vlakte is 'n kwessie wat aangevuur word deur armoede, werkloosheid en drank- en dwelmmisbruik wat talle huishoudings in arm gebiede raak. Aangesien Kaapstad 'n

belangrike hawestad is met 'n voortdurende beweging van buitelandse seevaartuie, is daar bevestiging van buitelandse vissersbote wat van dwangarbeid gebruik maak. Verlate seevaarders wat sorg benodig word gereeld op buitelandse bote in die Kaapstadse hawe ontdek en is 'n oortreding wat meer aandag verg.

Hierdie studie toon dat die basiese beginsels van mensehandel, naamlik die werwing, beweging en beheer van slagoffers, van toepassing is en manifesteer in talle voorvalle in Suid-Afrika. Die algemene siening van alle deelnemers in hierdie ondersoek is dat die Suid-Afrikaanse regering beduidende vordering gemaak het met die instelling van die Wet op die Voorkoming en Bestryding van Mensehandel (2013) en dat daar onder die deelnemers 'n verwagting is dat die wet 'n maatstaf sal wees om mensehandel te beoordeel in die toekoms. Met inagneming van die verborge aard van handel en die gebrek aan Suid-Afrikaanse navorsing oor hierdie onderwerp, is die algehele bevindings van hierdie studie betekenisvol. Hierdie ondersoek na mensehandel dra by tot die dissipline van kriminologie soos in die studie aangedui word.

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Ukurhweba ngabantu ngokungekho mthethweni, okubandakanya ukuxhaphaza abantwana, njengoko kugocagocwayo kwaye kwenziwa kule thisisi, kugxininisa igalelo elibalulekileyo lolwaphulo-mthetho ekuqondeni ukuxhaphaza ngokungekho mthethweni, ukuxhaphaza, ukurhweba ngabantu, ngakumbi abantwana. Iyakwandisa kwaye iphucule ukwakhiwa kweethiyori kwaye icebisa ubulungisa ngokusebenzisa iinkqubo zokungenelela ezigqibeleleyo, ezinikeleyo, nezibandakanya konke kunye nezicwangciso ezifanelekileyo zokukhusela amalungelo abo bonke abemi. Olu phononongo lukwasebenza njengesixhobo sokubonisa ukurhweba ngabantu ngokungekho mthethweni kunye namaxhoba abo kunye neendlela zabo zokukhetha kunye neendlela zokugaya abantu. Olu phando luchaphazela izenzo zokuxhaphaza abantwana zoMzantsi Afrika kwimeko yokurhweba ngabantu ngokungekho mthethweni kwaye lisebenzisa iithiyori ezithile zolwaphulo-mthetho ukukhuthaza ukusebenza ngokukuko kunye nokufumanisa. Ezi ithiyori ziyavezwa, ziphicothwe, kwaye zavavanywa kolu phando ukuqinisekisa ulungelelwaniso kunye nokulungelelaniswa (okanye ukusilela kwako) kunye nomcimbi wokurhweba ngabantu.

Kulindelwe ukuba olu phononongo luza kuba negalelo kwicandelo lokurhweba ngabantu ngolwaphulo-mthetho lwasemva kwexesha langoku. Idatha efunyenwe kubathathi-nxaxheba ngexesha lesigaba sodliwanondlebe, kunye nolwazi oluvela kuncwadi, iyangqina ukuba bukhona ubungqina bezehlo zokurhweba ngabantu ezenzeka eKapa ezinesimo esomeleleyo sokuxhaphaza abantwana. Isiphetho esipheleleyo kukuba iindlela ezithile zokuxhaphaza abantwana ziyabonakala, nezinyanzelisa imisebenzi yabasebenzi ebandakanya ukukhonzwa emakhayeni, kunye nabantwana ababandakanyeka ekuthengiseni ezitalatweni nasekuxhaphazeni ngokwesondo.

Ngapha koko, iKapa lithathwa njengeyona ndawo yokhenketho lokwabelana ngesondo kwaye ukubandakanyeka kwamaqela emigulukudu nabaqhubi beeteksi kuyacaca. Ukuxhatshazwa kwabantwana ngokwesondo ngabazali kwiCape Flats, ngakumbi, ngumba ophenjelelwa yindlala, ukungabikho kwemisebenzi, kunye

nokusetyenziswa gwenxa kotywala neziyobisi ezichaphazela amakhaya amaninzi kwiindawo ezihlwempuzekileyo. Kuba iKapa sisixeko esisesona zibuko likhulu sihamba rhoqo kwiinqanawa zakwamanye amazwe, kukho ubungqina bokuba amaphenyane okuloba aphesheya aqeshe abantu ukuba basebenze ngenkani. Oomatiloshe abalahliweyo abafuna ukhathalelo bahlala befunyanwa kwiinqanawa zamanye amazwe kwizibuko laseKapa, ulwaphulo mthetho olufuna ingqalelo engakumbi.

Olu phononongo lubonisa ukuba imigaqo-siseko yokurhweba ngabantu ngokungekho mthethweni, eyile yokugaya, ukuhamba, nokulawula amaxhoba, iyasebenza kwaye iyabonakala kwiziganeko ezininzi eMzantsi Afrika. Uluvo ngokubanzi lwabo bonke abathathi-nxaxheba kukuba urhulumente woMzantsi Afrika wenze inkqubela phambili ebonakalayo ngokusekwa koMthetho woThintelo nokuLwa ukurhweba ngabantu ngokungekho mthethweni (2013) kwaye kukho ulindelo phakathi kwabathathi-nxaxheba lokuba lo mthetho uzakusebenza njengomlinganiso wokuvavanya ukurhweba ngabantu ngokungekho mthethweni. ukuya phambili. Ukuthathela ingqalelo imeko efihliweyo yokurhweba ngabantu ngokungekho mthethweni kunye nokunqaba kophando lwase Mzantsi Afrika ngalo mbandela, iziphumo zophando zizonke zibalulekile. Le projekthi yokurhweba ngabantu ngokurhabaxa inegalelo kuqeqesho lweCriminology njengoko kubonisiwe kolu phando.

ACRONYMS AND ABBREVIATIONS

ACSA	Airports Company of South Africa
AIDS	Acquired Immune Deficiency Syndrome
ANEX	Activists Networking against the Exploitation of Children
CLC	Community Law Centre
CNN	Continental News Network
CODE	The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism
CSECTT	Commercial Sexual Exploitation of Children in Travel and Tourism
CUBAC	Children Used by Adults to Commit Crime
DOH	Department of Home Affairs
DOJ&CS	Department of Justice and Constitutional Development
DOL	Department of Labour
DSD	Department of Social Development
DSM	Diagnostic and Systematic Manual of Mental Disorders
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EIU	Economist Intelligence Unit
EUROPOL	The European Union Agency for Law Enforcement Co-operation
FBI	Federal Bureau of Investigation
GBP	Great British Pound
GLOTIP	Global Report on Trafficking in Persons
GSI	Global Slavery Index
HAWKS	South African Police Service Directorate for Priority Crime Investigation
HIV	Human Immunodeficiency Virus
HSRC	Human Sciences Research Council
ILO	International Labour Organisation
IOM	International Organisation for Migration
ISS	Institute for Security Studies
NCMEC	National Centre for Exploitation of Children

NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
OSCE	The Organisation for Security and Co-operation in Europe
PACOTIP	Prevention and Combatting of Trafficking in Persons
PITF	Presidents' Interagency Task Force to Monitor and Combat Trafficking in Persons
SALC	South African Law Commission
SANDF	South African National Defence Force
SAPS	South African Police Service
SAYP	Survey of Activities of Young People
STATS SA	Statistics South Africa
SWEAT	Sex Workers Education and Advocacy Task Force
TECL	The Programme towards the Elimination of the worst forms of Child Labour
TIP	Trafficking in Persons
TVPA	Trafficking Victims Protection Act
UNDESA	United Nations Department of Economic and Social Affairs
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar
USDOJ	United States Department of Justice
ZAR	South African Rand

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CHAPTER 1

INTRODUCTION AND ORIENTATION

1.1 Introduction

Evidence suggests that slavery has existed for thousands of years, since biblical times. Both the old and new testaments of the bible contain numerous passages that speak of slavery. For instance, the Holy Bible states in Exodus 6 verse 6, "Therefore, say to the people of Israel: 'I am the LORD. I will free you from your oppression and will rescue you from your slavery in Egypt. I will redeem you with a powerful arm and great acts of judgment" (Holy Bible, 2007:58). Moreover, the United States of America's (USA) Traffic in Persons (TIP) Report, which aims to monitor governments' efforts worldwide to manage and curb human trafficking in their own countries, also alleges that slavery is an age-old occurrence. It too professes that slavery ensued from the biblical past to the present (TIP Report, 2012:5).

Hester Beatrix Kruger completed a doctoral study, "Combating human trafficking: A South African legal perspective", at the Faculty of Law at the University of the Free State in 2010. Kruger concurs that the age-old slave trade survives in modern-day states, "The transatlantic slave trade has been outlawed for more than 200 years. However, could it be that slavery still exists, but in a modern form, namely that of human trafficking for various exploitative purposes?" Kruger (2010: IV). The concept of slavery is regarded as significant in South African society and has been legislated against in the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013) (PACOTIP). Slavery is defined as, "…reducing a person, by any means, to a state of submitting to the control of another person as if that other person were the owner of that person" (PACOTIP, 2013:12). Slavery is a generic term as human trafficking consists of numerous forms of slavery, as explained in this study.

Human trafficking is a universal phenomenon that impacts millions of women, men, and children. Barack Obama, former president of the USA, reiterated the gravity of the

human trafficking situation globally and stated in the foreword of the TIP Report (2016:6),

> "Today, we continue the long journey toward an America and a world where liberty and equality are not reserved for some, but extended to all. Across the globe, including right here at home, millions of men, women, and children are victims of human trafficking and modern-day slavery. We remain committed to abolishing slavery in all its forms and draw strength from the courage and resolve of generations past."

This citation summarises the reality of trafficking and the global commitment to support victims of human trafficking. The Global Report on Trafficking in Persons (GLOTIP) (2016), which is issued by the United Nations Office on Drugs and Crime (UNODC), has similarly issued a cautionary statement against trafficking, but made specific reference to a worrisome development of the movement of refugees and migrants, stating that "since 2014, it is the largest movement of people since World War 2 and of particular concern is the vulnerability of men, women and children that are easy targets for exploitation by traffickers and smugglers" (UNODC, 2016:1). This movement of people across the globe is evident, for example, Time magazine reported that the migration of persons from south and mid-America who want to settle in the USA is so rife that former President Donald Trump is determined to erect a wall that separates the USA from neighbouring Mexico (Freking & Spagat, 2019:np).

South Africa is also affected by human trafficking. This is why this study was commissioned by the researcher. According to Billy Last, chief operating officer of Lexis Nexis SA, "There is a general belief among people that human trafficking only happens in other countries, but it is in fact happening in South Africa as well" (Last, 2013:np). The human trafficking situation in South Africa is captured in the TIP Report (2016:340). It declares that "South Africa is a source, transit, and destination country for, women, men, as well as children that are subjected to labour and sex trafficking" (TIP Report, 2016:340). The aforesaid claim is reiterated and contained annually in the South African section of the TIP report which is a manifestation of the central role South Africa plays in the trafficking sphere. The TIP Report (2016:340,342-343) describes the various forms of human trafficking that affect South African society, ranging from forced labour to sex trafficking and includes the practice of *ukuthwala*, which involves the forced marriage of young girls in some instances.

Ukuthwala, a practice occasionally observed in South Africa, often encompasses a real or performed kidnapping that is pre-planned with or without the victim's permission. It is argued that there are several formations of *ukuthwala*, including certain types "that do not involve unwarranted force" (Mcanyana, 2016:19). The South African courts could regard *ukuthwala* as a serious transgression. In the Cape Town High Court, a 22-year prison sentence was handed down to an *ukuthwala* perpetrator for the abduction, rape, and common assault of a 14-year-old girl, which is an indication of the gravity of this crime (South African Legal Information Institute, 2015:1-6).

Elize Delport conducted a research study titled "Human trafficking: Especially of women and children in Southern Africa which include Lesotho, Mozambique and South Africa" in 2007 on behalf of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Delport (2007:7) purports that organised "crime syndicates, local traffickers and refugee populations exploit vulnerable persons for the sex industry, agricultural and industrial labour and organ harvesting in South Africa".

During a 2015 human trafficking trial in Cape Town, the National Prosecuting Authority (NPA) issued special caution concerning the increase of human trafficking cases in the Western Cape. The NPA's Eric Ntabazalila warned that the Western Cape is not excluded from the continual growth of human trafficking cases (Isaacs, 2012:4). The latter are some examples that support the above assertions by Last (2013) and the TIP Report (2016) that trafficking exists in South Africa, and in this instance, Cape Town.

It is against this background that human trafficking necessitates further investigation. Moreover, this study will add value to the domain of criminology. Besides the few empirical studies on child exploitation practices within the context of human trafficking in Cape Town, this research attempts to explain trafficking from a broader perspective that includes forced labour as most studies in the arena of human trafficking tend to focus only on commercial sexual exploitation.

"Getting to grips with trafficking. Reflections on human trafficking in South Africa" is a monograph prepared by Robyn Pharaoh in 2006 on behalf of the Institute for Security

Studies (ISS), South Africa. Pharoah (2006:61) upholds that South African literature tends to concentrate on sexual abuse, which is grounded in the supposition that "sexual misuse is the most common form of trafficking". Bermudez (2008:26) maintains that there is an overrepresentation of trafficking knowledge regarding sexual exploitation in relation to other forms of trafficking such as labour trafficking, forced begging, domestic servitude, organ trafficking and forced marriage. Apart from the shortage of research on forced begging, there is a need for human trafficking researchers to investigate organ trafficking, as much of the available information on the harvesting of body parts appears in newspaper articles (Pharoah, 2006:75).

Allais, Combrinck, Connors, Jansen van Rensburg, Ncoyini, Sithole, Wentzel, Barolsky, Hadland and Tilley (2010:178) also recommend that more research is required on organ trafficking. As such, this study will entail the analysis of human trafficking, which encompasses child trafficking, labour trafficking and domestic servitude and sex trafficking. The sex trafficking segment included in this study incorporates facets relating to sex tourism and trafficking during major sports events. The research is then truncated to present a South African focus and subsequently hone in on human trafficking, specifically child exploitation in Cape Town, hence the title of the thesis, 'Child exploitation in Cape Town: an exploratory-criminological investigation'.

1.2   Problem statement

At the "annual meeting of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF)", John F. Kerry, former United States Secretary of State, estimated that there were more than 20 million persons involved in human trafficking during 2015 (PITF, 2016:2). However, in the preface of the 2012 edition of the GLOTIP Report, the ILO claimed that at a minimum, there are 20.9 million victims of forced labour alone worldwide (UNODC, 2012:5). A key finding by the Global Slavery Index in 2013, however, predicted that 45.8 million people are victims of human trafficking (Walk Free Foundation, 2016:np).

Based on the aforementioned statistical inconsistencies, there is a disparity concerning the actual number of human trafficking victims worldwide (Farrell & McDevitt, 2008:19). Gould (2006:22) similarly affirms that "understanding the extent and nature of the problem of trafficking is complicated by the unavailability of credible, representative data on trafficking nationally and internationally". At the Human Trafficking New Directions and Research meeting held in Cairo in 2008, the IOM correspondingly asserted that information concerning the magnitude of the problem remains inadequate. It stated that numerous agencies involved in combatting human trafficking do not systematically collect and analyse data (Aghazarm & Laczko, 2008:5).

Owing to the clandestine character of trafficking, the collecting of credible data is a problem (Migiro, 2007:2). The same sentiment is shared by other researchers as it results in the portrayal of an inaccurate situation of the true level of human trafficking. The deficiency of trustworthy trafficking data is often due to national approximations being incongruent, seeing that it is usually computed on the basis of secondary data, for instance, acquired from NGOs or humanitarian establishments (Savona, 2008:124). Others agree with Migiro and Savona's assertion regarding the inadequate availability of credible data on the commonness of human trafficking or as Farrell and McDevitt (2008:19) state, "…we currently have limited reliable information about the prevalence of human trafficking".

The statistical discrepancy is also a concern in South Africa as there is no trustworthy or representative data available on human trafficking. The shortage of reliable traffic facts has always been a problem and was reiterated at a human trafficking conference in Pretoria, South Africa in 2017, hosted by the UNODC and attended by the South African Department of Justice, Hawks (South Africa's Directorate for Priority Crime Investigation), and the South African National Inter-Sectoral Committee for Trafficking in Persons. One of the main concerns raised at the conference was that, despite the lack of reliable statistics on human trafficking available in South Africa, there is an overall consensus that trafficking is on the rise (Magnus, 2017:np). This shortage of credible trafficking statistics is merely because there is no baseline data available regarding the trafficking problem in South Africa (Gould, 2010:37). The statistical problem in South Africa stems from how human trafficking charges are filed with the

South African Police Service (SAPS) as human trafficking crimes are not recorded under a dedicated human trafficking category. Trafficking offences could, therefore, be classified under either prostitution, rape or kidnapping. Marcel van der Watt (2018:92) too raises this data problem in his study on trafficking in South Africa by referring to it as the "lack of reliable numbers" and argues that 'the problem is rampant in South Africa and posits that the situation may in fact be far more chronic than anticipated". Moreover, the results from informal research conducted by NGOs are not based on scientific principles, according to Geldenhuys (2005:15).

Kruger (2010:86-88) summarises the non-availability and collection of trafficking data in perspective:

> "The lack of legislation in many countries further contributes to the non-availability and collection of data on the convictions of traffickers. <u>Offenders of this crime are mostly convicted of other crimes such as kidnapping, rape, assault, murder or fraud. The crime of human trafficking is therefore seldom recorded as such, which results that even official data and statistics captured on the conviction of trafficking offenders are problematic and not a true reflection of the nature and scope this phenomenon.</u> Accordingly, both the lack of prosecution and the difficulty in securing successful convictions contribute to insufficient data on this phenomenon."

Themba Shabangu of the Institute for Democracy in South Africa has, likewise, expressed his concern "that South Africa does not have a national database on human trafficking". The only organisation in South Africa that collates data on human trafficking is the Southern African Counter Trafficking Assistance Programme conducted by the IOM (Shabangu, 2010:7). Furthermore, there are no definitive figures to indicate the number of children that are trafficked in South Africa, according to the Child Abuse Prevention NGO (CAP, 2011:22). The South African Tsireledzani project (2010) on human trafficking has not contributed much needed research data on human trafficking and has consequently been subjected to harsh criticism by researchers. Researchers from the Institute for Security Studies have rejected the validity of the study following a comprehensive in-depth analysis of this project's methodology (Gould, Richter & Palmery, 2010:37-45). It is also the opinion of Horne (2014:333) that the collection and collation of trafficking statistics in South Africa are problematic:

> "Policy makers are continuously confronted with the presentation of conflicting data relating to human trafficking, as there is still no single organisation that specifically corresponds and

centralises the collection and collation of human trafficking statistics, neither in South Africa, nor worldwide. The majority of trafficking cases still remain to be undiscovered and therefore not captured and included in data collection and official crime statistics, which directly impacts on and contributes to the deficiency in accurate data and statistics ".

Another key factor highlighting the trafficking problem in South Africa is raised in the 2017 edition of the TIP Report, namely that the South African government does not adhere wholly to the minimum standards for the elimination of trafficking, coupled with the fact that children are exposed to forced labour and sex trafficking (TIP Report, 2017:362, 364). Against the background of the aforesaid, Van der Watt (2018:90) proclaims that "Notwithstanding the arguably inconsistent statistics provided by various government sources, there appears to be an increasing volume of trafficking victims identified."

The research deficiencies have accentuated the research problem and prompted the researcher to investigate the human trafficking phenomenon in Cape Town. Existing South African research has not contributed to the much-needed research data on child exploitation within the context of trafficking in Cape Town as the focus is predominantly on sex trafficking.

This research aims to demonstrate that despite the plethora of information available on human trafficking, authentic facts are scarce and there is a general non-availability of credible trafficking statistics or as Watt (2018:41) states, "There remains a flagrant hiatus in knowledge of the prevalence of human trafficking amongst different sectors of society." This causes a problem as it impacts efforts to combat human trafficking, and in this instance, child exploitation. For example, Doreen Gaura of Cape Town-based NGO, ANEX, maintains that children working as domestic workers in the Western Cape remains a problem (Spies, 2013:np). Furthermore, the TIP Report (2014:348) states that children are brought from deprived rural areas and moved to urban centres, which includes Cape Town. Girls are subjected to sex trafficking and domestic servitude while boys are made to perform duties such as roadside hawking, begging, and agriculture, often becoming involved in criminal activities. Against this backdrop, the issue of child exploitation practices within the context of human trafficking in Cape Town is investigated to ascertain whether this problem exists. It

entails the study of child exploitation matters that include forced labour and the sexual exploitation of children.

1.3 Definitions and key concepts

Common terminology utilised in this study is provided below. It should be stated at the onset that certain terms are used interchangeably throughout this study, namely, human trafficking, trafficking in persons, and child trafficking.

1.3.1 Trafficking in persons

As point of departure, it is important to differentiate between people smuggling and the trafficking in persons (human trafficking). The International Criminal Police Organization (Interpol) refers to people smuggling as how "criminals take advantage of people seeking a better life and facilitate their illegal entry to a country". Interpol states that people smuggling involves "complex criminal networks who facilitate the illegal passage of migrants across borders at a price" (Interpol, 2020:np). According to UNODC (2011:10), migrant smuggling constitutes the following elements and related conduct:

- "Either the procurement of an illegal entry or illegal residence of a person;
- Into or in a country of which that person is not a national or permanent resident;
- For the purpose of financial or other material benefit."

The conclusion can be drawn from the above that people smuggling entails persons who seek a better future for themselves and/or their families in another country. Such persons are prepared to pay money to smugglers to assist them to reach this goal.

The PACOTIP Act (2013), defines human trafficking as:

"Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of-

- a threat or harm;
- the threat or use of force or other forms of coercion;
- the abuse of vulnerability;
- fraud;
- deception;

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- abduction;
- kidnapping;
- the abuse of power;
- the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or
- the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage" (DoJ&CD, 2013:14).

The PACOTIP Act (2013), is relevant in the South African context as it addresses numerous important elements pertaining to trafficking, such as cross border trafficking, debt bondage, abuse of vulnerability, exploitation, child victims, forced marriage, forced labour, servitude, status of foreign victims and the removal of body parts (DoJ&CD, 2013:14). For this research, the PACOTIP definition of human trafficking is used due to its relevance to South Africa as indicated above.

1.3.2 Human trafficking

The term human trafficking also requires clarification as it is a broad term that encompasses numerous forms of exploitation that involve numerous strategies that traffickers use during the execution of this crime. The UNODC, (2019:np), defines trafficking in persons in terms of Article 3 in paragraph (a) of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons as:

> "…the recruitment, transportation, transfer, harbouring 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 the abuse of power or of a position 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. Exploitation shall include, at a minimum, the exploitation or 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 Palermo Protocol (the internationally accepted definition of human trafficking) was adopted by the United Nations and instituted to curb human trafficking and the previously mentioned definition is the first internationally agreed-upon description of trafficking (Bermudez, 2008:19). South Africa has also entered into an agreement with the United Nations by signing the Palermo Protocol, which was ratified on 20 February

2004, and subsequently adopted most parts of the definition in the PACOTIP Act (2013) (Pharoah, 2006:1). Kruger (2010:52) explains that a closer examination of the human trafficking definition as per the Palermo Protocol:

> "It discloses that the trafficker must have the intention (purpose) to exploit the victim of this crime, however it is not required that the actual exploitation must have taken place. This offence is therefore reckoned to have been completed at a very early stage during the committing of this crime. The mere "intention" to exploit a trafficking victim fulfils the requirements for this crime to be deemed as committed, even if the victim had not eventually been exploited."

1.3.3   Child

It is essential to differentiate between the ages of trafficked children and adults. For example, the trafficking of women may refer to women that were coerced into prostitution to be between 16 and 24 years of age. It should be noted that 16 and 17-year-old females are still regarded as children, according to the UNCRC and the ILO Worst Forms of Child Labour Convention (No. 182) (Boonpala et al 2002:3). The UNCRC classifies a child as: "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier" (Kane et al 2009:15). South Africa's Children's Act 38 of (2005:12), also refers to a child as anyone under the age of 18 years.

1.3.4   Child trafficking

In general, children are defined as persons under the age of 18 years (Terblanche, 1999:376). According to the South African Children's Act 2005 (Act No. 38 of 2005) (Children's Act), child trafficking is defined as:

> "(a) the recruitment, sale, supply, transportation, transfer, harbouring or receipt of children, within or across the borders of the Republic- (i) by any means , including the use of threat, force or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control of a child; (ii) due to a position of vulnerability, for the purpose of exploitation; and (b) includes the adoption of a child facilitated or secured through illegal means" (DoJ&CD, 2005:12).

For this research, child trafficking denotes "the recruitment, transportation, transfer, harbouring, and/or receipt of a child for the purpose of exploitation" (DOJ&CD,

2005:12). Although the child trafficking definition refers to exploitation, child exploitation as such is dealt with separately in the Children's Act and includes various forms of exploitation as indicated in the subsequent section.

1.3.5   Child exploitation

According to the DoJ&CD (2005:12), child exploitation includes all forms of slavery or practices like slavery, including debt bondage or forced marriage; sexual exploitation; servitude; forced labour or services; child labour and the removal of body parts. Two of the typical forms of child exploitation in South Africa are sexual and labour exploitation, and are defined as follows:

1.3.5.1   The Children's Act (2005) refers to commercial sexual exploitation of children as a

> "…means the procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography, irrespective of whether that reward is claimed by, payable to or shared with the procurer, the child, the parent or caregiver of the child, or any other person; or trafficking in a child for use in sexual activities, including prostitution or pornography" (DoJ&CD, 2005:12).

1.3.5.2   The exploitation of children in labour environment is defined by the Children's Act as:

> "…exploitative, hazardous or otherwise inappropriate for the person of that age, places the child's well-being at risk which include their education, physical or mental health or their spiritual, moral, emotional or social development" (DoJ&CD, 2005:12).

▪   The exploitation of persons is defined in the Prevention and Combating of Trafficking in Persons Act, (2013) by DoJ&CD (2013:14).

1.3.5.3   as:

> "exploitation" includes, but is not limited to –
> (a)   all forms of slavery or practices similar to slavery;
> (b)   sexual exploitation;

(c)   servitude;

(d)   forced labour;

(e)   Child labour as defined in section 1 of the Children's Act;

(f)   The removal of body parts; or

(g)   The impregnation of a female person against her will for the purpose of selling her child when the child is born."

1.3.6   Forced labour

Forced labour is well defined in the PACOTIP Act and includes elements of:

> "…consent, threats, force and coercion, without the consent of that person and through threats or perceived threats of harm, the use of force, intimidation or other forms of coercion, or physical restraint to that person or another person" (DoJ&CD, 2013:11).

For this research, forced labour consists of any form of labour that is performed against someone's free will. It usually takes place under harsh working conditions, while the human rights of the victim are abused to the benefit of the employer.

1.4   Aim and objective of the study

Terre Blanche and Durrheim (1999:55) maintain that research aims to specify and operationalise the focus of an investigation.

The primary aim of this research is to provide information that would explain the nature of child exploitation practices within the context of human trafficking in Cape Town. The researcher therefore aims to explore and describe this phenomenon which include sexual exploitation and forced labour practises as much of South African research focuses on one segment of the human trafficking phenomenon only. For example, human trafficking from a legal perspective by Kruger (2010) or from a sexual exploitation viewpoint by Horne (2014) and Van der Watt (2018).

To achieve the aim of this study, an objective was recognised. Mouton (1996:101), affirms that "the research objective provides a broad indication of what a researcher wishes to achieve in a study".

This research attempts to bring to fruition an ancillary objective, <u>namely the factors that encourage persons to commit child exploitation offences</u>.

An effort will, therefore, be made to shed more light on child exploitation in Cape Town, to contribute towards existing knowledge of this phenomenon especially against the backdrop of the hidden and covert nature of child trafficking as indicated above. The research questions that emerged are discussed in the subsequent section.

1.4.1 Research questions

As purported by Corbin and Strauss (2015:34), the purpose of the research question is to direct the researcher to acquire data about a specific subject, which in this research is the investigation of the nature of child exploitation practices in Cape Town. The inquiry into child exploitation is a topic relevant to the field of criminology as it necessitates a deeper inquiry regarding child exploitation. It demands a probe into exploitive issues that go beyond sexual exploitation and also include child labour misdeeds. The research questions are therefore:

1. What is the <u>natur</u>e of child exploitation practices in Cape Town; and
2. <u>What motivates</u> persons to commit these crimes?

For this research, the term '**nature**' means a detailed description of what child exploitation deeds entail by unpacking them within the context of trafficking. For example, child sexual exploitation examines the fundamental attributes attached to this transgression by delving deeper into, for instance, sex tourism by considering the dynamics linked to this practise, how victims are being recruited, and criminological theories that may attempt to explain this crime. The **motivational factors** aim to explain the driving forces behind persons involved in sex tourism and what fuels such behaviour.

The broad term '**human trafficking'** also requires clarification as it encompasses numerous forms of exploitation involving multiple trafficker strategies. The UNODC, (2019:np), defines trafficking in persons in terms of Article 3 in paragraph (a) of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons as:

"…the recruitment, transportation, transfer, harbouring 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 the abuse of power or of a position 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. Exploitation shall include, at a minimum, the exploitation or 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 Palermo Protocol (the internationally accepted definition of human trafficking) was adopted by the United Nations and instituted to curb human trafficking and the previously mentioned definition is the first internationally agreed-upon description of trafficking (Bermudez, 2008:19). South Africa has also entered into an agreement with the United Nations by signing the Palermo Protocol, which was ratified on 20 February 2004, and subsequently adopted most parts of the definition in the PACOTIP Act (2013) (Pharoah, 2006:1). Kruger (2010:52) explains that a closer examination of the human trafficking definition as per the Palermo Protocol:

"It discloses that the trafficker must have the intention (purpose) to exploit the victim of this crime, however it is not required that the actual exploitation must have taken place. This offence is therefore reckoned to have been completed at a very early stage during the committing of this crime. The mere "intention" to exploit a trafficking victim fulfils the requirements for this crime to be deemed as committed, even if the victim had not eventually been exploited."

The PACOTIP Act (2013) is relevant in the South African context as it addresses numerous important elements of trafficking, such as cross-border trafficking, debt bondage, abuse of vulnerability, exploitation, child victims, forced marriage, forced labour, servitude, status of foreign victims, and the removal of body parts (DoJ&CD, 2013:14).

For this research, the PACOTIP definition of human trafficking is used for its relevance to South Africa, as indicated above. In particular:

"…trafficking in persons means the recruitment, transportation, transfer, harbouring or receipt of persons by means of threats or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position 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."

Section 1.5 focuses on the contribution of this study.

1.5   Research contribution

Considerable research has been conducted internationally, including in South Africa, on the topic of human trafficking, which encompasses child trafficking. As indicated in the literature review below, most South African research focuses solely on sex trafficking, apart from the Molo Songololo study on child trafficking in the Western Cape in 2005 and the Tsireledzani research in 2010. Marcel Van der Watt (2018) too reiterated that "human trafficking for sexual exploitation is the most documented type of trafficking both internationally and in South Africa"(Van der Watt, 2018:3).

In light of the background above, the study makes a unique contribution to the field of Criminology based on the following.

- The trajectory of this study demonstrates whether and how trafficking manifests in Cape Town. An attempt is made to establish a platform that addresses human trafficking from an angle relevant to Cape Town, which includes references to the city's gangster society and their role in child exploitation that encompasses the taxi queen phenomenon. The transactional relationship that exists between the taxi driver and girls incorporates many elements that involve exploitation which correlate with legislation as contained in PACCOTIP Act (2013:14). In addition, Marcel van der Watt (2018:41) states that "there remains a flagrant hiatus in knowledge of the prevalence of human trafficking amongst different sectors of society". Moreover, the lack of data on trafficking contributes to the problem because the majority of cases remain undiscovered, according to Van der Watt (2018:42). In summary, this thesis makes an important contribution by focusing on other human trafficking themes pertaining to children in Cape Town, namely forced labour and child sexual exploitation. The literature demonstrates that different forms of trafficking are evident in Cape Town, and the study aims to present new and worthwhile insights thereon.

Although the focus is on sexual exploitation and forced labour, section 3.6 details the numerous types of human trafficking that occur in South Africa.

- While the existing theories and findings of previous studies are compared, the relevance of the lifestyle and routine activities theory in particular are explained against the backdrop of the Covid-19 pandemic. The 'taxi queen' phenomena and its relevance to child exploitation are expounded upon, which is new territory in the field of criminology.

- In addition, chapter 7 provides practical recommendations that serve as a guideline of measures and initiatives to be followed to combat trafficking.

1.6   Limitations of the study

Research limitations are typically those features of design or methodology that impact on or influence the interpretation of the findings of the research. These are the constraints on generalisability, applications to practice, and/or efficacy of findings that are the result of how the researcher originally chose to design the study. It also includes the method that is used to confirm internal and external validity.

Certain study design constraints were experienced and are indicated in the subsequent section.

- **Methodological limitations**

The only concern regarding purposive sampling is that it relies heavily on the judgement of the investigator instead of objective criteria (Bless, Higson-Smith & Sithole, 2013:172). The selection of the sample was carefully decided upon by choosing participants from a variety of backgrounds that would be able to contribute information to the study. For instance, participants were selected from NGOs, Government departments, including the NPA and SAPS who deal with human trafficking cases.

▪ **Researcher limitations**

The wording of a questionnaire may have impacted the participant's response to it. Babbie (2016:250) asserts that some questions may encourage particular responses more than other questions and is referred to as bias. Personal interviewer bias may also play a role since the interview allows for greater flexibility as the lack of standardisation during the data-collection process makes interviewing vulnerable to the bias of the interviewer (Nachmias & Nachmias, 1987:241). The researcher is acutely aware of these factors and particularly of those questions that might have an impact on the research outcome and has, therefore, exercised special caution in relation to the words and phrasing of questions.

▪ **General limitations**

Some participants from the South African Department of Labour and Department of Home Affairs were reluctant to participate in the study. Senior officials at these two Government departments, nonetheless, nominated substitutes for interviews. Although the whole Western Cape Province was initially included in this study, the inclusion of the entire province would adversely affect the researchers' financial and time management ability. Accordingly, the focus was limited to Cape Town. Another limitation is that the information displayed on NGOs' websites (including South Africa) provides no new insights but is replicated intelligence of what is already known about trafficking. Moreover, the information on the ILO official website is outdated and dates back to 2017.

In sum, this investigation seeks to address shortcomings in the research on child exploitation in Cape Town as indicated in the existing literature on this topic.

1.7 Outline of the study

Chapter 1: Introduction and orientation

This chapter focuses on the orientation to the study and deals with the research problem.

Chapter 2: Research design and methodology

This chapter focuses on the orientation to the study and deals with the research problem and the research design employed to address the problem.

Chapter 3: Human trafficking: A holistic overview

This chapter provides the reader with a historical overview of human trafficking as a whole. It also demonstrates its impact on society with a main focus on sex trafficking, and forced labour.

Chapter 4: Human trafficking in perspective

The aim of this chapter is to explain the workings of human trafficking by looking at aspects ranging from the structure of human trafficking operations to the profile of the trafficker.

Chapter 5: Theoretical framework

This study attempts to explain human trafficking from a criminological perspective by scrutinising relevant theories, namely the demand theory, the rational choice, routine activities and the neutralisation theories. The underlying forces of trafficking are described, which entail consumer and derived demand, and the push-and-pull factors.

Chapter 6: Findings

All the findings obtained during this study coupled with the researcher's interpretation form the basis of this chapter. Some interesting findings were reported regarding forced labour and domestic servitude. There appears to be a consensus among the participants that human trafficking, including child exploitation practices are evident in Cape Town.

Chapter 7: Recommendations and conclusion

Recommendations regarding issues that require further attention and opportunities for further research are discussed

1.8   Conclusion

This chapter provides a background to the study. It attempts to explain the questions relating to the prevalence of human trafficking. It also highlights the prevalence of trafficking incidents in Cape Town, which speaks to the relevance of this research. There is an ongoing global debate regarding trafficking victim statistics, which refers to several inherent inadequacies in human trafficking research.

Chapter two focuses on the research design and methodology that were applied.

CHAPTER 2

Research design and methodology

2.1 Introduction

A research design is the strategic framework that links the research questions and research implementation (Terre Blanche & Durrheim, 1999:29). Research designs guide a researcher in collecting, analysing, and interpreting the observed realities. It is, therefore, an essential requirement for researchers to create a research design before starting their research. It could be regarded as a kind of blue print that relates directly to the answering of the research question according to Bless et al (2013:130). Two broad research approaches are usually followed, namely quantitative and qualitative research. A qualitative approach was chosen as it is best suited to reach the objectives of this research as the researcher attempts to capture data on participant perceptions of child exploitation practices in Cape Town, coupled with a documentary study on this matter in question. This chapter aims to give the reader an overview of the research strategy followed.

2.2   Research approach

Unlike quantitative research, which involves the investigation of numbers, qualitative research involves the qualities of subjects that cannot be easily translated into numerical values (Leedy & Ormrod, 2021:258). Qualitative research is in this instance inspired by the research paradigm and embraced by the researcher. It enables researchers to broaden their knowledge of a particular phenomenon, for example, human trafficking, as they delve into a specific context (Terre Blanche & Durrheim, 1999:47). The study uses a methodology that subscribes to a qualitative approach. In qualitative research**,** the interviewing of participants allows for the probing into issues that require a deeper explanation or, as Leedy and Ormrod (2005:94) suggest, it is an approach to obtain answers about the intricate disposition of an occurrence.

2.3   Research goal: Exploratory research

The nature of qualitative studies is usually exploratory (Corbin & Strauss, 2015:4-5). Qualitative researchers frequently pursue an exploratory approach "to gain a better understanding of complicated issues" or when new insights into a phenomenon are required (Leedy & Ormrod, 2010:95, Mouton & Marais, 1990:43). Terre Blanche et al (2006:44) purport that "exploratory studies are used to make preliminary investigations into relatively unknown areas of research" and "employ and open, flexible, and inductive approach to research as they attempt to look for new insights into phenomena".

For this reason, exploratory research was deemed most appropriate for the study, due to the concealed character of human trafficking-related crimes, and aims to address the lack of credible data and information available on human trafficking which include child exploitation practices.

2.4   Research paradigm

Earl Babbie (2016:34), describes paradigms as general frameworks or viewpoints that provide us with a ''way of looking at human social life". He asserts that the terms paradigm and theory are often being used interchangeably as the latter is a systematic explanation for the observations that relate to certain aspects of social life. Theories therefore flesh out and specify paradigms". Moreover, Terre Blanche et al (1999:36) assert that paradigms are "systems of interrelated ontological, epistemological and methodological assumptions".

In this research, an interpretive approach is followed as it represents an interactional epistemological stance towards reality, which is reflected in the methodology being used (Terre Blanche et al 1999:6). A central principle of the interpretive approach is to work with data by placing it into its proper context (Terre Blanche et al 1999:127). Terre Blanche et al (1999:126) place high value on interpretive research and argue that: "Everybody has the skills required to do interpretive research, but to do it well one needs to turn these into specialised research skills. Skills such as listening and

interpreting are in some ways more difficult to describe than quantitative skills, and certainly more difficult to develop". Apart from the aim to obtain a better understanding of the nature of child exploitation practices in Cape Town, this research also endeavours to understand why persons are motivated to get involved in such crimes. The latter approach correlates with Sarantakos (2005:11) view that "interpretive research focuses more on understanding people", or as Gray (2018:37) puts it, "interpretive studies seek to explore peoples' experiences and their views or perspectives of these experiences".

2.5 Data collection

Terre Blanche et al (2006:51) state that data is the nucleus of a research project and the researcher is the instrument of observation while interviews are one of the data collection methods in qualitative research. Researchers employ a range of methods to collect data ranging from observation, analysing texts and documents, interviews and focus groups, and audio and video recording (Silverman, 2014:43). Terre Blanche et al (1999:127) affirm that many interpretive researchers reformulate their research questions because of new material they have collected, or change their sampling strategy in response to new findings. Questions typically asked by interpretive researchers are: how can data be collected in such a manner that will illuminate the phenomenon in its real context? Triangulation is a key concept during data collection that illuminates accumulation of information as it involves "…the collecting of material in as many ways and from as many diverse sources as possible" (Terre Blanche et al 1999:128). David Gray (2018:774) highlights the importance of triangulation by stating that this process is followed to improve the reliability of data. Data collection in this research consists of a combination of documentary study and interviews which are examined in the subsequent sections.

2.5.1 Data collection process

According to Sarantakos (1998:295), "data collection in qualitative research involves the procedure of gathering, thinking, evaluating, analysing, modifying, expanding, gathering further, and thinking again". In fact, "the potential sources of data are limited only by the researcher's open-mindedness and creativity", as attested by Leedy

(2005:143). The use of qualitative research techniques affects data collection in a study and in this instance, it is believed to be best suited to obtain data on human trafficking. The most applicable method to generate data for the research question regarding the nature of child exploitation practices in Cape Town and what motivates persons to commit such crimes is a documentary study followed by one-on-one interviews. Section 2.5.1.1 will detail the literature review process that was followed which set the platform for this study and are according to Gray (2018:768), "..the selection of documents on a topic, that contain information, ideas and evidence, and an evaluation of these documents in relation to a particular piece of research".

2.5.1.1 Literature review

The research was preceded by a literature review on human trafficking. This phase essentially embraced a content analysis of data (in this case human trafficking) produced by other researchers (Davies, Francis, & Jupp, 2011:67). Several authoritative sources on human/child sex trafficking, child exploitation and forced labour were consulted, including international and national publications, case studies, journals, the World Wide Web, and relevant magazine and newspaper articles. One of the seminal works accessed includes a study by Allais, Combrinck, Connors, Jansen van Rensburg, Ncoyini, Sithole, Wentzel, Barolsky, Hadland and Tilley (2010), which was South Africa's first major research project on human trafficking conducted in 2010 by the Human Sciences Research Council (HSRC) in aid of the South African government's programme known as '*Tsireledzani'*, meaning 'Let's protect each other'. Other major studies and research papers include contributions by Boonpala and Kane (2002); Kane and Van de Glind (2009); Koen (2000 and 2005), and the TIP reports (2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020).

The first South African study on human trafficking was undertaken by researchers Karin Koen, Bernadette van Vuuren, and Vanessa Anthony on behalf of Cape Town-based child rights NGO, Molo Songololo in 2000. Titled "The trafficking of children for purposes of sexual exploitation – South Africa", the emphasis of this research is on child sexual abuse in areas within the Western Cape, Gauteng, KwaZulu-Natal and Eastern Cape provinces, as well as cross-border trafficking. Data collection

necessitated a literature study of South African and international sources regarding child sexual exploitation.

A limitation experienced by the researchers is a shortage of data regarding the trafficking of boys coupled with the fact that the study was conducted over a relatively short period. A further limitation raised by the researcher was the shortage of first-hand victim accounts (Koen et al 2000: i, iii,1,2,3,15,17). Despite the limitations, the Molo Songololo study (2000) was an attempt to pilot the first human trafficking research in South Africa. This investigation serves as a background reference for child sexual exploitation in South Africa. It is pertinent to the current research as the emphasis is on child trafficking and has, therefore, created a platform from which other researchers can explore the child sexual exploitation phenomenon.

A second investigation on human trafficking in Southern Africa was undertaken by Martens, Pieczkowski and Van Vuuren-Smyth in 2003 on behalf of the International Organisation for Migration (IOM). Despite the title "Trafficking in women and children for sexual exploitation in Southern Africa", there is a strong focus on South Africa during this investigation that took place over a seven-month period from August 2002 to February 2003. The study consisted primarily of interviews with trafficking victims, sex workers, traffickers, non-governmental organizations (NGOs), the media, and law enforcement officials. This research provided a succinct background of human trafficking and describes it as "a contemporary form of slavery that has existed for almost a century between Southern Africa and Europe" (Martens et al 2003: 16).

The IOM held that South Africa was the leading haven for victims of trafficking in the Southern region before the onset of this research in 2002 due to its wealth, porous borders, a well-established transportation system, and an increasing presence of organised criminal groups, which include Chinese triad groups, Russian 'mafia', and local syndicates. For these reasons, the IOM focussed its research on Johannesburg, Durban, Cape Town and Pretoria, and included Lesotho, Malawi, Mozambique, and Swaziland (Martens et al 2003:20).

A second investigation into the trafficking of children in the Western Cape was launched in 2005 by the NGO Molo Songololo researcher Karin Koen. The inspiration

for this study was to understand the trafficking of children in the Western Cape. Unlike the first study (2000) that concentrated on child sexual exploitation, the focus of this study was centred on child trafficking for labour purposes. Information was acquired through focus group discussions with children predominantly in rural areas, interviews with service providers and child victims, and a questionnaire that was disseminated to government and non-government service providers. Some of the key findings show that minors are brought from rural regions to the Cape Town metropole for labour exploitation, which includes domestic labour. It corresponds with the findings of the first Molo Songololo study (2000) that children are canvassed in rural areas and trafficked to metropolitan areas. The recruiters are taxi drivers that transport the victims and are often known to the community.

One of the foremost studies on human trafficking in South Africa was commissioned by the National Prosecuting Authority of South Africa (NPA) for the Democracy and Governance Programme of the Human Sciences Research Council. The research, which consisted of interviews with victims of trafficking and government officials as well as NGOs dealing with human trafficking matters, was conducted by Professor Carol Allais from the University of South Africa (UNISA) and her research team in 2010. Previous studies on human trafficking in South Africa did not deal with sundry forms of trafficking such as the trade in body parts or forced marriage and begging, which makes the content of this work meaningful. As indicated by the IOM study (2003), South Africa's porous borders make cross-border trafficking an easy option for migrants to enter the country. Traffickers take advantage of this shortcoming. The research also investigated cross-border trafficking between "South Africa and Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe" (Allais et al 2010:6).

During 2015, a momentous investigation was launched by Fair Trade Tourism in cooperation with Childline South Africa into the commercial sexual exploitation of children in travel and tourism (CSECTT) in South Africa. The study revealed interesting findings, including the fact that the Western Cape is a prime destination for sex tourists that are interested in children (Fair Trade Tourism, 2015:7-8).

Research consultant Laura Gauer Bermudez commissioned a report on behalf of the IOM in 2008 entitled "No experience necessary: The internal trafficking of persons in South Africa". The focus was on South Africa's internal trafficking situation relating to sexual exploitation, forced labour, and the removal of body organs. An exploratory qualitative methodology was applied, consisting of questionnaires and personal and telephone interviews. The main finding was that interior trafficking exists in South Africa and that girls are recruited from country towns such as Ceres and Beaufort West with the promise of jobs in Cape Town where they are sexually exploited upon arrival. Domestic servitude is another form of trafficking involving girls from rural areas to work in family homes predominantly in Cape Town. An interesting finding was that boys were mainly trafficked "for street vending, forced begging and to commit crimes" in Cape Town as young children can generate a higher income than older children due to their emotional appeal (Bermudez, 2008:2,41,45,56,57).

"Getting to grips with trafficking: Reflections on human trafficking research in South Africa" (Pharoah, 2006:np) is an informative document on trafficking. The need for the investigation arose from the lack of information regarding organ trafficking, the types of trafficking and the links that exist, the profile and impetuses of victims and traffickers, and factors contributing to this type of trafficking. Pharoah argues that the main weakness regarding the content in human trafficking literature is that nothing much is known about trafficking for purposes other than, for example, *muti* killings. There is an overemphasis on girls and women over men and boys. Another need is to understand the context in which traffickers and clients operate, and what makes some persons more vulnerable than others (Pharoah, 2006: vii, viii, 14,17,18, 20,33,34).

The TIP Reports contain valuable sources of information on human trafficking as they divide countries into tiers based on the country's compliance with minimum standards set by the Trafficking Victims Protection Act (TVPA) of 2000 (USA) placement. Tier 1 countries are those whose governments fully conform to the minimum principles as set out by the TVPA and is the highest rank. The governments of Tier 2 nations do not meet the minimum standards but are attempting to align themselves with the standards. The Tier 2 Watch list comprises those countries who do not fully observe the minimum TVPA requirements but who endeavour to fulfil them. Furthermore, the number of victims subjected to harsh forms of trafficking is considerable or on the

increase. Moreover, there is a lack of evidence that governments combat severe forms of trafficking compared to the preceding year or the determination that a country's government is making noteworthy endeavours to adhere to the minimum requirements. Tier 3 is the lowest level on the continuum and are countries whose governments do not wholly meet the terms, but who strive to align themselves with the minimum TVPA standards (TIP Report, 2013:41,44,46). South Africa was positioned on the Tier Watch list from 2005 to 2008 as it had not succeeded to make available sufficient statistics on trafficking incidents that had been examined and tried. It has since 2009 moved up to Tier 2 according to Horne (2014:2,3). The trafficking situation in South Africa is updated and published annually in the TIP report.

Remarkably, the first South African study relating to human trafficking was only conducted in 2000 by NGO Molo Songololo. This could stem from the lack of information on human trafficking available prior to 2000 owing to the concealed character of the crime coupled with the underreporting of trafficking. It is also the view of Marcel van der Watt (2018:42) that states "arguably the most pressing challenge is the so-called 'hidden populations' that constitute the study of human trafficking.

It appears that human trafficking research by international researchers only began to show traction at the beginning of the 20th century. Other noteworthy South African studies on human trafficking were conducted by Marcel van der Watt in 2018 titled "Investigating human trafficking for sexual exploitation from 'lived experiences' towards a complex systems understanding" and Juanida Horne in 2014 termed "A critical analysis of human trafficking for sexual exploitation". The emphasis on both these studies was from a sexual exploitation perspective. Moreover, it is the view of Van der Walt (2018:3) that sexual exploitation is the most acknowledged type of research on trafficking internationally and in South Africa. The focus of this research will be on child sexual as well as labour exploitation practices. The literature review outlined a description of some of the key sources that were consulted for this study to acquire information whereas section 2.5.1.2 focuses on interviews as another important origin of data collection.

2.5.1.2   Interviews

Rosaline Barbour (2014:18) asserts that "interviews are perhaps the most commonly used method in the qualitative 'toolbox' and that the hallmark of interviewing in this context is the use of open questions". Mason (2018:111) too professes that interviews are the most often acknowledged method of qualitative research. Owing to the quality of an exploratory approach, qualitative interviews are considered the most suitable instrument to obtain the required information from the participants in this study. Furthermore, since the objective of the research is largely exploratory and involves the gauging of attitudes, interviews may be regarded as the best-suited tool to achieve the objectives of the research (Gray, 2009:370). There are also less beneficial factors to be considered when considering interviews as a tool to obtain information. Corbin & Strauss (2015:39-40) state that "one of the most difficult aspects of interviewing for beginning researchers is facing periods of silence" during the interview or another issue is that candidates agree to be interviewed but have actually very little to say. Compared to other methods, for example, questionnaires that are emailed to correspondents, interviews are a far more expensive method due to travel time, follow-up calls to candidates to verify information, and coding may take longer to interpret and analyse notes obtained during interview session. With large surveys, the interviewers must be trained, briefed, and often conduct a pilot study first. The interviewer should be mindful of ethical consideration especially if emotive issues are being discussed (Oppenheim, 1992:82-83).

Table 2.1 on page 45 summarises a brief comparison of the advantages and disadvantages of interviews researchers have to consider during the planning phase of a study.

Table 2.1   Advantages and disadvantages of interview studies (Bailey, 1994:174-176).

Advantages of interview studies	Disadvantages of interview studies
• Flexibility – can probe for more specific answers. • Response rate – better than mailed questionnaires. • Non-verbal behaviour – able to observe. • Control over environment – can manage it, for example, silent room. • Question order – interviewer has control over question. • Spontaneity – can record spontaneous answers. • Respondent alone can answer – respondent unable to cheat • Completeness – can ensure all answers are answered. • Time of interview – interviewer can record exact time. • Greater complexity of questions – More complex questionnaires can be used in interview.	• Cost – can be costly, for example travel time, fuel, field supervisors. • Time – interviews are often lengthy and may require travelling long distances. • Interview bias – interviewer may misunderstand respondent's answer or answer can be affected by reaction of candidate's sex, class, age, dress, physical appearance and so forth. • No opportunity to consult records - interview does not generally provide respondent time to conduct research, check records or consult family or friends regarding his or her response. • Inconvenience – a person's reasoning ability can be affected by factors such as fatigue, stress, and answers may also be affected by respondent giving answers during an inconvenient time, for example, crying baby in back. • Less anonymity compared to mailed questionnaire. • Less standardised question wording – might be necessary to probe a great deal.

	• Lack of accessibility to respondents.

Source: Bailey, (1994:174-176).

However, Terre Blanche et al (2006:52) believe that interviews as a qualitative method of data collection are favoured by researchers as it allow the researcher to build up an understanding of a phenomena in specific contexts. The distinctiveness of qualitative interviews remains in that it seeks different types of data. Face-to-face interviews have the advantage of engaging with the participant, which results in their cooperation and yields the highest response rates (Leedy and Ormrod, 2010:188).

There are three types of interviews, namely the unstructured, semi-structured, and structured interviews (Corbin & Strauss, 2015:37). This study used the semi-structured interview format due to its flexibility to participants to elaborate and for the interviewer to prompt if anything significant was posed by a participant. It therefore allows the interviewer the opportunity to ask additional questions to clarify certain points raised by the participant (Corbin & Strauss, 2015:39). Semi-structured interviews are thus non-standardised and frequently used in qualitative analysis. It follows tailor-made questions that prompt the subject to provide the researcher with more detailed responses (Gray, 2009:370). Barbour (2014:18) asserts that "most qualitative researchers favour the use of semi-structured interviews, which allow for the ordering of questions to be employed flexibly to take account of the priority accorded each topic by the interviewee". Crowther-Dowey and Fussey (2013:23) purport that less-structured interviews have more scope to interact with participants in often unsuspected ways.

An in-depth semi-structured interview schedule was utilised in this study which consisted of 27 questions. The questions emerged from the literature review as well as after initial discussions with Patrick Solomons (Director Molo Songololo) and Petro Brink (Deputy Director: Social Research – Department of Social Development, Western Cape Government) and comprise of six categories followed by the relevant questions listed underneath. The categories are as follows:

- Section A: Nature and extent of trafficking

- Section B: Recruitment (of victims)

- Section C: Purposes of trafficking (Sexual exploitation and forced labour)

- Section D: Victim control (methods)

- Section E: Forced labour

- Section F: Law enforcement

All relevant participants were initially contacted telephonically to secure their participation in this study. This was followed-up with an e-mail sent to the participants detailing the aims of the study and the importance of their participation. An authorisation letter from the University of South Africa endorsing the research was included in the communication. E-mail interaction between the researcher and participants resulted in meetings being set up for the interview phase of the study. Once appointments with participants were confirmed via email, the researcher contacted participants by telephone two days before the interview to reconfirm the appointment. Before the commencement of the interview, the researcher briefly explained the reason for the interview, the interview process, the rights of the participant not to answer any question(s) he/she is not comfortable with and the right not to proceed with the interview at any stage and that all information will be treated confidentially for academic purposes only. The participant further had to sign a form of consent to participate in the interview.

The duration of each interview ranged between 45 and 60 minutes but was not limited to continue beyond one hour should the participant wish to proceed with the discussion. During the interview, the researcher followed the questionnaire as guideline and made written notes of any interesting points raised by the participant to explore. A detailed copy of the questionnaire with all the questioned are attached as Annex B.

Bless et al (2013:394) describe a population in research as "the complete set of events, people or things to which the research findings are to be applied" and sampling as "…the technique by which a sample is drawn from the population". More particulars

regarding population and sampling procedures applied in this study are discussed in section 2.6.

2.6 Population and sampling procedures

Miles, Huberman and Saldana (2020:27) hold the view that qualitative researchers "usually work with small samples of people, nested in their context and studies in-depth" and explain that sampling in qualitative research involves the establishment of boundaries to define aspects of the study. Uwe Flick (1998) again in Neuman (2014:247), refers to qualitative sampling as "it is their relevance to the research topic rather than their representativeness which determines the way in which the people to be studied are selected". The population in this research consists of key decision makers who can share information relating to child exploitation practices in Cape Town.

2.6.1 Sampling procedure

Sampling relates to the choosing of a subset of persons from a statistical population to determine (access) traits of an entire population. Two main types of samples are most commonly considered by researchers, namely probability and nonprobability sampling. Probability sampling refers to samples that are chosen by an equal probability of the selection method and consists either of a simple random, stratified random, cluster or a systematic sample (Hagan, 2018:99). Nonprobability sampling is considered when the population cannot be precisely defined. It does not claim representativeness and is mainly used for exploration and qualitative studies. Examples of nonprobability sampling include accidental, purposive, quota, and snowball sampling (Sarantakos, 2005:163). This study used the purposive method. Purposive sampling means according to Sarantakos (2005:164) that researchers wilfully choose participants who are familiar with the fundamental research area or key concept being explored. Instead of choosing many persons (for qualitative purposes), the qualitative researcher identifies a small number who will provide in-depth information. The judgement of the investigator is in this instance more important than obtaining a probability sample (Sarantakos, 1998:152). It is the opinion of Miles et al (2020:27) that qualitative samples " tend to be purposive rather than random" and are

"usually not wholly specified but can evolve once fieldwork begins." In this study, a limited number of individuals were identified that could provide in-depth information about human trafficking. A purposive sampling technique may at times be necessary as it allows researchers to construct their sample based on their own knowledge of the population and its components (Babbie, 2016:187). In qualitative research, the rationale behind sampling persons is to select those who are representative of a population for the outcomes to be generalised to a community. This research addresses a very specific sub-set of those involved with the child trafficking phenomenon, namely key decision-makers that possess a working knowledge of, or experience in, dealing with human trafficking or child exploitation situations in Cape Town. To this end, a sample of 16 decision-makers comprising of those involved in state prosecuting, SAPS and government officials dealing with human trafficking cases and NGO workforce is used. Additionally, following a telephone discussion with Cape Town's mayoral committee member for Safety and Security, (participant 16) agreed to share some of his views on this topic via email due to time constraints. The information acquired from candidate 16 was nonetheless incorporated in this study where applicable.

The researcher had initial meetings with Patrick Solomons, Director of NGO Molo Songololo prior to the commencement of the study who provided advice and made a recommendation regarding relevant participants to be included. Mr Solomons also provided the researcher with a list of contact names and details of participants he believes will contribute to this study as he is an esteemed campaigner in the fight against child exploitation and trafficking in Cape Town.

2.6.2 Unit of analysis

Bachman and Schutt (2017:167) explain that when generalisations are made from a sample to a population, it is important to consider the units that are being studied, which are referred to as the units of analysis. The focus of the study is regarding children exposed to any form of exploitation such as forced labour, sex trafficking and so forth. In line with this focus, the nucleus of this study was confined to contributors residing in Cape Town and surrounding suburbs only. The target population for the study was identified as all key decision-makers possessing a working knowledge of,

or experience in dealing with, human trafficking or child exploitation situations in Cape Town and surrounding suburbs involving children. However, data derived during interviews with participants, often revealed information that goes beyond children that also apply to adults. Fifteen participants were initially chosen following a meeting with Mr Patric Solomons, Director of Molo Songololo, who has knowledge and experience in the field of child trafficking in Cape Town, prior to the commencement of this study. A sixteenth participant who was unable to grant an interview due to time constraints has been included after a telephone interview followed by his written comments based on the questions asked in the questionnaire.

2.6.2.1 Geographical delineation

Residential areas within the City of Cape Town catchment area are split into zones that represent some of the following key suburbs which are also displayed on the City of Cape Town municipal map that indicates the spatial footprint of the northern suburbs of Cape Town.

- Northern Suburbs: Goodwood, Bellville, Parow, Durbanville, Brackenfell, Kuils River, Kraaifontein, Matroosfontein.
- Southern Suburbs: Observatory, Claremont, Newlands, Rondebosch, Constantia, Hout Bay, Fish Hoek, Kenilworth, Wynberg, Muizenberg, Simon's Town.
- City Bowl: Gardens, Tamboerskloof, Oranjezicht, Cape Town City Centre, Vredehoek, Woodstock.
- Atlantic Seaboard: Camps Bay, Clifton, Sea Point, Mouille Point, Green Point, Victoria and Alfred Waterfront.
- Western Suburbs: Blouberg, Table View, Milnerton, Melkbosstrand, Atlantis.
- Cape Flats: Athlone, Gugulethu, Hanover Park, Mitchells Plain, Grassy Park, Lavender Hill, Strandfontein, Nyanga.
- Helderberg: Somerset West, Strand, Gordons Bay, Macassar.

A map reflecting the geographical display of the main areas that fall into the City of Cape Town metropolitan areas is portrayed in figure 2.1.

Figure 2.1. City of Cape Town Metropolitan Municipality map

Figure 2.1. City of Cape Town Metropolitan Municipality map (2020:np)

2.7   Data analysis

Leedy and Ormrod (2005: 143;150) state "that there is no single right way to analyse data", and that multiple forms of data may be used in qualitative studies. Analysing data entails the systematic organising, integration and examination of the information (Neuman, 2014:477). During this stage of the research process the researcher determines what kind of social explanations can be built from the data (Mason, 2018:220). Data analysis is, therefore, the "process of inspecting, cleansing, transforming and modelling of data with the goal of discovering useful information," that will assist with conclusions and support decision-making.

The data analysis in this study aims to ensure that the information is transformed to unravel the research question, while the central goal of interpreting the research is to discover regular patterns or themes. This research attempted to establish whether child exploitation practices exist within the context of human trafficking in Cape Town, and as such, qualitative data was analysed using content analysis. It entails the studying of the human trafficking phenomenon in media forms, for instance, news articles, which are also referred to as secondary data analysis as it involves the act of collecting and analysing data that was originally collected for a different purpose (Bachman & Schutt, 2017:286-287).

Davies et al (2011:265,346) explain that the search for information by computer has become an increasingly important focus for researchers in searching for databases on the Internet and was also utilised as an important data-mining tool in this study to discover useful information on human trafficking. It focuses on modelling and knowledge discovery for predictive rather than purely descriptive purposes.

The content acquired during the one-on-one interviews was analysed manually. The reason for the manual approach was that it involved only 15 interviews plus one additional telephone interview followed by written information supplied by the 16th participant which did not warrant the financial investment of a software package to code the data electronically. Interpretive analysis rarely follows an orderly fashion, but introduced the steps listed below in analysing the data, which were secured in this

study. These five steps, according to Terre Blanche, Durrheim and Painter (2006: 322-326), are "familiarisation and immersion, inducing of themes, coding, elaboration and interpretation and checking". The various methods used, and procedures followed in this study to analyse the data are as follows:

2.7.1 Familiarisation and immersion

In this first stage, during the development of ideas and theories about the human/child trafficking phenomenon, an investigator needs to familiarise him/herself again with the field notes, which is essentially a brainstorming phase. It is a critical phase as the data derived from the interviews is disseminated. Careful attention must be given while reading and construing the notes.

2.7.2 Inducing themes

In this bottom-up approach, the researcher examines the material to determine what the organising principles are that naturally underlie the content. Themes arising from the data on child exploitation were created within the context of human trafficking.

2.7.3 Coding

At this stage of developing appropriate themes, data is coded, which entails the breaking up of data into labelled meaningful pieces. It involves the development of concepts from the data. All words with similar meanings (nodes or themes) related to the study were grouped in different categories.

2.7.4 Elaboration

Elaboration simply means the exploring of themes more closely. The content is viewed in a linear sequence so the remarks or events that are divorced can be joined.

2.7.5 Interpretation and checking

This final phase entails the written explanation of child exploitation practices. The frequency of the units in relation to other units are analysed and checked to ensure that the content reflects the specific research enquiry.

Validity plays a pivotal role in research and "refers to the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration" (Babbie, 2016:534). Section 2.8 elaborates on the applied methods in this study to ensure the plausibility of the study.

2.8 Plausibility of the study

The notion of objectivity is central to qualitative research. Sarantakos (2005:95) explains that it is important that a researcher's "personal values and views" must be excluded from the research process to ensure objectivity and therefore to minimise bias. Validity begs the question of whether that which is being "measured is what is intended to be measured" (Devlin, 2006:250). It also involves asking what a researcher thinks that the data sources and generation methods potentially can divulge. In addition, the validity of the interpretation of the data by researchers also needs to be scrutinised (Mason, 2018:236,239). However, Lawrence Neuman (2014:218) asserts that qualitative researchers "embraces the core principles of reliability and validity" but apply these two principles differently. To ensure the validity of research, qualitative researchers apply several measures, which may vary according to the nature of their investigation. Bless et al (2013:220) state that the quality of qualitative research "is evaluated through its trustworthiness, on the basis of credibility, transferability, dependability, triangulation and confirmability." These are all essential elements to ensure validity in this study as asserted by Bless et al (2013:220).

A literature study, providing valuable insights, was conducted at the onset of this investigation and included South African and international research and case studies on human and child trafficking. Moreover, content validity was established seeing that the subject matter in the literature reflects the nature of human trafficking. As noted,

Juju is a phenomenon (Terre Blanche & Durrheim, 1999:85). Following the literature study, questions emerged that needed to be answered by this study. Appropriate research questions were created that are relevant to the research topic and all participants were asked the same questions and elaborated upon if required.

A sample selection was obtained consisting of key decision-makers that have working knowledge or experience in the area of human trafficking and/or child exploitation. Sarantakos (2005:86) speaks of cumulative validation, which questions whether research findings are supported by previous studies. In this instance, the results are verified against other researchers' findings of similar studies on human trafficking as indicated above. Argumentative validation is another form of validity. Sarantakos (2005:86) purports that the presentation of research findings in such a manner (that conclusions can be followed and tested), subscribes to this type of validity. Mason (2018:239-240) upholds the fact that the interpretation of any form of qualitative research depends upon the findings, which include how that interpretation was achieved. The period spent in the field studying the human trafficking phenomenon encompassed the period from February 2013 until July 2018. It allowed for sufficient time to gain a thorough comprehension of the occurrence of trafficking transgressions in Cape Town.

This research was designed according to the qualitative principles set out above. The strategy is believed to be best suited for this investigation into child exploitation practices within the context of human trafficking as it will illustrate gaps in the current literature and offer possible recommendations.

Validity is also referred to trustworthiness by some researchers (Corbin & Strauss, 2015:341). The importance of trustworthiness and how it was established during this study form the cornerstone of section 2.8.1.

2.8.1 Trustworthiness

David Gray (2018:185) maintains that some qualitative researchers argue that "trustworthiness is more important than validity or reliability". Additionally, Bless et al (2013:236) profess that the "concepts of validity and reliability as used in quantitative research lose its meaning when applied to qualitative research." There are, however, some key differences relating to objectivity in the quantitative and qualitative approach as outlined in table 2.2.

Table 2.2   Differences between qualitative and qualitative objective principles

Quantitative	Qualitative
Internal validity	Credibility
External validity	Transferability
Reliability	Dependability
Objectivity	Confirmability

Source: (Bless et al, 2013:222-237).

This section outlines the application of the aforementioned principles and indicate how trustworthiness in this study was accomplished.

2.8.2 Credibility

Terre Blanche et al (1999:61) maintain that credibility refers to the degree to which the research conclusions are sound. It is therefore the responsibility of the researcher to establish confidence through the "accuracy of data gathering and interpretation" of the research results (Gray, 2018**:**765). To establish credibility, the research design as outlined above, stipulated the process that was followed regarding the recruitment of the participants, sample size, population description and data collection methods. The value of the semi-structured interviews in this study offers the interviewer flexibility to mine for more information if required. It was also important for the researcher to establish credibility with the participants before and during the interview process to win their confidence to participate and cooperate. Sarantakos (2005:288) concurs and states that the more successful the researcher is in eliminating mistrust, insecurity,

fears, confusion, doubts and ambiguity, the more likely it is for the respondent to agree to take part in a study.

2.8.3 Transferability

Transferability is the "extent to which it is possible to generalise from the data and context of the research study to broader populations and settings" (Terre Blanche & Durrheim, 1999:63). Although the researcher cannot prove that the findings of this study will be applicable in all situations, it nonetheless provided evidence that it could be applicable in other contexts. For example, concepts such as child exploitation or trafficking are universal crimes and there is evidence in this study that some tactics used by traffickers in Cape Town are similar in other countries or as Europol (2011:6) proclaims that "…the principles of deception and coercion go beyond geographical boundaries".

2.8.4 Dependability

The basic premise of dependability is to the degree to which the results are repeatable or "refers to the degree to which the reader can be convinced that the findings did indeed occur as the researcher says they did". (Terre Blanche & Durrheim, 1999:63, 64). It is the researcher's view that other researchers would arrive at similar findings regarding the data as the interpretations and conclusions are supported by the information and cross-referencing was applied where applicable.

2.8.5 Confirmability

The confirmability fundamentals of trustworthiness entails the explanation of decisions that are being made during this research process, or according to Bless et.al (2013:237-238), ''it is similar to replicability, requires that other researchers or observers be able to obtain similar findings by following a similar research process in a similar context". The findings were thus shaped by the participants' experiences which correspond with literature disclosures and not the prejudice of the researcher. To establish confirmability, an audit trail provided details of the data collection process which include the interpretation of it.

2.8.6 Reliability

Mason (2018:235-236) alerts qualitative researchers to be cautious regarding the overall reliability and accuracy of their research methods. Furthermore, it is imperative to demonstrate that data generation and analysis (as indicated above) are appropriate to the research question. Terre Blanche et al (2002:88) point out that data collection methods for research must be unswerving and adhere to the principles of reliability. The aforesaid criteria were adhered to in this study. Details about all participants, including their designation and the role they play in their natural context, as well as how and why they were chosen, were described. The feedback that was obtained from the research participants mirrors the researcher's interpretation of the conclusions. It confirmed that forced labour including domestic labour practices and sex trafficking are evident in Cape Town which are consistent with the findings of other researchers such as Allais et al (2010:16,32) and Koen (2000:16; 2005:14,19-21).

2.8.7 Ethical considerations

The meaning of the word 'ethics' is derived from Greek philosophy and signifies a person's character or disposition (Kimmel, 1996:5). Ethical considerations are an important matter and a sensitive issue as researchers often invade the participant's privacy during research (Bless & Higson-Smith, 1995:102). Terre Blanche et al (1999:66) purport that all research should be guided by three ethical principles, namely autonomy, non-maleficence, and beneficence. Autonomy requires researchers to respect all participants in a research project, which includes voluntary and informed consent by them, and the freedom to retract from the research at any point. The rights of participants regarding the anonymity of their personal details are to be honoured. Non-maleficence means that no physical or emotional harm should be done to any participants, whereas beneficence suggests that the research design should be of such a manner that it would be of benefit to others. These three concepts namely autonomy, non-maleficence and beneficence are defined by Terre Blanche et al (2006:557,561) as follows:

- **Autonomy**: "A philosophical ethical principle that embodies respect for persons and emphasises the right of individuals to make their own independent decisions without undue influence or coercion".

- **Non-maleficence**: "The ethical obligation not to do harm (in research)".
- **Beneficence**: "A philosophical ethical principal that underlines the ethical obligation to do good or generate benefits for the participants in research".

The inquiry into human trafficking is a delicate topic as it touches on complex issues concerning victims, especially vulnerable children. It was crucial to be mindful of the ethical considerations to ensure the credibility of this study. Ethical approval for the research was obtained from UNISA College of Law's (CLAW) ethics committee and consequently disclosed to the research participants. Special permission to conduct interviews was requisitioned beforehand from all participants. Telephonic contact was first made with all participants to explain the reason for their involvement and the importance of the study. This was followed up with an e-mail sent to all participants. Moreover, all participants were requested to sign a letter of consent stating that they are participating voluntarily, are free to withdraw at any stage and for any reason, are free to share information they were comfortable with, that their names would be withheld from the final printed document, and that all information would be treated confidentially. All participants were fully informed of the objectives of the study, namely that the information would be used solely for academic purposes. Copies of the previously mentioned approval and permission documents are appended as part of this thesis (see Appendix A1).

Leedy and Ormrod (2005:101-102) suggest that certain ethical considerations be incorporated and adhered to in research, which are "the protection from harm, informed consent, the right to privacy, honesty with professional colleagues, internal review boards and professional codes of ethics".

- **Protection from harm**: Special emphasis should be placed on confidentiality by ensuring that all participants' identity remains anonymous. This should be communicated verbally and in writing to everyone. All participants in this study were assured that none of the information used in the study will expose their identities. Full anonymity could not be assured as the researcher had contact with the participants during the face-to-face interviews, but the researcher has nonetheless

strived to uphold anonymity at all times. All notes that were made during the interviews, were locked away in a filing cabinet in the researchers' office and destroyed after completion of this study in a paper shredding machine. An important factor relating to the protection of participants from harm in this study is that no victims were interviewed which makes the protection from harm consideration less of a challenge.

- **Informed consent**: It was fundamental to ensure that all participants are properly informed regarding the nature of the study, their role and subsequent contribution to the study. The importance of their voluntary participation and that all information including their personal details will be treated confidentially was highlighted. The objectives of the research were explained, and participants had to sign a form of consent before the start of the study.

- **Right to privacy**: Participants' right to privacy must be respected. No details that could expose the identity of anyone must be disclosed and this principle was strictly followed during this study.

- **Honesty with professional colleagues**: The research findings must be reported honestly and without fabrication of facts.

- **Internal review boards**: The research proposal must be approved by the sanctioning body.

- **Professional codes of ethics**: The policy on research ethics must be clear and the researcher must abide by the specified principles. The researcher adhered to UNISA's stringent codes of ethics during this study by following the ethical guidelines. Participants received a copy of UNISA's approval of the study by the ethical committee before the interviews.

In addition to one-on-one interviewing, this research utilised secondary data sources, which does not create the potential for harm to human participants.

2.9 Conclusion

The chapter began by depicting the research design to show how the aim and objective of this research will be achieved. The research approach followed was influenced by the philosophical worldview which identified the qualitative approach as the most appropriate method to achieve these goals with an exploratory mode as an attempt to understand the nature of this investigation. In this research, an interpretive angle is elected which is reflected in the methodology. The data collection process was described, including the sampling procedure. An holistic overview of human trafficking is discussed in the next chapter.

CHAPTER 3

HUMAN TRAFFICKING:
A HOLISTIC OVERVIEW

3.1   Introduction

The GLOTIP Report (2012:1) purports that "human trafficking is a crime that ruthlessly exploits women, children and men for numerous purposes, including forced labour and sex. It is a global crime that generates billions of US dollars in profits for the traffickers". The TIP Report (2017:3) too, describes trafficking as one of the most significant human rights abuses contemporarily as it divides families, misrepresents global financial markets, challenges laws, and stimulates trans-national illicit action. Both the GLOTIP Report (2012) and TIP Report (2017) speak of the harsh realities to which victims of trafficking are subjected together with the billions of US dollars the traffickers make. South Africa is not excluded from this heinous crime which affects men, women and children. South African government officials have, for instance, convicted 11 traffickers during 2016/17 for human trafficking transgressions (TIP Report, 2017:362,364). Although the convictions of traffickers remain low in South Africa, the reality of under-reporting of trafficking, the absence of a proper classification system to report trafficking incidents with the SAPS, corrupt law enforcement and government officials, and the slow implementation of the PACOTIP Act (2013) and training of persons according to the new legislation add to the low conviction rate of traffickers.

This chapter explains the different kinds of exploitation suffered by the victims of human trafficking from a holistic viewpoint. It expands on the multiple facets involving human trafficking and its driving forces. Traffickers are using increasingly sophisticated methods to lure victims and use an array of schemes to manage victims. A clear awareness of the mechanisms behind trafficking is fundamental. There are also misconceptions about this criminal phenomenon in society. There are frequent media reports that refer to people-smuggling incidents as human trafficking. For

example, a headline that reads "Britain approves GBP 2 million pounds programme to help Egypt fight human trafficking" (Ahran-Online, 2017:np). However, the article refers to migrants departing from Northern Africa for the shores of Europe to seek better living conditions and opportunities. It is this kind of erroneous media reporting that conveys inaccurate information about trafficking.

This chapter describes the human trafficking concept and the dimension of the problem, followed by an indication of the financial burden associated with this crime. Three types of human trafficking are elucidated, namely sex trafficking, forced labour which includes domestic trafficking and forced marriage. Fundamental elements of human trafficking, such as supply and demand, are also described. The recruitment practice of victims, including the role of digital media, are clarified along with the profile of human traffickers and the tactics that apply. Lastly, causative aspects to which victims are exposed to prior, and during the human trafficking process, are expounded on.

3.2   The trafficking concept

The term 'trafficking' is an old expression that stems back to the 16th century. At that time, the term did not imply any form of misconduct or internal or cross-border transfers of humans, as traffickers were merely traders. At the end of the 19th century, the expression trafficking became customary and consisted of various meanings, which included the illegitimate trade of people. "The first international treaty to address trafficking in human beings was the International Agreement for the Suppression of White Slave Traffic (1904)" (Boonpala & Kane, 2002:3).

Kane and Van de Glind (2009) maintain that trafficking typically:

> "…happens when someone is moved from one place to another within a country or across a border by someone or a group, into a situation in which they are exploited. The exploitation can take on many different forms, but usually involves dangerous work for little or no pay, with inadequate rest time and no safety precautions in place such as health insurance. It often includes a degree of force or violence" (Kane & Van de Glind, 2009:16).

Of importance is that the universally accepted clarification of trafficking as contained in the Palermo Protocol (UNODC, 2019:np) and PACOTIP Act (2013) contains the requirements as suggested by Kane and Van de Glind (2009:14), but are far more comprehensive and comprises of the following variables, namely:

> "…the recruitment, transportation, transfer, harbouring 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 the abuse of power or of a position 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. Exploitation shall include, at a minimum, the exploitation or 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."

This wide-ranging definition suggests that the trafficking concept is a crime that comprises of multiple facets with different approaches. The fundamental difference between the Palermo Protocol and South Africa's PACOTIP Act (2013) is that the latter encompasses additional terminology such as 'abduction', which is important considering the relevance of the occurrence of *ukuthwala* in South Africa, involving the kidnapping of young girls to become brides to older men in some instances.

The prevalence of trafficking varies in every country. There are certain regions where the occurrence of human trafficking is more common than others. Although the focus of this study is on human trafficking in Cape Town, insight into the global prevalence of trafficking is necessary to contextualise South Africa's position compared to other world regions as alluded to in the next section.

3.3 Global magnitude of trafficking

As discussed previously, the real magnitude of human trafficking worldwide is still unknown because of the criminal nature of the crime, different data capturing procedures to record trafficking incidents in every country, and the underreporting of trafficking. The TIP Report (2017), for instance, affirmed that the South African government did not report the number of human trafficking cases being investigated during the period 1 April 2016 to 31 March 2017 to the U.S. Department of State who reports annually on government efforts from around the world to combat trafficking in

their countries (TIP Report, 2017:363). Although the 2016 Global Slavery Index (GSI) estimates that 248,700 persons are caught up in trafficking in South Africa, the credibility of the GSI survey has been questioned by critics (GSI, 2016:np). The main weakness of the GSI is that it draws its information on trafficking victims from various countries from a combination of non-standard and non-comparable sources that include population surveys, estimates provided by governments, and NGOs, including media reports. Of concern is that it extrapolates information from countries where only some form of estimate is at their disposal to similar countries that lack such estimates (Weitzer, 2014:np).

Anne Gallagher (2014), a leading authority on the international law of human trafficking who was involved with the drafting of the Palermo Protocol, has likewise expressed her concerns for the inconsistency of the methodology that is being used by the GSI to measure trafficking. Gallagher (2014:np) maintains that one of the great frustrations of the GSI research is the absence of hard data. Contrary to the GSI's 2016 estimate on the number of South African trafficking victims, the GLOTIP Report (2016) again reported that there were only 206 victims of human trafficking and related crimes between 2012 and 2014 (UNODC, 2016:32). Apart from the shifting reports on trafficking offences, there are frequent media reports of human trafficking incidents in South Africa. For example, a 27-year-old man was apprehended in Mentz Village, Polokwane in May 2015 for alleged human trafficking. It is claimed that he brought 19 foreign national men across the South African border and locked them in a storeroom. Police responded to a tip-off that the people were kept in the spaza shop store-room (Wakefield, 2015:np). Other examples of trafficking in South Africa involve domestic servitude trafficking, and the preying on women from Lesotho in South Africa. Marcel van der Watt, case manager at the National Freedom Network (a group of South African organisations and individuals who work together to fight human trafficking), confirmed that this case involves six women. Van der Watt asserts that both governments face an uphill battle to stop trafficking between their respective countries. The women aged between 16 and 19, were kept in a house against their will. Their passports were confiscated and there are allegations of sexual abuse (Mhlana, 2015:1). There are also reports by NGOs who proclaim that there are between 10 to 15 foreign male victims who are detected aboard fishing vessels in South African maritime territory monthly and kept in forced labour conditions (TIP, 2016:340).

Although South Africa is making significant efforts to eradicate trafficking, for instance the ratification of the PACOTIP Act, it does not meet the terms of the minimum standards required for the abolition of trafficking as set out by the US Office to Monitor and Combat Trafficking in Persons requirements (TIP Report, 2020:461). The reason for the non-fulfilment by the government is due to severe budget constraints, since large capital is required to implement the PACOTIP Act (2013) (TIP Report, 2017:362,). These financial limitations hamper the investigation and reporting of trafficking crimes by the South African government as certain trafficking offences, such as forced child labour or labour trafficking of adults in the agricultural, mining, construction and fishing sectors, were not comprehensively monitored or investigated during 1 April 2016 to 31 March 2017 and reported to the U.S. Department of State. Another concern regarding the non-investigation of trafficking cases as detailed in the TIP Report (2017) is the underhandedness by some South African law officials in not investigating and reporting trafficking crimes (TIP Report, 2017:363, 2020:461).

Since the implementation of the PACOTIP Act (2013), there appears to be a marginal increase in trafficking offences as the new act requires the reporting of trafficking. The South African government is currently training officials in various departments, which might further impact trafficking statistics as these crimes are expected to be investigated and reported. Society in general is beginning to have a better perception of the human trafficking problem due to anti-trafficking awareness programmes in the media. This could impact trafficking statistics as once people are better informed, they will be more inclined to report this crime. A more accurate manifestation of the true extent of trafficking in South Africa will only be known once the PACOTIP Act (2013) is fully functional.

Section 3.4 aims to highlight the incidence of trafficking in Cape Town which include findings by other researchers.

3.4   Evidence of trafficking in Cape Town

There is no shortage of media reports and research relating to the existence of human trafficking and child exploitation practices in Cape Town as indicated in this section. That South Africa has been downgraded to the Tier 2 Watch List by the US Department of State is due to the South African government's inability to fully meet the minimum standards for the elimination human trafficking (TIP Report, 2020:1). The latter is another clear indication that trafficking is an issue in the country. The following news articles are examples of the prevalence of trafficking in Cape Town.

- A Cape Town woman was sentenced to 15 years in prison for the kidnapping and sex trafficking of a 14-year-old girl. The girl was recruited by the woman and traded to a foreign national who provided drugs to the victim and forced her into sex work. The foreign national has since fled South Africa after he was released on bail (Monama, 2021:np).
- An article was published on Independent Online (South African newsgroup website) titled "Girl 14, first sold for sex at age of 11" (Serra, 2013:np). This incident relates to a girl who was sold for sex by her Cape Town mother at the age of 11 to enable the mother to purchase alcohol for her own consumption. The mother was charged with sexual exploitation and human trafficking.
- In another instance, former South African deputy minister of defence and health ministries, Nozizwe Madlala-Routledge, revealed during International Sex Workers Day in March 2017 how young boys from Lesotho are being trafficked from Lesotho to Cape Town to engage in sex work (Maliti, 2017:np).
- The Cape Town High Court has found 10 members of a brothel syndicate guilty of trafficking in Bellville, a northern suburb in Cape Town. De Waal Rossouw was the tenth suspect sentenced for her involvement for the recruitment of young females that included minors (Cruywagen, 2020:2).
- Tygertalk, a community newspaper in the northern suburbs in Cape Town reported how Parksig Villas, a residential complex in Bellville Cape Town, is under investigation for alleged drugs, prostitution, and human trafficking offences (Solomons, 2014:3).

- 'Kaapse vrou gevonnis vir mensehandel' [Capetonian woman sentenced for human trafficking]. This case dealt with a Cape Town woman who had been found guilty and sentenced to 6 six years effective imprisonment. She lured Cape Town women under false pretences to Durban who then ended up working in a brothel (De Wee, 2015:7).

- Western Cape Minister of Department of Social Development (DSD), Albert Fritz, confirmed the prevalence of trafficking when he led an anti-human trafficking silent protest in Cape Town in October 2017. (Western Cape Government, 2017:np).

- The City of Cape Town's Vice Squad removed a 23-year-old woman along with a 19-year-old woman from a Brooklyn 'wendy house' (small wooden structure) in Cape Town. The women were kept captive for seven months and forced into prostitution and drug addiction. Both women were held against their will and came from Johannesburg under the false promise of employment (Jooste, 2012:5).

- Nozizwe Madlala-Routledge, founder of NGO Embrace Dignity, confirmed false job opportunity promises in Cape Town and other cities that are being made to victims to lure them into trafficking (Naidoo, 2020:np).

- A 13-year-old from Atlantis in Cape Town girl was sold for sex at R20 a time by her accused mother and stepfather. The State alleges that the mother sexually groomed her daughter over a period before pimping the child. It is further alleged that the teenager was taken to a park or bushes by various people to be raped, at a price of up to R1000 at a time (Bezuidenhout, 2014:6).

- 'Human trafficking: Bellville a hotspot for this crime'. This front-page article appeared in Tyger Burger, a Bellville community newspaper, about a Nigerian official that appeared in the Bellville Magistrate's Court regarding victims who were recruited under false pretences and ended up in drugs and prostitution. The victims were put in a safe house by the Hawks (De Klerk, 2018:1).

- According to Captain Nimb at SAPS Bellville, at least three to four human trafficking cases are reported to the SAPS in Cape Town monthly regarding girls that are solicited to Cape Town with promises of work (Linnert, 2014:9). These assurances often do not materialise as the girls end up working as sex workers for sex syndicates. Captain Nimb asserts that all these cases are

investigated by the SAPS Organised Crime Unit (Linnert, 2014:9). Nimb states that trafficking cases are usually reported by NGOs or uncovered during law enforcement raids of brothels. Most of the girls trafficked in Cape Town are from rural areas in the Eastern Cape. The young women are generally attractive and between 18 and 22-years-old and are typically recruited by Nigerians who first befriend the girls during the recruitment process. Once they arrive in Cape Town, they are customarily accommodated for free in a flat as they are without a job. When the girls become disillusioned, they are locked up and given drugs (Linnert, 2014:9).

These examples indicate that human trafficking, and related incidents, are issues that Cape Town residents are grappling with. There are also a few empirical studies that confirm the fact that Cape Town is a destination where human trafficking and child exploitation occurrences are evident as per the following.

- Palmary and De Gruchy (2016:23) cited evidence of internal child trafficking incidents of persons from 'Karoo areas' to the City of Cape Town.
- According to a study labelled "The landscape of sexual exploitation of children in South Africa" in 2019 by the NGO, End Child Prostitution, Child Pornography and Trafficking Children for Sexual Purposes (ECPAT), it was found that the children exploited in residential brothels in Cape Town and Johannesburg, victims are frequently drawn from poor rural areas (ECPAT, 2019:3).
- Moreover, the ECPAT study revealed that sexual exploitation of children in the travel and tourism industry is also high. In a global study on child sex exploitation in the travel and tourism industry in 2015 by ECPAT, it was revealed by respondents from the tourist sector that child sex tourism was an issue in Cape Town (besides Durban and Gauteng) and described how people easily come into South Africa "…and do as they please without seeming suspicious, because they are tourists bringing money into the country". Furthermore, "Cape Town and Johannesburg were singled out as destinations where people are not afraid of buying sex" (ECPAT, 2015:13).
- The Tsireledzani study has similarly documented how Cape Town is regarded as a primary destination where children are involved in underage

sex tourism (Allais et al, 2010:20).

- Martens, Pieczkowski and Van Vuuren-Smyth (2003:7,25) reported how "street children in Maseru (capital of Lesotho) are trafficked by long-distance truck drivers as sex slaves on their routes" and some travel as far as Cape Town.

- Lutya (2012:24) has cited how vulnerable children are being exploited in domestic work situations in Cape Town, which corresponds with the TIP Report (2020:8).

- The TIP Report (2020:8) asserts how traffickers recruit victims from poor rural areas within South Africa where they are exploited in urban centres which include Cape Town.

- Kruger (2010:410) also alluded to the in-country trafficking situation in South Africa; how mostly black and coloured victims are recruited in informal settlements or areas and transported to big cities, which include Cape Town.

- Koen (2005:14) has correspondingly reported on her interview with a fourteen-year-old domestic worker from De Aar (Northern Cape) who was falsely recruited by promising her a job as domestic worker in Ruyterwacht, which is a northern suburb of the City of Cape Town. She was transported by taxi and only upon arrival informed that she is liable for transport and accommodation costs and would also have to work at other places.

- Pharoah (2006:26) findings corroborate with Allais (2010), Lutya (2012), TIP Report (2020) and Koen (2005) discoveries who confirmed how vulnerable coloured girls are recruited from rural areas into exploitive domestic labour situations in the suburbs of Cape Town.

- Bermudez (2008:8,9,41,48) pointed to the fact how employment agencies recruit coloured females in other provinces in South Africa and trafficked to the suburbs of Cape Town to work as domestic workers in households where they are being exploited while some end up working as prostitutes. Boys are also recruited from rural Western Cape and Northern Cape areas and exploited as street hawkers in Cape Town.

Although there appear to be some duplication on some of the above findings of internal trafficking by various researchers, the fact remains that these assertions are documented and could not be ignored. In addition, evidence of the involvement of

Russian and Bulgarian gangs' presence in South Africa are apparent and therefore included in section 3.5 that focuses on the financial impact of trafficking on society.

3.5   Financial implications of trafficking

Human trafficking adversely affects the world's economy. Yury Fedotov, Executive Director of United Nations Office on Drugs and Crime, declared in the preface of the 2012 edition of the Global Report on Trafficking in People report, that human trafficking generates billions of US dollars in proceeds for the traffickers (UNODC, 2012:np). Trafficking is a profitable business for criminals as it produces "about US $32 billion annually while some estimates place the global value of smuggling of migrants alone at US $7 billion per annum" (Pickworth, 2012:5). John Ashe, President of the United Nations General Assembly, declared at a special event to observe the first ever World Day against Trafficking in Persons that not only is human trafficking an infringement of human rights, but it is a rewarding felony for violators. Ashe believes annual gains could reach US $36 billion per annum and positions trafficking as the world's third most rewarding transgression after illegal drug and arms trading (United Nations News Centre, 2014:np). Besides traffickers, intermediaries also gain from the crime, for example, corrupt government officials selling false documents, or "those who benefit from cheap labour in their businesses" (Garlick, 2006:22).

The ILO global report on forced labour maintains that annual profits generated from labour exploitation worldwide are approximated to be worth US $150 billion (ILO, 2014:np). The migration of people is a factor that plays a contributing role in human trafficking as traffickers use the opportunity to generate money from vulnerable migrants. The IOM (2018:np) asserts that organised criminal groups earn billions in US dollars from human trafficking and the exploitation of victims. The United Nations Department of Economic and Social Affairs (UN DESA) states that people worldwide are constantly on the move as they seek better work opportunities. UN DESA (2016:1) claims that there were 244 million migrant workers in 2015. The IOM (2015:np) projects that 1 billion of the world's 7 billion people are migrants. UN DESA (2016:1) affirms in the International Migration Report that there is rapid growth in the number of international migrants, which increased from 173 million in 2000 to 244 million in 2015.

According to the IOM (2015:np), the World Bank guestimates that US $581 billion in the form of remittances are transferred by international migrants back to their home countries. It is estimated that Southern Africa hosted 3.4 million migrants in 2015, of which 3,142 million have settled in South Africa (UN DESA, 2016:28).

It is currently unclear what financial impact human trafficking has on the South African economy because of the hidden character of this crime. Although the promulgation of the PACOTIP Act (2013) requires the reporting of trafficking statistics, the real financial impact of the crime on South Africa will be only known in future once trafficking offences are ring-fenced and recorded as the government has not yet fully implemented the PACOTIP Act (2013). Even though the South African government has increased efforts to investigate, prosecute and convict traffickers, financial resources are under pressure to perform this task (TIP Report, 2017:362). Nonetheless, the government allocated R2.7 million Rand (ZAR) to promote anti-trafficking and awareness programmes during the 2014-2015 financial year (TIP Report, 2016:342). The South African government also allocated funds for the training of 376 law enforcement and social services officials, which include staff from the South African National Defence Force (SANDF), SAPS, SA Department of Health, Department of Agriculture, Forestry and Fisheries, Department of Home Affairs, Department of Labour (DOL) and the Airports Company of South Africa (ACSA). Further financial investment involves government funding of structures for the care of human trafficking victims. The Department of Social Development (DSD) has, for instance, increased its efforts and resources to protect victims of trafficking by overseeing 17 NGO-operated safe houses, which serve as temporary shelters for victims. The government has additionally established and operates a scheme of Thuthuzela Care Centres across South Africa to assist rape and victims that have been exposed to sexual violence (TIP Report, 2016:341). All the aforesaid government initiatives have financial repercussions on the state's resources, as finances are required to combat this crime and to manage victim support facilities and programmes as indicated above. It is apparent that human trafficking is a profitable crime due to the large monetary value attached to it, but it also requires funding by governments and NGOs to deal with the problem. The amount of money allocated by government to combat and manage human trafficking seems insufficient and is an issue that requires greater attention.

According to the TIP report (2016:340), South Africa is "a source, transit and destination country" for all forms of trafficking. It is also reported that well-organised criminal gangs are involved in the running of sex trafficking networks in Cape Town, which involve Russian and Bulgarian syndicates' participation which was also cited by Horne (2014:102, 280). There was substantial media coverage regarding these organised criminals' operations on South African soil. For instance, Serbian gangster Dobrosav Gavric was kept in a South African prison for his involvement of murdering a Serbian gang leader named Arkan in 2011 in Belgrade's Intercontinental Hotel and fled to South Africa. Gavric was wounded when South African criminal leader Cyril Beeka was killed on 21 March 2011 in a drive-by shooting in Cape Town (Djuricic, 2018:np). Milan 'Miki' Djuricic is another Serbian who was murdered in Johannesburg on 25 April 2018 in a drive-by shooting and had investments in hotels and alleged "…..that he was mostly involved in human trafficking and the drug trade" (Djuricic, 2018:np). South African underworld boss Radovan Krejcic is currently serving a 35-year prison sentence in South Africa for his involvement in assault, attempted murder and kidnapping (Djuricic, 2018:np). Djordje 'George' Mihaljevic is another gangster who had ties to South African underworld and was shot on 24 September 2018 (Djuricic, 2018:np). Underworld kingpin Yuri 'the Russian' Ulianitski, owner of The Castle strip club in Cape Town was assassinated and killed in a drive-by shooting in Milnerton in Cape Town on 21 May 2007 (Dolley, 2012:np, Williams, 2007:np). A Bulgarian couple, Angelo Dimov and Nessie Peeva, were shot execution-style in Cape Town in March 2018. Dimov "was a member of the Bulgarian mafia who operates mostly in the southern suburbs of Cape Town and involved in bank card scams, drugs and the smuggling of illicit goods ranging from tobacco to diamonds" (Hyman, 2018:np). The aforesaid accounts confirm the involvement of Russian and Bulgarian gangs in the South African criminal underworld although there is no specific reference to concrete links to child exploitation by these groups. However, it all points to the nature of their activities which involve, murder, kidnapping, scams, smuggling of illegal goods, human trafficking, adult clubs and drug trade.

Forced labour, which includes domestic servitude, is another prominent form of trafficking evident in South Africa besides sex trafficking. The following section categorises the different forms of human trafficking to provide a greater level of understanding of these crimes.

3.6　Human trafficking categories

Human trafficking consists of five broad categories, namely sex trafficking, forced labour, which encompasses domestic trafficking, and forced marriage and organ trafficking. Although the main focus of this study is primarily on two forms of trafficking namely sex trafficking and forced labour, it deems appropriate to include two further types of trafficking which are organ trafficking and forced marriage. The reason for the inclusion of it is there is evidence of these types of trafficking in South Africa which involve children and will therefore be expanded upon as an augmentation to sex trafficking and forced marriage. The TIP Report (2017:364) highlighted the fact that children in South Africa are recruited from rural areas and moved to cities where girls are exposed to sex trafficking and domestic servitude. Young boys are frequently required to perform street vending jobs which include forced begging and could lead to the recruitment of children with disabilities. Some children are exposed to criminal activities, while boys are subjected to forced labour in the agriculture sector.

Section 3.6.1 covers various issues relating to sex trafficking to try to comprehend the underlying dynamics of this crime which is in line with the aim of this study, namely to determine the nature of it. Furthermore, it also attempts to understand the motivational factors behind this crime which is consistent with the objective of this study. It will therefore focus on the differentiation between prostitution and sex trafficking, sex tourism, the question of whether major sports events increase trafficking and the taxi queen phenomena. This is followed by the question of whether the legalisation of prostitution increases trafficking.

3.6.1 Sex trafficking

Sex trafficking consists of two elements, namely human trafficking and sexual exploitation. The PACOTIP Act (2013:12,14) asserts that the trafficking component materialises when a person "delivers, recruits, transports, harbours, sells, exchanges, leases or receives another person within or across the borders of South Africa", while the sexual exploitation aspect becomes relevant when an offence of a sexual nature is present. Furthermore, the trafficking definition elaborates by stating that if there are any indications of the "abuse of power by means of a threat, harm, coercion, abuse of vulnerability, fraud, deception, kidnapping, abduction, the direct receiving of payments

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or benefits to obtain the consent of a person having control or authority over another person for the purpose or any form of exploitation" of the person, then it constitutes human trafficking. Sex trafficking may also contain an element of debt bondage as victims are often forced to continue with sex work to settle transportation costs from their place of origin, and recruitment charges incurred by the recruitment agency. An illustration hereof is the November 2014 raid of a brothel in South Africa's Durban North district that hosted Thai women. The search was led by members of the State Security Agency, a provincial task team, the Hawks, immigration officials and the Pietermaritzburg Organised Crime Unit, which is a division of the SAPS. Thai women were brought to South Africa as sex workers and were not aware that their passports would be kept by the brothel owner until their debt of ZAR 70,000 each had been settled. The Thai women including the victims who were trafficked were all charged under the Sexual Offences Act, which includes racketeering, money laundering, and harbouring illegal immigrants (Shaikh and Farley, 2014:np). The TIP Report (2015:309) acknowledges the fact that South Africa government officials are aware of an increase of Chinese and Thai women that are being trafficked to South Africa and also the arrest 7 Chinese nationals for their involvement in trafficking (TIP Report, 2020:462).

From a child exploitation perspective, Koen (2000:32) too, has discovered that South African parents often become involved by forcing their children to earn extra money by offering them to be sexually exploited. It is a phenomenon in some Western Cape schools that certain children are trapped in a sex cycle as they become debt-bonded by schoolteachers who pay for the child's school education in exchange for sex. There is also the example of a Cape Town incident of a 13-year- old girl who was sold by her parents to customers for sex. In this matter, the State has alleged that the mother sexually groomed her daughter over a period before pimping her child. It is also professed that the teenager was taken to a nearby bush where she was raped by various men at a price ranging from R20 to R1000 (ZAR) per occasion (Bezuidenhout, 2014:6). In another sexual exploitation case, a 10–year-old grade two girl from Delft in Cape Town was the victim of sexual abuse after a 60-year-old father of two children from Tokai paid to have sex with the girl. The 32-year-old woman sold girls for sex by using her daughter to recruit young girls on behalf of the 'madam'. The victim reported

that she had, on a few occasions, been taken by the 'madam' to meet her abusers (Hoffmeester, 2015:1,3).

Fair Trade Tourism (2015:14) asserts that several Cape Town child sex victims are linked to the sex tourism industry, especially those children with limited parental supervision who are most at risk. According to Fair Trade Tourism (2015:17), child sex offenders in the Western Cape consist of both foreign and South African citizens, which include parents, neighbours, syndicates, drug lords, SAPS members, pimps, bar owners, wealthy and influential people, older men, middle to upper-class men, wealthy tourists and paedophiles. Furthermore, Fair Trade Tourism's (2015:17,18) research findings indicate that South African data on traveler and tourist sexual offenders is not sufficient to infer whether the majority of offenders are situational or preferential, but several SAPS officials in Gauteng described national and international sex offenders as being preferential, meaning the offence is associated with the perpetrator's preferential behaviour, which is in this instance an inclination for children. Hume et al (2013:5-6) add that victims are becoming younger as demand increases, especially as sex buyers believe that they are unlikely to contract sexually transmitted diseases from younger persons, coupled with the fact that some Asian offenders are 'virgin seekers' who believe in the supposedly restorative qualities of virgins.

Regarding legal specifications, South African law makes special provision for the protection of children from sexual exploitation. Children are safeguarded by the South African Children's Act 2005 (Act 38 of 2005), and the South African Sexual Offences Amendment Act 2007 (Act 32 of 2007) as well as legislation within the human trafficking context in the PACOTIP Act 2013 (Act No. 7 of 2013). The South Africa's Children's Act 2005 (Act 38 of 2005) defines the sexual abuse of children broadly as it also includes the exploitation of children through pornography (including the child's involvement in commercial sexual exploitation). Sexual abuse of a child, according to the SA Children's Act 38 of 2005 (DoJ&CD, 2005:16-17) denotes;

 (a) Sexually molesting or assaulting a child or allowing a child to be sexually molested or assaulted;

 (b) Encouraging, inducing or forcing a child to be used for the sexual gratification of another person;

(c) Using a child in or deliberately exposing a child to sexual activities or pornography; or

(d) Procuring or allowing a child to be procured for commercial sexual exploitation in or any way participating or assisting in the commercial sexual exploitation of a child.

In addition to the aforementioned Acts, the South African Sexual Offences Amendment Act (32 of 2007) covers the criminalisation of sexual acts involving children in section 15. It states that it is a criminal offence to engage in the sexual penetration of children by adults between the ages of 12 - 16 years, regardless of whether the child has consented to the sexual act or not. Section 16 aims to criminalise acts of consensual sexual violation committed by adults with children between the ages of 12 - 16 years. The PACOTIP Act (2013) also covers child-related issues pertaining to human trafficking in section 18 of Chapter 4, which involves the reporting of trafficking incidents. Section 28 of the SA Constitution is dedicated to child matters (Republic of South Africa Constitution, 1996:9). It is encouraging to note that South African legal provisions are in place to deal with child sexual exploitation comprehensively, despite the lack of human resources to manage the scourge effectively.

Sex trafficking is recognised as a problem in the country as already remarked in the annual TIP report. Apart from sex trafficking occurrences in South Africa that involve multiple victims such as the Thai women incident indicated above, there are also frequent incidents that encompass individual cases that are made public. Sex trafficking transgressions that emerge stem mostly from police raids published in the media. Governments play a powerful role in quelling the sex trafficking trade. For example, following an in-depth investigation by the American Federal Bureau of Investigation (FBI), the United States Postal Inspection Service and the Internal Revenue Service Criminal Investigation Division, concrete evidence was found that positively connects the Internet website Backpage.com (a leading forum for prostitution ads) to human trafficking. The United States Department of Justice has in response obtained a 93-count Federal Indictment which resulted in the shutdown of the website on 6 April 2018 (USDOJ, 2018:np). The seizure of Backpage.com should serve as an eye-opener for governments to investigate the numerous Internet dating sites that citizens can access. South Africans can still access other websites, for instance Craigslist and Cumtree.com. This section has defined sex trafficking versus

sexual exploitation by using the PACOTIP Act (2013) as guideline to describe the qualifying criteria.

One of the challenges that SAP investigators face is to determine whether a sexual offence was voluntary prostitution or a situation of forced sex which forms part of the discussion in the next section.

3.6.1.1 Differentiation between prostitution and sex trafficking

There is a clear demarcation in the confines of prostitution and sex trafficking. Prostitution or sex work alludes to the practice of engaging in sexual activities for reward. Sex trafficking, on the other hand, is when a third party forces a male, female or child into exploitative circumstances. Consonant herewith, Africa Check (2014:np), asserts that "sex work involves the exchange of labour for an agreed-upon amount of money, goods or services, whereas trafficking refers to the movement of people against their will for purposes of exploitation that may include sexual exploitation". The key difference is that "sex work reflects an individual's decision to engage in a sexual transaction, while exploitation through trafficking occurs against the will of the victim" (Africa Check, 2014:np). Voluntary prostitution is not necessarily a straightforward transaction that exists between the prostitute and the client as there might be other variables that may impact on the person offering sex such as psychological abuse. The Palermo Protocol proclaims, "that an adult's consent to partake in prostitution is not legally determinative because if a person is kept thereafter in service through psychological manipulation or physical force, the person is regarded as a trafficking victim and should receive benefits" (TIP Report, 2015:7). It should be remarked that challenging circumstances such as personal debt or no job may affect an individual's choice to engage in sex work. It is, thus, important to differentiate between human trafficking and sex work. Dr Kelly Moult, former Acting Director of the University of Cape Town's Gender Health and Justice Research Unit, emphasises that even though there is a link between human trafficking and sex work, these issues are detached from each other and should therefore be addressed accordingly (Farish, 2012:31).

Moult believes that by creating the perception that there is a connection between prostitution and trafficking helps to retain a moral alarm in society regarding prostitution that affects citizens' well-being and benefits the conservatives, such as religious groups, to keep prostitution criminalised.

The key difference between voluntary prostitution and sex trafficking revolves around the question of whether the person involved in prostitution is performing it out of their own free will or against it. The promulgated PACOTIP Act (2013) should serve as a guideline on this matter as it defines the concept of human trafficking and related issues which includes slavery, forced labour, bondage, and exploitation.

Another facet of sex trafficking is sex that is linked to major sports events. South Africa is a sport-loving country and has hosted numerous international sports events, which include the 1995 Rugby World Cup and the 2010 Soccer World Cup. There is often public debate on whether big game events promote trafficking, and as such, is included in this research to investigate this question.

3.6.1.2   Sex trafficking and sports events

Media reports on sex trafficking were rife prior to the German Soccer World Cup in 2006. The South African Soccer World Cup in 2010 was no different and the same occurred prior to the 2014 Soccer World Cup in Brazil. Exorbitant communication campaigns cautioned people of the mounting problem of human trafficking relating to women working in the sex industry prior to these events. Subsequently, media and NGOs campaigned aggressively before and during the Soccer World Cup, the European Soccer Cup, the Olympics, and the American Super Bowl events (Dolinsek, 2014:np).

Experts also warned that human traffickers will be lurking behind the thousands of sport enthusiasts at the American Super Bowl events. Nita Belles, regional Director of Oregonians Against Trafficking Humans, stated: "Anytime there is a large event that is primarily male-attended and there is a party atmosphere, it will result in human trafficking" (Alcindor, 2014: np). Belles, who was involved in four previous Super

Bowls, says there is a "boys will be boys mentality" (Alcindor, 2014:np). Tracy Thompson, an assistant attorney general in New Jersey and chair of the state's human trafficking task force, said "officials are well prepared to catch traffickers and rescue victims. Dozens of police officers, hotel staff members, taxi drivers and truckers have been trained to recognise when someone is in danger". During the Texas Super Bowl in 2011, State Attorney General Greg Abbott said: "the game was known as the single largest human trafficking incident in the USA" (Alcindor, 2014:np).

In contrast to the Super Bowl trafficking phenomenon, little evidence was found of trafficking related to the German World Cup according to the German Federal Criminal Office. The latter also states that some of the migrant prostitutes who had arrived in Germany with an expectation of increased business left earlier due to a lower demand for their services than initially anticipated (Dolinsek, 2014:np). The same situation was experienced in South Africa as the forecast of escalated human trafficking "was a gross overestimation based on unsubstantiated evidence" (Dolinsek, 2014:np). During the 2006 Soccer World Cup in Germany, only five cases of human trafficking were found to have a direct (sexual exploitation) link to the event (Wilkinson and Chiumia, 2013:np).

Chandre Gould, senior researcher at the South African Institute for Security Studies, said that numerous organisations claimed that human trafficking is a predicament in South Africa, and there would be a great increase during the 2010 Soccer World Cup (Africa Check.org, 2014:np). Gould referred to an open letter written by Nozizwe Madlala-Routledge, head of the Coalition against Trafficking in Women, to former South African President Jacob Zuma, claiming that "large sporting events are known to increase levels of sex trafficking" (Africa Check.org, 2014:np). Madlala-Routledge further stated that, "From research conducted with our partners, we believe this World Cup will be no different… South Africa is a prime destination for trafficking" (Africa Check.org, 2014:np). Gould, in an article entitled "Moral panic, human trafficking and the 2010 Soccer World Cup", emphasised that in a written answer to a question in parliament by the Democratic Alliance political party, the South African Minister of Police reported "there was no noticeable increase during this period compared to the normal number of incidents reported or investigated by the SAPS" (Wilkinson and Chiumia, 2013:np). Despite all the publicity pertaining to sex trafficking that precedes

major sports happenings, "there is no proven link between sporting events and a rise in child sexual exploitation" (Dolinsek, 2014:np). The myths and facts regarding trafficking at sports events, which includes the 2010 Soccer World Cup in South Africa, are indicated in Table 3.1 in support hereof.

Africa Check.org has compiled a grid that highlights some major world sporting events, predictions of trafficking, and the outcome thereof. It also indicates the predictions made regarding the increase in trafficking cases prior to and during these events and shows the outcome after these events.

Table 3.1: Myths and facts about trafficking at sports events (Africa Check, 2014:np)

Event	Place	Predictions	What research showed
2012 Summer Olympics	London, United Kingdom	Increase in sex work as well as trafficking of men, women, and children for sex, forced labour, or both.	• No increase in trafficking. London Metropolitan Police investigated one case of human trafficking for sexual exploitation. • According to a report by the Thompson Reuters Foundation, a survey of 100 female sex workers showed most had fewer customers during the Olympics, and 93% of those surveyed had not come to London to seek clients because of the Olympics.
2010 FIFA World Cup	South Africa	40,000 to 100,000 foreign sex workers or women/children would be trafficked into South Africa and there would be	• No increase in the supply of or demand for sex work during the World Cup. • The Department of Justice and Constitutional

Event	Place	Predictions	What research showed
		an increase in sex work.	Development did not find one case of trafficking during the World Cup.
2010 Winter Olympics	Vancouver, Canada	Expected increase in trafficking for Olympic Games.	• No significant increase in reports of new, youth or trafficked sex workers (zero reports) during the Olympic period.
2006 FIFA World Cup	Germany	40,000 sex workers/women would be trafficked into Germany for the World Cup.	• No increase in trafficking related to the World Cup. • A separate study found evidence of 5 cases of trafficking related to the World Cup. • Some sex workers and brothel-owners expressed disappointment with a lack of clientele.
2004 Summer Olympics	Athens, Greece	Increase in trafficking of women and children.	• Inconclusive: no report was produced on trafficking at the Olympics. • An IOM database shows that the organisation assisted seven victims of trafficking in Athens but contains no evidence of links to the Olympics."

Source: Africa Check.org, (2014:np).

Major international sports events, for example, the Olympic Games or FIFA World Cup, attract huge crowds from across the globe. Events of this nature naturally receive vast media coverage. There are unfortunately some journalists who use the opportunity to generate news content that does not always portray a true reflection of the reality, as their news sources are not always trustworthy and the facts frequently unverified.

The aforesaid shows how media reporting can construe fictitious messages pertaining to an increase in trafficking prior to major sports gatherings. In this instance, the exaggeration of the human trafficking problem during major sports events creates myths around this crime. The Africa Check (2014) grid (Table 2.1) clarifies the misconceptions around sex trafficking 'over-claims' during major sporting events by placing the facts within context. Lastly, due to the lack of arrests, the true extent of trafficking is not known as an abundance of trafficking incidents go unreported.

Sex tourism is a problem that also affects South Africa. Allais et al (2010:xiv) declare that Cape Town is believed to be a primary destination for tourists seeking to engage in sex with minors. Some people seek to travel to developing countries to practice sex with child prostitutes. Child sex tourism in South Africa, which includes the Western Cape, is illustrated in the work undertaken in the Tsireledzani (2010) and Molo Songololo (2000) studies including the South African Fair Trade Tourism (2015) (an NGO that strives to promote responsible tourism in SA). The ensuing section elaborates on the topic of sex tourism in the context of child sexual exploitation and is consistent with the aim of this study - to understand the broader nature of sexual exploitation.

3.6.1.3   Sex tourism

Sex tourism entails the travelling of customers for the procurement of sexual services from another person in exchange for money and/or goods in different countries or cities. Smith (2007:1) argues that sex tourists create a demand for more victims to be trafficked into commercial sex markets. A global study (2015) on child sexual exploitation in travel and tourism by Fair Trade Tourism in collaboration with NGO End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), purports that South Africa is one of the African countries where

children are most affected by commercial sexual exploitation by way of the travel and tourism industry. The Western Cape in particular was identified as one of the hotspots of sex tourism (Fair Trade Tourism, 2015:7, 12). A noteworthy finding in the Fair Trade Tourism study was that the commercial sexual exploitation of children involves the participation of local gangs that can be linked to the travel and tourism trade in the Western Cape. It also claimed that children are transported to Cape Town from other provinces to fulfil this demand. The Fair Trade Tourism study (2015:13,19) revealed that Cape Town attracts sex tourists mainly from Germany and Belgium. A Cape Town-based inbound tour operator, Fairfield Tours that specialises in the marketing of packaged tours for European tourists travelling to South Africa, subscribes to the Code of Conduct for the Protection of Children from Sexual Exploitation (CODE). The CODE initiative has a membership of over 300 tourism companies worldwide who share the viewpoint of making a difference in the tourism industry by keeping children safe from offenders who sexually exploit them while travelling. Members of the CODE gain access to specially designed tools and materials, for instance, admission to their personalised member portal that guides members on issues such as staff training, matters on child rights, the prevention of child exploitation, reporting of suspected cases, and so forth (The CODE, 2017:np). The latter serves as proof of the reality of sex tourism, as this reputable travel company endorses their association with the CODE initiative on the company's website (Fairfield Tours, 2017:np).

Some sex tourism insights and findings are drawn from research outcomes that were conducted in this sphere which will be unpacked in more detail in the subsequent sections.

3.6.1.4   Sex tourism insights

The sexual exploitation of trafficked victims is an established trade that also affects the South African leisure industry. These insights are important to the field of criminology as it attempts to understand the mind-set of sex offenders in line with the objective of this study, namely to better understand the factors that motivate persons to violate the law. In the sex tourism market, demand for such services exceeds the

supply of sex workers, and sex traffickers fill this void by providing victims to meet the demand. Smith (2007:2), explains that:

> "…buyers are primed to anticipate instant and easy access to sexual services, both internationally and locally. It gives rise to the trafficking of victims to meet the demand for commercial sex. The use of local victims in a domestic market has altered the traditional view of sex tourism and has created a marketplace in which sex trafficking and sex tourism have become integrated."

To understand the <u>nature</u> of sex tourism, Smith (2007:2) explains that there exists a culture of tolerance for sex markets as it is an environment that is shaped by geography, history, tradition, legislation, language, behaviour and many other influences. Commercial sex has become localised to such an extent that buyers no longer need to travel abroad to satisfy their sexual needs as a unique culture of tolerance exists in some countries. Research findings by South African NGO, Molo Songololo (2000:3), reveals that foreign sex exploiters show a marked preference for black and coloured women and girls when they visit South Africa which appears to be a <u>motivational factor</u> for some persons. A typical example of foreign travellers that are in search of black women with the intention of sexual exploitation is the historical account of Saartjie Baartman as depicted by Wynn (2006:4). Two hundred years after the abduction and dehumanisation of Baartman, her sorrows remain a reality. As a 21-year-old South African woman in 1810, she was made a promise. A visiting surgeon from London offered her a job, fame and fortune in a foreign country. All she needed to do was to board a ship to England. What awaited Baartman in London were neither fame nor fortune and freedom. Fascinated by her 'exotic' appearance, the surgeon Dr William Dunlop, chose to parade Baartman naked in front of sizable audiences in London, who paid one shilling each to stare at the 'Hottentot Venus' from the African continent. Although Baartman's story dates to over 200 years ago, her experience of recruitment by deception and cross-border transportation for sexual exploitation is still a living reality for many thousands of women that advocate women's rights. Adding to the local sex tourism scenario is the viewpoint from Mc Ewen (2009: 113), a researcher at the University of Witwatersrand, who asserts that some European women prefer black men while on vacation in South Africa. She interviewed two black male Capetonians regarding the growing trend of transactional sexual encounters by

Western females at their holiday destinations. One black male research candidate confirmed that he has had almost 20 sexual encounters with mostly white European women while working as a tour guide.

Dr Karen Spurrier, completed a doctoral study on the topic of sex tourists visiting Cape Town, including the Southern Cape Garden Route district for sexual adventures, and confirmed the reality of sex tourism. Dr Spurrier's research shows that patrons are from other South African cities and towns, but it is predominantly foreign men who commercially exploit both boys and girls sexually from as young as nine years old (Spurrier, 2017:np). Fair Trade Tourism (2015:13,14) assert that offenders are more prolific during special events, for instance the annual Knysna Oyster Festival. Cape Town has been cited by SAPS officials as an area where people are not concerned with buying sex, and that both boys and girls are sexually exploited. It is also alleged that some victims connected to the sex tourism industry may come from wealthy families, which may imply that poverty is not necessarily the predominant risk factor for the victims. Children with limited parental supervision are thought to be particularly vulnerable to exploitation by predators (Fair Trade Tourism, 2015:14). Following interviews with child protection sector officials in the Western Cape pertaining to sex tourism, it is submitted that offenders are both foreign and South African, parents, neighbours, syndicates, drug lords, SAPS officials, pimps, bar owners, wealthy and influential people (Fair Trade Tourism, 2015:17). Tourism officials described the some of the perpetrators are gangsters, people in power, owners of entertainment establishments, pimps, travel agents in countries of origin, middle to upper-class men, wealthy tourists and paedophiles (Fair Trade Tourism, 2015:17). On the basis of the aforementioned evidence, it becomes apparent that sex trafficking as a crime also manifests itself through sex tourism as in the case of South Africa, specifically in the Western Cape.

3.6.1.5 Profile of the buyer of sexual services

Against the background of this study, it is pivotal to have some sense of the type of person who engages in sexual transactions as it coincides with the objective of this study, namely, to try to understand the motivational factors of exploiters. Smith (2007:3) identified three definitions of buyers of sexual services that are commonly

applied by persons working in the field of commercial sexual exploitation of children. These classifications of the buyers are 'situational', 'preferential', and 'opportunistic' as explained below.

- <u>Situational buyers</u> are those who engage minors in commercial sex because they are available, vulnerable, and the practice is tolerated;
- <u>Preferential buyers</u>, such as paedophiles, have a sexual preference and shop specifically in the markets providing the preferred victim or service; and
- <u>Opportunistic buyers</u> are those who purchase sex indiscriminately as they do not care or are deliberately blind to the age or willingness of the female or the inability to differentiate between adults or minors (Smith, 2007:3).

Evidence suggests that the preferential buyer is the more dominant buyer within the South African context and particularly relevant in the sex tourism industry. Although the Fair Trade Tourism study (2015:18) on traveller and tourist sexual offenders did not sufficiently indicate whether the majority of offenders are situational or preferential, several SAPS officials in Gauteng described national and international sex offenders as being preferential. A Western Cape respondent from the tourism industry advocates that preferential offenders are mostly European visitors, but also include some perpetrators from African countries who make holiday reservations intending to find a boy or girl for their stay (who are often underage children). It was also reported that German and Belgian tourists in particular enter South Africa with specific requests to suit their needs. Prosperous and high-ranking people were cited by all stakeholders during the Fair Trade Tourism study (2015) as perpetrators and are described by some respondents in the Western Cape as those who are socially well connected and mix in high-end societies which include South African and international businessmen and government officials , which include South African and international businessmen and government officials (Fair Trade Tourism, 2015:18). Research in numerous countries points to the fact that persons who secure sex with minors defy a single classification. "In the Netherlands, for instance, a sex addiction counsellor described most buyers as 'situational buyers'" (Vardaman & Raino, 2013:3). These buyers "are usually married, are in their late 30s to early 40s, have children, hold a good job, and have an average to high I.Q. They have difficulty in maintaining relationships with others and focus

intensely on their work" (Vardaman & Raino, 2013:3). An interesting finding is that male buyers of prostitutes observed a lack of unique characteristics from the general population. Since childhood, buyers are encouraged by the normalisation of commercial sex, which entails the dehumanisation of females. In addition, children "are often exploited to the point of expressing aggression toward victims as depicted in violent video games and pornography" (Vardaman & Raino, 2013:3).

From a criminological perspective and in harmony with the objective of this research, it is indispensable to understand what motivate persons to participate in sex tourism which often involves children, as knowledge of those factors could assist stakeholders to combat trafficking more effectively. Based on the aforesaid data, it is evident that tourists from mostly European countries show a preference for coloured and black persons which itself can be regarded as a motivational factor. SAPS officials also confirmed that many of these sexual offenders are preferential in their choice of their targets which are described according to Smith (2007:3) as often being "paedophiles who have a sexual preference and shop specifically in the markets providing the preferred victim or service". Moreover, it is the researchers' opinion that one of the other main drivers that fuel sex tourism is the weak South African currency (ZAR), which is a big pull factor for foreign tourists, particularly visitors from first world nations such as Europe, USA, UK, Australia and Japan that have strong currencies. Other contributing factors that push youth into prostitution are poverty, drug addiction, high unemployment and school drop-out rate as indicated in section 5.3 'Underlying forces of trafficking' as well as 'Child trafficking aetiology and risk factors' in section 4.9.

Another factor that predators take into account is that South Africa law enforcement officials are renown to be corrupt and are frequently working together with criminal syndicates as indicated in Allais et al (2010: 21,144,156,181) and Fair Trade Tourism (2015:18) which could signal a lenient approach towards sexual predators.

Although sex work is still criminalised in South Africa, there is an active market that caters for those who seek sexual services or as Smith (2007:02) cited above, "there exists a culture of tolerance for sex markets which is shaped by legislation" and hence the reason why section 3.6.1.6 focuses on the legalising prostitution in South Africa.

The question of whether the legalisation of prostitution would increase trafficking is the focus of the next section. It forms an important part of sex trafficking research as some of the non-buyers of sex services believe that one of the reasons they refrain from using the services of sex workers is due to the illegal status of prostitution and the fear of public exposure should they be caught. Other important factors are that abstainers are mindful of the associated health risks prostitution holds coupled with the fact that prostitution conflicts with their moral values (Farley et al 2011: 33).

3.6.1.6 Does legalising prostitution increase human trafficking?

The "Does Legalized Prostitution Increase Human Trafficking?" study (2012) tried to establish whether nations where prostitution is legal have better or poorer trafficking records than countries where sex work is illegal. The researchers utilised a report from 150 countries (including South Africa) supplied by the UNODC. Economists Cho, Dreher and Neumayer (2012:76) ranked the countries to ascertain whether their relevant prostitution legislation was associated with their alleged prevalence of human trafficking. Cho et al (2012:76) concluded that there is a higher incidence of trafficking in countries where prostitution is legalised, and state in this regard: "Our central finding, i.e., that countries with legalised prostitution experience a larger reported incidence of trafficking inflows, is, therefore, best regarded as being based on the most reliable existing data but needs to be subjected to future scrutiny". The problem with Cho et al's (2012) research design is that they disregarded the UNODC's cautionary against using its report as a measurement of the number of victims in any given country due to the absence of a standardised definition of trafficking across numerous countries. The problem is that the transparency of data collection and reporting in many nations is non-existent. Cho and her team admitted that their figures do not indicate real traffic movements which is a challenge to detect factual proof of the link between trafficking and something else   (Weitzer, 2014: np).

What complicates their findings further is the fact that the authors rely on aggregate national human trafficking figures, which are a combination of labour, sex, and other forms of trafficking in their attempt to assess whether legal prostitution makes a difference. There is, thus, an incongruity "between the generic trafficking figures and

prostitution law for which only sex trafficking figures should have been used" (Weitzer, 2014:np). The relevance of legalising prostitution in this study is that numerous advocacy groups are lobbying for the decriminalisation of prostitution, for example, SWEAT (Sex Workers Education & Advocacy Task force) in Cape Town, who believe sex work should be acknowledged as legitimate work (Sweat, 2016:np). The legalising of sex work is a highly emotive topic that will cause much public debate as it involves strong resistance from those with firm moral values, women and children's rights, and religious groups.

The South African Law Commission (SALC) too, has proposed three lawful possibilities for dealing with the problem of adult prostitution as it is still not legalised in South Africa. These options are:

- A call to criminalise all aspects of adult prostitution as criminal offences;
- Legalise adult prostitution within certain narrowly circumscribed conditions; or
- Decriminalise adult prostitution, which will involve the removal of laws that criminalise prostitution (SALC, 2002:05).

The SALC was presented with evidence that legislation of prostitution has not succeeded in eliminating the sex trade. Although the proposal does not advocate that legislation has had no impact on prostitution, it states "that its effect has been counterproductive, as it diverts demand from legal to illegal sources of supply" (SALC, 2002:211). The SALC has also reviewed the potential impact the legalisation of prostitution will have on South Africa. It concluded "that the model of control will have the effect of creating a 'two tier' industry within 'legal' and 'illegal' sectors. The 'legal' sectors are limited to the indoor industry where prostitution is legalised in certain countries provided that the brothels comply with certain conditions, whereas street prostitution still remains illegal". However, regardless of the current prohibitions, the SALC believes that most prostitutes "work outside the legal sector such as in illegal brothels or on the streets" (SALC, 2002:219). It is, therefore, imperative for government agencies and NGOs to seek ways to address and manage the needs of these sex workers in a circumspect manner.

Even if prostitution were to be legalised, it would still not guarantee that children will not be involved in the sex industry. Furthermore, the involvement of corrupt SAPS members will always pose a problem through the acceptance bribes from unscrupulous child traffickers and intermediaries. For example, the Fair Trade Tourism study (2015) indicated that some SAPS members were identified as sex offender middlemen by child protection and public sector respondents in almost all South African provinces. Fair Trade Tourism, (2015:19) also referred to incidences where Mpumalanga government officials allowed children to cross the South African borders illegally in exchange for money. However, the acceptance of money by corrupt SAPS officers from brothel owners to keep quiet will be eliminated if prostitution were to be legalised. At present, prostitution in South Africa remains illegal and is an issue that could be expected to attract heated debate among citizens should lobby groups put pressure on the government to legalise prostitution.

3.6.1.7   Taxi queen phenomenon

In a 2012 study titled "Taxi 'sugar daddies' and 'taxi queens': Male taxi drivers attitudes regarding transactional relationships in the Western Cape", by Potgieter, Strebel, Shefer and Wagner (2012: np), it was revealed how young girls in Cape Town "travel with older mini-bus taxi drivers and who are thought of having sex with the drivers in exchange for gifts and money". A questionnaire completed by 223 taxi drivers in the Western Cape disclosed how drivers describe these girls, for instance, "throwing themselves at them, and that they could have sex with as many as five in a day" (Potgieter et al 2012:np). This study also reveals how taxi drivers acting as middle-men between sex buyers and young girls to the point where tourists are put in contact with young girls due to the driver's association with young girls and who deliver them to the client's hotel rooms. Respondents agree "that girls who have relationships with taxi drivers are admired by their friends" and "Girls who ride with taxi drivers do it for the gifts" (Potgieter et al 2012:np). The aforementioned reveals the important role aspiration plays among adolescents, which make them prime targets for exploitation. It was also established by Potgieter et al (2012:np), that most taxi drivers regarded their relationship with the young girls who travel with them as important as it adds prestige to their status and similarly to the girls and their peers. In essence, taxi queens

are teenage girls who are used by older male taxi operators, regarding the girls as their 'lovers'. There seems to be a general recognition of the transactional nature of the relationship that exists between taxi drivers and taxi queens. Girls are supplied with gifts, such as cellular phones, in exchange for sexual favours and often accompany the taxi operator on the road throughout the day.

Taxi queens are a phenomenon that may call for further research due to its relevance to the field of criminology as it could reveal whether it is linked to sexual exploitation of underage persons or involve criminal activities its prevalence in other parts of South Africa. Future studies may also disclose information regarding the recruitment process of the young girls, for instance, bribery by the taxi operators and the role of drugs in these relationships. Moreover, this 'blesser-blessee' arrangement affecting young women and girls are being recognised as a problem by the South African government. In 2016, Former Minister of Health, Dr Aaron Motsoaledi announced details of a campaign that specifically targets these girls as per the following extract.

> "I wish to announce that next month – June (youth month), we shall launch a 3-year campaign focusing on girls and young women, in the age group 15-24 years, and the men who are infecting and impregnating them. This campaign will have five objectives, namely:
> - Decreasing infections in girls and young women;
> - Decreasing teenage pregnancy;
> - Decreasing sexual and gender-based violence;
> - Keeping girls in school until matric; and
> - <u>Increasing economic opportunities for young women to try and wean them away from sugar-daddies</u>.
>
> This campaign must be a whole of government and whole of society campaign and led by young people. I am pleased that 6 young people are my guests in the gallery today. I will ask them to stand so that you can all see them!" (Department of Health, 2016:np).

Although this initiative by the Department of Health refers to 'sugar-daddies' it does not refer to 'taxi queens' as such. Moreover, it was also found to be the case from a secondary data analysis study by Singata (2020) termed "An ethical assessment of the structural agency of the blesse in the 'Blesser-Blessee' phenomenon', who does not refer to taxi queens at all. However, this study highlighted three main stream levels involving these transactional relationships which are:

- Level 1: The blesser supply the blessee with money for transport, airtime and fast food.
- Level 2: The blesser entertains the blessee with glamorous drinks in clubs, treat the blessee to holidays at domestic resorts and attending major events.
- Level 3: This level exceed the former two levels as the blesser aims to spoil the blessee with the best gifts and financial support and pay for luxuries such as overseas trips, expensive vehicles and so forth (Singata, 2020:17).

There seems to be some synergy between level 1 as indicated above and the relationship that exists between some taxi drivers and the girls. Although there is no factual evidence that links this phenomenon to human trafficking, there are signs of exploitation as these girls are often groomed and supplied with gifts in exchange for sexual favours, at least according to Koen et al (2000:32) and Potgieter et al (2012:np) It is the opinion of the researcher that the manifestation of trafficking should not be ruled out if the taxi queens' phenomenon is evaluated in accordance with the PACOTIP Act (2013:14), which refers to "other forms of coercion; the abuse of vulnerability; the abuse of power; the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage". Given the backdrop of this 'trade exchange' relationship that exists between the taxi driver and girls in relation to the PACOTIP Act (2013:14), there are multiple touchpoints in this legislation that correlate with the exploitation of persons. North American legal firm, The Carlson Law Firm (2021:np) is cognisant of the principles of 'sugar dating' and claims that: "… recognise how 'sugar dating' is exploitative and become dangerous, to the point of sex trafficking". The Carlson Law Firm (2021:np) maintains that "most of the time, these women are disadvantaged economically, found similarly in prostitution or other forms of sex work" and contends that "The reality is that any relationship in which there is an exchange of money or material provision may create a power imbalance". The Carlson Law Firm (2021:np) hypothesis regarding 'sugar daddies' are in accord with some PACOTIP Act (2013:14) elements as set out above in terms of this exploitative relationship and shed

some light on the explanation of the <u>nature</u> of the taxi queen phenomenon which is in accord with the aim of this study.

The entire section on sex trafficking has concentrated on a vast collection of different themes relating to this subject that may assist the reader to understand the nature of this crime that include some of the motivational factors involved which may influence offenders' decisions to carry out sexual offences. These themes are interrelated to a certain extent and provide a rounded view on this topic. Although an abundance of knowledge was drawn from international researchers such as Farley et al (2011), Vardaman & Raino (2013) and Smith (2007), it was necessary to consult these sources to achieve the aim and objective of this research. This section has also placed the spotlight on taxi queens as it often involves the sexual exploitation of underage girls. Although some of the literature regarding the aforesaid is based on non-South African studies, it adds an important dimension to this study as it elucidates some of the intrinsic factors of the buyer behaviour of juvenile sexual services. This section also reiterates that the Western Cape has been identified as a hotspot for tourists that seek to sexually misuse children. The underlying significance of sex tourism is that there is a worldwide demand for sex involving minors that places thousands of children at risk of being exploited. Horne (2014:iX) similarly asserts that the trafficking of women and children for commercial sexual purposes is indeed a demand-driven phenomenon.

Former South African Deputy Minister of Labour, Nkosi Patekile, affirmed that there is evidence of child labour practices taking place in certain parts of South Africa's labour market, particularly in the household setting (AllAfrica.com, 2014:np). Furthermore, TIP Report (2016:342) also confirmed that boys from neighbouring countries migrate to South Africa to work on farms where some of them are subjected to forced labour that includes work in the Western Cape's vineyards. Section 3.6.2 explores forced labour.

3.6.2 Forced labour

Forced labour is a worldwide problem that is on the increase. The International Labour Organisation (ILO) (2012:np) stated in 2012 that there were 21 million people who are

victims of forced labour. This figure has since escalated to 24.9 million victims in 2016 and includes 16 million people that are exploited in the private sector, such as agriculture, domestic work, or in the construction industry of which 9.2 million are female and 6.8 million are males. There are 4.8 million persons who are involved in forced sexual exploitation and 4.1 million persons who are subjected to forced labour imposed by state authorities (ILO, 2017:10,11). State-imposed forced labour includes forced military conscription in some countries and the demand that citizens perform duties for the economic development of a country (such as unemployed persons and students in the public construction, industrial, or agricultural projects) in others. Forced prison labour is another addition to the latest ILO (2016) report, although there are no statistics available pertaining to compulsory prison labour (ILO, 2017:41-42). In terms of the regional distribution of slavery, Asia and the Pacific region have the highest number of victims across all forms of slavery with forced sexual exploitation at 73% (ILO, 2017:27).

The high percentage of forced sexual exploitation in Asia was also cited in an Economist article depicted in table 3.2 in 2014.

Table 3.2: Profits from forced labour by category
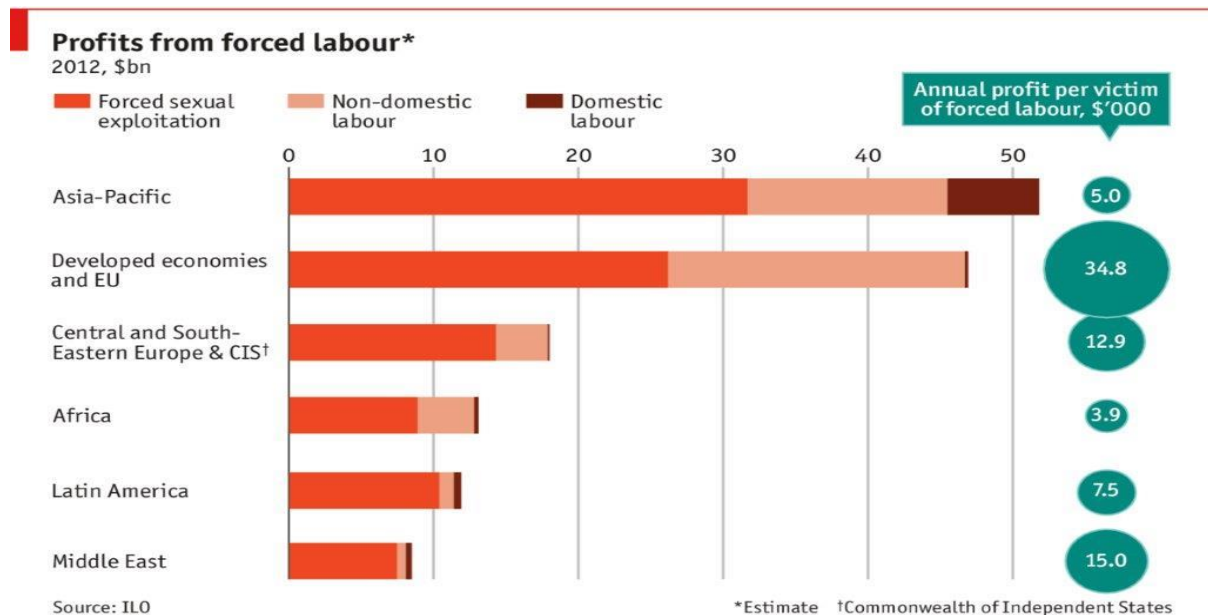
Source: The Economist, (2014:np).

The PACOTIP Act (2013) covers an array of different human trafficking associated definitions that include forced labour, which is described in the Act as "labour or services of a person that was obtained or maintained without the consent of the person" (PACOTIP Act, 2013:10). It also refers to "threats or perceived threats of harm, the use of force, intimidation or other forms of coercion or physical restraint to that person or another person" (PACOTIP Act, 2013:10). Although the forced labour definition in the Act does not allude to other elements of the human trafficking definition, such as exploitation, slavery, servitude, debt bondage, or the trafficking in persons, there is an obvious bond between these factors and forced labour. Forced labour is prohibited in Section 13 under the South African Constitution (1996) and the Basic Conditions of Employment Act 1997. According to section 13 of the Constitution of the Republic of South Africa and sections 48 and 93 of the Basic Conditions of Employment Act 1997 (last amended in 2014), "no person may for his/her own benefit or for the benefit of others, cause or demand or impose forced labour to any person".

Some similarities exist between sex trafficking and forced labour, as the ILO classifies forced sexual exploitation as forced labour (ILO, 2017:np). Furthermore, the tactics that traffickers apply to recruit, manage and control their victims in forced labour schemes are like sex trafficking. The goal of the offender in all manifestations of human trafficking is to maximise profits at the expense of the victim. The TIP Report, (2017:363) maintains that most human trafficking offences in South Africa are affiliated with forced labour practices, yet law officials did not institute any legal proceedings or impose sentences for any forced labour offenders in 2016. Many South African labour transgressions in the agricultural, mining, construction and fishing sectors were also not thoroughly monitored or investigated. This is due to some corrupt Department of Home Affairs (DHA) officials who furnished false documents and Department of Labour (DOL) inspectors who failed to direct incidents to be legally probed. The discovery of forced labour presents major challenges for law enforcement as well as for the collection of data. The difficulty in detecting such transgressions is because forced labour offences are seldom overt. Other labour related wrongdoings by traffickers include the abuse of migrants. Migrant labourers have an increased risk of coercion in the agriculture and fishing industry. The fishing industry in particular is extremely difficult to control by government inspections as fishing vessels are at sea for extended periods in remote fishing terrains and subsequently unreachable by

labour inspectors (ILO,2017:34). Of concern is that a total of 23% of migrants worldwide are exposed to forced labour of which 74% are subjected to forced sexual exploitation (ILO,2017:30). It is claimed that the immigrant population in South Africa was 3,142,511 in 2015 (OECD/ILO, 2018:22). The Tsireledzani study (2010) also highlighted the fact that South African labour inspectors have warned that labour exploitation of migrants is commonplace since these people are often undocumented and subsequently exploited by employers and unscrupulous labour brokers (Allais et al 2010: xiv).

The ILO (2017:32) asserts that almost 20% of victims of forced labour are minors. Regarding the nature of forced labour practices in South Africa, a Molo Songololo study (2005) pointed out examples involving children working in the taxi industry, agriculture sector, working as motor vehicle washers, parking lot attendants, corner café assistants, flea market assistants, and the employment of children in retail shops. Children in South Africa are recruited by agents, and sometimes their family members, into the domestic and agricultural sectors through coercion and deception (Koen, 2005:16).

A typical example of a forced labour occurrence in South Africa is the case of 75 Indonesian fishermen who were found stranded on a fishing vessel in Cape Town. Although the incident dates to 2013, this event contains evidence of multiple human trafficking transgressions by ship-owners who operate illegal business activities, confiscate the legal documents of workers, expect work without pay, and expose victims to harmful work and living conditions as well as the recruitment of victims under false pretences. The Indonesian fishermen discovered by the South African authorities were without food or drinking water on seven fishing vessels while fishing illegally within South African waters. A Taiwanese mother ship purportedly transferred their illegal catch onto the other vessels at sea to avoid any proof of their catch. The men turned out to be victims of forced labour as many of them have not been paid for over five years. They did not have any legal documents, lived in atrocious conditions without any portholes, light, or fresh air in a tiny sleeping area (ENCA.com, 2013:np).

Unemployment and those from impoverished areas who seek a better life and living conditions appear to be of the motivational factors that path the way for many victims

to be caught up into the forced labour trap. It includes persons from adjoining countries to South Africa that are in quest of an improved lifestyle. The term forced labour also encapsulates other trafficking offences besides forced sex trafficking. It includes deeds such as forced begging and domestic work, but debt bondage is a renowned method that is often employed by traffickers to generate money by way of keeping human trafficking victims in bondage until the debt has been fully recovered.

Anti-Child Labour Programme Coordinator, Doreen Gaura (2011:np), a child activist at Cape Town-based NGO Activists Networking against the Exploitation of Children (ANEX) maintains that South Africa recognises four types of Worst Forms of Child Labour namely:

- The commercial sexual exploitation of children;
- Children used by adults and other children to commit crime (CUBAC);
- Children travelling long distances to fetch and carry water; and
- Debt bondage (Children working without compensation or freedom of movement to pay off alleged accumulated debts for food, shelter and transport).

All the aforesaid forms of child labour practices are harmful to a child's physical, psychological, moral and social development. Some of these practices, for example fetching of water, are difficult to track. A 2006 Human Sciences Research Council (HSRC) study found that children as young as five are walking as far as 3.7 kilometres daily to fetch water for home consumption, which means they arrive at school late or are unable to attend class at all. One girl that had been interviewed by HSRC said: "Sometimes you are so late that you find yourself coming to school without washing. We girls are not comfortable at all coming to school without washing" (Gaura, 2011:np). The Community Law Centre (CLC) at the University of the Western Cape, conducted a children's rights project in 2006 entitled "Children used by adults to commit crime: Situation analysis and pilot design" (CUBAC) to ascertain children's involvement in criminal acts. The CUBAC project was undertaken for "The Programme Towards the Elimination of the worst forms of Child Labour Programme" (TECL), which is a project in support of the "Child Labour Programme of Action for South Africa". The research recorded the results of a situation analysis and baseline study exploring how minors are being used by adult persons to perform law-breaking tasks. This project also builds on the South African Government's commitment to deal with child labour

as outlined in the Constitution to safeguard this group of children as well as earlier ratification of this matter by the South African government of the ILO Convention 182, concerning the elimination of the worst forms of child labour. CUBAC upholds that all the investigators involved in this study recognised that the use of children by adults and older children to commit crime is a difficulty in Mitchell's Plain in Cape Town. Of concern is that the relationship between these adults and older children is largely gang-related (CLC, 2006:2). According to Allais et al (2010: vii-viii), there is a link that exists between trafficking and narcotics, which is evident in the activities of Cape Town gangs who fight for territorial control of the local drug trade. It often involves the trafficking of young boys and girls. Debts are incurred by households who borrow money from the gangs. Debts are then settled through the pimping of their children through prostitution and drug trafficking. Koen, (2005:48) also corroborates that there is evidence of drug lords coercing children into selling drugs. The CLC (2006:14-16) reported similar findings of Western Cape gangs who are known to involve children in committing crimes that include coercive means such as beatings and threats. Adults use children directly to commit crimes or indirectly by, for example, showing children how to perform a crime.

According to the latest Survey of Activities of Young People (SAYP) (2015) released by STATS SA (2015:6), there was a decline in the number of South African children involved in child labour as it dropped from 779,000 incidents in 2010 to 577,000 cases in 2015. The report highlights that the highest proportion of children not attending school is reported to be in the Northern Cape (2.9%), and the lowest in Gauteng at 0.9% versus 1.7% in the Western Cape (STATS SA, 2015:14). Moreover, the survey shows that of all children attending school in South Africa (21.5%), 29.2% are less likely to become involved in the economic sector compared to those children who do not attend school (STATS SA, 2015:20). The survey indicated that pocket money is the dominant factor for why children aged between seven and 17-years-old become involved in market-related activities and has increased from 43.5% in 2010 to 55.4% in 2015 (STATS SA, 2015:26). The proportion of South African children who are exposed to hazardous working condition decreased by 7.5% in 2010 from 41.8% to 34.2% in 2015 (STATS SA, 2015:27). This increase of children involved in market-related activities could be a sign of the downturn in the South African economy as more children are forced to carry out duties due to joblessness in the household or

high cost of living. Children may earn very little money or not be compensated at all if they work in their families' small business compared to adult or skilled workers.

Patrick Solomons of the NGO Molo Songololo said that although they consistently receive reports of children working on farms, more research on this issue is required (Matthes, 2012:1). Child labour in the agricultural sector is an example of transgressions that are regularly reported to the DOL, who investigate such incidents on grape and mushroom farms in De Doorns (Western Cape). In one instance, four school-going children aged 13 - 15 worked in the vineyards of Royal Mushrooms for approximately three hours after school every day for a week. The children were remunerated according to their age and received between R50 and R150 (ZAR) each per week. The Hexvallei Plaaswerkers Assosiasie (HPA) (Hex River Valley Farmworkers Association) investigated similar claims by two other boys aged 11 in 2014. It should be noted that both the HPA and Agri West-Cape (farmer's organisation) who reported the allegations to the DOL, have gone to lengths to emphasise that these cases are an oddity (South African Labour News, 2014:np). It appears that such grievances reported to the DOL are often isolated incidents that stem from wage disagreements between workers and employers instead of forced labour practices. These labour organisations nevertheless fulfil an important role in society as they empower workers (which include children) at grassroots level, who are often from marginalised communities, to receive justice in the event of an unfair labour practice.

Section 6.43 of the South African Basic Conditions of Employment Act, 2002 (Act 11 of 2002), prohibits the employment of children in the workforce, and states that it is a criminal offence to employ a child under the age of 15 years or allow such child to perform any work that is inappropriate for their age or that places them at risk. Section 6.48 of the Act explicitly comments on forced labour and affirms that causing, demanding, or requiring forced labour of a child is a criminal act. In addition, the Constitution of the Republic of South Africa (Act 108 of 1996) deals with questions pertaining to children in the workforce. It states in section 28.1:

> "... (d) that every child has the right to be protected from maltreatment, neglect, abuse or degradation and (e), to be protected from exploitative labour practices, and (f), not to be required or permitted to perform work or provide services that are (1) inappropriate for a

child's age or (2) place the child's well-being at risk, education, physical or mental health or spiritual, moral or social development."

Section 13 of the Constitution (1996:6) also refers to the aspect of slavery, servitude and forced labour, and declares that;

"No one may be subjected to slavery, servitude or forced labour."

The definition of forced labour, as depicted in the Constitution, is likewise well-defined in the PACOTIP Act (2013:10), and includes elements of consent, threats, force and coercion which reads:

    (a) without the consent of that person; and
    (b) through threats or perceived threats of harm, the use of force, intimidation or other forms of coercion, or physical restraint to that person or another person."

The aforesaid legislation provides a full-bodied description of regulations, which are designed to curb forced labour malpractices and to protect workers (including children). The labour market often contains grey areas as work-related complaints frequently do not equate to forced labour, but rather manifest as ordinary labour-associated contraventions in the workplace, for instance, working extended hours without receiving the necessary remuneration. Besides forced labour offences, Western Cape law enforcement officials must also deal with criminal gangs that use children to bolster unlawful labour operations, such as the selling of drugs. Debt bondage is a principle closely associated with forced labour and will be discussed in the next section.

3.6.2.1 Debt bondage

The ILO (2017:36) describes debt bondage as "forced work that is being performed by the victim who is obliged to repay the debt to the trafficker". The ILO asserts that most victims subjected to forced labour are bound by the debt bondage concept. The debt incurred usually includes costs such as recruitment fees and miscellaneous charges by the recruitment agency, which normally includes transport costs for the victim to the place of employment, accommodation, and food. The victim is unable to leave until

the debt has been settled. In most cases where the debt bondage principle applies, the initial debt is inflated to such an extent that the victim is unable to leave the work as victims are powerless to settle the amount with the low wages they earn (ILO, 2017:37).

Debt bondage is incorporated in the PACOTIP Act (2013) and describes the nature of this notion as the "involuntarily status or condition that arises from a pledge by a person of his/her personal services or of another person under his/her control as security for debt owed or claimed to be owed by the victim to the trafficker" (PACOTIP Act, 2013:8). Debt bondage also affects children. Findings in a National Human Rights Commission (NHRC) research report titled, "A report on trafficking in women and children in India 2002-2003", explained the servitude notion whereby some parents pledge their children to the trafficker in return for money in advance to settle their debt (Nair, 2003:169). An example of debt bondage on South African soil is the incidence of Thai women in the Durban North brothel who were brought to South Africa as sex workers. The Thai women were unable to leave the brothel unless their debt of R70,000 (ZAR) each had been settled (Shaikh & Farley, 2014:np). The ILO (2017:38) purports that forced labour within the milieu of labour migration is a tendency that can be witnessed in numerous countries within different industries.

Forced labour, which incorporates the concept of debt bondage, was explained with some practical examples of how debt bondage is employed by traffickers to extort money from victims were indicated. It is a well-recognised notion that is applied by traffickers worldwide to ensure they receive a regular flow of income from their targets. A slightly different situation but a similar concept applies to many ordinary South Africans are those who are in debt and must pay money lenders exorbitant amounts more money back in interest besides the original loan amount to them.

Domestic servitude is another category of forced labour that affects many South Africans, and which usually takes place within private households.

3.6.2.2   Domestic servitude

The South African PACOTIP Act No.7 of 2013, describes domestic servitude as:

"…a condition in which the labour or services of a person are provided or obtained through threats of harm to the person or through any scheme, plan or pattern that is intended to cause the person to believe that if he or she does not perform the labour or services in question, the person would suffer harm" (PACOTIP Act, 2013:12).

The forced labour component of domestic servitude involves the recruitment and job placement mechanisms whereby excessive fees for services such as visas and travel costs are charged, and immoral working conditions and the restriction of free movement are involved (ILO, 2017:33). The ILO (2017:22) maintains that 24.9 million people globally are forced to perform duties as domestic labourers in the construction business, agriculture and fishing industries, the sex trade and in other sectors. The ILO (2017:33) estimates that the number of migrant females seeking employment in the domestic sector is currently 11.5 million persons. Asia and the Pacific host the largest share of domestic workers, followed by Europe and the Arab states. In numerous cases, products such as food and apparel produced using forced labour end up in legitimate commercial channels (ILO, 2017:22).

Domestic servitude in private households is a specific facet of human trafficking, which is hard to discover as duties are mostly executed in secluded dwellings. It is, thus, a disguised type of occupation that is often included in the non-formal financial system. This manpower stratum is inadequately controlled in many countries and is not recognised as formal work. It is unnoticeable as it occurs out of the public eye, workers are secluded and are subsequently more susceptible to maltreatment and exploitation than workers in other industries (Vaz, 2014: 13). In a countrywide study of domestic workers in the USA in 2012 by the National Domestics Alliance, it was revealed that numerous domestic workers are frequently without legal documentation. This study also revealed that domestic work in private households is personal in nature as the family confides in the worker and depends on the well-being of the employers' family. The domestic worker often observes the family's shortcomings and dysfunctions and frequently becomes a friend to the employers. The closeness that exists due to the nature of domestic work within a family home is what makes the mistreatment of domestic workers peculiar as it confuses employers and disarms workers. This situation is different if compared to the maltreatment of impersonal workers within a corporate environment. The latter appears to be the main reason why employers are

hostile toward their domestic workers (Burnham & Theodore, 2012:vii, viii; ix, x, 9). Workers often carry out tasks that are physically exhausting as it may involve the lifting of heavy objects, working for extended periods, and encountering toxic cleaning materials. Workers may be exposed to abuse, especially if they are live-in immigrant workers, often in circumstances which are identical to bondage (Burnham & Theodore, 2012: vii).

The aforesaid mistreatment of domestic workers in private households occurs in South Africa, illustrated by a 23-year-old domestic worker who laid a charge at the Bellville Police station in the northern suburbs of Cape Town. She claimed that she came from the countryside more than six years ago and worked without remuneration and without being allowed to contact her family (Linnert, 2014:10). South African research on domestic trafficking by Koen (2005:44) revealed that some victims of domestic trafficking are exposed to sombre living and working settings. Their accommodation often lacks any privacy and some stay in backyard sheds with no access to their own bathroom facilities. Some sleep in a garage shared with other child or adult employees. There have also been "reports of minors who sleep in disused dog kennels, or on the floor, either in the kitchen or in the lounge; some even have to sleep under kitchen tables or in storeroom where merchandise is stored" (Koen 2005:44). Victims must eat their food separately after the family has finished their meal. Workers mainly receive a staple diet such as porridge and some minors are subjected to bodily harm and verbal maltreatment. Money is often subtracted from their earnings to compensate for apparel and toiletries they receive.
(Koen 2005:44). Some children are blamed for sluggishness or, for example, having stolen apparel, which results in the owner withholding their wages as a punitive measure. Children's free movement is restricted as they are not permitted to leave the residence on their own and are often escorted.

Family members too may be involved in the trafficking process in domestic servitude situations. When the person who controls the worker is a family member, it can be difficult for the victim to get out of the situation as it may involve law enforcement and subsequently increase shame if uncovered (Polaris Project Organisation, 2011:2). There is evidence in South Africa that family members are often involved in human

trafficking. This view is upheld by Allais et al (2010: xiv) and Koen (2000:1), who indicated that some family members are connected to trafficking.

The nature of domestic servitude with specific emphasis on labour that is performed in private households was explained in this section. Although it affects many workers countrywide, it is a common occurrence in Cape Town as highlighted by numerous researchers. Several domestic labour practices in South Africa do not necessarily equate to forced labour transgressions but include grievances such as minimum pay or long working hours, but these transgressions by employers are regularly investigated and acted upon by South African DOL inspectors.

South Africa too is affected by domestic trafficking. According to STATS SA (2017:24, 25), there was a countrywide increase of 4.5% of South African children working in private households in 2010 compared to 16.5% in 2015. It was also established in the SAYP study (2015) (STATS SA, 2017:25) that 22.1% of children work more than 14 hours per week in different industries, such as agricultural or transport, compared with 17.8% in 2010. This means that household income might be under pressure forcing children to earn an income, or it could reflect tighter controls by the DOL resulting in a higher reporting rate of such incidents.

Doreen Gaura, of Cape Town-based NGO ANEX, confirmed that children 'employed' as domestic workers remains a problem in the Western Cape. Others similarly share Gaura's opinion. According to Bermudez (2008:8), the level of awareness around trafficking for domestic labour is as widespread as trafficking for sexual exploitation in the Western Cape. Gaura pronounced on World Day Against Child Labour (12 June 2013), that the scourge of child labour is not being effectively dealt with in South Africa and warned that domestic workers are an all-too-common problem, especially in the Western Cape (Spies, 2013:np). According to Bermudez (2008:8-9), men and boys are regularly recruited to work on farms under false promises of pay and suitable accommodation. Boys who are not attending school or on end of term holidays, are more frequently targeted. Koen (2005:43) asserts that children from deprived rural areas are generally canvassed into the domestic sector by employment agencies that usually have agents operating in the bucolic locations of South Africa. Agents typically promise jobs as office workers, shop assistants, or domestic work to unsuspecting

targets. Upon their arrival in Cape Town, the work-seekers discover that the job expectations are different from what they had envisaged. They are then taken to an agency where the victim is held until a potential employer arrives to select a domestic worker. Bermudez's (2008:46) findings correspond with those of Koen (2005:43) in the sense that organised employment plays an active role in the recruitment of female job-seekers, especially young coloured girls and women from the Central Karoo region in the Western Cape, Northern Cape, North West and Eastern Cape provinces from where the victims are brought to the suburbs of Cape Town. Marginalised areas, particularly in the Karoo region, but including the Northern Cape, are renowned to be districts from where unemployed young girls are recruited from to perform work in private households in Cape Town. There appears to be a connection between persons who live in the Karoo and Northern Cape areas and those living in the Cape Peninsula. Cape Town-based taxi operators play a pivotal role in the transportation of girls from these districts to the Cape frequently (Koen, 2005:14).

As indicated, the exploitation of children in the domestic labour market is evident in Cape Town. The situation in Cape Town in particular indicates that government does not do enough to address child labour issues, as street hawking and the taxi industry, for example, still employ children. There are also instances where children are required to perform domestic chores within their own homes that should be red-flagged, especially if a child is absent from school due to the performance of household responsibilities. Primary risk factors such as poverty and desperation are some of the key elements identified that could push children into forced labour situations, coupled with the demand for cheap labour, which act as pull factors.

3.6.2.3   Child exploitation by performing criminal duties

Drug use and trafficking also appear to be well-ingrained in South African society. In a countywide study on violence in South African schools commissioned by the Centre for Justice and Crime Prevention in 2012, 27.6% of secondary school learners admitted that it was effortless to get hold of drugs in their local community (Burton & Leoschut 2012:53). The prevalence of drug abuse among school pupils in Mitchell's Plain in Cape Town was found to be three times higher than the South African national

average in a postgraduate study by Dr Ali Hamdulay, between Grade 8 and Grade 11 pupils in 2007, which included 400 pupils from 12 schools in Mitchell's Plain (Fokazi, 2011:np). Moreover, it is claimed that 20% of the school-going youth in the Western Cape are actively using the drug crystal meth, commonly known as 'tik', which is the highest prevalence in South Africa (Serra & Salvester, 2013:np). As previously cited by Koen (2005:48) and Allais et al (2010:vii-viii), there is also evidence of drug lords coercing children in the Western Cape to sell drugs, as children are frequently trafficked by Cape Town gangsters to become part of their control of the drug trade.

A visit to Cape Flats areas such as Manenberg, Bonteheuwel or Lavender Hill quickly reveals signs of the poverty that exists in the coloured communities in these areas. These low-income neighbourhoods consist of rows of semi-detached houses and cheaply-built apartment blocks that were erected by the South African government during the apartheid era when masses of coloured people were relocated. Graffiti is painted on walls and gangsters loiter in the streets. It is not unusual to notice children wandering around who are clearly absent from school. The surroundings are not conducive to raise children in as it is an environment where they are exposed to drugs and gangsters. Children that reside in such conditions become unchallenging prey for delinquents who often use them to carry out unlawful tasks as already alluded to by Gaura (2011:np). Examples of children's involvement in criminal activities are provided in the succeeding section.

As hitherto stated, the (2006) CUBAC study by the CLC at the University of the Western Cape explored the employment of minors by adults and older juveniles to commit offences in South Africa. Their study found that Western Cape gangs, in particular, are known to involve children in committing crimes who are often subjected to beatings and threats. Adults use children directly or indirectly to commit crimes, for example, by showing them how to perform a crime (CLC, 2006:14-16). The CUBAC investigation involved 41 focus groups with a total number of 541 young people from Mitchell's Plain and Khayelitsha (Cape Town), Westbury (Johannesburg) and Pretoria with a mean age of 14 years that involved a 55-minute discussion (CLC, 2006:2-3). The study revealed that the influence of gangs on the youth was most prominent in the Western Cape (CLC, 2006:14). All 41 groups disclosed how adults actively involve children in crime. Some of the crimes involved children selling drugs, property crimes, murder, car hi-jacking, rape and unspecified robbery (CLC, 2006: 20-21). Adults are

often indirectly involved in the criminal process by coaching children how to perform a crime and offering the resources to do so, for example, firearms or buying/selling the stolen goods. All 41 focus groups provided evidence to the effect that rewards or bribes are used as a mean by which adults (including Nigerian nationals) engage children in crime. The incentives include the provision of drugs to children (CLC, 2006:15-16).

It is evident that vulnerable children in our society are being targeted by criminals to commit crimes and is indeed a form of child exploitation.

Human organ trafficking affects both adults and children. Victims, who originate predominantly from developing countries, have their organs removed and sold to individuals in need of an organ transplant. The following section highlights examples of child victims who are affected by organ trafficking internationally, and in South Africa.

3.6.3   Human organ trafficking

Haken (2011:21) describes "the illicit trade in human organs as the dark complexities of humanity, medical ethics, and law in the global economy". Human organ trafficking is driven by a growing request for human body organs that are supplied by donors who have been "coerced through force, the threat of force, or the promise of payment" (Haken 2011:21). Organ trafficking is primarily centred "on kidneys, the human organ trade also includes the sale of livers, hearts, pancreases, lungs, corneas and human tissue" (Haken, 2011:21). Because voluntary organ donation remains low worldwide, countries are unable to fulfil the call for organs. Haken (2011:21) pronounces that "the kidney is the most commonly transplanted human organ, with a global estimate of 68,500 transplants performed annually. It is followed by the liver (20,100), heart (5,200), lung (3,250), and pancreas (2,800 units)", according to the World Health Organisation. Haken (2011:21) states that according to a 2008 Economist article claiming that 30,000 organ transplants are performed annually in the USA, 100,000 persons are still on standby, while approximately 4,400 names are being allocated to the list each month. Despite anti-organ harvesting laws that exist in many countries banning the selling of a person's organs, a flourishing illegal organ trade exists to supply demand. The demand for organs is so big that there are at least 1 million persons nationwide waiting for a kidney transplant. In turn, some donors are so

desperate for cash they are prepared to risk their own lives to benefit from the opportunity to sell their body parts. Bindel (2013:np), refers to an incident of a disabled Spanish mother who tried to sell some of her body parts which include a lung, kidneys, corneas and part of her liver on the internet in a bid to prevent from being evicted due to non-payment of her monthly rental.

There is also proof of organ trafficking in South Africa. "Five South African doctors were charged with performing illegal kidney transplants for wealthy Israelis by using organs bought from poor Brazilians and Romanians" (Smith, 2010:4). South African private hospital group Netcare, benefited from R3.8 million Rand (ZAR) for their involvement in the removal of kidneys from five children in cooperation with an illegal organ trafficking syndicate (Smith, 2010:4).

Netcare, which also operates clinics in the United Kingdom, participated in the global scam and paid Israeli suppliers US $20,000 and Brazilians and Romanians US $6,000. Netcare in KwaZulu-Natal pleaded guilty in the Durban Regional court in 2010 on 102 counts due to illicit surgeries between June 2001 and November 2003 that took place at the Netcare St Augustine's hospital in Durban and was fined R7,820,000.00 Rand (ZAR). Netcare, "which for the past seven years has strongly denied any wrongdoing, eventually issued a statement in which the hospital admitted to criminal activities" (Smith, 2010:4). It has emerged that there is a need in South Africa for body parts for purposes other than medical reasons.

The Tsireledzani research (2010) showed that there is a need for body parts to be used as '*muti*' by certain communities in South Africa. The harvesting of these human organs mainly involves individuals and not syndicates, but the perpetrators "often organise into networks to manage the killing of victims and the trafficking of the body parts to sell for usage during African rituals" (Allais et al 2010:159). Muti is essentially traditional medicine used for healing purposes by traditional healers but can also be utilised in witchcraft and superstitions by a few corrupt traditional healers who seek persons that are eager to earn money by retrieving different body parts for the use in the healer's concoctions. The latter is not a common occurrence as it represents only a minority. South African researcher, Bermudez (2008:60,61), asserts that "the removal of the body parts usually takes place while the individual is still alive, which stems from the belief that the scream of the victim enhances the power of the potion". The use of "penises and foetuses, have similarly been used in juju rituals also known

as 'black magic' and is used to instil fear in vulnerable victims" (Bindel, 2013:np). Juju is used by some traffickers as it exerts some form of control over victims (BBC.com, 2014:np).

The above section provides a summary of the literature relating to the worldwide demand that exists for human organs. It has shown that South Africa is not isolated from the organ trade, especially the use of *muti* by traditional healers and the African ritual termed *juju* that forms part of the organ trafficking trade. (See 4.3.1.2 for more details regarding *juju*). The following section shows that the monetary value attached to this form of trafficking is substantial, which explains the driving force behind this crime.

3.6.3.1   Estimated value of the illicit organ trade

Organ trafficking is a lucrative business due to the significant demand for human organs. Prices for organs vary, but the price for a heart can be worth up to GBP £1million. Bindel (2013:np) asserts that body "parts are not only used for transplants, but there is also a demand for illicit experimentation on whole corpses by unethical medical scientists".

Illegal organ trafficking accounts for some 3,400 to 6,800 kidney transplants per annum and the following is an outline of the costs associated with the kidney market. In the USA, a US "$50,000 broker's fee plus medical and transportation expenses bring the price of each transplant to approximately US $150,000. It suggests the value of the global illicit kidney market alone would range from US $514 million to US $1 billion per annum" (Haken, 2011:21).

It is believed "a liver transplant could be purchased within 90 days at a South American hospital for about US $100,000" (Haken, 2011:22). "It is estimated that the worldwide value of the illegal body parts ranges between US $600 million and US $1.2 billion per year and exclude costs for a heart, lung, or pancreas transplantation, for which insufficient data is available" (Haken, 2011:22). The price paid to donors also varies according to each country. Havoscope Global Black Market Information (Havoscope, 2015:np) supplies the following examples of recorded organ trade including the costs involved in different cases:

- Cambodian security forces arrested two Cambodian men for arranging a kidney selling ring in Thailand. The men who ran an organ trafficking group sent five people to hospitals in Thailand with fake documents to have their kidneys removed. Police officials claim the men sold the kidneys for US $10,000 to buyers after the donors each received between US $3,000 and US $5,000 for their kidneys;

- An organ trafficking ring was raided for bringing Vietnamese people to China for kidney transplant surgeries and the donors were each paid between US $2,585 to US $5,170;

- A Lebanese man, reportedly a mayor from a Lebanese city, offered people US $55,000 if they were a match for a liver transplant. He arranged for various people to have a liver compatibility test done in Valencia, Spain where it costs US $16,000 to conduct the medical procedure. CNN (Cable News Network) reported on 12th March 2014 that the operations never took place, and the Lebanese mayor was arrested after being accused of attempted trafficking;

- Media reports claim that a refugee from Syria reportedly sold his kidney to organ traffickers for US $5,000. The broker who arranged the transaction received US $2,000. The trafficker admitted to the press that he arranged for 35 similar black-market sales. Another refugee told the press that he sold his kidney for US $7,000, while the broker who arranged the sale received US $700; and

- Turkish police broke up an organ trafficking gang that was operating across Turkey. The traffickers were purchasing livers and kidneys for US $10,000 from people who wanted to sell their organs. The gang recruited sellers through Internet postings. The traffickers would then sell the organs to medical patients who need the organs for up to US $20,000 each.

The aforementioned is an indication of the pecuniary value of organ trafficking across different countries. It is a lucrative trade that attracts donors from developing countries who need cash. The following segment aims to demonstrate the supply and demand dynamics relating to organs and how it impacts on the movement of organs worldwide.

3.6.3.2   Analysing the flow of illicit organs

Haken (2011:22), maintains that unlawful kidney dealings typically moves from underdeveloped nations for instance China, India, the Philippines, Turkey, Egypt, Moldova, Romania, Brazil, Bolivia, and Peru to purchasers from first world countries such as the United States of America, Canada, Japan, Italy and Australia and also privileged societies from developing countries for example Saudi Arabia, Israel and Oman.

As reported by anti-trafficking activists and authorities in Nepal, the black-market organ trade in Nepal is a major problem. They claim that kidney trafficking rackets are well-organised and funded and swindle the poor and illiterate into donating their kidneys. There are reports of over 300 Nepalese victims who are affected by kidney trafficking in one district alone, although some activists claim the number to be higher. Human rights lawyer, Rajendra Ghimire, says that social stigma and threats from the traffickers prevent victims in Nepal from coming forward (Pokharel, 2014:np).

It seems from South African research (Bermudez, 2008 and Allais et al 2010) that the demand for body organs is predominantly within the borders of the country as it is mainly required for the use as *muti* by a few corrupt traditional healers which includes '*juju*' rituals in some instances. The first major organ harvesting incident in South Africa was restricted to the Netcare clinic as indicated above. The usage of human organs in *juju* rituals is another factor that requires more attention by researchers especially with the influx of Nigerian and other West African citizens to South Africa who cherish this deep-rooted belief and is explained in more detail in section 4.3.1.2. Due to a short supply of legitimate donors, there will always be individuals who are willing to sell their body organs.

3.6.3.3   Organ trafficking involving children

Bindel (2013:np) purports that children from disadvantaged backgrounds, or with disabilities, are often a target for organ trafficking. In May 2013, an eight-year-old British schoolgirl passed away at an Indian medical facility. Her family speculated that she was 'murdered' by medical staff who intended to sell her organs. Gurkiren Kaur Loyal's parents took her a doctor in Punjab, India after she began suffering from

dehydration, but within seconds of receiving an injection, she died. "During the post-mortem, Gurkiren's organs were removed and have not been returned. The Birmingham coroner informed the family that without the Indian post-mortem report, he is unable to record a cause of death" (Bindel, 2013:np). This example depicts how persons in developing countries are deceived by unscrupulous traffickers who depend on the assistance of medical staff to secure body parts. Victims frequently come from marginalised communities and are, therefore, targeted by traffickers.

Body organs for use by South African traditional African healers are also in demand. According to Bermudez (2008:60, 61), the bodies of seven of 21 girls that were reported as missing in Polokwane in 2004 were found with their wombs removed, indicating that they might have been involved in organ harvesting. Allais et al (2010:159,160) likewise confirmed that South African children and women, who are abducted or deceived by the trafficker or sold by their parents, are mostly sought for their body parts such as the genitals, the heart or the tongue for use in rituals.

In a recent incident, the Free State High Court sentenced a Danish citizen, Peter Frederiksen to life imprisonment after he was found guilty of harvesting female-genitalia. The offender performed illegal operations at his Bloemfontein home by slicing off girl's clitorises. Police also discovered child pornography in Frederiksen's possession who was also found guilty of the rape of a six-year-old girl (Moses, 2018:1). There is proof of human bodies that are sought to be sacrificed in satanic rituals in Krugersdorp, west of Johannesburg. Allais et al (2010:153) claim that Nigerian criminal syndicates are involved in recruiting street children or prostitutes as these children are regarded as soft targets. In the situation when a satanic sacrifice requires a man, criminals would frequent gay bars and sedate the target as it is more difficult to kidnap a male in the street. Satanic rituals that require human beings for sacrificial purposes is not a new occurrence, but certainly an issue that requires further investigation.

Section 3.6.4 will discuss forced marriage involving children while 3.6.4.1 will elaborate on *ukuthwala* as it still play an important role in certain South African communities affecting young women.

3.6.4 Forced child marriage

The term forced marriage is self-explanatory as it merely refers to a wedding arrangement that is fulfilled without the approval of one or both participants. The ILO (2017:11, 44) estimates that 15.4 million people worldwide were trapped in forced marriages in 2016, of which 88% were women and girls. In terms of prevalence, it translates to 2.1 out of every thousand persons worldwide. Africa, the Pacific region and Asia had the highest number of recorded forced marriages in 2016, while the prevalence was the highest in Africa at 4.8 victims for every 1,000 people.

Numerous reasons can facilitate a forced marriage. Firstly, it could be associated with a longstanding practice in some societies. In certain parts of the world, a person could be forced to marry in exchange for payment to the family, or it could be for the settlement of a debt or be used as a method to resolve family disputes. The ILO (2017:43-44) affirms that forced marriage also exists in certain countries that are affected by civil war when women and girls are abducted by armed forces and forced to marry the armed soldiers. Forced marriages are also evident in Arab states where the prevalence ratio is 1.1 victim per 1,000 persons.

Forced marriage is a centuries-old occurrence that is still endorsed in many communities worldwide today including *ukuthwala* in South Africa. Anti-Slavery International (2013:np) asserts that premature marriage involving children can be regarded as slavery, according to the 1926 Convention definition, if one or more of the succeeding markers are present:

i. When the ability to refuse, leave or end a marriage is denied, thereby fundamentally compromising the child's freedom of movement and right to liberty and security of person;

ii. When the conditions of marriage mean that a child spouse is exploited or denied freedom of choice by either their spouse or in-laws regarding any individual and personal matter such as;

- from learning and attending school;
- to earn an independent income;

- to consent to sexual relations;
- and/or is intimidated into working longer hours than his or her spouse or in-laws; and
- through threats of violence, divorce or withholding of food or money.

iii. When a child spouse is subject to rape, beatings or murder without recourse to law or society for protection or redress.

There is, furthermore, the South African tradition of *ukuthwala* and forced marriage practices in certain African countries and Asia. Batha (2015:np) maintains that forced child marriages are alive and well in Africa and that sex camps exist to prepare girls for marriage. Nyaradzayi Gumbonzvanda, the African Union's goodwill ambassador, commented at a symposium in Casablanca in 2015 on how adolescent marriage should be regarded as modern slavery and is equivalent to child rape. Gumbonzvanda asserts that there are about 15 million girls worldwide who are married every year (Batha, 2015:np). Activists divulged how girls as young as eight in Mozambique and Zambia are forced to attend encampments where they are instructed how to satisfy a male sexually in preparation for marriage. "Nearly half of the girls in Mozambique and more than 40% in Zambia are married before they turn 18, even though child marriage is illegal in both countries" (Batha, 2015:np). Keenan (2015:np) proclaims that Niger in Africa has one of the highest rates of adolescent marriages worldwide as the country's legalised age of marriage is 15, but 36% of Niger girls are already married by that time. Moreover, UNICEF states that 75% are married before the age of 18. When a girl gets married, she typically must leave school, which explains why only 10% of Nigerien girls are registered in secondary school.

Zainnier (2013:91) purports that statistically, many forced marriage incidents indicate that a substantial number of instances are actually human trafficking. Zainnier explains that after the 'bride' arrives in the country of destination, is kept in a state of servitude by means of the application of force, fraud or coercion for forced labour or commercial sexual exploitation. Turner (2013:27) suggests that many child marriages could be classified as trafficking incidents, even if the child is delivered to another household with the child's 'consent'. In a UNODC (2010) analysis of key concepts of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, supplementing the United Nations Convention against Transnational Organised Crime", provisions were made to include forced marriage definitions. The document labelled 'Model Law against Trafficking in Persons' offers the following definition of forced marriage:

Forced or servile marriage shall mean any institution or practice in which: (i) A woman [person] or child without the right to refuse is promised or given in marriage on payment of a consideration in money or in kind to her [his] parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family or his clan has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person (UNODC, 2010:6).

Turner (2013:9), furthermore, cautions that it would be inappropriate to generalise all child marriage as slavery, as sometimes young couples between 16 and 18-years-old enter freely into happy and lasting partnerships as either spouse can leave if circumstances change. The UNODC's GLOTIP Report (2016:32) too, points out that not all forced marriages constitute trafficking as some persons may sincerely want to enter into marriage.

However, Turner (2013:9) also professes that her study indicates that child marriage can often function as a cover-up of which slavery happens with seeming exemption. These instances can be recognised by considering a child's capability to express their opinion or exercise their rights and demands before engaging in a marriage arrangement. The question remains whether they are aware, or have the knowledge, of what those entitlements may be. Furthermore, the degrees of domination and exploitation that are exercised within the marriage itself and the ability of the child spouse to leave the wedlock is unjustifiable as it equates to child abuse and encroaches on the rights of the child. It is apparent that the younger the child, the greater their vulnerability to be exposed to slavery conditions. The aforementioned indicates that forced child marriage is prevalent and an accepted practice in certain communities.

One form of marriage which might include an element of forced marriage in few instances is *ukuthwala*. It is a tradition that has its roots in some ethnic groups in South Africa and is examined next.

3.6.4.1 *Ukuthwala*

The Sesotho version for *ukuthwala* is *Go Shobedisa* or *Thiba difate* while Zulus call it *ukuganisela*. According to the Legal Resources Centre (2014:np), *ukuthwala* is the South African tradition of seizing adolescents and forcing them to become their brides, often with the consent of their parents. Although the aforesaid assertion may create the impression that *ukuthwala* only involves the forcible seizure of adolescents, there are actually three methods to secure girls' commitment to marriage as indicated below by Mwambene and Sloth-Nielsen (2011:np). Often girls who do not agree to *ukuthwala,* do not necessarily oppose its principals. The girls sometimes frankly did not wish to be married but are "usually conditioned from childhood to look forward to the day, and to believe that marriage and childbearing are the fulfilment of life" (Condit, 2011:np).

The act of *ukuthwala* traditionally requires the perpetrator to pay herds of livestock to the father or legal guardian of the girl (Department of Justice and Constitutional Development, 2015:np). The TIP Report (2014:348) reported that the South African tradition of *ukuthwala* leaves girls vulnerable and exposed to forced labour and sex slavery as it involves girls as young as 12 to marry grown-up men, which is even now exercised in certain parts of South Africa, including the Western Cape. Mwambene and Sloth-Nielsen (2011:np) assert that three forms of *ukuthwala* exist, namely where the girl is aware of the abduction that is being schemed by her future husband and the various members are all in agreement, while the 'force' that is used "serves as the girl's innocent permission". The second form is when the families agree on the marriage, while the girl has no knowledge of it. This category of marriage applies when the girl is opposed to her parent's choice or where she does not draw the attention of potential men. The third form of *ukuthwala* constitutes criminal intent and involves rape, intimidation, and numerous human rights transgressions, for example the encroachment of the girl's independence and safety and an infringement of her self-respect. Roux (2012:176) explains that a modern-day clarification of forced marriage procedure motivates men to kidnap immature virgin girls less than 18 years of age with the intention of marriage. There also appears bad publicity in the media regarding this tradition. Mwabene and Sloth-Nielsen (2011:np) say the *ukuthwala* custom

received negative news coverage, with the press exposure in 2009 that at least 20 Eastern Cape girls who are pressed to leave school monthly due to *ukuthwala*.

South African courts view *ukuthwala*-related offences in a serious light. In the High Court of South Africa (Western Cape Division, Cape Town) case of Nvumeleni Jezile versus The State (DOJ, 2015:1-6), the court upheld that customary marriage practices do not justify child abduction and rape. Jezile was convicted of human trafficking, rape, common assault, and assault with intent to cause grievous bodily harm and sentenced to 22 years imprisonment. The offender left his Cape Town residence to find a virgin girl in the Eastern Cape to marry, according to his custom. Jezile identified a 14-year-old grade 7 girl, after which both families initiated and concluded marriage negotiations, traditionally known as *lobola* within one day. The girl's family forcibly took the girl to Jezile's house and informed her that he was to become her husband. The girl was made to undergo traditional ceremonies, which she opposed, but had to comply with. R8,000 (ZAR) was paid for the bride to the maternal grandmother with whom the girl had been living. Jezile had forcible sexual intercourse with the girl on several occasions until one day she managed to run away and reported the incident to the police in Cape Town. The South African Constitution makes provision for citizens who value traditions such as *ukuthwala* important but cautions that it should be consistent with the other provisions of the Constitution that uphold human rights. Section 15:3 reads as follows:

> "a. This section does not prevent legislation recognising
> > i. marriages concluded under any tradition, or a system of religious, personal or family law; or
> >
> > ii. systems of personal and family law under any tradition or adhered to by persons professing a particular religion.
> b. Recognition in terms of paragraph (a) must be consistent with this section and the other provisions of the Constitution" (Republic of South Africa Constitution, 1996:6).

The Jezile court case ruling sends a strong message to society that crimes covered-up under the guise of *ukuthwala* will not be tolerated by the South African courts.

Baby trafficking is another form of child trafficking but is not a common occurrence in South Africa. There has been only one reported incident in KZN, and therefore a Chinese case study is incorporated to illustrate this issue.

3.6.5   Baby trafficking

Kane and Van de Glind (2009:28) postulate that baby trafficking is a further form of child trafficking. Babies may be procured through agents, who in certain instances, purchase them from individuals or families who do not want them or who are unable to support them. By way of example, Brown and Xu (2014:np) refer to Chinese authorities from 27 provinces across China who destroyed four child-trafficking gangs and detained over thousand persons for using Internet websites and instant cellular messaging groups to sell babies in 2014. According to Brown and Xu (2014:np), Chinese police have freed 382 babies and detained 1,094 persons alleged of trading in infants on the Internet following a six-month investigation that led to information of an Internet website supporting adoptions. Further inquiries revealed virtual underground market relating to four websites, online forums, and some 30 groups on a popular Chinese messaging platform that were connecting traffickers with prospective purchasers. The Chinese ministry confirmed that several persons detained acknowledged accessing these websites. A couple in their 30s told China Central Television (CCTV) that they utilised a Chinese website to purchase a baby from a pregnant adolescent couple in Chengdu and paid 20,000 Chinese Yuan Renminbi (US $3,250) for the child. In another occurrence, an obstetrician at a Chinse hospital sold seven babies in six different incidences after convincing her patients to abandon their unhealthy babies (Brown and Xu, 2014:np).

Guilford (2013:np) asserts that a factor leading to the demand for new-borns is the rise in fertility problems among the Chinese population as they are suffering health consequences following decades of pollution. For the 40 million people between the ages of 20 and 40 years, about 12.5% experience fertility problems. China has also long grappled with a sperm donor shortage. Chinese government sperm banks keep increasing the fee they pay donors. It has become such a scarce commodity that women will pay up to 30,000 Yuan (US $4,900) for it on China's black market. In a South African baby trafficking incident, a KwaZulu-Natal mother tried to sell her baby on the South African Internet website, Gumtree. The young mother was caught after she attempted to sell her child for R5,000.00 (ZAR). According to her legal representative, she plead guilty to a charge of human trafficking and a year prison

sentence was imposed, which was wholly suspended for five years (Areff, 2015:np, Khoza, 2016:np). Although this was the first known case of this sort in South Africa, the sentence appears too light to deter other persons from committing the same type of offence.

3.6.6 Child forced begging

Begging, which includes forced begging, is a problem in Cape Town. Although begging is often regarded as a nuisance by many citizens, there are still many child beggars that have no choice but to beg as a command by their parents or criminals. Begging usually entails the soliciting of donations at shopping malls and traffic intersections including tourist hot spots such as the Victoria and Alfred Waterfront (TIP Report, 2015:311).

Even though the SA Children's Act (no. 38 of 2005) does not refer to forced begging, it refers to begging by children in Section 150 (c) under the heading "The identification of children in need of care and protection", as:

"…lives or works on the streets for a living and under the definition of a street child as (a) because of abuse, neglect, poverty, community upheaval or any other reason, has his or her home, family or community and lives, begs or works on the streets; or (b) because of inadequate care, begs or works on the streets but returns home at night" (SA Children's Act (no.38 of 2005:28).

Although the SA Children's Act recognises child begging, it is a topic that requires further research to determine if the involvement of adults are the impetus behind child begging in South Africa.

3.7 Conclusion

Thus far, the focus of this chapter has been the trafficking concept, the global magnitude of trafficking, evidence of trafficking in South Africa and the financial impact of trafficking. The different forms of trafficking were explained, which are sex trafficking, forced labour including domestic servitude, organ trafficking, forced marriages including *ukuthwala*, child forced begging and baby trafficking. The emphasis of the following section is on the operational aspects of trafficking which include the recruitment of victims that also focuses on the pivotal role the internet plays

in this regard. Human trafficking is a crime that encompasses different stages and often encompasses various intermediaries and will unpack the structure of persons involved, the methods of controlling victim and the profile of traffickers and the aetiology and risk factors that make children vulnerable to be drawn into trafficking.

CHAPTER 4

HUMAN TRAFFICKING IN PERSPECTIVE

4.1   Introduction

It is essential to understand the various phases of the trafficking process as well as the different roles the actor's play during the crime. Such knowledge can assist decision-makers involved in combating human trafficking to respond accordingly. This section commences with an exposition of the recruitment of victims. It also highlights the type of child abuse that takes place during the trafficking process, the different tactics traffickers use to control victims, profile of traffickers and child trafficking aetiology and risk factors.

4.2   Recruitment process of trafficking victims

Selected recruitment methods are employed to recruit and exploit victims in the trafficking process. The Internet is frequently used as an instrument to obtain children, while sex traffickers also utilise it as a marketing tool to allure customers (Vardaman & Raino, 2013:12). The multiple applied tactics to secure children for trafficking include capture by force, coercion, deception, or drugs that are frequently supplied to victims. Kane and Van de Glind (2009:27) purport that the influence of family members and the complicity of others are also factors "during the canvassing phase of victims. Very young children may be trafficked alongside their parents and siblings as the whole family is recruited and promised opportunities elsewhere". According to The Continental News Network Freedom Project (2011:np), 46% of recruiters are known to the victims, as indicated in figure 3.2. In South Africa, research by the NGO Molo Songololo (2005) also proved that agents and recruiters, in particular, are known to recruit children into the agricultural sector or domestic services. Family members are even, in certain instances, believed to be involved in this process (Koen, 2005:16). As set out previously, strangers and others who are linked to criminal gangs or crime syndicates are also known to forcibly recruit children to work in the sex industry.

Deception and coercion are two prominent recruitment tactics used by traffickers to facilitate the recruitment of children. Allais et al (2010:155) also confirmed that victims are generally recruited using deception. The victims are offered what appear to be legitimate jobs in massage parlours, as cooks or chefs or dancers. According to Koen (2005:16), bogus operators often advertise in local newspapers to attract girls to work in the entertainment or film industry, which later emerges to be work in the sex industry. Bermudez (2008:31, 40) refers to a recruitment tactic in Gauteng Province where Internet café owners would target young women who copy or scan their curriculum vitae, which is an indication that they are searching for a job. Social networking using cellular phones is another effective recruitment tactic used by traffickers to connect with young persons. For example, the FBI maintains that traffickers use "Global Positioning Systems in cell phones to track their victims and encrypted messages to communicate with accomplices" (Wulfhorst, 2017:np).

Figure 4.1: Recruiters and victims

The CNN Freedom Project, (2011:np).

Besides coercive or deceptive methods that are used to relocate victims, the reality is that several children willingly accompany recruiters who traffic them. Boonpala and Kane (2002:10) indicate that NGOs claim there is an escalation in non-compulsory recruitment. The family or child often believes that moving for an occupation is to their

own advantage, even to the extent where the minor may pursue recruiters themselves. The trafficking of Eastern European children into Western Europe is an illustration of trafficking whereupon young people may initiate the migration themselves. It is only on the arrival at their final destination that they realise they have been coerced. Women and children are incited by pimps to move of their own free will and recruiters often include family members and friends. Numerous accounts of promises of an improved lifestyle and an increased remuneration give rise to the notion that there is capital to be made somewhere else. Victims may similarly pay voluntarily for their own travel and related documents. According to Koen (2005:15), child trafficking in South Africa appears to be predominantly in-country with some movement between South African neighbouring countries. Bermudez (2008:57) refers to an example where a mature male would, for instance, travel to small communities to recruit young boys with the promise of employment and accommodation and when they arrive in Cape Town they have to work as roadside hawkers in his flower or fruit stalls.

Kane and Van de Glind (2009:27) explain that generally, a relationship of trust is established in which the individual may be approached by someone in their own community or similar cultural grouping who volunteers a meetup into a similar cultural classification in another area. Girls are particularly at danger of being enticed by men by showing an interest in them by promising them a good job, love or marriage. In this vein Nöthling (2012:28) asserts that: "Traffickers draw the youngster into conversation, win the child's confidence and lure them away… By the time the child's eyes open, she finds herself in the harsh reality of trafficking".

The trafficking process starts with the recruitment of victims and involves several persons. Bermudez (2008:30,32) states that the term 'trafficker' could refer to recruiters, madams, pimps, brothel owners, taxi drivers or employment agencies. Koen (2005:16) asserts that the canvass of victims in South Africa involves strangers or individuals who are linked to gangs or syndicates who forcibly recruit children to work in the sex industry. Agents and recruiters are known to recruit children into the domestic services industry and the agricultural sector. Recruiters are often found to be of the same nationality or ethnic origin as their victims. There is a tendency for homogeneous groups to work together with criminal groups of other nationalities to

fulfil their goal while employment agencies still feature more regularly as part of the recruitment drive by trafficking groups (Bermudez, 2008:30). Trafficker tactics are universal and the same in South Africa as in many other parts of the world. Europol (2011:6) declares that "the principles of deception and coercion for instance go beyond geographical boundaries" and form part of the recruitment process of victims. In South Africa, for instance, victims are frequently lured into trafficking following a job offer advertisement in the media, by a friend, or an acquaintance in their community who then arranges for the travel of victims to urban centres by the recruiter (Bermudez, 2008:31). The Tsireledzani (2010) study also indicated that recruiters are often known to the victims and appear to be trustworthy and successful persons. These individuals can deceive others with promises of better educational opportunities or a better quality of life, as poverty is often a condition experienced by victims and the possibility of kidnapping is also not ruled out (Allais et al 2010:93,84).

There are also evidence of the violent kidnapping of 276 schoolgirls on the African continent by Islamic militant group Boko Haram in North-Eastern Nigeria in 2014 (Unicef, 2016:np). This aim of this forcibly method of recruitment of young girls is to exploit them to advance this group's religious ideology which often involve forced marriage.

This section has provided an overview of the recruitment of trafficking victims and indicated how an array of different people can play a role in the callous attempt to canvass candidates. An extension of the recruitment process of victims involves the World Wide Web as a tool to achieve this goal. The Internet and social media platforms such as Facebook and Instagram have grown exponentially, which is why the focus of the next segment of the recruitment of victims warrants a separate discussion on this topic.

4.2.1 The Internet and social media as recruitment tools

The Internet plays a major role in the recruitment phase of victims, especially in urban areas where good Internet connectivity exists. The online market (people that are connected to the Internet) is experiencing exponential growth. There are currently over 3.6 billion people worldwide who have access to the Internet (Internet Live Stats,

2017:np). The prices of smartphones in South Africa are becoming cheaper so that more young people, including the emerging market, can afford to purchase them and access the Internet. Technology plays an increasingly important role in trafficking. Smith (2007:5) purports that technology has become the greatest facilitator of the commercial sex trade as found in the Shared Hope International (NGO) study (2007) as services are advertised extensively on the Internet. Online engagement using the Internet is a popular method that brings buyers of sexual services into contact with victims. Traffickers can easily disguise their real intent as they subtly lure victims online. Shezi (2016:np) asserts that Internet and social media as a channel to recruit victims is an important consideration for anti-trafficking campaigners in South Africa as 26.8 million South African Internet users spend almost three hours daily on social media as of January 2016. There were, for instance, 16 million registered Facebook users in South Africa in September 2017 of which 2.1 million are aged between 13 and 18 years (Business Tech, 2017:np). In a Fair Trade Tourism study (2015) of the sex tourism industry in South Africa, it was revealed how child victims are recruited through Internet platforms such as Facebook and social media forums by way of deception and persuaded by sex offenders to establish contact. It was also disclosed how children open Internet website links and accept invites in an attempt to see who has the most friends and followers on Facebook and is a chance for predators to take advantage of this opportunity (Fair Trade Tourism, 2015:14,15).

Sex traffickers, in particular, use intrusive marketing techniques to upsurge the yearning for pornographic literature among adolescents (Vardaman & Raino, 2013:12). The Shared Hope International study (2007) revealed insight into how the consumer engages with the Internet, and also how the providers of pornographic content and services interact with the consumer. The Internet is regarded as a prime recruitment tool due to the anonymity it provides and is consequently an excellent facilitator for illicit market trading. Research was conducted by an Internet investigating company on behalf of Shared Hope International to recognise websites and enterprises that are probable promoting sex trafficking and tourism. Custom Internet website research has revealed how short-lived, unlinked, and hidden website domains are employed to promote prohibited and dubious erotic services. An initial search on the Google Internet search engine during the Shared Hope International (2007) study, discovered "2.2 million websites that contain the search terms 'escort service' in

English only. Numerous commonly used keywords were identified in such websites and businesses and those searched for in the categories of underage sex, sexual services, and ethnicities" (Smith, 2007:13). "During the 24-hour website crawl undertaken for thirty days by the Internet investigation company, it found "a filtered group of 5,093 websites that contained keywords and phrases associated with sex trafficking and sex tourism markets. Of the 5,093 results, 3,359 were escort service websites, 867 were mail-order bride/marriage agency websites, 403 were 'full–service' massage parlour websites, 401 were international 'modelling' agency websites, and 63 were sex tour websites. Of the 3,359 escort service websites, 1,837 were hosted in the USA" (Smith, 2007:20). An interesting finding was that many of these websites were removed within days from the Internet to facilitate secrecy (Smith, 2007:13,).

The following case illustrates the power and role of the Internet in human trafficking. A 2006 study by the National Centre for Missing and Exploited Children termed 'Online Victimization of Youth: Five Years Later', revealed that online victimisation of youth is on the rise as more children receive unsolicited sexual images through the Internet. Over 34% of adolescent Internet operators encountered unwanted pornographic content online, regardless of the application of technological software to obstruct sexual graphics. The report also stated that boys are more likely to receive undesirable material between ages 14 and 17 than females (Wolak, Mitchell & Finkelhor, 2006:15,19,23,24). An example of the Internet recruitment process cited by Hafner (2014:np), is of a 31-year-old man from San Diego, USA who was sentenced to six years imprisonment for attempting to recruit a 17-year-old girl on the social platform, Facebook. The perpetrator attempted to provide sexual services to someone he believed was a girl, but who emerged to be a disguised law official. The offender attempted to recruit her to work for him as a prostitute and told her he would tattoo her with his 'team logo'. Attorney General, Greg Zoeller, from Indianapolis, USA, also explained that every so often when they receive human trafficking reports, the cases reveal how girls frequently get caught up in prostitution after they have explored Internet sites such as Backpage.com (Melillo, 2015:np).

This indicates the influential role the Internet plays in the recruitment of trafficking victims. The relevance of it to this study is that it shows how easily children can be drawn into human trafficking by shrewd recruiters.

This section has also revealed the high Internet usage by South Africans and particularly the time spent by youth on social media platforms such as Facebook, making them easy targets for predators. Internet connectivity in rural areas in South Africa will increase as more fibre optic cables are being installed around the African coast, which will result in more people and children having easy access to the Internet. Poverty can have an impact on the recruitment of victims as the next section specifies how traffickers take advantage of victims from deprived areas who seek a better life.

Traffickers are known to apply certain tactics to exert control over victims. Attention is devoted in the next section to such schemes to gain a better understanding of how the trafficker operates.

4.3   Trafficking tactics

After persons are recruited and captured, traffickers apply certain tactics to control their victims. There are a few common methods of control such as the restricting the victim's movement or exposing persons to harmful living and working conditions. This section details these domination tactics and other forms of control such as '*juju*'.

The concept of the Stockholm syndrome is a factor that will be explained as it refers to the psychological coping mechanism exercised by victims who are kept captive.

4.3.1 Common methods of victim control

It is essential to comprehend the meaning of coercion within the context of human trafficking. Coercion is a broad definition that encapsulates the control over victims as incorporated in the PACOTIP Act (2013:14) which reads, "the threat or use of force or other forms of coercion"; "the abuse of vulnerability"; "the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person" (PACOTIP Act, 2013:14). There is plenty of evidence pointing towards different methods applied by traffickers to manage their victims (Migiro, 2007:2). Table 4.1 depicts some of the most common methods of control as adapted from the TIP Report, (2012:17).

Table 4.1: Methods of control

Restriction of movement	Harmful living conditions	Harmful working conditions
Confiscating documents.	Restricting access to food and clothing.	Charging a large fee for a work opportunity that is difficult to settle.
Always accompanying victim / answering questions on behalf of victim.	Forbidden access to medical care.	Unusually long work hours with limited or no breaks.
Isolating victim by not disclosing location.	Not allowing time off or sufficient time to sleep.	Restricting number of off days.
Victim to live and work at same location.		Providing little or no pay or irregular pay.

(Adapted from TIP Report, 2012:17)

Linda Smith, Founder and President of Shared Hope International, confirmed that sex slaves often experience violence, which include beatings, branding and the deprivation of food, water and even light. Smith says the most brutality performed on victims is for them to be forced to live a life of constantly being subjected to intimidation and violence (Vardaman & Raino, 2013:4). Bermudez (2008:33) similarly asserts that targets are controlled by traffickers using intimidation, threats and the use of force. Their movement is restricted, which is a result of recruitment and travel costs the victim has incurred and must thus first settle the 'debt'. The control mechanism is an endeavour to strengthen the control by the trafficker over the victims. One popular control mechanism used by traffickers is to supply victims with narcotics (Allais et al 2010:151), (Kane & Van de Glind, 2009:28,30). Another common control tactic is the removal of passports to prevent the victim from leaving and subjecting them to debt bondage (Allais et al 2010:90,167). Other control methods include the use of psychological and physical abuse or threats of harm against their families to instil fear. Armed guards with dogs are other control methods (Allais et al 2010:34,90), (Kane & Van de Glind, 2009:32,35). Traffickers frequently create the impression that they have close ties with law enforcement officials, which is a control method to deter the victim

from reporting the trafficking offence. Rape and physical assault are added ways of controlling victims by keeping them in constant fear (Allais et al 2010:94).

Traffickers are astute masters in how they manage and control trafficking victims. Their cunning methods are ways to ensure they remain in a dominant position by exerting supremacy over their target whose job is to produce monetary rewards for the trafficker. It is also remarkable that some tactics used by traffickers in South Africa are similar in other countries or as Europol (2011:6) proclaims that "…the principles of deception and coercion go beyond geographical boundaries".

In the next section, a noteworthy manifestation termed the 'Stockholm syndrome' is included as it explains the psychological alliance that exists between the trafficker and the victim. It is essentially a coping mechanism for the victim under the control of the trafficker.

4. 3.1. 1   The Stockholm syndrome

An interesting phenomenon known as the Stockholm syndrome is a worthwhile aspect to be aware of especially from a criminological viewpoint, as there might be some relevance to trafficking. Essentially, the Stockholm syndrome refers to the attraction between the victim and captor and originated during "a hostage-taking incident in Sweden during 1973 that resulted in a marriage between a female hostage and one of her abductors. Police negotiators have noted on occasion that the hostage will side with the captor in working out demands" (Bartol & Bartol, 2008:503). Traffickers:

> "…manipulate and control their victims and are known to make use of a combination of violence and affection in an attempt to cultivate compliance and sometimes loyalty in the victim. This scenario can result in the Stockholm syndrome, which is a psychological phenomenon characterised by empathy and positive feelings experienced by the victim towards the perpetrator. This can serve as a protective factor for the survivor by reducing anxiety and fear and can result in a reduction in the likelihood of the acting out of inhibited emotions against the trafficker" (Burke, 2014:2).

Captured victims of trafficking are defenceless and left at the mercy of the traffickers as they must rely on the capturer for their day-to-day existence. The presence of the Stockholm syndrome causes the victim to form a psychological alliance with the trafficker as an attempt to reduce fear and anxiety that are experienced by the victim (Burke 2014:2). However, it should be noted that the Stockholm syndrome is not regarded as a recognised psychological term as it is not documented in the Diagnostic and Systematic Manual of Mental Disorders (DSM-5), which is the accepted manual endorsed by the American Psychiatric Association that serves as a worldwide classification and diagnostic tool for a range of psychological disorders. The reason for this is unknown. It is nonetheless a noteworthy concept to be aware of within the context of this study.

Juju is a renowned African method applied by traffickers to control their victims. The significance of 'juju' in this study is that this applied tactic is an African-centred method to exert control over victims and can be linked to trafficking. Moreover, it is regarded as relevant considering the racial disposition of the South African population.

4.3.1.2 'Juju'

An Afrocentric method to control trafficking victims was presented at a seminar hosted by the University of South Africa in 2014. Mr Andy Desmond of Anti-Trafficking Consultants and a renowned human trafficking investigator shared some of his findings and presented the reality of juju as a psychological control mechanism over victims. Nigerian human traffickers use juju as it infiltrates the supernatural realm where the bondage is deep-rooted in the spiritual belief. It does not require the victim to be kept in captivity or monitored as it is believed that the 'spirits' take control of the victim (Desmond, 2014:np). The reality of the practice of juju extends beyond the African continent. A British brothel madam was jailed for two years for trafficking women from Nigeria into Great Britain and subjecting them to "prostitution by making them eat live snakes in an African black magic (witchcraft) ceremony" (Crone, 2014:np). The British couple made over GBP £70,000 out of the Nigerian women who feared voodoo after being in contact with a witch doctor who exposed them to a juju ritual. The two victims aged 23 and 29 were flown to the United Kingdom under the impression that they were going to experience a better future. The judge maintained

during sentencing that the offenders were involved in an elaborate deception by exploiting susceptible persons using cultural and monetary issues to get a devastating grip on them (Crone, 2014:np). The aforesaid is an example of how traffickers use fear-provoking tactics to control their victims. As noted, *juju* is a practice that presents proof of a close connection to human trafficking. Moreover, there is a large contingent of West Africans from where juju originates established in South Africa. The latter has also been cited by Van der Watt (2018:55) "Juju, as an <u>arcane and subversive control mechanism</u>, is another slant to the multifaceted human trafficking 'diamond' that calls for further exploration and research".

Traffickers generally apply many similar methods to recruit, manage, and control victims and exhibit some common character traits, for example deception, but not much is known about the profile of these perpetrators. The focal point of the next section is a description of their profiles in a bid to reveal more about the persona of the offender. The aim is not to depict a robust profile but rather a portrayal which could serve as a reference to be used to combat trafficking.

4.4 Trafficker profile

Who are human traffickers? Traffickers are people who contribute to human trafficking to exploit victims. "They include recruiters, intermediaries, document providers, transporters, corrupt officials, service providers and employers of trafficked children, even though most of these people take part in only one element of the whole trafficking process" (Kane & Van de Glind, 2009:31). Aronowitch, Theuermann and Tyurykanova (2010:10) affirm that traffickers are a diverse group of people about whom very little data exists. These persons can range from former 'trafficked-victims-turned-trafficker' to housewives, business owners and pimps that share a few common characteristics. In the Gutherie study (1995:10) on human trafficking between Nepal and India, it was found that traffickers are mostly male in their 20s or 30s or females in their 30s and 40s who are familiar with the route to the city as they have toured the route on numerous occasions and are familiar with the accommodation and contact persons. Male and female traffickers are regarded as a 'brokerage' who might function independently or working for a brothel and are mostly local recruiters. In South Africa,

Bermudez (2008:30,31) established that traffickers tend to fall in the 31- 40-year age group followed by 21–30-year-old individuals and consist of both males and females. The racial make-up of traffickers appears to be predominantly black individuals followed by coloured, Indian, and white persons as well as people from international origin for example Chinese and Nigerian citizens. In organised crime, there is a noteworthy involvement of Nigerian citizens in trafficking in South Africa. The involvement of parents, family, friends or acquaintances is not ruled out and they often fulfil the role as traffickers in the South African context (Bermudez, 2008:30-31).

Another significant contribution that could illuminate the profile of the trafficker is a Netherlands study that attempted to analyse the characteristics of nine human trafficker personalities. The study revealed that one-third of the offenders have psychopathic tendencies (Arnowitz et al 2010:20). Sue and Sue and Sue (1994:265-266) affirm that psychopathic tendencies are classified as antisocial personality disorders. Persons that suffer from this disorder show disregard for conventional societal rules and morals. Sue et al (1994:265) maintain that such persons typically display characteristics of superficial charm and high intelligence. They have shallow emotions and show a lack of empathy, guilt, and remorse. Their behaviours are indicative that their actions are not well planned. Psychopaths do not learn from their previous experiences and display an absence of anxiety, which means they may repeat the same offence. These persons are classified as unreliable, insincere, and untruthful according to Sue et al (1994: 266). Arnowitz et al (2010:20) assert that the aforesaid attributes are connected to socially deviant lifestyles, which embrace irresponsible and impulsive behaviour and the propensity to ignore or violate social norms. It should be noted that many psychopaths do not have a history of serious antisocial behaviour and that serious persistent offenders are not necessarily psychopaths according to Bartol and Bartol (2008:195). Although this study consists of a very small sample size drawn in the Netherlands only, it is nonetheless an area that sheds some light on traffickers and might require further research.

Traffickers are the dominant role players in human trafficking and this section has attempted to depict the profile of the trafficker. It represents people from different industries and gender groups and the main motivation appears to financial reward. As

indicated, there is a possible psychological aspect involved with a hint of psychopathic tendencies, but it is an area that requires further research.

It is important to understand how the trafficking operation is structured from a criminological viewpoint. The following describes the human trafficking set-up which can vary from an amateur individual operator to a highly structured operation that involves numerous participants.

4.5 Traffickers' structure configuration

The participants that are involved in human trafficking vary as it can be performed by a single trafficker or a well-structured fully functional criminal operation. Kane and Van de Glind (2009:32) shed some light how traffickers operate and maintain that trafficking operations are mainly grouped into three distinct models, namely corporate, business-like and amateur as highlighted below:

i. The first model is based on a **corporate** (own emphasis) business model. It is well-structured and involves organised criminal groups. It is configured similarly to a conventional business with a main leader at the top of a pyramid structure. Each level only knows the tier directly above and answers to people at that level. The bottom level consists of the labourers, recruiters, transport providers, document forgers and so forth and is distanced from the top hierarchy. Participants at this level have no knowledge of who the head is and are thus unable to identify the main leader if caught. The main leaders are mostly involved in extortion, drug production or selling, illegal gambling and corruption, and keep the operation together through violence and intimidation. The corporate model is regarded as secure because if one group of specialists leave, it can easily be replaced.

ii. The second model is less professional and consists of small groups of **well-organised criminals** (own emphasis) who specialise in escorting victims from one country to another along well-known routes. They generally operate in one geographical location only due to their knowledge of the area. Such services

are imperative to the trafficking process. Many countries focus on the activities of these intermediaries to curb cross-border trafficking.

iii. The last category, which is the most common group, consists of **amateurs** (own emphasis) who are individuals providing a single service such as transport, forged documents, or recruitment services and sell their services or expertise. Often family members or friends may set themselves up as intermediaries by directing someone into the hands of traffickers.

As indicated, human trafficking structures vary and range from well-structured business models that are operated by highly organised criminal groups to less orderly criminal factions that operate in one geographical area only, or amateurs that merely provide a single service. The setup in South Africa can vary from parents that sell their children into trafficking (Koen, 2005:15) to organised criminal gangs and syndicates as mentioned in the TIP Report (2017:363). Massage parlours are an example of businesses practices that often apply deliberate methods to disguise illegal business operations within society. Although multiple legitimate medicinal massage practices exist worldwide, there is also an immense massage sector that caters for those who want to engage in sexual services. The often-explicit advertising message that is displayed is an indication hereof. An Internet search for massage services will indicate there is no shortage of comparable massage services that are being offered in South Africa, for example, the Internet website Locanto.co.za. The website provides a link that offers 'personal services', which includes an array of massage related services (Locanto, 2018:np). As stated earlier, the TIP report recorded that there is proof of established Russian and Nigerian criminal syndicates that are involved in the South African sex trade. More comprehensive details of the complexion and structure of trafficking operations in South Africa will unfold as more trafficking cases become public.

There is a strong criminal element associated with human trafficking. The aforementioned has indicated how well these organised businesses are managed by a carefully selected team of intermediaries who contribute to the existence of the establishments. The importance of these illegal actions to this research is that there is also evidence that human trafficking can be linked to criminal activities in South Africa as indicated in the following section.

4.6   Human trafficking's link to criminal activities

Human trafficking is a crime that is driven by criminals and often operated by criminal gangs. There is the example of two women from Uzbekistan that were recruited with the false promise of obtaining a job as waitresses in Bangkok, Thailand. Upon arrival, "the victims were forced into prostitution for 6 months. They were later sold to a Chinese gang with assurances of their freedom from exploitation upon the condition of carrying 'goods' in their luggage over the Thai border. The victims accepted the proposal and were transported from Pakistan to Thailand smuggling drugs. Both were arrested at Bangkok Airport, prosecuted and convicted to 32 and 25 years of imprisonment respectively, for drug trafficking" (Zannier, 2013:88). Illegal business operations often pose as a front by operating legal businesses as presented earlier. Nail bars in Europe are for instance typical examples of businesses being used as fronts for illegal business operations. "The salons are mainly owned and run by Vietnamese nationals who recruit Asian women for labour trafficking. The women work in the salons and are paid little or no money. The salons are often used by criminals for money laundering. The women may be trafficked to work in nail salons during the day and be drawn into sex trafficking at night" (Zannier, 2013:89).

The 2017 edition of the TIP Report refers to criminal rings that organise child sex trafficking in South Africa. The report shows Russian and Bulgarian criminal groups embroiled in the Cape Town sex trade alongside with Chinese nationals that organise the sex trafficking of Asian men and women. Nigerian syndicates are also involved in the sex trade. Other syndicates again recruit women to work in Europe and Asia where they are forced into prostitution, domestic services or drug smuggling (TIP, 2017:364). It was also reported that boys in particular are recruited from poor rural areas to urban centres to become involved in criminal activities in South Africa (TIP Report, 2017:364). The Tsireledzani study (2010) too, has identified that domestic trafficking is the biggest problem in South Africa, which involves criminal activities but do not elaborate on what it entails (Allais et al 2010:45). It was also found in the Molo Songololo study (2005) that South African children are recruited in some instances and transported by highly organised criminal groupings (Koen, 2005:22). The first Molo Songololo study (2000) found that children are used by syndicates to act as drug

runners. Children are also trafficked into prostitution rings controlled by Cape Flats gangs (Koen, 2000:4,7). The Tsireledzani study (2010) has likewise indicated a strong link between trafficking and other criminal activities whereby both women and young boys are being used to distribute drugs to clients. The latter is particularly evident in the activities of Cape Town gangs who fight for control of the local drug market (Allais et al 2010: xv). Evidence also suggests that there is proof of a Pakistani criminal gang operating in Lesotho, the Eastern Free State, and in other parts of South Africa that are linked to kidnapping, extortion and the murder of Pakistani nationals (Allais et al 2010:145). Linking criminal activities to human trafficking is credible since trafficking is a crime that is shaped by deception, coercion, and other criminal related traits.

Section 4.7 describes the different role players involvement in formal trafficking operations.

4.7   Role players and support mechanisms

Several different persons may be involved in the various phases of the trafficking process, for instance, the recruiter or an agent that prompts the child to move.
There are similar findings in South Africa that correspond to those of Boonpala and Kane (2002). Allais et al (2010: 21,144,156,181) reports on how organised criminal networks can provide trafficked victims with legitimate documentation, for instance, passports, visas or work permits through corrupt means such as an enterprise acting as a facade for a brothel or human trafficking ring. Some truck drivers too, can act as intermediaries by connecting sex workers with brothels in Southern African Development Countries (SADC). There is also confirmation of Nigerian syndicate members that offer girls to queuing truck drivers at the Beit Bridge border crossing in the Limpopo province. There are 'enablers' that can act as agents at border posts that are taking part in the in the unlawful transportation of persons from neighbouring countries into South Africa. As indicated, the role-players that are concerned with trafficking in South Africa are not really any different to the rest of the world and can range from parents of the victim to taxi or truck drivers and immigration officials that facilitate or augment the trafficking process by applying their skills and services during the course of action.

Although the focus of this study is on South Africa with a specific emphasis on Cape Town, it was decided to include the subsequent distinguishable trafficking patterns globally, to place this research into perspective and present a balanced approach. Certain patterns indicate the geographic flow of trafficked persons, for instance, from Eastern Europe into Western European countries. South Africa too, has its own movement as described in the next section.

4.8   Distinguishable patterns

According to Boonpala and Kane (2002:12), different underlying forces drive trafficking in various regions of the world. Trafficking is a complex and multi-faceted problem that contains several diverse components that are combined in different ways according to differing circumstances. A brief overview of some of these trafficking patterns in Africa and the Middle East are outlined below.

■ Africa

Boonpala and Kane (2002:12) assert that Central and West Africa are areas where trafficking is most prevalent on the African continent. These regions relate to traditional strategies whereby children are placed in extended families only to be exploited in domestic work and other forms of labour. Children are also trafficked through militia-initiated abduction and exploitation as the displaced children are vulnerable. Other forms of child trafficking in Africa include labour in family enterprises, commercial sex, farming, mines and general labour.

■ Middle East and North Africa

Different patterns of trafficking exist in the Middle East and North Africa. In the wealthier nations, trafficking is mostly characterised by prejudice based on cultural or gender reasons, and an above-average call for child labourers and commercial sex workers. Girls are trafficked to work in domestic service, while boys are trafficked into the Middle East to work as camel jockeys, particularly in the United Arab Emirates (Boonpala & Kane, 2002:12).

■ South Africa

People are constantly on the move between countries, including to and from South Africa. Allais et al (2010:103) assert that there are a particularly large number of migrants that travel from SADC that add to the distinguishable patterns of trafficking between the different zones. The TIP Report (2016:340) cites South Africa as a hub for transit, and that Chinese citizens organise "the sex trafficking of Asian men and women. Criminal syndicates also recruit South African women to Europe and Asia to be forced into prostitution, domestic service or drug smuggling". Allais et al (2010: vii) confirm that domestic trafficking of children in South Africa is often committed by close family members, which include the parents themselves. This is in line with Koen's (2005:15) assertion that parents, bogus employment agencies, and local gangs are the principal traffickers of children in this country. Although South Africa is mainly affected by internal trafficking, there are reported incidents of movement of victims between this country, the SADC, Europe and Asia that are organised by criminal syndicates.

Several factors could trigger child trafficking or explanations as to how children are drawn into human trafficking and what the identifiable risk factors are. An understanding of the various risk elements at play could assist anti-trafficking campaigners and government officials to design appropriate preventative plans of action and to take the necessary steps to respond to trafficking accordingly. It is evident that risk factors, for example poverty, lack of employment, or education, are universal, hence the reason for including the Cambodian study in this section. The latter is relevant to this research as South Africa is a developing country like Cambodia and all these risk factors apply in both countries. Moreover, it provides the reader with a comprehensive mosaic of how these risk factors can fuel child sex trafficking.

4.9 Child trafficking aetiology and risk factors

It is important to understand what makes persons susceptible to be drawn into trafficking. Traffickers are acutely aware of the risk factors affecting victims and take

advantage of it to break the law. These attributes form part of the motivational factors that is in line with the objective of this study.

Multiple theoretical attributes could explain why children are pulled into trafficking. Questions such as what makes certain victims more vulnerable than others are issues addressed in this section. For instance, Ali (2014:2) believes that aspects such as poverty, lack of education, shortage of opportunities, high rate of population growth, unemployment, and uneven wealth distribution among the population are the main contributors to the child labour issue. There are also additional risk influences, such as aspirational factors, and natural disasters that are highlighted. A practical approach to exemplify how risk factors, in particular poverty or family pressure, and how it could lead to children be drawn into child trafficking is best described in a Cambodian case study. It encapsulates some of the risk influences and demonstrates to what extent these aspects could serve as a catalyst for driving the trafficking process. South Africa has, likewise, been identified as a country where children are most affected by sex tourism, while the Western Cape has been identified as a hotspot for child sexual exploitation (Fair Trade Tourism, 2015:7, 12).

4.9.1 Poverty

The demand for young girls is also prevalent in South Africa due to the perception among some men who consider juvenile girls less likely to be infected with HIV. Allais et al (2010:xiv, 142) discovered in the Tsireledzani study (2010) that certain males do not only believe they are unlikely to be contaminated with HIV by having sex with a young girl, but also that having intercourse with a virgin girl will cure them of HIV infection.

Kane and Van de Glind (2009:23) argue that poverty itself does not explain:

- why traffickers are only active in some places and not in other areas,
- why certain communities face more child trafficking than others,
- why some families are more at risk of trafficking than other family units, and
- why girls are most at risk in some instances than boys.

The reality is that many children live in poverty, yet do not become victims of trafficking. It is thus pivotal to make sense of the role poverty plays and the differences between the children who become victims of trafficking to acquire the knowledge of how to safeguard children at risk. Poverty itself is only one of a variety of risk indicators that create vulnerability to trafficking. Kane and Van de Glind (2009:25) maintain that poverty, as a risk factor, often functions as a component of a range of influences when children are exposed to several risk aspects simultaneously, and that only one may act as a trigger (catalyst) that puts the trafficking event in action. It is often not the extreme situations that underpin trafficking events, but an accrual of everyday challenges they have to deal with to survive. For example, illness in the family or floods or drought combined with poverty can increase the vulnerability of a potential child victim to be pulled into trafficking. One of the reasons many families live in poverty is that adult members of the household are unemployed and, therefore, unable to provide sufficiently for the entire family to survive, which is why children are sent to work.

In the CUBAC study (2006), poverty was one of the risk factors identified as possibly playing a role in South African children becoming involved in crime (CLC, 2006:34). The Tsireledzani (2010) research highlighted similar findings to the CUBAC (2006) study, namely that youth poverty in South Africa is emphasised as a risk factor drawing youth into crime (Allais et al 2010:102). It appears that poverty itself does not automatically force children to be trafficked but increases a child's vulnerability to be caught up in trafficking and crimes. A key point underscored in this section is that poverty (as a risk factor) seldom functions in isolation but is often triggered in conjunction with other everyday challenges with which families must deal. Poverty is therefore a factor that can put pressure on children to be drawn into trafficking.

Delport (2007:12) maintains that poverty coupled with poor education and a shortage of job prospects are the main driving forces that propel susceptible persons into trafficking. The human trafficking trade reacts to increasing calls for cheap labour, while the sex trade is eager to provide to satisfy the demand. The incidence of poverty in South African rural areas is much higher than in urban areas. Many vulnerable young people are thus targets for recruitment into human trafficking by wealthy-looking recruitment agents. Poverty is an aspect that is cited in the Tsireledzani study (2010) as one of the contributing factors that may push South Africans into trafficking (Allais

et al 2010:146). Multiple risk factors may act as a trigger that sets the trafficking event in motion and can be referred to as 'poverty plus'. It means, poverty by itself does not lead to a person being trafficked but is regarded as a 'plus' factor when a circumstance such as a long-term illness combined with poverty increase the victim's vulnerability risk (Kane & Van de Glind, 2009:25). This supports that poverty acts as a stimulus for victims from impoverished areas to be caught up in trafficking. South African researchers' Delport (2007) and Allais (2010) findings above correspond with those of Kane and Van de Glind (2009) that poverty is a risk factor that may push victims into trafficking which indicates as a motivational factor for persons to be caught up in trafficking.

4.9.2 Family pressure

Children are often subjected to familial pressure to find work and provide an income for the household. In a study conducted during 2002 in Rio de Janeiro, Brazil, to investigate children's involvement in drug trafficking, it was established that they belonged to the poorest families within the community (De Souza e Silva & Urani, 2002:12). The latter example reveals how the impact of strain on a family can motivate persons to sell their children to traffickers to survive. According to Koen (2005:19;20), family pressure has been identified as a possible risk factor that may push children into trafficking and referred to the following examples:

- Children need to fend for themselves and take care of their very own economic needs;
- Girls who are susceptible to parental pressure and coercion can be more ingenious to being subjected to sexual exploitation.

Allais et al (2010:109) likewise report that family pressure could increase the risk for some children to be exposed to trafficking as parents may support and encourage the sexual exploitation of their children, provided they bring money home.

Education plays an important part in a child's development. A lack of schooling can dampen an individual's progress in life that could make a person prone to negative influences that could lead to trafficking.

4.9.3   Lack of education

Haken (2011:10) postulates that human trafficking is a misdeed that frequently separates children from their parents. A child who loses a parent often quits school to go to work to take care of the family. An uneducated child's economic future is subsequently reduced, which also has an impact on the family. Education and training are two factors that emerged during the CUBAC study (2006) and are important issues to be addressed by the South African Government to eliminate children from being caught up in criminal activities (CLC, 2006:29). Children who lack education are more prone to be exploited than those who have an education. Allais et al (2010:108) highlight the importance for children to attend school. School attendance serves as a protective measure as out of school increases the child's vulnerability of exposure to circumstances and persons that may lead to trafficking. Allais et al (2010:103) caution that high dropout rates from school are stated as an important concern and a risk factor for trafficking in the Tsireledzani study (2010). Allais et al (2010:109) stress that most South African girls who are being recruited or trafficked have dropped out of school as many of these children are not well informed and educated. Kaye (2003) in Allais et al (2010:146) draws attention to the significance of basic school education, as a lack of it poses a risk that shapes the trafficking environment. Koen (2000:9) too, points out the importance of access to compulsory basic education for children as it could contribute to a reduction in the incidence of the child being commercially sexually exploited. According to Koen (2000:27), poverty can lead to school dropouts as parents are unable to pay school fees. It results in children to either find a job to contribute to the family's income or for their own survival. Consequently, children in such circumstances become vulnerable to exploitation. Like the findings by Allais et al (2010), Koen (2000) and the CUBAC study (2006), Bermudez (2008:65) have identified the importance of education as it can minimise a child's chance of being trafficked.

4.9.4   Economic factors

There are certain economic factors, such as a recession, that could have a detrimental effect on a country's citizens. Ali (2014:2) explains that the consequence of high

inflation, for instance, will automatically have a harmful influence on the cost of living and lower employment levels. Unemployment is a factor that can place huge pressure on a child to find a job and support his/her family as cited earlier. It may explain why 12% of South African school-going youth are involved in part-time vending to generate extra money, as revealed in the CUBAC (2006) study (CLC, 2006:9). Allais et al's (2010:146) findings in the Tsireledzani study (2010) revealed that unemployment is one of the risk factors that could drive South African children to become involved in trafficking. A Brazilian study in 2002 by De Souza e Silva and Urani, (2002:12) on why children get involved in drug trafficking, has found that many children are doing it for monetary reasons as it enables them to obtain education opportunities, create employment opportunities for themselves and others and to provide an income for their families. De Souza e Silva and Urani (2002:12) describe how the involvement of youth from low-income communities forms the building blocks of the broader trafficking structure that involves international networks. It is a mechanism that employs social inequality and taps into the fundamental requirements of the low-income society by exploiting children.

The Western Cape experiences its own problems relating to unemployment coupled with a growing demand for jobs from people from other provinces. STATS SA's (2014:13,14) mid-year population estimates indicate that the Western Cape Province had 344,830 migrants for the period 2011-2016, which increased by 148,787 to 493,621 for the period 2016-2021 while the current total population for the Western Cape is 6,844,272 million people (Stats SA, 2019:5,6). According to David Maynier, Member of Executive Council of the Western Cape Government, the Stats SA Quarterly Labour Force Survey released on 29 September 2020, revealed that the Western Cape continues to have the lowest unemployment rate in South Africa at 27.3% (SA Government, 2020:np). The aforesaid scenario could be a reason why the Western Cape is regarded as an attractive region for those seeking for better employment opportunities. Migrants to the Western Cape could escalate following President Cyril Ramaphosa's proposal to the African Continental Free Trade Area summit in Rwanda in 2018 that encourages free trade and movement of people on the African continent (Du Plessis, 2018:np). This could signal a message to job seekers that more employment opportunities exist in the province and subsequently increase

migration to the Western Cape. Newly arrived immigrants to a new country are targets by traffickers as noted earlier.

There is enough evidence to prove the impact that certain social factors and specifically aspirational factors can have on youth. The following section shows the extent to which some persons will go to obtain particular products (brands), which is indicative of the important role aspirational factors play among young persons. It will also show how people are prepared to commit crime to acquire selected products.

4.9.5   Aspirational and social factors

Aspirational and social factors may play an important role in adolescents becoming involved in trafficking. De Souza e Silva and Urani (2002:13) clarify how important and gratifying it is for youth to be able to enter a clothing shop and to select the clothes they like, try them on and purchase them, as it justifies the risks for some children involved in drug trafficking.

Berkman and Gilson (1981:114) explain that:

> "The most important group to the individual is those that assist to define the individual's own beliefs, values, attitudes and opinions. The reference group sets levels of aspiration for the individual by providing cues as to what lifestyle one should strive to attain".

De Souza e Silva and Urani (2002:14) uphold that what matters most for the youth is the alleged value obtained meaning by external image and the use of force namely weapons, or money, clothes, drugs and women. Focus groups in the CUBAC study (2006) similarly confirmed that many of the participants in the South African research referred to their unfulfilled needs, which referred to aspiring things that they cannot afford as a reason for becoming involved in crime. For instance, some of the participants noted "Your parents can't give you what you want. You want clothes, jewellery and other things" (CLC, 2006:11). Other participants confirmed that children seek branded clothing. One participant cited "You want to impress your friends and wear label clothing" (CLC, 2006: 11,12). The Molo Songololo research (2005) is another study in relation to the trafficking of children in the Western Cape, which

likewise, found that girls are prone to aspirational factors and sensitive of conformity to their peers (Koen, 2005:19).

Natural disasters affect countries worldwide and could push children into human trafficking. The next division will concentrate on such catastrophes and focuses on the question of whether it in fact triggers trafficking. The value of including this section lies in its holistic approach to all variables that might cause children to become victims of trafficking.

4.9.6 Natural disasters

Natural disasters are a menace that can add to the increasing number of child labourers that enter the market in mainly developing countries. It is, therefore, a potential risk factor that could make children susceptible to becoming victims of trafficking. South Africa has fortunately not experienced any major natural disasters except for droughts, mild floods and fires in certain provinces. Some catastrophes such as the 2005 earthquake that hit parts of Pakistan and Azad Kashmir, contributed to trafficking as it pushed large numbers of families into economic extinction. According to Ali (2014:2), the quake caused many children to be left with no choice, but to earn their own income to survive.

As indicated above, it remains unknown why certain natural disasters, for example the Philippines typhoon, push people to engage in illegal ways to generate an income or why children disappeared following the earthquake in Nepal, while other natural disasters, such as the South East Asian tsunami, produced the opposite. It is a field that may require further research.

4.9.7 Family disruptions

Family disruptions can often be regarded as a vulnerability or a 'plus' factor. According to Kaye (in Allais et al 2010:146), there are a couple of factors that can mould the trafficking environment, and in particular, migrants. Family disruptions, for instance, could result in a breakdown within the family or an illness or death, which may leave

the remaining family members with no option but to send the children away from home to work or to find a better opportunity. Economic dislocation or political breakdowns are also risk factors which may lead to unemployment that may place an individual under pressure to support their families. Children are vulnerable to exploitation in such circumstances; if they must suddenly become breadwinners to support the family. Koen (2000:27) similarly purports that underlying reasons for child sexual exploitation include migration, family disintegration or economic inequalities, which are all factors that could have an impact on a family's stability.

4.9.8 Domestic violence

Domestic violence is a risk factor that can increase the vulnerability of children to become victims of trafficking. Kane and van de Glind (2009:23) proclaim that "children who witness or suffer violence in the home may run away and live on the streets", where they are susceptible to exploitation and violence and become easy prey for traffickers. Koen (2005:19,20) acknowledges that domestic violence is a factor that could push children into trafficking as discovered in the Western Cape research on trafficking of children in 2005. Koen (2000:27,28) indicates that domestic violence is one of the contributing risk factors that may lead to the sexual exploitation of children and the reason why they often leave the home to escape the abuse. Shelly (in Olutola, 2016:13) has similarly identified domestic violence as a factor that could lead to trafficking. According to Farrington (2003) and Utting (2006) (in Lutya, 2009:7), children who are exposed to domestic violence are likely to leave home or become involved in deviant behaviour that could push them to human trafficking.

The subsections above describe the multiple risk factors that can trigger a child to become involved in trafficking. It also explained that a single risk factor is often not enough to prompt a child to be lured into trafficking, but that there are 'plus' factors, meaning that a combination of risk factors could be involved. In a policy document titled "Human trafficking in South Africa: Root causes and recommendations" by Delport (2007:11, 34), it was found that poverty is the most obvious origin of human trafficking, which includes children. Other factors that coincide with poverty are high unemployment and a lack of economic opportunities (Delport 2007:32, 34). Delport

(2007:35, 36) purports that the AIDS pandemic is another burden on many South African children in marginalised communities as they suddenly become the breadwinners and cater for siblings after the loss of parents due to this infectious disease. These orphans become socially isolated and rejected by society and often have to leave school and subsequently become targets for traffickers. Apart from the *ukuthwala* practice, which was described earlier, Delport (2007:37) maintains that when poverty is severe, a family may regard the daughter as an economic burden. Should the girl marry a much older man, it could become a survival strategy for the family as the groom has to pay lobola, which is regarded as the price for the bride. However, the real risk of trafficking, linked to early marriage, is when men must seek young girls.

4.10 Conclusion

Criminology is the scientific study of crime and criminals and is important to understand why people commit human trafficking within a criminological context. To accomplish this, it is necessary to evaluate theories pertaining to criminology, which is the focus of the next chapter.

CHAPTER 5

THEORETICAL FRAMEWORK

5.1   Introduction

Williams and McShane (2014:232) remind the reader that crime, in general, is an extremely complex phenomenon and that there are numerous explanations for the same criminal event. Hunter and Dantzker (2012:20) too, maintain that it is a difficult task to answer the question regarding what causes crime. The purpose of studying criminology is to obtain an understanding of the causation of crime and the criminality behind law-breaking. Criminology is the multidisciplinary study of crime, as different disciplines are involved in the accumulation of intelligence about criminal action – while criminological theories attempt to explain various parts of a particular crime as people will continually view the world differently. Some of these interdisciplinary fields from which criminology draws include biology, sociology, anthropology, psychology, neurology, police science, and economics (Bartol & Bartol, 2008:5).

Human trafficking is an intricate crime. Stanojoska and Petrevski (2014:11) refer to trafficking as a 'consequent crime'. They indicate how trafficking might involve physical, psychological, and intellectual exploitation together with cruel forms of violence that include physical and psychological coercion. Not only are there different forms of human trafficking, namely, forced labour, sex trafficking, domestic trafficking, organ trafficking, forced begging and forced marriages, but trafficking also involves different role-players that facilitate the whole trafficking process. Furthermore, from a criminal justice viewpoint, Bello and Olutola (2017:65) purport that there appears to be a tendency by governments, including South Africa, to rather focus on punitive measures for perpetrators instead of addressing the underlying causes of human trafficking. It appears to be easier for governments to sentence a trafficker that has been found guilty of a trafficking-related offence than to implement and maintain preventative measures to curb trafficking, which calls for more manpower resources and long-term monetary investment.

A theoretical framework forms an essential component of the examination of human trafficking as it attempts to explore human trafficking from a criminological perspective. This chapter aims to explain human trafficking using criminological theories, namely the demand theory, rational choice theory, lifestyle and routine activities theories, and integration theory. These specific theories were chosen for this research following the reading of numerous human trafficking case studies that demonstrated how the theories support the explanation of the trafficking phenomenon realistically. Some examples of researchers that have applied the abovementioned theories in trafficking research are Lutya (2010) (lifestyle and routine activity theory), Lanier (2012) (lifestyle and routine activity theories), Aronovitch, Theuermann and Tyurykanova (2010) (demand theory, rational choice theory, lifestyle and routine activity theories and integration theory), Smith and Vardaman (2010) (demand theory), Smith (2010) (demand theory), Smith and Healy (2010) (integration theory), Morojele and Brook (2006) (lifestyle and routine activity theories), Torrey and Dubin (2004) (demand theory), Bello and Olutola (2017) (demand theory), Conklin (1995) (rational choice theory), Akers and Sellers, (2013) (rational choice theory), Fattah (1993) (rational choice theory), Siegel and Senna (1991) (lifestyle and routine activity theories, rational choice theory), Burke (2014) (integration theory), Cohen and Felson (1979) (lifestyle and routine activity theories), Davis and Snyman (2005) (lifestyle and routine activity theories) and Williams and McShane (2014) (lifestyle and routine activity theories and the integration theory).

Furthermore, these theories have been shown to practically apply in the South African context. South African researcher, Thozama Mandisa Lutya (2010), indicates the significance of the lifestyle and routine activities theory in a study termed 'Lifestyles and routine activities of South African teenagers at risk of being trafficked for involuntary prostitution', and in a follow-up document, in collaboration with Mark Lanier (2012), 'An integrated theoretical framework to describe human trafficking of young women and girls for involuntary prostitution'. The Organisation for Security and Co-operation in Europe (OSCE) similarly produced a detailed study in 2010 titled 'Analysing the business model of trafficking in human beings to better prevent the crime'. Researchers Aronovitch, Theuermann and Tyurykanova (2010) explain the significant role that demand, rational choice, lifestyle and routine activities theories play in relation to the human trafficking phenomenon. Although Salt (2000:37) cautions

that theoretical developments in the field of trafficking still require much attention, the inclusion of these particular theories appears to be appropriate for this study against the background of the aforesaid. Moreover, these designated criminological theories are all based on scientific evidence, or as Williams and McShane (2014:4-5) put it, "a good theory fits the evidence of the research".

A good theory is, therefore, one that is logically constructed, supported by research and is of value, and in this instance, to be used by law enforcement and policy decision-making on trafficking issues. The variables used to explain trafficking, for example, the recruitment process of trafficked victims, are not developed in this chapter as they have been dealt with previously.

The aim of section 5.2 is to outline the trafficking process by emphasising the different phases as set out in the definition of human trafficking to aluminate this unlawful deed which is consistent with the aim and objective of this study.

5.2   Human trafficking structure

A comprehensive depiction of the trafficking phases can be found in figure 5.1 and table 5.2 below. In brief, the trafficking process consists of three phases, namely, the action that takes place, which starts with the recruitment of victims, the particular means employed, such as coercion, and lastly the purpose for which the victim is required.

Figure 5.1: Trafficking process
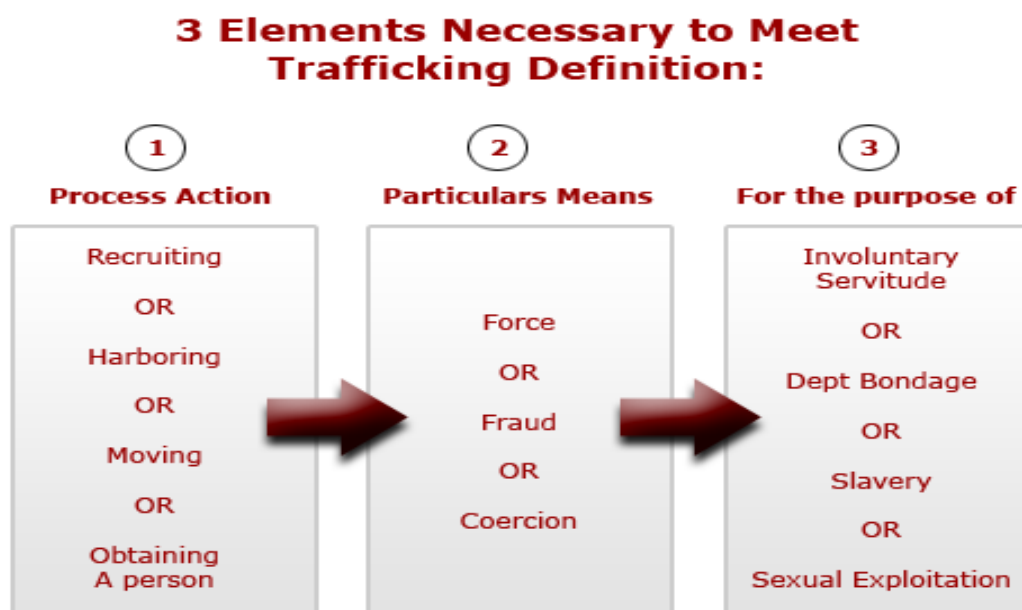
Source: Fight Slavery Now, (2011:np)

The Fight Slavery Now model provides a succinct overview of the trafficking phases and in a similar, but more detailed table, the elements of trafficking are depicted by UNODC (2015:np) in table 5.1:

Table 5.1: Elements of human trafficking

THE ACT AND PROCESS	MEANS	PURPOSE (exploitation, which includes)
Recruitment	Threat	Prostitution and other forms of exploitation
Transportation	Force	Forced labour and services
Transfer	Coercion	Slavery and similar practices
Harbouring	Abduction	Involuntary servitude
Receipt of persons	Fraud	Removal of organs
	Deception	
	Abuse of power	
	Abuse of vulnerability	
	Giving / receiving of payments	

Source: UNODC, (2015:np)

In summary, the aforesaid table and figure as purported by Fight Slavery Now (2011:np) and UNODC (2015:np), explain the trafficking process according to three

steps, namely the act, the means, and the purpose of trafficking and are explained in more detail as follows:

1. The act: The first phase starts with the recruitment of the victim. The transportation or transfer of the persons from one place to another and the harbouring or receipt of the victims forms part of the trafficking course (act).
2. The means: This describes how traffickers apply force or threats as well as other forms of coercion to the victim, which includes abduction, fraud, deception, kidnapping, and the abuse of power or vulnerability. The means also involve the giving or receiving of payments, compensation, rewards, benefits, or any other advantage that may facilitate the trafficking process.
3. The purpose: This contains elements of exploitative practices, which are forced labour, sexual exploitation, forced begging, forced marriage and human organ trafficking.

Moreover, the PACOTIP Act (2013) definition postulates that the trafficking course comprises of different stages instead of a single once-off event, and that all three phases indicated above are essential to meet the requirements of the trafficking description. What it lacks though is a description of the motivational factors why traffickers become involved in trafficking and the associated dynamics related to this offence. An attempt is made, therefore, to explore the human trafficking process and explain the different facets involved by narrowing down the elementary influences that are the drivers behind this crime, which is the focus of section 5.3.

5.3   Underlying forces of trafficking

From a criminological viewpoint, it is important to make sense of the fundamental dynamics that influence trafficking as it is a complicated, multi-faceted phenomenon that involves several stakeholders. Boonpala and Kane (2002:11) assert that many different participants may be involved in the trafficking process, including recruiters, intermediaries, counterfeiters, transporters, employers, brothel/Inn operators, and family/friends. These 'go-betweens' (mediators) are responsible for the smooth flow of the trafficking process. The question is whether these mediators would render their

services without some form of incentive? As previously cited, human trafficking is an industry that is worth billions of US dollars. It is, therefore, evident that the main motive for traffickers and participants to partake in trafficking is the monetary benefit it has to offer.

Trafficking starts primarily with the demand for products or services, for example, sexual services or cheap labour. Human trafficking is a demand-driven industry that creates an enormous market for predominantly cheap labour, organ trafficking, and sexual exploitation. The National Human Trafficking Resource Centre (2015:np), compares the supply and demand principles that apply to human trafficking with that of drug and arms trafficking. Smith and Healy (2010:26) maintain that traffickers realise there is a strong demand for such services and are consequently willing to fulfil the demand by supplying victims. According to Bermudez (2008:17), the market-driven forces of supply and demand promote the exploitation of others. The Shared Hope International NGO researched the demand for those seeking commercial sex that encourages the sexual exploitation of women and girls in the USA during 2014. The main findings emphasise the fact that sex trafficking is indeed a demand-driven trade (Smith, 2014:7). There are two types of demand behind human trafficking, namely, consumer demand and derived demand, as outlined below.

- ■ Consumer demand is generated directly by people who actively or passively buy the products or services produced by trafficked labour. For example, a tourist who buys a cheap t-shirt produced by a trafficked child in a sweatshop. It does not directly influence trafficking, according to research, as the tourist buying the t-shirt does not specially ask traffickers to exploit children and so cannot be said to be collaborating in trafficking. Another example of consumer demand can be found in India's red-light districts where the demand for Nepali girls, especially virgins with a light skin complexion, continues to increase (Guthrie, 1995: 6). Consumer demand for services in South Africa varies. For instance, there is a rising demand countrywide for children to work in private households, according to Stats SA (2017:24), and a particularly high consumer demand for child domestic workers in the Western Cape (Diallo & Mehran, 2013: ix). The demand for child sex is another illustration of consumer demand in South Africa. Children are most affected by the commercial sexual

exploitation by tourists in the Western Cape, which has been identified as a traveller and child sex predator hotspot (Fair Trade Tourism, 2015: 7,12).

■ <u>Derived demand</u> is shaped by those who stand to profit directly from trafficking and might include brothel owners, and the various intermediaries involved in the trafficking process, for example, corrupt factory owners who exploit trafficked labourers to keep their manufacturing costs down and prices of products low, which result in an increase in profits (Guthrie, 1995: 6). Bermudez (2008:17) upholds that the incentive for the use of cheap labour is plentiful, which is encouraged by social norms. Much of the exploitable labour in South Africa stems from vulnerable immigrants from Lesotho, Mozambique and Zimbabwe (Bermudez, 2008:18).

The European organisation that handles criminal intelligence within the European Union (Europol) maintains that supply and demand is intertwined with push and pull factors. It is Europol's view that human trafficking victims come from countries and regions, which are subjected to economic hardship and other contributory factors that traffickers take advantage of to target these vulnerable victims (Europol, 2011:14). A typical example would be migrants from neighbouring countries that are attracted to South Africa (pull factor) who perceive it to be a country that has a higher living standard together with a greater wage offering than in their own countries. Economic influences can offer both push and pull factors as per the following descriptions:

■ <u>Push Factors:</u> These are influences that 'push' the victims to become involved in human trafficking. They include unemployment, lack of opportunity to improve quality of life, sexual or racial discrimination, poverty, violence, abuse, human rights violations and the possibility of persons who may become victims that live in war-stricken areas (Europol, 2011:14). One key push factor is globalisation which can lead to fewer available job opportunities in source countries coupled with political instability or civil unrest. Other important push factors that can play a role are the decline in strict border control posts, gender and ethnic discrimination, disease epidemics, for example, Cholera or Malaria in Africa, natural disasters, such as severe droughts, economic disparities between rich and poor countries coupled with police and government corruption

(Olutola, 2016:13). Lutya (2009:8) asserts that the South African job market can facilitate the recruitment of trafficking victims who could be occupying underpaid jobs or be unemployed and are therefore vulnerable to accepting job offers from traffickers.

■ Pull Factors: These are aspects that attract potential victims into trafficking. Examples, according to Europol (2011:14), are improved standard and quality of life, better education, less discrimination or abuse, better employment opportunities, the need for low-cost workforce or commercial sexual services, higher salaries, and better working conditions. It is the opinion of Olutola (2016:13) that the increased demand for cheap labour, and issue, such as the difficulty in securing visas, are all factors that give rise to trafficking.

Besides the push and pull factors, there are also specific risk factors that point toward the vulnerability of potential victims. Many of Europol's (2011:15) criteria listed in table 5.2 are closely related to the abovementioned aspects but are nonetheless important influences to be considered as many of these variables are relevant to the South African situation. For instance, section 3.6.2.2 reveals how children from marginalised areas in the Karoo are being recruited to work as domestic labourers in Cape Town as well as the poverty situation that exists on the Cape Flats and its negative effect on families. Section 3.6.2.3 again indicates the high prevalence of children who abuse drugs in Mitchells Plain and also the involvement of South African children in criminal activities.

Table 5.2: Europol (2011:15) trafficking risk factors

CRITERIA	AT RISK GROUP
Age	Children and adolescents under 18 years. Young adults between 18 – 25 years finishing education.

	Young women under 30 years.
Place of residence	Small towns, villages. Migrants from villages to small towns and from small towns to big cities.
Education	Low level of education or no education. Secondary education not completed. No Professional (higher or vocational secondary) education or professional education not completed.
Employment	Unemployed including unemployed qualified graduates. No permanent job, dependent upon casual work. Migrants in temporary employment. Women engaged in voluntary commercial sex work. Women (sometimes men) engaged in the entertainment and modelling industries. Students, especially those studying away from home.

Behavioural attitudes	Intending to migrate and willing to do so illegally. Motivated to work or marry abroad and willing to contact recruitment / employment (and wedding) agencies providing opportunities abroad. Psychologically inclined to risk taking, having suffered violence including domestic abuse, rape etc.
Affiliation to socially vulnerable or marginal groups	Children from at-risk families such as low-income families, problems of alcoholism, dysfunctional families and victims of domestic violence. Children left without parental care or abandoned in children's homes. Young women and girls from at-risk families. Drug addicts. Orphans or those raised in children's homes. Single mothers with limited resources to support themselves or their families. Mothers of large families. Migrants.

Ethnic groups	Members of ethnic groups who do not belong to the general population, especially ethnic minorities.
	Ethnic groups from the poorest countries.
	The most criminalised ethnic groups or those perceived as the most criminalised.

The trafficking risk factors as depicted by Europol (2011) present a rounded synopsis of the combined push and pull influences that could make certain individuals more prone to being caught up in human trafficking. It captures the risk aspects that resemble many key issues that affect the lives of numerous marginalised communities that live in the Cape Flats areas in Cape Town, for example the suburbs of Manenberg, Bishop Lavis, and Lavender Hill. These areas are particularly disposed to have high numbers of low-income families, drug addiction, alcoholism, gangsterism, dysfunctional families, domestic violence, and unemployment. Van der Watt (2018:60) too accentuates the "significance of structural issues such as racism, poverty, unemployment, education and inequality" that can create a conducive climate for persons to become involved in trafficking.

Koen (2005:18,19) asserts that the lack of social welfare assistance and protective services are important risk issues to be considered in South Africa, especially concerning children. Other risk factors that could impact on potential victims include run-away children from places of safety, girls that live in high incidence areas of gangsterism, and peer pressure on children and particularly adolescents to conform to a culture that subscribes to certain clothing brands and accessories, such as watches or jewellery and school dropouts. Koen's assertion corresponds with the Community Law Centre's (2006:11) finding earlier in this study that unfilled needs

pertaining to aspirational things youth are unable to afford could be a facilitating factor for them to become involved in crime.

Lack of parental supervision and care and children who live in families where sexual exploitation or abuse is tolerated are at high risk of being trafficked for sexual services and the migration from rural to urban centres, especially by young people, are added danger factors.

As indicated, numerous contributing factors can fuel human trafficking. There are many people, including children in Cape Town, who find themselves in such circumstances are vulnerable and have the potential to become targets. Traffickers are renowned to prey on suchlike individuals and will use false promises and coercion tactics to lure them into trafficking. Apart from the aforesaid underlying issues that contribute to the pool of knowledge of trafficking, there are also theoretical explanations to be considered. The following section aims to explain human trafficking from a criminological viewpoint by using different theories. The few selected theories should not be applied in isolation, but rather against the backdrop of the aforesaid underlying factors that contribute to trafficking to obtain a complete understanding of the human trafficking phenomenon.

5.4   Criminological theories

There are an array of criminology theories that attempt to explain crime stemming from the classical and positivistic schools of thought, the structure and process or the consensus and conflict streams (Williams & McShane 2014:8,9). There is similarly a broad spectrum of crimes ranging from a simple vehicle parking offence to sadistic murder or corporate crime. It can be envisaged that the explanation of a particular crime, according to a specific theory, requires careful evaluation as criminological theories are, according to Burke (2014:8), mostly complex. Fortunately, all the aforesaid recognised theories derive from empirical research, which reflects systematic observation and careful logic of criminal behaviour. The integration of criminological theories, in particular, is embraced as no single theory appears to be able to explain the entire human trafficking process efficaciously and is, therefore, believed to be the most appropriate approach to comprehending human trafficking.

The theories selected for this study are the demand theory, the rational choice, the lifestyle and routine activity and integration theories. These theories are not only considered to be appropriate for this study, but also thought to be able to add value to the field of criminology as they engage with different facets of the trafficking process ranging from the demand for products and services by clients to the decision-making process by traffickers. Moreover, the importance of the trafficked victim is considered in this study, particularly with the incorporation of the lifestyle and routine activities theories as it shows how innocent persons can easily be drawn into trafficking.

The first theory discussed is the demand theory as it asserts that there would be no trafficking without a demand for product or services. It explains how the flourishing sex industry is driven by the demand by men purchasing the services of men, women and children (Aronovitch et al 2010:23). Although the demand theory is not frequently referred to in criminological literature, it is an important component to any human trafficking research as it is a crime that is based on the principles of supply and demand, which are embedded in the foundations of economics.

5.4.1 Demand theory

Trafficking starts with demand. Aronovitch et. al. (2010:23) proclaim that human trafficking is a market in which victims are bought, sold and traded and abused, and the principles of supply and demand form the backbone of the demand theory. Smith and Vardaman (2010:1) postulate there would be no market for example the sex trade, had there not been a demand for such services and regard it as an essential catalyst fuelling trafficking. The relationship between supply and demand is complex. According to Aronovitch et. al. (2010:23), supply and demand are shaped "… by a complex and interlocking set of political, social, institutional and economic factors". Chuang (2006:147), for instance, postulates that the trafficking phenomenon is deeply rooted in underlying socioeconomic forces that compel persons to migrate. It naturally places such individuals in a vulnerable position of being exploited at their new destination as these persons are often from a marginalised background". Chuang suggests that an understanding of the macro factors should be considered as there are factors that "encourage, induce or often, compel migration". Chuang, (2006:141)

states that push factors are not created by the traffickers themselves but rather the "economic impact of globalisation" and that traffickers being "opportunity-seeking by nature, simply take advantage of the resulting vulnerabilities to make a profit".

Traditional market theory operates on the supposition that demand creates supply, for example, a steady supply of unskilled (migrant) workers who are willing to accept jobs or provide services for little money to survive. This can sometimes generate the demand for such services and labour instead of the other way around. The push and pull concepts play a role in the demand for products or services and this may impact a person's decisions. Pull factors for immigration for instance may involve the decision for migrants to migrate to wealthier countries where there is a demand for cheap or unskilled labourers. Shared Hope International (NGO) conducted research (2010) to determine the demand for sex tourism in Jamaica, Japan, Netherlands and USA It was discovered that "demand exceeds supply of women to provide the commercial sex services which buyers are groomed to expect through advertising and popular culture. Sex traffickers fill this deficiency by delivering women and children to meet the demand of buyers in the sex tourism markets" (Smith, 2010:2).

Since trafficking starts with demand it is essential that preventative measures are established that aim to curb demand. There are multiple drivers that stimulate demand, for instance, classifieds advertising that attracts customers with promises to connect them with women that will meet their needs. At a conference held in Illinois, USA (2003) with the theme 'Demand Dynamics: The forces of demand in global sex trafficking', panellist Derek Ellerman accentuated that by understanding how 'Johns' (men who make use of the services of prostitutes) think, it can bring law enforcement directly to the root of trafficking which is the 'demand'. This includes understanding the main ways the 'demand' (customers) find their supply through the Internet, word-of-mouth and advertisements (Torrey & Dubin 2004:51). At the same conference, Stephen Grubman-Black enlightened the audience on who those persons are who make up the demand side of sex trafficking and what that demand is based upon. Grubman-Black started his research in 1999 by placing advertisements in newspapers, the Internet, and by word-of-mouth to approach men who sought out prostitutes and communicated with the men who responded through emails and instant messaging. This enabled Grubman-Black to categorise groups of men who

make up the demand side of prostitution who exhibit traits for example, loners, shy men, those who enjoy the thrill of adventure or those wanting sexual activity if they are not able to have it with a primary partner. Traffickers are aware of the needs of men and address those needs by means of false advertising promises and hope to attract customers, which essentially is a method of stimulating the demand side of sex trafficking (Torrey & Dubin, 2004: 17, 18, 19, 20).

Governments also play a role in regulating demand. For instance, prostitution is the most profitable tourist draw in Thailand, yet the Thai government turns a blind eye to these doings. Scotland too adopted zones where prostitution is tolerated, and foreign women are trafficked to provide for this industry (Torrey & Dubin 2004: 66). A different view of governments' responsibility pertaining to the demand side of trafficking is the US Department of Defence who enforces a strict policy worldwide that prohibits the solicitation of prostitution by military personnel. However, their commitment to this policy can be questioned "if brothels using trafficked women continue to be created immediately next to US military bases" (Torrey & Dubin 2004: 67). When prostitution, trafficking, and street prostitution in particular, offend the public, there is a tendency of governments' to 'clean up' the streets by promoting the legalisation of prostitution. The former has not proven to be the result in Victoria, Australia, as there were between 60 and 70 illegal massage parlours before the legalisation of prostitution. It is now estimated that there are 400 illegal parlours after prostitution was legalised and street prostitutes increased from 150 – 350 (Torrey & Dubin 2004:75). The former examples show what impact government decision-making can have on the regulation of the demand regarding sex trafficking in countries where prostitution is legalised. Certain nations, for example Muslim countries, impose strict legislative measures to discourage demand, whereas in some legal systems in countries where prostitution is legalised, law enforcement do not persecute customers (Torrey & Dubin 2004:100). It appears that USA law enforcement rarely investigate, arrest or prosecute 'Johns' and that police cite men as "users of adult prostitutes. If a girl admits she is underage, or if the police are aware that she is a juvenile, she is taken to jail. Men are released" (Torrey & Dubin 2004:93). The latter are examples of how governments can impact the demand side of sex trafficking. The importance of this section is that governments are able to control the demand side of trafficking. For instance, as indicated in the aforementioned example, they have the authority to impose appropriate legislation. It

was also indicated earlier how the USA government has successfully shutdown the Internet website Backpage.com following positive evidence that it was being used as a marketing tool to promote sex trafficking that included children. It indicates the USA government's determination to curb sex trafficking.

The demand theory is a universal supposition that applies to South Africa as well. For instance, there is a demand for both jobs and sexual services, as this country is regarded as one of the main suppliers of labour on the Southern African region, according to Bello and Olutola (2017:73). The demand for the sexual exploitation of under-age girls has been described by Allais et al (2010: xiii) as: "a disturbing feature of the South African trafficking landscape".

The importance of the demand theory is that it shows how the entire trafficking process starts with demand. Furthermore, it is a market variable that proves how illicit businesses set up by criminal networks use victims to fulfil the demand for certain products and services. Demand can, therefore, be considered as a push factor that initiates the different forms of trafficking. Moreover, it involves sound decisions (rational choice) by traffickers who take advantage of vulnerable victims to enable the trafficking process. It also includes clients who make informed decisions (rational choice) on whether they want to benefit from services provided by trafficking victims. The relevance of the rational choice theory in the next section is its connection to the demand theory as it holds that "criminals are reasoning beings who choose to commit crime after weighing the costs, benefits and risk of committing crimes" (Aronovitch et. al, 2010:36).

5.4.2 Rational choice perspective

The focus of the rational choice perspective is on the rewards and risks of criminal behaviour. This theory was created by Derek Cornish and Ronald Clarke in 1986 (Brown, Esbensen & Geis, 1996:179). According to Conklin (1995:272), this theory underscores offenders' calculated reasoning, and how they digest data and assess opportunities and alternatives. Conklin (1995:273) refers to calculated decision-making by explaining that perpetrators select how to behave after deciding the probable outcome of specific conduct. The rational choice perspective concentrates

on specific crimes such as human trafficking. Different offences meet different needs because there is a significant disparity from one offence to another in the situational context of decision-making. For instance, a love triangle murder where jealousy often plays a major role is different to fraud where greed is frequently the main objective and involves planning (rational choice) to avoid the schemes from being exposed. The same rational choice principle as per the latter example applies to human trafficking.

Aronovitch et al (2010: 29-30) purport that the rational choice theory is useful to understand crimes such as human trafficking and comprehend human trafficking as the offender may take the rational analysis pertaining to the 'market' conditions of the crime situation into account. For instance, traffickers may move victims from rural parts of South Africa to brothels in urban areas and subsequently increase their financial gain or may target run-away children from abusive homes. Akers and Sellers (2013:24) suggest there is evidence that criminals often make an informed decision before committing a crime, which is in line with the rational choice theory's assertion. In a qualitative study of repeat property offenders by Kenneth Tunnell (1990:673), it was shown how delinquents assumed they would obtain an income from crimes they commit and would not be caught or would serve less time in prison if arrested. This confirms that criminals in general are reasoning beings who weigh up the costs, benefits, and risks involved in committing crime (Akers & Sellers 2013:24).

Aronovitch et al (2010: 29-31) elaborate by explaining that criminals' previous learned experience and their values and norms are all factors that will determine the degree to which they are willing and able to become involved in crime. After the decision is made to participate in crime, the choice is made to commit a particular offence. Within the context of human trafficking, target selection by the trafficker may include the deliberate targeting of child run-aways, by reasoning that no one will miss these children anyway or inform law enforcement about their disappearance. There is also increased professionalism involved in how the trafficker operates, which is a result of developed skills and knowledge, for example, the association with other traffickers or others (intermediaries) who supply services, such as document forgery, and developing and maintaining contacts with the possibility of corrupting migration officials and/or law enforcement and other government officials. All the above aspects increase profits while simultaneously reducing risks. The change in lifestyle and values

of the criminal (trafficker) are evident as the result of the mounting dependency upon crime as an income-generating activity (Aronovitch et al 2010: 31). The rational choice theory, therefore, maintains that criminals will abstain from criminal activities if they believe their criminal activities are no longer profitable and that other opportunities are available to generate a legal and attractive income. An added incentive to refrain from crime is when risks outweigh profits, and there appears to be a high probability of being arrested, prosecuted, and punished (Aronovitch et al 2010: 31).

In summary, human trafficking is a crime that is dictated by market conditions (supply and demand of victims), which form part of the rational analysis that is performed by traffickers. To increase their financial gain (benefits), victims are frequently moved to places where criminal deeds are performed by the trafficker and accomplices. The madam (person who manages the brothel) applies her experience and skills (control of victims) to successfully perform the crime (pimping of the victim) who realise that the probable risk of being caught is low, which is in line with the rational choice theory's explanation of human trafficking. The rational choice perspective provides for the acceptance of differences that exist between people. It also caters for different levels of rationality pertaining to the commission of crime but does not rule out the possibility of the presence of pathological motives that may impact the offender's decision making pertaining certain crimes. For instance, a home burglary offence that often involves careful planning when the residents are absent versus a love triangle murder which may occur during a heated argument. However, Fattah (1993:243) asserts that there are no inherent differences between offenders and non-offenders meaning that everyone can commit an offence if the motivation is strong enough and the conditions are fair. The rational choice perspective provides a clearer understanding of the decision-making process of the criminal. The phenomenon that only certain people are motivated to commit crime while others in similar circumstances continue to be law abiding is an issue that remains unexplained by rational choice theorists (Siegel & Senna 1991:89).

The decision to choose a particular crime (human trafficking) involves the selection of the target. Most criminals do not select their targets randomly, which is why victimisation is higher in certain geographical areas and within certain groups, indicating that some form of victim selection takes place before the commencement of

a crime (Fattah 1993:245). Risk is thus an important consideration during target selection which also forms an essential component of the rational choice theory as indicated earlier by Akers and Sellers (2013:24). For example, rape poses a greater risk for the offender of being caught compared to crimes where no confrontation is present. When criminals plan their crimes, the primary concerns for them to consider are the chances of failure and the risks or dangers of the criminal situation (Fattah 1993:250). A study by Reppetto (1974:28) regarding residential burglaries confirmed that offenders consider the risk of the crime and then select victims that are alone outside their properties to force them quickly into their homes. The selection of a vulnerable trafficking victim by means of deception is thus a possible method that reduces the risk of the trafficker being caught. There are similarities between the rational choice perspective and the lifestyle and routine activity model as both theories hold a common focus on the criminal event. Moreover, both theories are concerned with how the combination of these two theories impact the criminal's rational decision-making choice or acts of a particular class (routine activities). Lastly, Burke (2014:46) maintains that "the routine activities theory is to some extent a development of the rational choice theory…".

5.4.3 Lifestyle and routine activities theory

The routine activities theory originated in 1979 by Larry Cohen and Marcus Felson and the lifestyle theory was developed by Michael Hindelang, Michael Gottfredson and James Garofalo in 1978 (Williams & McShane, 1994:222-224). The view of the rational offender does not explain the cause of crime sufficiently for some experts. It is argued that illegal behaviour also hinges upon the actions of probable victims and individuals who protect society, such as the police. Apart from the fact that crime emerges because an offender decides to break the law, victims too might be at the wrong place and time and the absence of the police (Siegel & Senna, 1991:86). Davis and Snyman (2005:37, 63, 64) purport that according to the lifestyle model, there is evidence of a link that exists between lifestyle and the exposure to situations in which the risk of victimisation is high. There is similarly a direct link that exists between lifestyle and the association with individuals that share similar interests, such as congregating in parks, partying with strangers, substance abuse, visiting harmful internet sites, or aimlessly

cruising around in shopping malls. They assert that associating with offenders increases an individual's exposure to victimisation.

According to Williams and McShane (2014:193), the routine activities theory postulates that the number of criminal offences are related to the nature of everyday patterns of social interaction. As the pattern of social interaction changes, so does the number of crimes. This theory does not focus on individual actors and their motivations, but rather on situations or criminal settings. The focus is thus on environments that are conducive to organised criminal activity. The routine activities theory proposes the notion that "… in order for a crime to occur, motivated offenders must converge with suitable targets in the absence of capable guardians" (Aronovitch, et al 2010:32). Williams and McShane (2014:194) uphold that the routine activities theory assumes there must firstly be a motivated offender (trafficker) and subsequently appropriate targets (victims). For example, victims in poor areas who need a job or better living conditions (targets) provide the opportunity for the offender (trafficker) to become involved, which must be a worthy consideration to pursue and translates to worthwhile profits to be made from the trafficked victim. Equally important is the absence of a capable guardian that could prevent the criminal offence from taking place, for example, corrupt law enforcement officials that facilitate the trafficking process or parents that do not offer the necessary supervision over their children. Cohen and Felson (1979:589-590) argue that changes in crime rates may be explained in terms of the availability of targets and the absence of capable guardians and refer to the looting of an area following a natural disaster as an example. They further proclaim that if there is no increase in criminal motivation, but the sudden availability of many targets (vulnerable children) and few capable guardians, the chances that crime will occur is high.

Aronovitch et al (2010:32) explain that the routine activities theory has the potential to create an awareness among suitable targets (potential victims) and to increase controls by capable guardians such as anti-trafficking law enforcement agencies or parents by launching anti-trafficking awareness campaigns to reduce the likelihood of motivated offenders to come into contact with suitable targets. Morojele and Brook (2006:1163,1165) investigated the relationship between drug use and victimisation among teenagers in Durban and Cape Town. Their findings pointed to the fact that

teenagers' risk of becoming victims of crime increases predominantly due to the absence of a capable guardian and they subsequently become prime targets for motivated offenders. The value of the lifestyle and routine activities theory, therefore, lies in the fact that it can be applied in the prevention of trafficking to make persons (potential victims) aware of the dangers of human trafficking. It could, for instance, caution individuals to be attentive to criminals' techniques and approaches and how victims should change their daily activities. It means victims must be more vigilant and aware of trafficker's ploys during the recruitment process instead of being ignorant of bogus advertisements in local newspapers that are aimed to attract victims. The lifestyle and routine activities theory may partially explain certain forms of abuse, for example, sexual exploitation. When there is a motivated offender and there is an absence of a capable guardian, a suitable target is more easily recruited to become a victim of human trafficking for non-consensual prostitution (Lutya, 2010:1). As cited earlier, it was also found that children with limited parental supervision are thought to be particularly vulnerable to exploitation by predators (Fair Trade Tourism, 2015:14).

It is the opinion of Delport in Lutya (2010:15) that some shortcomings of this theory are that not all human traffickers review their potential victims' actions carefully prior to approaching them. Davis and Snyman (2005:41) point out that the lifestyle and routine activities model fails to explain why only some youth become easy targets for traffickers, while others do not. As indicated earlier, Allias (2010) highlights the fact that parents often become involved in the trafficking of their own children, which is contrary to this theory's premise that refers to the absence of a capable guardian making persons more prone to becoming victims of crime (trafficking).

It is apparent that certain individuals are more likely to be victimised due to the lifestyles they live and the places they visit, for instance, men or young girls who visit notorious pubs or night clubs. Lifestyle and routine activities theories only partially explain human trafficking. Since the emphasis of these theories is on a crime of place instead of crime of person, it nonetheless provides valuable insight into the issue of crime prevention. Furthermore, it serves as a guideline for anti-human trafficking campaigns to make potential victims more aware of the pitfalls and tactics traffickers use to prey on targets. It also entails the prevention of trafficking by stopping (interrupting) the intersection in time and space of traffickers and targets those who

lack proper guardianship (parental supervision/police) which is a fundamental cause of trafficking as the criminal opportunity needs to be reduced. Section 5.4.3.1 will highlight the relevancy of the lifestyle and routine activities theory in relation to the taxi queens phenomena.

5.4.3.1 Taxi queen phenomena according to the lifestyle and routine activities theory

The Taxi Queen phenomenon and its relevance to this research was described in section 3.6.1.7. This study has shown that because of the poverty situation that affects numerous households on the Cape Flats, most parents are obliged to work, leaving children in vulnerable positions and making them easy targets to become involved in delinquent activities. The taxi queen experience can be explained according to the lifestyle and routine activities theory. It purports there must be a <u>motivated offender</u> (taxi driver who is prepared to exploit girls), the availability of a <u>suitable target</u> (teenage girl who does not attend school), and the <u>absence of a guardian</u> (parents at work), which creates the ideal situation for these girls to be exploited by the taxi drivers (Williams & McShane, 2014:194). Child exploitation patterns (including target selection and recruitment) have been recorded and highlighted and evidence has been gathered around the rationale for these patterns in this study. The example of the taxi queen phenomenon contributes to the field of criminology.

In section 5.4.3.2, an attempt is made to illustrate how a worldwide pandemic such as Covid-19 could impact child exploitation within the context of the lifestyle and routine activities theory.

5.4.3.2 Impact of Covid-19 on child exploitation

In addition to the foregoing explanation of the lifestyle and routine activities theory, it is the view of the researcher that the Covid-19 pandemic could trigger the exploitation of persons within their own homes because of changed lifestyle and routine activities. The catalyst for this is when people are confined to their living spaces due to lockdown restrictions imposed by governments (social distancing measures) which may include

the restriction of movement and/or curfews, fuelled by strenuous situations such as job losses or reduced income due to dampened economic conditions. These situations may lead to the increase of alcohol and substance abuse due to boredom and an attempt to alleviate stress which in some instances create a breeding ground for child exploitation. People, including young people spend more time on the Internet and social media, which makes children, who are bored due to school closures and in need of social interaction with their peers, particularly vulnerable to predators. Parents often have to go to work or are busy working from home, which leaves children under less supervision than usual and makes them increasingly suitable targets for exploitation. Dr Gary Freed, co-director involved in a national USA poll in 2020 regarding how parents rate their children's health issues, highlighted the fact that parents are concerned about the overuse of social media by their children and Internet safety as their biggest worry and states:

> "Parents biggest concerns for young people seem to be associated with **changes in lifestyle** as a result of the pandemic. Covid-19 has turned the world of our children and teens upside down in many ways. This is an especially challenging time for families, with many children experiencing significant **changes in routine** that may negatively impact their health and wellbeing" (Keeton, 2020:np).

This proclamation by Dr Gary Freed in Keeton (2020) reflects the impact of Covid-19 on society and specifically children and in this instance, is in line with the fundamentals of the lifestyle and routine activities theory. In addition, Interpol has issued a warning by stating "Measures taken by governments to restrict the spread of the coronavirus have led to more sexual abuse cases and especially children may be at an increased risk of sexual exploitation both online and offline" (Ljubas, 2020:np).

Leora Hodes from the University of Cape Town cyber-psychology team added they have found that "during the hard lockdown, screen time went up significantly. Younger adults are more attached to their phones than older adults, research has shown" (Keeton,2020:np). Fourie (2020:np) maintains that "social media has become a lifeline to ensure connectedness with family, friends, the church, societies and even business during the Covid-19 lockdown period." Moreover, SAPS issued a warning about the dangers of social media platform TikTok and states "…as its growth has come with

several vulnerabilities that expose young users to cyber criminals. In a Facebook post, SAPS says TikTok can be safe place for kids 13 or older, but parents are encouraged to discuss online safety and best practices" (Mzekandaba, 2020:np).

Furthermore, teachers (guardians) are often the first to detect signs of child abuse but unable to do so during the pandemic if schools are closed. The vulnerability of children as explained correlates with the findings in section. 4.2.1 of how young persons are targeted by online predators. These lifestyle and routine activities changes may precipitate exploitive situations in society and is an area that may require more research.

Further to the aforementioned theories, an eclectic approach could be considered to explain human trafficking. The basis for this recommendation is that the aforesaid theories are based on a single dimensional explanation of crime. For example, the focus of the demand theory is grounded in economic principles of crime and in this instance, human trafficking. It proclaims that the market conditions where victims are bought and sold are preceded by the demand from customers for selected goods and services. The emphasis of the rational choice is on the decision-making process of the criminal. It attempts to explain how traffickers deliberately recruit victims in impoverished rural areas or jobless persons under false pretences to profit from the proceeds of their captives. Moreover, traffickers carefully consider the risks of being caught and as a result, they eliminate it by applying certain control tactics to prevent victims from escaping. The lifestyle and routine activities theory, in the context of trafficking, asserts that victims also play a role in the crime as they could be at the wrong place and time and subsequently be easy targets for traffickers. It also places responsibility on parents to exert proper control over their children and/or policing.

The final theory to be discussed is the integration approach in the next section as it shows how the demand, rational choice, and lifestyle and routine activities theories are integrated to provide an overall picture of the entire human trafficking process.

5.4.4 Theory integration

There is merit in all the above theories relating to trafficking as each manages to indicate its connection to human trafficking. When combined, it creates cohesion in the explanation of the trafficking offence. Innately, each individual theory does not describe the entire human trafficking process on its own or as Williams and McShane (2014:232) point out: "criminological theories attempt to explain different pieces of the crime puzzle". The integration of certain elements from the above theories, therefore, entails the borrowing of concepts from several theories or as Burke (2014:16) puts it, "theory integration, which can be regarded as a fusion of certain commonalities that are contained in several theories."

The following explanation of the human trafficking process, according to the integration theory, provides an overview of the crime that is in harmony with the chronological sequence of the trafficking events that aligns with the aforementioned theories. It explains the contribution of each theory to the explanation of the trafficking process. Sex trafficking is used as an example to illustrate the application of integration theory. Smith and Healy (2010:9) state there would be no market for sexual services if there was no demand for such services. Traffickers are acutely aware of the demand for certain products or services and must, therefore, make a rational decision as to whether they want to commit a crime (Williams & McShane, 2014:196).

Rational theorists purport that humans live in a free world in which their behaviour consists of a partially determined and partially free will. As indicated above, the rational choice theory maintains that criminals are reasoning individuals that choose to commit a crime after weighing up the costs, benefits, and risks (human trafficking). Traffickers consider the risk of apprehension and the severity of punishment if caught. The rational choice theory, therefore, succeeds in explaining why human traffickers frequently conspire with corrupt migration officials, law enforcement, and other government officials when committing crime. Traffickers are aware that they can count on these corrupt officials for support, reducing the likelihood of being caught. Traffickers also make a rational analysis of 'market conditions' to increase their financial gain, for example, by moving victims from rural to urban areas or to brothels

which is often the situation in South Africa. The financial benefits for traffickers and intermediaries to partake in human trafficking generally outweigh the negative factors (being caught) that are connected to this crime.

The human trafficking process then proceeds with the supplier (trafficker who often operates in conjunction with intermediaries) having to locate and recruit trafficking victims from their original location (usually targeting vulnerable persons in poor communities in South Africa). The recruitment process always involves some deception and coercion such as the promising of jobs, good salary, and/or exciting lifestyle, which correlates with the lifestyle and routine activities theory. For trafficking to occur, there must be not only a motivated offender (trafficker) who converges with suitable targets (victims), but also the absence of capable guardians (parents of victims or law enforcement). The probability that there is such a convergence is heightened by a person's lifestyle and routine activities, which are related to their everyday patterns of social interaction, such as formal work, leisure activities, shopping and so forth (Williams & McShane, 2014:194). The trafficker must ensure that traffic victims are able to perform their duties, for instance sex work, which could involve methods of control over the victims. At the 'service provider' stage, victims are offered up for exploitation. This phase could involve the active marketing of victims, for example, online advertising on Internet websites to attract buyers who seek sexual services, often involving interaction with external agents, such as brothel owners. The customer is irrefutably the end buyer of the goods or services provided by the trafficked victim. The important principle of demand should be reiterated here as the customer may prefer a certain product or service, for example young Asian girls or underage children in South Africa (sex tourism) and may want to obtain the highest quality at the lowest price (Aronovitch et al 2010:33-34). The latter will naturally determine the future behaviour of customers and subsequently impact the demand for goods and services. This spurs the trafficker on to supply, according to the demand, starting the whole trafficking process over again. The reasons that give rise to human trafficking are multidimensional and, therefore, require an integrated view since human behaviour is complex. However, Akers and Sellers (2013:280) cautions that: "if the integration of theories is done without regard for incompatibilities, theoretical uselessness can result".

5.5 Conclusion

Theories attempt to explain different pieces of the crime problem, as most misconduct itself is a very complex phenomenon. The incorporation of the selected theories has shown that each theory contains components that contribute towards the explanation of the human trafficking phenomenon as a whole. The chosen theories provide a framework to interpret the meanings of observed patterns of trafficking as they share commonalities. The demand theory explained how traffickers identify this demand (need), required by customers and supply the victims in return to fulfil the demand while the rational choice holds that the trafficker considers the profits that are to be made by trafficking the victim. The trafficker also considers the risks of being caught and applies control methods that prevent the victim from escape. One of the key attributes that can help explain the occurrence of trafficking is the vulnerability of victims within the lifestyle and routine activities framework and in the South African context, it is the recruitment of jobless and often uneducated persons that reside in impoverished areas. Other risk factors include children from dysfunctional families, school drop-outs, areas that have a high incidence of alcohol and substance abuse and gangsterism, and a lack of parental supervision. It calls for greater education of the potential risks involved and supervision in such zones. Lutya (2012:9) explains that victim precipitation occurs when they accept job offers and are escorted to other areas. The likelihood of trafficking, therefore, increases when there are one or more motivated persons (traffickers) present, the accessibility of suitable targets (victims), and the absenteeism of custodians. Akers and Sellers (2013:39) purport that most of the research done reports findings that are consistent with the lifestyle and routine activities theory.

As indicated, the trafficker decides to act based on the extent to which they expect the choice to traffic a victim will maximise their profits and minimise their costs or losses (being caught and punished) according to the rational choice theory. Traffickers can also be deterred by making the costs of offending (caught and punished) sufficient to discourage them from offending by eliminating the criminal rewards (profits). Moreover, Akers and Sellers (2013:38) assert that the deterrence theory states that "if legal penalties are certain, severe and swift, crime will be deterred". However, they

maintain that "neither the existence of capital punishment nor the certainty of the death penalty has had an effect on the rates of homicides", but state that "there is more empirical evidence when deterrence concepts consider informal social processes of reward, punishment and moral beliefs", according to Akers and Sellers (2013:38). They continue by advocating that the rational choice theory is "another type of modification of the deterrence theory" as the latter theory does not stand up well to empirical evidence but when it is "modified so that a relatively low level of rationality is assumed and explanatory variables from other theories are added, it is more likely to be upheld by the data" (Akers & Sellers 2013:38). This assertion by Akers and Sellers (2013) justifies the integration of variables from the demand and lifestyle and routine activities theories to strengthen the rational choice theory's explanation of trafficking.

Criminological theories also have implications for the broader community, or as Akers and Sellers (2013:13) declare, "theories are useful for addressing the issues of which policies are more or less likely to work, but they are not philosophical statements about what ought to be done". The value of the theories that formed the basis of this chapter lies in its practical application and has the capacity to contribute to criminology. It also has the potential to guide efforts by those responsible for law enforcement policy decision-making directed by theory. Risk factors such as poverty, low education, and joblessness are real issues for South Africa and create a hotbed for vulnerable victims to be pushed into trafficking, regardless of the environment for which the victim is recruited. For example, sex trafficking, as it involves victims from all demographic groups and sociological strata in society and the demand for such services by clients may call for victims operating from upscale brothels to street prostitutes. Furthermore, the foundations of the lifestyle and routine activities theory have a strong victim-centred focus and does not approach trafficking from the offender's perspective only, hence the relevance to this research. The integration theory in turn dovetails the entire trafficking process and offers a sound explanation of human trafficking instead of viewing this crime in silos, for instance, a single-dimensional theoretical approach towards crime causation.

The emphasis of the next and final chapter is on the research findings derived from this study.

CHAPTER 6

FINDINGS

6.1   Introduction

Through this study, an attempt was made to examine and evaluate child exploitation practices in Cape Town within the context of human trafficking. In doing so, a factual exposition from a criminological perspective was generated. Numerous forms of human trafficking, including forced labour, domestic servitude, forced begging, organ trafficking, forced marriage and sex trafficking, form the basis of the explanation for the trafficking phenomenon as a whole, which encompasses an integrated theoretical enlightenment of this heinous crime. Several fundamental aspects relating to human trafficking have been addressed in this thesis, namely the global magnitude of trafficking as well as the issue of conflicting media and some NGO reports concerning the prevalence of trafficking worldwide as well as in South Africa.

The financial implications of human trafficking were highlighted and its impact on the community discussed. The question of whether prostitution should be legalised in South Africa was reflected upon and an overview of sex tourism highlighting the demand by tourists to engage in sex with children was provided. Furthermore, the trafficking process was unpacked by examining the recruitment of victims, the various tactics that traffickers use to control their targets from escaping, and methods to pressurise victims to perform to their maximum capability for the purposes for which they are recruited. Trafficker profiles, as well as the mind-sets of clients that prefer participating in sexual activities with prostitutes, were explored. The importance of the push and pull factors contributing concerning victims being drawn into trafficking were presented, which range from poverty in the community, unemployment, family pressure on family members to generate an income to survive, economic influences, the impact that factors such as aspirational and social influences have on youth, family

disruptions, domestic violence, alcohol and substance abuse, and low education, to migration. The theoretical explanation of trafficking attempted to explain this criminal phenomenon through an integrational approach embodying criminological views related to the demand theory, rational choice, and lifestyle and routine activities theories. From this abbreviated overview, it can be inferred that numerous touch points provided structure in an endeavour to understand the trafficking phenomenon.

In Chapter 1, an orientation of the study was provided including the research aims. This chapter corroborates those aims which are verified with the findings that emerged from the information shared by the participants during the interview phase in conjunction with the literature review. Furthermore, the methodology, as outlined in chapter 2, provided details of the literature study and the data collection process that consisted of face-to-face interviews. The discoveries, which resulted from the interviews, are subsequently discussed in combination with the literature findings under an appropriate theme. These themes encase the nature and extent of human trafficking, the recruitment of victims, the purposes for which victims are recruited, victim control methods used by traffickers, the different forms of forced labour, and aspects pertaining to law enforcement, legal, and local governmental issues. Some details of the research will, therefore, be restated in this chapter to contextualise the content and be cross-referenced to the former chapters where applicable.

This research strives to promote awareness of child exploitation practices in the ambit of trafficking and establish an intervention platform to address these deeds effectively.

6.2   Findings

As mentioned at the onset of this study, the findings in this research are based on South African and international literature coupled with results emanating from face-to-face interviews with 16 key decision-makers (plus one telephone interview with participant 16), who have a working knowledge of, and experience in, human trafficking matters and who are affiliated to the following institutions:

Table 6:1 Interview participants

Participant	Institution	Designation
1	Hawks (SAPS Special crime investigations unit - Western Cape)	Warrant Officer: Special investigations
2	The A21 campaign (NGO)	Manager
3	Department of Home Affairs - Western Cape	Senior immigration officer
4	Molo Songololo (Child protection NGO)	Director
5	National Prosecuting Authority (NPA) - Western Cape	Prosecutor
6	National Prosecuting Authority - Western Cape	Advocate/Prosecutor
7	Child Line - Western Cape (NGO – protection of children against violence and create a culture of children's rights in South Africa)	Senior manager
8	Department of Labour - Western Cape	Senior inspector
9	International Organisation for Migration (IOM)- Western Cape	Programme assistant
10	SWEAT (Sex workers education and advocacy task force) (NGO)	Director
11	Department of Social Development (DSD) - Western Cape	Social worker: Child protection
12	DSD - Western Cape (Metro East)	Social work manager
13	DSD - Western Cape (Metro North)	Social work manager
14	DSD - Western Cape (Metro North)	Social work manager - (Child labour issues)
15	ANEX (Activists networking against the exploitation of children) (NGO)	Director
* 16	City of Cape Town: Safety and Security	Mayoral Committee Member: Safety and Security

*Participant 16 was unable to avail himself for a face-to-face interview due to time constraints but agreed to complete and return the questionnaire following a telephone discussion.

The findings that stemmed from the interviews are discussed in conjunction with information originating from the literature study. The first category provides data on the nature and extent of human trafficking and leads to various other issues regarding human trafficking including child exploitation.

6.2.1 Nature and extent of trafficking

The overarching purpose of the questions regarding the nature and extent of trafficking was to understand participants' perception regarding pertinent human trafficking issues, such as what the human trafficking concept constitutes. In addition, it included questions to ascertain participants' views on research findings regarding trafficking and statistics concerning this crime. Lastly, this section attempted to establish whether there is a need to emphasise child trafficking as a problem in South Africa and to elaborate on trafficking incidents to get a better understanding on the nature of trafficking.

The interviews commenced with discussions concerning South Africa's PACOTIP Act (2013). It was a practical starting point as this legislation encapsulated the entire trafficking process across various forms of human trafficking transgressions. Participants 1,4,5,10, and 15 referred to the PACOTIP Act (2013) to explain what they understood by the term human trafficking and elaborated on the aspects required to meet the trafficking definition. They also referred to the trafficking classification as contained in the Palermo Protocol as it formed the basis of the PACOTIP Act (2013). Moreover, participants 4, 5, 10, and 15 were able to relate to or share practical examples in this sphere, which indicated that they understood the trafficking concept, especially within the South African context. Participants 1,4, 5, 10, and 15 elaborated on the <u>action</u> of what the trafficking process entails, namely the recruitment, transportation (movement), transfer, harbouring, and receipt of victims. These participants also understood the '<u>means</u>' of how trafficking is performed. They were

aware that trafficking involves the threat of victims, the use of force, the use of power, coercion, abduction, fraud, deception, abuse of power, abuse of position, abuse of vulnerability, giving or receiving of payments or benefits to a person, and having control of the victim to accomplish their consent. Participants 1, and 9 knew the purpose of trafficking and were able to provide examples that involved servitude, exploitation, and forced labour. Participant 1 confirmed that his team were involved in the investigation of the stranded fishermen on a foreign fishing vessel in Table Bay harbour and that "*die vissermanne was geforseer om vir lang ure in moeilike omstandighede te werk en mag nie die boot verlaat nie. Die skeepskaptein en skeepsagent het vir die onkostes van die saak betaal wat die deportering van die vissermanne insluit*" [the fishing men were forced to work long hours under difficult conditions and were not allowed to leave the boat. The captain of the ship and the shipping agent paid for the expenses associated with this case which included the deportation of the fishing men]. Participant 9 maintains "*We are aware of the abandoned fishing men found on a fishing boat in Table Bay. They were Cambodian men who were kept captive in inhumane conditions and received little or no payment and forced to work long hours. These fishing men lost their human rights. They were eventually deported.*".

The participants' overall perception of the PACOTIP Act (2013) in relation to the trafficking concept explanations corresponds with the definition of Fight Slavery Now (2011:np), which is the act and process, the means and purpose of trafficking as indicated in Chapter 4. Participants 2 and 15 pointed out the difference between people-smuggling and human trafficking. Participant 2 described that people smuggling entails the transportation of persons who are willing to pay smugglers money to take them illegally to another country with the hope of establishing a better future for themselves or their families. Participant 2 said that "*these illegal migrants are mostly aware that their actions are unlawful compared to trafficking when victims are lured into deceitful situations*". Participant 15 referred to people-smuggling by alluding to the predominantly North African citizens who are smuggled by smugglers illegally to mostly European shores. These explanations of people smuggling correspond with section 1.3.1 which differentiates between people smuggling and human trafficking. As expected, the participants that contributed to the discussion of

the trafficking concept were all aware of the requirements needed that constitute the trafficking concept from the outset of the interview.

There was an overall acceptance among the participants that there is a dire need for South African research on human trafficking. Participants believed the lack of empirical research leads to misconceptions amongst society about the trafficking phenomenon. Participant 15 cited the example that some members of the public think that trafficking does not affect South Africans, but "*happens in some distant place outside of the country*".

Participant 1 described the shortage of research as 'problematic' for the SAPS as they are unable to determine the true impact of human trafficking and are consequently not always able to distribute their workforce resources accordingly. It is also the view of Van der Walt (2018:87,90,92) who asserts that "only a small number of studies were found that explored the issue of trafficking in South Africa" and also refers to the "lack of reliable numbers" and cautioned that the trafficking "problem is rampant in South Africa" and alludes to the "inconsistent statistics provided by various government sources". Moreover, socio-economic and political changes are ongoing and impact citizen lifestyles, including crime in the community, and may also influence foreigner's decisions to immigrate to South Africa as well as attracting delinquents.

Another research-related issue that participants 2,6,9,12 and 15 agreed upon (in line with the literature findings) is a lack of South African research that focuses on a broad spectrum of trafficking-related crimes as most trafficking research tends to concentrate on sex trafficking with a skew towards females. Throughout this research and particularly during the literature study phase, the vast amount of research and information available on sex trafficking is overwhelming. As cited earlier, it is also the view of Van der Watt (2018:3) that "human trafficking for sexual exploitation is the most documented type of trafficking both internationally and in South Africa".

All the participants agreed that there is a need to accentuate the human trafficking question and believe there should be an ongoing educational process among the general public on this matter as it would abolish unrealistic over-claims of trafficking incidents in the media. Participants 4 and 15 were particularly vocal about the high

statistical claims made in the media before the 2010 Soccer World Cup event in South Africa. These claims have never materialised with the blame being placed on some uniformed journalists who reported non-factual information without verifying the facts. Participant 1 confirmed that not one trafficking-related offence was reported to the Hawks during the Soccer World Cup event to investigate. None of the participants were able to recall any trafficking-related offences during the Soccer World Cup event. This is problematic as a skewed perception was created amongst the public about the extent of trafficking. Participant number 15 remarked that some NGOs might have taken advantage of the highly inflated numbers to attract monetary support from donors. Gould (2006:22) again affirms that understanding the nature and extent of trafficking is complicated because there is so little credible representative data about trafficking nationally and internationally. Although much research has emerged since Gould's assertion in 2006 and Delport's in 2007 regarding the scarcity of reliable trafficking data, it is the researchers' opinion that the lack of reliable trafficking data remains a problem. The plethora of research available online is often published by NGOs that reveals nothing new and appears to be a reintroduction of information that already exists in the public domain. For instance, NGO A21's website A21.org (2020:np) provides a succinct description of what trafficking entails, highlights a few statistics that underscore the problem worldwide, the programmes they offer to assist victims and how people can make a difference by donating to the NGO.

All participants agreed that the non-existence of a credible human trafficking database (which is in line with the finding by Shabangu (2010:7) earlier) and the non-availability of plausible research in South Africa, are a problem, with participant 4 describing the situation as *"worrisome and requiring more attention"*. Literature has similarly remarked on the aforesaid as stated in the TIP report (2014:30) that:

> "In recent years, a number of reports about trafficking have relied on misinformation and outdated statistics. Blamed or exploited victims, and conflated terminology. Instead of shining a brighter light on this problem, such reports add confusion to a crime that is already underreported and often misunderstood by the public. As the issue of human trafficking begins to enter the public consciousness, members of the media have a responsibility to report thoroughly and responsibly and to protect those who have already been victimized".

This comprehensive quote underscores the importance of governments maintaining an accurate statistical database of trafficking offences.

Although the participants all concurred that proof of human trafficking, especially relating to child trafficking in Cape Town, exists, they were hesitant to confirm the actual number of cases involving children. This reluctance by the majority of participants to comment on the rifeness of trafficking, stems from the non-availability of credible human trafficking statistics that adds to the mystery of the extent of child trafficking or trafficking as a whole. Resultantly, there still exists uncertainty among the participants as to whether child exploitation within the context of human trafficking is a growing phenomenon in Cape Town or not. The fact remains that child exploitation practices within the context of human trafficking do occur except that no one interviewed during this study was prepared to provide any numbers. Even though participants 5 and 6 were unable to provide statistics regarding the prevalence of trafficking in Cape Town, they stressed that they only act upon such cases that are reported to the NPA and can confirm that it is their opinion that: "*there are more cases appearing on the court roll lately*". They have nevertheless underscored the fact that only a few trafficking cases involve persons under the age of 18.

Participant 1 held that they occasionally come across children that have been trafficked, but that the incidence of adults involved in human trafficking is higher, but yet again, the participant was unable to provide statistics to substantiate this claim.

Participant 16 too confirmed the prevalence of trafficking in Cape Town and stated "*We detected cases where under-aged women were pressurised to work as prostitutes, aged 14-16 years. In some cases, parents of these young women knew they were with the 'boyfriends' (pimps) but were comfortable with this as the 'boyfriends' were very generous.*" Participants 11, 12, 13 and 14 maintained that they deal mostly with child abuse victims regularly, but seldom come across children that are involved in trafficking. Participant 7 also confirmed that although they encounter abused children cases, they hardly ever encounter children that have been trafficked, while participant 2 also confirmed that they mainly encounter incidents that involve trafficked adults. Data derived from interviews with the participants revealed that victims involved in human trafficking in South Africa are mostly over the age of 18. This is indicative that the number of exploited children within the context of human trafficking are predominantly less than trafficked adults. It could be argued that the

number of exploited children, which might include different forms of child abuse, could be significantly higher in South Africa if the trafficking element is excluded. Possible reasons why the number of trafficked adults are higher than the involvement of children are that adults might draw less public attention (and also from authorities) that will expose traffickers' deeds and that adults are more productive than children due to their physical physique, resulting in higher profits for the traffickers.

Contrastingly, participants 4 and 15 concurred that in their experience, there is a prevalence of children being subjected to different forms of trafficking. These range from sex work to labour-related offences in Cape Town, although they were unable to provide any statistics to support their claim. Based on the data provided by the participants and the literature findings, it can be assumed that child trafficking exists in Cape Town; however, the extent of this crime remains undefined. The aforesaid does not hamper this research, as it confirms the evidence of child exploitation within the context of trafficking in Cape Town, although not able to quantify the exact number. There is always the possibility of underreporting that should not be ruled out according to Van der Walt (2018:42).

Participants 4 and 15 noted the occurrence of 'taxi queens' in Cape Town which is supported by the literature in section 3.6.1.7. Although there is no factual evidence that links this phenomenon to human trafficking, there are signs of exploitation as these girls are often groomed and supplied with gifts in exchange for sexual favours, at least according to Koen et al (2000:32). Furthermore, participant 4 elaborated on the fact that some taxi drivers "*supply the girls with money, drugs, cell phones and food in exchange for sex*" which is consonant with the level 1 description of the nature of this transactional relationship between the blesser and blessee as indicated by Singata (2020:17) which include the buying of fast food, supply of airtime and provide money for transport.

Furthermore, all the participants believe that it is necessary to highlight the dangers of child trafficking, thereby educating the community. Participant 2 mentioned that their NGO has regular outreaches to schools and campuses including churches to make people aware of the dangers of trafficking and how to empower young people if they are exposed to trafficking. Participant 15 confirmed they too have community drives to

educate citizens of the dangers of trafficking, which include forced labour practices, and host community sports events to create public awareness.

The data revealed that the participants have an overall understanding of what the human trafficking concept entails and subsequently referred to some examples where applicable. All participants were able to differentiate between child trafficking, child exploitation, and child abuse and that the prevalence of the latter exceeds the former. Participant 15 indicated that *"the presence of only one trafficking factor (deception during recruitment phase), may be enough to lay a trafficking charge"*. Although the participants are not involved in research, they are aware of the limitations of existing trafficking research and the impact the non-availability of research has on everybody dealing with trafficking and related matters. They are also mindful of the negative effect of over-claiming of trafficking incidents on society and the responsibility of the media to publish/broadcast factual information. There was a consensus amongst the participants that there should be an emphasis highlighting the reality of child exploitation within the context of trafficking and that it calls for a joint effort by all interested parties including society to take ownership of this issue as it affects the communities in which we live.

The trafficking process starts with the recruitment of suitable targets for exploitation. Section B addresses this course of action and reflects the participants' point of view of this phase of human trafficking.

6.2.2 Recruitment of victims

For the human trafficker, the first step in the trafficking process involves the recruitment of victims. It is, therefore, fundamental to understand how victims are lured into trafficking. Literature indicates how traffickers carefully select their targets by deliberately focusing on vulnerable victims who are often jobless or in need of a better opportunity. There are many different categories of persons (and areas) traffickers target for the recruitment of victims in or to South Africa, as indicated in the next examples. As cited earlier, Europol (2011:6) confirmed that trafficker tactics for the recruitment victims are universal and therefore the same tactics apply in South Africa

as in other parts of the world. Participant 2 maintained that most victims are recruited from interior areas of the Western Cape, such as the West-Coast region, Upington and so forth, from where they are transported to Cape Town. It is also the experience of participants 4 and 15 that victims are often recruited from interior areas from where they are transferred by taxi drivers to Cape Town. It is the view of participant 16 that *"domestically this involves mostly young and under-privileged rural or peri-urban women being offered employment, training or modelling and other contracts in cities. These opportunities fail to materialise, and the victims are then steered towards jobs in prostitution or massage industries."*

Participant 4 pointed out that Cape Town's sex industry is a big draw that enables the recruitment of girls to be sexually exploited and referred to the "*pimping of young girls*". This assertion is consonant with Potgieter (2012) and Koen's (2000) earlier claims.

There is evidence of numerous foreign women (Thai and Chinese) who are working in massage parlours and/or entertainment clubs in Cape Town. Participants 1 and 15 confirmed that foreign women are often recruited in their own countries as dancers or for jobs under false pretences in South Africa. The arrest of 7 Chinese nationals for their involvement in trafficking in South Africa, is proof of this as cited earlier (TIP Report 2020:462).

According to participant 2, mariners (seamen) are also occasionally found to be working under conditions akin to slavery on fishing vessels. This relates to an incident involving several Cambodian men who, after being recruited under false pretences of good salaries, found themselves without pay and abandoned on board a boat in Cape Town harbour. Participant 4 shared how sport can be used to lure victims into trafficking and referred to an incident where boys from KZN were recruited under the pretences of starting a career at a bogus soccer academy in Cape Town. The luring of persons into trafficking situations under false pretences is a common tactic used by traffickers as referenced earlier by De Klerk (2018), De Wee (2015) and ENCA.com (2013).

Participants 4 and 15 both confirmed that shopping malls are risky locations as persons who have the intention to exploit children accost lonesome teenagers,

especially during school holiday periods. Shopping malls could, therefore, be considered as target areas for the recruitment of children and corroborates with the routine and lifestyle activities theories, as discussed previously. Additionally, pertaining to the taxi queen occurrence in Cape Town, participant 4 disclosed how taxi drivers *"target teenage girls by providing them with cellular phones, gifts and money where after they are sexually exploited"*. The latter forms part of a strategy by some taxi drivers to procure girls which corresponds with taxi queen data indicated in section 3.6.1.7. The recruitment of victims plays an important part in the trafficking process and most participants were able to recognise various circumstances that traffickers use to recruit persons. The PACOTIP Act (2013) specifically refers to the recruitment of victims by including aspects that refer to:

> "…any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of a threat or harm, the threat or use of force or other forms of coercion; the abuse of vulnerability; fraud; deception; abduction; kidnapping; the abuse of power; the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage." (DoJ&CD, 2013:14).

It is, therefore, important to create a greater awareness of how traffickers operate at community level by highlighting the role the community can play to counter the recruitment of victims. For instance, increased security in shopping malls to identify wandering children, especially in the entertainment areas might identify possible child victims and early intervention by community workers may avert potential situations of child exploitation. It is renowned that schools on the Cape Flats are being targeted by gangsters as indicated earlier by Koen et al (2000:12,15,36). It also involves the recruitment of fellow learners by deviant scholars, not only to partake in gang activities, but also to be exploited as, for instance, taxi queens or prostitution according to participant 4.

Routine activity theorists focus on opportunity and lifestyle issues and contend that the availability of suitable targets are paramount, together with the absence of capable guardians to commit crime. The emphasis of this theory is to a great extent on a crime of place and could explain why traffickers recruit vulnerable victims (jobless persons

in poverty-stricken areas) to be transferred to urban areas in Cape Town to be exploited. There is a similarity between the routine activity theory and the rational choice theory as both focus on the criminal event as there will always be those who will commit crime, if allowed to partake. A key consideration to prevent crime is thus deterrence for the offender to reconsider the benefits of committing the crime. For this study, the focus is on the prevention of the recruitment of suitable victims based on the aforesaid. The attentiveness of teachers is of paramount importance as they are the first to notice deviant behaviour in the classroom or school dropouts that are to be reported. This research has identified various forms of trafficking involving children, but the two prevailing forms are sexual exploitation as discussed in the next section and forced labour practices in section 6.2.4.

6.2.3 Sexual exploitation

The predominant purpose of trafficking, which is sexual exploitation is presented and interpreted. Literature findings indicate that sex trafficking is the most reported form of trafficking. This study has similarly found that there is more information available on sex trafficking than other forms of human trafficking. Participants 1 and 2 believe that sex trafficking is the most prominent form of trafficking they are dealing with. Additionally, the involvement of gangsters, pimps, and owners of clubs, tourists and paedophiles in the sex industry as described earlier by Bermudez (2008) and Aronowitch et el (2010). Participant 16 remarked that *"child prostitution is the most egregious abuse of the rights of the minor involved and in the cases I observed in Sea Point over time, the youth and young women involved most often came to great harm or were destroyed or deeply scarred by it."*

Due to the prominence of sex trafficking, it is essential to determine if a link exists between human trafficking and prostitution because some sex trafficking victims may operate under the disguise of voluntary prostitution, as they are controlled and under constant threat from the trafficker, should they disclose their real situation. Moreover, the TIP Report (2012:np), postulates that if an adult gives consent to participate in prostitution, it is not legally determinative if a person is kept in service through

psychological manipulation or physical force, instead, the person is regarded as a trafficking victim and should qualify for benefits, as outlined in the Palermo Protocol. Sex trafficking, and specifically the sexual exploitation of children (including child prostitution), is evident in Cape Town. However, participant 10 admitted that although there are sometimes underage persons involved in the sex trade, most females are over the age of 18 which follows the research findings by Gould and Fick (2008:78) regarding their sex work study in Cape Town. The age of young people working in the sex industry is a grey area and is debatable. It is, for instance, easy for persons under the age of 18 to work as street prostitutes without interference from local authorities that may question their age. Participant 4 described how unemployed parents or dysfunctional households in the Cape Flats sometimes use their children to generate money for the household through prostitution. It is also the view of Marxist feminists who identified poverty as the principal motivation for women to become involved in prostitution (Burke, 2014:236). This situation typically depicts the circumstances that exist in parts of Cape Town and coincides with the push factors as described in chapter 5. Participant 10 disclosed how Cape Town gangs are involved in the sex trade by supplying girls to clients to render sexual services and the earnings given to the criminals afterwards. Participant 4 too, unveiled how teenage girls are being exploited by Cape Town gangsters, as they are frequently being used for prostitution who then receive food, money, and drugs in return. In addition to the aforementioned, the literature findings confirmed that Cape Town is considered as a destination for sex tourism, which itself is a pull factor leading the way for persons to be caught up in sex trafficking.

Furthermore, there appears to be a criminal link between some Cape Town-based taxi operators and the sex trade. In an investigation into the taxi trade in the Western Cape in 2012 by Potgieter et al (2012:194), it was noted that some taxi drivers were allegedly acting as 'middle men' between sex buyers and young girls and how tourists prevail upon taxi drivers who have links with the sex industry to arrange girls as young as 13 to be brought to their hotel rooms for sexual encounters. The abuse of children by means of sexual exploitation is an established network comprising gangs who live in communities where they have easy access to vulnerable children who they set up for prostitution while some taxi drivers are regarded as important participants. Koen (2000:32) too asserts that taxi drivers frequently facilitate the sexual exploitation of

children by taking children to places where sex exploiters are known to gather, and taxi drivers are in collusion with gangs. Literature also shows that it is common for Cape Town gang leaders on the Cape Flats to own taxis and many taxi drivers are often sex exploiters themselves (Koen, 2000:32).

Accordingly, what is the significance of the Cape Town gangs and taxi operators in this study? The relevance is that there is a link between gangsterism and certain taxi operators and the exploitation of young persons. At the launch of the Anti-Gang Unit in Cape Town during November 2018, South African President, Cyril Ramaphosa, emphasised that gangsterism is synonymous with various social ills which include human trafficking and that gangsters rob citizens of their constitutional rights to live safely in their communities (SA News, 2018:np). The impact of gangsters in Cape Town is so austere that the SANDF had to be deployed in the Cape Flats to slow down gang activity in the community. The relevance of the taxi operators in this section also corroborates the PACOTIP's Act (2013:14) definition of human trafficking, as it refers to "any person who delivers, recruits, transports, transfers…", and so forth. The key finding is that vulnerable children in certain communities are prone to be exploited by gangsters in collaboration with taxi operators who offer them as prey to the sex industry in particular. The Cape Flats scenario reflects the social disorganisation that exists in these neighbourhoods, where high crime rates are a result of the high-density areas and weakened norms and social bonds. Poverty and joblessness are rife in these dilapidated areas and impact peoples' overall outlook on life. This contributes to high crime rates due to peoples' failure to achieve their cultural goals of economic success. People in these areas tend to be negative and delinquency is caused by strain which forms part of the social structure theory (Barkan, 2014:184). Subcultural theories were designed to explain why/how structural factors impact delinquent behaviour. However, within the context of taxi queens, it should be noted that although structural theories do apply to women, it does not explain why there are less female than male offenders in society.

This section has highlighted that sexual exploitation is evident in Cape Town and is the most obvious form of exploitation. According to Rene Hanekom of A21 NGO, whose aim is to rescue trafficking victims in South Africa, incidents of sexual exploitation and forced labour are more prevalent in the Western Cape and attributed

it to South Africa's vast unpatrolled borders for attracting people to Cape Town in particular (Ishmail, 2019:np). South Africa's porous borders coupled with corrupt border control officials corresponds with literature findings and feedback received from participants in this study as contributing factors to trafficking in Cape Town, especially the number of immigrants. Although traffickers exploit both domestic and foreign victims in South Africa according to TIP report (2019:428), there appear to be more domestic victims involved, especially in the sex trade, according to data obtained from the participants. Many women are attracted to Cape Town (pull factor), under false expectations of false job offers, but forced into prostitution once they arrive in the city. The noteworthiness of the lifestyles of South African adolescents, particularly those living in the Cape Flats areas, are high risk as they are susceptible to becoming potential victims for involuntary prostitution and underpins the importance of the lifestyle and routine activities theories in this study. Victim control plays a dominant role in the trafficking process as it not only forces the trafficked person to comply with orders from the trafficker, but also from attempts to escape.

6.2.4 Forced labour practices

Cape Town has an age-old tradition of slavery and even now there are episodes of forced labour that involve children. This section reports the various forms of forced labour that impact the lives of persons affected by this crime. South African households are under financial pressure and certain families, particularly those in sub-economic parts of Cape Town, bear the brunt during difficult times. This misconduct ranges from forced begging to the selling of drugs by children, forced prostitution, street hawking, and children who work as domestic labourers in private households and agriculture.

Push and pull factors also apply to the labour market, as it is often those who are vulnerable (jobless persons) who accept jobs that often may lead to forced labour situations. This is consonant with Bermudez (2008:17) assertion earlier concerning market-driven forces of supply and demand that may lead to the exploitation of others. People are desperate for jobs. STATS SA has reported that South Africa is experiencing its highest unemployment rate of 29% since 2003 with recorded job

losses of 49 000 in the formal sector in the second quarter of 2019. The youth unemployment rate increased to 56.4% in the second quarter of 2019 from 55.20% in the first quarter of 2019 (Moya, 2019:np). However, according to Stats SA (2020:np), persons "aged 15-24 years are the most vulnerable in the South African labour market as the unemployment rate among this age group was 59.0% in the first quarter of 2020". Furthermore, of the 10,3 million persons aged between 15 – 24 years, approximately 3,5 million or 34.1% were not in employment, education or training during the first quarter of 2020.

There are ample examples of forced labour originating from this research that show how persons (often children) are used to perform illegal duties. Besides the literature findings, participants 4 and 15 explained how coloured workers are being recruited under false pretences in rural communities in the Northern and Western Cape provinces from where they are brought to work as domestic workers in affluent Indian and coloured households in Cape Town. Participants 4 and 15 described how dedicated taxi drivers frequently visited communities in the Karoo and Northern Cape, where they befriend the locals first with the intention to recruit potential workers to be transferred to Cape Town. These assertions correlate with the findings earlier in this study on the recruitment of victims by Palmary and De Gruchy (2016:23) and Koen (2005:14). The examples reflect the state of the job market and how vulnerable persons are being pushed into situations by accepting any conceivable job for the sake of survival. It is furthermore in line with the rational choice and routine activity theories that explain how traffickers use the opportunity to exploit those in need of better opportunities. Lutya (2009:8) confirmed earlier how the South African job market can facilitate the recruitment of trafficking victims who are unemployed and subsequently prone to accept job offers from traffickers.

Participant 4 believes that labour-related offences involve more boys than girls, although there is a consensus among the participants that girls are more involved in domestic trafficking that involves duties in private households. It may be that females are more suitable to perform household duties in the homes of others. It is noteworthy to consider the Stats SA (Moya, 2019:np) assertion that 49,000 job losses were recorded in the private household industry in the second quarter of 2019. This shortage of positions in private households may increase the demand for cheap labour as many employers may find it difficult to pay labourers minimum wages as prescribed

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by the DOL. The notorious Cape Flats have re-emerged as a zone where forced child labour incidents are rampant in the Western Cape. Data obtained from participants 4, 13, 14, and 15 suggest there is evidence in the Cape Flats areas that some poor families allow their children to stay out of school to perform odd jobs to earn an income. Some children are forced to work at their family businesses, such as house shops. Participant 4 explained how children, especially those from poor families, are involved in the collection of scrap steel for reselling or working as street hawkers at fruit stalls or working in their family's home-shop. Participants 4 and 15 confirmed that there are likewise children working in shebeens and referred to specific cases where children in the Hanover Park suburb in Cape Town are kept out of school by the parents to clean residential homes for money. Shebeens are a detrimental environment for children to find themselves in as it is the place where young children are prone to be exploited by intoxicated persons.

Moreover, participant 15 referred to an occurrence that involves groups of young children who must perform traditional dancing demonstrations for tourists in Cape Town's tourist districts such as St Georges Mall in Cape Town's central business district and the Victoria and Alfred Waterfront during school hours. It is a matter that should receive closer attention by the authorities as it is mandatory for children to attend school. It is also illegal to employ children and whether the children receive fair remuneration is doubtful. Participant 15 confirmed cases where children stay at home during the day to look after their siblings while the parents are at work. This is an example of the shortage of childcare facilities in these areas and an indication of the lack of finances to pay for such services but is also a way to offer protection to siblings from unscrupulous characters in the areas they live. It is these vulnerable children who are often used by adults to commit crime. Data that was obtained from participant 1 indicated that children are being used by criminals in hot spot areas such as Long Street in Cape Town, to sell drugs to night club patrons. Participants 13 and 14 maintained that: *"excons gebruik kinders om te oorleef"* [persons who are released from prison who are unable to find a job, use children to survive by relying on the juveniles to generate money through performing illegal activities]. This corresponds with literature findings that showed how adult criminals use children to participate in criminal activities.

According to the PACOTIP (2013:14) definition of human trafficking, it specifically refers to the "abuse of vulnerability", and in this context, the use of children by adults for criminal activities. In summary, the key elements of this definition as contained in the South African Children's Act 2005 (Act No. 38 of 2005:12) are the means of the recruitment including different forms of coercion, the abuse of power and or having control over the child, the child being in a position of vulnerability, acquiring the child through illegal means for the purpose of exploitation.

According to the PACOTIP Act (2013), and particularly the Children's Act (2005), which refers to 'illegal means', the deduction can be made that the use of children by adults to commit crime can be classified as human trafficking. The aforementioned has shown how needy households often push their children into situations to provide an income for them to survive. These children are not only exploited and exposed to an unnatural lifestyle, but also deprived of experiencing a healthy childhood that includes school education, which is their protected constitutional right.

Begging, which includes forced begging, is a problem in Cape Town as indicated earlier in this research. Although begging is often regarded as a nuisance by many citizens, there are still many child beggars that have no choice but to beg as a command by their parents or criminals. Even though the SA Children's Act (no. 38 of 2005) does not refer to forced begging, it refers to street children as a child who:

> "(a) because of abuse, neglect, poverty, community upheaval or any other reason, has left his or her home, family or community and lives, begs or works on the streets; or
> (b) because of inadequate care begs or works on the streets but returns home at night
> (DoJ&CD, 2005:17).

As there are no official statistics available on begging, participants 4, 13, and 15 believe that begging in Cape Town generally involves more children than adults, especially during school holidays. This could be a tactical approach, as children have more freedom during school holidays to do so, especially if parents are at work. Begging usually entails the soliciting of donations at shopping malls and traffic intersections. Participants 4 and 15 upheld that many township children from areas such as Langa and Nyanga visit shopping areas where large malls are located after

school hours to beg. The children realise they stand a better chance of receiving money from shoppers in certain areas, as those persons are in a financial position to give money to them in comparison with the township or Cape Flats areas, where most of them live. The literature too, has described how child begging is more evident during the Christmas holiday season in December when there is an influx of tourists visiting Cape Town and particularly the Victoria and Alfred Waterfront (TIP Report, 2015:311). It could also be that fewer questions will be raised about the child's school attendance due to the school holidays and that people are generally on a Christmas shopping spree and subsequently have more finances available to spend. Although the literature has indicated there is proof of children being forced to beg in Cape Town, participants 4 and 15 were not able to confirm if this is the case but according to participant 16, it is "*documented occurrence where adults involved in begging utilise children to either assist them in begging or use them to garner sympathy during begging.*"

Sexual exploitation has already been covered, but forced prostitution is nonetheless worthwhile to be included in this division, as it can be classified as forced labour, especially within the context of human trafficking. For instance, data obtained from participant 1 revealed that there is a link between trafficking and prostitution, explaining that once the trafficked girls become addicted to drugs (that were initially supplied to them for free by the trafficker), the women are forced to sell illegal substances to generate additional income for the traffickers besides prostitution to sustain their addiction.

There is also proof of a case involving children who were used to produce pornographic material. Participant 12 disclosed details of a paedophile who paid money to more than 10 children in Kraaifontein (a northern suburb in Cape Town) to participate in the manufacturing of pornographic material. The offender was apprehended but has since committed suicide. This matter could be classified as forced child labour, as the production of pornographic material is usually used for pecuniary purposes and involves the further exploitation of children on pornographic websites, on the Internet and/or shared on paedophile forums. The South African Children's Act (2005:np), refers to the commercial sexual exploitation of children as a "means the procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography…." The latter is more relevant in

the current day and age due to the ongoing growth of the Internet as more persons, which include children, having increasing access to social media platforms and the Internet.

The TIP report (2014:348) confirmed that boys in South Africa are also used to work on fruit and vegetable farms across South Africa, including vineyards in the Western Cape. However, data from the DOL participant confirmed that they hardly come across human trafficking cases, but do receive occasional complaints from workers, which they follow-up on. These labour incidents are in breach of manpower regulations by the employer. There have been isolated incidences of school children working on fruit producing farms in the Western Cape during harvest time, but these cases were found to take place mostly after school hours or over weekends, when boys were working for extra pocket money. Labour inspectors are being trained according to the PACOTIP Act (2013) to be aware and on the lookout for signs of forced labour during their daily routine inspections, according to participant 8. Although it appears as if boys work mostly during harvest time on farms in the Western Cape, these children are not forced to work and are, therefore, performing duties out of their own free will to benefit from the money they receive. Nonetheless, it could be argued that these children perform physical tasks that are not suitable for their age and during a time they should be focusing on their studies. Participant 4 maintained that their NGO received regular reports of children working on farms. More research on this is matter is needed to establish whether it is a problem that exists in the Western Cape farms.

The demand for cheap labour is a pull factor as entrepreneurs might seek to increase profit margins. There is congruently no shortage of gullible children who are caught up in exploited labour situations as they are easily influenced, especially those in impoverished communities. Poverty and the lack of jobs, especially among young people, is a rising concern in South Africa, as previously indicated by Stats SA. Overall, participants 4, 8 and 14 were able to identify with examples of forced labour incidents taking place in Cape Town, which were regarded as a common occurrence according to them. Participant 4 explained how unemployed females are recruited from countryside areas in the Western Cape by recruitment agencies to be employed as domestic workers for wealthy families in Cape Town. These domestic workers are often kept captive as they are not allowed to leave the premises of the homeowners

where they are employed. Participant 8 described how young women which include girls are recruited in the Eastern Cape with the promise of a job at restaurants in Cape Town. These jobs frequently turn out to involve sex work once they arrive Cape Town where forced labour tactics apply such as long working hours and no freedom of movement. Participant 8 referred to an example of how a Cape Town employment agency in Grassy Park in the Cape Flats are involved in the recruitment of jobless persons in Springbok in the Northern Cape Province to perform domestic work duties in Cape Town. Once these women arrive in Cape Town, they are subjected to forced labour principles. Their cellular phones are removed and are subjugated to debt bondage principles due to the travel costs incurred which they have to pay back to the agency. Participant 14 also referred to the recruitment of unemployed females from country areas in the Northern Cape and Karoo to perform domestic work duties for middle class Coloured and Indian households in Rylands Estate which is a suburb in Cape Town. Participant 14 disclosed how taxi drivers operate as word-of-mouth recruiters. These drivers' task is to travel over weekends to country areas where they befriend with targets and their families, only to lure young women under false pretences of job opportunities to Cape Town. These women often escape out of their harsh working conditions after authorities are being tipped off by neighbours who became aware of the plight of the domestic worker. Participant 16 believes that domestic workers are "*being trapped in very poorly paying and exploitative scenarios*" and his declaration is parallel to the aforesaid assertion and states "*There are accounts of this practice especially in parts of Rylands and surrounds where specific recruiters bring young women from rural areas who are then employed under exploitative circumstances in contravention of basic conditions of employment.*"

There is no lack of legislation that prohibits the exploitation of children in the workforce. For instance, the PACOTIP Act (2013:10) contains phrases such as "coercion….., intimidation or other forms of coercion….", to describe forced labour while the Children's Act (2005:np), refers to the exploitation of children in labour environment as "exploitative, hazardous or otherwise inappropriate for the person of that age, places the child's well-being at risk which include their education, physical or mental health or their spiritual, moral, emotional or social development". The above-mentioned situation relating to children working in the Western Cape Winelands is debatable as there exists uncertainty whether the children perform work on the farms

against their free will, or if they work in 'hazardous conditions', for example, with crops that are treated with insecticides.

As cited earlier, the increased demand for cheap labour (pull factor) is one of the main reasons that gives rise to trafficking (Olutola (2016:13). There are numerous educational programmes that exist to safeguard children against various forms of deviant behaviour, but there is little information available that educates persons (including children) at grassroots level against the risks of forced labour practices.

6.2.5 Victim control

Throughout the thesis, it has been emphasised how traffickers control their victims by applying certain tactics. Participants explained how traffickers often apply the debt bondage principal as it ensures individuals are forced to continue being enslaved through the use of the unlawful 'debt' concept, purportedly brought upon themselves due to their transportation and/or recruitment costs, or in some instances their 'sale' which exploiters insist they must pay off before they can be set free. Participant 1 shared how women become addicted to drugs that are supplied to them by the traffickers "*which is usually a guarantee that they will continue performing their duties to sustain their addiction*". Foreign victims of sex trafficking are usually controlled by the 'madam' of the house who usually takes (confiscates) their passports to ensure they do not try to flee. The women are also required to pay off the debt that was incurred during their travel to South Africa. Many of the victims can barely speak or understand proper English and are not always familiar with the surroundings of where they are kept, making it difficult for them to escape. Furthermore, victims have no understanding of their legal rights and South African law. Participant 1 revealed how police officers often frequent these establishments and befriend the owners. This approach is used as a deterrent by traffickers by informing victims that the authorities will not believe them if they attempt to report these matters to the SAPS. The latter findings are consonant with literature discoveries concerning forced labour in particular. Participants 1 and 9, for instance, provided details of occurrences of seamen on foreign vessels being kept captive when they are discovered in Table Bay harbour in Cape Town. The sailors are usually without money and their passports are

confiscated by the traffickers as these are all applied measures of control to prevent victims from escaping. Participant 1 confirmed "*Hulle weerhou die vissermanne se paspoorte sodat hulle nie kan vlug nie*" [They keep the passports of the fishermen, so they are unable to escape]. Participant 9 too stated that "*The passports of the abandoned seamen are kept by the captain to prevent them from escaping*". The retaining of victim's passports is a common control tactic applied by traffickers as cited earlier by Mhlana (2015:1), Shaik & Farley (2014:np) and Allais (2010:90, 167). Participant 16 proclaims that "*Our enforcement staff did find women being physically confined in slum apartments or houses or being prevented from leaving by their babies or children being held by the pimps to prevent them from fleeing.*"

Empirical data collected and presented throughout this thesis has unequivocally shown the central role victim control plays in the trafficking process. The most common control tactics are the confiscation of victim's passports while drugs are mainly supplied to sex trafficking victims to cause them to become totally dependent upon it, which leads to an unassuming execution of their duties to sustain their addiction. The situation in South Africa is no different as traffickers apply all the familiar forms of victim control, as indicated earlier according to the literature and interview findings. There is further proof of threats of harm against the victim's family if the victim does not comply with the traffickers' commands, according to participants 1 and 15. Evidence of the African juju method of control, which is often used by traffickers from West Africa, is evident in Cape Town and participant 1 is aware of a human trafficking incident involving this control technique. No other participants have experienced any incidents that involve juju as described in section 4.3.1.2. Victim control tactics are synonymous with trafficking and are referred to in the PACOTIP Act (2013:14) as "anybody having control or authority over another person for the purpose of exploitation". It is, therefore, reasonable to assume that the aforementioned examples of control tactics such as the withholding of the victim's passports or the provision of addictive drugs to victims, are congruent with the PACOTIP legislation with reference to the control of victims and in line with similar findings by Allais et al (2010:151) and Kane and Van de Glind (2009:28,30). Victim control can partly be explained by the rational choice theory which maintains that the criminal weights up the benefits of the crime and changes of being caught before committing a crime. Control tactics are measures the trafficker implements to reduce the chances of being caught.

6.2.6 Justice and law enforcement

All participants agreed that the ratification of the PACOTIP Act (2013) is a great achievement for South Africa legislation to fight trafficking. They were optimistic and maintained that the legislation was long overdue, especially for those concerned with the combating of trafficking and the care for victims. Furthermore, the participants regarded the PACOTIP Act (2013) as an all-inclusive legal classification with a practical approach as it makes provision for trafficking-related crimes, such as *ukuthwala*, which is unique to South Africa. There are already reports of efficacious sentences that have been imposed for trafficking offenders. Literature, has for instance, highlighted the fact that 11 offenders have been convicted under the new PACOTIP Act, that resulted in the sentencing of 10 cases during 2016/17 (TIP Report, 2017:362). Participants 1, 5, 6, and 15 were particularly pleased with Section 71 of the PACOTIP Act (2013) which makes provision for life imprisonment if applicable, and Article 4-11 that allows for fines up to R100 million (ZAR) for an array of human trafficking offences (TIP Report, 2017:363). These hefty penalties will hopefully deter traffickers from offending and to reconsider their involvement in trafficking. An example of the execution of such harsh sentences is a recent trafficking incident when a Nigerian citizen, Ediozi Odi, was sentenced to more than six life terms plus an added 129 years by the Gauteng high court in September 2019. The offender lured three girls aged between 13 and 14 years with promises of a better life but they were locked up instead, forced to smoke cocaine (commonly known as rocks), and used as sex slaves (Lawal, 2019:np).

The literature study revealed that the PACOTIP definition of trafficking is more comprehensive than the Palermo protocol description, which serves as a benchmark for human trafficking legislation. This is because the PACOTIP classification not only contains all the key elements that are covered in the Palermo protocol's definition, but incorporates added terms such as 'harm', 'abduction', 'kidnapping', and 'compensation' to ensure it covers trafficking related offences from all different angles, as indicated earlier. Participants 5 and 15, for example, referred to the South African practice of *ukuthwala*, which they believe often involves the abduction or kidnapping of young girls, and the perpetrators can now be charged according to the PACOTIP

Act (2013). Much thought and careful consideration were applied by the custodians involved in drafting the PACOTIP Act. Additionally, participants 1, 2, 5, and 6 expressed their satisfaction that the PACOTIP Act (2013) allows SAPS officials to record trafficking related crimes according to an appropriate criminal category. The literature in this study has revealed there is no credible database that exists in the SAPS to record human trafficking transgressions in South Africa. It does, therefore, not portray a true reflection of the extent of this crime. This discussion on the reporting of crimes and its impact on human trafficking statistics has, yet again, underscored the importance of the availability of human trafficking research.

According to participants 1, 6, and 15, another major hindrance that could obstruct an effective anti-trafficking strategy is the hidden nature of trafficking, coupled with the non-availability of a sound national database that captures trafficking incidents. This problem is highlighted by Van der Watt (2018:92) who cautions against the "lack of reliable numbers" and "argues that the problem is rampant in South Africa and posits that the situation may in fact be far more chronic than anticipated". However, there are other challenges to consider for those involved in anti-trafficking efforts in the Western Cape. Participant 15 pointed out that various government officials *"have not been trained in accordance with the new legislation"*. According to participants 1, 2, and 15, there is also a shortage of suitable safe houses for sexually abused victims as some persons require special care and support. It is also the view of participant 16 that there is still a *"limited availability of safe houses."*

An added conundrum underscored by participants 1, 5, and 6 is the shortage of skilled court interpreters. They specifically referred to a forced labour incident that involved foreign ship-owners in Cape Town harbour when Chinese, Korean or Russian interpreters were required. Another problem that hampers the fight against trafficking described by participant 3, is *"the congested borders"* (long traffic queues) making reference to the Beit Bridge as an example where *"truck drivers are prepared to move people across the South African border for R100-00 (ZAR) per person"*. The participant believed the situation calls for a more effective DHA and SA National Defence Force intervention to control South African border posts. Corruption at South African border posts by government officials remains a problem as indicated earlier (TIP, 2019:428) and Defence Web, 2019:np). Participant 16 too exclaimed *"The ability of perpetrators*

to conduct this criminal activity implies the impairment of the integrity of numerous aspects of border security and criminal justice system."

Of concern is the involvement of some corrupt SAPS officials who befriend with brothel owners that undermines the work of law enforcement. Participant 1 alluded to this problem as *"Hulle maak vriende met Chicago se club manager en eienaars en dit beinvloed ons optredes teen die bordele"* [They (referring to some SAPS members) make friends with Chicago's (brothel in Bellville) club managers and owners which affect law enforcement's action against these brothels]. *"Dit is ook die geval by 'n bordeel in Parow"* [It is also the case at a brothel in Parow]. These assertions correspond with findings earlier regarding this matter (TIP, 2019:424), (TIP, 2018:389) and Fair Trade Tourism (2015:19). It also appears that persons trapped in exploitative situations are often being detected during law enforcement operations or as participant 16 explains: "*The City enforcement staff would act on cases of forced labour as they would act on other forms of trafficking, however the former is rarely reported while domestic sex trafficking is reported on occasion or is detected or the women are found in properties which are subject to police operations due to drugs, firearms and other criminal activities at these properties.*"

Despite the abovementioned shortcomings, participants 5 and 6 confirmed that the NPA has created its own training material regarding the PACOTIP legislation and has a team of dedicated prosecutors dealing with human trafficking cases. Participant 8 similarly stated that DOL are committed to regular training sessions of staff to familiarise them with the new Act. There appears to be a strong commitment from various parties in the Western Cape to combat human trafficking. The NPA, for instance, forms part of the Western Cape Provincial Trafficking in Persons Task Team in collaboration with the Hawks and other stakeholders, such as the IOM, NPA DSD, and NGOs to bolster their efforts to fight trafficking in the Western Cape province (Ngobese, 2017:np). Participants 1, 2, 5, 6, 9, 13, and 15 confirmed that the aforesaid partakers congregate regularly in Cape Town to discuss human trafficking and related matters and devise strategies regarding what course of action to take to control trafficking. Task team discussions include hotspot problem areas in Cape Town, raids of brothels or premises following tipoffs, logistical issues involving victims passports that are seized by traffickers or brothel owners and assistance with deportation of such persons, legal proceedings of current court cases, victims that are kept in safe houses

and any special needs of persons in these places of safety. Participant 1 maintains that *"Brooklyn en die agterstrate van Bellville asook die Parksig Villas is hotspot areas"* [Brooklyn and the back streets of Bellville as well as Parksig Villas are hot spot areas] and corresponds with Solomons (2014) assertion in section 3.4 regarding this notorious townhouse complex. Participant 16 added that the City of Cape Town's Safety and Security have effective measures in place to combat trafficking related incidents and states *"Liquor and Vice Unit in Law Enforcement, which through the enforcement of City by-laws occasionally encounter trafficking cases. They have also collaborated with Hawks and SAPS on operations."*

Furthermore, the DSD Western Cape contributes financially by funding services that are rendered by third parties to persons affected by trafficking, for example, the hosting of victims which include children in safe houses. The South African government allocated R2.7 million (ZAR) to promote anti-trafficking and awareness programmes during the 2014-2015 financial year (TIP Report, 2016:342). It should be noted that no mention was made regarding any further funding by government in succeeding TIP reports, which includes the 2019 edition. Moreover, in a recent anti-trafficking campaign, the Minister of Social Development, Sharna Fernandez, made a public appeal for more funding that is required for a Western Cape shelter programme (Lindwa, 2019:np). The government allocated funds for the training of 376 law enforcement and social services officials, which include staff from the SANDF, SAPS, SA Department of Health, Department of Agriculture, Forestry and Fisheries, DHA, DOL, and ACSA. Further financial investment involved government funding of structures for the care of human trafficking victims. The DSD has, for instance, increased their efforts and resources to protect victims of trafficking by overseeing 17 NGO-operated safe houses, which serve as temporary shelters for victims. The government has additionally established and operates a network of Thuthuzela Care Centres across the country to assist rape and victims that have been exposed to sexual violence, according to the TIP Report (2016:341). The DSD Western Cape has invested R27.7 million ZAR for the care of human trafficking victims under the victim empowerment plan (Ngobese, 2017:np). Other initiatives introduced by the Western Cape local government to combat trafficking are their active involvement in anti-trafficking campaigns. These include publicity efforts by the DSD to promote human trafficking awareness which comprised a silent protest led by the DSD together with

NGOs during the human trafficking awareness week in October 2017 along St Georges Mall in Cape Town to raise public awareness of the dangers of human trafficking. Participant 15 likewise shared their NGOs involvement to control trafficking and explained how their social workers educate local communities in areas such as Worcester and Murraysburg regarding the dangers of trafficking. They also reach out to fishermen in the Western Cape coastal town of Lamberts Bay to educate people on the reality of forced labour practices in the fishing industry. These educational and publicity efforts to counter human trafficking are essential to create a better understanding of the trafficking problem among the public, as financial commitment alone is insufficient to fight this heinous crime.

This section has covered aspects of the PACOTIP Act (2013), the effectiveness of this legislation, and its practical application within the South African context. An effective system to manage and control trafficking requires finances to provide sufficient victim support facilities and programs, as indicated above. Human trafficking is a profitable crime due to the large monetary value attached to it, but at the same time requires adequate funding for government departments and NGOs to deal with this immense problem. The amount of money that government allocates to combat and manage human trafficking seems insufficient and is an issue that requires greater consideration by government to address the trafficking question adequately. However, without the proper training of government staff and the commitment of ethical personnel to curb trafficking, the battle against this crime cannot be won.

This study has contributed to the field of criminology as information gathered and interpreted during this research creates a platform to re-think the approaches to human trafficking, specifically the more formidable contributions outlined below. These few recommendations in the following section provide worthwhile considerations.

6.3   Summary of findings

Data obtained from the participants during the interview phase reiterated that trafficking exists in Cape Town. However, the extent of trafficking-related crimes remains unknown as none of the participants were able to provide statics to support

their assertions. These findings underpin the lack of available statistics identified in the literature. Yet again, the reality of underreporting of trafficking offences must be highlighted or as Van der Watt (2018:42) puts it: "The fact that human trafficking is an underreported crime also contributes to the paucity of data on the problem as the majority of cases remain undiscovered" and also: "Arguably the most pressing challenge is the so-called 'hidden populations' that constitute the study of human trafficking" (Van der Watt, 2018:42). It serves as a stark reminder of the challenge researchers have to encounter in their attempts to determine the extent of this crime.

In line with the research questions of this study as set out in chapter one, namely <u>what the nature</u> of child exploitation practices in Cape Town is and <u>what motivates</u> persons to commit these crimes, this study explained the prevalent types of trafficking and described its workings. In terms of which factors spur persons to commit child exploitation offences, these objectives were achieved primarily by means of the literature study due to the depth of information required. For example, the profile of the buyer of sexual services.

Trafficker tactics, namely the recruitment, transportation and control methods of victims, are similar in South Africa compared to other parts of the world and correspond with the Europol (2011:6) declaration that these "principles go beyond geographical boundaries". Forced labour, which encompasses domestic servitude, often includes underage persons are evident in Cape Town. Sex trafficking involving underage children is nonetheless a rarer occurrence according to the participants. Gould and Fick's (2008:78) research on sex work in Cape Town too revealed that only five children were encountered working as street sex workers during their 16-month research. None of the participants have come across any incidents of *ukuthwala*. All participants agree that trafficking of children are of a far lesser occurrence than adults in Cape Town.

CHAPTER 7

RECOMMENDATIONS AND CONCLUSION

7.1 Introduction

Potgieter (2013:5) purports that South Africa focuses on combating the symptoms of human trafficking rather than the root causes. This calls for an approach that encapsulates all the fundamental causes of the exploitation of vulnerable children and/or the factors that draw them into human trafficking. This final chapter draws to a close by highlighting some of the aspects that require further attention. It is not an attempt to provide a quick-fix solution to child exploitation but rather the provision of guidelines of possible opportunities that could be explored. The subsequent focus areas are education, the connection between poverty and child exploitation, identifying and reporting of exploitation incidents at a grassroots level within the community, and the involvement of the tourism sector to flag potential child trafficking happenings. Further aspects include an investigation into the taxi industry, the importance of technological advancements, migration loopholes that could facilitate trafficking, and challenges experienced during legal proceedings and law enforcement actions.

7.2 Recommendation

Several factors have been identified that require further attention and are discussed below.

- **Education:** Education is a key factor in South Africa in the fight against trafficking and child labour in particular. As cited earlier, child labour is a problem in Cape Town, as is poverty in certain communities. Allais et al (2010:5) add that although the root causes of trafficking are complex, poverty appears to be a major facilitator of this crime. Moreover, the education of

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children in some schools in the Cape flats is problematic as many schools are located in gang-controlled and drug-infested areas, which harms learners as young children are vulnerable and may be easily influenced. World-renowned Nobel Prize Peace laureate, Kailash Satyarthi, who received the Nobel Peace Prize in December 2014 for his efforts to eradicate child labour and advocating for children's rights across the globe, expressed his concerns over the commercialisation of education in the developing world. Satyarthi said that education was at the heart of the fight against child labour but asserted that education was "becoming a commodity" when he addressed the Global Campaign for Education summit in Pretoria, South Africa. Satyarthi pronounced that there is a strong link between child labour, illiteracy, and poverty (Dlamini, 2015). Satyarthi's assertion is an issue that requires greater attention in Cape Town. Schools play an important role in combating child trafficking, and subsequently, child exploitation practices. For instance, the early detection of potential child exploitation (trafficking) incidents by educators are vital as they are the first to notice absenteeism or sudden behavioural changes among children who can red-flag such cases with local authorities. Participant 4 believes that teachers can report school 'dropouts' to local authorities for rapid action to be taken as these children are prime targets for exploitation. Fellow learners too can fulfil an important role and should be encouraged to report deviant behaviour to school teachers. Examples include electing a role model pupil in every class and equipping them with basic guidelines to monitor and report irregularities of fellow learners and the instruction of life skills to educate learners about trafficker tactics and how to become more assertive when encountering such incidents. The involvement of NGOs in particular can make a valuable contribution in creating overall awareness among scholars of the pitfalls of child exploitation. The DSD Community Development Workers can also make a positive impact in coaching children as they are already integrated into local communities at a grassroots level.

- **Poverty:** Poverty is a contributing factor that emerged in this study that may push vulnerable victims into trafficking. In an international poverty study involving Ethiopia, India, Peru and Vietnam, University of Cape Town emeritus associate professor, Andy Dawes and Professor Colin Tredoux confirmed that

"the poorest children often have the fewest opportunities to learn at school and home" and that "poorer children, particularly boys, are often forced to leave school to help support their families" (Bernardo, 2019:np). Tredoux maintains that "If you don't have a reputation within the mainstream, there is this alternative. In South Africa, gangs are very important; it's very prevalent" (Bernardo, 2019:np). This is where peer pressure comes into play, as such circumstances are a breeding ground for the association with concurring persons and creates a culture of deviant behaviour that may include elements of exploitation. The challenge to break poverty is job creation, which starts with investments into various industries. Education is thus a prerequisite for children and youth to equip themselves for the labour market. It requires an investment by government and the private sector in the educational system. It is also vital that a safe environment is created for learners to attend educational institutions, particularly in the Cape Flats, which is renowned to be affected by gangsters. The deployment of the SANDF in the gang-ridden Cape Flats in Cape Town is evidence hereof (Gerber, 2019:np). The effectiveness of this initiative to curtail crime remains to be seen as military staff are trained to combat war and these calculating gangsters are well-integrated within their communities. Poor communities result in social disorganisation as they have inadequate resources to deal with their problems. Delinquent behaviour takes place due to the weakening of social control as a result of the non-existence of common values which are transmitted from one generation to the next. Van der Walt (2018:16) also highlighted that poverty is one structural issue that opens the door for exploitation in society. Unless greater attention is given to poverty within Cape Town communities, vulnerable persons will be pushed into exploitative situations.

- **Tourism industry:** Tourism agencies, hotel, airline, rail staff, as well as long distance bus and taxi operators are all valuable signatories to help identify potential victims and abusers. There is proof of airline and hotel staff being trained to identify potential trafficking occurrences. For instance, airline cabin crews based at Glasgow Airport, Scotland, are trained to spot potential victims among passengers which is part of their Home Office's crackdown which has seen 'Border Force' teams set up at major airports (Crooks, 2015). At

Manchester airport in the UK, airport staff trained to spot and discern tell-tale signs of human trafficking victims (China.org, 2015). According to Whaley (2015:np), police have busted prostitution and human trafficking rings at numerous hotels and motels in Tulsa, Oklahoma, USA, which has led to the training of hotel staff as they are the first to notice visitors coming in and out of rooms and are taught to be on the watch for guests who appear fearful, nervous, or overly submissive. Section 3.6.1.3 provided background to the prevalence of sex tourism in Cape Town which included research findings by Allais (2010), Ecpat (2015), Spurrier (2017) and Fair Trade Tourism (2015) while section 3.6.1.4 provided insights into the sex tourism industry. Since hotel front desk and security staff are first to observe guests' movements at their premises, it is recommended that staff at these establishments be made more aware of the realities of sex tourism and receive guidelines on how to detect and report peculiar movements and behaviour of guests. It also includes security staff to become more observant of the delivery of persons by public transporters to hotel or guest houses.

- **Taxi industry:** Participants 4, 14, and 15 have already confirmed during the interview phase the need for authorities to identify the long-haul taxi operators to address the trafficking problem as they fulfil a key duty in transporting girls from rural areas to Cape Town and also cited by Martens et al (2003), Koen, (2000, 2005), Potgieter (2012), Allais (2010) and Palmary and De Gruchy (2016) in addition to the TIP report (2014:348). This may involve more frequent spot-checks of taxis on long distance routes heading toward Cape Town especially over weekends and school holidays. It also calls for the training of community workers in country areas where evidence exists where people are being recruited from such as De Aar, Upington, Murraysburg, Danielskuil, Beaufort West, West Coast towns which include Vredendal and Saldanha Bay and calls for the training of community workers in these country areas. This study has identified that certain local taxi operators are also involved in the exploitation of young persons and that many Cape Town taxi operators are gang leaders and are known for their involvement in criminal activities that include children. It is recommended that key members from the Cape Town taxi association also be represented on the regular Cape Town anti-trafficking forum

as it may add a different dimension to trafficking and child exploitation in the city. Section 3.6.1.7 'Taxi queen phenomena' also refers to the South African Department of Health's initiative to protect young girls from 'sugar-daddies or as it states "Increasing economic opportunities for young women to try and wean them away from sugar-daddies" by launching an awareness campaign to address this issue. It is recommended that such a campaign can be highly effective by targeting the taxi industry specifically. Western Cape Government Premier, Alan Winde has launched a new project termed 'Blue Dot Taxi' in conjunction with Transport and Public Works Minister, Bonginkosi Madikizela in March 2021. This pilot project involves 1300 minibus taxi operators across the Western Cape that aims to reward improved driving behaviour which include the "reduction of illegal operations" (Makoba-Somdaka, 2021:np). This initiative leans itself to the empowerment of taxi drivers as they can benefit from governmental advertising campaigns for example the Department of Health as indicated above. Furthermore, there are dedicated media companies that have the expertise to enable companies or institutions to convey their communication messages directed at taxi drivers and their passengers who have been doing this for many years with great success. Digital media opportunities inside minibus taxis improved over the years to such an extent as it allow advertisers to run their communication message inside taxi's television screens which guarantees a captive audience while in transit. Below are a few links of companies who are able to convey companies or institutions communication messages to their target audiences as an example.

- **SA Taxi Media:** https://sataxi.co.za/sa-taxi-media/
- **Transit Ads:** https://provantage.co.za/business-unit/transit-ads/
- **M3Ads:** https://provantage.co.za/business-unit/transit-ads/
- **Transit Ads:** https://provantage.co.za/business-unit/transit-ads/

- **Technology:** The successful combating of trafficking and the exploitation of children also calls for the adjustment of strategies as traffickers are becoming progressively sophisticated worldwide as technology plays an increasingly important role. It demands the employment of certain skills and initiatives by

businesses and individuals, as in the following example. USA software company executive, Ryan Dalton, CEO of Rescue Forensics, asserts that traffickers are finding it easier to disguise their business from law enforcement as they rely on the Internet to exploit people and explains that:

> "These traffickers are putting up a lot of information that's very valuable. It's like digital fingerprints that they're putting all over the internet that no one is capturing and no one is finding it. This is because ads only stay up for a short period of time before they disappear, making them untraceable for law enforcement. So what we do is we go out and find that information, we collect it all and put it in one place. And that allows law enforcement to search that information and find what's potentially relevant to their case " (Newschannel10.com, 2015).

We live in an advanced digital age and parents and authorities should be able to adjust to ongoing rapid technological changes that enable us to curb child exploitation. For instance, it is the researcher's view that many parents have anti-pornographic filters installed on their computers which their children have access to but less so on their children's own cellular phones. Many children spend a large amount of time on their cell phones without parental supervision which enable them to bypass pornographic content filters such as Net Nanny or K9 Web Protection with great ease. For example, if a child conducts a Google search for any pornographic or disreputable phrase followed by the word Twitter (social media platform), it automatically bypasses the content filter blocker and all sexual websites related to the topic within the Twitter domain will appear from where the person can freely explore. Many children start using the social media platform Telegram which is a popular cellular phone application similar to WhatsApp. However, Telegram poses a danger to underage individuals to be exploited by criminals who are using it to post messages of drugs they are selling or persons enticing like-minded individuals to participate in sexual activities. Telegram users simply have to click on the settings link on their phones followed by 'People Nearby' and then 'Groups Nearby' which will display all related groups within a persons' catchment area, for instance 'Swingers', 'Sexychat', 'Cape Town nudes' or 'Marketplace' that sells drugs "Quality weed with cheapest price and delivery" which include pictures showing dagga (cannabis) quality or "Anyone selling Xans ?" (Slang word for Alprazolam

which is a schedule 5 tranquilizer), and so forth. Persons frequently post pornographic video clips on Telegram groups also with an option for anyone to contact the advertiser in private which removes the conversation from the public domain.

Moreover, children do not always realise the danger of sharing personal content with their friends or acquaintances on social media. This can cause a person harm if the message lands with someone with wrong intentions for example a paedophile or criminal who uses it to blackmail the victim by demanding money for not exposing the content on the Internet or social media. Vigilant parents are encouraged to educate their children of potential dangers of social media and Internet and to install child safety and tracker applications (app's) on their children's cellular phones. One example is The Child Safety & Tracker application available from https://97technologies.co.uk/Case-Studies/child-tracker-App. This application has features that include SOS and alarm facility, information that prevents online abuse or wandering, low battery alert, app usage and location logs, location monitoring with geo-fence alerts, offline reports and so forth. It is difficult to refrain children in an increasingly technological driven world access from cellular phones and the key is for parents to provide clear guidelines to children regarding the usage of it. There are numerous applications available to block certain social media platforms or to control behaviour of users obtainable from the following links for free for example Kidlogger https://kidlogger.net/ and RaliZd http://www.realizd.com/. The placement of banner advertisements on children gaming applications and other social media platforms that warn of the dangers of the 'dark web' can serve as an effective education programme.

In conclusion, Evans (2019:np) professes that the Internet is responsible for the increasing incidences of sexual abuse and that an Internet program '*crawling*' is currently being used with positive results to report and remove exploitative images involving children. Lastly, the activation of an online campaign that specifically targets predators that explore child pornographic websites is imperative. It should signal a strong message that unlawful behaviour on the

Internet which include their activities in private forums will not be tolerated and associated penalties for offenders.

- **Immigration:** Another issue that requires attention is the flow of immigrants to and from South Africa, as traffickers take advantage of loopholes. Immigration control is a matter that has been flagged in the TIP report 2019. It asserts that immigration provisions have not been propagated since the enactment of this legislation which "prevented front-line responders from fully implementing the anti-trafficking law" (TIP report, 2019:425,426). Additionally, participants hold different opinions regarding the formation of the unabridged visa requirement for travellers to and from South Africa to curb human trafficking, as they question the effectiveness of this initiative, especially due to the vast porous borders of the country and the involvement of corrupt government officials at border posts. Former opposition political party leader of the Democratic Alliance, Mmusi Maimane, has similarly blamed SANDF by stating that they are under-resourced and corrupt. He also referred to mismanagement at the DHA, which contributed to the condition of the country's borders and proclaimed: "We need to prevent the trafficking of humans" (Defence Web, 2019:np). The DHA has since relaxed the visa requirements effective from 1 December 2018 and it is no longer mandatory for every parent travelling with a minor to produce a document that proves consent from the other parent (Cogswell, 2019:np). It is the responsibility of DHA in conjunction with SANDF to create order at South African border posts by implementing a robust immigration system that is managed in an efficient manner that allows no room for corrupt officials. A possible method to control the illicit flow of immigrants across vast border areas is the implementation of drone technology as it far more cost effective and efficient to detect the illegal movement of persons than conventional foot patrols by SANDF members at huge costs. For instance, "…..170 soldiers patrolled the 127km Mozambique border. At least two platoons of 40 soldiers conduct patrols. The same applied for the patrol of the 143km border South Africa shares with Swaziland" (Nxumalo, 2018:np). The foregoing exclude Namibia, Botswana, Lesotho and Zimbabwean borders. Unscrupulous persons who include truck, taxi and bus drivers attempting to transport persons illegally into South Africa should be dealt with vigorously by law enforcement and ban such

persons including the companies they are employed with from entering South Africa.

- **Legal proceedings:** A shortcoming raised by the NPA participants is the shortage of foreign court interpreters which may lead to unnecessary delays in court proceedings. In addition, participants 1 and 5 also confirmed they occasionally face a language barrier that may hamper the investigation of matters that involve foreign nationals who are only able to communicate in their mother tongue. To provide a fair trial and hearing, more attention must be given to court interpreters that would enable them to deliver their key services to the courts, as all persons are equal before the courts and have the right to a fair hearing by competent court officials. South Africa already recognises eleven official languages (Afrikaans, English, Ndebele, Pedi, Sotho, Swati, Tsonga, Tswana, Venda, Xhosa, and Zulu) which sometimes poses a problem if a specific language interpreter is not available at a given date and time in court. With the influx of migrants from all-over Africa including foreign shipping vessels and flights from different parts of the world, language barriers could complicate court proceedings. A Cambodian citizen may for example not always be available to assist courts to overcome the language barrier and if someone is available who understands the language, he/she may not necessarily be equipped to provide accurate interpretation to the court which could leave room for error in the trial. Video-conferencing interpretation linked to a pool of available foreign interpreters is an option to assist the courts or the use of a company that provides telephonic interpretation services who are trained on interpreter ethics and standards as utilised by USA Border Patrol.

- **Law enforcement:** Other issues of grave concern are that in spite of the establishment of the PACOTIP (2013) legislation, TIP report (2019:424) pointed out that poor understanding of trafficking by government officials and the lack of consistent training hamper government's intentions to curb trafficking as it on occasion led to the arrest and custody of trafficking victims. The TIP report (2018:389,392) supports the aforementioned assertion by the researcher, and states "that the South African government still does not fully comply with

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international standards for the elimination of trafficking", as it is still listed on the Tier 2 Watch List and that 2 cases only have been prosecuted according to the PACOTIP Act (2013), during the reporting period of the report (1 April 2017- 31 March 2018). The 2018 edition of the TIP report also upholds that: "The government maintained even and inadequate prosecution efforts. Official complicacy in trafficking crime remains a concern" (TIP report, 2018:389). In addition to the aforesaid, the TIP report (2019) maintains that the South African government does not exhibit growing efforts to eradicate trafficking and investigated and convicted fewer traffickers to the previous reporting period. It is of great concern that little was done to address official complicity in human trafficking crimes and "efforts by officials to stymie law enforcement action as a result of corruption, which created a culture of impunity for offenders…" (TIP report, 2019:424). It was, for example, reported that: "Some well-known brothels previously identified as locations of sex trafficking continued to operate with official's tacit approval" (TIP report, 2018:389). The latter supports a similar finding as confirmed previously by participant 1 who referred to these incidents that involve SAPS officials with brothels in Parow and Bellville in the northern suburbs in Cape Town. It is obvious that in spite of the good intentions by numerous stakeholders to fight human trafficking, their determination to achieve this goal will remain fruitless unless corrupt South African government officials are removed from their positions and the SAPS steps up their prosecution efforts, if they are serious about combating trafficking related crimes and restoring their credibility in this zone.

In terms of labour-related transgressions, DOL inspectors are committed to investigate reports of child labour, yet many claims go unreported. Some Western Cape farmers also allow children to perform piece work and remuneration is based on the quantity of work that has been completed by the child and that the minimum wage applies in this situation which most children are not aware of. It is nonetheless the responsibility of the farmer to apply for a special permit from DOL if they employ a child of 15 years and older who is no longer subject to mandatory schooling. The question is how many farmers follow this requirement as prescribed by the DOL, given the background of the state of administrative affairs that exists within the government departments.

Farm labour involving children as well as children working in shebeens, home shops, hawking, forced begging at traffic light intersections, scrap metal collectors by children driving around on cart horses or acting as money collectors on taxis as already indicated above are areas that require stricter inspection by DOL officials. DSD Community Development Workers already fulfil an important role in the areas they serve as they are the 'eyes and ears' in the local community and could perform an even more effective role if their limited workforce is expanded. John F. Kerry, former Secretary of State of the USA, previously cautioned every citizen: "to have a responsibility to spot human trafficking, engage their communities, and commit to take action" (TIP Report, 2014:2). The necessity of NGOs and ordinary citizens to curb trafficking at all levels in society cannot be overstated. Whistle-blower initiatives whereby ordinary citizens as well as law enforcement officials are encouraged to report any form of irregularities to authorities can work well if these initiatives are implemented and managed properly. Furthermore, officials and citizens need to trust in a credible reporting system that serves as a mouthpiece for persons at a grassroots level to be able to be heard and action being taken against offenders while their identity remains anonymous. There is already a National Human Trafficking Hotline in place (0800 222 777) that is operated 24/7 by NGO A21 together with other service providers. The question remains how many ordinary persons in townships or in Cape flats areas are aware of this number or in advertising terms that refers to "out of sight – out of mind" meaning the establishment of salience which means the automatic recalling of who to contact when a person encounters a trafficking incident. Moreover, it is a known fact that the majority of NGOs are relying on funding made by donors to operate. NGOs do not always have the necessary means to embark on a public awareness campaign except to send press releases to the media industry which include radio and television stations, newspaper and magazine groups with the hope editors will give their request for free publicity their favourable consideration.

Billboard advertising outside schools, taxi ranks, bus and train stations is a powerful medium to engage with persons at a grassroots level as it has been designed to create high impact in communities. A successful approach is often

the use of a 'community influencer' as spokesperson who is usually a well-known personality in the community local persons can identify with who endorses the message by DSD for example that encourages persons to report child exploitation. Primemedia Outdoor is only one of many reputable companies in this outdoor advertising space as per the following link: https://primediaoutdoor.co.za/billboards/?utm_source=google&utm_medium =cpc&utm _campaign=broad_campaign. Government intervention that impose legislation that make it mandatory for Internet Service Providers as well as cellular companies such as Mweb and MTN to report users who are involved in any form of child pornographic and related forums, should be enacted.

- **Legalising sex work:** The legalising of sex work is supported by some lobby groups in South Africa, which includes participant 10, who represents SWEAT, an NGO in Cape Town. The legalisation of prostitution is a question that has been discussed in this research as it is a domain that also involves child sexual exploitation. Current South African law declares prostitution unlawful, and perpetrators can be criminally prosecuted. Despite findings of the South African Law Reform Commissions' Report on Project 107 that prostitution should not be legalised as it will result to the further exploitation of vulnerable women (which may include children), numerous lobby groups including policy-makers are determined to fight for the legalisation of sex work. The researcher believes that traffickers will take advantage of the legalisation, especially in poor communities where vulnerable children stand an even greater chance of being exploited. The commitment by the South African government to curb child sexual exploitation is reverberated by the Economist Intelligence Unit (EIU), which is the research division of The Economist Group, publishers of The Economist. The EIU is essentially an international index that reports on child sexual abuse and exploitation in various countries including South Africa. According to Gous (2019:np), the EIU has praised South Africa's commitment to confront sexual violence against children by ratifying comprehensive legislation on this matter. The EIU study has, nonetheless, underscored the fact that household lifestyles that result in neglect, and alcohol and substance abuse are linked to most forms of violence among children. Against this background, as well as section 3.6.1.6, it is the view of the researcher that sex work should

not be legalised due to the possibility of an increase of the exploitation of vulnerable persons.

Lastly, there is an opportunity for further research on other forms of trafficking besides sex trafficking. Forced child begging, the taxi queen phenomenon, and the impact of the PACOTIP Act (2013) on the trafficking situation in South Africa since its inception are all areas to be explored. The researcher believes that boys are often overlooked regarding sexual abuse and exploitation, which is an avenue that should be pursued. Assertions in the literature by Fair Trade Tourism (2015) and Spurrier (2017) regarding the sexual exploitation of underage children in the tourism industry is also an issue that requires further research.

The above-mentioned notions are initiatives with the potential to facilitate anti-trafficking actions. It is an opportunity for vested stakeholders to explore, as human trafficking is a long-lasting crime with no signs of decelerating and requires as much support as possible to curtail it.

7.3 Conclusion

The research question, namely, whether human trafficking and specifically, child exploitation practices, occur within the context of human trafficking in Cape Town, has been answered. This study has shown that different forms of trafficking exist in Cape Town and there is a relationship between trafficking and child exploitation. As already stated, what remains unanswered is the extent to which these crimes take place in the city or as we are reminded by Marcel van der Watt (2018:42), "Arguably the most pressing challenge is the so-called 'hidden populations' that constitute the study of human trafficking." The participants were overall optimistic regarding the enactment of the PACOTIP Act (2013), as they were confident that the Act has the capability not only to establish a sound trafficking database, but also to assist law enforcement in the effective prosecution of trafficking offenders. These positive views held by the participants are far removed from the reality as there appears to be no light at the end of the tunnel. For instance, the GLOTIP report (2018:5,48,49) only reported on South African trafficking incidents that took place between 2014 and 2015, whereas

neighbouring Botswana disclosed more recent statistics in the same report (2018) for the period 2014 to 2017 in their country.

John Jeffrey, the South African Deputy Minister of Justice and Constitutional Development, is more optimistic with the announcement of a new data tool to collate more accurate human trafficking data at the launch of the Prevention and Combating of Trafficking in Persons National Policy Framework (NPF) in Pretoria in April 2019. The new data tool aims to capture the usual demographic details of victims and perpetrators and general information surrounding the trafficking offence (Mitchley, 2019:np). Although all initiatives to combat trafficking should be welcomed, the latter does not appear to capture information that is any different to what is currently being recorded. The question remains of what difference this new data tool will make against the background of the aforementioned issues that government faces following the enactment of the PACOTIP Act (2013).

For the first time in South Africa, this research lifts the veil from the face of human trafficking which includes child exploitation and its various iterations. New frontiers have been navigated in ascertaining correlations and alignment between existing (and emerging) South African human trafficking (child exploitation practices), and traditional criminological theories and approaches. Information obtained during the research espouses numerous criminological theories presented by eminent authors, researchers, criminologists, and law enforcement practitioners and has subsequently galvanised exposed correlations with South African human trafficking offenders/victims in this regard. Consonant herewith, conventional theories and thinking have been challenged and arguments positioned that endeavour to take the abhorrent crime of child exploitation/trafficking into the post-modern era of criminology. Ascertaining alignment with traditional thinking is significant but it is the evidence-based misalignment that yields greater value in the field of criminology, and in particular, concerning the human trafficking phenomenon. Research around South African human trafficking has unleashed the potential for greater contributions to the identification and intervention regarding these offenders. This research has provided insights and opportunities that facilitate a change in thinking about the behaviours and geographic patterns of South African human traffickers and their victims. There is enough evidence to challenge traditional approaches and paradigms, specifically in

the areas of offender misalignment with traditional views. In this regard, arguments and thinking have been positioned that could transform human trafficking in the post-modern era of criminology.

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APPENDIX