A CRITICAL UNDERSTANDING OF THE POLICING OF TRAFFICKING IN PERSONS

by

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Submitted in fulfilment of the requirements for the degree of
MAGISTER TECHNOLOGIAE

In the subject
Policing

at the

UNIVERSITY OF SOUTH AFRICA
SUPERVISOR: PROF RIKA SNYMAN

June 2017

DECLARATION OF AUTHENTICITY

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I, Irma Cornell Geldenhuys, declare that A CRITICAL UNDERSTANDING OF THE POLICING OF TRAFFICKING IN PERSONS is my own work and that all the sources used or quoted are indicated and acknowledged by means of complete references.

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To whom it may concern

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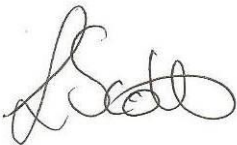
Irma Cornell Geldenhuys

for the degree
MAGISTER TECHNOLOGIAE : POLICING
entitled:

A critical understanding of the policing of trafficking in persons

The responsibility of implementing the recommended language changes rests with the author of the dissertation.

Yours truly,

Linda Scott

ACKNOWLEDGEMENT

SUMMARY

The aim of conducting this research was to obtain a critical understanding of how the South African Police Service (SAPS), law enforcement (LE) and Non-Governmental Organisations (NGOs) understand the concept, policing of Trafficking in Persons (TIP). The study indicates different role players in the policing of TIP. The researcher explored the present and possible future cooperation between SAPS and NGOs in the Cape Town area. The development of policing and legal aspects concerning TIP was explored globally.

Research indicates the necessity of a professional partnership approach between SAPS, LE and NGOs, in the policing of TIP. The researcher identified factors that inhibit the effectiveness of policing of TIP. These factors include among others the lack of training in the identification of TIP and lack of trust between role players. Recommendations to this effect and the implementation of the policing of TIP are made to all concerned, especially SAPS management.

KEY TERMS

Policing; Trafficking in Persons; South African Police; Organised Crime; Directorate for Priority Crime Investigation; Police official; Detective; Criminal investigation; Non-Governmental Organisations; Victim; Partnership; Cape Town

LIST OF ABBREVIATIONS

A21	:	Abolish 21 st century TIP
CBO	:	Community Based Organisations
CI	:	Crime Intelligence
CPF	:	Community Police Forum
CJS	:	Criminal Justice System
DPCI	:	Directorate for Priority Crime Investigation
FCS	:	Family Violence, Child Protection and Sexual Offences Unit
HIV	:	Human Immunodeficiency Virus
HSRC	:	Human Sciences Research Council
ILO	:	International Labour Organisation
INTERPOL	:	International Criminal Police Commission
IOM	:	International Organisation for Migration
IPU	:	Inter-Parliamentary Union
LE	:	Law Enforcement
MPS	:	Metropolitan Police Service
NAPTIP	:	National Agency for Prohibition of Traffic in Persons
NCPS	:	National Crime Prevention Strategy
NDP	:	National Development Plan
NGO	:	Non-governmental organisation
NI	:	National instruction
NPA	:	National Prosecuting Authority
NPO	:	Non-Profit Organisation
NPGVE	:	National Policy Guidelines for Victim Empowerment
OCC	:	Organised Crime Convention
Palermo Protocol	:	Trafficking in Persons Protocol: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
PTSD	:	Post Traumatic Stress Disorder
SA	:	South Africa
SABC	:	South African Broadcasting Corporation

SADC	:	Southern African Development Community
SAP	:	South African Police
SAPS	:	South African Police Service
SAPS Act	:	South African Police Service Act
STI	:	Sexually Transmitted Infections
STOP	:	Stop Trafficking of People
TIP Act	:	Trafficking in Persons Act
TIP	:	Trafficking in Persons
UNCTOC	:	United Nations Convention against Transnational Organised Crime
UNESCO	:	United Nations Educational, Scientific and Cultural Organization
UN	:	United Nations
UK	:	United Kingdom
US	:	United States
US Dept. of State	:	United States Department of State
UN.GIFT	:	Global Initiative to Fight Trafficking in Persons
UNICEF	:	United Nations International Children's Fund
UNISA	:	University of South Africa
UNODC	:	United Nations Office on Drugs and Crime
USA	:	United States of America
WashACT	:	Washington Advisory Committee on Trafficking
ZPS	:	Zambian Police Service

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CHAPTER 1

GENERAL BACKGROUND TO THE STUDY

1.1 INTRODUCTION

Research assists in enhancing and exploring the current policing of trafficking in persons (TIP). Knowledge and a critical understanding of the policing of TIP are vital because this category of transnational crime is a serious violation of human rights. The researcher identified challenges in the policing of TIP and the value of the external role players in the pro-active and re-active policing of this criminal offence.

This chapter aims to explain the research problem, the aim and objectives of the research as well as procedures followed during data collection, data recording, data analysis and interpretation. Clear explanations of the value of this research, the methods of data collection, the target population, sampling and analysis are identified. Methods that ensure the trustworthiness of the data are indicated. An introduction to the study "A critical understanding of the policing of TIP" is discussed and the chapter concludes with the layout of the study.

1.2 DEFINITIONS OF KEY CONCEPTS

In this section, concepts applicable to the critical understanding of the policing of TIP are defined to understand the terms used by the researcher. This will enhance the reader's understanding of the context of the terms of policing of TIP. The following key theoretical concepts are defined to enhance clarity to the reader.

1.2.1 Policing

According to Shearing (2010:11), "police are mainly the body of people patrolling the public places in blue uniform, with a broad mandate of crime control, order maintenance and some negotiable service functions". Smit, Minnaar and Schnetler (2010:5) refer to policing as processes implemented according to prescribed social responsibilities. According to the authors, policing is a set of different institutional arrangements and performed processes.

Controlling crime, maintaining order and providing social service duties are the main functions of policing. Non-uniformed police officials whose main functions concern administrative tasks and investigating criminal offences provide support. In this sense, Burger (2007:27-28) proposes that policing should be defined as "all those lawful activities performed by the police such as executing law enforcement, crime investigation and public order maintenance functions". Bailey and Shearing (2010:5-11) clearly favour the idea that policing refers to any legitimate activity aimed at the provision of security, whether it is provided by the state police or by a private security institution.

Bittner (1990:22), Reiss (1971:10) and Niederhoffer (2008:2) conclude, "policing is a role performed by various professionals and non-police officials according to the needs of the community". Policing is installing ways to control crime in the community, therefore, Newburn (2008:44) defines policing as "a concept to maintain order and to prevent and detect crime". According to Newman (2010:1), policing is an activity performed by individuals and a number of agencies. The researcher concludes that policing is a service-orientated concept, performed by various professional police officials and non-police officials assessing valuable intelligence-led information to police TIP.

The Greek police described the meaning of the word policing as matters affecting the well-being and survival of the state (Hale, 1994:30). The American sociologist, Bittner (1990:17) claims, more than three decades ago, that the police service was one of the best known, but least understood public institutions and the organisation is a monopoly of force under control of the state. In a review of policing studies, Bittner (1990:22), Reiss (1971:10) and Niederhoffer (2008:2) conclude that the main duty of police agencies is to ensure adherence to criminal law enforcement.

To ensure effective civilian supervision over the service, the SA SAPS ACT (68 of 1995) stipulates the SAPS be community-orientated. The SAPS ACT (68 of 1995) recognises the important role the community plays in policing and provides the establishment of Community Police Forums (CPFs) with the power to democratically:
- Establish and maintain a partnership between the service and the community;
- Enhance communication between the service and the community;

- Enhance cooperation between the service and the community in fulfilling the community's policing needs;
- Improve police services to the community at national, provincial and local levels;
- Improve transparency and accountability of the service;
- Promote cooperation between the service and the community in identifying problems and their solutions.

Nel and Bezuidenhout (2010:28) state that the aim of a partnership is to close the gap that developed between the police and the public over time. Community policing in South Africa (SA) should be seen as a process in building a democratic society with structures of nation building, unity and reconciliation amongst South African citizens (Nel & Bezuidenhout 2010:54). Nel and Bezuidenhout (2010:24) describe the traditional policing period in 1994 as an era when policing was conducted by means of directives, regulations and standing orders issued according to the police hierarchy. The SA community did not perceive the SA police as credible due to the militaristic approach as described in the colonial model of policing. Nel and Bezuidenhout (2010:54) state that the police mainly enforced apartheid laws on the African population and the minimum was done to create crime prevention strategies. Due to the lack of transparency, bureaucratic approach and abuse of power the police functioned on their own, without support from the communities (Nel & Bezuidenhout (2010:54). To distinguish between the difficulties of the concept of policing, Bittner (1990:235) states that contradictions exist on what the functions of the police entail. Police are empowered, according to Brewer (1994:216), to fight crime. Botha (2010:17) explains how the Minister of Police determines policing activities via strategic planning, research and policy proposals. The minister implemented police strategies with the aim to inform and mobilise role players, partners and stakeholders outside the police.

The complicated role of partnership in policing was emphasised in the policing of the Soccer World Cup in 2010 when different organisations came together to plan the implementation of specific policing strategies. Communities came together to direct the police on what was needed to ensure effective policing. Networked partnerships assist to produce different approaches to effective policing.

Newman (2010:1) states that the police are law-enforcement based and together with the community, different resources of the partnership can assist to ensure effective policing. Botha (2010:17-18) states the main purpose of partnerships is to ensure effective communication between the SAPS and community policing forums with a crime-specific focus.

1.2.2 Trafficking

The South African Trafficking in Persons Act (7 of 2013:12) (hereafter referred to as SA TIP Act (7 of 2013) defines TIP as follows in subsection 4 (Government Gazette no 36715) :

"4.(1) Any person who delivers, recruits, transports, transfers, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of

    (a)   a threat of harm;

    (b)   the threat or use of force or other forms of coercion;

    (c)   the abuse of vulnerability;

    (d)   fraud;

    (e)   deception;

    (f)   abduction;

    (g)   kidnapping;

    (h)   the abuse of power;

    (i)   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;

    (j)   the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person, for the purpose of any form or manner of exploitation, is guilty of the offence of TIP.

(2) Any person who -

    (a)   adopts a child, facilitated or secured through legal or illegal means, or

    (b)   concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or other person in any form or manner is guilty of an offence".

A working definition of TIP in this study is when the trafficker threatens and abuses the TIP victims with direct and/or indirect force; when TIP victims are abducted, sold, forced into marriages, enslaved, exposed to sexual exploitation, forced into hard labour and they are deprived of their fundamental rights and freedom. In addition, it includes the removal of organs for selling, exclusively for the financial benefit of the network of traffickers on a national and international level.

1.3   RESEARCH PROBLEM

Practising professional policing techniques is vital to ensure effective policing and a critical understanding of the nature and extent of TIP. Therefore, a comprehensive understanding of what policing of TIP involves will empower SAPS officials to obtain valuable information on TIP from sources they encounter in their line of duty. Better knowledge and skills on the policing of TIP will enhance the protection of victims of TIP and ensure prosecution of TIP offenders. Therefore, the concept of policing TIP is a definite challenge and the researcher wants to obtain a clear picture of the possible role that NGOs and other organisations play in the policing of TIP. The researcher wants to explore the present and future cooperation between the SAPS, NGOs and other organisations in the Cape Town area and determine the best possible partnership in policing TIP.

According to Newham (2010:3), the former Minister of Police, N. Mthetwa, states in his overview of policing of 2010 there are no quick solutions for crime in SA. Mthetwa challenged society to support the police in fighting crime. In the above-mentioned report, Z. Petros, the former Provincial Commissioner of Gauteng, emphasised the importance of working closely with NGOs to enhance effective policing. International challenges exist in policing of TIP (UN.GIFT, 2015:3).

The US Department of State (2013:48) TIP report places emphasis on the fact that success in anti-trafficking is possible when national and local government work together with anti-trafficking organisations. The success of this strategy is advocated by the Campaign to Rescue and Restore Victims of TIP (US Department of State, 2013:10). Based on the above-mentioned statements, a critical understanding of what the new genre of policing of TIP includes is worthy of scientific research (Newham 2010:3). As motivation for the need for research, the researcher determined that TIP was a violation against humanity 200 years ago and is still today. According to Harper (2011:23), slaves, working in agriculture and production, kept the economy of Rome running in the fourth century. UN.GIFT (2015:3) reports that today TIP continues to be an international challenge. Proof of this violation 200 years ago was found in the exploitation of Baardman in 1810 (UN.GIFT, 2015:1). The 21 year old, South African Griqua woman was taken to the United Kingdom (UK) under false pretences. She trusted Dr William Dunlop who offered her work and a better life in London. After her arrival in the UK, she was exploited and exhibited nude, in a cage, for the financial benefit of Dr Dunlop; the public paid to see the nude African woman (UN.GIFT, 2015:3).

Friesendorf (2009:51) refers to South Africa (SA) as a country of origin, destination and transit for TIP, which is confirmed by the Human Sciences Research Council report HSRC (2010:5-7) who refers to SA as a country of origin, destination and transit for TIP. According to the HSRC (2010:5-7) report, SA does not fully comply with the minimum standards for the elimination of TIP. The SA government consistently fails to provide information on TIP crimes with reference to crimes investigated, prosecuted and resulting in the conviction of perpetrators as well as information on efforts to protect victims of TIP (Friesendorf, 2009:89). The HSRC (2010:5-7) report indicates that the police referred an unknown number of child trafficking victims to NGOs and in 2008 the SA witness protection programme safeguarded seven Thai trafficking victims. The HSRC (2010:5-7) report indicates that the SA government continue to arrest and in some cases, prosecute traffickers. However, delays in court appearances result in some victims preferring not to testify (Kruger, 2010:36). According to the HSRC (2010:5-7) report, the SA government made no progress in the investigation of cross-border trafficking of children for labour purposes from Mozambique, Malawi and Zimbabwe.

This situation makes South Africans vulnerable to become victims of TIP, although not many cases of TIP are reported (US Department of State, 2013:333). Farrell, McDevitt and Fahy (2008:11) confirm this and state that most incidents of TIP are not officially recorded by law enforcement and government agencies, leading to a miscalculation of statistics on TIP criminal cases, which is a critical challenge in the policing of the offence (Farrell et al,2008:11). Kruger (2010:102) opines that current available official data are not representative of the seriousness and amount of TIP incidents committed on a daily basis. Although various agencies are fighting TIP and new data on the phenomenon are available, the data are unreliable (Farrell et al, 2008). All governments do not collect, capture or analyse statistics on TIP officially and, therefore, Kruger (2010:103) shares the concern with Farrell et al (2008:11) of the low priority of policing of TIP. However, traffickers are not always careful to protect themselves from police investigation and the lack of caution provides investigators the opportunity to obtain evidence (Bermudez, 2008:34). Bermudez (2008:60) states that crime syndicates are involved in the trafficking of local SA females in Port Elizabeth, Johannesburg, Pretoria and Bloemfontein. According to Bermudez (2008:60), effective policing of TIP is a challenge due to the limited knowledge on the policing of the criminal offence.

TIP is an offence with a long and interesting history of enslavement. Effective policing of TIP is a global challenge, therefore a complete study of national-, international policing methods and co-operation with relevant role players must be the solution in obtaining effective policing methods. The history of policing indicates that, even today, there is hesitation when it comes to what the term policing includes. On a national and international level, effective policing of TIP is necessary to determine exactly where, when, why, how and by whom the criminal offence is committed.

1.4   AIM AND OBJECTIVES OF THE RESEARCH

The aim of this study is to understand the concept policing of TIP by the SAPS and NGOs in the Cape Town area. The objectives of this study are to:
- Explain the term policing of TIP in a South African context;
- Identify NGOs and other role players and determine their role in policing of TIP in the Cape Town geographical area;

- Identify international best practices in partnerships between police organisations and NGOs in the policing of TIP;

- Determine the challenges to form successful partnerships with NGOs and other role players in the policing of TIP;

- Reflect on the outcome of the results and make recommendations upon the said results.

The current policing of the transnational crime of TIP presents challenges to obtain an understanding of what should be included in the policing concept. Best practises in the current challenges of pro-active and re-active policing methods of TIP in Cape Town might assist in policing this criminal offence. SA is easily accessible for traffickers and therefore recommendations that will enhance successful partnerships in the policing of TIP can be valuable.

1.5 THE SIGNIFICANCE OF THE RESEARCH

The primary value of this study is that police officials and NGOs that work with these victims will gain new knowledge of and confidence in the understanding of what the policing of TIP in the Cape Town area entails. This study is expected to provide clarity on policing, identify role players who could assist in effective policing of TIP and provide new information on the policing of TIP. The study will establish new information from internal and external role players that can be used to develop a critical understanding of the policing of TIP. In addition, it is envisaged that this study will provide clarity on the possible inclusion of NGOs in the concept of policing, as it will also seek to provide new knowledge regarding policing, with relevant role players, to determine how to effectively police TIP.

The researcher has gathered and analysed data to determine the extent of the research on this topic in other studies, as well as the knowledge already generated in these studies. The researcher found that a need exists to determine the relevant role players in the policing of TIP and research what today's concept of policing thereof includes.

The study also aims to benefit the SAPS, NGOs, complainants and communities because the results of the research will provide clear and effective guidelines on how to police TIP. The research will establish the impact of role players in the policing of TIP and make recommendations aimed at the improvement of possible partnerships in the policing of TIP.

1.6 RESEARCH CHALLENGES

Hofstee (2011:87) states that limitations affect how far the researchers are able to generalise conclusions and how confident they can be about their reliability. The researchers are likely to experience limitations in the course of their research.

In this study, challenges emerged as the SAPS co-ordinator, responsible for the co-ordination and policing of TIP in the Western Cape, was the only experienced person identified in the policing of TIP. The researcher focussed on the Cape Town area and identified other SAPS participants, via the SAPS co-ordinator, based on their direct involvement in the policing of TIP. SAPS is the main role player in the policing of TIP and, therefore, the four experienced police officials assisted the researcher to identify LE and NGO participants who are directly involved in the policing of TIP. The researcher was unable to include more participants in the research due to the lack of experienced individuals actively involved in the policing of TIP. Statistics of TIP cases reported was unavailable due to the lack of accurate official data on TIP. The capacity of experienced police officials is insufficient to identify and police TIP effectively, in the Cape Town area, and this directly impacts on statistics of TIP cases reported to SAPS.

1.7 ORGANISATION OF THE DISSERTATION

This dissertation is organised in the following eight chapters:

Chapter 1 - describes the orientation of the study. The introduction, definitions of the key concepts, research problem, aim and objectives together with the significance of the research, research challenges and organisation of the dissertation are discussed;

Chapter 2 – 4 are the literature review. Chapter two deals with the legal framework of TIP on a national and international level, Chapter 3 will discuss the literature perspectives on the nature of the policing and chapter four will deal with the nature and extent of TIP;

Chapter 5 – presents the methodology of qualitative research. This chapter discussed the research methodology, research sample, data collection, analysis and ethical considerations;

Chapter 6 – presents a discussion of the findings of the study;

Chapter 7 – deals with the literature and empirical findings of the study;

Chapter 8 - the summary, conclusion and recommendations of the study are presented. The researcher discusses the recommendations of the dissertation based on the findings and a conclusive overview of the dissertation.

1.8 SUMMARY

This study also aims to benefit the general background in the policing of TIP, the key concepts of policing TIP and partnerships with NGOs. The research problem on what the policing of TIP involves the aim and objectives of the study, the significance of the research and the dissertation layout was presented. The dissertation layout provides information on the topic discussed in each chapter of the dissertation. The next chapter focuses on the legal aspects to assist in the effective policing of TIP on a global level.

CHAPTER 2
THE LEGAL FRAMEWORK OF TIP ON A NATIONAL AND INTERNATIONAL LEVEL

2.1 INTRODUCTION

The policing of TIP concerns various legal aspects to take into account, with the challenge to enhance policing of TIP. The applicable legal aspects provide guidelines to police officials on how to police TIP. Therefore, police officials should have an understanding of the concept of policing of TIP and the legal aspects involved. Police officials should know and understand the legislation concerning the policing of TIP to ensure the admissibility of evidence in court and the successful sentencing of traffickers. Police officials should understand the term policing to practice the legislation on TIP effectively in their daily work. National priority crimes such as TIP require effective policing methods and the development of a critical understanding of the policing of the offence.

The effective practicing of the legal framework on TIP in policing of the criminal offence, on a national and international level, is vital. This chapter presents the legal framework applicable to the policing of TIP in SA and internationally. Various international conventions, agreements and laws on the policing of TIP are presented. SA legislation on TIP, relevant sections of the Constitution (108 of 1996), the SA TIP Act (7 of 2013), the SA SAPS Act (68 of1995), the SA White Paper on Safety and Security (2015), Code of Conduct of the SAPS, National Crime Prevention Strategy (1996), African Charter (2005) and legal status in the SADC (Southern African Development Community) region are discussed.

2.2. SOUTH AFRICAN PART OF TIP INTERNATIONAL CONVENTIONS AND LEGAL FRAMEWORK

The high statistics of TIP on a global level is a universal challenge. The policing of transnational crimes requires effective application of international laws. In support of the TIP victim's safety, pro-active and re-active policing is required to ensure the protection of citizens' rights on an international level. Individual countries must take responsibility to apply legislation to police the criminal offence of TIP.

To act against TIP on an international level, SA signed the TIP Protocol to Prevent, Suppress and Punish TIP (UN, 2000:2).

2.2.1 United Nations Protocol to Prevent, Suppress and Punish TIP (Palermo Protocol)

The Palermo Protocol is the supplementary protocol of the United Nations (UN, 2000:10) convention against trans-national organised crime. The international legal standards in the development of specific counter-trafficking legislation to combat TIP, was signed on 14 December 2000 by the South African government when SA became part of an international team in the pro-active and re-active policing of TIP (IPU & UNICEF, 2009:49). The Palermo Protocol, which came into effect in December 2000, was the first global legal instrument to define the UN states' responsibilities in the policing of TIP. The Palermo Protocol is the main reference tool that countries used to develop their national approaches to combat this criminal offence (UNICEF, 2009:51). The previously mentioned protocol is also implemented when shaping policies and to ensure global co-operation in the policing of TIP (Quaba, 2009:1). According to Quaba (2009:1), the Palermo Protocol came into effect within three years, on 23 December 2003, and 124 countries signed it by February 2009. The signatories to the Palermo Protocol are required to practise legislation to prevent TIP. Quaba (2009:1) further states that each country that is part of the protocol is required to provide professional victim support to TIP victims. It is also the responsibility of each country to provide training to police officials and border control officials (Quaba, 2009:1). Quaba (2009:1) states it is expected from countries who are signatories to the Palermo Protocol to create awareness on TIP.

The International Organisation for Migration (IOM) (2008:73) confirms that the South African government became part of the Palermo Protocol on 20 February 2004. The purpose of the Palermo Protocol is to enhance global co-operation in pro-active prevention of TIP. According to the IOM (2008:73), the Palermo Protocol is of the utmost importance for global anti-trafficking campaigns.

The HSRC (2010:20) states that SA commits to international compliance of the Palermo Protocol, in acting against TIP. This means that SA agrees to develop comprehensive legislation on TIP, which is relevant SA legislation, namely the SA TIP Act (7 of 2013).

Section 1 of the SA TIP Act (7 of 2013) expands the definition of TIP to align with the definition as stated in the UN Protocol (UN, 2000:3). The definition, therefore, includes child labour, trafficking within national borders, the impregnation of a female against her will for the purpose of selling the newborn child and trafficking in body parts. The Convention on the Rights of the Child considers persons below the age of 18 years as children – unless there is another age group of majority in the country (UNESCO, 2010:15).

Kruger (2010:36) states that according to the Constitution of the Republic of South Africa (108 of 1996), all persons below the age of 18 years are regarded as children. The Palermo Protocol is of extreme importance for international advocacy campaigns, conducted by NGOs and faith-based institutions in pro-actively policing TIP. Policing of TIP is expensive and demands many resources. Due to the impact of TIP on victims, SA commits itself to be part of the policing structure that globally polices TIP.

According to the United States (US) Department of State (2013:102) TIP report, SA is part of the following international conventions and indicates its commitment to police TIP by signing the following international agreements:

- International Labour Organisation (ILO) Convention 182, Elimination of Worst Forms of Child Labour;
- ILO Convention 29, Forced Labour;
- ILO Convention 105, Abolition of Forced Labour;
- UN Protocol to Prevent, Suppress and Punish TIP (UN, 2000);
- UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (UN, 2000 ratified in 2003)

2.2.2 International agreements signed by SA to assist in the policing of TIP

Najemy (2010:179) states that signing and ratification of international agreements indicates that SA accepts responsibility to protect human rights of inhabitants and effectively police TIP.

Implementation of measures to encourage effective policing of TIP as stated in the international agreements is vital in SA, as the policing of TIP is critical. The international agreements demand effective cooperative policing of TIP globally.

- The Rome Statute of the International Criminal Court (UN, 2002, signed by SA in 1998, ratified in 2000) enforces policing of TIP offences. The criminal offences of TIP include crimes against humanity such as enslavement, rape, sexual slavery, prostitution and other forms of sexual abuse (UN, 2002). Section 68 of the statute ensures the protection of the TIP victim, the security of the family of the TIP victim and protection of disclosure of evidential material in the police investigation phase of TIP (UN.GIFT, 2015). Policing according to this statute ensures protection of TIP victims. The application of article 68 of the Rome Statute (UN, 2002) ensures that TIP court proceedings are in camera. The SA government's intention to withdraw from this statute will affect the policing of TIP negatively. The reason is that SA will not be part of the international framework to network on effective policing that accommodates the TIP victim and ensure assistance from NGOs. The TIP victims will feel unprotected and less cases of TIP will be reported, as trafficking victims will lose faith in the policing process.

- The convention for the suppression of TIP and Exploitation of the Prostitution of Others (1949, signed in 1950, ratified in 1951) enforces policing of TIP. State parties must criminally charge and enforce procedures to police any person who exploits TIP victims on an international level. Governments must ensure that policing will be effected in accordance with laws against TIP and as prescribed by the convention. They must ensure policing, that protects victims, on an international and national level against transnational organised criminal offences. Policing in SA adheres to the convention by policing TIP, on a national and international level, according to the SA TIP Act (7 of 2013). There is still a need for training of police officials to enhance the policing of TIP in SA.

- The Convention on the Elimination of all forms of Discrimination against women (1979, signed in 1993, ratified in 1996). Section 6 ensures that effective legislation is in place to enforce policing methods that suppress all forms of trafficking of women and exploitation of women in TIP. Women's rights are stipulated and females empowered to equal rights. The mentioned convention strengthens the policing of TIP as it empowers the rights of women and ensure protection against exploitation. In SA equality between women and men are better as more SA women have access to opportunities in a political and public life. Women in SA have a right to vote, stand for election and explore opportunities in education, health and employment. In SA, laws that discriminate against women do not exist. Effective implementation of the SA TIP Act (7 of 2013) in SA will ensure the protection of females from TIP.

- The 1989 UN Convention on the Rights of the Child (ratified in 1995).
  The convention pressures governments to take effective action in policing to ensure the protection of children globally. Humane and effective policing that protects the rights of children, against TIP for labour and sexual exploitation, with international standards are requested. Effective and safe policing that upholds the human rights and rights of children against economic exploitation with high standards of juvenile policing methods are expected. In SA, the right of children and their fundamental rights are protected. The shortage of social workers and social services due to poverty in SA is a challenge.

- The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (1979, ratified in 2005). This protocol demands effective policing of TIP, with the focus on domestic violence and sexual exploitation of women. Effective policing that protects the human rights of TIP victims and enforces legislation in effective policing of these degrading criminal offences. The convention supports professional policing that upholds the human rights of female victims in policing methods. In SA, the police are more accessible to domestic violence victims. Police officials are more familiar in the policing of domestic violence. Police officials understand the processes to police domestic violence. The policing of TIP is a challenge as police officials are unfamiliar with the legal aspects and policing methods.

- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000, ratified in 2003). Article 5, 6, 9 and 10 of the mentioned protocol prescribes effective procedures in policing, working with NGOs, protection of TIP and the prevention of these criminal offences. Policing is important and protection of human rights, with specific reference to sexual exploitation of children, transferring children's organs for profit and engaging children in forced labour. Police must value co-operation with the department of justice, foreign affairs, labour, home affairs, education, social welfare, health and NGOs to assist in police investigations of TIP. The protocol supports effective training of role players to ensure effective measures in the policing of TIP. Co-operation between the above-mentioned departments is better in SA, but ineffective, as most of the role players do not work together in the policing of TIP.

- The Hague Convention No. 33 on Protection of Children and Cooperation in respect of Inter-country Adoption (1993, ratified in 2003). The prevention and detection of TIP through effective policing of organised crime on a global level by effective training of law enforcement on the rights of TIP victims, protecting TIP victims from traffickers and strengthening border measures will assist in the policing of TIP. Training in policing must include human rights and encouragement to work with NGOs. Policing must ensure legal confidentiality to protect TIP victims. Therefore, the SA government acknowledges strengthening measures to build international relations and take action to police TIP. The SA government needs to do more on the policing of TIP as police officials on ground level lack training in the policing of TIP. Effective protection of SA borders and training of border officials in the policing of TIP is a challenge.

The international agreements have the same objectives and provide for the protection of vulnerable victims from discrimination, exploitation and protection from criminals. The convention prescribes respect for the constitutional human rights of persons. The provision of the above-mentioned international agreements is legally binding.

2.2.3 International laws on rights of victims

The rights of TIP victims in various countries are referred to, ensuring international recognition of human rights and application of the UN TIP Protocol (2000:19) that ensures access to psychological, medical and legal aid. The mentioned protocol entitles the TIP victims to be informed, receive adequate accommodation and access to educational development and employment opportunities. The UN TIP Protocol (2000:21) entitles the victim to temporarily residence until the documentation to return to the victim's country of origin is available. Referring to United Nations Office of Drugs and Crime (UNODC, 2009:11) the role of governments is to ensure that the human rights of trafficked victims are globally recognised. The TIP victims' rights need protection according to the UN TIP Protocol (2000:21) and the US Department of State (2016:216) TIP report.

The protection and rights of TIP victims in Bulgaria, the Dominican Republic, Bahrain and Indonesia were researched. According to the US Department of State (2016:216) TIP report, the rights of TIP victims in Bulgaria, are ensured by protecting personal data of the TIP victim, placing victims in shelters and working in partnerships with NGO'S. UN.GIFT (2009:11) reports that in the Dominican Republic TIP victims have rights to receive physical, psychological and social assistance. According to UNODC (2009:11), the Dominican TIP victim has a right to receive compensation for material and moral damages. In Bahrain, TIP victims have the right to receive information about their legal rights and counselling in a language that they understand (UN.GIFT, 2009:14). According to the US Department of State (2016:216) TIP report, the Indonesian TIP victims, can legally claim payment for losses from the perpetrator.

The rights of the TIP victim demands respect and, therefore, it is important to ensure the implementation of professional victim-centred policing. International laws enforce the rights of victims and adopt a human rights-based approach. The protection of TIP victims is prescribed in international laws. Implementation of professional victim-centred policing of TIP will ensure that traumatised victims develop trust in the legal system.

2.3 SOUTH AFRICAN LEGISLATION

In SA, legislation to police TIP is in place. The legal framework starts with the highest law in the country, the SA Constitution (108 of 1996). A conceptual framework exists between the SA Constitution (108 of 1996) and the Prevention and Combatting of SA TIP Act (7 of 2013) that prescribes effective legislation in the policing of TIP. The SA SAPS ACT (68 of 1995), Code of Conduct of the SAPS, SA White Paper on Safety and Security (2015), the National Crime Prevention Strategy (1996) and the National Development Plan (2011) provide a regulatory framework on the policing of TIP.

2.3.1 SA Constitution (108 of 1996)

The strategic shift in policing after 1994 indicated the need for a democratic police service as stated in the SA Constitution (108 of 1996), which is the supreme law of the country. Pitney (2004:16) states that any law in SA must adhere to the country's Constitution (108 of 1996). Section 205(1) of the SA Constitution (108 of 1996) refers to the implementation of a national police service in the country. This national police service should adhere to the objectives of Section 205(3) as stated in the SA Constitution (108 of 1996): "The objectives of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law".

Based on the above-mentioned sections, it is the duty of SAPS to ensure safe communities by practicing effective policing methods and ensure the prevention of criminal offences. The Constitution of the Republic of SA (108 of 1996) states the rights of inhabitants of SA to receive protection against the criminal offence of TIP. Referring to Kruger (2010:36), regional- and international requirements demand policing of TIP. Kruger (2010:36) states the fundamental rights of all South Africans need protection by the countries government and although the Constitution (108 of 1996) does not make specific reference to TIP, the rights of trafficked persons are definitely included.

Section 7(1) of the SA Constitution (108 of 1996) and the Bill of Rights confirm the importance of democratic policing in the country and emphasise the protection of the rights of all citizens. The constitutional rights of the TIP victims state the importance of application of equal treatment of citizens. According to Pitney (2004:16), a person's human dignity refers to the right to life, freedom and safety. The right to freedom empowers every citizen in SA not to be enslaved and the provision of protection from domestic servitude (Kruger, 2010:102). Therefore, the SA Constitution (108 of 1996) states that no person may be detained without a hearing, brutally assaulted or punished inhumanely.

2.3.2 SA Prevention and Combating of TIP Act (7 of 2013)

The legislation includes aspects that ensure measures to strengthen the combatting of TIP. Domestic legislation must be compliance with the standards set out in the UNs Palermo Protocol to ensure effective sentences for offenders and protection of TIP victims. The new Act also criminalises the tampering, destruction and possession of other people's travel documents. The SA TIP Act (7 of 2013) can be accessed on the website, www.justice.gov.za. The SA TIP Act (7 of 2013:15) states it is against the law to utilise resources offered by TIP offenders. An example is a large number of girls and young women who are trafficked from rural parts of SA to provide domestic labour in urban areas.

The legislation meets the requirements of the Palermo Protocol, to which SA is a signatory, and brings domestic legislation in line with the standards set by that protocol. Implementation of the SA TIP Act (7 of 2013:2) was necessary, because criminal offences related to TIP occurred often in a person's search for better living conditions. The concern developed due to the increase of crimes on TIP, committed by criminal networks. Research indicates that in SA, the statutory law and common law do not deal adequately with TIP and, therefore, implementation of the SA TIP Act (7 of 2013:5) is vital for the policing of TIP. The SA TIP Act (7 of 2013:10) takes the Palermo Protocol and other international agreements into account to ensure effective policing of TIP and related offences on a global level. In SA, the SA TIP Act (7 of 2013) meets the requirements to police TIP offences and bring domestic legislation in line with the standards of victim assistance, set by the Palermo Protocol.

The legal obligations of the SA TIP Act (7 of 2013:25) provide proper coordinated administration, application and implementation of the SA TIP Act (7 of 2013:25) within the Republic of SA and across its borders. Section 4(1) of the SA TIP Act (7 of 2013:20) states that it is an offence to traffic a person and provides key elements of TIP referring to the "act of delivering, recruiting, transporting, transferring, harbouring, selling, exchanging, leasing or receiving persons".

Threats of harm, force or other forms of coercion, the abuse of vulnerability, fraud, deception, abduction, kidnapping, abuse of power, giving or receiving of payments or benefits to obtain the consent of the person having control or authority over another person, giving or receiving of payments, compensation, rewards, benefits or any other advantage for the purpose of exploitation.

Section 4(2) of the SA TIP Act (7 of 2013:40) states that it is a criminal offence if a person adopts a child unlawfully. The section states that it is an offence to conclude a forced marriage with another person, within or across the borders of SA, for the purpose of exploitation of a child or other person in any manner or form. Referring to Section 5 of the SA TIP Act (7 of 2013:45), the legislation creates important new criminal offences such as debt bondage, where a person is forced to pay off debts through their labour. Section 6 of the SA TIP Act (7 of 2013:46) also criminalises the destruction, possession or tampering with person's travel documentation. Section 7 of the SA TIP Act (7 of 2013:48) prohibits the using the services of TIP victims to benefit financially. The SA TIP Act (7 of 2013:16) criminalises the renting of a house, room, or any building to a person reasonably suspected of TIP or knowing that person is a victim of trafficking,

The SA TIP Act (7 of 2013:30), Section 8(1) (c), states that every internet service provider (ISP) in the republic must report reasonable suspicion of TIP to the SAPS. Section 8(1) (c) states that any site available on the service and where there are reasonable grounds to believe information concerning TIP is available, must be reported to the SAPS. Section 9(1) of the SA TIP Act (7 of 2013:55) states that it is an offence for a person to transport a passenger within or across the borders of SA when there is reasonable ground to believe, the person is a victim of trafficking.

Failing to report that any passenger is a possible victim of trafficking is an offence according to Section 9(3). Section 13 of the SA TIP Act (2013:30) provides strict penalties for offenders found guilty of TIP. According to Section 13 of the SA TIP Act (2013:38), a fine of R100-million or a sentence of life imprisonment should be imposed. The SA TIP Act (7 of 2013:38) also provides for compensation paid, directly by perpetrators to TIP victims. It also makes provision for protection and support for TIP victims, especially in overcoming the trauma they experienced.

Section 14 of the legislation fulfils the aspects that were set out in the early stages of the development, which is that it should include measures to ensure the combatting of trafficking. It must bring domestic legislation into compliance with the standards set out in the UNs Palermo Protocol and provide appropriate penalties for perpetrators as well as protection for victims, depending on the facts of a specific case. Existing common law and/or statutory law provisions are effective to prosecute traffickers for criminal offences other than TIP.

Section 11(1)(a) of the Immigration Act authorises the Director General of Home Affairs to provide a visitor's notice to a TIP in SA, subject to Section 15(1) of the SA TIP Act (7 of 2013:18). Section 19 of the SA TIP Act (7 of 2013:26) states that a TIP victim can assist in the policing of the criminal offence. Should the person, after a period of 30 days, be unable or unwilling to co-operate with the SAPS or Justice Department, the Department of Social Development will institute an investigation to determine whether it is safe for the trafficked victim to go back to the country from where he/she was trafficked.

Section 16 of the SA TIP Act (7 of 2013:24) explains the facilitation of police investigation. The SAPS and intelligence agencies signed a memorandum of understanding as stipulated in the National Strategic Intelligence Act (39 of 1994). According to this Act, intelligence agencies and the SAPS must combat organised crime. Police officials need to take note that victims of trafficking may not be prosecuted for any offence, committed as a result of the trafficking process, according to sections 22(1), (2) and (4) of the SA TIP Act (7 of 2013:30).

Should it be necessary to prosecute, the SAPS need to obtain written authorisation from the Directorate of Public Prosecutions. Section 44(2) of the SA TIP Act (7 of 2013:55), states that SAPS must protect and assist TIP victims. According to the SA TIP Act (7 of 2013:35), "a designated child protection organisation is an appropriate organisation empowered by the Director-General of Social Development or Provincial Head of Social Development to render services of child protection". The SAPS needs to investigate TIP and related criminal offences with reference to Section 24 of the TIP Act. The previously mentioned section further states that SAPS need to work in partnerships with NGOs.

Accredited organisations should provide financial support to the TIP victim. The Prevention and Combatting of SA TIP Act (7 of 2013:35) indicates a social worker in the service of the Department of Social Development or a child protection organisation, must assist to SAPS to ensure an effective support structure for the TIP victim. The SA TIP Act (7 of 2013:5) defines protective custody as "the confinement or detention of an adult person by the SAPS to protect that person, should there be an immediate danger or threat to her or his safety in a premises or building used for accommodation".

The SA TIP Act (7 of 2013:26) sections 18(4) and 19(5) empower police officials to enter and search any premises, should there be reasonable grounds that the safety of the TIP victim or suspected victim is at risk. The police official must audibly demand admission to the premises and notify the purpose of the search. Ensuring the safety and well-being of children, police officials must act according to paragraph 11 of NI 3 of 2010. When police officials have reasonable grounds to believe that a person is a victim of trafficking, adherence to paragraph 6(8) of NI 3 of 2010 is vital to arrange temporary safe care with an accredited organisation to assist the victim. The SA TIP Act (7 of 2013:36), Section 24(1), refers adult victims of trafficking to accredited organisations as prescribed by the Minister of Social Development.

The SA TIP Act (7 of 2013:10) defines an accredited organisation as "an organisation including a government institution, accredited in terms of Section 24 to provide services to adult victims of trafficking".

Section 24 of the SA TIP Act (7 of 2013:36) states that accreditation organisations should provide financial assistance and services to TIP victims. According to Section 25 of the SA TIP Act (7 of 2013:38), accredited organisations must provide accommodation to children who are victims of TIP. Section 29 of the SA TIP Act (7 of 2013:38) provides for compensation to victims of trafficking who suffered losses, physical injuries, psychological challenges or were infected with a life-threatening disease.

With reference to international co-operation, the SA TIP Act (7 of 2013:43), Section 37(1)(a), states that the SA president may, in specific circumstances, liaise with foreign countries who are not part of the Palermo Protocol, on matters concerning TIP. Section 37(1) (b) of the SA TIP Act (7 of 2013:44) also indicates that the president must liaise with countries that are part of the Palermo Protocol to police TIP. According to Section 2 of the SA TIP Act (7 of 2013:12), parliament states the state president must ensure that any agreements on the policing of TIP should be according to the Palermo Protocol.

Article 37(4) of the SA TIP Act (7 of 2013:44) states that government must approve any agreements with foreign countries by the state president. Section 38 of the SA TIP Act (7 of 2013:44) provides that "the Director-General of Home Affairs must provide legal and valid documentation within a reasonable time and verify the legitimacy of identity or travel documents requested by a state, which is part of the Palermo Protocol". Successful policing of TIP is possible. Police officials must have the knowledge, understanding and skills to apply the SA TIP Act (7 of 2013:45) effectively. This will ensure effective prosecution of TIP offenders.

The implementation of the SA TIP Act (7 of 2013:1-86) was a giant step in the policing of TIP. Unfortunately, TIP victims still suffer at the hands of organised crime syndicates and their rights are violated even after their rescue. Access to the justice system is a challenge due to delays in TIP cases and the inability to prosecute traffickers.

There is a need for the SA government to take additional proactive and practical measures to combat trafficking correctly, as it will create optimal effectiveness in the policing of TIP according to the SA TIP Act (7 of 2013:47). TIP victims are unprotected as NGOs are unable to accommodate all TIP victims. Police officials on ground level do not know how to implement the SA TIP Act (7 of 2013:56) and identify TIP victims.

2.3.3 The SA SAPS ACT (68 of 1995)

The above-mentioned Act is the legislation that guides the SAPS. The SA SAPS ACT (68 of 1995) was promulgated before the SA Constitution (108 of 1996). The SAPS is an important role-player in policing, therefore, amendment of the SA SAPS ACT (68 of 1995) to ensure democratic policing with a partnerships approach, was necessary. The functions of the SA SAPS ACT (68 of 1995) provide that "the safety and security of all persons and property in the national territory should be protected by practising effective policing and upholding the fundamental rights of every person as guaranteed by Chapter 3 of the Constitution (108 of 1996)". To combat criminal offences effectively, a partnership approach between the SAPS and the public needs to be maintained on a continuous basis.

The combatting of criminal offences is a huge task and the SAPS need to work in partnership with relevant role players to be successful. This will ensure that the SAPS have access to information to police organised crime effectively. The SA SAPS ACT (68 of 1995) states that victims of crime should be respected and their needs adhered to. The SAPS ACT (68 of 1995) confirms the fact that specialised capabilities are required to ensure professional interviewing of TIP victims.

Effective policing of criminal activities that are harmful to the public is a necessity. The SA SAPS ACT (68 of 1995) states the policing of organised crime is vital to ensure protection of the SA public. According to the SA SAPS ACT (68 of 1995), the safety of the community must be a priority for police officials. Therefore, police officials should identify TIP and liaise with the Directorate for Priority Crime Investigation (DPCI), appointed according to the SA SAPS ACT (68 of 1995), to police organised crime.

Unfortunately, police officials on ground level cannot adhere to the provisions on the SA SAPS ACT (68 of 1995) as they do not know how to police TIP. The police officials of DPCI do not have the capacity to police TIP effectively in Cape Town.

2.3.4 The Code Conduct of the SAPS

According to Joubert (2010:18), police officials need to police in a responsible manner. Section 24(1) (h) of the SA SAPS ACT (68 of 1995) makes provision for a Code of Conduct for SAPS. The Code of Conduct states that, "police officials should commit themselves to the creation of a safe and secure environment for all South Africans". Police officials also pledge in the Code of Conduct that they will adhere to the requirements of the Constitution (108 of 1996) and ensure the protection of the human right of all citizens. It further states that police officials should conduct policing in a respectful and lawful manner (SA SAPS Act, 68 of 1995).

Police officials must apply the Code of Conduct in the policing of TIP by ensuring the safety of the victim according to the SA TIP Act (7 of 2013:19) and act impartially, respectfully and transparently towards TIP victims. The TIP victim should receive professional victim assistance as well as safe accommodation in an accredited organisation. The SAPS must ensure compliance of international agreements, signed by SA to ensure policing of TIP in accordance to the SA TIP Act (7 of 2013:19).
The victim must receive assistance from SAPS to obtain a visitor's visa via the Director-General of Home Affairs.

The safety of the TIP victim during the investigation and prosecution stage of the criminal offence is important. Policing according to the SAPS National Instruction (NI) (2014:11) will enhance effective policing and networking with the community. The SAPS NI (2014:11) instructs the policing process to be professional and adhere to the service delivery rights of the TIP victim. Therefore, active- and re-active policing of TIP will ensure compliance with the Code of Conduct for the SAPS. Unfortunately, the implementation of the Code of Conducts is unsuccessful and SAPS members do not adhere to these provisions. Service delivery to clients is not professional according to the instructions of the Code of Conduct.

2.3.5 The SA White Paper on Safety and Security (2015)

The SA White Paper on Safety and Security (2015:19-20) emphasise the importance of effective democratic policing towards government's Vision 2030.

The constant changing nature of policing and commitment of government to create a safe and secure environment, reformed into law by the SA Constitution (108 of 1996) and SA SAPS ACT (68 of 1995). To ensure effective service delivery the emphasis shifted towards improved service delivery and a partnership between the SAPS and the community. The SA White Paper on Safety and Security (2015:10-11) emphasises the need to protect and empower the rights of all inhabitants of SA. The SA White Paper on Safety and Security (2015:19-20) is dedicated towards serving police officials and focuses on policing concepts to be democratic and remain relevant. The changing nature of crime puts emphasis on the importance of community partnerships in policing.

According to the SA White Paper on Safety and Security (2015:28-29), it is important to separate a police-focussed policy from other policies on the safety and security of South Africans.   Provisioning that ensure a legislative framework aligning the SAPS with the rest of the public service is, is important. The SA White Paper on Safety and Security (2015:25-26) strives to align the norms and democratic values of the Constitution (108 of 1995) together with the SA SAPS ACT (68 of 1995).
Policy proposals presented in the SA White Paper on Safety and Security (2015:28) ensure quality service delivery to the community and effective policing methods to protect South African citizens from becoming victims of crime.

The SA White Paper on Safety and Security (2015:34) expects the SAPS to work in partnership with the CJS, intergovernmental sectors and civil society. This will ensure community safety and pro-active policing. The concept of policing and the approaches to policing are a challenge and dynamic. Over the past 20 years, the nature of crime has developed and changed dramatically. The SA White Paper on Safety and Security (2015:34) requires a multi-agency approach in policing, where the police and communities work in partnership to combat crime.

Demilitarised and community-centred policing that adheres to human rights principles of citizens and takes accountability in democratic policing is required for effective policing in the twenty-first century. The vision of the SAPS and the SA White Paper on Safety and Security (2015:28) entitles SA to a disciplined, professional police service of high quality that provides exemplary leadership techniques.

The vision of the SAPS to develop a police official for the twenty-first century with exclusive characteristics and skills is emphasised in the SA White Paper on Safety and Security (2015:19-20). During service delivery, police officials should practise the values of loyalty and professionalism. The SA White Paper on Safety and Security (2015:19-20) requires that police officials must receive professional training in specialised fields with specific reference to TIP. The culture of the police should interlink to a professional ethos that refers to the competence, culture of the police, values and discipline expected from police officials.

The delivery of effective policing and development of dedicated specialised units in the SAPS, according to Section 199(1) of the Constitution of the Republic of SA (108 of 1996) are a priority. The SAPS must establish a division within the SAPS that includes the municipal and traffic police. To maximise effective policing, implementation of a regulatory framework will ensure professional policing. The SA White Paper on Safety and Security (2015:29) suggests partnerships between the Metropolitan Police Service (MPS) and the SAPS to ensure the pro-active policing of crime.

This includes the impact of globalisation and the development of information communication technology (ICT) on organised crime. Criminals develop networks to commit organised crimes. Professional policing approaches are necessary to police these criminal offences. However, policing according to the SA White Paper on Safety and Security (2015:8) is in an implementation phase.

2.3.6 The National Crime Prevention Strategy (1996)

The NCPS (1996:9) expects government departments to work in partnership and practise an integrated approach to crime prevention and control. The main purpose of the NCPS (1996:9) is to explain the role of the state in crime prevention and law enforcement. The NCPS (1996:5-8) focuses on these concepts to prevent national priority crimes, to put emphasis on information, intelligence and evaluation to generate a knowledge-driven approach that reduces criminal offences effectively, with the focus on organised crime and TIP.

The NCPS (1996:43) includes the national programme on victim empowerment with the focus on extensive training to police and justice personnel.

It introduces victim empowerment and referrals to service providers to address the impact of crime on the victim. The implementation of victim support programmes that focus on research of how victims experience the criminal justice system will enhance policing in the sense that victims will feel supported and empowered when they are informed of the process flow of the criminal cases in the SAPS and Criminal Justice System (CJS) (NCPS, 1996:5). However, the NCPS (1996:11) remains a paper exercise, as effective democratic policing strategies are not implemented.

2.3.7 National Development Plan (2011)

The inclusion of community partnerships is vital in effective policing strategies to combat criminal offences and to protect South African citizens. In the SA government's NDP Vision (2030), the strategic planning of the National Development Plan (NDP, 2011:15) sets five priorities.

The five priorities of the NDP (2011:10) are as follows:

- Demilitarised police and democratic policing;
- Policing to be in partnership with an integrated CJS;
- Active involvement of the community in policing;
- To ensure safety by applying an integrated approach;
- A professional SAPS.

The NDP (2011:18) recommends detectives to be equipped with the professional skills and competence to police organised crime. The SA White Paper on Safety and Security (2015:10) supports the vision of the NDP (2011:16). The vision of the NDP (2011:15) includes a transformed and effective criminal justice system in partnership with a highly skilled and professional police service. The NDP (2011:16) compliments the Constitution of SA (108 of 1996) with the focus on the need for professional policing in a democratic society.

The SA SAPS ACT (68 of 1995), the SA White Paper on Safety and Security (2015), NCPS (1996) and NDP (2011) prescribe a culture of high service delivery standards in policing. The Code of Conduct of the SAPS places commitment on the police officials to uphold and protect all citizens' fundamental rights when exercising policing in SA. Policing of TIP can be successful by implementing effective service delivery methods in policing.

2.4 THE AFRICAN CHARTER ON TIP (2005)

The Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005:2) states, "every person is entitled to respect, life and integrity". According to Article 4 of the African Charter (2005:3), "human dignity prohibits all forms of exploitation and degrading of persons, particularly slavery, slave trading, torture, cruel, inhuman or degrading treatment and punishment". The Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005:5) states that discrimination against females and children must be eliminated.

Together with the Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005:1-18), the UN TIP Protocol (2000:2) and UNODC (2009:50) emphasise the importance of protecting women and children when policing TIP. Implementation of appropriate measures that prevent the abduction, sale or traffic of children by any persons including legal guardians or parents is vital. Policing of TIP, described in the Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005:1-18), requires the practising of professional policing techniques that are victim-centred.

Criminal offences that affect the rights of human beings to be dealt with by providing policing that includes service delivery and a multi-agency approach that actively specialises in the prevention of TIP (UNODC, 2009:50). Adhering to the SA Constitution (108 of 1996), legislation and guidelines will ensure professional policing of TIP. The rights of vulnerable people need protection and restoration of the TIP victims' faith in the CJS. Policing of TIP requires an integrated approach and responsible implementation of legal strategies. The available legal framework on the policing of TIP is victim-centred to ensure professional and successful policing of TIP.

2.5 LEGAL STATUS ON COUNTER-TRAFFICKING IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) REGION

Criminal syndicates flourish as corrupt border officials enable them to conduct their illegal activities on TIP. The occurrence of TIP and the initiatives of criminal justice to effectively police the criminal offence in Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Madagascar, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe provides a framework of the legal status concerning this transnational offence.

2.5.1 Angola

Research done by the UNODC (2009:101) on TIP confirms the occurrence of the offence in Angola and the lack of comprehensive law to police the criminal offence.

The US Department of State (2009:62) confirms that the Constitution (108 of 1996) and other Angolan laws are prohibiting rape, forced labour, sexual exploitation, kidnapping and illegal entry into Angola.

With reference to criminal justice initiatives in Angola, the US Department of State (2009:62) reports that seminars were conducted to train counter-trafficking investigators and personnel from the Directorate of National Criminal Investigations. Personnel attended the seminars were from the Immigration and Migration Service. The Angolan government continuously works on an anti-trafficking National Action Plan. According to UNODC (2009:120), Angola also has an inter-ministerial committee to ensure effective policing of labour exploitation, especially where children are concerned. The US Department of State (2016:19) states that Angola is part of the Palermo Protocol.

2.5.2 Botswana

The US Department of State (2009:84) states the law is not in place in Botswana to prohibit TIP. Referring to US Department of State (2009:84) and UNODC (2009:121) the Botswana Penal Code of 1964, via sections 155-158 covers procurement for prostitution. Sections 260-262 prohibit slavery and other forms of TIP. Criminal justice initiatives of the US Department of State (2009:84) indicate that Botswana shares borders with countries that experience serious TIP challenges. The US Department of State (2009:84) source states that 10 investigating officers from the immigration department investigated migration-related crimes and they were unable to differentiate between smuggling and trafficking that caused difficulty to determine the extent of the trafficking situation in Botswana. Interpol created an office for the administration of TIP cases in Botswana (US Department of State, 2009:84). According to US Department of State (2009:84), evidence presented in three (3) criminal cases prosecuted, suggested that the defendants may have been involved in TIP. The offenders originally were charged for kidnapping, immigration and fraudulent documentary offences. The US Department of State (2016:103) states the government of Botswana fails to meet the minimum standards to prosecute traffickers.

2.5.3 Democratic Republic of Congo

The UNODC (2009:122) states that a comprehensive law on TIP does not exist in the Democratic Republic of the Congo. The mentioned source confirms that the July 2006 sexual violence statute (Law 6/018) prohibits and prescribes penalties of 10 to 20 years imprisonment for trafficking that involves sexual exploitation. According to the US Department of State (2009:110), the Democratic Republic of the Congo demonstrates minimal efforts to prosecute TIP offenders. The UNODC (2016:139) states that the government made minimal law enforcement efforts to prosecute and convict TIP offenders.

2.5.4 Lesotho

Research by UNODC (2009:186) states a lack in the practise of TIP law in Lesotho. According to US Department of State (2009:123), the Child Protection Act 1980, the Sexual Offences Act (29 of 2003) and provisions of the Labour Code applies to prosecute TIP for sexual exploitation and forced labour.

The US Department of State (2009:186) confirms that the government of Lesotho does not make provision in their laws to define TIP as a criminal offence. The source further confirms that existing criminal offences, referring to "abduction, kidnapping, labour exploitation, immigration and sexual abuse of children" apply to prosecute offenders of TIP related crimes. The US Department of State (2016:243) states that the Lesotho government has made progress in the policing and prosecution of TIP offenders.

2.5.5 Madagascar

The US Department of State (2009:18) states that Anti-Trafficking Law No. 2007-038 came into effect in January 2008, which prohibits all forms of TIP in Madagascar. Punishments prescribed by the law for TIP, for the purposes of sexual exploitation, are sentences that range from two years to life imprisonment (US Department of State, 2009:195). Statistics indicates the prosecution of alleged TIP cases in Madagascar. The UNODC (2009:195) confirms the application of the TIP law in several criminal offences. According to the US Department of State (2016:251), the government of Madagascar does not fully meet the minimum standards to eliminate TIP significantly.

2.5.6 Mauritius

In Mauritius, the government prohibited child trafficking specifically. The US Department of State (2009:195) confirmed that in Mauritius, comprehensive anti-trafficking legislation exists. According to UNODC (2009:115), the FCS (Family Violence, Child protection and Sexual Offences Unit of the police works closely with the Ministry of Women's Rights and Child Development. The UNODC (2009:15) reports that Family Welfare and the Ombudsperson for Children's Office protect children who are TIP victims from sexual and any other form of exploitation. The police arrested three TIP offenders for child trafficking in 2007 and two persons were convicted for labour exploitation of children (UNODC, 2009:18). The US Department of State (2016:266) confirmed that 37 000 foreign migrant workers are employed in construction sectors and some of them are exploited to forced labour.

2.5.7 Mozambique

During April 2008, comprehensive anti-trafficking legislation was promulgated in Mozambique (US Department of State 2009:215). "Penalties of 16 to 20 years' imprisonment are applicable for TIP offenders who recruits or facilitates sexual exploitation, slavery, forced labour or involuntary debt servitude". The US Department of State (2009:215) reports that the Mozambique government made provision for the policing of TIP in their financial budget by allocating $360 000 in 2009 to ensure implementation of the TIP Bill. UNODC (2009:215) stated that the police in Mozambique created an anti-trafficking unit to investigate TIP and the police liaised with NGOs to ensure effective support and care for TIP victims. The US Department of State (2016:278) reports that policing of TIP is not sufficient in Mozambique.

2.5.8 Namibia

The US Department of State (2009:216) states that currently, no comprehensive anti-trafficking legislation exists in Namibia. In Namibia, the Prevention of Organised Crime Act of 2004 is applicable for prosecution of TIP offenders and imprisonment of up to 50 years is applicable (US Department of State 2009:216). The Labour Law, implemented in November 2008, prescribes criminal penalties for exploitation to labour practises and the Namibian police initiated several investigations into suspected cases of pimping and brothel keeping. Unfortunately, the lack of appropriate anti-trafficking legislation prevented effective prosecution of alleged perpetrators (US Department of State 2009:280). The US Department of State (2015:216) states that the Namibian government increased anti-trafficking law enforcement efforts and in 2015, seven TIP investigations were conducted, five for sexual exploitation of TIP victims and two for forced labour (US Department of State 2016:216).

2.5.9 Swaziland

Comprehensive anti-trafficking legislation and specific provisions on TIP are non-existent in Swaziland. The Sexual Offences and Domestic Violence Act aims to criminalise trafficking for sexual exploitation (US Department of State, 2009:270).

Statutory Acts prohibit acts such as "forced and compulsory labour, kidnapping, confiscation of passports, brothel keeping and procurement for prostitution, sexual exploitation or solicitation of sexual exploitation with underage girls (UNODC 2009:129)". The traditional Swazi customary law applies in resolving TIP cases, within the chiefdom. Often cases reviewed under the customary law are unreported and the civil authorities or the media are not aware of the TIP. The Royal Swaziland Police Service has a Domestic Violence, Child Protection and Sexual Offences Unit policing TIP cases (UNODC 2009:129). Currently the policing of TIP is unsuccessful in Swaziland (US Department of State 2016:352).

2.5.10 Tanzania

Anti-trafficking legislation has been in place in Tanzania since June 2008 when the Tanzanian government passed the comprehensive Anti-TIP Act of 2008. The Tanzanian Anti-TIP Act came into effect in February 2009 after official publication and translation into Swahili (US Department of State, 2009:278). According to UNODC (2009:142), the statutes prescribe punishments of one to 20 years imprisonment for TIP offenders. The Tanzanian government provided training to police officials on TIP investigations. The US Department of State (2016:362) reported that there were no prosecutions of TIP offenders under the TIP law in Tanzania (US Department of State 2016:362).

2.5.11 Zambia

In Zambia, comprehensive anti-trafficking legislation is in place and a comprehensive TIP Act was implemented in November 2008. Penalties range from 25 years to life imprisonment, depending on unique circumstances of the TIP offence (US Department of State, 2009:303-304). The shortage of trained personnel and finances constrained the government's ability to police TIP. The Zambian Law Development Commission published a manual on the new anti-trafficking law for police and prosecutors. The Commission started by training some of these officials in TIP since February 2009. UNODC (2009:135) reports the Zambian government liaised with NGOs to ensure training of police officials on TIP and they effectively developed of a team of trainers in the Zambian Police Service (ZPS).

The police instituted a hotline for police officers to ensure effective communication with experienced ZPS police officers to provide guidance on the policing of TIP (US Department of State, 2016:401).

2.5.12 Zimbabwe

No specific law exist to police TIP in Zimbabwe, therefore, existing statutes such as the Zimbabwean Criminal Code applies for the prosecution of TIP offenders (UNODC 2009:131). The US Department of State (2009:305) states that forced labour offences are punishable and a fine or two years imprisonment is applicable according to the Zimbabwean Criminal Code on forced labour. The Zimbabwean government was unsuccessful in providing information on anti-trafficking law enforcement activities conducted during April 2008 – March 2009 (US Department of State, 2009:305). Law enforcement officials did not receive anti-trafficking training. It is encouraging to note that there is a general trend in Zimbabwe to review and update legislation.

Therefore, the Zimbabwean government is moving towards comprehensive anti-trafficking legislation, already implemented in Madagascar, Malawi, Mauritius, Mozambique, SA, Tanzania and Zambia. The establishment of training, development of specialist units and increased prosecutions, strengthens the criminal justice response. SA shares particular concerns on the policing of TIP, such as accessibility through national borders or migratory trends with the SADC countries (US Department of State, 2009:305). The US Department of State (2016:409) states that the Zimbabwean government has made little law enforcement efforts to police TIP.

Continued efforts in the protection of TIP victims and prosecution of offenders are essential. Governments must implement anti-trafficking legislation to combat TIP and protect vulnerable communities. It is important to develop continued anti-trafficking measures and governments should liaise to share sophisticated prevention efforts in the policing of TIP.

2.6 SUMMARY

The legal framework of TIP on a national and international level were discussed to obtain an understanding of the legislation in place to enforce the policing of TIP and assist victims of TIP. This chapter also indicates the adherence of SA to international legislation and includes the Palermo Protocol. To ensure completeness, the researcher included a description and analysis of the legal aspects of TIP, the TIP legislation on an international level, SA legislation and the legal status of counter trafficking in the SADC region. The next chapter focuses on the literature perspectives of the nature of policing and explains the origin and history of policing.

CHAPTER 3
LITERATURE PERSPECTIVES ON THE NATURE OF POLICING

3.1   INTRODUCTION

The core function of policing is to actively police crime and prevent criminal offences in society. The SAPS needs to focus on partnerships with effective role players to ensure professional policing in a democratic society. Clarity on the different perspectives of policing, the origin of the concept policing, the development of policing on a national and international level, the development of policing in Africa and the implications of democratic policing in the policing of TIP will assist to understand the nature of policing. The history of police agencies indicates the importance of order and safety worldwide. The majority of South Africans are familiar with the term SAPS and the history of policing dates back to England when Sir Robert Peel determined the need for police agencies. The nine principles of policing by Sir Robert Peel, the development of policing on an international level, policing in Africa, democratic policing of TIP and victim support are aspects that provide clarity on the expectations of policing.

This chapter presents the origin and principles of policing as well as the development of police co-operation on an international level. The literature on the development of policing in Africa, development of policing in SA, the DPCI and the policing of TIP are included. A presentation of the Australian police, Belgium Annual Report, (2012:185) and UNODC discussions on democratic policing, partnerships in policing and international best practises are included. The chapter includes the literature on professional victim assistance and co-operation of community structures such as NGOs in the policing of TIP.

3.2   THE ORIGIN OF POLICING

The history of policing starts in Anglo-Saxon, England when the kings expected loyalty and obedience of their followers. Newburn (1995:26) states King Alfred established a unique police force with the purpose to protect to the kings from dangers.

According to Newburn (1995:26), King Alfred needed protection from overzealous lords under his control. King Alfred developed a police force by delegating his authority to responsible landowners in his kingdom as he made them responsible to police his kingdom, arrest offenders and practice civil law (Mc Laughlin, 2007:89). Realising that policing according to the Anglo-Saxon system was successful; King William modified this model and the method of policing. According to Van Heerden (1992:79), the purpose of sheriffs was to police the king. The Court Leeds policed local people and Comes Stables were in control of the Court Leeds (Van Heerden, 1992:79). The term Comes Stable meant "Master of the House", and later on the word changed to "constable". This system of policing was in practise until the 1700s (Van Heerden, 1992:79).

Newburn (1995:27) states the term constable is part of the current police services/forces. After the 1700s, population growth demanded another type of policing as cities expanded and criminal offences increased. Constables were corrupt and they did not take policing seriously. According to Mc Laughlin (2007:91), the policing system changed in the 1800s when Henry Fielding established the Bow Street Runners. The Bow Street Runners policed crime effectively and arrested criminals (Newburn, 1995:27-28). William Pitt initiated the establishment of the British police force when he submitted a request to the British Parliament asking for the development of the London police force. The purpose of the London police force would have been to arrest criminals and prevent crime. Unfortunately, the request to establish the British police was denied (Newburn, 1995:27-28). In London, the Bow Street Runners policed the rural areas in an effort to upgrade policing (Newburn, 1995:27-28). Emsley (1996:53) states the word police was unpopular in England, it had a negative connotation, but towards the end of the eighteenth century, the use of the terminology, police, was accepted. Britain is the country where the police service and police officials are part of the historical landscape (Mc Laughlin, 2007:88-92).

Newburn (1995:27-28) states that in establishing the rules of conduct known as the principles of policing, Sir Robert Peel gave thorough attention to the goal of policing and he wanted to ensure lawfulness. As police agencies in England, America and Europe began to form, they adhered to the principles of Sir Robert Peel for they could see the value in practising these policing concepts.

Van Heerden (1992:79) and a recent study by Burger (2007) confirm that the following nine principles of Sir Robert Peel on policing are still useful today:

- The basic mission for police agencies to exist is to prevent crime and disorder.
- The ability of the police to perform policing successfully depends on community acceptance.
- The degree of cooperation of the public diminishes proportionately and, therefore, the use of physical force in policing is inevitable. The police strive to gain public favour by providing impartial service delivery when policing.
- In policing the values of courtesy, friendly good humour, offering of individual sacrifice and preserving life are exercised.
- The extent of physical force applied by the police was to ensure public order, secure observance of the law and exercise persuasion.
- Professional policing and effective relationships with the community are important because the police receive payment to ensure the safety of citizens.
- The police should always direct their actions towards their functions and respect the powers of the judiciary.
- The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with criminal offences (Stead, 1985:54).
- Governments, for decades, conducted the policing of communities. After Sir Robert Peel persuaded the British Parliament to develop the London Metropolitan Police in 1829, policing was transformed into the current known professional approach (Villiers, 2006:79).

Villiers (2006:79) stated that research on the history of the police indicated that governments had carried the activity of policing out for 185 years. According to Villiers (2006:79), Sir Robert Peel persuaded the British Parliament to create the professional London Metropolitan Police in 1829. Sir Robert Peel advised that British policing be impartial and politically neutral (Stead, 1985:54). Today, much of what Sir Robert Peel formed continues with a few changes. Uniforms, ranks and discipline are still an important part of the British police service. Newham (2010:3) emphasises the importance of effective policing in SA. According to him, the SAPS strategic plan prioritised the effective investigation of reported crime and the establishment of a co-ordinated focus on apprehending and charging known perpetrators across provincial boundaries. The report clearly requires quality policing.

The history of policing in the United States of America (USA) was under the English influence as the Americans adhered to the principles of Sir Robert Peel (Stead, 1985:54). According to Miller (1977:30), Sir Robert Peel should receive credit for the development of the British police. Miller (1977:30) states that Peel developed the London Police Force and included two police commissioners, Richard Mayne and Charles Rowan. Robert Peel reinforced the practising of the law by police agencies to ensure the public's trust in policing. Robert Peel and his associates developed a strategy on how the police can gain authority and respect from the public in a professional manner (Miller, 1977:30). Peel and his associates decided to select men who were well mannered, neatly dressed in uniform, professional and unarmed to conduct policing. Miller (1977:31) states that the London Police Force conducted policing according to the English Constitution. According to Leggett (2003:03), Sir Robert Peel is of the opinion that when the police re-actively police crime, they admit failure in their duty of crime prevention. Sir Robert Peel stated that the main policing function was crime prevention (Leggett, 2003:03).

Van Heerden (1992:79) states that Sir Robert Peel was the father of modern policing. According to Van Heerden (1992:79), the focus of Sir Robert Peel was on crime prevention as the main policing function. Sir Robert Peel agreed with a few academics, authors and analysts on the fact that crime prevention is the core objective of any police organisation (Alpert & Dunham, 1988:21; Kelling & Moore, 1988:03; Hale, 1994:34; Bruce & Neild, 2005:12; Kennedy, 2009:40). Van Heerden (1992:153) states, "Predisposing factors relate to the desire to commit crime and precipitating factors relate to the opportunity for crime to be committed".

3.3 THE DEVELOPMENT OF POLICE CO-OPERATION ON AN INTERNATIONAL LEVEL AND TIP

The development of policing agencies on a global level has its origin in the European history and effective policing of the nineteenth century (Anderson, Den Boer, Cullen, Gilmore, Raab & Walker, 1995). Deflem (2002:13-21) confirms that the history of the international development of policing started in the nineteenth century.

The historical trend for police institutions was to focus on criminal goals and work on permanent structures of cooperation on a global level (Deflem, 2002:13-21). This led to the establishment of the International Criminal Police Commission (Interpol) in 1923. Deflem (2002:13-21) states that in the nineteenth century the US police institutions did not exercise effective international police practices. On the American continent policing on an international level included tasks of immigration, the founding of national borders and slavery. In the nineteenth century, most of the European police forces were concerned with political tasks (Deflem, 2002:13-21). The German police force was an international police organisation that suppressed political opposition from 1851 until 1866 and focussed on police cooperation (Deflem, 2002:13-21).

According to Anderson et al (1995), the first international conference was organised by the French authorities in Paris on 15 July 1902. In 1904, during a follow-up meeting in Paris, 12 European country governments signed the International Agreement for the Suppression of White Slave Trafficking (Anderson et al, 1995). The US and a few non-European states did not sign the international agreement, but agreed to adhere to the provisions thereof. On 4 May 1910, 13 countries with inclusion of the US signed the International Convention for the Suppression of White Slave Trafficking (Deflem, 2002:13-21). To control the trafficking of prostitutes into the United States, the US legislation, with specific reference to the UN TIP Protocol (2000:21), are practised.

3.4   THE DEVELOPMENT OF POLICING IN AFRICA

Rausch (2006:134-135) states that in African states policing systems are different due to cultural origin. The ideological, economic and political context determines the policing system practised in African states. Hills (2007:29) states the need for police reform in Africa and solutions to obtain capable, professional and accountable policing in Africa. Economic growth, democratic development and safety for all African citizens are important. Capable policing services are necessary to police threats such as TIP and narcotics trafficking. Hills (2007:32) argues that the political leadership of the country sets the policies of policing in Africa.

The features of policing in African states differ due to international influences and domestic pressures. A few African states experienced extensive periods of instability and civil conflict. The conflict ceased after international interventions and exhaustion. Based on the limited skills of the fighters in conflict situations, the fighters could not implement policing effectively (Hills, 2007:32). The fighters committed criminal offences such as armed robbery and violent crimes to survive (Hills 2007:32). Marenin (2010:1-10) states that the security conditions differ in African states. Africa consists out of states that have good functioning police systems and countries where there is a total collapse in policing. In desperation, people fall back on informal traditional policing mechanisms and seek residence into safer African states (Marenin, 2010:1-10).

In African states where the police are functioning, policing systems are criticised as corrupt, inefficient, political and ethnically biased in performing policing (Hills, 2007:64). Hills (2007:68) states that based on the colonial origin of policing in Africa, the police are politicised and employed for particularistic goals rather than effective policing. Therefore, the police in Africa are in general need of reform to better their image in African states and develop effective relationships with communities (Hills, 2007:65). Rausch (2006:134-135) states that civil wars in African countries cause disorder in policing, while Duffield (2001) opines that Africa is flooded with illegal and legal firearms, available to anyone looking for a weapon to commit a criminal offence, which includes the offence of TIP.

Marenin (2010:1-10) states that SA is the only African state with effective policing reform in comparison to other African states. The poor state of policing makes Africa vulnerable to TIP, according to Rausch (2006:134-135). Policing failed in countries such as the Democratic Republic of the Congo (DRC) and Somalia and, therefore, the government applied traditional policing methods. In Sierra Leone and Liberia, security systems collapsed and were resurrected again (Alemika 1993:10). Effective implementation of policing requires political and technical expertise. Skilled implementers are a need to provide guidance and assistance in the development of policing in Africa. Sierra Leone and Liberia transformed their security situations by improving police-community relations, improving training, revising the police image, ideologies and increasing the number of police officials.

Alemika (1993:10) states that in Africa, policing is a privileged secret of the state and it is a serious offence for a police officer to reveal internal police information to an outsider.

Marenin (2010:1-10) believes that only a few academics of African universities are interested in studying the challenges of policing systems of African states. According to Fellows (2008:7) ineffective policing occurs in African states due to the shortage of an operational autonomy of the police, colonial mentality in occupational cultures of police, a lack of effective management, organisational failures, corruption, the abuse of police powers, bad relationships with the public and unclear social systems. The HSRC (2010:15) states that TIP, for sexual and labour exploitation, flourishes in African states such as Angola, Kenya, Nigeria, Cameroon, Somalia, Rwanda and the Democratic Republic of the Congo due to poorly developed policing systems in these states. According to Fellows (2008:7), ineffective and undeveloped policing in African states exposes vulnerable citizens to TIP, when people are trafficked to make use of their body parts in producing traditional medicine.

A professional policing system will ensure economic growth and effective prevention of transnational organised crime Marenin (2010:149). In African developing countries, the ineffective protection services provided by non-state agencies and NGOs are a challenge, which affects the economic growth of the countries (HSRC, 2010:109). According to Veit (1998:54, 84), NGOs flourish and develop excellently in Africa. Fowler (1997:1-2) states, "a NGO is any non-profit, voluntary citizens' group, which is organised on a local, national or international level, task-orientated and driven by people with a common interest. NGOs perform a variety of services and humanitarian functions, bring citizen concerns to governments, advocate and monitor policies and encourage political participation through supervision of information." NGOs are concerned with delivering specific services, including environmental, human rights or health needs of the communities. The NGOs provide analysis, expertise and warning mechanisms to ensure effective monitoring and implementation of international agreements. The professional relationship of the NGO will differ with UN agencies depending on their vision, their mandate and the venue of a specific institution.

Crawford (2010:25) states that the police need to work together with NGOs and local community networks to be successful in their objectives to decrease crime. Van Dijk (2008:290) supports the argument of Marenin (2010:152) that a corrupt government, organised crime and corruption are to the disadvantage of economic development in African countries.

Therefore, Van Dijk (2008:290) differentiates between professional policing, democratic policing and functionally specific policing. The meaning of a professional and democratic police service is an effective police service that provides a high standard of service delivery. Van Dijk (2008:173) states that functional policing will have a positive effect on the economic development of countries like Liberia, SA, Sierra Leone and Nigeria. Practising of functional policing in Africa will have a positive effect on pro-active policing and economic growth of African countries. Alemika (1993:10) is of the opinion that members of the Nigerian police force need training and that policing should not be an instrument of the Nigerian government to oppress the Nigerian inhabitants. According to Okiro (2007:89), policing in Nigeria faces major challenges due to a shortage of human resources, corruption, inadequate funding and logistical support of technological equipment. Okiro (2007:88) states the transition from traditional policing to community policing is a global challenge and the implementation of community policing in Nigeria in 2004 is not an exception.

According to Abdulrahaman (2007), "community policing is a clear departure from reactive traditional policing to proactive community-based policing." Alemika (1993:10) states that in a democratic society the police should provide services that will enhance growth and a democratic governance. According to Alemika (1993:10), the military orientation of Nigerian police leads to torture and killing of suspects. The knowledge to practice human rights when policing in Nigeria, needs development (Alemika, 1993:10). Strobel (2015:189-219) states the poor state of policing in Nigeria has a negative impact on the policing of TIP with specific reference to the kidnapping of 219 Nigerian pupils (girls) by Boko Haram in April 2014. The Chibok females were forced to join Nigeria's Boko Haram, an Islamist militant group who have killed 5500 civilians in Nigeria since 2014. The 219 females from Chibok, in northern Nigeria, are still missing.

Okiro (2007:88) states that three women, who claimed they were held in the same camp as the Chibok girls, some of the Chibok girls were brainwashed to carry out punishments on behalf of the militants, which include the killing of Christian men. Innocent girls are impregnated and forced to marry Nigerian soldiers. Strobel (2015:189-219) states that abduction and brutalisation seems to be the modus operandi of Boko Haram in the attempt to establish an Islamic State in Nigeria.

The Nigerian counter violence programme assists TIP victims who were raped, beaten, tortured and forced into marriage (Strobel, 2015:189-219).

3.5   THE DEVELOPMENT OF POLICING IN SOUTH AFRICA

The arrival of Jan van Riebeeck in SA in 1652 had a significant impact on the establishment of policing (Brewer, 1994:15). According to Van Heerden (1992:3), the South African Police (SAP) was the national police force in SA from 1913 to 1994. In policing, the SAP applied the militaristic approach (Van Heerden, 1992:3). In South Africa (SA) policing developed through different stages, starting from the apartheid era when the SAP enforced apartheid laws that excluded Africans from developmental and economic activities in the country (Joyce & Suzman 1990:55-58). In the apartheid era, the police force were known for practising brutal policing methods with lack of investigation skills to prevent criminal offences and lack of accountability (Shearing, 2010:197). Rausch (2006:134-135) states that apartheid divided SA into several autonomous states with different police forces. In 1994, the corporate strategy of the SAPS required demilitarisation and implementing community policing (Shearing 2010:31).

Burger (2011:105-107) states that in 1996, the police were still practising a militaristic no-nonsense, back to basics policing plan as police officials act with mobile striking force. In 1999, a political decision indicates the SAPS to be responsible for crime prevention and social challenges associated with criminal offences (Burger, 2011:145). Burger (2011:105-107) states that from 1997 until 2000 the SAPS identified priorities and objectives based on partnerships with the community in the policing of criminal offences. Crime prevention and reduction are, according to Donnelly and Kimble (1997:493), a joint responsibility of the police and community.

Therefore, social organisation and strong community cohesion enhance community safety (Donnelly and Kimble, 1997:493). Hughes (1998:76) is of the opinion that together, organisations and the police can make a positive impact on the number of criminal offences committed in society, due to poverty, poor education and lack of recreation facilities. Mawby (2008:6) defines community policing as, "a policy and a strategy that aims to achieve efficient and effective control of criminal offences, with the assistance of community resources, in policing crime." He further explains community policing as a type of policing that will reduce the fear of crime and enhance efficient crime control. According to Mawby (2008:6), "policing in partnership with the community will ensure effective policing of crime-causing conditions and reduce the fear to become a victim of crime." Mawby (2008:6) states that the implementation of an effective and legal proactive community police service will ensure that citizens experience a crime-free quality of life.

Van der Spuy (2014:17) states that it was a challenge to develop an accountable, legitimate, de-politicised police organisation adhering to the community concerns. The Minister of Safety updated the SA SAPS ACT (68 of 1995) and developed a vision that adheres to the needs of the community (Shearing 2010:31). According to Van der Spuy (2014:17), the purpose of the developed of CPFs was to ensure the SAPS is more responsive to community concerns. In the second half of the 1990s, new policing methods that include business partnerships with the communities were developed (Van der Spuy, 2014:17). According to Mawby (2008:6), most of the assemblages that link other policing entities and the SAPS are on an ad hoc basis and not formal agreements. Mawby (2008:6) states that currently, no formal partnership exists between the private security sector and the SAPS.

Crawford (2010:25) states that demilitarisation of the SAPS is vital and the police needs assistance in the prevention of crime. A holistic partnership approach by the SAPS was suggested by Crawford (2010:25), which consists of individuals, groups, organisations and government agencies in the community. Burger (2007:97) states that the policy framework and guidelines for community policing (SA, 1997b) was established in 2007. In this framework, the police and community work in a partnership to pro-actively police crime.

This partnership involves accountability from the SAPS and the community in realising the vision of improving the safety of citizens in SA (Burger, 2007:81). Demilitarisation in the SAPS, as stated in the SA White Paper on Safety and Security (2015:6-7), creates a 2030 vision for the SAPS to develop a twenty-first century police service that is a well-resourced, professional and highly skilled.

The vision of the SAPS for 2030 is to police in accordance with the Constitution of SA (108 of 1996) that states the SAPS must police under guidance of parliament (SA White Paper on Safety and Security, 2015:6-7). The SAPS will be a demilitarised police service, committed according to its constitutional mandate and responsive to the policing needs of diverse communities. Vision 2030 of the SAPS includes the need for well-designed community surroundings and for citizens to be safe everywhere (SA White Paper on Safety and Security, 2015:6-7). The SAPS Act, (68 of 1995) states clearly in Section 11(2) (a) that the National Commissioner must develop a strategic plan with all the objectives and priorities of policing for every financial year. Section 11 of the SA SAPS ACT (68 of 1995) specifically refers to the prevention of crime by providing responsive and proactive policing services, with the focus on the policing of TIP.

During the presentation of the SAPS National Crime Statistics (2014/2015:1), the National Commissioner stated the functions of the SAPS by referring to Section 205 of the Constitution of SA (108 of 1996) that states the main police function is to "prevent, combat and investigate crime." Maintenance of public order, protection of property and upholding the law, according to Section 205(3), is a priority in the policing environment. To improve service delivery access to the community the service points of the police were increased to 1137 police stations, 186 active satellite police stations, 52 active fixed contact points and 14 mobile contact points (SAPS National Crime Statistics (2014/2015:1). National Instruction 3/2009 (SAPS, 2009) on visible policing instructs that the Divisional Commissioner of Visible Policing needs to ensure the implementation of sector policing in the SAPS. Effective implementation of sector policing means that the needs of the community must be adhered to (SAPS, 2009).

Station commanders must draw up a sector profile and identify community-based organisations, institutions and groups in every sector (SAPS, 2009). A meeting should be arranged on a suitable date, time and venue to establish a Community Police Sub-Forum in the sector. Station commissioners must monitor frequent meetings of the Community Police Sub-Forum and ensure feedback from the meetings to the CPF (SAPS, 2009). Wesley and Hartnett (2007:177) state the purpose of the establishment of CPFs was to improve peace and stability in communities. According to Griggs (2003:5), CPFs are a unique partnership to police criminal offences in partnership with the state. Wesley and Hartnett (2007:178) argue that the vision of CPFs is to ensure quality policing that includes active participation of various role players to enhance safety and security.

"The CPF is a platform where organisations such as NGOs, youth organisations, businesses, women organisations, community members and other stakeholders of provincial government, local government, traditional authorities and parastatals meet with the SAPS to discuss local crime prevention strategies (Van Rooyen, 2010:45-46)." Van Rooyen (2010:45-46) states that CPFs indicate the concerns of the communities on crime reduction and prevention. CPFs monitor police actions to ensure transparency and accountability in policing (Van Rooyen, 2010:45-46). The SAPS can pro-actively police with intelligence provided by CPFs on illegal drugs, stolen goods and teenage gang hideouts. Van Rooyen (2010:45-46) states that communication and cooperation between the SAPS and communities definitely improves service delivery. Policing is a process performed by different agencies or individuals in the prevention and investigation of criminal offences (Mawby 2008:17).

3.6   THE DPCI AND THEIR TASKS IN POLICING TIP

According to the SA SAPS ACT (68 of 1995), the DPCI was established to ensure the prevention, combatting and investigation of national priority crimes. National priority offences according to the Newham (2010:4), is organised crime that requires police officials with specialised skills to ensure national prevention of the criminal offences. The SA SAPS ACT (68 of 1995) states that security screening, of integrity measures, of members who apply to work at the DPCI are important.

The SA White Paper on Safety and Security (2015:29-30) indicates the investigative capacity of the SAPS comprises of two divisions, namely the DPCI and the Detective service. The SA parliament established the DPCI in 2009 to police serious organised crime. The function of the DPCI is to police national priority offences as indicated in the SA White Paper on Safety and Security (2015:29-30). The DPCI, also known as the Hawks, is specialised to police selected organised, transnational crimes and national priority crimes, as indicated in the SA White Paper on Safety and Security (2015:29-30).

The SA White Paper on Safety and Security (2015:29-30) states the DPCI is responsible to liaise with relevant role players in the SAPS, to ensure effective policing on a local, national and provincial level that includes external role players in the policing of TIP. Therefore, the SA White Paper on Safety and Security (2015:29) requests adequate independence of the DPCI on an operational level. To support the operational independence of the DPCI, the office of the DPCI judge was established, which will prevent improper or undue influence in investigations by this organised unit.

The HSRC (2010:10) reports the establishment of the TIP desk in 2003 as part of the DPCI to co-ordinate proper policing of TIP cases reported in the nine policing provinces of SA. The DPCI conducts professional policing by means of analysis of crime threats, intelligence forecasting, information sharing, analysing crime patterns, trends and integrated intelligence planning in the investigation of TIP. Newham (2010:10) confirmed the need for specialised policing by the DPCI and states that the strategic plan of the SAPS prioritises effective investigation of TIP. The DPCI adheres to the implementation of the SA TIP Act (7 of 2013) conducting effective liaison with countries on an international level to ensure effective policing of TIP. Lyman and Potter (2011:407) argue that organised crime challenges long-held paradigms that link illicit entrepreneurship and creates the opportunity for TIP. According to Lyman and Potter (2011:406), the policing of TIP is a challenge that involves specialised policing methods.

Lyman and Potter (2011:229) describe organised crime as groups of syndicates in a system of power relationships amongst criminal groups that perform transnational illegal activities such as smuggling, narcotics, sexual exploitation of women and trading in stolen cars. Criminal TIP organisations have a network structure (Lyman & Potter 2011:407) and this durable structure did not emerge overnight, but developed over many years as entrepreneurs built their enterprises through personal contacts, repeated exchanges and resources they accumulated gradually (Lyman & Potter 2011:407).

3.7   DEMOCRATIC POLICING OF TIP IN SA

The Constitution of the Republic of SA (108 of 1996) and the SA SAPS ACT (68 of 1995), state that democratic policing, in partnership with the community, must be practised in policing methods (Klipen & Harrison 2009:9). Marais (2003:114) states that the police cannot do effective policing in isolation and democratic policing with community involvement should be practised.

According to Crawford (2010:25), a holistic problem-solving approach is vital for effective policing, where the police and community share information, resources and expertise to reduce criminal offences. CPFs were not included in the South African Constitution (108 of 1996), although the SA SAPS ACT (68 of 1995) includes CPFs, in the partnership of policing. The SA SAPS ACT (68 of 1995) provides for CPFs to promote communication, cooperation, transparency and service delivery between the SAPS and communities. CPFs can assist in various aspects that will ensure more effective policing (Marais, 2003:114). Sector policing, that involves community policing, is a national policy of the SAPS. The station commander will appoint sector managers to report community needs of policing to the SAPS (Crawford, 2010:25). Sector policing provides for police officers to manage each sector and work as a team, with the community, in a specific area (Klipen & Harrison 2009:9).

3.7.1 Democratic policing in accordance with the SA White Paper on Policing (2015)

The SA White Paper on Safety and Security (2015:20) indicates that specialised democratic policing methods must be developed that enhance community policing and professional liaison with NGOs to police TIP effectively. The Batho Pele principles focus on service delivery, clear policing service standards with access to a professional police service, courtesy and providing customer service to clients in a democratic police environment (SA White Paper on Safety and Security on Policing, 2015:20). Newham (2010:16) states in the conference report on policing in SA, that the policing of TIP concerns professional policing techniques. In the conference report on policing in SA, Botha (2010:15) states that the SAPS needs to develop local and global partnerships to deal with organised crime. Botha (2010:15) argues that the SAPS need to look beyond traditional policing techniques to police TIP and entrepreneurial criminality effectively.

3.7.2 Democratic policing of TIP involves professional partnerships

The US Department of State (2016:102-103) states that the policing of TIP involves the understanding of the concept of TIP and what the criminal offence entails. Police officials must understand that TIP victims experience communication challenges, which lead to the provision of insufficient information and evidential material to the SAPS. According to Davis and Snyman (2005:287), the TIP victims are afraid that they might be arrested for illegal entrance into SA. Van Rooyen (2010:33) defines a victim as a person "harmed, injured or killed because of crime". According to Arsovska and Janssens (2009:171), the term victim includes individuals who "individually or collectively suffered physical or mental injury, harm, emotional loss or impairment of their fundamental rights through acts or omissions that are in violation of the criminal laws by forces beyond their control."

The National Policy Guidelines (2014) for Victim Empowerment (NPGVE) and Department of Social Development, (2014) define a victim as "a person who suffered harm, including mental or physical injury, emotional suffering, economic loss or substantial impairment of his or her fundamental rights via acts or omissions that are in violation of the criminal law".

The United Nations Children's Emergency Fund (UNICEF) Handbook for Parliamentarians (IPU & UNICEF, 2009:49), defines victims as "persons who suffered harm in the form of emotional suffering, economic loss, physical and mental injury". The SA TIP Act (7 of 2013) Section 1, together with Section 18(6) states that the Department of Social Development must assist children who are victims of TIP. With reference to the SA TIP Act (7 of 2013) Section 1, read with Section 19(10), an adult issued with a letter of recognition after proper assessment by the provincial Department of Social Development is a victim of TIP.

The researcher concludes that, in this study, TIP victims are vulnerable people exposed to exploitation, whose human rights are abused, either individually or collectively and who cannot be criminally liable for unlawful acts committed under duress of the trafficker. Newham (2010:6) states police officials must establish professional policing partnerships with NGOs. However, the policing of TIP is a challenge for the SAPS. Newham (2010:6) states that police officials are uncertain of the TIP criminal prosecution process. SAPS members do not know where to send victims of TIP for professional assistance in the policing process (Newham 2010:6-10). The HSRC (2010:5-8) reports that the SAPS struggle to effectively police TIP due the absence of a strategic approach on the policing of TIP. Only a few police officials receive training in policing methods of TIP and, therefore, most police officials are not aware of proper networking processes in the policing of TIP.

The SAPS should take note that accurate statistics on TIP are not recorded (Newham 2010:6-10) and the reality is that that there is a lack of official systems on the criminal administration system to record criminal offences of TIP (HSRC:5-10). According to the HSRC (2010:5-7) report, the SAPS is not in a position to provide accurate assessments on where in SA TIP is occurring geographically. The Annual US Department of State (2013:102-103) TIP report recommends collection and analysis of reliable, up-to-date data in the prevention phase of TIP. Extensive research will help to identify geographical areas where TIP occurs (Newham 2010:6-10). This will assist in the identification of risk populations and ensure proactive policing of TIP (Newham 2010:6-10).

Unsubstantiated generalisations and discriminatory policing tactics should be avoided and the limits of criminal profiling taken into account (HSRC, 2010:5-7). The HSRC (2010:5-7) reports that the SAPS must cooperate and communicate with "border control agencies, immigration and labour officers to gather evidence in TIP cases for example the validity and legality of travel and identity documents.

Effective democratic policing methods require participation and collaboration with civil society representatives, therefore, Newham (2010:6-7) states the importance of initiating awareness campaigns and assistance to potential TIP victims in order to obtain knowledge about the operational methods of traffickers. Practising of democratic community-led policing principles will monitor the local sexual offences trade for evidence of trafficking HSRC (2010:5-7). Implementation of policing activities outside the scope of police work will improve the image of the police to ensure trust and confidence amongst potential TIP victims (Klipen & Harrison 2009:9).

Tong (2007:155) analysed the academic literature on detective skills and concluded that the profile of a professional detective should include interpersonal communication skills. According to Tong (2007:159), a detective is an open-minded individual who is creative in policing and aware of the consequences of his/her behaviour. Arsovska and Janssens (2009:171) state the investigative police approach to TIP consists of "reactive, proactive and disruptive investigation". Reactive investigation relies on the testimony of the TIP victim, which is sometimes unsuccessful in the prosecution process. Swift reaction in the police investigation, to assist the victim of TIP, allows little time for proactive investigation where the focus is on the gathering of additional evidential material. The result is insufficient evidence or even no evidential material for successful prosecution of TIP offenders. The testimony of a TIP victim is important for successful prosecution and the victim often refuse to testify.

The proactive investigation approach focuses on intelligence gathering and police investigation with a high prosecution rate, even without the victims' testimonies (Arsovska & Janssens, 2009:171).

According to Farrell (2012:105), experienced TIP investigating officers should conduct interviewing processes, as this will ensure the gathering of admissible evidential material. Newman (2010:5) states that when the police attend to other crimes, the possibility exists to uncover evidence of TIP offences. According to Newman (2010:5), traffickers must be arrested as well and those utilising the services of trafficking victims (Farrell, 2012:105). Farrell (2012:105) states the importance of using skilled and trustworthy interpreters, when interviewing the TIP victim.

Arsovska and Janssens (2009:171) state, "Investigators must apply a combination of proactive investigation techniques in the intelligence gathering, surveillance, undercover operations and investigative techniques in the policing of TIP". Pro-active investigation are often used to obtain admissible evidential material, as law enforcement officials experience difficulty proving trafficking cases in court when TIP victims refuse to give testimony (Arsovska & Janssens, 2009:171). "Disruptive investigation is a police-led investigation practised when the use of reactive or pro-active investigative approaches is not suitable to ensure effective policing of TIP" (Arsovska & Janssens, 2009:171).

Disruptive investigation demands that police officials must apply police tactics to ensure successful infiltration of TIP syndicates. A disruptive investigation method forces traffickers to surrender themselves to the police. The possibility exist that TIP offenders can continue with TIP in another vicinity, which indicates that disruptive policing methods are not a permanent solution in the policing of TIP (Farrell, 2012:105). Van Niekerk (1999:11) states, "criminal investigation is the systematic search for the truth and the primary aim is to solve the criminal investigation by using subjective and objective sources". According to Van Heerden (1992:188), objective sources are "the mute, indirect or circumstantial evidence, while the subjective sources are the people such as complainants, eyewitnesses and perpetrators, who are directly or indirectly involved in the criminal incident".

The challenge to successfully police TIP demands practical application and understanding of additional concepts that will ensure effective prosecution of TIP offenders. Police officials need to liaise with the community to ensure effective gathering of information on TIP. Policing of TIP is complex and, therefore, police officials need to broaden their frame of reference on aspects of trafficking to understand what the policing of this criminal offence entails.

3.8   INTERNATIONAL BEST PRACTISES IN THE POLICING OF TIP

TIP is a criminal offence committed globally and, therefore, effective policing and professional victim support are vital to ensure pro-active policing of this inhumane criminal offence. Effective victim support on an international level will ensure pro-active policing and TIP victims will feel safe when providing evidential material to the police. Policing in Australia, Belgium and the United Kingdom value professional networking with TIP victims to assist in effective policing of TIP organised crime syndicates on an international level.

3.8.1   The Australian Police on TIP

Friesendorf (2009:10) evaluates the role of the security sector in the strategic report on TIP to determine the success rate in the policing of trafficking. According to Friesendorf (2009:10), the Australian police often initiate the policing of TIP as they regularly communicate with "TIP victims, clients of prostitution, informants and offenders". The Australian police must infiltrate and expose TIP networks to identify and protect victims (Friesendorf, 2009:51). Arsovska and Janssens (2009:171) state the Australian police must ensure referral of TIP victims to social services. A prepared TIP victim should testify in court (Farrell, 2012:105). Arsovska (2008:50-63) states that the Australian police experience challenges with the policing of TIP due to the lack of global police cooperation, the lack of intelligence, shortage in trained personal and ineffective cooperation between the police and civil society. Farrell (2012:105) reports the involvement of organised crime groups in TIP makes the policing of TIP even more complex.

3.8.2 The Belgium Annual Report TIP (2012) on identification and professional assistance to TIP victims

Based on the Belgium Annual Report TIP, 2012:185, victims are scared to file a complaint against their exploiters; therefore, the police must identify the TIP victim. Due to the traumatised victims' illegal status, they often do not report the TIP offence. The TIP victims tend to blame themselves for what happened to them and gradual isolation makes them dependant on the traffickers. In some cases, they do not consider themselves victims at all and refuse to provide information to the police. The TIP victim tends to distrust the police.

The Belgium Annual Report TIP (2012:11-16) reports that law enforcement officials are unsuccessful in the identification of TIP victims. Victims regularly experience that law enforcement representatives do not understand the predicament they are in and accommodative support is non-existent Belgium Annual Report TIP (2012:1-11). Referring to the Belgium Annual Report TIP (2012:185) identification consists of the "initial identification of the TIP victim, identification of indicators of TIP, enquiries to determine these indicators and necessary action, such as offering TIP victims access to recovery support services".

The Belgium Annual Report TIP (2012:185) reports that identified victims of TIP must be provided with accommodation, medical care, psychological and legal assistance, counselling services and benefits the victims are in need off (Belgium Annual Report TIP, 2012:185). The investigating officer should inform the TIP victim of the available professional victim support services according to the Belgium Annual Report TIP (2012:185).

The Belgium Annual Report TIP, 2012:185 provides information of an international prostitution network composed of a "Belgium manager, Turkish pimps, Nigerian pimps ('madams'), Turkish and Belgium bodyguards as well as Italian prostitution bar owners". The report indicates that in one year, the police liaised with more than 100 women working as prostitutes, many of whom were victims of TIP. The police guided the women to a specialised reception centre with the hope that if the women were in a safe environment and received professional assistance, they would reveal more information about the prostitution network (Belgium Annual Report TIP, 2012:185).

Due to mistrust in the policing system and fear of the trafficker, some of the women stated that they were not victims of trafficking. Despite this, the police gave them a multilingual brochure on TIP. The police ensured that social workers from the reception centre were available to talk privately to the victims and explain the meaning of the offence, TIP, in a friendly environment (Belgium Annual Report TIP, 2012:185). To ensure further contact with the victims of trafficking, the social workers provide their contact details to the victims. The police achieved successful prosecution of the pimps and traffickers. The Belgium Annual Report TIP (2012:185) reports that during the identification phase of TIP, effective cooperation between important role players is a challenge.

The main objective of the police is to arrest the traffickers and to obtain evidential material to ensure effective criminal prosecution. The NGOs focus on the most important needs of the victim at that stage, for example food and shelter. Immigration officers must focus on the deportation of the victims, residing illegally in the country. The Belgium Annual Report TIP (2012:187) indicates that the identification and professional assistance of victims in labour exploitations and transport sector remains a challenge.

3.8.3   UNODC on the identification and professional assistance to TIP victims

UNODC (2009:51) reports on the importance of identification and assistance to TIP victims as this will ensure the treatment they receive is professional. Farrell (2012:105) refers to the value of pro-active policing in vulnerable populations where TIP is prevalent. Arsovska (2008:50-63) states that in the 2004 operation, "Paladin Child" in the UK border posts were pro-actively policed and a database compiled with the personal details of all the children who arrived in the country. Implementation of pro-active policing methods involved the allocation of identification numbers, taking of photographs and recording the residential addresses of the children. Social services assisted in the verification of the information and opened an investigation, if necessary (Arsovska, 2008:50-63). The police compiled a database with the personal details of adults who welcomed the unaccompanied children after arrival (Arsovska, 2008:50-63).

Arsovska and Janssens (2009:170) state that the police deal with the following challenges in policing TIP:

- Rescue of TIP victims;
- Protection of witnesses to ensure prosecution of traffickers;
- Initial actions in police investigation of TIP;
- Identification of victims of TIP;
- Treatment of victims;
- Offering protection to witnesses;
- Liaising with NGOs;
- Collecting information and compiling evidence in the policing of TIP;
- Cooperation with and obtaining information from TIP offenders;
- Trafficking networks are professional, entrepreneurial and less visible
- Detection of victims;
- Applying policing techniques to combat trafficking networks;
- Lack of reliable informants;
- Insufficient police cooperation with immigration offices, victim shelters and valuable role players to ensure effective policing of TIP.

The policing of TIP is indeed a challenge and constant development of resources to assist victims of TIP is necessary (Arsovska & Janssens 2009:170). Criminal entrepreneurship of organised crime syndicates is a challenge in policing and, therefore, networking with the public and specialised policing investigation techniques is vital, on a national and international level, to pro-actively police TIP (Arsovska & Janssens 2009:170). Farrell (2012:105) states that TIP cases are difficult to police because law enforcement finds it difficult to obtain evidence that corroborates the victims' testimony. During presentation of cases for prosecution, the TIP victim's credibility is often undermined (Farrell, 2012:105). Farrell (2012:107) states victim statements containing evidence of the exploitation suffered by the victim is a primary source of evidence rarely witnessed by the police and, therefore, victim cooperation is vital to prove TIP cases in court.

The HSRC (2010:63) explains that TIP witnesses sometimes "disappear" and are scared to inform the police what is happening in the TIP business. The lack of co-operation of victims means that the police will not get information of the main perpetrators involved in TIP (HSRC, 2010:63).

3.8.4   Profiling of TIP and professional victim assistance

The UNODC (2009:174) report describes the role of the police agencies to ensure lawful policing of TIP. Effective policing involves the "collection of intelligence such as whether the country is a country of destination for TIP or one of origin, the level of corruption and the political as well as economic situation" (UNODC, 2009:174). Due to the sensitivity of the occurrence of TIP, some governments are unwilling to acknowledge the trafficking as an offence. The previously mentioned report stated that developing a successful and anti-trafficking prevention policy is a challenge due to the lack of current research, proper evaluation of existing policies, cooperation of victims, political will and intelligence-led policing techniques (UNODC, 2009:174).

Based on the UNODC (2009:174) report, the police and victim shelters must share TIP knowledge with scholars, NGOs and policy-makers to obtain an indication of the risk population. Important sources such as police records, victims' statements, experience of social workers, migration officers, representatives from NGOs and representatives of shelters should be used to obtain an accurate indication of the areas affected by TIP (UNODC, 2009:174).

According to the HSRC (2010:35), relevant and regular training of the police, immigration officers, border control officers and persons who have contact with TIP victims, is necessary. Farrell (2012:105) states that pro-active policing involves co-operation with vital organisations, identification of geographical areas of trafficking as well as risk populations.

Arsovska (2008:50-63) states the impact of gender should be recognised by the police agencies – referring to females who are sexually exploited and forced into domestic labour. Male TIP victims are exploited to do construction and agricultural work (Arsovska, 2008:50-63). Arsovska (2008:50-63) states TIP offenders force children into the street for begging and sexual related activities.

The HSRC (2010:33) reports that TIP offenders violate the human rights of children by exploiting them for drug and weapon trafficking. The IOM (2008:78) report indicates that children are trafficked by long-distance truck drivers for sexual exploitation. The identification and profiling of TIP victims, according to Arsovska (2008:50-63), can be useful in the policing of TIP. However, the mapping of people at risk of TIP should not stereotype females from certain countries, resulting in the disrespectful treatment of these women and restriction of their freedom. Arsovska and Janssens (2009:170) state traffickers adapt excellently in an environment and use people from other nationalities as a front, to protect themselves should they become aware that the police suspect people of their own nationality. Profiling of TIP offenders requires specialised police officers to ensure TIP offenders stay unaware of police investigations and the recording of their criminal activities (Arsovska, 2008:50-63).

International best practises in the policing of TIP confirm that unique challenges exist to identify TIP victims and TIP offenders. The hidden nature of TIP criminal offences and the victim's fears of reporting TIP to law-enforcement is an organisational challenge in the policing of TIP. TIP victims are vulnerable people who are deceived, exploited and live under abusive conditions. Practising of specialised policing methods in the policing of TIP in Australia, Belgium and the United Kingdom involves effective co-operation with TIP victims.

3.8.5   Co-operation of community structures such as NGOs

Wesley and Hartnett (2007:178) state community policing can be effective in the policing of TIP. Community policing is a transparent policing model, involving the community, to prevent TIP and is important as TIP victims often distrust the police (Wesley & Hartnett, 2007:178). The HSRC (2010:35) and Arsovska (2008:56) reports the importance of establishing surveillance networks in communities to monitor sexual offence trade activities where exploitation of TIP victims might occur. The source also indicates that countries experiencing TIP challenges, apply community policing to police the situation. The UNODC (2009:174) reports that NGO initiatives, such as the community vigilance project, mobilised thousands of villagers to detect and prevent TIP.

Similarly, a local study conducted in 250 villages in Bangladesh revealed that approximately 7000 women and children are trafficked on a global level each year. The police in each village have established law and order committees (UNODC, 2009:174). Every police officer in the village has been working with people from the community who were familiar with each household. The UNODC (2009:7) indicates that committees did report suspicious movements, new arrivals and recruitment of people with the promise of work offers. They have also overseen local-level marriages with foreigners and marriages without registration (UNODC, 2009:7). Arsovska and Janssens (2009:170) state that TIP victims are allowed to phone their families and receive pre-paid telephone cards for confidential conversations.

Wesley and Hartnett (2007:178) state shelters should operate to provide services that offers a place of safety to stay, meals, clothing, access to medical help, psychological help, access to educational programmes, training in social skills, care assistance for children, education for children of school age and personal case managers in providing assistance to TIP victims (Wesley & Hartnett, 2007:178). UNODC (2009:51) describes the operation of shelters to assist victims of TIP, which includes medical treatment by a registered doctor or psychologist. Based on the outcome of the medical consultation, the psychologist decides whether the victim should undergo rehabilitation. The victim's physiological and psychological condition will determine an individualised plan for rehabilitation.

The psychological progress of the TIP victim will be re-evaluated within six months. The TIP victim's decision-making abilities will be re-evaluated and if necessary, changes implemented in the rehabilitation plan (UNODC, 2009:51). Effective implementation of community participation in the policing of TIP can be valuable to vulnerable victims in need of safety, psychological services and rehabilitation. The policing of TIP involves a partnership of trust between the police, community and TIP victim. Community involvement, the application of proactive policing methods and effective reactive policing, on a national and international level, can prevent the trafficking of thousands of TIP victims.

Continuous development in policing methods is necessary to ensure effective policing of organised crime. Specialised and experienced skills are vital in the policing of organised crime and infiltration of criminal networks. Policing of TIP presents unique challenges and, therefore, implementation of best practises, networking on a national and international level and co-operation of NGOs will assist in the policing of TIP.

3.9 SUMMARY

This chapter explored the history of the police, examined the current application of the nine principles of Sir Robert Peel and the application thereof in current policing methods. The researcher presented the importance of police co-operation and the development of international strategies to police TIP. A discussion on the poor state of policing in certain African countries, abuse of police powers, the impact of traditional cultures and policing of TIP were included.

The services of NGOs in Africa, effectiveness of community policing in SA, specialised policing provided by the DPCI to police TIP effectively and the effect of democratic policing in SA were discussed. In conclusion, the chapter presents international best practises that enhance a victim-centred approach in the policing of TIP. The next chapter presents the nature and extent of TIP in SA and internationally.

CHAPTER 4
THE NATURE AND EXTENT OF TIP

4.1 INTRODUCTION

TIP has expanded globally and effects countries on an international level as points of "destination, transit or origin and sometimes a combination of all". The offence usually occurs from less developed countries to developed countries. Due to poverty, unemployment and a lack of opportunity, vulnerable people move away from their countries in desperation for a better lifestyle. This creates the opportunity for traffickers to exploit victims of trafficking and deprive them of basic human rights. At the expense of victims of trafficking, offenders make billions of dollars in this global crime.

This chapter addresses the root causes of TIP in SA, indicates major trafficking flows into the country and includes a discussion of TIP as a transnational and national organised crime. Statistics on access into SA via border countries and points of entry are included in this chapter. The literature on the nature and extent of TIP in SA and recruitment methods are included. Statistics on recruitment methods are provided and a discussion of traditional beliefs leading to the exploitation of vulnerable people.

4.2 ROOT CAUSES OF TIP IN SOUTH AFRICA

HSRC (2010:5) reports that the major contributor to TIP results from poverty and economic inequality that makes neighbouring countries, cities and regions attractive to poor people battling to make a living. The root causes of TIP, according to US Department of State (2016:8) TIP Report, mainly are "deprivation, poverty, unemployment, lack of education, gender discrimination and harmful socio-cultural practises". The demand for sexual services, the use of organs for rituals and the adoption trade are root causes to TIP (HSRC, 2010:5). Civil unrest and economic deprivation are root causes of TIP (IOM, 2015:50-56). According to the IOM (2015:50-56) report, the economic inequality, together with the social political history of SA, expose vulnerable people in Johannesburg, Pretoria, Cape Town, Bloemfontein and Durban to TIP.

The IOM (2015:50-56) reports that poverty and inequality increase organised crime, with specific reference to TIP. The US Department of State (2016:11) TIP report states that for traffickers, impoverished rural areas are an attraction to traffic poor children and expose them to child labour. Bermudez (2008:60) states that traffickers exploit men and boys living in poor areas in the Northern and Western Cape. The men and boys work in slave-like conditions (Bermudez, 2008:60). Adults and children who live in poverty are vulnerable to TIP, especially households where children must provide food for their families (Bermudez, 2008:60).

The US Department of State (2016:341) TIP report states that SA is a popular destination for the marketing of sexually exploited TIP. TIP victims are exposed to long hours of work in the industrial and agriculture industry (US Department of State, 2016:341). According to HSRC (2010:36), organised crime syndicates and local traffickers exploit TIP victims for trafficking of organs. Further to this, the US Department of State (2016:341) reports that SA is a source and transit country, providing an international market for TIP as the country provides for TIP from Africa to Europe and the Middle East. Evidence of internal trafficking is also a reality (HSRC, 2010:40). The UNESCO (2007:15) research study on TIP, states that the presence of SA delegates at the First World Congress against Commercial Sexual Exploitation of Children, in Stockholm, in August 1996 and the Terres des Hommes International Campaign against Child Trafficking in 2001 confirms that TIP should be a priority criminal offence in policing. The need for a gender-sensitive and human rights based approach to police TIP in SA was identified (UNESCO, 2010:15). O'Connell and Taylor (1996:11) state that the policing of TIP activities is very relaxed in SA. Sexual exploitation of TIP victims occurred in Durban and Cape Town (Stigter, 2011:20).

According to US Department of State (2016:340) TIP report, the SAPS are aware of sexual exploitation and provide online advice to TIP victims. The US Department of State (2016:340) indicates changes in society and relaxed policing create the potential for TIP agencies in SA. The UNESCO (2010:63) reports that in SA different role players are involved in TIP, for example long distance truck drivers, who combine their legitimate employment business with illegal trafficking activities.

Based on the United Nations International Children's Emergency Fund (UNICEF, 2009:51) the users of victims of trafficking can be managers of farms or shops in need of inexpensive labour. The UNICEF (2009:52) report states that TIP users often do not see themselves as part of the trafficking chain and are not aware of or concerned about trafficking. Users may be individuals who work through networks to gain access to illegal activities such as forced labour and sexual exploitation (UNICEF, 2009:51).

Rossi and Doucet (2008:7-35) state many children and women are trafficked and exploited in the agricultural and manufacturing service industries. TIP victims receive minimal payment and work under inhumane conditions (Stigter, 2011:20). The UNICEF (2009:12) reports on gender-based violence of TIP victims working on SA farms. Criminal offences of sexual assault and sexual harassment of TIP victims by farm managers, owners, family members and neighbours are a reality (UNICEF, 2009:12). In the farming communities, women are exploited to labour practises (UNICEF, 2009:12). According to Anderson and O'Connell (2010:12), traffickers often treat TIP victims are prisoners, the victim becomes dependant on the trafficker and in the long-term, the victim remains voluntarily with the trafficker.

4.3   MAJOR TRAFFICKING FLOWS INTO SA

Research by the HSRC (2010:14) confirms that SA is a "transit source and destination" country for male, female and child victims of trafficking. The US Department of State (2016:340) TIP report states teenage females from SA are trafficked for purposes of labour and sexual exploitation. Young men are exploited in labour practises, agriculture, food service and street vending (US Department of State, 2016:340). The children are trafficked to provide unpaid labour; in return, their families can maintain accommodation or land (US Department of State, 2016:340). According to the HSRC (2010:14), the sexual exploitation of SA children occurs in tourism. Girls and women from other African countries are trafficked for domestic servitude, sexual exploitation and various employment in the service sector (US Department of State, 2016:340). The same women are sometimes trafficked to Europe for sexual exploitation. UNESCO (2010:51) reports traffickers exploit women from Europe, China and Thailand for sexual purposes in SA.

On farms in SA, boys and men from Malawi are trafficked and exposed to labour practises, not receiving any payment (UNESCO, 2010:51). According to UNICEF (2015:5), Chinese, Nigerian and Eastern Europe syndicates facilitate trafficking into SA for sexual and commercial exploitation (UNICEF, 2015:51).

In SA, the three main trafficking flows are important to take into account when policing TIP. The trafficking flows consist of intercontinental trafficking, trafficking to SA within Africa and domestic trafficking, within the national borders of SA. The Tsireledzani research report, compiled by HSRC (2010:11), provides the first comprehensive assessment of TIP in SA. According to the HSRC (2010:14) research report, SA is a destination country for long distance flows of persons trafficked from Thailand, Philippines, India, China, Bulgaria, Romania, Russia and the Ukraine (UNESCO, 2010:51). Evidence indicates that victims of intercontinental trafficking are mainly women between the ages of 19 years and 50 years, trafficked for sexual exploitation purposes (HSRC, 2010:14). Sexual exploitation is the primary form of exploitation and criminal syndicates are involved in illegal activities such as the smuggling of weapons and narcotics (Stigter, 2011:20). The HSRC (2010:14) reports the forced exploitation of TIP victims, in selling drugs. According to the ILO (2012:55), parents of TIP victims are often involved in modern-day slavery of their own children. ILO (2012:55) reports that people are sold for *muti* and organ trafficking

According to HSRC (2010:14), the main point of entry, utilised by traffickers, into SA is OR Tambo Airport in Johannesburg. In some cases, women are kept in "safe houses", which are 30 minutes from OR Tambo Airport (HSRC, 2010:14). The HSRC (2010:16) report indicates that large organised networks exist, such as the Russian Mafia, Bulgarian syndicates and individual agents with ex-military backgrounds. According to SAPS (2015), most trafficked victims respond to what they believe to be legitimate employment offers in SA. Therefore, their possession of legitimate passports and travel visas makes it difficult for border agents to identify the trafficked victim. The Tsireledzani research included the Organised Crime Unit of the SAPS to determine what the organisation does to combat TIP (HSRC, 2010:50). Banks and Kyckelhahn (2011:96) state that in TIP cases, 91 percent of the victims are females.

Anderson and O'Connell (2010:20) state that since 1990 references were made of women and children sexually exploited and trafficked to SA. Di Nicola (2007:49-72) states the knowledge required through research takes time to develop progressively. Pharoah (2006:66) states that people of bordering countries experience SA as a country where opportunities exist to improve their living standards.

The US Department of State (2016:340) reports that SA is popular for TIP and the country is perceived as a trafficking destination. According to Anderson and O'Connell (2010:20), people are trafficked at gunpoint and exploited for labour purposes in SA. The human rights of the TIP victims are disrespected and traffickers often threaten them with the death (O'Connell & Taylor, 1996-11). The U.S. Department of State releases a TIP report on a yearly basis with the purpose of determining the status and occurrence of TIP in specific countries. According to the U.S. Department of State (2016), SA experiences challenges with the prosecution of TIP, to provide proper state protection to victims of trafficking and improved policing tactics in the prevention of TIP. The IOM (2015:50-56) reports that research conducted in brothels, located in Hillbrow, Gauteng, confirms that in many cases sexually exploited victims were physically and sexually abuse in their childhood. Research also indicates that children, who were sexually and physical abused, tend to run away from home (IOM, 2015:50-56). The UNICEF (2015:17) reports children are extremely vulnerable to commercial and sexual exploitation.

4.4   TIP : TRANSNATIONAL AND NATIONAL ORGANISED CRIME

The HSRC (2010:15), the US Department of State (2013:315) and the US Department of State (2016:333) report that females from Mozambique, Swaziland, Zimbabwe, Russia, Bulgaria, China, Thailand, India and Ukraine are recruited and trafficked to SA for prostitution, domestic servitude, forced labour and *ukuthwala,* referring to the   practise to adopt and force young girls into marriage). The US Department of State (2013:315) reflects TIP in SA as presented in Table 4.1 and that it relates to children (girls and boys), girls, women and women and girls.

Table 4.1: Reported TIP in SA

Gender	Activities
Children (girls and boys)	Exploited to TIP, mainly within SA, from disadvantaged rural areas to urban centres such as Johannesburg, Cape Town, Durban and Bloemfontein. The TIP victims are forced into sexual activities and subjected to domestic servitude.
Girls	Subjected to sexual exploitation and domestic servitude.
Women	Recruited and transported to Europe and the Middle East where they are exposed to sexual exploitation or domestic servitude.
Women and girls	Trafficked to SA for legitimate work in SA, but on arrival subjected to sexual exploitation, forced labour and domestic servitude. The TIP victims are trafficked to Europe and sexually exploited. *Ukuthwala* (practise to adopt and force young girls into marriage). The forced marriage of girls as young as 12 to adult men. This practice of *ukuthwala* is still happening in certain remote villages in Eastern and Western Cape provinces, leaving these girls vulnerable to sexual exploitation and forced labour.

(Source: The US Department of State, 2013:333)

TIP in SA exposes vulnerable children (girls and boys), girls, women, women and girls to sexual exploitation and domestic servitude on a national and international level. The practise of traditional cultures can lead to TIP and various criminal offences as vulnerable victims are forced into unlawful activities.

4.5   ACCESS INTO SOUTH AFRICA VIA BORDER COUNTRIES

The HSRC (2010:15) reports SAs extensive and unpatrolled land provides excellent opportunities for traffickers to cross undetected borders. The distances of SAs six border countries will have an effect on the policing strategies to combat TIP. TIP syndicates operate in illegal exploitation of vulnerable victims across the African continent. Botswana, Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe have a number of commercial points of entry to SA (US Department of State, 2016). Criminal syndicates are operating actively via the points of entry into SA (IOM, 2015:50-56). The points of entry into SA indicate how accessible the country is to TIP syndicates. The syndicates exploit the circumstances of unpatrolled land borders, providing TIP offenders with the ideal situation to operate across the African continent. The applicable distances and points of entry are presented in Table 4.2.

Table 4.2: South Africa's border countries and points of entry

Bordering country	Length of border	Points of entry
Botswana	1840 km	Twee Rivieren, Middelputs, McCaerhy's Rest, Makopong, Bray, Ramatlabama, Skilpadshek,Swartkopfontein, Kopfontein, Derdepoort, Stockpoort, Groblersbrug, Zanzibar, Platjan, Pontdrif (15 points)
Lesotho	909 km	Maseru Bridge, Peka Bridge, Ficksburg Bridge, Caledonspoort, Monantsa Pass, Sani Pass, Boesmansnek, Ramatsilitso, Qacha's Nek, Ongeluksnek, Tele Bridge, Makhaleng Bridge, Sepapu's Gate, Van Rooyen's Gate (14 points)
Mozambique	491 km	Pafuri, Giriyondo, Lebombo, Kosi Bay (4 points)
Namibia	967 km	Alexander Bay, Sendelingsdrift, Vioolsdrif, Onseepkans, Nakop, Rietfontein, Mata Mata (7 points)
Zimbabwe	225 km	Beit Bridge (1 point)
Swaziland	430 km	Mananga, Jeppe's Reef, Josephsdal, Oshoek, Waverly, Nerston, Emahlathini, Bothashoop, Mahamba, Onverwacht, Golela (11 points)

(Source: HSRC, 2010:15)

4.6   NATURE OF TIP IN SA AND ON AN INTERNATIONAL LEVEL

It is notoriously difficult to obtain accurate statistics on the number of trafficked persons in SA and on an international level. The HSRC (2010:7) reports that no agreed set of principles exist on how to collect reliable statistics on TIP, which makes the offence an attractive business for TIP syndicates. Policing is difficult without an indication of the geographical occurrence of crimes (HSRC, 2010). UNODC (2009:156) reports that difficulties are experienced in the collection of TIP data and statistics are inaccurate as victims are unwilling to report their experiences to the police. The lack of a comprehensive framework to police TIP effects the collection of data on TIP (UNODC, 2009:156). The US Department of State (2016:18) reports that some countries do not have TIP laws and the situation limits the collection of official TIP data.

Pharaoh (2006:18) states that available data of TIP in SA is unreliable as official police records include TIP statistics into data of abduction, rape, kidnapping, assault and immigration-related offences. The studies explored do not include all forms of TIP, but primarily focus on sexual offences and children (Pharaoh, 2006:18). In SA there are no official statistics on child prostitution according to Mono Songololo (2008:54) who estimated a total figure of 30 000 children were involved in prostitution during the 1994-2007 time period. Statistics on TIP and *muti* killings, according the IOM (2008:74) report, are non-existent, which makes effective policing of TIP a challenge in SA.

According to Mono Songololo (2008:88) TIP is the most lucrative criminal offence on an international level and the amount of people exposed to slavery is on the increase. Stearman (2011: 5) states that according to UNICEF (2015:6) 250 million children aged 5 to 17 are working as child labourers. In poor countries child labour usually takes place in or close to home, on farms or in small businesses (Stearman, 2011:5-6). According to Stearman (2011:5-6), some children are bought and sold as slaves. Statistics from research by the United States government on TIP across national borders in 2006 indicated that 800 000 people were trafficked annually (UN.GIFT 2015:23). The statistics do not include the number of people trafficked in their own countries.

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The UN.GIFT (2015:23) report, on a NGO called Free the Slaves, indicates that worldwide over the period of 2008 – 2015 the total number of people enslaved were 27 million. International statistics of enslavement and TIP are presented in Table 4.3.

Table 4.3: International statistics of TIP and enslavement

Continents of enslavement	Amount of people enslaved
Latin America and the Caribbean	1.3 million
Africa and the Middle East	1 million
Asia	24 million
Total :	**26.3 million**

(Source: UN.GIFT, 2015:23)

UN.GIFT (2015:23) reports, "sexual exploitation became a 16 billion-dollars-a-year business in Latin America and the Caribbean and TIP victims are extremely vulnerable men, women and children who are enslaved from Latin America, the Caribbean, Middle East, Asia, Western Africa and Central Africa". Armed conflict and war make the situation of enslavement worse in Africa, the Middle East and Asia (UNODC: 156, 2009). According to UNESCO (2010:51), women and children in Africa are mainly exposed to labour trafficking.

The UN.GIFT (2015:23) reports that 284 000 children are exposed to hard labour and enslavement on cocoa farms in Western Africa. Stigter (2011:38-39) states that according to the IOM (2008:74) database, Latin American and Caribbean females are trafficked for the purpose of sexual exploitation. According to Stigter (2011:20), children are trafficked for labour exploitation and women and girls are exposed to sexual exploitation. The occurrence of HIV/AIDS (human immunodeficiency virus), conflict and poverty makes the victims even more vulnerable (IOM, 2008:78). Stigter (2011:38) continues by stating that in South Asia people are vulnerable to trafficking due to poverty and the lack of employment.

An estimated number of 150 000 people are trafficked annually in South Asia where the victims are sexually exploited in brothels (Stigter, 2011:38). The US Department of State (2013:335) TIP reports on the exploitation of children to slavery and prostitution. Based on information in the US Department of State (2013:335) TIP report, criminals and taxi drivers transport Zimbabwean children as well as migrants across the borders into SA and subject them to forced labour and sexual exploitation.

Malenga (2016a) reports on News 24 about the rescue of children, between the ages of 11 and 21, from Malawian human traffickers. The children were from Malawian rural areas and other parts of Mzimba. They were trafficked for sexual exploitation and marriages to Malawian men working in SA. The TIP victims were rescued in North-West, SA. The Malawian human traffickers were arrested when two police officers spotted a white delivery truck travelling at high speed in Rustenburg, SA. When they stopped the truck, the driver refused to answer questions on what they were transporting. The police officers forced the back of the truck open and found 18 Malawian girls and 39 boys at the back of the truck. The children did not have any documentation with them. The Malawian children were placed in safe houses and the three suspects arrested for TIP. According to Malenga (2016c) reporting for News 24, the Gauteng police found 22 undocumented Zimbabwean and Mozambican nationals in a truck near Pretoria. They were rescued from TIP and 15 of the 22 Mozambican nationals were children. Further, Malenga (2016b) reports on News 24 that in Limpopo the SAPS and NGOs formed partnerships to combat TIP.

Referring to the Mono Songololo (2008:54) report, official statistics on child prostitution in SA are unavailable. This report estimates from 1994 to 2007 a figure of approximately 30 000 children in SA were sexually exploited. There are no official figures available on trafficking for the purpose of organ harvesting (Mono Songololo, 2008:54). Information in the Mono Songololo (2008:23) report was obtained in the organisation's studies on trafficking of children under the age of 18. The IOM (2008:73) report on trafficking of women and children in Southern Africa confirms the statistics.

The studies include information obtained from law enforcement, service providers, NGOs, parents, children and government representatives (IOM, 2008:76). Wilkinson and Chiuma (2013:10) confirm that in SA, TIP is a reality and state that specifically children are vulnerable to TIP for sexual exploitation. In SA, an estimated number of 38 000 children were exposed to TIP, for sexual exploitation, during the 2010 Soccer World Cup (Wilkinson & Chiuma, 2013:10).

The IOM (2008:76) reports SA has high potential levels for TIP due to a history of economic inequalities and the unique socio-political history of the country. In SA, TIP victims mainly are trafficked to provinces such as Limpopo, Northern Cape, Mpumalanga and Eastern Cape (IOM, 2008:78). The TIP victims are exploited to forced labour and sexual exploitation (IOM, 2008:78). The IOM (2010:56) reports that there tends to be a link between child labour and TIP. The HSRC (2010:7) reports that criminal gangs and parents primarily conduct trafficking of children, within SA. The trafficked children are exploited to labour practices, as this will ensure financial support to their families.

The UNODC (2014:63) reports that in the year 2012, 304 missing children and 256 cases of missing adults, resulting from TIP, were reported in SA. On the question of what statistics tell about the occurrence of TIP in SA, the report concludes that quantitative research relies on arrest statistics and the conviction rate of TIP offenders (UNODC, 2014:63). The UNODC (2014:63) reports about the Southern Africa counter-trafficking programme, which was reviewed in 2010 and confirms that from January 2004 to January 2010 assistance was provided to 306 TIP victims. The SA National Prosecuting Authority (NPA) reported via the UNODC (2014:63) Global Report on TIP that 235 adults and 13 children were TIP victims. The NPA confirmed that of the above-mentioned statistics, 132 victims were trafficked for sexual exploitation and 106 victims   exposed to labour (IOM 2015:50-56). The US Department of State (2016:335) TIP reports that the recent anti-trafficking legislation would assist to obtain reliable statistics on the occurrence of TIP in SA.

The forces of supply and demand in TIP are growing as people living in poverty are exposed to enslavement, sexual exploitation, labour exploitation and organ harvesting. Globally the phenomenon of TIP is a concern and unreliable statistics on TIP makes effective policing and protection of vulnerable TIP victims a challenge. Unreliable statistics complicates the geographical approach to implement pro-active and re-active policing of TIP.

4.7.   NATURE AND EXTENT OF TIP: TRADITIONAL BELIEFS AND FORCED LABOUR

The IOM (2008:15) reports that certain traditional beliefs are linked to trafficking practices, referring to *muti and lobola*. There is a traditional belief that illnesses are curable by medicine of indigenous herbs (IOM, 2008:15). Petrus (2008:1) states that in the Zulu culture, medicines are referred to as *muti*. According to Petrus (2008:1), *muti* includes the use of human body parts. The traditional belief is that human body parts can be a cure to infertility and HIV, and will increase the wealth of patients. Petrus (2008:1) indicates that children are murdered for the removal of genitals. According to the SA TIP Act (7 of 2013) Section 1(f), it is illegal to expose the human body and its parts for commercial transactions. The SA TIP Act (7 of 2013) Section 1(f) does not allow organ and tissue trafficking. The United Nations Working Group on Contemporary Forms of Slavery (UN, 2015) compiled a list of human rights violations, which includes the trafficking in human organs.

Lobola or *mahadi* is a South African traditional custom referring to the 'bride price' that a man must pay to the family of the woman he intends to marry (Petrus, 2008:1). The IOM (2008:12) reports the purpose of *lobola* was to pay respect and create a binding relationship between the families. Poverty in families leads to the selling of young females and forcing them into marriage with older men (IOM, 2008:15). The IOM (2008:15) reports due to physical and emotional stress, these young women prefer to run away from the husbands and, in the process, they expose themselves to sexual exploitation as they desperately seek help from unknown people. According to Fitzgibbon, (2013:84), children's placement can also expose them to TIP via "employment agencies".

These agencies promise a better life for the child and provide payment to the child's parents (Fitzgibbon, 2013:84). After leaving home, contact with the parents is minimal and the children exposed to inhumane labour practices. Fitzgibbon (2013:84) states the rights of children to receive education are disrespected and they are exploited to labour practises.

Van Niekerk (1999:27) mentions the traditional belief that sexual intercourse with a virgin cures HIV. According to Maluleke (2009:16), the practise of *ukuthwala* has a negative impact on the victim's health, referring to HIV, pregnancies and sexually transmitted infections (STIs). The US Department of State (2014) TIP report describes the practise of *ukuthwala* as the forced marriage of girls as young as 12 years to adult males, exposing these girls to sexual exploitation and forced labour. Mwambene and Sloth-Nielson (2011:6-7), state that the practise of *ukuthwala* is a Xhosa marriage custom that involves "legal abduction" of the unsuspecting bride-to-be. The SA Commission for Gender Equality (2010:42) sees *ukuthwala* as an unlawful practise disguised as a traditional custom.

Mwambene and Sloth-Nielson (2011:6-7) divide the practise of *ukuthwala* into three forms. According to Mwambene and Sloth-Nielson (2011:6-7), *ukuthwala* firstly occurs when the girl is aware and gives consent to the abduction and marriage planned by her suitor. The second form of *ukuthwala* occurs when the girl is unaware of the marriage agreement between the families and disagrees with her parent's choice of a husband, but the girl later on agrees to the marriage. The community and family monitor the well-being of the girls in the practise of *ukuthwala* (Mwambene and Sloth-Nielson (2011:6-7). Section 39 of the SA Constitution (108 of 1996) acknowledges the legal existence of rights and freedom to practise traditions that is consistent with the Bill of Rights. Maluleke (2009:16) states the third form of the practise of *ukuthwala* is against the will of the girl who is taken forcibly to the family home of the husband. Application of force changes the practise of ukuthwala from tradition to the violation of human rights (Maluleke, 2009:16).

Criminal offences such as intimidation, violation of human rights, violation of freedom, security, dignity and bodily integrity, rape, kidnapping and assault can be committed in practise of *ukuthwala* (Maluleke, 2009:16). Maluleke (2009:16) states the practise of *ukuthwala* is the abuse of young girls causing serious psychological damage to abused victims. According to Maluleke (2009:16) "ukuthwala" meaning is to protect our children. A definite link exist between *ukuthwala* and modern child traffickers, therefore, Ndukuya (2006) divides TIP into three categories.

Ndukuya (2006) states the three categories include individuals abducting children for their own needs, poor communities sending their children into bondage and TIP syndicates who abduct children for selling. Ostrovschi (2011:1471) states TIP females experience post-traumatic stress disorder (PTSD) and psychological disorders due to the sexual exploitation they experience. Hoassain (2010:442) states TIP victims are subjected to continuous physical and psychological abuse that leads to post-traumatic stress disorder. UN.GIFT (2015:12-13) reports that to survive, trafficked victims may de-personalise the abusive experience as if the trafficking happened to someone else. Victims may suffer from an altered sense of time and impairment of memory. The TIP victim reacts to the abuse in an apathetic manner that reflects the fact that they may not be able to realise they are abused (UN.GIFT, 2015:12-13).

Trafficked victims may experience loss of memory UN.GIFT (2015:12). Hoassain (2010:442) states that TIP victims may experience that they feel the abuse is happening all over again. Traumatic experiences remain for years and in some cases, for the remainder of the victim's lives. According to Hoassain (2010:442), this psychological event retains the power to provoke panic, terror, dread and grief for the TIP victim. The TIP victim will experience nightmares about the traumatic event the victim experienced (Hoassain, 2010:442). The IOM (2008:78) reports that in Africa HIV/AIDS, poverty and hunger are control methods in TIP. With reference to Farrell (2012), the conditions in which women and children stay in Africa, makes them vulnerable to TIP. They want to escape from these conditions and are easy targets to convince of a better life in another country (Farrell, 2012:11).

The UNODC (2015:50-56) reports that forced labour is more profitable for short-run productions. The longer the exploitation of the TIP victim, the lower the productivity of the labourer and the risk becomes higher for the trafficker to be arrested (UNODC, 2014:62). Trafficking includes forced marriages and trade of human organs (Petrus, 2008). According to Petrus (2008:66), trafficking in organs is a criminal offence that occurs in three broad categories, namely when traffickers force victims to give up organs, when victims formally or informally agree to sell an organ and when victims are cheated because they are not paid for the organ or paid less than the agreed price.

Vulnerable people receive treatment for an ailment, which may or may not exist, and thereupon organs harvested without the victim's knowledge (Petrus 2008:62). This category of victims includes migrants, especially migrant workers, homeless persons and illiterate persons (Petrus, 2008:65). The UNICEF (2015:5) report confirms that anyone who removes an organ from a person's body or, helps to give birth to a child and takes the newborn away is guilty of a criminal offence. Slavery and forced labour is a criminal offence, according to UNICEF (2015:6). Prostitution, forcing the person to be part of obscene display or publication and sexual abuse of the person by the offender, shall be criminally liable to imprisonment of 16 years.

The sense of identity that traditional beliefs and cultural diversity provide to communities is respected in the South African society. The protection of SA citizens is important and, therefore, SA law criminalises the violation of human rights. Vulnerable TIP victim's needs protection from harmful traditional beliefs and, therefore, the prosecution of criminals is vital in the policing of TIP.

4.8.   TIP NATURE, EXTENT AND RECRUITMENT METHODS

The UNODC (2015:55), reports traffickers force or convince the trafficked victims to work with them. The IOM counter-trafficking database in 78 countries indicates that recruitment occurs mainly by personal contact. The IOM report (2008:77) indicates that 54 percent of recruiters were strangers. The recruiters consisted of 52 percent men, 42 percent women and six percent were men and women. The UNICEF (2015)

report estimates that in West and Central Africa up to 200 000 children are trafficked annually.

According to ILO (2012:56), 200 000 to 250 000 women and children are trafficked annually in Southeast Asia. The IOM (2008:77) report indicates that in Bangladesh more than 13 000 children were taken out of the country in the past five years. Based on IOM (2008:78), UNICEF estimates the global profits of traffickers at around seven to ten billion dollar a year. The US Department of State (2014:285) estimates 9.5 billion in annual revenues to TIP agents and links this to drug trafficking, document fraud, money laundering and human smuggling.

The IOM (2008:78) report indicates recruitment concerns complete coercion of the victim by kidnapping or abduction, selling of the trafficked person and recruitment of the TIP victim via false promises of legitimate work in the country of destination (IOM, 2008:78). The IOM (2008:78) provides statistics, referring to the amount of victims and the recruitment method in TIP as reflected in Figure 4.1.

Figure 4.1: Amount of victims by type of recruitment methods
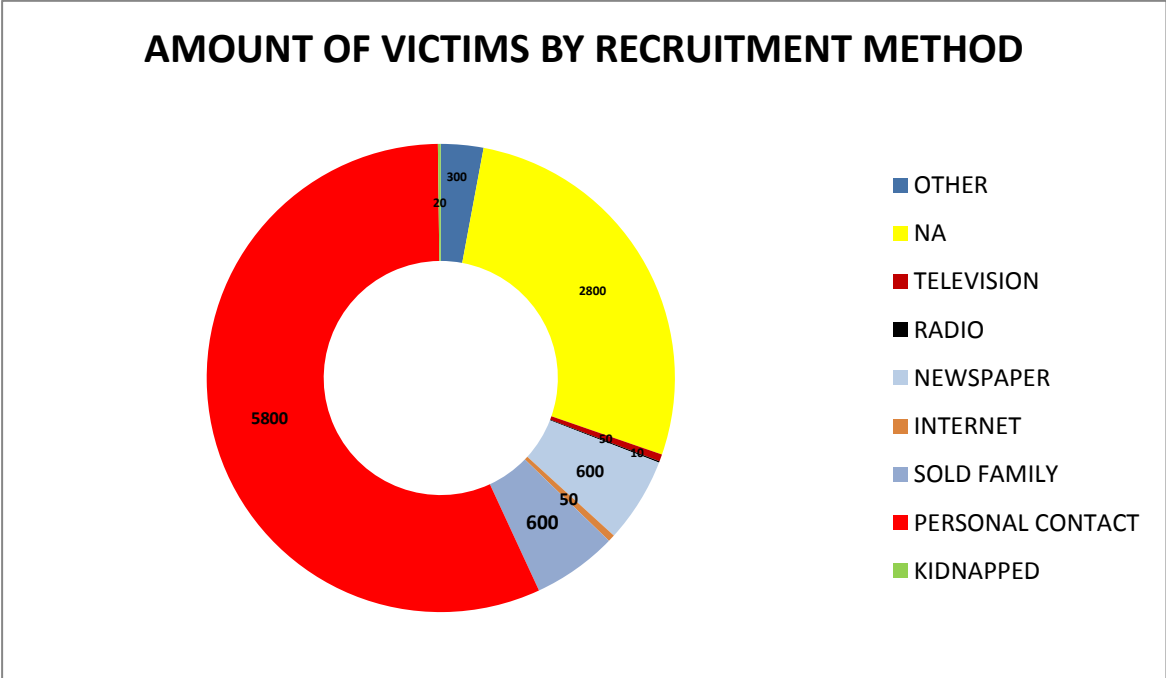
(Source: IOM, 2008:78)

A trafficker needs to convince victims to travel with them and leave their familiar surroundings. IOM (2008:78) reports that 46 percent of TIP victims know their recruiters. The above-mentioned statistical data assist to obtain an understanding of various recruitment methods of TIP victims. According to the IOM (2015:50-56), the numbers of estimated victims of TIP varies worldwide although reported as being in the millions as statistics rise constantly. IOM (2015:50-56) reports organised criminal groups are earning billions of dollars exploiting TIP victims, especially women. Trafficked victims are physically and psychologically abused, raped and tortured (IOM, 2015:50-56). UN.GIFT (2015:13) reports that geographical conditions of TIP will determine the type of transport. Transport methods of the TIP victims differ and can be conducted by road, ferry, boat, rail or per foot (UN.GIFT 2015:13).

The offender may use a transit country to ensure successful transport of the victim (UN.GIFT 2015:13). According to HSRC (2010:15), methods to ensure successful entrance into the country of destination are covert, entering in vehicles, containers, trains, ferries or per foot. The overt method of entry, concerns the presentation of stolen and false visa and entitlements to enter the country (IOM, 2008:78). Various forms of exploitation in TIP occur, which include "forced labour, sexual exploitation, removal of organs and body parts, involvement in criminal activities, begging, forced marriages, illicit adoption and exploitation in the army and armed conflicts" (UN.GIFT, 2015:13). The UN.GIFT (2015:14) reports that victims of trafficking are exposed to threats and violence during the exploitation phase. The UNODC (2015:10) report indicates that traffickers use threats of violence to ensure control over the trafficked victim. The UNODC (2015:10) reported that traffickers can operate as recruiters, transporters and exploiters. Traffickers can be involved in the trafficking process through forgery of documents, corruption, money-laundering or other criminal activities (HSRC, 2010:63).

With reference to the report by UN.GIFT (2015:18-23) crimes related to TIP are "slavery, involuntary servitude, debt bondage, forced marriages, forced abortion, forced pregnancy, torture, inhumane and degrading treatment, rape, sexual assault, bodily injury, murder, kidnapping, unlawful confinement, labour exploitation, forgery of documents and corruption."

The mentioned report indicated that most traffickers live in the same country where the TIP investigation is conducted. Farrell (2012:105) states the gender of traffickers can be male and/or female. In certain criminal syndicates, women are actively involved in the trafficking of females from Nigeria to Italy (Farrell, 2012:106). Anderson and O'Connell (2010:20) define an organised criminal group as "a structured group, consisting of three or more persons that act together to commit a single or various serious offences with the goal of obtaining material or financial benefits".

4.9.   SUMMARY

This chapter presented the nature and extent of TIP in SA. The major trafficking flows are indicated as well as the accessibility of the country. The practise of TIP, as transnational and national organised crime, with specific reference to the vulnerable children and women was discussed. The border countries and points of entry into SA are presented in this chapter. Enslavement and international statistics on slavery as well as human rights violations, on a national and international level are discussed. The researcher explores basic recruitment methods of TIP victims and the link between traditional beliefs, forced labour and TIP. In the next chapter, the research methodology is presented.

CHAPTER 5
RESEARCH METHODOLOGY

5.1   INTRODUCTION

The research method is a strategy of enquiry, which moves from underlying assumptions to the research design and data collection. Qualitative research aims to explore and discover issues about the challenge on hand, due to the fact that very little is known about the situation. The research method applied in this study is the qualitative approach. The methodologies used by qualitative researchers are characterised as emerging, inductive and shaped by the researchers experience in the collection and analysis of data. Qualitative data analysis transforms data into findings and the goal of qualitative research is to describe the trends and explain relationships between variables. Qualitative research is an approach to explore and understand the meaning, of data, obtained from individuals on a human or social challenge.

This chapter discusses the research methodologies and design used in the data collection and analysis method, explaining the stages and processes involved in the study. Participant observation and face-to-face interviews were conducted as data collection methods. Application of triangulation ensured the trustworthiness of the data.

5.2   THE DYNAMICS OF THE POPULATION IN CAPE TOWN

The target population is information-rich SAPS members and skilled personnel working at NGOs in the Cape Town area. Snowball sampling was applied and each person interviewed asked to suggest additional participants for interviewing. The unit of analysis includes skilled volunteers working at NGOs and experienced SAPS members. The researcher interviewed 15 information-rich participants working in the Cape Town area. The city of Cape Town is an international tourist attraction and well known for its harbour, Table Mountain and Cape Point (Bryson, 2008:4). Many leaders of the anti-apartheid movement also knew the city as a home. Robben Island is 10 km from the city and famous political prisoners were in prison on the island.

Many tourist visits Cape Town on a daily basis. According to Leger (2008:117), many tourist visits the Victoria & Alfred Waterfront built on top of the docks of the port of Cape Town.

The Waterfront hosts the Two Oceans Aquarium and the Nelson Mandela Gateway, through which ferries depart to Robben Island. The city is the well-known economic hub of the Western Cape Province locating fishing, clothing, textiles and wood product manufacturing industries. The city of Cape Town is easily accessible as the Cape Town international airport serves for both domestic and international flights (Claassen, 2010:6). The city is reachable by sea via Table Bay harbour as the port is a hub for ships in the southern Atlantic. Claassen (2010:56) states that Simon Town Harbour on the False Bay coast of the Cape Peninsula is the operational base for the SA Navy.

According to Leger (2008:117), Spoornet operates two long distance passenger rail-services to and from Durban via Kimberley, Bloemfontein and Pietermaritzburg. Metrorail operates a commuter rail service in Cape Town. Cape Town is the origin of three national roads, the N1, N2 and N7. The city of Cape Town is located on the south-eastern corner of SA with a total area of approximately 2 461 km and a coastline of 294 km (Claassen, 2010: 6). The environment is one of the strongest assets for tourism. In Cape Town, the unemployment rate is 23.88 percent and the labour participation rate 65.29 percent.

According to StatsSA (2013), 170 824 (16%) of the population receives an income of R1601-R 3200 per month. The city of Cape Town managed to create 8 246 permanent job opportunities in the 2009/2010 financial year and attracted over R1 716 billion in direct investment. According to the community survey conducted in Cape Town during the year 2016, the number of people recently living in informal settlements are 218 780 (StatsSA, 2016). The current informal dwelling proportion of Cape Town is 20.6% (StatsSA, 2016). Any household with a monthly income lower than R3500 is regarded as living in poverty (StatsSA, 2013). In 2009, approximately 34.6 percent of all the households in Cape Town were considered to be living in poverty (StatsSA, 2013). The location of Cape Town is illustrated on the map of Southern Africa (Figure 5.1) indicating known routes that traffickers use as described by HSRC (2010:212).

Figure 5.1: Trafficking routes in South Africa

*Traffickers: Individual brothel owners and escort agencies
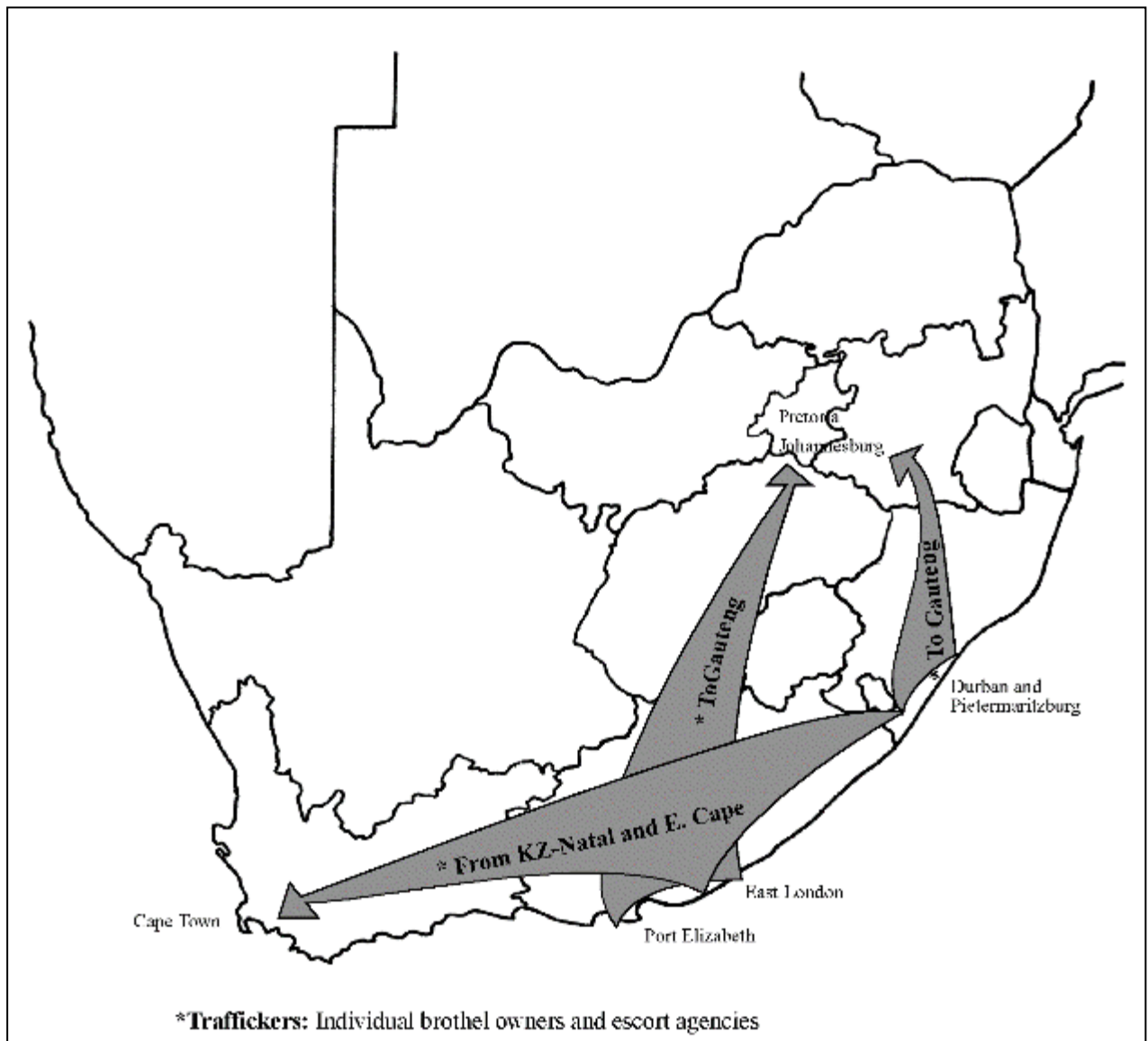
(Source: HSRC, 2010:212).

5.3 POPULATION AND SAMPLING

Huysamen (2001:37) is of the opinion that the population is the total collection of all the units of analysis the researcher wants to use to come to specific conclusions. The target population identified is information-rich SAPS members and skilled personnel, working at NGOs and CBOs.

There are 59 SAPS stations in Cape Town and 13 registered NGOs working on a national and international level (StatsSA, 2013). Purposive sampling was applied and the researcher maximised information on policing of TIP by selecting experienced police officials and NGOs during the research process. Purposive sampling is entirely based on the judgement of the researcher (Huysamen, 2001:44). A sample comprises of elements of the population that are factually included in the study (Babbie, 2008:42). The criteria used to identify police officials were based on the experience of the participants in the policing of TIP. The researcher identified a police official who is knowledgeable on TIP. The police participant referred the researcher to experienced individuals at NGOs and LE. The unit of analysis includes experienced police officials, LE - and skilled volunteers working at NGOs to gain their understanding of the concept of policing of TIP. The researcher interviewed 15 information-rich participants working at SAPS, LE and NGOs in the Cape Town area.

According to Bachman and Schutt (2014:119), snowballing involves, "the identification of one member of the population and that person then is requested to identify other role players". In this study, the researcher approached a single person who is experienced in the policing of TIP. The researcher asked the person to name other members in the population sample to interview. The information obtained from the participant enabled the researcher to locate other members of the population. Snowballing was used in identifying and interviewing police officers, LE officers and NGO participants.

This method was used, because it was a challenge for the researcher to identify appropriate police officials, LE officials and NGOs. De Vos, Stydom, Fouche and Delport (2011:394) state that snowball sampling is excellent in cases where the researcher investigates a relatively unknown phenomenon. According to Creswell (2013:298), snowballing involves asking the respondent interviewed to suggest another person who might agree to be interviewed. De Vos et al, (2011:401) indicate that, snowball sampling is referred to as, "the chain referral method of obtaining information from informants". The researcher applied convenience and snowball sampling. Each person interviewed was asked to suggest additional people for interviewing.

It was important to interview the correct population and sample of the population as the researcher collected data to make sense and interpret information to obtain an understanding of the policing of TIP.

The researcher obtained information from experienced police officials and NGOs working with TIP on a daily basis. The sample size consists of credible participants who assisted with the critical understanding of the policing of TIP. At the time of the research, the population size of Cape Town was 2 565 018 people. Miller and Hess (2005:56) state, *"demographics refers to the characteristics of people in a specific community."* Demographical information includes the population size, unemployment rate, education levels, income rate, how many SAPS stations are in the area, the number of NGOs and CBOs, prominent industries, agriculture and tourism. Demographical information of Cape Town is available from the 2013/2014 statistics published by Statistics South Africa (StatsSA, 2013).

5.4   METHOD OF DATA COLLECTION

The researcher applied the inductive approach to develop new interpretation of information on policing TIP. Interviews was conducted to gain access to the research subject. Semi-structured in-depth interviews with open-ended questions were conducted. Corbetta (2003:249) and Flick (2006:287) state, "the flexibility of semi-structured interviews allows the interview process to deviate from a rigid order of questioning as the sequence and nature of the questions are at the discretion of the interviewer." Through the interviews, the researcher is offered the opportunity to discuss, answer and pose questions related to the phenomenon being studied (Rubin & Rubin, 1995:36). Semi-structured interviews were completed and recorded with the purpose of data transcribing. The data were interpreted to attain findings.

An interview schedule was developed for police participants and a similar interview schedule for NGO participants. The researcher piloted the interview schedule before the actual interviews to ensure the questions were clear and easy to understand. The amended and approved interview schedule was used in the interviews. Face-to-face interviews were conducted to enable the researcher to observe visual clues of the participants.

The body language of the participant indicated the discomfort and comfort experienced during the interviewing process. The interviewer got an indication on how to establish rapport with the participant. During the interviews, the researcher made use of a combination of open-ended and closed-ended questions to collect data. The researcher attempted to keep questions easily understandable and wrote extensive field notes to enhance the trustworthiness of the data.

Permission was obtained from required authorities to interview the participants. The interviews were conducted in the offices of the SAPS, LE and NGO participants in a conducive atmosphere. The interview schedules are attached as per Appendix D and E.

5.5   DATA ANALYSIS

Patton (2002:287) states that qualitative data analysis was used to transform data into findings. The process allows the raw information to be reduced to relevant information needed. The term data refers to the rough materials researchers, collect from the world they are studying (Bogdan & Biklen, 1998:106). Fraenkel and Wallen (1993:293) state, "data analysis is the method of gathering and explaining the context of the text". Analysis includes the identification of specific patterns. A constructed framework determines the meaning of the data obtained. Referring to Rapley (2007:342), "the researcher will re-consider the empirical data and develop a sense of all the researched information by re-reading the data". The researcher read and re-read the data to become familiar with the content (Rapley 2007:342). Application of a line-by-line analysis to analyse the terminology used by participants enabled the researcher to identify themes.

The researcher applied a constant cooperative method, which ensured the development of a comprehensive coding scheme as the researcher identifies themes to look for similarities between them (De Vos et al, 2011:411). The occurrence of certain similarities reflects a pattern (De Vos et al, 2011:411). Therefore, the researcher analysed the data frequently, conducted preliminary analysis and follow-up interviews if it was necessary. De Vos et al (2011:411) state that, "the primary task of coding was to identify and label specific categories".

Rossman and Rallis (1998:17) state that, "coding is the process of organising material into segments to bring meaning to information". The grouping of concepts according to specific themes is called discovering categories (De Vos et al, 2011:411). According to Creswell (2013:361), the analysis of data starts with a detailed coding process. Creswell (2013:182-188) states qualitative data analysis and interpretation are best represented by a data analysis spiral. For this study, Creswell's spiral method of analysis was used. The qualitative content, according to Creswell (2013:361), involved the following procedure:

- A digital voice recorder did recordings of data and notes were taken to serve as back-up and to provide context to the interviews.

- Verbatim transcription of the responses obtained during the interview commenced as soon as possible by the researcher herself. This enabled her to be acquainted with the data for the purpose of analysis and interpretation. The original interview was listened to again and field notes were taken to obtain a thorough understanding of the content.

- The text and field notes were read thoroughly to obtain an overall impression of the content, before the abstraction process of coding began where units of meaning were identified and labelled.

- According to Neuman, (2011:510), "codes are names or labels assigned to specific units within the transcripts and field notes". The coding process consisted of three steps as described by Creswell (2013:183) and Neuman (2011:510-514). The three steps are "open coding, axial coding and selective coding". First, open coding was used in the identification and naming of segments of meaning from transcripts and field notes. The focus of the open coding was on wording, phrasing, context, consistency, frequency, extensiveness and valuable comments. The researcher marked the segments of meaning and labelled it in a descriptive manner. Axial coding was done secondly by reviewing and examining initial codes identified during the previous procedure as outlined above. Patterns and categories were identified during this step. The patterns were identified, organised in terms of causality, context and coherence. Selective coding was done as the third and final coding procedure. This involves selective scanning of all codes that were identified for comparison, contrast and linkage to the research question. A central theme was identified.

- The codes were evaluated to determine relevance to the research aims (cf. par. 1.4). The related codes were listed in categories according to the research aims (cf. par. 1). The analytic process was informed further by inquisitive questions to identify thematic relationships from different categories. The qualitative analysis process was concluded by the description of thematic relationships and patterns, which are relevant to the research. When no new categories emerged, saturation was reached.

The process of data analysis assisted to create a preliminary framework analysis. The documentation and analysis process assisted the researcher to present the qualitative research data in an intelligent and interpretable form. Trends and relations were identified according to the research aims.

5.6   ETHICAL CONSIDERATIONS

The researcher adhered to the ten general ethical principles of the University of South Africa (UNISA) Policy on Research Ethics (UNISA, 2012:9-10), which refer to essentiality and relevance of the research, maximising public interest and social justice and being competent and committed to research. Furthermore, informed and non-coerced consent was obtained from participants, respecting cultural differences of participants, adhering to justice, fairness and accountability when conducting research, minimising risks of the research and non-exploitation of participants during the research process. The researcher followed the guidelines of UNISA to ensure that the concepts of accountability, integrity and transparency are adhered to (UNISA, 2012:9-10). The dignity, privacy, rights and interests of all the participants involved were respected.

Privacy of participants was protected, according to the general guidelines for ethical research of UNISA (2012). The ethical clearance certificate from UNISA is attached as per Appendix F. Bezuidenhout (2011:53) is of the view that researchers should treat participants professionally. Unacceptable treatment of participants in the research process has the potential to cause harm or violence and infringe on human beings rights (Bezuidenhout 2011:53). Goldsmith and Lewis (2000:57) define ethics as, "a set of morals suggested by a group or individual".

Researchers must look closely at the ethical implications of what they researched when human beings were the focus of investigation (Leedy & Ormrod, 2010:100). The researcher applied for and obtained the permission to conduct research in SAPS via SAPS management in the Western Cape. Permission letters are attached as per Appendix B.

5.6.1 The right to privacy

Privacy means to keep information, which is normally not intended for others to analyse and observe (De Vos et al, 2011:119). According to Flick (2006:522), the personal particulars of participants will be kept anonymous by obtaining informed consent from participants of the research study, inflicting no harm in collecting data, confidentiality and being fair to participants when analysing data. The researcher adhered to the ethical obligation to protect the anonymity and confidentiality of the respondents. Anonymity and confidentiality are two techniques used by researchers to preserve the identity of the research respondents (Babbie, 2008:523). The researcher respected the participants' rights to privacy. Information obtained in the research was presented in a manner that protected the identity of the participants by allocating code numbers to each interview conducted. The participants' names were not mentioned as codes were used to ensure their privacy was protected. The coding of the participants is attached as per Appendix A.

5.6.2 Informed consent

Hakim (2001:143) states that written informed consent is necessary when participating in a research study. Participants must be informed that they have a right to withdraw from the study at any time (Leedy & Ormrod, 2010:101). Ethical research is dependent upon the integrity of the researcher and unethical conduct is highly opposed by the research community (Neuman, 2011:520). The participants were informed of the nature of the research and they had a choice whether they want to participate or not.

Participation in the research was voluntary and the researcher kept this in mind continuously. Before the interview was conducted, the participant completed an informed consent form. The informed consent form indicated the nature of the research and the role of the participant in the research. The information captured on the informed consent form is set out as per Appendix C.

5.6.3 Protection from harm

The researcher has an ethical obligation to protect participants (Babbie, 2008:27). Creswell (2014:64) states that research participants must be protected from physical and psychological discomfort. Participants should not be subjected to unusual stress, loss of self-esteem or embarrassment (Leedy & Ormrod, 2010:100). According to Huysamen (2001:183), the ethical responsibility for the welfare of participants rests with the researcher. The researcher ensured that the participants' identities were protected. Participants were allocated code numbers during the interviews to ensure protection of identity. The researcher ensured that the participants' identities were not visible to anyone, but the researcher herself.

5.6.4 Honesty and professionalism

De Vos et al (2011:127) states, the researcher needs to adhere to honesty through professional conduct during research. The right of privacy is indicated in the SA Constitution (108 of 1996). Researchers must be driven by values, norms and dignity of the participants in the research (Babbie, 2008:523). The researcher reported research findings in a complete and truthful manner. Procedures and methods used were reported accurately. The necessary credit was given to sources who were acknowledged, as credit was given where due. Ethical consideration is vital to ensure success in research as participants have the need to feel safe and add value to the research. Participants want their privacy to be protected and take part in the research, to make a difference in the policing of TIP. Ethical considerations were adhered to at all times.

5.7   SUMMARY

In this chapter, the research design and methodological approach were discussed. The population and sample were presented as well as data collection and reliability. The aspects of ethical consideration, methods of interviews conducted, amount of participants partaking in the study and from which departments they are, formed part of this presentation. By following the research methodology and procedures, as discussed in this chapter, it was possible for the researcher to formulate the findings and recommendations that could assist in the policing of TIP. The qualitative method of data collection assisted the researcher in obtaining an in depth understanding of the policing of TIP in the Cape Town area.

CHAPTER 6
RESEARCH FINDINGS

6.1   INTRODUCTION

This chapter presents research findings. The inductive approach was utilised for data collection and research participants were interviewed according to an interview schedule. Police participants were interviewed according to Appendix D and NGO participants according to Appendix E. Participants were free to raise their opinions, and consisted of SAPS members, the LE vice squad of Cape Town and NGO directors, social workers as well as members actively involved in the process of TIP. Individual interviews were recorded on a digital voice recorder and another recording served as back up to ensure the participants' voices were clear.

Field notes taken served as a further back up and transcription commenced as soon as possible after the interview. The researcher became acquainted to the data as the original interview was listened to again and data prescribed. The data were interpreted through identification and analysis of core themes. The theoretical and practical aspects that affected the policing of TIP in the Cape Town area were analysed. Theme 1 focuses on an understanding of what TIP and its policing are while Theme 2 is about the partnership approach to the policing of TIP. Theme 3 deals with the challenges in the policing of TIP and Theme 4 the best practises in the policing of TIP. Each theme is presented by first explaining its meaning, secondly discussions of the range of responses from participants, thirdly *in vivo* quotes, which stand out and represent different opinions of participants and lastly, the meaning of the responses. The presentation of each theme concludes with the value the analysis brings to the research problem.

6.2   THE PARTICIPANTS' OVERVIEW OF TIP

Participants see TIP as the illegal trade of people, mainly for purposes of forced labour, sexual exploitation and the world's fastest growing criminal industry as it affects nations across the globe. All the participants know and understand the concept of TIP and describe it as modern-day slavery.

They are aware of the inhumane exploitation of TIP victims and welcome the application of harsher sentences by the Justice Department.

During the interviews, it became clear that SAPS and NGO participants are concerned about the effective policing of TIP. The weak economy exposes vulnerable citizens even more to TIP as people are seeking work opportunities locally and Cape Town is easily accessible. Desperation for money makes people susceptible to recruitment for work in the city of Cape Town. Domestic trafficking usually involves the victims signing a contract to do domestic work, but on arrival, they are sexually exploited. Transnational trafficking to Cape Town involves males, who were under the impression that they will visit the beautiful Cape Town, but when they arrive, the trafficker confiscates their travel documents and subjects the victims to forced labour; they receive no payment and permanently stay in debt with the trafficker to pay for accommodation, food and drugs.

The participants indicated there are many unreported TIP cases, because victims are unsure where to go to for assistance and they fear the trafficker. Some of the victims are from foreign countries and others are trafficked in SA, not realising they are victims of TIP. The policing of a TIP case takes very long and victims need to stay in safe houses for up to six months. Development of mutual trust between the TIP victim, the SAPS, LE and NGOs is also a challenge that effects the policing of TIP. The respondents believe that effective implementation of the SA TIP Act (7 of 2013) and communication between role players can assist in the policing of TIP.

6.2.1 A biographical sketch of the participants

The HAWKS unit of the SAPS specialises in the investigation of TIP and all the investigating officers were willing and helpful to participate in the research. The interviews were conducted in a cooperative, professional and friendly manner. Three of the respondents were male and 12 of the respondents female. Work experience of the investigating officers working at the HAWKS and investigating officers of LE, specialising in TIP, varied from one to nine years (two participants), 10 – 25 years (three participants) and more than 30 years' work experience (two participants).

SAPS participants attended the 15-week detective course as well as specialised training in TIP. The experience of investigating officers working at the DPCI varied from 13 years to two years (four participants). The SAPS and LE experience in policing of TIP varied from eight years to two years (four participants). SAPS participants held diplomas in Police Administration and were all trained to work with victims of TIP.

The work experience of NGO participants varied from one to nine years (four participants) and 10 – 25 years (four participants). The NGO respondents work on a national and global level to prevent TIP. Four of the NGO participants are programme directors at IOM, A21 (whose goal is to abolish injustice in the 21-st century), Anex and Saartjie Baardman Centre, three development managers at A21, Anex and Saartjie Baardman Centre and one director of the Pink Ladies. The Pink Ladies is a NPO (Non-Profit Organisation) whose goal is to find missing persons. Amongst the directors, there is a lawyer, three social workers and four specialists practising counselling and support to survivors, which includes TIP victims.

6.2.2 The organisations involved in the policing of TIP

The policing of TIP is quite a challenge and, therefore, the SAPS, DPCI – the HAWKS, Vice squad of SA Law Enforcement and NGOs realise they need to cooperate with each other in the policing of TIP. The HAWKS, DPCI, is a specialised unit where four experienced investigating officers focus on the policing of TIP in the Western Cape. The vice squad of the SA Law Enforcement unit assist in identifying victims of TIP and missing persons in the city of Cape Town.

The Pink Ladies, a non-profit organisation (NPO), have assisted in policing of TIP since 2007. The members of the Pink Ladies come from different backgrounds and consist of lawyers, advocates and accountants assisting the SAPS in finding missing and trafficked persons. The IOM, A21, Anex and Saartjie Baardman Centre are all NGOs that provide awareness programs to educate people on TIP.

The NGOs also protect victims by accommodating them in safe houses and providing aftercare programs. The TIP victims' physical and psychological conditions receive treatment as NGOs makes provision for medical care. Partnerships to police TIP are important for NGOs, as their vision is the prosecution of traffickers; therefore, they professionally liaise with the HAWKS, and other organisations to assist in victim identification and victim assistance. The South African National Human Trafficking Resource Line, 0800 222 777, is a toll-free line that operates 24/7 and is the initiative of the A21 NGO to report TIP on a national and global scale and provide guidance to police officials on ground level when policing TIP.

Networking amongst the skilled organisations involved in the policing of TIP is crucial to enhance the process of professional and effective policing of TIP. The application of unique skills of organisations involved in the policing of TIP can assist in obtaining intelligence to infiltrate TIP syndicates. Implementation of counter TIP strategies by organisations involved in the policing of TIP, on a national and global level, is necessary to police TIP and rescue vulnerable victims.

6.3   AN UNDERSTANDING OF TIP AND ITS POLICING

The policing of TIP includes any form of exploitation of the TIP victim; the delivering, recruitment, transfer and selling of people within or across the borders of SA. The trafficker controls the victims by means of threats of harm to the victims and/or their families. There is the use of force or other forms of coercion, abuse of victims' vulnerability, fraud, deception, abduction, kidnapping, abuse of power and exploiting the TIP victim for the traffickers own financial gain. Policing TIP is a service concept referring to the SAPS, various professionals and the roles they perform to police TIP according to the TIP Act.

During the interviews, it became clear that SAPS and NGO participants have more or less the same understanding of the meaning of TIP and its policing. All the participants have a common understanding of what the criminal offence of trafficking involves. In the understanding of TIP and its policing, most of the participants indicated the inclusion of the SAPS, NGOs and other government departments in the policing of TIP.

In contrast to the understanding of SAPS participants on the concept of policing TIP, some of the NGO participants had a different understanding of the policing of TIP, as they were not sure what and who exactly should be included in the term policing. Most of the SAPS, LE and NGO participants indicate that the TIP Act plays a vital role in the policing of TIP.

When the participants were asked what their understanding of TIP is, they responded in the following way,

NGO 1 said…

> "…whenever a person is recruited for an opportunity and the opportunity is false…fraud, turns out…the person are tricked, the end goal of the trafficker is to exploit the person".

LE 2 responded…

> "…four elements must be present recruitment, transport, transfer and harbouring…when we look at the elements, this is also the way we interview the girls…we ask them where they come from, for what purpose and for how long they live here and what was the promises made to them…"

NGO 2 responded…

> "…there is the legal definition …the coercion, fraud, reception, getting receiving payment, modern day slavery, buying selling people for exploitation".

It emerged during the interviews that participants are aware of the different types of TIP victims. When the participants were asked what their understanding of the victim of TIP is, they responded as follows,

NGO 1 responded…

> "…pimps can be victims, prostitutes, domestic workers. Victim …anybody fallen into prey to traffickers…with a strategy to trick and deceive. Pimps can be victims, prostitutes…victims work in ways they are exploited, domestic workers…exploited…exploitation can take many forms".

LE 3 revealed…

> "a victim is persons who are tricked, trapped and exploited to generate money for recruiters".

NGO 6 indicated…

> *"that fishermen who were kept at sea for months. There was a contract, which was not honoured, they left sea after one year and were captured against their will. If you just open the papers now, people are desperate, because of the economy …I am sure now that TIP are more highlighted, people are more informed about TIP".*

All the participants are well informed and identified different forms of TIP in the Cape Town area. The question on the forms of TIP in the Cape Town area:

NGO 1 indicated…

> *"…U…m all forms predominantly sex trafficking, labour trafficking on fishing boats/trawlers, domestic servitude and forced marriage…some girls are from the Eastern-Cape, but it happens in Cape Town. I know there is also organ trafficking, but I only mention the types we work with".*

LE 2 revealed…

> *"only prostitution and we came along labour trafficking a few times where an agent will tell victims there is a job for them in Cape Town …the ladies sometimes won't get money at all, will stay in debt with the trafficker at all times, need to pay for eating, sleeping…need to pay for everything".*

SAPS 3 revealed…

> *"prostitusie, forced labour en domestic servitude…kinders word ook vir labour gebruik, veral vanaf kleiner plekke soos De Aar waar baie armoede is…hulle kom hiernatoe met heeltemal ander idees en moet dan lang ure werk en kinders oppas, hul kos inhoud word ook beperk".*
>
> *(prostitution, forced labour and domestic servitude…children are exploited for labour, especially in smaller towns like De Aar where lots of poverty exist…the children comes to Cape Town brought under the impression of a better life. Instead they are exposed to long working hours, need to look after children and even their food intake are limited.)*

It became clear during the interviews that there are different understandings about the term policing. When they were asked on how they see policing of TIP:

NGO 1 responded…

> *"I understand policing to be the monitoring and investigating of cases with the goal to put an end to TIP…prosecution…that is what I understand."*

SAPS 1 responded…

> *"…kom ons begin…ek is nie heeltemal vertroud met hoe opleiding van HT aangespreek word…eerstens van ons kant af maak ons mense bewus van HT…ons gaan polisiestasies toe en deel pamflette uit…versprei om polisie en die publiek bewus te maak van HT …ons gaan bordele toe en doen 252A operasies…om inligting in te samel van wie betrokke is by mensehandel. Ons samel inligting in en gebruik "traps" om inligting te probeer bekom van presies waar die mensehandel plaasvind en wie betrokke is in mensehandel en of die betrokke "moontlike slagoffers" gedwing word om in byvoorbeeld in prostitusie betrokke te wees…ons vind uit wie die madam van die huis is…sodat ons haar kan wegneem en sy nie heeltyd praat en bevele skree oor wie niks moet se nie…"*

> *(I am not fully aware of how training on HT are addressed, we make people aware of TIP, go to police stations and distribute pamphlets on HT to make the police and public aware of HT…we conduct 252A operations at brothels to gather information from where exactly trafficking takes place and who is involved. We interview people, who can provide information and use traps to determine whether possible TIP victims are forced to do what they do, for example prostitution…we determine who the madam of the house is…and take her away from the scene where she cannot disturb policing…)*

LE 1 responded…

> *"…the way the police handle the case, social workers, NGOs are involved, but I feel it starts with us, we are the foundation, when we go out and identify the victims, we hand over to the HAWKS and contact NGOs for safe houses".*

Participants apply more or less the same skills to identify a TIP victim.

The question on policing and the process of determining that the person might be a potential trafficking victim: In your opinion what is the most common "red flag" that indicates that a case requires professional assistance from police/NGOs?

LE 1 responded…

"…bosses are rude to victims some ladies sleep at the back yard like a dog…we found a female who came for labour purposes staying in a shack with no door…just a curtain hanging there…she needs to clean and cook, she is the first person up and the last person who goes to sleep, eating out of her own cutlery, eat last, for R1000 per month".

SAPS 2 revealed…

"wanneer persone nie persoonlike dokumente op hulle het nie, even as ons bordele doen…ons vra almal vir papiere, meestes het nie papiere nie. Die trafficker het dan hul papiere. Ons vat dan die slagoffer saam met ons …sy verwys byvoorbeeld na Abuska, maar niemand weet van Abuska sou ons alleen polisieer nie…ons laai die slagoffer in die voertuig en dat sy vir ons die persoon uitwys…ons arresteer hom dan en sien dis sy noemnaam…veral die Nigeriërs…hulle laat even hul eie meisies van Nigerië af kom om hier seksueel exploit te word".

(…when individuals are not in possession of their personal documentation, even at brothels, we ask everybody for their identification documents. The trafficker normally confiscates the TIP victim's personal id-documentation.

We take the victim with us…the victim will for instance refer to a person called Abuska, but nobody knows who Abuska is, should we police on our …that is why the victim will come with us and point the trafficker out, we arrest the trafficker and then realise his first name is Abuska. The Nigerians even traffic their own females to be sexually exploited in Cape Town.)

NGO 2 indicated…

"often they won't have documents, documents taken away …people who are deceived, tricked, experience fear, anxiety and abuse, a trend are for example fisherman recruited and brought here, partially deceived conditions different than what they were promised…they do not get money work on sea for months even years…their documentation might be legal, but not the way they are exploited…the men are told to sign a contract and that 50 percent of the money will go to his family…the money will never be send home".

The views expressed by the participants coincided with the problem statement and aims of the research report. In the light of the above, it is clear that the policing of TIP can be more effective when different role players are involved. Identification of TIP victims on the streets is vital and TIP victims need professional assistance from the SAPS, LE and NGOs. The SAPS cannot police TIP on their own and police officials on ground level need training on the screening process to identify the TIP victims.

6.4 THE PARTNERSHIP APPROACH TO THE POLICING OF TIP

TIP involves effective partnerships beyond traditional policing techniques. The SAPS cannot solely prevent TIP and, therefore, the policing of TIP will be more effective, practising the partnership approach. The knowledge and skills of other role players in the policing of TIP is vital and the SAPS, LE of the city of Cape Town and NGOs are important role players in the policing of TIP.

The role players must accept responsibility in the reduction and prevention of TIP and, therefore, a holistic partnership approach between the mentioned role players will ensure that they are aware of where and how they can assist each other in the policing of TIP. SAPS, LE and NGO participants indicated they worked with each other in the past. All the participants support a partnership approach amongst role players in the policing of TIP. The question on have you worked with other organisations in the past to police TIP:

NGO 1 responded…

"Yes, Kotze guides on whether a case will be investigated or not, other NGOs and CBOS with the safety of victims…we partner with counter trafficking organisations".

SAPS 1 revealed…

"…Ja, ons het daagliks kontak met hulle…ek sal nooit die eerste dag met slagoffers praat…ons sal bymekaar uitkom en NGOs sal help …teen die tyd het die slagoffer se houding heeltemal verander".

(Yes, we have contact on a daily basis with NGOs …I will never interview the TIP victim on the first day…NGOs will assist with counselling…and after a while the victims will start to work with us.)

SAPS 4 indicated…

> *"ja, Escape in Muizenberg en A21, Caty. Na rehab gaan party slagoffers na n jaar terug in die samelewing, gaan selfs kerk toe. Ek het al saam met Stop Trafficking of People (STOP) gewerk, twee weke terug pamflette in Somerset-Wes uitgedeel".*
>
> *(...yes, Escape in Muizenberg and A21, Caty. After rehabilitation, some of the victims will be part of the community again and even attend church. Two weeks ago, I worked with an NGO, STOP, to distribute pamphlets in Somerset-West.)*

Most of the SAPS respondents indicated policing of TIP is almost impossible without the assistance of NGOs when it comes to safe houses, translators and trauma counselling of TIP victims. The question on accommodation of TIP victims to NGO participants: How long do you accommodate a TIP victim?

NGO 1 responded…

> *"On average I would say one year…two years with a court case…we had cases where we assisted two or three weeks…in Asian cases victims would like to go back to their country …not in other African countries."*

NGO 6 indicated…

> *"a few days we have different safe houses, some accommodate on short term other safe houses longer, 3 – 6 months, there are even safe houses who equip women to get skilled and go out to work…"*

NGO 8 revealed…

> *"With HT clients we have a different set of services, the victims go directly to the private unit where they can stay for four months and an additional three months can be granted".*

The SAPS respondents indicated that NGOs assist in policing of TIP by training SAPS and LE personal on trafficking. The SAPS and LE participants indicate that NGOs provides support services in the form of availability of safe houses, interpreters and a place where the victim receives counselling until she/he is ready to provide a statement to the SAPS.

The question on the support services provided when assisting in TIP: Describe the support systems you provide when assisting with TIP cases?

NGO 1 indicated…

> *"Medical assistance, drug rehabilitation, psychiatric services, place of safety, assistance with documents, vocational training, family re-unification and up-skilling of personal of NGOs to assist TIP victims".*

NGO 2 identified…

> *"…since 2010 IOM provided…safe accommodation, access to health care services, family tracing and return…now there are other role players. IOM can still assist in voluntary return of victims home".*

NGO 8 revealed…

> *"…we have a medical centre on the premises using the Eastern technique in medicine, homeopathic remedies. We provide breakfast, lunch and all services absolutely free to our HT clients, bedding are provided".*

A NGOs participant indicates that to assist the SAPS and Law Enforcement with TIP victims, the TIP victims need services or someone experienced with TIP victims.

The question on the primary services TIP victims need: Based on your professional assistance to TIP victims, what are the primary services TIP victims need?

LE 3 responded…

> *"Counselling, shelter, health services and pastoral guidance".*

LE 1 indicates…

> *"To feel safe, food, clothing and a place to stay".*

SAPS 3 responded…

> *"hulle wil veilig wees, hulle weet hulle sal doodgemaak word en dan toiletries, klere, ons kry alles in ons hope-room om die slagoffer gemaklik te maak".*
>
> *(TIP victims want to be safe, the victims are aware their lives are in danger. The victims need toiletries, clothing and in our hope room we get everything to ensure the victim are comfortable.)*

The NGO and SAPS participants also indicate that LE are a valuable partner in the screening and identification of TIP victims. The LE personal received training from NGOs on the screening and identification of TIP victims.

All the NGO participants indicated that they conduct awareness campaigns together with SAPS and LE to police TIP. The LE participants indicate that they all work with the SAPS and NGOs on a continuous basis to ensure safe placement of TIP victims, obtaining translators and providing trauma counselling. NGO and LE participants indicate that they always work with the four investigating officers of the HAWKS. The HAWKS understand the process of networking with them. All the participants agree that they work together on an almost daily basis and, therefore, support the partnership approach to police TIP.

The question asked: Do you see NGOs/SAPS and other community organisations as part of policing TIP?

NGO 1 indicated…

"*The NGOs see 100 percent of how the groundwork …crimes are committed, because NGOs on the ground are the ones seeing what's happening…they see exploitation happening in the communities and CBOs …people will come to NGOs …before realising it is TIP…then the police who we have beneficial relationships with will investigate and prosecute. We assist with the psychiatry and psychology of the victims".*

According to LE 1…

"Yes NGO definitely add value to policing, they go out and advertise about trafficking, educate the Police and us…book venues and accommodate victims with a place to sleep. We work closely with A21, the safe houses is nice and victims are comfortable there, we hand the victims over to NGOs for counselling. Most of the times, with a big operation …the HAWKS will organise the operation and include the NGOs …who will assist with interpreters and counselling of ladies…"

One experienced SAPS/HAWKS participant said,

"… heeltemal ja…my persoonlike opinie is dat sonder NGOs slagoffers nie ordentlik gehelp kan word nie…NGOS sal reël vir mediese sorg en safe houses waar opgeleide personeel met slagoffers praat…basiese bewusmaking en training van plaaslike polisiestasies…bv gister is n 24 h noodnommer vrygestel waar polisie wie nie opleiding het nie, leiding kry met HT".

(…absolutely, yes I am of the opinion that without NGOs we cannot assist TIP victims. NGOs will arrange for medical care and safe houses where trained personal will consult with the TIP victim. NGOs assist with awareness raising and training of police officials…yesterday a 24 h toll free number was launched providing guidelines to the policing of TIP.)

Over the course of the research, it became apparent that the HAWKS in the SAPS is the only specialised unit where four experienced investigating officers investigate TIP cases in the Western Cape. The HAWKS cannot police without LE who collect intelligence and identify TIP victims in the Cape Town area. The HAWKS and LE do not have the resources to accommodate TIP victims with safe houses, translators and trauma counsellors. It is clear that the NGOs and LE want to work with the HAWKS, they trust the four investigating officers, share information and respect each other. Effective role players, working in a partnership approach, can address the needs of trafficking clients.

6.5   THE CHALLENGES IN THE POLICING OF TIP

The lack of proper training to identify TIP, lack of resources, ineffective networking and victims who are unaware that they are victims of TIP are challenges that exist in the policing of TIP. Trafficking is a global reality and a concern as the supply and demand to exploit vulnerable people in the form of trafficking is growing. Implementation of effective policing methods and addressing the challenges that role players experience might address the concern.

All the respondents indicate that the criminal offence of TIP is a challenge in Cape Town and a need for effective policing strategies a necessity. The question on the challenges in policing: Describe from your experience how big a challenge TIP in your area is?
NGO 1 indicated…

"U'm…TIP definitely occurs here in Milnerton…I will comment on the Western-Cape…in Cape Town TIP is a bigger challenge than what is reported we identify, see how people are exploited…people think it is normal."

SAPS 1 revealed…

> *"…het sake wat ons regtig besig hou …ons is vyf mense wat met HT werk, my bevelvoerder…kolonel, ek en drie ander ondersoekbeamptes …ek glo daar is baie sake daarbuite…vier ondersoekbeamptes vir die hele Wes-Kaap is n uitdaging. In Kaapstad meestal seksuele sake …dit is die meeste sake op die hofrolle van plattelandse dele…mense word ook gedwing om lang ure te werk sonder kontrakte, gewoonlik huiswerkers…forced marriages kom ook voor …ons het twee sake op die hofrol…hele paar goed wat daar uitkom…het ook n skuldigbevinding daar gekry en wag nog vir vonnis".*
>
> *(…we have TIP cases where a lot of investigation needs to be done…we are five investigating officers working on TIP in the Western Cape. My commander, myself and three other investigating officers. In Cape Town most of the cases are on sexual exploitation…especially in rural areas these are most of the cases on the court roll…people are forced to work long hours without signing any contract for domestic work…forced marriages…currently we have two court cases on forced marriages…quite interesting…the suspect was found guilty and is currently awaiting sentencing.)*

LE 2 indicated…

> *"I do think there is more cases, people see on TV about TIP, but don't realise they are trafficked. Even I did not know about trafficking until I start to work at this unit…I did not know how serious it was…people are not educated on trafficking."*

All the respondents indicated that language is one of the biggest challenges in the policing of TIP, victims are from the Philippines, Cambodia, Indonesia, China, Nigeria and other African countries and their statements need to be obtained by the SAPS, preferably in their first language. Competent and trustworthy interpreters who can also assist in court are a challenge in policing. For a criminal case to be successfully prosecuted the victims must use their own language to express themselves and trustworthy interpreters should be available for court processes. All the respondents identified that to communicate with TIP victims, you need to create trust with the client and speaking in the victim's mother tongue language, is an absolute necessity.

Feedback from all participants indicates that drug misuse and the need for rehabilitation of TIP victims is a reality in the Cape Town area. The question on the primary challenges: What are the primary challenges when assisting TIP victims?

NGO 1 indicated…

> *"drug detox, translations, obtain documents from Home Affairs for victims to temporarily stay in the country…also timeous response from local police…"*
>
> NGO participant 2 have revealed *"…each case is very individual or quite different especially victims with substance abuse…investigations takes long people are kept to testify in cases…going to court can take a very long time…myself dealt with victims who are desperate to go home".*

NGO 8 identified…

> *"sometimes when the victims are drugged they want to go back to the perpetrator, they need money for the drugs and this is how the trafficker have control over them. At Saartjie Baardman, they do not get money for drugs, so she needs to go clean. Victims usually co-operate with you…they are suspicious and asks lots of questions like where are you taking me, why this?"*

Respondents from the SAPS, LE and NGOs have revealed that the TIP victim is often under the influence of drugs and it complicates communication even more. The SAPS respondents have revealed that they need to wait until the drugs or alcohol are out of the victims system, before they can interview them and obtain statements that will be admissible as evidence in court. Most of the participants indicated that court processes are too long and victims just want to forget about everything that happened to them and go on with their lives.

All the participants have revealed that safe houses for children, males and TIP victims who need rehabilitation from drugs are a challenge. The NGO participants indicate they cannot expose the TIP victims even more by separating the mother and children, there are also no safe houses for TIP male victims and a shortage of psychological counsellors, occupational therapists and medical doctors who are trained to work with the TIP victim. A NGO participant is concerned about the safety threat for personnel and clients accommodated in safe houses.

The NGO participants all identified the need for training of police officials on station level in the identification of TIP and role players to assist in professional guidance. SAPS and LE respondents revealed the need of willing police officials who really want to police the offence and more unmarked vehicles, as traffickers are familiar with the vehicles used by the HAWKS and LE. SAPS participants identified the need for offices where it is more private and where TIP victims will feel safe.

NGO 7 indicated…

> *"language is one our first challenges with HT survivors, for under age HT survivors we do not have facilities to accommodate them. We need to get court orders to keep under-age children with their mothers on the premises. Social services refer people to us. Where childcare services are involved, we place the mother and child under our care. Another challenge is the security to keep the client safe and to protect staff involved in HT matters. There is always a lack of staff at Saartjie Baardman, my staff are overworked, in substance abuse units we need a psychological counsellor, I do not have a dedicated person as an occupational therapist to assist in the recovery process, we do not have funds to accommodate medical staff, the programme is not funded, we run it out of our own pocket…"*

LE 2 revealed …

> *"The justice system to deal more effectively with cases and more harsh punishment …cases to be processed quicker in court, cases drag, victims need to stay in safe houses all the time …the process is too long for the victim…takes four months to a year…most of the ladies feel the guy should just be arrested so they can go on with their life…now they need to stay in Cape Town until the case is finalised, we need transport for a lot of victims…"*

SAPS 1 indicated…

> *"Almal weet nie wat TIP is nie…ek glo partykeer dat die slagoffers nie eens weet dat hulle getraffic is nie…daar is verskriklik baie prostitute …daar het al meisies tevore gekom wie hulp wou hê…hulle is na safe houses geneem…van dwelms gerehabiliteer en die safe houses het vir hulle werk gesoek…wanneer ons wegstap van sulke tonele …prostitusie …sien ons hoe Nigerians ons pamflette oor mensehandel opskeur …bv 'n hotspot in Brookland.*

> *In Bellville is weer Parksig woonstelle…300 woonstelle…ons kry artikel 205 lasbriewe polisieër die dwelmnes en gesels met sekswerkers…Nigerians is baie aktief…"*
>
> *(Another challenge is that TIP victims do not know about trafficking…I believe the victims are not even aware they were trafficked…there are lots of prostitutes…a lot of girls seek for help …they were taken to safe houses… rehabilitated from drugs and the safe houses even assisted them to find jobs…when we leave crime scenes…we see how the Nigerians throw the pamphlets on TIP away…for example a hot spot in Bellville is Parksig flats …300 flats …section 205 warrants are obtained and we police the place, interview prostitutes…Nigerians are very active in this part.)*

In the light of the above, it is clear that effective policing of TIP is possible by addressing the above-mentioned challenges and providing role players with adequate resources to police TIP. Victims of TIP will definitely receive better assistance and this will enhance the effectiveness of policing of TIP. Successful policing of TIP depends on co-operation of the TIP victim.

6.6 BEST PRACTISES IN THE POLICING OF TIP

A critical understanding of policing of TIP involves application of formal protocols providing guidelines, of the duties and responsibilities of organisations, in policing TIP. Clarity and application of these protocol guidelines will result into best practises in the policing of TIP. This will ensure successful assistance to clients when policing the inhumane offence. Understanding of the TIP clients and addressing their needs involves best practises of professional individuals in different departments who can share important information and lessons learnt in their experiences with the criminal offence of TIP.

Police participants indicated that formal protocols in the form of national instructions are available in the SAPS. Some of the NGO participants indicated they follow formal protocols, on a national and international level, to ensure quality service to the TIP client. Participants interviewed indicated that in practising client service policing methods, victims must understand that every person is vulnerable to exploitation.

All participants revealed that building a trusting relationship with the TIP victim is a key aspect in successful policing of TIP.

SAPS, NGO and LE participants agree that TIP victims must not feel that they are responsible for the situation they find themselves in, TIP victims should realise TIP can happen to anyone.

NGO 1 responded…

> *"Victims are tricked, trust broken…people betrayed them…level of trust diminished…"*

NGO 2 indicated …

> "Can be challenging…most simples…where victims do not trust the people who want to help them…they were just exploited and went through a lot of trauma …"

NGO 8 responded…

> *"TIP victims will look as if they need help, physically assaulted, they lost identity they do not trust us and their whole life situation is uncertain."*

LE participants indicated they are not aware of protocols on TIP and that their seniors guide them should they experience challenges in the policing of TIP. SAPS participants indicated they would like to work with all police officials on ground level and social services when policing TIP. NGO participants indicated that there is a need to work with trained police officials together with the HAWKS and Missing Persons Bureau to ensure effective communication in policing processes of TIP. Law enforcement participants have revealed that policing together with trained prosecutors will enhance service delivery. Respondents of SAPS, NGOs and LE indicated that for best practises all role players in the policing of TIP should realise that we all work towards the same goal. Trusting relationships with clients, networking and education of communities on TIP can result in policing strategies that will ensure effective TIP policing practises.

The question on best practices: What is the most important thing you have learned about TIP/ if you have to share one thing in the field, what would it be?

NGO 1 indicated…

"there needs to be good processes in place, seeing that we battle to have fast responses in a case...we constantly see how important it is to have processes in place that everyone can know what they need to do. When an individual get forced into a situation, we need to develop trust again, we help them by starting to build a relationship..."

NGO 4 responded...

"The investigating officer must keep contact with me, give feedback, correctional services although flyers go out to them, do you know how many missing persons are find in correctional services. Remember the Pink Ladies search and rescue, we do not specialise, we do everything, when we find the person the police takes it further. We take the SAP 55 reference number, start the case, most of the time the next morning the person are found back, the police Whatsapp me on my national numbers, it is my passion to help police for free, I do it because I never want a loved one of my family to be lost".

NGO 6 revealed…

"Irrespective, colour or social standing, TIP can happen to anyone. You know Irma it was possible for me to pick up the phone and phone any police station, I cannot do it anymore because there is no networking, someone will phone me from Kleinmond and I will know who it is, I know there are police who have the will to police TIP, and we all need to buy in. When more awareness is made on domestic servitude, we work together with the HAWKS, and police ...have a better relationship all over...trafficking can be policed. We need other NGOs also that trafficking can be stopped..."

It is clear that best practises in the policing of TIP involve implementing TIP protocols. Individuals must realise that policing of this transnational offence is possible when specialists value each other's competencies in the policing of TIP. Regular communication and education on best practises, specialist sharing expectations and concerns and respecting the application of formal protocols will result in effective policing of TIP.

6.7 SUMMARY

This chapter presented data collected in individual interviews with participants of SAPS, NGOs and LE actively involved in the policing of TIP. Identified themes were discussed to understand different views, of TIP specialists. Findings from the individual interviews indicate challenges in the application of protocols concerning victim identification, screening, interpreters, training and departments' responses to the policing of TIP. The next chapter deals with the interpretation of the research findings.

CHAPTER 7
INTERPRETATION OF THE FINDINGS

7.1   INTRODUCTION

This chapter presents the researcher's interpretation of the data collected during individual interviews with the participants, who are actively involved in policing of TIP in the Cape Town area. Interpretation refers to taking into account explanations or interpretations of one's data and indicating the levels of support the data provides for the preferred interpretation. Data were interpreted with the objective of obtaining clarity and new information on policing of TIP as well as the identification of possible role players.

An interpretation of structured themes, related to findings in the literature is presented in this chapter. The researcher interpreted the results and findings to the literature indicating whether they were contradicted or supported by interpretation. The themes related to the literature are first, an understanding of what TIP and the policing thereof involves, secondly, the partnership approach to the policing of TIP, thirdly, the challenges in the policing of TIP and lastly the best practises in the policing of TIP.

7.2   AN INTERPRETATION OF THE THEMES

Themes were identified during the analysis of the research data. According to Neuman (2011: 509-510), interpretation means relating one's results and findings to the existing literature and research studies, indicating contradiction or support in meaning. These themes are structured as sections in this chapter. The findings of the researcher's interpretation of data are related to findings in the literature. An attempt was made to obtain clarity on the concept of policing, to identify role players who could assist in effective policing of TIP and provide new information on the policing of TIP. It was established from participants' responses and the literature that the policing of TIP involves different informed role players, on TIP, to ensure effective pro-active and re-active policing of this criminal offence. One of the first questions asked was an understanding of what TIP is and its policing.

The responses on what TIP and its policing concerns were similar on the meaning of trafficking. Participants' responses differ on the concept of policing as indicated in the following paragraph.

7.2.1 An understanding of what TIP and its policing is

Data collected, indicates that the understandings of the concept of TIP by all the participants were good. In expressing their understanding on what TIP and its policing involves, the experienced participants were clear about the theoretical concept of TIP. An understanding of the concept of policing were a bit vague from the NGOs side, although the participants indicated that they need the assistance of the HAWKS when it comes to the registration of criminal cases, taking the relevant statements and prosecution of the TIP case. The process of establishing their understanding of TIP and its policing was guided by legislation such as the SA TIP Act (7 of 2013), Palermo Protocol and SA SAPS ACT (68 of 1995). The findings of the understanding of TIP and its policing appear to be in line with the definition of trafficking, as stated in paragraph 1.2.2.

Findings of the LE and SAPS participants, indicate that to police trafficking it is important to identify the owner of the house/business, talk to victims, read the victim's body language, conduct police operations, use police traps, confirm exploitation, confirm recruitment, determine where victim comes from, investigate what is done by the victims and how the trafficker benefits. Section 16 of the SA TIP Act (7 of 2013) explains the facilitation of policing TIP in paragraph 2.3.2 of Chapter 2. The SA TIP Act (7 of 2013) meets the requirements to prevent, suppress and punish TIP offenders according to Section 4(1), stipulated in the literature in paragraph 2.3.2 of Chapter 2. The SA TIP Act (7 of 2013) states that forced marriage is a criminal offence within or across the SA borders.

Debt bondage and the possession, destruction and tampering with a person's travel documents are criminalised by the SA TIP Act (7 of 2013). Trafficking is a criminal offence and the SA TIP Act (7 of 2013) specifically refers to where a person is, "forced, coerced or deceived into prostitution". Traffickers involved in recruiting, harbouring and transporting a person for trafficking purposes are guilty of TIP. The Palermo Protocol requires the practising of legislation to prevent TIP.

The NPGVE (Department of Social Development, 2014:5) defines a victim as, "a person who suffered emotional, physical harm and violation of fundamental rights". Findings in this research that participants see TIP as an offence that existed long ago, are confirmed by the ILO (1930:2). This research confirms that Cape Town is a city of opportunities that is easily accessible by traffickers. Victims are under the impression there is a promising future in Cape Town. The trafficker recruits and delivers the victim to be exploited in Cape Town as TIP are victims sold from one trafficker to the other. The literature confirms that the major contributor to trafficking is poverty and the continuous lack of education (HSRC, 2010:5). The IOM (2008:12) reports that economic inequality and the social political history of SA exposes vulnerable people in Cape Town to TIP. The IOM (2008:17) reports further that poverty and inequality are linked with the increase of organised crime and TIP. It was established that TIP victims are recruited in poor areas of the Northern and Eastern Cape.

Bermudez (2008:34) states that for traffickers, impoverished rural areas in the Northern and Western Cape are an attraction to traffic and expose men and boys living in poor areas. Rossi and Doucet (2008:7-35) confirm that SA is a source and transit country for TIP. O'Connell and Taylor (1996:11) state that Cape Town is known as, "the city where cruising in bars, saunas, discos and availability of sexual services in return for food, cars, a better life or mobile phone is a reality". This corresponds with findings, in the research, indicating that TIP victims are brought to Cape Town under false pretences of promising work in a city with lots of opportunities, when the victim arrives, they realise, too late, that they were deceived and brought here under false pretences.

The literature confirms this information as Stigter (2011:20) states that victims are underpaid and they work under terrible conditions. The HSRC (2010:4) states that girls and women from other African countries are exploited to domestic servitude, sexual exploitation and various jobs in the service sector. The US Department of State (2016:216) TIP report confirms findings that, "SA is a destination country for long distance flows of persons trafficked from Thailand, Philippines, India, China, Bulgaria, Russia and Ukraine".

The HSRC (2010:50) states those most trafficked victims respond to what they believe to be legitimate employment offers in SA and, therefore, they are in are in possession of legitimate passports and travel visas, which makes it difficult for border agents to identify the trafficked person. Pharoah (2006:66) states that people of neighbouring countries experience SA as a country of opportunity to improve their living conditions. The findings relate to young men coming to SA with promises to work as fishermen on boats, earning lots of money, but instead they are exploited and their food intake limited.

The concept of policing has seen a variety of interpretations and the researcher conducted individual interviews to obtain a clear understanding of the term policing. The literature does not correspond with findings as Bittner (1990:17) states that, "the police service is one of the best known, but least understood public institutions". From the interpretation of the data, it appears that participants supported and contradicted the findings of policing of TIP. The meaning of policing has seen a variety of interpretations as participants had different opinions of the concept. The findings of this research indicate that policing involves a partnership between the police and other role players.

The SA White Paper on Safety and Security (2015: 25-26), SA SAPS ACT (68 of 1995), NDP (2011) and the Constitution of SA (108 of 1996) prescribe a culture of high service delivery in policing. The Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005), the UN TIP Protocol (UN, 2000) and UNODC (2009:55) require the practise of professional victim-centred policing techniques that prevent the abduction, sale or traffic of children by any person. According to Newburn (2008:1), various agencies and individuals perform policing. Findings in this research indicate that policing involves investigation, training of police officials, awareness by the public on TIP and victims that needs to be identified and accommodated in safe houses.

The process of understanding the participants' understanding of policing was guided by legislative framework of what policing entails. The literature confirms the findings as indicated in the Constitution of SA (108 of 1996) and the SA SAPS ACT (68 of 1995), which includes the community in the policing of TIP.

The SA White Paper on Safety and Security (2015:29) confirms that professional policing is conducted by means of analysis of crime threats, intelligence forecasting, information sharing, analysing patterns and trends that involve integrated intelligence planning. The police need to develop local and global partnerships to deal with crime and this relates back to the nine principles of policing developed by Sir Robert Peel in 1829. The findings of this research relate to the inclusion of professionals to enhance successful policing of TIP. Bittner (1990:22), Reiss (1971:10) and Niederhoffer (2008:1) explain policing as, "a role performed by various professionals and non-police officials according to the needs of the community".

According to Farrell (2012:100), policing involves proactive investigative strategies. Crawford (2010:25) states that the police cannot prevent these criminal offences on their own and that demilitarisation of the SAPS and a holistic partnership approach with individuals, groups, organisations and government agencies in the community is important to pro-actively police TIP. Mawby (2008:17) states that policing is a process performed by different agencies or individuals in the prevention and investigation of criminal offences. These research findings indicate identification of the TIP victim is part of the policing process. Police officials as well as the community members need training in the identification of the victim and the offence of TIP. It appears that policing of TIP involves a complaint of TIP reported by the TIP victim, identification of the TIP victim by LE, faith-based organisations, the community or information on trafficking as obtained from informers. The findings addressed the aspects discussed in the literature, namely the identification and detection of crime that is important in the policing of TIP.

It is evident that policing refers to Section 252 entrapments, intelligence gathering, identification of 'hot spots' where trafficking occurs, information obtained in brothels, massage parlours, informers, Internet websites, communication between human resources with reference to interpreters, information from NGOs and information received from the community. The literature found that due to the hidden nature of TIP, the police face a number of challenges in the identification of the TIP victim.

The identification of TIP victims are included in the concept of policing by participants and correspond with Marenin's (2010:149) study that states a professional policing system with intelligent investigative skills is necessary to police transnational organised crime. Newham (2010:6-10) refers to the identification of geographical areas where TIP occurs and practicing of proactive policing methods of TIP.

Tong (2007:160), who argues that a detective needs to have good communication skills with a range of people, confirms the fact that policing involves communication between different role players. To police TIP, successful victim assistance is important. The provision of a variety of services to TIP victims is vital, as this will assist in the empowerment of the TIP victim to be safe and emotionally strong to ensure effective and pro-active policing of TIP. According to Hughes (1998:76), the police and other organisations can make a positive impact in the policing of a number of criminal offences, committed in society due to poverty and the lack of education. According to the participants, education on TIP in the community and SAPS officials is necessary to ensure effective education of all role players.

The literature indicates in Section 7(1) of the Constitution (108 of 1996) and the Bill of Rights that every citizen in SA must be free from, "slavery, servitude and forced labour". The Palermo Protocol and SA TIP Act (7 of 2013) state it is a criminal offence to utilise services provided through TIP victims. Policing is a service that should be conducted in a responsible manner (Joubert, 2010:18). The SA SAPS ACT (68 of 1995), states that police officials must adhere to the Code of Conduct and Batho Pele principles in service delivery. Service delivery concepts, as expected from police clients, are discussed in the Batho Pele principles with the focus on practicing effective and efficient client-based policing.

The Constitution of SA (108 of 1996) states that police officials must adhere to the protection of the fundamental rights of every person and exercise policing with, "integrity, impartiality, respect, courtesy and transparency". The SA White Paper on Safety and Security (2015:34) instructs a professional policing process that adheres to the rights of TIP victims.

For the purpose of this study, the researcher concludes that policing is a service-orientated concept, performed by skilled police officials, LE officials and NGOs. The policing of TIP involves communication between different role players. The concept of TIP and its policing involves intelligence gathering, intelligent investigative skills, knowledge on the identification of the criminal offence, identification of the victim of TIP, effective service delivery to the TIP victim and practising of the Batho Pele principles.

7.2.2 The partnership approach to the policing of TIP

The question on the partnership approach was put to the participants with the aim of determining the relevant role players in the policing of TIP and to obtain new knowledge regarding policing with the identified role players. Findings of this research indicated that relationships and partnerships should be nurtured to ensure professional policing of TIP. The TIP victim needs support from different role players and findings indicate that NGOs, the SAPS and LE are dependent on each other to ensure effective policing of TIP. Effective partnership approaches to ensure effective policing of TIP, are supported in the findings by SAPS, LE and NGO participants.

All the participants indicate there are specific individuals they would like to work with to enhance the policing TIP. It is clear that the SAPS and LE participants agree that NGOs definitely assist with policing of TIP in the form of awareness campaigns, education of SAPS and the public on the identification of TIP. The above-mentioned findings of this research support information in the literature that indicates the SAPS and LE need to work closely with NGOs, as they are most likely to first encounter with TIP victims.

The SA White Paper on Safety and Security (2015:39) states after 1994 the importance of community partnerships to provide effective and democratic policing were realised. Shearing (2010:31) indicates that in 1994 community policing was implemented in the SAPS and Burger (2011:145) states that from 1997 until 2000 the SAPS identified priorities and objectives based on a partnership approach in policing.

Crawford (2010:25) defines community policing as a policy and a strategy that aims to achieve effective control over criminal offences with the assistance of the community in policing Nel and Bezuidenhout (2010:28) confirm that the aim of a partnership is to close the gap that developed between the police and public over time. According to the SAPS Conference Report on Policing, (2010:17) policing strategies were implemented with the aim to mobilise role players from outside the police. The literature confirms in the SA White Paper on Safety and Security (2015:17) the need for a multi-agency approach where the police and community work together to police crime. According to the SA White Paper on Safety and Security (2015:27-28), police officials must receive specialised training in TIP and suggest partnerships to deal with TIP.

The highest law in the country, the Constitution (108 of 1996), strengthens the application of a partnership approach in the policing of TIP. The SA SAPS ACT (68 of 1995) states that democratic policing methods that include communities must be practised. The literature found that NGOs are the fastest growing category of organisations in Africa (Veit, 1998:54-84). This corresponds with the findings of SAPS participants indicating that effective policing of TIP in Cape Town is almost impossible without NGO assistance. NGO participants indicate that they accommodate children who are victims of TIP and although the placement of children involves certain procedures with the Department of Social Services, the NGOs accommodate mothers and their children to assist the SAPS and protect the TIP victims from further harm and trauma.

The literature refers to NGOs in the SA TIP Act (7 of 2013) as "an organisation including a government institution, accredited in terms of Section 24, to provide services to adult victims of trafficking". Section 24 of the SA TIP Act (7 of 2013) provides for the accreditation of organisations to provide financial assistance and services to victims of TIP. Section 25 of the SA TIP Act (7 of 2013) states that NGOs must provide accommodation to children who are victims of TIP. LE officials assist in policing and identification of TIP victims in the Cape Town area.

It became evident that policing involves a partnership approach and currently the HAWKS, LE and NGOs in Cape Town work in partnership to police reported TIP cases. According to Crawford (2010:25), the police need to work together with NGOs and community networks to fight crime. Crawford (2010:25) advised a partnership approach consisting of individuals, groups and government agencies in the community.

Further analysis concludes the findings that NGOs experience lack of funding, personnel, safe houses, rehabilitation centres, social workers, lack of capacity of people, lack of identification and response and lack of victim cooperation. Therefore, the partnership approach is supported by the SA White Paper on Safety and Security (2015:20) that indicates development of specialised democratic policing methods with reference to community policing and professional partnerships with NGOs.

The Batho Pele principles focus on service delivery in a democratic police environment. Findings indicate the importance of a trusting partnership between the SAPS, LE and NGOs. A professional partnership will enhance policing and assist TIP victims to heal and become part of society again, as role players actively practise their roles in policing TIP. Findings indicate that NGOs focus on assisting the SAPS in policing of TIP in the form of providing psychiatry and psychological assistance to the TIP victims. The SAPS conduct policing in the form of investigation and prosecution of TIP.

The literature found that the NCPS (1996) expects governments departments to work together and Section 206(3) of the Constitution (108 of 1996) of the Republic of SA stipulates that each police station should be required to promote good relationships between the police and the community. Arsovska and Janssens (2009:170) agree with Wesley and Hartnett (2007:178) that TIP victims should be allowed to make phone calls to their families, receive services of medical help and receive training in social skills to enable the TIP victim to recover on a physiological and psychological level. UNODC (2009:51) reports on the importance of implementing rehabilitation plans for TIP victims in the policing of TIP that involves a partnership approach between the police, community and TIP victims.

Findings of this research indicate the need of support systems in policing with reference to safe houses, medical care, trauma counselling, family re-unification, drug rehabilitation and providing translators to SAPS and LE. The literature corresponds with the findings in the study of Marais (2003:114) who indicates that the police cannot do effective policing in isolation and that policing where the community share information is vital. This confirms the finding of the necessity of professional partnerships with NGOs to ensure effective policing of TIP (Newham, 2010:6). The SA SAPS ACT (68 of 1995) also relates to the research findings by stipulating that CPF should promote communication, cooperation, transparency and service delivery between SAPS and the communities.

Research findings relate to Botha (2010:15) who states that SAPS need to develop local and global partnerships to deal with organised crime. Wesley and Hartnett (2007:178) confirm the importance of a partnership with the community to prevent TIP and the importance of committees in the communities to assist with surveillance in the policing of TIP. UNODC (2009:7) reports on the success in the policing of TIP when thousands of TIP victims were rescued in a partnership approach, between the community in Bangladesh and the local police. Wesley and Hartnett (2007:178) indicate the importance of the services of NGOs in the policing of TIP and describe how shelters should operate and assist the police in providing safe accommodation, food, clothing, access to medical assistance, psychological help, access to educational programmes, training in social skills, taking care and education of TIP victims.

This research finding relates to the fact that Newham (2010:6-7) states the importance of launching awareness campaigns and assistance to potential victims to obtain intelligence and police TIP. Newham (2010:6) confirms that police officials must establish professional partnerships with NGOs. It is clear in the research findings that participants understand the importance of a partnership approach in the policing of TIP. The SA White Paper on Safety and Security (2015:29-30) refers to the investigative capacity of the DPCI/ HAWKS to police organised crime and their responsibilities to ensure effective policing that includes external role players in the policing of TIP.

UNODC (2009:174) reports the necessity of the police and NGOs in awareness raising amongst risk populations and informing vulnerable communities of trafficking methods and networks. UNODC (2009:175) reports the necessity of regular training of police officials, individuals who have regular contact with TIP victims and implementation of pro-active policing. UNODC (2009:174) reports on the success achieved in the policing of TIP when NGOs and police officials worked in partnership in policing TIP in Bangladesh.

It was established that TIP could be associated with other criminal offences such as drug trafficking, false identification, organised crime and pornography. Arsovska and Janssens (2009:171) state that the investigation of TIP consists of re-active victim-led investigations that correspond with the findings of effective partnership approach and victim assistance. The HAWKS indicate that they cannot adhere effectively to the policing of TIP without NGOs assisting them with safe houses, translators, counselling and health services. Effective investigation of TIP is a priority in the SAPS strategic plan (Newham 2010:5-6).

Participants in the research are also seen as sources of information and UNODC (2009:15-16) relates to this as intelligence collection that is vital in the policing of TIP. UNODC (2009:175) states pro-active policing involves co-operation with organisations and risks populations. The participants in the research indicate 'hot spots' where trafficking occurs in Cape Town. Partnerships with LE and NGOs assist in the identification of TIP victims and geographical areas where TIP occurs. The HSRC (2010:5-7) reports that practising community-led policing principles will monitor the sexual offences trade for evidence of TIP. This confirms the findings of this research that NGOs see what is happening on the ground and that they educate the local police and community about TIP.

The importance of almost daily communication in the partnership approach is clear in the findings and corresponds with Van Rooyen (2010:45-46) who states that communication and co-operation between SAPS and communities improves service delivery. Mawby (2008:17) states that policing is a process performed by different individuals and/or agencies.

Hills (2007:42) states the importance of police-community relationships in Africa. In the literature, Crawford (2010:25) states that the police need to work together with NGOs and local communities to ensure effective policing of TIP.

The conclusion is made that a partnership approach is vital in the policing of TIP. The application of skills from role players is important and a partnership approach will ensure professional policing of TIP. Information shared and intelligence obtained by role players while policing TIP demands a partnership approach.

7.2.3 The challenges in the policing of TIP

The study analysed challenges in the policing of TIP in the Cape Town area. It appears that SAPS, LE and NGOs experienced challenges, which directly affect the policing of TIP. The interpretation of the findings on the challenges of policing TIP is supported by the existing literature in interpretation. Findings indicate that Cape Town is a city with numerous work opportunities and a place where people would like to stay. Unemployment and eagerness to explore a better lifestyle creates the opportunity for TIP to Cape Town. The literature reported by UNICEF (2015:51) confirms that the Chinese, Nigerian and Eastern Europe syndicates are actively involved in TIP to SA, for sexual and commercial exploitation. The HSRC (2010:14) reports that SA is a destination country for victims trafficked from Thailand, Philippines, China, Russia and the Ukraine.

Findings of this research indicate that in Cape Town TIP is a reality and the training needs of SAPS members in the identification and assistance of TIP victims, a policing challenge. This research established that TIP victims often do not realise they are victims of trafficking. There were concerns that the lack of proper training of SAPS officials on ground level and LE officials in the identification of TIP victims complicates the identification of TIP even more.

According to Farrell (2012:83), it is common for TIP victims to have a history of abuse and trauma, which makes it even more difficult for them to acknowledge that they are TIP victims. The HSRC (2010:5) indicates that the major contributor to TIP results from poverty and economic inequality.

These research findings correspond with the fact that poverty and inequality in impoverished rural areas make people vulnerable to TIP. In the literature the IOM (2008:20) report that poverty and inequality are linked with the increase of organised crime.

Policing in Cape Town is a challenge as traffickers are familiar with the four investigating officers, policing TIP, at the HAWKS. Traffickers knows the vehicles the HAWKS police with and NGO participants indicate the safety of TIP victims is a challenge as traffickers takes advantage of the fact that the SAPS is ignorant when it comes to the policing of TIP. Bermudez (2008:34) states that traffickers target impoverished rural areas in Cape Town and expose TIP victims to work in slave-like conditions. It is confirmed, in findings by the researcher, that poor people from rural areas in SA are trafficked for domestic servitude and sexual exploitation in Cape Town. O'Connell and Taylor (1996:11) state the policing of TIP activities is very relaxed in SA and confirms sexual exploitation of TIP victims in Cape Town. The HAWKS and LE indicates that TIP victims are kept in brothels and sold from one trafficker to the other. O'Connell and Taylor (1996:11) confirm that TIP victims are kept as prisoners in brothels.

The Belgium Annual Report TIP (2012:185) reports the lack of cooperation of TIP victims is exacerbated by the fact that they do not see themselves as victims of TIP and believe their circumstances are merely a form of bad luck. Findings indicate the successful identification of TIP victims depends on training and education of SAPS personnel. The Belgium Annual Report TIP (2012:185) reports that training forms a critical component to identify incidents of TIP properly and police officials need to know what they are looking for in attempts to identify TIP. According to Farrell (2012:93), it is most likely that police officials on patrol are the first responders who will encounter TIP victims and these police officials might not even realise that they are dealing with a TIP victim.

In this study, research findings indicate that the TIP victims fear the trafficker and do not trust the SAPS. The Belgium Annual Report TIP (2012:185) reports that TIP victims are afraid to file a complaint against the trafficker and the TIP victims tend to blame themselves for what happened.

According to the Belgium Annual Report TIP (2012:185) the investigating officer should inform the TIP victims of the services that can be provided to them and ensure professional victim support. Arsovska and Janssens (2009:170) confirm that there are many challenges in the policing of TIP as indicated in Chapter 3, Section 3.7.

This study indicates the challenge to find accommodation for underage TIP survivors as social services refer the children to NGOs. The SA TIP Act (7 of 2013:2), Section 1 together with Section 18(6) states that the Department of Social Services must assess children who are victims of TIP. Arsovska and Janssens (2009) state that the Australian police need to refer victims to social services. Participants indicate there is a lack of resources with reference to safe houses for males and children. Rehabilitation centres are a challenge as most of the safe houses in Cape Town only make provision for soft drug detox.

The HSRC (2010:4) reports that TIP victims often are involved in selling drugs to clients. Findings in this research indicate that TIP victims, who are addicted to drugs, want to return to the trafficker, as safe houses do not provide drugs. The trafficker who provides them with drugs, controls addicted TIP victims. It is evident that the TIP victim stays in debt with the trafficker and the shortage of substance abuse units in safe houses, with dedicated counsellors, to assist TIP victims in the recovery process remains a challenge in the policing of TIP.

This research established that police officials on ground level are uncertain of the processes to follow in the policing of TIP, which results in ignorance to police the criminal offence. Newham (2010:6-10) states that SAPS members do not know where to send TIP victims for professional assistance. The HSRC (2010:5-8) reports the lack of a strategic approach to police TIP and the lack of training SAPS members to identify where TIP occurs geographically in Cape Town. Newham (2010:6-10) states that extensive research will assist to identify geographical areas where TIP occurs. The HSRC (2010:5-7) report indicates that the SAPS must cooperate and communicate with border control agencies, immigration and labour offices to gather evidence in TIP cases with reference to legality of travel documentation.

The HAWKS participants indicate that the shortage of willing police officials to police TIP is a challenge itself. The shortage of professional translators to assist the HAWKS in obtaining statements and provide effective assistance where the TIP victims feel safe and comfortable is a challenge in Cape Town. Findings indicate that TIP victims just want to continue with their lives and go back to their families.

Arsovska and Janssens (2009:171) confirm the difficulty law enforcement officials experience when TIP victims are not prepared to testify in court. TIP victims, in Cape Town, are from the Philippines, Cambodia, Indonesia, China, Nigeria and other African countries. According to Strobel (2015:189-219) the poor state of policing in countries like Nigeria affects the policing of TIP negatively.

This study indicates the lack of competent and trustworthy interpreters to assist in the policing of TIP is a challenge. The SAPS relies on interpreters to provide them with information to conduct investigations of TIP effectively. Farrell (2012:98) states that in addition to training on how to identify incidents of TIP, successful identification of TIP is reliant on interviewing techniques and foreign language skills or access to professional interpreters. Policing itself is a challenge as TIP occurs in the Cape Town area and the HAWKS consist of only four specialised investigating officers who are involved actively in policing TIP in the Western Cape. Findings indicate that the HAWKS successfully investigate the practises of *ukuthwala* in Cape Town.

HSRC (2010:15), the US Department of State (2012:315 & 2013:333) confirm that women and girls from Mozambique, Zimbabwe, Russia, Bulgaria, China, Thailand, India and Ukraine are trafficked to SA for purposes of prostitution, domestic servitude, forced labour and *ukuthwala.* Findings, in this study, indicate that the trauma the TIP victim experienced effects the policing of TIP. The severely traumatised TIP victims choose to forget everything that happened to them and continue with their lives. UN.GIFT (2015:12) reports that TIP victims may experience 'flashbacks' where the victim feels abused all over again. Findings indicate that when policing TIP you need to develop a trusting relationship, listen to the victim and ensure their safety. To conduct effective policing, co-operation from the TIP victim is necessary.

Lyman and Potter (2011:407) confirm that the policing of TIP involves specialised policing methods. Police participants indicate that TIP offenders operate in syndicates. Findings in this research indicate that there is a system of relationships between traffickers, as TIP victims are sold from one trafficker to the other. Lyman and Potter (2011:229) describe organised crime as groups of syndicates, in a system of power relationships, between criminal groups performing illegal activities such as large scale heroin trading and trafficking in women.

UN.GIFT (2015:23) states that an organised criminal group consists of three or more persons that act together to commit a single or a series of serious offences with the goal of obtaining financial benefits. Arsovska (2008:50-63) confirms that policing of TIP offenders requires specialised police officers due to the fact that when TIP offenders suspect police investigation, they keep a low profile to ensure no attention is attracted that can expose them to the criminal offence of trafficking. It is expected that the SAPS should have trained and trustworthy police officials to police TIP cases. The literature confirms in Tong (2007:189) that, "a detective is an open-minded person who can easily report and is aware of the consequences of their behaviour".

Based on findings of this research various everyday challenges exist in the policing of TIP. TIP victims are often under the influence of alcohol and drugs, they are not aware that they were trafficked, are very traumatised, the slow response of Home Affairs to provide TIP victims with documentation to stay temporarily in SA and the long process until the case is finalised in court are everyday challenges. The literature indicates in Farrell (2012:105) that TIP cases are difficult to police, because it is difficult to obtain evidence that correlates with the victim's testimony. When cases are prosecuted, the credibility of the TIP victim is often undermined (Farrell, 2012:105). In this study, findings indicate that TIP victims are scared of the trafficker and do not trust the police.

The HSRC (2010:63) indicates that witnesses sometimes disappear or they are scared to inform the police of the TIP business. The HSRC (2010:63) reports the lack of co-operation of TIP victims makes it difficult for the police to obtain information of the main traffickers.

Police participants indicate the need for unmarked SAPS vehicles and offices where the TIP victim can feel safe and assist the police, HAWKS, effectively with information to arrest traffickers. Botha (2010:15) argues that in policing of TIP, SAPS needs to explore beyond traditional policing techniques.

It is evident that various challenges exist in the policing of TIP. The challenges impact on the effectiveness of role players in the policing of TIP. The resources are necessities to ensure effective intelligence gathering, victim identification and victim support to TIP victims.

7.2.4 Best practises in the policing of TIP

Najemy (2010:179) states that SA signed international agreements to demonstrate that the country takes responsibility to police TIP effectively and protect the human rights of all citizens. Therefore, the application of best practises in the policing of TIP in SA is a necessary. Findings in this research indicate that police participants follow and are aware of formal protocols to ensure quality service delivery to the TIP client.

The literature corresponds with the findings as the TIP Act (7 of 2013:38) indicates policing measures to combat trafficking in SA, bring domestic legislation in compliance with international standards as set out in the Palermo Protocol ensure appropriate penalties for perpetrators and protection of TIP victims. According to the SA White Paper on Safety and Security, (2015:38) police officials must apply a victim-centred approach to ensure professional policing of TIP.

The SA TIP Act (7 of 2013:22-24) provides the power to police officials to investigate TIP and related offences. Section 24 of the SA TIP Act (7 of 2013:32) states for the SAPS to work together with NGOs or accredited organisations to provide the necessary support to TIP victims. The SA TIP Act (7 of 2013:24) states that should the police have reasonable grounds to believe a person is a victim of TIP; they need to arrange temporary, safe care with an accredited NGO. The SA TIP Act (7 of 2013:8) defines an accredited organisation as an organisation that includes government institutions to provide services to victims of TIP.

It is evident that participants would like to work with Social Development with reference to the placement children who are victims of TIP. The literature confirms this and the SA TIP Act (7 of 2013:50) indicates that the Department of Social Development must assist the police to provide support to TIP victims.

The practising of client service policing methods is indicated in findings and implementation of NI 2/2010 to ensure professional victim support to TIP victims. The Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005:55) requires professional victim-centred policing techniques. UNODC (2009:174) states criminal offences that affect the rights of human beings must be dealt with in a multi-agency and client service based approach.

This research indicates that a trusting relationship with the TIP victim and effective communication between all role players are vital. Findings in this study indicate that role players should realise they all work towards the same goal and trusting relationships with clients, networking and education can result in effective policing strategies. The literature confirms that police officials must apply the Code of Conduct in the policing of TIP.

In this research, all the participants indicate that there is a need for role players in policing of TIP to stay in contact and provide feedback to each other. The Code of Conduct refers to practising the values of, "honesty, integrity, transparency, impartiality, respect and courtesy" in active policing of TIP. Findings indicate that TIP victims often blame themselves for what happened. The SA White Paper on Safety and Security (2015:33) instructs the policing process to be professional and adhere to the service delivery rights of the victim. This study confirms the need for a victim-centred approach and effective networking between role players in policing. The SA White Paper on Safety and Security (2015:33) indicates that intervention on the policing of TIP, where all role players in policing are included, is vital for best practises in the policing of TIP. Findings in this study indicate that other role players in the policing of TIP trust the HAWKS. The literature indicates that the HAWKS form part of the DPCI and the SA White Paper on Safety and Security (2015:29) supports operational independence of the DPCI to investigate without undue influence.

Successful policing of TIP requires intelligence, specialist teams, education and investigation that go hand-in-hand. The SA TIP Act 2013. 130) explains how the police should facilitate the policing of TIP to ensure best practises.

In this study, findings indicate there is a need for the SAPS, different NGOs, LE, the Missing Persons Bureau and prosecutors to work together. The SAPS Conference Report on Policing (2010:17-18) reports that the main purpose of a partnership is to ensure effective communication between the police and role players in policing. All participants indicate that trust of victims is broken and a trusting relationship is necessary to enhance successful policing of TIP. The South African, NCPS (1996:6), includes the national programme on victim empowerment with the focus on training police officials and justice personnel on victim sensitivity and referrals to service providers for trauma counselling.

The NCPS (1996:6) indicates that the implementation of victim support programmes will enhance policing in TIP, as victims will feel supported and empowered. Based on these research findings, TIP victims should realise that TIP can happen to anyone.
In the literature, the SA White Paper on Safety and Security (2015:28) ensures quality service delivery to the public and effective policing to protect citizens from crime. According to the SA White Paper on Safety and Security (2015:28), the SA government's Vision 2030 sets the provision of safety to all SA citizens and application of an integrated policing approach that includes community involvement. Findings in this study indicate that best practises involve fast responses to TIP and better relationships to ensure effectively policing of TIP. The SA White Paper on Safety and Security (2015:28) entitles SA to a disciplined, professional police service that delivers a service of high quality.

The importance of trained police officials to ensure best practises in the policing of TIP is indicated in this research finding. The SA White Paper on Safety and Security (2015:19-20) states that police officials must receive professional training in specialised fields, with specific reference to TIP. The professional ethos of the SAPS refers to the culture, competence, values and discipline of police officials. Section 199(1) of the SA Constitution (108 of 1996) states the importance of professional police services and the development of specialised units.

7.3   SUMMARY

In this chapter, the themes identified during individual interviews with participants who are actively involved in the policing of TIP, in Cape Town, were discussed. An analysis of the themes indicates that different professional role players are vital to ensure effective policing of TIP. It is evident that partnerships with NGOs, LE and other departments will enhance a joint effort to ensure effective policing of TIP. All the skills of the different role players are required to enhance the effective policing of TIP. The next chapter summarises this study, presents a conclusion and makes recommendations on the critical understanding of the policing of TIP.

CHAPTER 8
SUMMARY, RECOMMENDATIONS AND CONCLUSION

8.1   INTRODUCTION

This chapter presents a summary of this study and conclusions drawn about the critical understanding of the policing of TIP. This chapter indicates whether the objective of this research was to provide clarity on the concept policing and the possible inclusion of NGOs in the concept "policing" in the Cape Town area. The summary indicates the participants involved in the study and to what extent the research problem is answered. In the previous chapter, research findings were presented as obtained from experienced participants in the policing of TIP.

Based on the findings, recommendations on what the concept policing of TIP entails are presented in this chapter. Recommendations based on the findings from identified themes may assist the management of SAPS with the implementation of effective policing methods in the policing of TIP. Finally, a conclusion of this study and the need for further research will be provided, at the end of this chapter.

8.2   SUMMARY

The aim of the study was to obtain an understanding of the concept policing of TIP by SAPS and NGOs in the Cape Town area. Chapter 1 provides an outline of the problem statement. The objectives of the study were discussed. Chapter 2 discussed the legal framework of TIP on a national and international level. Chapter 3 presented the literature on the perspectives and nature of policing. The literature on the nature and extent of TIP are discussed in Chapter 4. Chapter 5 deals with the research methodology, describing the qualitative research approach, population and sampling, data analysis and ethical considerations applied in the research. Research findings based on data collected via individual interviews were presented in Chapter 6. Chapter 7 discussed the analysis of themes as identified during individual interviews with participants. Chapter 8 offer the summary, recommendations and conclusion based on the interpretation of data provided in Chapter 7.

The first objective of this research was to explain the term policing of TIP in a South African context. To meet this objective an overview of the legal framework and the literature were provided. This study strove to identify NGOs and other role players and determine their role in the policing of TIP in the Cape Town geographical area. Thirdly, international best practises were identified in partnerships between police organisations and NGOs in the policing of TIP. Finally, the challenges were researched to enable successful partnerships between SAPS, NGOs and LE and the researcher reflected on the outcome of the results and made recommendations on the said results. It was established that in the Cape Town area NGOs and LE, are actively involved in the policing of TIP. The HAWKS indicated that it is impossible for them to police TIP without assistance of NGOs and LE. The study strove to identify the level of understanding of a partnership approach between SAPS, LE and NGOs. The definite need was identified to establish a partnership approach between active role players in the policing of TIP.

The purpose of conducting this research was to identify NGOs and other role players and establish their role in the policing of TIP. It emerged during the individual interviews that the SAPS, NGOs and LE need each other in a partnership approach and that they are all involved in the policing of TIP. The participants had an excellent theoretical and practical understanding of TIP. The majority of participants agree that different role players are involved in the policing of TIP. The participants of the NGOs and LE had a limited understanding of the theoretical concept of policing, but all participants agree they need each other in the process of policing TIP. The participants from NGOs and LE indicate that they know what policing entails, but they were hesitant during the explanation of the practical aspects of policing as they know where they assist the police, but were not quite sure how they fit into policing. However, after the individual interviews they indicated that no organisation could police TIP in isolation, due to the victim support needed and the complexity of the criminal offence.

With regard to the identification of NGOs and LE officials, the role players were eager to refer the researcher from the one role player to the other to obtain information. The participants indicated the lack of training of police officials on ground level and the challenge to identify the criminal offence and victims of TIP.

There is a definite relationship of trust between the HAWKS, NGOs and LE officials. However, a lack of trust exists between police officials on ground level and other role players in the policing of TIP. The TIP victims do not trust the SAPS and, therefore, it is important to train investigating officers with specialised skills to police this criminal offence and develop trust between the SAPS and TIP victims.

From the results of this study, it is concluded that a professional partnership approach can be developed between the SAPS, NGOs and LE. The working relationship between the HAWKS, NGOs and LE indicates a partnership, although the participants do not realise that they actually work in a partnership approach. However, it is a challenge to get police officials, on ground level, involved in the partnership of policing TIP. Police officials on ground level are not trained on the policing of TIP and ignorant to the criminal offence of trafficking. These police officials, NGOs and LE must be aware of each other's role in the policing of TIP in the Cape Town area. The process of communication should be clear amongst all role players and they must be familiar with whom to contact for professional assistance. Effective networking and communication goes hand-in-hand. The HAWKS, NGOs and LE are currently actively involved in the policing of TIP.

TIP is a challenge in Cape Town and with reference to the 'hot spots' as indicated in the research, it is impossible for the experienced individuals to police TIP on their own. TIP is a specialised criminal offence and to police the covert activities of TIP syndicates successfully demands more skilled police officials as well as LE and NGO participation. The police officials, HAWKS, and other role players in the policing of TIP are familiar with processes and procedures when it comes to best practises in the policing of TIP. The experienced personal would like to share their knowledge and skills to ensure effective policing of TIP. Currently the HAWKS, LE and NGOs distribute pamphlets on TIP to enhance awareness amongst communities and police officials on ground level.

8.3 MEASURES TO ENSURE SUCCESSFUL IMPLEMENTATION OF POLICING OF TIP

In the following sections, findings are summarised and recommendations made regarding the implementation of successful policing of TIP in the Cape Town area. The figure below illustrates the process of implementing successful policing of TIP.

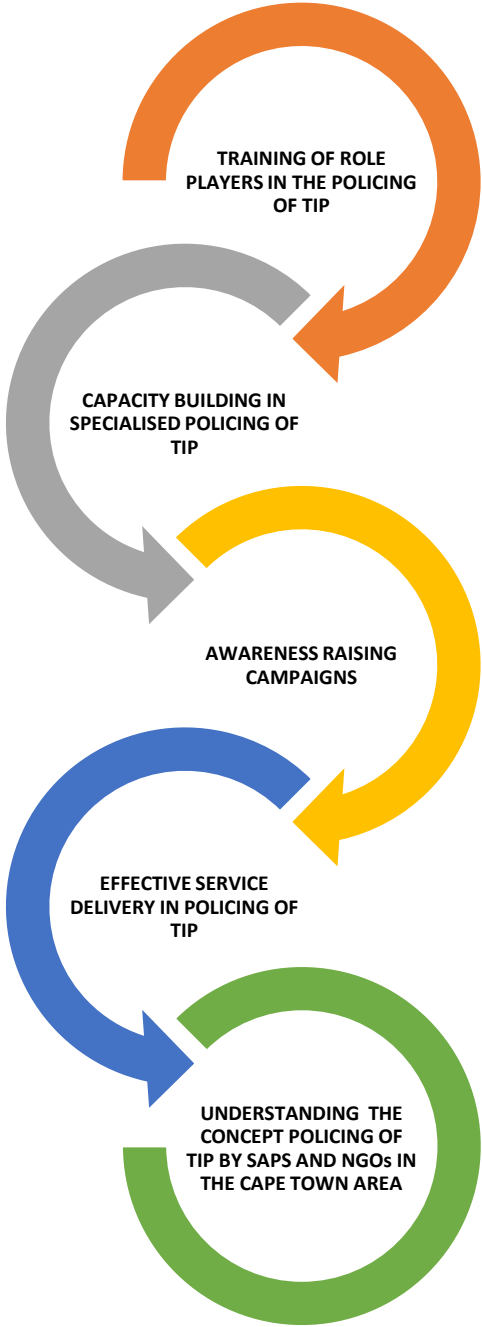**Process of implementing successful policing of TIP**

Figure 8.1: Process of implementing successful policing of TIP

8.4 RECOMMENDATIONS

Based on the summary above, recommendations are made on the challenges of policing TIP. In an empirical study, the value of recommendations is that it focusses on aspects deduced from the study. The challenges on the policing of TIP were identified and recommendations proposed, derived from the findings made in this study.

Training and capacity building of all the role players involved in the policing of TIP is fundamental. The SA TIP Act (7 of 2013) states the steps in the policing of TIP and indicates the role players involved. Understanding the application of the SA TIP Act (7 of 2013) will empower SAPS police officials and other role players in the policing of TIP. Training on effective policing and witness protection is important. The role players in the policing process should know how to practise effective networking skills and professionally assist each other.

8.4.1 Training of police officials and other role players in identification and policing of TIP victims

Awareness raising on TIP amongst police officials and other role players in the policing of TIP is important. Therefore, it is vital for police officials and other role players in the policing of TIP to identify TIP and know the channels of communication with the specialist on TIP, the HAWKS, to police the trafficking syndicates or networks in a professional manner. Police officials on ground level and other role players should receive training to identify TIP and the TIP victim, as this will enable them to report the offence of TIP to police officials who specialise in the policing of TIP. Training on screening and identification methods to identify TIP is important for all police officials and other role players. However, it is not necessary for all police officials and other role players to become specialists in the field of TIP.

The screening form the HAWKS use to determine whether a person is a TIP victim should be distributed and utilised that all police officials and other role players know how to identify a TIP victim. An example of this screening form is attached as per Appendix G. Police officials and other role players should have a thorough understanding of trafficking and the processes in the policing of TIP.

Practicing the law on victim assistance according to the SA TIP Act (7 of 2013) should be included in the training. Statement taking and the gathering of relevant evidence to prove the case in court are vital. The role players should also receive training on how to create trusting relationships amongst each other. Training in the use of police traps and observing the exchange of money to use as evidential material, in proving the criminal offence, is a necessity for specialists in the policing of TIP.

Training of police officials and other role players, on ground level, should focus on victim assistance, the rights of victims, receiving a telephone call of a TIP victim and the identification of TIP victims. The TIP victims require professional assistance from all role players in the policing of TIP. The TIP victim can provide proof that trafficking is taking place and guide the police and other role players with valuable information to police trafficking effectively. Police officials and other role players to receive training on aspects such as TIP victims who do not see themselves as victims, that they mistrust the police and fear the trafficker. Police officials, LE officials and NGO personal must know how to identify a TIP victim.

Police officials and other role players should have access to sources of information that can assist them in the identification of the TIP victim. The police officials, LE and NGO personal need training in skills to identify TIP victims. Identification of the TIP victim is possible by evaluation of the TIP victim's body language. Should the trafficker force and exploit the TIP victim, surveillance techniques can be conducted to obtain evidential material on the exploitation of the TIP victim. The TIP victim's safety is a priority and therefor accommodation in a place of safety and effective counselling, should be provided. Information of missing persons must receive immediate attention and a Missing Persons Report compiled.

The police should take into consideration that the criminal offence of trafficking might be a possibility. Effective networking between SAPS, LE and NGO, the Pink Ladies, will assist to locate the victim, before it is too late. Police officials and other role players must also know that the TIP victim will most likely be under the influence of drugs when rescued.

Before the TIP victim can provide information to the police and other role players, the TIP victim must be accommodated with rest and the luxury of feeling safe. Role players in policing should know that for TIP victims it is a shame to be trafficked, as they feel embarrassed and experience a lack of social support. This is especially true for men exploited in domestic labour, who thought they could earn money in Cape Town and provide sufficient support to their families. The TIP victims are embarrassed and the fact that they are isolated from society makes their situation even worse. The victims do not identify themselves as victims of TIP. The lack of knowledge of the SAPS and other role players, threats by the trafficker that the SAPS works with them, drug addiction and language barriers makes the situation even worse for the victim.

Role players in policing should be aware of the fears the TIP victims experience. The fear of being assaulted and killed, should the TIP victim not adhere to the traffickers instructions. The fact that the victim, most of the time, is involved in selling drugs for the trafficker makes them afraid of the SAPS and role players who can provide them with assistance. The TIP victims are aware that they are involved in illegal activities themselves, as the trafficker forces them to commit criminal offences. The victims are unaware of their rights and that the SAPS, LE and NGOs want to assist them to re-unite with their families. The TIP victims just want to continue with their lives after this horrific experience. The CJS process is too long and, therefore, the TIP victim prefers not to proceed with a criminal case. Therefore, the CJS personal and all role players should be trained to streamline the criminal prosecution process.

8.4.2 Evidence collection

The police officials and other role players must know which evidence to collect at a crime scene. Police officials indicated the need to obtain the TIP victims' statement as evidence on how the victim was trafficked, exploited, the process of debt bondage and all the information to ensure *prima facie* evidence is available to prove the case in court. Training on the *modus operandi* of the trafficker is vital. Police officials and other role players should receive training on the fact that they cannot obtain statements from traumatised victims. Conflicting statements will influence the credibility of the witness in court. Police officials and other role players should know which questions to ask to prove the criminal offence of TIP.

Training on the type of evidential material to be collected on a crime scene to prove the crime committed are a training need. Legal aspects of search and seizure on TIP crime scenes should be included in the training modules. This will ensure the admissibility of evidential material in court. The search of a crime scene and obtaining of evidence is crucial for successful investigation and prosecution of a criminal offence. Police officials and other role players should know that the crime scene must be protected, photographs of evidence obtained and evidence captured on a video camera. Evidence found on the crime scene, for example drugs, to be seized and legal procedures followed to ensure lawful safekeeping of the evidence until it is needed in court.

Important notes on evidence found on the TIP crime scene are important to ensure effective investigation of the criminal offence. The evidence can assist in the investigation, interviewing of witnesses and interrogation of suspects. Availability of interpreters will ensure effective communication on the crime scene and accurate statements for successful prosecution. Training will ensure admissibility of evidence obtained through Section 252 entrapment processes. Police operations should be conducted in nightclubs, brothels, accommodation houses and massage parlours to gather information on TIP. Police officials and other role players must know the evidential value of medical examinations. All the role players should be aware of the necessity of the completion of the prescribed police form, J88, by the doctor as medical evidence in the criminal case. The J88 is important evidence in the prosecution process indicating the physical injuries on the TIP victims' body.

Police officials and other role players should receive training on surveillance techniques in the process of obtaining evidential material. Implementation of surveillance techniques, by foot and car, will assist in obtaining evidential material. All the role players should know that the information could assist to construct a profile of the trafficker and indicate their daily activities. The information will lead to the identification of the syndicates *modus operandi* and exposure by the police and other role players.

8.4.3 Effective service delivery in the policing of TIP

Language barriers are a challenge in the policing of TIP. The process to obtain a reliable interpreter in SAPS is difficult. The SAPS and other role players must work on processes and make it easier for investigating officers to obtain translators. The investigating officer cannot adhere to the victims' need or practise service delivery according to the Batho Pele principles when it comes to the rights of the victims to receive effective service delivery in the language of their choice. Effective communication and feedback to the TIP victims is impossible when language barriers occur. The victim's needs must be addressed, taking into account that the victim can only communicate effectively in their own language.

Therefore, networking between all role players in the policing of TIP is important. All role players should assist in the compilation of a database, consisting of reliable interpreters in the Cape Town area. The interpreters on the database must provide a professional service to the SAPS and other role players in the policing of TIP. This will assist the HAWKS, LE and NGOs as information provided by the TIP victim can be followed up immediately. Information will be available to trace and arrest the traffickers. Effective communication with the TIP victim via reliable translators can ensure possible rescuing of TIP victims.

In Cape Town, the only police station that can assist TIP victims with basic needs is Cape Town Central. Victim-friendly service delivery is necessary, as victims feel safe, food is available as well as clothing and trauma counselling. Trauma rooms should be available at all the SAPS stations in Cape Town. Members of SAPS and other role players should receive training in trauma counselling.

Role players in the policing of TIP are aware that drug trafficking is often associated with TIP. Traffickers control TIP victims by ensuring that the victims get addicted to drugs. Victims often need to sell drugs on behalf of the trafficker and this makes them even more vulnerable to exploitation as the trafficker tells the victims that the SAPS and other role players will not assist them, but put them in prison for dealing in drugs. Addiction follows and the victims become even more dependent on the trafficker as they stay in debt and cannot survive without the drugs.

The necessary funding for safe houses and rehabilitation centres to enable them to present in-house therapy programmes to TIP victims, can assist with the rehabilitation and integration of TIP victims in the community. Therefore, safe houses equipped for drug rehabilitation of victims will assist in the policing of TIP. Professional rehabilitation centres with trained personnel to assist victims through the rehabilitation process is a necessity. Safe houses that are fully equipped with the necessary services will make the victims feel safe and they will be empowered to take control over their lives again. The appointment of multi-cultural police teams, consisting of language and cultural experts, will have a tremendous impact on effective service delivery in the policing of TIP.

8.4.4 Awareness raising campaigns on TIP

The role players in policing of TIP should ensure that the community is educated on TIP. Community co-operation can assist in awareness raising of TIP in schools, churches and amongst vulnerable people in communities. Community members must be aware of the different types of exploitation of TIP victims. This will enable community members to identify domestic servitude, street begging, selling of drugs, sexual exploitation and work in the agriculture sector that might involve trafficking. Awareness campaigns will assist to prevent TIP and empower high-risk groups as they will be aware of the dangers of trafficking.

The role players in the policing of TIP should educate children in schools on TIP. Children should be educated on their level of understanding of what trafficking entails and that they should tell their parents or somebody they trust should they feel unsafe. CPFs, where station commanders and communication officers are actively involved are forums where the community can receive education on TIP. The distribution of pamphlets with information about trafficking is a form of awareness raising, especially in areas where TIP occurs. Awareness raising on the helpline launched by A21 is to report trafficking or any information on trafficking. Information about the helpline must be available to the public and role players in the policing of TIP.

The 24 hour helpline provides information on interpreters, what to do should a person suspect trafficking, who to contact, and guidance to access services. The public and victims of TIP should feel free to report cases of TIP to all role players in the policing of TIP. The community should be informed on how to protect themselves from traffickers and to be cautious about job offers that sounds too good to be true. Students should be aware of the dangers of TIP.

8.4.5 Capacity building in the specialised policing of TIP

In the Western Cape the capacity of specialised police officials actively investigating TIP cases, consist out of four investigating officers. It is expected from SAPS police officials to be highly skilled, innovative and to understand how to respond to TIP. Therefore, capacity building in SAPS to ensure effective policing of TIP is a necessity. The dedicated focus should be on developing and equipping detectives with the necessary skills to investigate organised crime. The manpower of LE officials is limited as two officials are trained to identify TIP victims. NGOs experience a need for capacity building of personnel that can assist in medical examinations, psychiatric care, social care and counselling of TIP victims.

Although these people are dedicated, it is impossible for them to police TIP effectively, in isolation. The lack of capacity in reliable interpreters to ensure effective communication between SAPS, LE, NGOs and the TIP victims is a challenge. The indicated role players rely on the interpreter to provide them with information about the trafficking incident. Capacity building and training of role players involved in the policing of TIP is a necessity. TIP is a hidden criminal offence and, therefore, investigating officers and role players must receive in-depth specialised training from experienced investigating officers, directors of safe houses and professional role players. The sharing of skills and teaching of effective interviewing and interrogation techniques is vital. Suspects in TIP are professionals in syndicate networks and, therefore, investigators must know how to apply effective interrogation techniques.

Effective policing of TIP is possible in partnerships with relevant role players. Role players must be familiar with one another and role clarification of expectations in the partnership. Where role players experience resource challenges, they develop the ability in successful partnerships to provide professional service delivery.

A partnership approach will assist in reducing and combatting TIP. Relationships will be better in a partnership approach as communication will take place on a regular basis. Therefore, building a partnership approach with communities will provide new ways of sourcing intelligence on TIP. A demilitarised approach, through partnership in the policing of TIP, is necessary to ensure that policing returns to adherence of the Constitution of the Republic of SA (108 of 1996).

Implementation of the SA TIP Act (7 of 2013) is important and all police officials should police TIP according to the SA TIP Act (7 of 2013). Police officials should know that trafficking according to the act involves recruitment, transportation and exploitation. Practical implementation of the SA TIP Act (7 of 2013) can be effective, should police officials and other role players understand the application thereof. Shelter, rehabilitation services, reintegration services, regular meals, basic medical care, toiletries, access to medical care, psychosocial care, legal assistance and recreational activities should be available and provided to the TIP victim, according to the SA TIP Act (7 of 2013).

The correct application of the SA TIP Act (7 of 2013), the Palermo Protocol and adherence to international agreements signed by SA is vital in effective policing of TIP. Effective and professional policing of TIP involves the application of relevant sections of the SA Constitution (108 of 1996), SA SAPS ACT (68 of 1995), the SA White Paper on Safety and Security (2015), the Code of Conduct of the SAPS, NCPS (1996) and Protocol on the African Charter on Human and Peoples' Rights (African Charter, 2005).

Police officials and other role players must know how to police according to the SA TIP Act (7 of 2013). The TIP screening form should be available on the police information system for implementation by police officials, LE and NGOs. Police officials and other role players should know and be informed of the SA National Human Trafficking resource line, 0800 222 777, to report suspected TIP. Victims of TIP and the communities should be aware of the existence and purpose of the resource line.

8.5   CONCLUSION

This study dealt with the critical understanding of the policing of TIP in the Cape Town area, determining the importance of partnerships in the policing of TIP. Challenges in the implementation of the partnership approach, at grass-root level, in the policing of TIP were identified. Partnerships that include a dedicated strategy will ensure effective service delivery in the policing of TIP.

The findings and recommendations outlined above are useful in professional policing of TIP. On-going research on the policing of TIP that involves partnerships in other areas of SA will assist in developing a workable structure in the policing of TIP. The partnership role and networking in the policing of TIP cannot be over emphasised. Further research in South African provinces will bring role players in the policing of TIP together to ensure effective policing of the criminal offence on a national and an international level.

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APPENDIX A: CODING: PARTICIPANTS IN RESEARCH

NGO 1: Development Manager

NGO 2: Programme Director

NGO 3: Development Manager

NGO 5: Social worker

NGO 6: Programme Director

NGO 7: Director

NGO 8: Social worker

SAPS 1: Co-ordinator TIP: Western-Cape / Investigating Officer HAWKS

SAPS 2: Investigating Officer HAWKS

SAPS 3: Counsellor: SAPS

SAPS 4: Communication Officer: TIP – Cape Town

LE 1: Investigating Officer TIP – Vice Squad

LE 2: Investigating Officer TIP – Vice Squad

LE 3: Investigating Officer TIP – Vice Squad

APPENDIX B: PERMISSION TO DO RESEARCH IN SAPS

South African Police Service *Suid-Afrikaanse Polisiediens*

Privaatsak Private Bag	X9004 CAPE TOWN	Faks No. Fax No.	021 417-7416

Your reference/U verwysing: My reference/My verwysing:	25/7/2/1(201500011)	THE PROVINCIAL COMMISSIONER DIE PROVINSIALE KOMMISSARIS
Enquiries/Navrae:	Brig Heilbron SAC Hoko	WESTERN CAPE / WES-KAAP 8000
Tel:	021- 4177203/529	

Station Commanders
SAPS Sea point, Stellenbosch SAPS, Atlantis SAPS, Cape Town Central SAPS, Khayelitsha SAPS, DPCI Cape Town, Cape Town Crime Intelligence, FCS Paarl, Paarl East FCS, Mbekweni FCS, Goodwood FCS, Athlone FCS, Khayelitsha FCS
South African Police Service
Western Cape

> **APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL HAUPT**

1. Lt Colonel Haupt, a registered student with University of South Africa, doing her master's degree in Social Work, who aims to explore the understanding of the policing of human trafficking in a South African context, which was approved by the Provincial Commissioner.

2. Please find attached the approved documents together with the indemnity, condition and undertaking signed by the researcher for your information.

3. As per information note approved by the Provincial Commissioner, Lt Colonel Haupt will conduct her research at your relevant stations and we request your assistance in this regard.

4. Your contact details will be forwarded to the researcher and she will be in contact with your office in due course.

5. Please acknowledge receipt of this letter and forward it back to our office.

Thanking you in anticipation

_____ MAJOR
F/PROVINCIAL HEAD: QD AND STRATEGIC MANAGEMENT
WESTERN CAPE
F GREEFF

DATE: 2015___/___/___

SOUTH AFRICAN POLICE SERVICE   SUID-AFRIKAANSE POLISIEDIENS

INFORMATION NOTE

REF NO   :   25/7/2/1(201500011)

DATE   :   2015/01/22

TO   :   The Provincial Commissioner:
South African Police Service
WESTERN CAPE

FROM   :   The Provincial: Commander
Strategic Management
WESTERN CAPE

Compiled by: SAC Hoko

APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL IC HAUPT

1. A request was received from Lt Colonel IC Haupt, attached at Paarl Academy, a registered student at University of South Africa doing Masters in Policing, who aims to explore the understanding of the policing of human trafficking in a South African context.

2. The applicant's proposal has been perused, evaluated and recommended by Head of Strategic Management, Pretoria.

3. The aim of the research is:

   - to identify NGO's and determine their role in Policing of Human Trafficking in the Boland and Cape Town geographical areas;
   - to identify international best practices in partnerships between Police Organisations and NGO's in the Policing of Human Trafficking;
   - to determine the challenges in establishing successful partnerships with NGO's in the Policing of human trafficking;

4. Lt Colonel IC Haupt has indicated that she will interview a minimum of 15 police officers, attached to Police stations and detective units in the Boland and Cape Town areas.

APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL IC HAUPT

RECOMMENDATION

5. This office has perused the application and concurs with the recommendation of the National Office that the application be approved, but subject to the following conditions:

   - the researcher will respect the privacy of the members and will not divulge any information received from the officers of the Service and that such information will at all times be treated as strictly confidential;
   - the interviews are confined to the conducting of the said interviews with the members at the identified station;
   - the researcher should bear in mind that participation in the interviews must be on a voluntary basis;
   - if information pertains to the investigation of crime or a criminal case, the researcher must acknowledge that she, by the publication thereof, may also be guilty of defeating or obstructing the course of justice or contempt of court;
   - the researcher will complete an indemnity form prior to the commencement of her research, in terms of which the SA Police Service is indemnified against any injury, personal damage or any loss suffered during the research;
   - the researcher will conduct the research without any disruption of the duties of the members of the Service;
   - prior arrangements must be made timeously with the Commander of such members to be interviewed to ensure that service delivery is not hampered;
   - the researcher may not take photographs of any office or state building as that may compromise security of the police station, and is prohibited by law;
   - the researcher makes prior arrangements in writing with the office of the Provincial Commissioner in order to conduct the interviews at the mentioned station;
   - the final draft document will be tested with the Provincial Commissioner: Western Cape and the Divisional Commissioner: Detective Service to confirm whether the research ethics have been adhered to, prior to the publication of the research article/report, and
   - the researcher will donate a copy of the research work to the Service.

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APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL IC HAUPT

RECOMMENDED / NOT RECOMMENDED

Based on conditions set out in
paragraph five (5).

_____ COLONEL
PROVINCIAL COMMANDER: STRATEGIC MANAGEMENT
WESTERN CAPE
ZG DOUSE

DATE 2015 / 01 / 22

RECOMMENDED / NOT RECOMMENDED

_____ BRIGADIER
PROVINCIAL HEAD: OD AND STRATEGIC MANAGEMENT
WESTERN CAPE
HD HEILBRON

DATE 2015, 0/ , 25 .

3

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APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL IC HAUPT

RECOMMENDED / ~~NOT RECOMMENDED~~

The application is supported subject to compliance with the set conditions.

BRIGADIER
ACTING/PROVINCIAL HEAD: LEGAL SERVICES
WESTERN CAPE
FM MBEKI

DATE 2015 01 / 27

RECOMMENDED / ~~NOT RECOMMENDED~~

_____ **MAJOR GENERAL**
DEPUTY PROVINCIAL COMMISSIONER: PHYSICAL RESOURCE MANAGEMENT
WESTERN CAPE
R FICK

DATE 2015 / 01 / 29

APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL IC HAUPT

RECOMMENDED / NOT RECOMMENDED

_____

_____ MAJOR GENERAL
DEPUTY PROVINCIAL COMMISSIONER: OPERATIONAL SERVICES
WESTERN CAPE
SJ JEPHTA

DATE 2015/ 01 / 30

RECOMMENDED / NOT RECOMMENDED

_____

_____ MAJOR GENERAL
DEPUTY PROVINCIAL COMMISSIONER: HUMAN RESOURCE MANAGEMENT
WESTERN CAPE
HS BURGER

DATE 2015/ 01 / 30

APPLICATION TO CONDUCT RESEARCH WITHIN SAPS: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING: MASTERS DEGREE: UNISA: RESEARCHER: LT COLONEL IC HAUPT

APPROVED / NOT APPROVED

_____
_____
_____
_____
_____

LIEUTENANT GENERAL
PROVINCIAL COMMISSIONER: WESTERN CAPE
AH LAMOER

DATE 075, 02, 03

APPENDIX C: INFORMED CONSENT FORM

INFORMED CONSENT FORM

Affiliation: Student

Researcher: Irma Cornell HAUPT

Title of Study: An understanding of the policing of Human Trafficking.

Purpose of Study:

The research study will explain the frame of reference on what the concept of policing human trafficking entails. With qualitative research the researcher will be able to determine the possible inclusion of NGO's in the concept and understanding of policing human trafficking.

Procedures:

The researcher will be conducting an interview with the help of an interview schedule. The researcher may also make use of a tape recorder to record conversations. The interviews will not be longer than three hours, but may end sooner by natural process or on request of the respondent or researcher, depending on the circumstances.

Risks and Discomforts:

The respondent may become tired or feel emotional discomfort at which point a break may be requested or the interview may be postponed to a later date or terminated if so desired. The researcher will make every effort to ensure the comfort and minimize the risks for the respondent.

Benefits:

It is my hope that the respondents partaking in this study will feel the satisfaction of contributing to solving a social problem and facilitating in illuminating the problem for those studying the phenomena, which may help others in the future. The respondent shall also assist in providing insight into the problem, which can stimulate future research, and thus be of even greater help in the future. On a personal level, it is the hope of the researcher that the respondents will obtain personal satisfaction once they have discussed certain issues with the researcher and thus gaining personal insights that were not gained prior to the interview.

Respondent's Rights:

Participation in this study is voluntary and may be withdrawn at any time without negative consequences for the respondent. All information is treated as confidential and anonymity is assured by the researcher. The data shall be destroyed should the respondent wish to

withdraw. The researcher (and her study leader) is the only individuals who will have access to raw data from interviews, and hereby ensure that data will be treated as stipulated above.

Right of Access to Researcher:

Respondents are free to contact the researcher at the telephone number as stipulated on this form, at a reasonable hour, in connection with interview particulars, if they so wish.

THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY.

I, the undersigned, agree to participate in this study voluntarily without duress.

Signed at ....on this.....day of ....20........

Signature: .... (Print Name.............................)

APPENDIX D: INTERVIEW SCHEDULE: POLICE OFFICIALS

TOPIC: A CRITICAL UNDERSTANDING OF THE POLICING OF TRAFFICKING IN PERSONS:

CAPE TOWN

Date:

Question 1:

Briefly, describe in which organisation you work, your current position and how long you have been in this position?

Question 2:

Describe how you understand what TIP is?

Question 3:

Describe how you understand who the victims of TIP are?

Question 4:

How challenging is it to communicate with TIP victims?

Question 5:

Do you think it is valuable to speak to victims of TIP in their mother tongue?

Question 6:

Describe from your experience how big a challenge TIP in your area is?

Question 7:

What forms does TIP take on in your area?

Question 8:

What do you understand about the term "policing of TIP"?

Question 9:

Do you know if South Africa has specific TIP legislation to police this criminal offence?

Question 10:

Do you see NGOs and other community organisations as part of policing TIP?

Question 11:

Have you worked with NGOs and other organisations in the past to police TIP?

Question 11a:

If your answer to question 11 is "yes", describe how the NGO and / or other organisation added value to the policing of TIP?

Question 11 b:

If your answer to question 11 is "no", please motivate.

Question 12:

How often do the police and NGOs interact in the policing of TIP?

Question 13:

What are the resources you need to effectively police TIP?

Question 14:

Do you experience any lack of resources when policing TIP? If so, what are they?

Question 15:

How would you rate the victim's overall level of cooperation when you police TIP cases?

Question 16:

What are the primary ways where policing TIP cases differ from other criminal cases you policed?

Question 17:

On average how long, do you spend policing a single case of TIP?

Question 18:

In your opinion, what are the most common "red flag" that indicates that a report is potentially a case that requires policing of TIP?

Question 19:

Describe the primary policing   methods for responding to TIP cases?

Question 20:

Do you have formal protocols for policing and responding to TIP cases?

Question 21:

What are the primary challenges the SAPS /NGOs faces in policing a case of TIP?

Question 22:

Based on your policing experience, what are the primary social services, you find TIP victims need?

Question 23:

Are there any other specific individuals that you would like/ need to work with on TIP cases that you are currently not working with? If so, please name them.

Question 24:

How can effective policing of TIP be implemented?

Question 25:

What is the most important thing you have learned from policing TIP? If you have to share one thing in the field, what would it be?

<u>Next Steps</u>

Can you refer me to others in your area who I can contact for this research?

Agency/ organisation:

Contact person:

Telephone number:

Thank you for participating in the research!

TOPIC: A CRITICAL UNDERSTANDING OF THE POLICING OF TRAFFICKING IN PERSONS:

CAPE TOWN

Date:

Question 1:

Briefly describe in which organisation you work, your current position and how long you have been in this position.

Question 2:

Describe how you understand what the TIP is?

Question 3:

Describe how you understand who the victims of TIP are?

Question 4:

How challenging is it to communicate with TIP victims.

Question 5:

Do you think it is valuable to speak to victims of TIP in their mother tongue?

Question 6:

Describe from your experience how big a challenge TIP in your area is.

Question 7:

What forms does TIP take on in your area?

Question 8:

What do you understand about the term "policing of TIP"?

Question 9:

Do you know if South Africa has specific TIP legislation to police this criminal offence?

Question 10:

Do you see NGOs and other community organisations as part of policing TIP?

Question 11:

Have you worked with SAPS and other organisations in the past to police TIP?

Question 11a:

If your answer to question 11 is "yes", describe how the SAPS and / or other organisation added value to professionally assist the TIP victims?

Question 11b:

If your answer to question 11 is "no", please motivate.

Question 12:

What are the roles of NGOs and CBOs in the policing of TIP?

Question 13:

What are the resources you need to effectively assist the SAPS with TIP?

Question 14:

Do you experience any lack of resources as NGOs and CBOs to professionally deal with TIP? If so, what are they?

Question 15:

How would you rate the victim's overall level of cooperation when you assist in TIP cases?

Question 16:

What are the primary challenges when assisting TIP victims?

Question 17:

On average how long, do you accommodate a TIP victim?

Question 18:

In your opinion, what are the most common "red flag" that indicates that a case is potentially a case that requires professional assistance fromNGOs and CBOs?

Question 19:

Describe the support systems you provide when assisting with TIP cases?

Question 20:

Do you have formal protocols as NGOs and CBOs to assist victims of TIP?

Question 21:

What are the primary challenges the NGOs/ CBOs faces in cases of TIP?

Question 22:

Based on your professional assistance to TIP victims, what are the primary services, you find TIP victims need?

Question 23:

Are there any other specific individuals in the SAPS that you would like/ need to work with, in TIP that you are currently not working with? If so, please name them.

Question 24:

How can effective assistance of NGOs and CBOs in TIP be implemented?

Question 25:

What is the most important thing you have learned about TIP/ if you have to share one thing in the field, what would it be?

<u>Next Steps</u>

Can you refer me to others in your area who I can contact for this research?

Agency/ organisation:

Contact person:

Telephone number:

APPENDIX F: ETHICAL CLEARANCE

UNISA university of south africa

Ref: CLAW2014/ST50

Applicant: I C Haupt

COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

2014/11/13

Dear Ms I C Haupt

ETHICAL CLEARANCE APPLICATION: A CRITICAL UNDERSTANDING OF THE POLICING OF HUMAN TRAFFICKING

Thank you for the application for research ethics clearance by the College of Law Research Ethics Review Committee for the above mentioned research project. The ethical clearance application for the above mentioned research project has been approved.

The proposed research may now commence with the proviso that:

1) *The researcher/s will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics, which can be found at the following website: http://www.unisa.ac.za/cmsys/staff/contents/departments/res_policies/docs/Policy_ Research%20Ethics_rev%20app%20Council_22.06.2012.pdf*

2) *Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the Chair of the College of Law's Research Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.*

3) *The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.*

Yours Faithfully,

Prof Marelize Schoeman
Chairperson Research Ethics Review Committee
College of Law

Prof S Songca
Executive Dean
College of Law

APPENDIX G: HAWKS SCREENING FORM

SCREENING INTERVIEW FORM

CONFIDENTIAL

POLICE STATION AND CAS NO : _____

Name	
Gender	
Date of Birth	
Nationality	
Country of Birth	
Place of Birth	

CASE DATA :

Date of screening	
Location of screening	
Name of interviewer	
Interviewer's contact details	
Language used	
Interpreter (Yes/No)	
Name of interpreter	
Interpreter's contact details	

RECRUITMENT

How was contact initiated between individual and recruiter ? (personal contact/advertisement/ sold by family/kidnapped, other	
If other - specify	
What kind of work did the individual believe they were going to	

do on arrival at place of destination ? Au Pair/domestic work/work in restaurant/sex worker/prostitution/sweatshop/selling/begging/stripper/dancer /other –if other specify	
What salary was promised to individual ?	
Did the individual pay any money in advance to the recruiter ?	
How much ?	
If not recruited - was he/she forcibly abducted/ kidnapped ?	
Was he/she forcibly transported to another place in/out of their country ?	

TRANSPORTATION

If any travel costs were incurred before departure - who paid for them ?	
Means of transport used	
Did the person cross the border at an official point of entry ?	
If no - where and how was border crossed ?	
If yes - specify	
Did person use his/her own identity documents or were false documents provided ?	
Was an entry or exit visa required ?	
Entry visa - yes/no	
Exit visa - yes/no	
Where are the identity documents now - with person/with police/with trafficker/with employer/ if other - specify	
Did person spend any time in a country of transit?	
If yes - specify	
Whilst in this country, did she comin'', do any activities ?	
If yes - specify	

EXPLOITATION

What activity has the individual been involved in since arriving at destination ?	
How soon after arrival did this activity commence ?	
Was the person forced to engage in any activity against his/her will ?	
If yes - specify the activity	
How was he/she forced ? (threats/violence/ other)	
How much money did the person earn from this activity ?	
Was the person allowed to keep his/her earnings ? Yes/no/partially. How much ?	
Did person have to pay a debt to the recruiter/transporter/exploiter ?	
If yes - how much ?	
What was the debt for ?	
Did she sign/agree to paying the debt ?	
Were any penalties/fines imposed if she failed to perform her "job" ?	
What was the condition/s of the debt contract ?	
What degree of freedom did the individual have?	
What were the conditions of exploitation ?	
Excessive hours	
Limited or no freedom	

CORROBORATIVE INFORMATION

Police/immigration reports	
Travel documents	
Tickets	

Medical reports	
Copy of original advert or bogus contract	
Letters written by individual	
Record of debt paid and income	
Other	

DECISION

Is the person a VICTIM OF TRAFFICKING ? (YES/NO)	
If NO (smuggled migrant/illegal foreigner/ other)	
Does the victim require any type of assistance - if yes, specify	
Witness Protection - Yes/No	

ADDITIONAL REMARKS

_____

_____

_____

_____

_____

_____

_____

_____

Date   _____

Place   _____

Name of interviewer _____

Signature   _____