

HUMAN TRAFFICKING IN EASTERN CAPE PROVINCE,
SOUTH AFRICA

By

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DECLARATION

I, Callings Major Ngwira, do hereby declare that the dissertation entitled, “Human Trafficking in Eastern Cape Province, South Africa”, is the product of my own investigation except where otherwise stated, and that it has not been submitted for a degree at any other University.

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To
the memory of
My father, Misheck Mtali Ngwira,
and
Our daughter, Yebo Queen Ngwira

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ABSTRACT

Human trafficking has been reported to be on the increase in the Eastern Cape Province of South Africa with girls as young as ten years old being trafficked from and within the Province for sexual and labour purposes, and marriage. Human traffickers operate in rural areas, small towns and cities such as Port Elizabeth and East London. However, research on the role of the law enforcement authorities and the civil society organisations in the fight against trafficking in Eastern Cape Province is largely unknown. Situated within the Security Governance Theory, and using the intensive research design, this research reports on the role of the law enforcement authorities and the civil society organisations in the fight against human trafficking in Eastern Cape Province with emphasis on rural-urban differentiation. The challenges which law enforcement authorities and the civil society organisations faced are also discussed. The study, among other things, found that both the law enforcement sector and civil society organisations in the Province ensured that security, criminal justice, physical, emotional, psychological, health and spiritual needs of rescued victims of trafficking were met. The study further established that there was little progress in the fight against human trafficking, more especially in the rural areas of the Province, due to inadequate cooperation among anti-trafficking organisations and the lack of resources.

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ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
ALM	Amahlathi Local Municipality
BCM	Buffalo City Municipality
GDP	Gross Domestic Product
GDPs	Growth and Development Plans
HIV	Human Immunodeficiency Virus
IDP	Integrated Development Plan
IDZ	Industrial Development Zone
IOM	International Organization for Migration
KWT	King Williams Town
MDT	Multi-Disciplinary Team
NGOs	Non-Governmental Organizations
NLM	Nkonkobe Local Municipality
NPA	National Prosecuting Authority
OAU	Organisation of the African Union
OSCE	Organization for Security and Cooperation in Europe
RSA	Republic of South Africa
SAPS	South African Police Service
SDP	Spatial Development Plan

SGT	Security Governance Theory
SLM	Senqu Local Municipality
SRV LM	Sundays River Valley Local Municipality
SOCA	Sexual Offences and Community Affairs
UN	United Nations
UNGIFT	United Nations Global Initiative to Fight Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States
USA	United States of America
USCRS	United States Congressional Research Service

CHAPTER I

BACKGROUND TO THE STUDY

Introduction

The United States of America government estimated that annually 800,000 people are trafficked across national borders, the majority of whom are females trafficked into commercial sexual exploitation. Millions around the world are also trafficked within their own national borders, mainly for forced or bonded labour (U.S. Department of State, 2008).

The United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children which was a protocol supplementing the United Nation's Convention Against Transnational Organized Crime gives the official definition of trafficking in person. The protocol, which is often referred to as the "Palermo Protocol" because it was adopted in Palermo, Italy, defined trafficking in persons as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent

of a person having control over another person, for the purpose of exploitation (U.N. 2000, p. 2).

The 2009 Global Report on Trafficking in Persons (UNODC, 2009) observed that in modern days, human beings were enslaving fellow human beings for sexual exploitation, forced labour, bonded labour, domestic servitude, forced marriages, organ removal and the exploitation of children in begging, sex trade and warfare.

Civil society organisations and the law enforcement sector (which includes, but is not limited to police officers, justice officials, investigators, prosecutors and border officials) face many challenges when combating human trafficking. Human trafficking, being both an organized and an underground crime, poses great challenges in investigation and prosecution. Victims of the crime suffer physical, psychological and emotional abuse while in the hands of the traffickers which negatively affect the victims' participation in the criminal justice system.

Tzvetkova (2002) observed that many trafficked persons feared and distrusted law enforcement officers. First, victims do not usually seek help from law enforcement officers because they are afraid of being arrested due to their illegal immigration status since most of them either do not have proper documentation or have their documentation confiscated. Second, most victims of trafficking fear to approach law enforcement officers for fear of being pressurized to testify against their traffickers. Finally, trafficked victims are afraid of being betrayed by corrupt law enforcement

officers who collude with traffickers. Law enforcement officers have also been reported to be largely ignorant of human trafficking (Bales & Lize, 2005, cited in Wilson & Dalton, 2008). The role of civil society organisations in combating human trafficking in developing countries is also largely unknown. Against this background, this study sought to assess the role of the law enforcement sector and the civil society organisations in the fight against human trafficking. The Security Governance Theory which underpins this study is discussed in the next section.

Conceptual Framework

This research on human trafficking is grounded in the Security Governance Theory (Friesendorf, 2007; Krahmman, 2003). Krahmman disclosed that the concept of security governance was conceived at the end of the Cold War (around 1989, after the fall of the Soviet Union). He observed that there was a change in transatlantic security architecture since the end of the Cold War in that national states moved away from the centralised security system to the increasingly fragmented and complex security structures of today. The period marking the end of the Cold War saw the emergence of a large number of new bilateral and multilateral security institutions and a move away from state-centred bias towards a complex network of state and nonstate actors. Krahmman called this a shift from 'government' to 'governance'.

Krahmann (2003) further explained that within security governance, there was a growing involvement of and reliance on private actors in addition to the privatization of the armaments industry and the proliferation of private security companies which

offered a whole range of security services to governments and international organizations. Governments were also progressively turning to the resources and expertise of nongovernmental organizations to deal more efficiently with a variety of military and nonmilitary threats. Security Governance Theory, therefore, is a theory which contends that there is a need for security alliances, partnerships, treaties, coalitions and pacts if transnational and internal security issues were to be solved successfully.

The Security Governance Theory does not question the fact that states retain a central role in international security. However, governments seem increasingly willing to rely on the cooperation and resources of nonstate actors, such as private security companies, nongovernmental organizations (NGOs) and international organizations. The concept of security governance was initially conceived to deal with issues regarding the international military threats of one nation against the other. Krahnmann, however, noted that the end of the Cold War significantly reduced the likelihood of interstate war. National states were now under threat from civil war, transnational crime, terrorism and infectious diseases, thus forcing scholars to adapt the concept to answer a wide range of issues on internal security. Hollis (2010) observed that from the beginning of this new millennium, the Security Governance Theory in Europe has been used to develop contingency plans and initiatives to deal with issues like floods, terrorist attacks, earthquakes and marine pollution. Friesendorf (2007) suggested that the concept could be used in combating human trafficking.

Friesendorf (2007) observed that since human trafficking is an organized crime with multi-faceted causes and consequences, there was a need for a multifaceted approach to address it. He therefore argued that the Security Governance Theory would be the best approach for addressing human trafficking since a hierarchical government on its own could not handle trafficking effectively. He thus called for the inclusion of, and networking with, nonstate actors like nongovernmental organisations, civil society organisations, international organizations, businesses and private actors in the fight against trafficking; shifting from the concept of government to governance. Furthermore, Friesendorf stressed that the Security Governance Theory contends that three criteria on governance should be adhered to for the fight against trafficking to be won. The first criterion pertained to the need for cooperation among various actors; the second, to the need for well-balanced governance arrangements reflecting the nature of the problem that was to be addressed; and the third, the need for networks among actors pursuing any one governance approach. In other words, Friesendorf observed that coming together as partners or involving others in the fight against trafficking was one thing, and having a working partnership, another. That is why he called for cooperation among all networks. Against this background, this study therefore explains how law enforcement institutions and civil society organisations attempted to employ the notions of governance and a multifaceted approach in combating human trafficking in the Eastern Cape Province. The following section reports on the findings of related studies on human trafficking undertaken in other places.

Literature Review

This section will look at the literature which has documented important issues on human trafficking. The section focuses first on the literature at the global scale and then that at the regional scale. The literature on human trafficking in South Africa will then follow.

Bustamante (2002) studied the vulnerability of immigrants in 36 countries around the globe. He noted that human trafficking was one of the vulnerabilities facing immigrants. He also noted that countries were concerned because human trafficking was linked to the violation of victims' human rights. Bustamante observed that the vulnerability of victims of trafficking could be associated with the socially created power differentials in destination countries. He noted that citizens of destination countries discriminated against victims of trafficking forcing the latter to a low social status. This low social status forced victims of trafficking to deliver low cost services or labour and be exploited. Bustamante also observed that at the turn of the Twenty-First Century, the susceptibility of victims of trafficking worsened due to a global increase in the numbers of emigrants who feed the supply side on the trafficking market.

Leppänen (2007) studied the history of the struggle to end trafficking and prostitution across the globe. She observed that human trafficking was not new as trafficking women for prostitution was reported even before the 1920s and was referred to as white slavery. Leppänen also observed that historically, trafficking has been

influenced by the factors of supply, demand and restricted movement. Leppänen argued that the demand for prostitutes rose when there was a surplus of men. She, for instance, cited that between 1911 and 1924 there was an occasional or seasonal movement of large populations of men from one area to another due to war, creating imbalance in supply and demand. The other factors responsible for the imbalance in supply and demand included the employment of seasonal labour in industrial settings.

The United States Congressional Research Service (USCRS) Report (2002) documented the U.S. and international response to trafficking in women and children. The Report categorised countries into tiers depending on their efforts in combating trafficking. Countries that were ranked low did not cooperate in the fight against trafficking and hence faced U.S. sanctions. The report further revealed that annually, the U.S. government also sets aside funds to help in the fight against trafficking and assist victims. The U.S. and other countries had also initiated bilateral and multilateral programmes and initiatives to combat trafficking. The U.S. worked with the European Union, the Group of Eight (comprising the U.S. and France, Germany, Italy, Japan, the United Kingdom, Canada and Russia), the United Nations and the Organization for Security and Cooperation in Europe (OSCE) to combat trafficking in women and children. The U.S. government also adopted a number of United Nations Conventions including the Convention on Transnational Crime, the Protocol on Trafficking, and the Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in an effort to curb trafficking. The Report also cited poverty, despair, war, crisis, ignorance, globalization of the world economy, the

high demand for women (in the sex industry, sweatshops and as domestic workers), high profitability and the inadequacy of laws and law enforcement as factors contributing to the increase in trafficking.

Watts and Zimmerman (2002) studied some of the most common and most severe forms of violence against women around the globe. Their study mentioned trafficking as one of the most common and severe forms of violence against women.

... As we entered the apartment they locked the door. I went to run out of the door, but one of the buyers caught me, he hit me hard across the face, the blood moved into my mouth fast. Then he pushed me onto the bed, he ripped my clothes as if they were paper and as I fought it became worse, he beat me hard on my breast. He told me to shut up, that he would kill me if I screamed again. He forced me night after night ... we were forced to have sex with up to five men every night. The owner also used any of the girls whenever he wanted to. We were not allowed to go out and we were locked into one small room all day long. There were eight of us in the room ... there was hardly anything to eat (IOM 2001, cited in Watts & Zimmerman, 2002, p. 1235).

Wilson and Dalton (2008) studied the extent and characteristics of human trafficking and how law enforcement agencies responded to trafficking in Columbus and Toledo, Ohio, U.S.A. Their study revealed that most victims of trafficking were juveniles and some were girls as young as ten years. These persons were exploited mainly in the

commercial sex industry. Men were usually trafficked for labour exploitation. The study also established that most labour traffickers were prominent doctors or businessmen, with money, influence, and respect in their communities. Also, women played a central role in indoctrinating and training the victims on how to behave and solicit customers. The study revealed that even trafficked victims themselves played important roles in recruiting other women and enforcing the rules of the traffickers. On the criminal side, Wilson and Dalton established that traffickers were involved in other crimes like dealing in drugs, crimes against their victims (rape, assault, extortion, homicide and abductions), money laundering, tax evasion, document fraud and corruption. Human traffickers were also connected to other criminal networks and thus were often linked to other offences like the obstruction of justice, the destruction of evidence and conspiracy.

Jayasree (2004) observed that victims of human trafficking in the sex industry in Kerala, India, were exposed to numerous negative sexual and reproductive health outcomes, violence-inflicted injuries and drugs. The negative health situation of victims was aggravated because victims were often excluded from the health care system. Sexual and reproductive health problems which the victims faced included unwanted pregnancies, unsuccessful abortions and sexually transmitted infections like syphilis, Chlamydia, trichomoniasis, HIV/AIDS, vaginal discharge and genital ulcer.

Tzvetkova (2002) studied the responses of nongovernmental organisations to trafficking in women for sexual exploitation in 64 countries across the globe. She

argued that there was a relative absence of government initiatives and assistance for trafficked victims. This situation meant that it was the nongovernmental organisations that took up the challenge of meeting the needs of victims locally, nationally and internationally. Tzvetkova pointed out that the support which nongovernmental organisations gave to trafficked victims included social and psychological assistance, shelter provision, financial support, return and reintegration assistance, telephone advice and counselling, housing provision, vocational training, legal advice and documentation assistance. Tzvetkova also suggested that women's groups be the first line of action when it comes to raising awareness, lobbying for change and assisting female victims of trafficking since female victims prefer to discuss their situation in a more gender sensitive environment.

Nieuwenhuys and Pécoud (2007) analysed the use of information campaigns as a tool for combating trafficking in central and eastern Europe as well as Africa, Asia and Latin America. Information campaigns were designed to discourage potential migrants from leaving their home countries through promoting a negative image of the destination country. The campaigns sensitized potential victims about difficult living conditions, false hopes of a better life and the harsh realities of life in destination countries so that migration was not perceived as an opportunity but a source of danger and vulnerability.

Chapkis (2003) studied the relationship between trafficking, migration and the 2000 Trafficking Victims' Protection Act in United States. Chapkis observed that much as

the Trafficking Victims' Protection Act was useful in combating the exploitation and abuse of undocumented workers, especially those forced into prostitution, it was designed to control immigration. The Act assumed that it was only women and children who could be victims of trafficking while males wilfully crossed national borders for individual gains. Based on such categorization, immigration of males was restricted.

Bales and Lize (2005, cited in Wilson & Dalton, 2008) lamented the lack of knowledge of the trafficking phenomenon among some law enforcers in United States. They found that victims of human trafficking often had contact with local law enforcement authorities but the latter often failed to notice the victims and take appropriate action to bring them to safety. Local police officers and service providers, mainly social workers and health practitioners, were among the first to encounter victims and perpetrators of human trafficking. Police officers mainly encountered the victims and perpetrators through traffic accidents, tips, raids and border checks. Some victims escaped from their traffickers and told their story, while for others concerned clients rescued them.

Wongboonsin (n.d.) studied the role of institutional mechanisms when combating human trafficking for sexual exploitation in Thailand. He established that the law enforcement officers in Thailand closely cooperated with NGOs in the raid and rescue operations after a trafficking case was reported. Law enforcement officers in Thailand also protected trafficking victims and also helped the victims in the criminal justice

system, for instance, the filing of lawsuits against employers and/or traffickers.

Wongboonsin also reported that NGOs in Thailand distributed information to various stakeholders on the trafficking situation in the country. NGOs in Thailand also helped victims of trafficking find lawyers (if the victims wanted to pursue charges against their traffickers), liaised on behalf of the victims of trafficking with the police to find out the progress of criminal proceedings, provided victims with information about the legal rights of the trafficked person and also helped victims in the whole process of reintegration.

Choudhury, Dimitrova, Johnson, Nurhusein, Srivastava and Zureick (2005) studied the challenges which law enforcement officers in Hungary faced. Choudhury et al. revealed that law enforcement officers in Hungary had problems conceptualising and understanding human trafficking. They also observed that law enforcement officials had difficulties in separating prostitution from human trafficking and found it challenging to gather the evidence required to prove a trafficking case. Their study also revealed that advanced technology also made it difficult for the law enforcement officials to carry out their duties effectively since the officials failed to adapt to the rapidly changing criminal environment. Also, in Hungary, some cultural and political structures were found to negatively affect the fight against trafficking.

The roles of the law enforcement officers in the fight against trafficking worldwide were in the spotlight. Van de Glind and Kooijmansclarity (2008) noted that law enforcement officers in many countries found it hard to define their roles and responsibilities when

fighting child trafficking. They also noted that many officers were not well-equipped and did not have proper training in relevant laws and practices with regard to child slavery. Gallagher and Holmes (2008) on the other hand noted that law enforcement officers in many countries missed opportunities to identify victims because frontline officials, whether from police, labour inspectorates, immigration or border-control agencies lacked the knowledge or skills to recognize victims and remove them from harm. Gallagher and Holmes therefore called for the training of law enforcement officers on critical tasks such as victim safety, evidence preservation and detention of suspects which were very crucial if the law enforcement sector was to investigate trafficking effectively.

Studnicka (2010) observed that criminality among government officials in Brazil was becoming increasingly endemic. He noted that government officials hindered the fight against human trafficking through indifference, corruption and sometimes even through participating in trafficking. Studnicka further noted that the involvement of judges and politicians in the facilitation of sexual services which victims of trafficking provided worsened the situation. He bemoaned that officers in the criminal justice system that participated in human trafficking and in any other type of criminality undermined the basic structure of government and the moral responsibility of the system to uphold and protect the integrity of the law.

Väyrynen (2003) linked illegal immigration, human smuggling and human trafficking to organised crime in Europe. Väyrynen also drew a clear distinction between illegal

immigration, human smuggling and human trafficking, the three concepts which have to do with the illegal movement of people across borders but all of which are confusingly used to refer to one for the other¹. He observed that poverty, warfare, weak legislation, lax border controls, corrupted police officers and the power of organised crime contributed to the rise in migration of people. However, he further observed that illegal migration seemed to be increasing due to the strict border controls in European countries. Väyrynen argued that strict border controls increased the role of national and transnational organised criminal groups resulting in increased illegal migration. Väyrynen observed that the increased involvement of criminal groups in migration turned human smuggling to human trafficking and also exposed victims to other abuses.

The Vienna Forum (U.N. GIFT, 2008) sought to find a way to combat human trafficking. Among several issues, the Vienna Forum touched on the subject of how civil society organisations and law enforcement agencies can enhance their cooperation. The Forum noted that cooperation between governments and civil society organisations was crucial to effectively protect and support victims of

¹ Illegal immigration is the illegal entry of a person into a State of which the person is not a national or a permanent resident. Human -smuggling, on the other hand, is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or a permanent resident. Human smuggling is therefore a special case of illegal immigration. Human smuggling violates the rights of the State and the relationship between the smuggler and the 'client' ends after the latter crosses the international border. Human trafficking, on the other hand, violates the human rights of the victim and there is a continuous close contact between the trafficker and the victim.

trafficking, especially because victims that civil society organisations assisted properly were more likely to provide evidence to law enforcers.

The Vienna Forum highlighted some factors that compromised and challenged cooperation between stakeholders with different roles in the overall fight against human trafficking. These factors included competition for funding, lack of confidence and understanding, and roles often seen as “conflicting” between the law enforcement institutions and civil society organisations. The Forum therefore suggested that there should be quality standards, transparency and mutual recognition of tasks and responsibilities for good civil society/law enforcement cooperation. The Forum raised the following seven points to improve cooperation among anti-trafficking organisations: a need for information-sharing and data management; regular assessment and evaluation; holistic and multidisciplinary approach to be stressed when developing cooperation frameworks; having a specialist representing all involved parties to build trust and enhance communication; there should be a common definition of the purpose of cooperation; cooperation should not be limited to law enforcement but should also incorporate the provision of other services, such as education; cooperation needed to be formalized and structured through cooperation agreements to adequately protect human rights.

The above section has looked at the literature at the global scale. Different people and organisations at the global scale tried to establish the causes of trafficking, the extent and characteristics of human trafficking, the various forms of exploitation victims of

human trafficking face, and how to respond to human trafficking. Some people and organisations helped people understand human trafficking since the crime is relatively new. The following section looks at the literature at the regional scale.

Human trafficking has not spared Africa. Okonofua, Ogbomwan, Alutu, Kufre and Eghosa (2004) analyzed the knowledge, attitudes and experiences of young women towards international sex trafficking and its consequences in Nigeria. Their study found that 97.4% of the women had heard of international sex trafficking while 44.0% knew of someone who was engaged in sex work abroad. Up to 32% of the women interviewed reported that someone had approached them offering assistance to help them travel abroad. Low socio-economic status was the main push factor. In Nigeria, the BBC on line reported that even unborn babies were being sold to traffickers. The Nigerian police discovered and raided a hospital when a 17-year old girl who was days away from giving birth escaped from the hospital and informed the law enforcers. Seven pregnant young women were discovered in the hospital during the raid (<http://news.bbc.co.uk/2/hi/africa/7658882.stm>, accessed October 08, 2008).

The International Organization for Migration (IOM, 2003) studied the trafficking of women and children in the Southern African Region. The IOM observed that human trafficking between Southern Africa and Europe, and within Southern Africa itself has existed for at least a century. The following were some of the key findings of the IOM study: first, trafficking in women and children for sexual exploitation was a significant problem in Southern Africa with Angola, Botswana, DR Congo, Lesotho, Mozambique,

Malawi, South Africa, Swaziland, Tanzania, Zimbabwe and Zambia as source countries for trafficking activities in the region. Thailand, China and Eastern Europe were the extra-regional sources for victims trafficked to South Africa. Second, Botswana, Malawi, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe were transit countries while South Africa was the destination country for regional and extra-regional trafficking activities. Third, deception, coercion and force were the means mostly used to recruit regional victims of trafficking while deception was mostly used for recruiting extra-regional victims. Finally, the absence of specific legislation criminalizing trafficking in persons in Southern Africa was a main obstacle preventing police and prosecutors from investigating the practice, and charging the perpetrators.

Human trafficking is also rife in South Africa. The IOM study above showed that South Africa is a country of destination, transit and origin for victims, as well as having trafficking within its borders. The International Organization for Migration released a Report (IOM, 2008), "No Experience Necessary: The Internal Trafficking of Persons in South Africa", which provided a picture of internal trafficking of persons for the purposes of commercial sexual exploitation, forced labour and the removal of organs. The following were some of the major issues highlighted in the Report:

- 1) Fifty-two percent of participants in the IOM study had direct awareness of internal trafficking while 19% had an indirect awareness and 29% had no awareness.
- 2) Victims were reported to be recruited mainly from rural areas or informal settlements and were most often reported to be poor, black or coloured, and

under the age of thirty. Children who were most vulnerable were from child-headed households (due to HIV and AIDS), and unregistered children.

- 3) In respect to commercial sexual exploitation, women were just as likely as men to be recruiters.
- 4) Boys under the age of eighteen were increasingly lured into sexual exploitation, more frequently for use in pornography while others are used for exploitative labour as street vendors and to work on farms.
- 5) Methods employed to control victims included restricted movement, use of force, and/or threat of physical violence and drugs (the latter was used mostly to achieve control in sexual exploitation).
- 6) West African organized crime syndicates operated heavily in Pretoria, Port Elizabeth, Johannesburg and Bloemfontein and were mainly trafficking local black females into commercial sexual exploitation. The syndicates used local South Africans as recruiters.
- 7) Advertisements in local newspapers have been used as a recruitment technique to deceive young women into the sex industry.

Molo Songololo (2000), a Cape Town based nongovernmental organisation, studied the trafficking of children for purposes of sexual exploitation in South Africa. Molo Songololo's study revealed that South Africa has an estimated 28,000 to 38,000 prostituted children. The key findings of Molo Songololo's study were: first, the trafficking of South African children was predominantly an internal trafficking phenomenon and that girl children were the primary targets. Girl children ranged in

age from four to seventeen years. Second, parents and local gangs were the primary traffickers of children and sometimes operated in collusion with one another. Internal traffickers in South Africa were predominantly locals. Third, with regard to the cross-border trafficking of children, traffickers were predominantly foreign nationals from Eastern Europe, Mozambique and Thailand who operated either as individuals or crime syndicates. Finally, the causes of trafficking in children in South Africa included poverty, breakdown in extended and nuclear families, and changes in cultural attitudes and practices. Demand for sex with children was another primary cause.

Kreston (2007) analyzed the pending South African legislation dealing with trafficking in persons, the Prevention and Combating of Trafficking in Persons Bill, and offered proposals designed to improve that bill from the perspective of prevention, prosecution and the protection of the victim. Kreston criticised the Bill's under-inclusion of the causes of trafficking thereby giving the impression that trafficking was simply an economic crime, whereas it had other elements of traditional criminality such as greed, gender discrimination and the objectification of children. Kreston argued against the soft penalties imposed on traffickers, and the Bill's failure to impose equal sentences on people on both the supply and the demand sides. She contended that the statute missed an opportunity to make it as perilous to exploit victims as it is to supply them. She also felt that the Bill had the potential to allow criminals to avoid incarceration through payment of compensation to the victim, and that the suggested minimum of four years, or eight when the trafficking involves a child, should not be eligible for suspension because human trafficking is a serious crime.

The Tsireledzani study (NPA, 2010) outlined several challenges which service providers faced when assisting victims of human trafficking in other parts of South Africa. The Tsireledzani study (NPA, 2010, p. ix) found that lack of resources and poor cooperation affected the fight against trafficking:

Regarding the quality of their own service delivery, shelters reported a lack of specific skills to deal with trafficking cases and a need for more human resources, mostly social workers and psychologists. They also expressed a need for integrated multi-sectoral services to provide, inter alia, legal, mental and physical health care focussed on individual needs.

The Tsireledzani study also established that some social and cultural practices which lowered the status of women and children in societies increased the trafficking phenomenon. Besides this, the study also pointed out that lack of understanding of the trafficking phenomenon among prosecutors, immigration officials and service providers hampered the fight against trafficking.

Seethal and Ngwira (2009) studied human trafficking in the Eastern Cape Province and focused on the extent of the phenomenon, the demographic characteristics of high risk groups, temporal and spatial trends of the phenomenon, factors which pull or push potential victims and some responses to human trafficking. Some of their findings were that:

- 1) Human trafficking in the Eastern Cape Province was on the increase.

- 2) An estimated 10 to 15 girls were being trafficked in/through Port Elizabeth at any one time, some 10-12 years old.
- 3) In East London, the forms of trafficking included “mail-order” brides, women being abducted from the main street, and active recruitment taking place in the down-town area and in some neighbourhoods. Victims were mainly blacks.
- 4) Girls/women of all races were trafficked, some from affluent families.
Trafficked victims from the Eastern Cape were regarded as “cheap” relative to those from other Provinces. Traffickers categorized victims on the basis of race. African victims were most vulnerable and were sold at R2,500 each, coloured at R5,000 each, and whites at R7,000 each (2009 figures).
- 5) On average, traffickers owned between 5-15 victims for sex, and each victim was required to bring in between R1500 and R5000 per night. However, victims received about R20 per day for food.
- 6) Women over 40-years were recruited to Cape Town for labour and in many cases there was no contact between the victims and their families after recruitment.
- 7) Some of the challenges faced in the fight against trafficking in Eastern Cape Province included:
 - a) It was an extremely challenging process to keep victims in safe houses and to rehabilitate them as the rehabilitation process takes an average 18-24 months.

- b) Repatriation of foreign women was not easy due to language barriers, and there was a lack of funds, human resources, capacity and competencies (e.g., forensic nursing) to deal with victims.
- c) The Police, Justice and Health departments lacked the necessary skills and knowledge, or the will to fight trafficking.
- d) Few women were prepared to pursue charges in lieu of temporary stay in the country.
- e) The lack of specific legislation on human trafficking hampered the fight against trafficking since provisions based on other legislation were not suitable for fighting human trafficking effectively.
- f) Human trafficking was often misdiagnosed as prostitution.

The literature reviewed above has given the extent and trend of human trafficking at the global, regional and national level. The literature has also documented the difficulties and challenges which victims of trafficking undergo, the various intervention programmes that different stakeholders employ to combat trafficking, and the challenges which various actors faced in the fight against trafficking. However, very little has been reported on the initiatives of the law enforcement officers and the civil society organisations in the fight against trafficking, particularly in South Africa. Having established the research gap, the following sections present research questions, aim and objectives, and the methodology employed to fill this gap.

Research Problem

The literature reviewed above showed that little is known about the role of law enforcement officers in combating human trafficking in South Africa. There is also no detailed study about the role of civil society organisations in combating trafficking. Furthermore, no study has attempted to assess the extent to which law enforcement officers and civil society groups have adopted the governance and multifaceted approach to human trafficking in South Africa. This research therefore focused on the role of law enforcement officials and civil society organisations in combating human trafficking in South Africa, and assessed the extent to which law enforcement officers and civil society groups have adopted the security governance and multifaceted approach to human trafficking in South Africa.

Research Questions

The research questions that directed this study were: first, what is the role of law enforcement and civil society organisations in combating human trafficking? Second, what challenges do law enforcers and the civil society organisations face when combating trafficking? Finally, how have law enforcement institutions and civil society organisations attempted to employ the notions of governance and the multifaceted approach in combating human trafficking?

Aim and Objectives

The aim of this research was to study the governance of, and the multifaceted approach to, human trafficking in South Africa.

The objectives of the study were:

- 1) To examine the different roles that the law enforcement officers involved in combating human trafficking, play.
- 2) To study the specific roles of civil society organisations in the fight against trafficking.
- 3) To assess the extent to which law enforcement officers and civil society groups have adopted the governance and multifaceted approach to human trafficking.
- 4) To assess existing coordination between law enforcement officers and civil society groups (e.g., women groups, Community Based Organisations, Faith Based Organisations and nongovernmental organisations) involved in the fight against trafficking.
- 5) To study the challenges law enforcement officers and civil society groups face in combating human trafficking in rural and urban areas.

Research Methodology

This study adopted the intensive research design (Sayer, 1992) to understand fully how the law enforcement officers and civil society organisations have adopted governance and the multifaceted approach to combat human trafficking. The research was based on both empirical (field) data and secondary data. Records and

documents from the law enforcement centres, civil society organisations and other sources (for example, the media) on human trafficking were the source of secondary data for this research. Three research techniques were used to collect primary data. Semi-structured face-to-face interviews, focus group discussions and the participatory approach (Flowerdew & Martin, 2005; Kitchin & Tate, 2000) were the three research techniques used.

During the semi-structured face-to-face interviews, the interviewer had a personal communication directly with the interviewees. The researcher had a questionnaire which guided him throughout the interview process. However, the interviewer was free to adapt, clarify and rephrase the questions in the questionnaire to ensure that he collected quality empirical data. During the focus group discussions, the interviewer was directly meeting three to four interviewees at the same time. A questionnaire also guided the interviewer during the focus group discussions. However, as was the case with the face-to-face interviews, the questions were there simply to guide the conversations since the interviewer was free to adapt and rephrase the questions to obtain accurate data. For the participatory approach, the researcher (between March 2009 and October 2010) attended various presentations, workshops and meetings on human trafficking conducted in all districts of the Eastern Cape Province where participants provided valuable information on the objectives of this study. The inputs from these presentations, workshops and meetings on human trafficking informed this study.

Each of the three research techniques used during the data collection exercise had its own advantages and disadvantages or strengths and weaknesses. For instance, even though face-to-face interviews ensured that the interviewer collected accurate data due to probing questions and other clarifications on the questions and responses, some interviewees felt uncomfortable about the anonymity of their identities and responses despite the assurance from the interviewer. The use of different research techniques, therefore, ensured that the techniques complemented one another on their respective weaknesses. In other words, different research techniques were used to achieve 'triangulation' in terms of data collection (Flowerdew & Martin, 2005).

The data collection process took over one and a half years – from March 2009 to October 2010. A total of 35 respondents representing the law enforcement sector, the civil society organisations, an international organisation and other government departments were interviewed either through face-to-face interviews or focus group discussions. However, an estimated number of about 400 participants informed this study through the participatory approach. The majority of these 400 participants represented women support groups, child protection groups and Faith Based Organisations. It was unfortunately difficult to find civil society groups representing the interests of men in matters of human trafficking. Table 1 shows the general distribution of the respondents and the research techniques used. Information regarding the identity of respondents and the organisations or institutions they were representing will not be released for ethical reasons. This was the assurance given to the respondents for them to participate freely.

Table 1. Eastern Cape Province – Human Trafficking Research: Details of Respondents and the Research Techniques used to Generate Information (2009-2010)

Organisation Represented	Research Technique	Total Number of Research Techniques Held	Total Number of Respondents
Law Enforcement	Semi-structured face to face interview	8	8
Government Representatives	Semi-structured face to face interview	3	3
Civil Society Organisations	Semi-structured face to face interview	1	1
Civil Society Organisations	Focus Group Discussion	6	20
International Organisation	Focus Group Discussion	1	3
Community Members	Participatory Approach	9	≈ 400*
Total Number of People who Participated		≈ 435	

* The figure reflects the attendance and not the actual number of people who contributed. It was difficult for the researcher to count the number of individuals who were actually participating.

The purposeful (deliberate) sampling technique was used to identify respondents from different law enforcement centres and civil society organisations. Purposeful sampling is a non-random method of sampling where the researcher deliberately selects respondents who are critical to the research. The researcher thus identified different law enforcement centres and the civil society organizations and sampled officers that dealt with human trafficking or issues related to trafficking.

Empirical data were analyzed through the prescriptive approach (Kitchin & Tate, 2000). In this approach, qualitative data are described, categorised, connected and then corroborated with other evidence to get a deeper understanding of the data. Empirical data from semi-structured face-to-face interviews and focus group discussions were corroborated with data collected through the participatory approach (that is, data obtained from presentations, workshops and other meetings the researcher attended during the course of the study) and secondary data. The researcher established the issues of governance and the multifaceted approach in data obtained through the participatory approach through observing two issues. First, the content of the presentations, workshops and meetings was analysed to study the issues of governance and the multifaceted approach in dealing with human trafficking. Second, the nature of the organisations that the people attending these seminars, presentations, workshops and meetings represented was also analysed to determine if the people were representing different stakeholders, and to what extent. The Vienna Forum (U.N. GIFT, 2008) established standard principles which are a measure of good structural cooperation (see page 15 of this dissertation). This study used these

principles to establish the extent to which governance and the multifaceted approach have been adopted.

Secondary data were analysed through the content analysis method (Wilson & Dalton, 2008). First, published media articles on human trafficking in South Africa for the period between 2005 and 2010 were identified. A total of 194 articles were selected from the identified articles due to their significance to the study. Each of these articles was analysed and a general picture on human trafficking in Eastern Cape Province was established. The articles were also analysed to establish a general picture on governance and the multifaceted approach in dealing with human trafficking. Second, the published articles and printed documents from different civil society organisations and law enforcement agencies were also analysed to find out how these institutions functioned in an effort to establish how they cooperated and networked with one another.

The major challenge faced during the data collection exercise was the refusal of some institutions to be interviewed. They argued that since human trafficking was not legislated for in South African legislation, they did not have any records on trafficking. Consequently, they refused to participate in the research.

Study Location

The study was conducted in the Eastern Cape Province because it was identified as the chief area of origin for trafficking victims (Makhubu, 2008) and the Province where most trafficking syndicates in South Africa were found (Hosken, 2008). The city of Port Elizabeth was also identified as the hub of human trafficking for sex in South Africa (Wilson, 2008). The former Transkei region (Mthatha), Addo, Cathcart, East London, Fort Beaufort, Barkly East, Graaff-Reinet and Port Elizabeth were the areas where actual interviews were conducted (between March 2009 and October 2010). The areas were selected because they were often mentioned in the print and electronic media as having trafficking activities. Most anti-trafficking meetings in the Province were also held in these areas. One interview with an international organisation was conducted in Pretoria.

Significance of the Study

The United Nations (UNODC, 2009) observed that human trafficking was largely understudied, hence mitigation programmes were not effective. This study therefore is of importance as it will fill this gap. It is also envisioned that the findings of this study will contribute towards a better understanding of the governance and the multifaceted approach in dealing with human trafficking in the Eastern Cape Province.

Structure of the Dissertation

The first Chapter presented the background of human trafficking in South Africa, and in particular, in the Eastern Cape Province. The Chapter also provided an overview of the conceptual framework, literature reviewed, aim and objectives of the study, research methodology, study location and significance of the study. Chapter Two gives a detailed overview of the social, economic, political, environmental and geographical dynamics that influence human trafficking in Eastern Cape Province. Chapter Three discusses the international instruments, legislative frameworks and policy frameworks that inform different countries, in particular South Africa, on human trafficking. Chapter Four presents the research findings while Chapter Five discusses the research findings. The final Chapter gives the conclusion of the study, and recommendations.

CHAPTER II

CONTEXUAL STUDY AREA

Introduction

This Chapter gives a detailed overview of the social, economic, political, environmental and geographical dynamics that influence human trafficking in the study areas. The discussion concentrates on how these dynamics help reduce or increase trafficking. At the end of the Chapter, these dynamics are linked to the Security Governance Theory, the theoretical framework that underpins this study. Key indicators on demography, economy, labour, poverty and access to services were mainly sourced from various official Eastern Cape Provincial government documents (like Growth and Development Plans (GDPs) and Spatial Development Plans (SDPs)); official website for the Eastern Cape Provincial government; the official website of the South Africa history on line and appropriate academic work. Integrated Development Plans (IDPs) for the respective Local Municipality Councils in which the eight specific study areas are located also provided useful information. The Chapter will first present general existing conditions in the Eastern Cape Province before giving specific conditions in the eight study areas (Addo, Barkly East, Cathcart, East London, Fort Beaufort, Graaff-Reinet, Mthatha and Port Elizabeth).

The Eastern Cape Province

Introduction

The amalgamation of the former homelands of Transkei and Ciskei, and the eastern portion of the former Cape Province in 1994 led to the birth of the Eastern Cape Province. The Eastern Cape Province is one of the nine Provinces of the Republic of South Africa (see Figure 1). The Province, just as is the case with other Provinces, has its own distinctive political landscape because it has its own legislature, premier and executive council. The Province has also its own unique economic, demographic and geographic landscape.

Geography

Geographically, the Eastern Cape Province, with an area of approximately 169,580 km², is the second largest province (by area) in South Africa after the Northern Cape. However, in terms of population, it is the third populous Province after the Gauteng and KwaZulu-Natal Provinces (Statistics S.A., 2009). The Province has six District Municipalities: Alfred Nzo, Amathole, Cacadu, Chris Hani, O.R. Tambo and Joe Gqabi (formerly, Ukhahlamba). The Nelson Mandela Bay Metropolitan Municipality is the only Metropolitan Municipality in the Province. However, the Province has 38 local municipalities which are divided among the six District Municipalities.



Figure 1. Republic of South Africa – Location of the Eastern Cape Province

Economy

Extreme poverty characterised populations of the Eastern Cape Province. In 2000, Statistics South Africa released a report (“Measuring Poverty in South Africa”) which showed that the poorest Province in South Africa was the Eastern Cape (Statistics S.A., 2000). The 2000 Report also showed that the two poorest District Municipalities (Wild Coast and the Kei) and two poorest Local Municipalities (Elliotdale and Willowvale) were found in the Eastern Cape Province. Poverty or low socio-economic status was cited as one of the major factors that contributed to the increase in trafficking (USCRS, 2002; Okonofua et al, 2004; and IOM, 2008). Traffickers woo the poor population of the Eastern Cape through promises of job opportunities. In fact, media reports have indicated that the Eastern Cape Province was the main source of victims of internal trafficking in South Africa (Makhubu, 2008).

The apartheid government and its Bantustan system - in the former Transkei and Ciskei in the Eastern Cape Province - was cited as one of the contributing factors to high poverty levels and other social and spatial inequalities (Bek, Binns, & Nel, 2004; Segal & Brawley, 2009 and Siyongwana, 2005). During the apartheid era, there was an unequal distribution and use of resources in South Africa. Land ownership, investment pattern, production methods and employment criteria were distorted to favour the white minority.

Sixteen years since apartheid officially ended in 1994, the Eastern Cape Province still lagged behind economically. Lack of employment was one explanation for this. The 2009 labour force figures showed that the Eastern Cape and the Northern Cape Provinces had the highest unemployment rate in South Africa (estimated at 27%) (Statistics S.A., 2009). The Eastern Cape Province also lagged behind in education (Statistics S.A., 2001) hence the majority of the population ended up engaging in unskilled labour activities. In the global economy, this unskilled labour is often casual labour that is terminated at any time. Given this situation, many young people therefore migrated from the Eastern Cape into economically strong Provinces (like Gauteng and Western Cape) in search of new or better jobs putting themselves at risk of accepting job opportunities from would be traffickers.

There was also widespread corruption in the Eastern Cape Province. In her address during the Eastern Cape Provincial Anti-Corruption Consultative Conference held on the 10th of September, 2010, the Eastern Cape Premier, Mrs. Noxolo Kiviet, admitted that corruption was so endemic in the Province and that it led to the continual undermining of the South African legislative, executive, judicial, business and civil society systems (Premier's Office, September 10, 2010). Human trafficking feeds on corruption, hence the existence of this malpractice in the Province nourished the crime.

Difficult working conditions in the agricultural sector also characterised the Eastern Cape Province. Many people were employed on farms which produced fruit and other crops, and reared livestock. However, most farm workers, especially women experienced difficult working conditions (Mzitshi, 2010). These agricultural farms, therefore, were catalysts for human trafficking for the purposes of labour. In order to maximise profit, capital exploits labour and this can be achieved through trafficking in labour, more especially women and children. In fact, Seethal and Ngwira (2009) reported that children and women (some as old as 40 years) in the Province were being trafficked for labour. Finally, the Eastern Cape Province has numerous tourist attraction centres and tourists from all over the world visit these centres. However, the movement of people increases trafficking for sex because it is associated with sex tourism as some people seek to have sex with exotic partners (NPA, 2010).

The above section has discussed the general history, geography and economic characteristics of the Eastern Cape Province. The discussion has shown that the Eastern Cape Province has several contributory factors (like high poverty and unemployment levels, corruption and poor service delivery) which lend themselves to trafficking. Having looked at the general picture of the Eastern Cape, the study now focuses on the specific areas where interviews were conducted (see Figure 2).



Figure 2. Eastern Cape Province – Study Areas

Addo

Addo is a small settlement which developed around the Sundays River Valley in the 1800s. Completely overshadowed by the world-renowned Addo Elephant Park, Addo is actually a little town about 72 Kilometres from Port Elizabeth. It is found in the Sundays River Valley Local Municipality (SRV LM) within Cacadu District Municipality. Addo, alongside Kirkwood and Paterson, is one of the major towns of the SRV LM. The 2005 Cacadu District Municipality Survey estimated that Addo had a population of 23,263 (SRV LM, 2008).

The 2005 Survey also showed that over 58% and 35.5% of the SRV LM population lived in poverty and was unemployed, respectively. In 2005, the Human Development Index of 0.51 for SRV LM was below that of the Province's 0.53 and the dependency ratio for the Municipality in 2001 was 3.1 (SRV LM, 2008). The Municipality experienced a significant increase in employment between 1996 and 2001 in the communication, financial, private households and wholesale retail sectors with the latter showing the biggest increase due to the eco-tourism industry. However, the economy of the region has significantly declined as a result of a decrease in the use of rail freight and the discontinuation of a number of key rail lines in the District as well as the Province.

The socio-economic indicators of Addo reflect those of the SRV LM (SRV LM, 2010). The Addo community is a citrus farming community and also offers accommodation and shops to tourists visiting the Addo Elephant National Park. Eco-tourism in the National Park formed the backbone of Addo's economy. The Town was chosen to be the study area because there were reports of human trafficking taking place in the area. The area also had a declining economy, high poverty levels and a flourishing tourism industry which all influence human trafficking.

Barkly East

Barkly East (alongside Lady Grey, Rhodes and Rossouw) is a major town in Senqu Local Municipality (SLM) within Joe Gqabi (formerly, Ukhahlamba) District Municipality. The seat of Joe Gqabi District Municipality is at Barkly East. With a total area of about 7,329.25km², SLM is the largest Municipality by area in Joe Gqabi District Municipality. SLM also incorporates the former Transkei area of Sterkspruit. The Local Municipality lies on the border between Eastern Cape Province and Lesotho.

In 2001, Senqu Local Municipality had a population of approximately 135,141 (SLM, 2007). However, estimated total populations for SLM in 2006 and 2009 were 134,924 and 133,086 respectively, showing a downward trend. It is critical to note

that based on 2007 projection, it was expected that the population of SLM would continue decreasing due to the effects of out migration as well as the impact of HIV/Aids (SLM, 2007).

Extreme poverty characterised the Joe Gqabi District Municipality. The 2001 South African Census indicated that over 78.6% of the residents of the District lived in poverty. Sixty-nine percent of the population in Barkly East lived in poverty. The District had a Human Development Index of 0.48. Dependency levels were also high with more than half of the population below 20 years. Only 18% of the people of working age in the District were employed, 21% were unemployed and 60.3% were not economically active. Only 2.2% of the employed people were self-employed implying that most people in the District lacked experience of running their own business and therefore depended on others for employment.

Barkly East had a small economy, with agriculture being a major subsistence economic activity. The most significant farming occupation was livestock where wool, mohair and mutton were produced. Cattle, goat and sheep farming were also present. Crop farming was also practiced and the area produced maize and wheat. Forestry and manufacturing also contributed to the economy. However, commercializing these economic activities and enhancing productivity remained a major challenge. The economy of the areas surrounding Barkly East boosted the

latter's economy. Food processing, furniture production, eco-tourism and fishing in surrounding areas helped boost the economy of Barkly East. The Town was chosen to be the study area because there were reports of people, mainly women, being trafficked from Lesotho into the area for domestic labour purposes. The Town also had high poverty levels, was nearer to an international border and had high prevalence of HIV/Aids which are factors that influence human trafficking.

Cathcart

Cathcart (alongside Stutterheim, Keiskammahoek and the settlement at Kei Road) is a major town in Amahlathi Local Municipality (ALM) within Amathole District Municipality. Cathcart is a town 146 km by road from East London and is situated on the edge of the Windvogelberg Mountain. Cathcart was formerly known as Windvogelberg. On 24 October 1876, Windvogelberg was renamed Cathcart in honour of Sir George Cathcart who was the Governor of the Cape Colony from 1852 to 1854 (Howcroft, n.d.).

The 2001 Census put the total population for ALM at 139,035. Dependency levels in the Local Municipality were high with over 50% of the population being younger than 20 years. The 2001 Census also showed that there was a relatively low participation rate in the local economy. Data indicated that only 23% of the economically active

population within the Local Municipality were actively seeking jobs. However, only 17% of the people seeking jobs were actually employed (ALM, 2007). The 2001 South African Census also showed that 86% of the households within the Municipality were living in poverty. Lack of food and underdevelopment also affected residents of ALM. Significant backlogs existed in the provision of basic services such as water, sanitation, electricity, roads and solid waste disposal. The area also needed better housing and improved education infrastructure. Land restitution in the area also presented problems to the ALM administration as people were claiming land on which settlements were developed, complicating the already existing housing problem (ALM, 2007).

Sheep and cattle ranching were the predominant economic activities for Cathcart. Local manufacturing, agriculture, forestry and tourism also played a vital role in enhancing the economy of the area. The Town was chosen to be a case study area because there were reports of human trafficking taking place in the area. Moreover, the area had high poverty levels tourism activity and a significant backlog in service delivery which are factors that influence human trafficking.

East London

East London (formerly known as Port Rex) is a harbour town located at the mouth of the Buffalo River in the Amathole District Municipality. It was founded in 1836. East London is the second largest city in the Eastern Cape Province after Port Elizabeth and is the hub for the Buffalo City Municipality (BCM). The BCM was established in 2000 and also includes King Williams Town (KWT) and Bhisho. KWT functions as a regional service centre, Bhisho as a Provincial administrative centre while East London is an economic centre.

The total population of BCM in 2001 was 701,895 while that of East London was 204,862. The estimated total population of BCM in 2007 was 724,306. The 2001 South African Census statistics showed that BCM had high levels of poverty with 70% of households living below the poverty line while 28% indicated that they had no income at all. Seventy percent of the population in 2004 was of working age however, only 52% of this population was economically active. Thirty-nine percent of this economically active population was not employed. The vast majority of the few that were employed earned below the household subsistence level. The Municipality also recorded low education (over 16% of population was illiterate) and skills levels as well as widespread HIV/Aids. The 2001 Census also showed that 6.6% of the population were migrants (BCM, 2009).

Buffalo City is one of the key economic hubs of the Eastern Cape Province. In 2004, it contributed 23% to the total GDP of the Province and provided 19% of the Province's formal employment opportunities through its motor, clothing, textiles, pharmaceuticals and food processing industries. East London's 70 km long shore is also a sought after tourist destination. East London has also good transport network with the rest of South Africa. The N2 and N6 highways, the East London Airport and the harbour connect it to all major South African cities. There was also agricultural development in the area that mainly focused on dairy, tunnel farming, essential oils and agro-processing sectors (BCM, 2009).

Much as East London played a vital economic role in the Province, there was great concern over the many clothing and textile factories that closed down, and the vulnerability of the remaining ones (BCM IDP, 2009). Stark evidence of the BCM's declining economic activity was Dimbaza, which was once a thriving factory town employing more than 30 000 people (with incentives from the former Ciskei government), but now (2010) has only five functioning factories. In fact, in 2004, East London was the third worst performing city compared to eight other major cities across South Africa (Cape Town, Nelson Mandela Bay, Ethekwini, Tshwane, Ekurhuleni, Johannesburg, Mangaung and Msunduzi) (BCM IDP, 2009). East London Industrial Development Zone (IDZ) was therefore established to encourage further investment. However, urban decay and extreme inequality and poverty still

existed. Duncan Village gives a stark example of challenges BCM faced in regards to the provision of basic services and amenities. East London was chosen to be the study area because there were reports of human trafficking taking place in the area over a number of years (Seethal & Ngwira, 2009). The City had also high and growing unemployment levels, high poverty levels, slow economic growth, high HIV/Aids prevalence rates and good transport network which all influence human trafficking.

Fort Beaufort

Fort Beaufort is a town in the Nkonkobe Local Municipality (NLM) within Amathole District Municipality. It is the administrative seat of the NLM. Fort Beaufort was founded as a military frontier post against Xhosa warriors in 1822. The Town was named after the Duke of Beaufort, father of Lord Charles Henry Somerset, the first British Governor of the Cape Colony. The Town lies at the confluence of the Kat and Brak Rivers between the Keiskamma and Great Fish Rivers. It is the main urban settlement of the NLM. Fort Beaufort houses academic staff and students of the nearby University of Fort Hare.

The 2001 Census put the total population of NLM at 128,659. However, the 2007 Community Survey established that since 2002 the population of NLM was declining

mainly due to HIV/Aids. The 2001 South African Census showed that Fort Beaufort had a total population of 18,135 and that it was the most densely populated area in NLM, with a population density range of 3035 - 6719 persons per square km (NLM, 2008).

Social-economic and demographic trends of Fort Beaufort largely follow those of NLM. The 2001 South African Census showed that NLM (including Fort Beaufort) had a high dependency ratio. Poverty was also identified as the major concern in NLM as the unemployment rate stood at 82%. It was also estimated that 85% of the working population was earning below the household subsistence level and that 16% of the total population did not earn any income at all. Almost fifteen to sixteen years after the end of apartheid era (1994), the NLM was still characterised by high poverty rates, inadequate infrastructure and social services; low agricultural productivity; low institutional capacity; a high dependency on government grants; and inadequate and inefficient income generating strategies to improve the economic base (NLM, 2008) (see Table 2).

The economy of Fort Beaufort mainly depends on citrus farming within surrounding areas. Tourism also plays an important role in Fort Beaufort and one of the interesting sites is the Martello Tower, the original fort. Martello Tower is the Napoleonic era designed circular fort which, hitherto, was only used in coastal

defences. The Tower had a howitzer (cannon) that was capable of giving a 360 degree field of fire. Today (2010), the original howitzer still remains mounted on the Tower. Fort Beaufort also boasts a number of sulphur springs.

Table 2. Nkonkobe Local Municipality, Eastern Cape Province – Social Economic Indicators (2007-2009)

INDICATOR	DESCRIPTION	VALUE
2007 total population	Number of people	130,100
Human Development Index	Index for 2008	0.51
HIV /Aids estimates	Number of people infected with HIV in 2007	11 216
Number of people living in poverty	Number of people in 2007	50,983
2007 Poverty gap	Million Rands	118
2007 Illiteracy rate	Percentage of people	30
2007 Unemployment rate	Percentage for 2007	55.0%
GDP Growth Rate	Percentage -for 2008	3.4 %
GDP Growth Rate	Percentage for 2009	-1.5%

(Adapted from Nkonkobe Local Municipality (NLM) (2010).

The Nkonkobe Local Municipality Integrated Development Plan

Currently (2010), the NLM managed to get funding from the Development Bank of Southern Africa for the funding of some sectors that included tourism, agriculture, waste management, transport and Local Economic Development (LED). High poverty levels, a youthful population, the effects of the Aids pandemic, exploitation in the citrus farms and presence of entertainment places like the Pandarosa – a popular local tavern - were some of the factors related to human trafficking in Fort Beaufort which were of interest to this study.

Graaff-Reinet

Graaff-Reinet (alongside Aberdeen and Nieu-Bethesda) is a major town of the Camdeboo Local Municipality (CLM) within the larger Cacadu District Municipality. Graaff-Reinet is tucked into a bend of the Sundays River and is surrounded by the Sneeuberg and the Spandau Kop Mountains. Established in 1786, Graaff-Reinet is the fourth oldest town in South Africa, after Cape Town, Stellenbosch and Swellendam and was named after Governor Cornelis Jacob van de Graaff and his wife Cornelia Reynet (Howcroft, n.d.).

The 2001 South African population Census put the total population of Camdeboo at 44,368 while the 2005 Cacadu District Municipality Household Survey put the total population of CLM at 51,601. On the other hand, the total population of Graaff-Reinet in 2001 was 24,227 implying that more than half of the CLM's population lived

in Graaff-Reinet. The 2001 Census further showed that Camdeboo had lower rates of unemployment and density as compared to the other study areas discussed above. The rates were estimated at 18.39% and 5.6 persons per square kilometre, respectively. However, over 87% of the population was living below the poverty line implying that many employed people were receiving low wages and that jobs were low paying. The urbanisation level for CLM was also very high and was estimated at 72.6% (CLM, 2007).

Agriculture, wool and mohair and tourism were the key features contributing significantly to the economy of the CLM with tourism being the main contributing factor. Graaff-Reinet had more (over 220) proclaimed national monuments (heritage sites) than any other town in South Africa, and boasted the Camdeboo National Park. However, the 2001 Census showed that the economy of CLM was failing to sustain the growing population. The agricultural sector registered a negative growth rate of -0.34% within the same period. The Local Municipality had also a dependency ratio of about 60% (CLM IDP, 2007). Electronic media reports indicated that human trafficking activity was taking place in the Graaff-Reinet area. The Town's growing tourism industry, high poverty levels, slow economic growth and good transport network (the N9 and other roads) made it a suitable choice for a study area for human trafficking.

Mthatha

Mthatha was founded in 1883, along the banks of the Mthatha River. It is the main town and the seat of both the King Sabata Dalindyebo Local Municipality (KSDLM) and the O R Tambo District Municipality. In the apartheid era, Mthatha was a leading administrative centre and was also the seat of the traditional authorities and the parliament (Bunga) of the Transkei. From 1976 to 1994, Mthatha served as the capital of the Transkei Bantustan, under the name of Umtata. However, on 2nd March 2004, Umtata was officially renamed to its current name, Mthatha.

The 1996 South African Census indicated that there were approximately 395,945 people in KSDLM while the 2001 Census put the total population at 415,229. The two Censuses also showed that the majority of KSDLM population resided in rural settlements and that the population primarily depended on state welfare and pensions for survival due to the widespread poverty. Besides the widespread poverty, the impact of HIV/Aids, substantial backlogs in basic infrastructure and the poor condition of the road network were also identified as areas of major concern within the Municipality. The 2001 South African Census showed that the attainment of education in KSDLM was also a challenge as 58,118 people were illiterate while 29,276 did not complete primary school (KSDLM, 2005).

Mthatha experienced a mixed bag in economic growth. Siyongwana (2009) observed that at the time of the Transkei reincorporation into South Africa in 1994, employment in Mthatha was booming. However, she observed that this growth was mainly due to corruption as many people were either over-promoted or were ghost workers. The ANC government between 1994 and 2000 restructured the bloated Transkei civil service through, among other things, removing ghost workers and retrenching those who reached retirement age. This led to a decline in employment during this period. However, the economy of Mthatha was revitalised since 2001 because Mthatha started serving as the major urban centre of both KSDLM and OR Tambo District Municipality. From 2001, Mthatha, as any urban administrative centre, therefore became a magnet which attracted investments (Moriconi-Ebrard, 1994, cited in Giraut & Maharaj, 2002). Despite the revitalisation in economy, widespread unemployment was still a major concern for the Municipality (KSDLM, 2005).

Agriculture, tourism and forestry were the three main economic opportunities offering hope for development and improved quality of life in Mthatha. Community based projects and Small, Medium and Micro-Enterprises (SMMEs) supplemented the three main economic opportunities. The Ngangelizwe Urban Renewal Programme and the development of Coffee Bay were some of the projects the Municipality initiated to improve the quality of life of the population.

The former Transkei region was identified as a major area of origin for internal human trafficking victims (Timse, 2006). The presence of Walter Sisulu University for Technology and Science in the area, the strong influence of the N2 as a transport corridor, wide spread poverty and unemployment coupled with high prevalence rates of HIV-Aids, and being a former Bantustan area made Mthatha be considered as a study area for human trafficking.

Port Elizabeth

Introduction

Port Elizabeth (also referred to as Nelson Mandela Bay or Ebhayi in Xhosa or Die Baai in Afrikaans) is the second largest city in terms of area and the fifth largest in terms of population in South Africa. Port Elizabeth stretches for 16 km along the Algoa Bay. The then acting Governor of the Cape Colony, Sir Rufane Shaw Donkin, named this port after his late wife, Elizabeth. Port Elizabeth, Uitenhage, Despatch and the surrounding agricultural areas together form the Nelson Mandela Bay Metropolitan Municipality (NMBMM) which was established in 2001.

Port Elizabeth (PE) and Apartheid Regime

The apartheid regime in PE relocated the black populations under the Group Areas Act causing various townships to be built. The whole of the South End district, being

a prime real estate location, was forcibly depopulated. During the 1960s and 1970s the University of Port Elizabeth was removed from the picturesque old part of Port Elizabeth to the outskirts of the Town. The relocation of the University resulted in an economic decline in the old centre of Port Elizabeth. The construction of a series of highways, viaducts and interchanges directly along the coast severed the old centre of the Town from the harbour. This development further destroyed the economy of the old centre. In spite of this, Port Elizabeth was described as a progressive City because it provided low-cost council housing to both blacks and whites, did not put into effect influx controls, and harassment and oppression were minimal when compared to other cities (Baines, 2004). Desegregation in the city was high although whites still remained relatively segregated (Christopher, 2001). On the other hand, post-apartheid Port Elizabeth was facing the same problems as the rest of South Africa, including urban decay, HIV/Aids and a surge in violent, often drug-related, crime.

Economy

Home of South Africa's motor vehicle industry, PE boasted many vehicle assembly plants including General Motors, Volkswagen and Ford. Most other industries in the NMBMM were geared towards the motor vehicle industry, and provided parts to the vehicle manufacturers. Port Elizabeth is also a major seaport and includes an IDZ with expanded port facilities at Coega. The city has also a good transport network to

facilitate economic growth. It lies on the N2 road which connects it to areas such as Cape Town, East London and Durban. Metrorail and Shosholoza Meyl run the city's rail network. Port Elizabeth has also an airport which serves the city for both passenger and cargo traffic.

Port Elizabeth was one of South Africa's major destinations for tourists, many of whom came to enjoy the fine beaches and visit the historic sites. The City is also well known for watersports events. There were also many cruises which included dolphins viewing and whale watching. Port Elizabeth was chosen as a study area because it was reported as one of the main centres for international trafficking (Wilson, 2008). The growing tourism industry, good transport network, increased criminal activity, urban decay and high HIV/Aids prevalence rates were also of interest to this study on human trafficking in the Eastern Cape.

All the study areas (except Fort Beaufort) were chosen because the preliminary field research and document analyses indicated that there was human trafficking activity taking place (see Figure 3). Fort Beaufort was chosen because anti-human trafficking campaigns targeting Alice were held in Fort Beaufort. The study areas were also chosen because their social, economic and demographic factors were highlighted as some of the factors that contribute to their propensity to human trafficking (NPA, 2010; Okonofua et al., 2004 and USCRS, 2002).



Figure 3. Eastern Cape Province – Areas that reported Human Trafficking Activity (2010)

Having examined the historic, economic and geographic dynamics in the case study areas, this study now focuses on the existing law enforcement and civil society institutions in the Eastern Cape and their relation to Security Governance Theory, that is, the conceptual framework that underpins this study.

Governance and the Multifaceted Approach with regard to the Eastern Cape Province

This section of the Chapter analyses the civil society and law enforcement institutions in the Eastern Cape Province to establish if these institutions facilitated governance and the multifaceted approach, the principle behind the Security Governance Theory. According to the South African Police Service official web page (www.saps.gov.za), there were over 190 police stations in the Eastern Cape Province in May 2010. This figure however, did not include satellite or mobile police stations and contact points present in the Province. The Province had also many Community Policing Forums which helped in enforcing the law. In October 2010, the police to population ratio in the Province was 1:408 and was above the national ratio (of 1:318). However, the situation in Eastern Cape was better than other Provinces like KwaZulu Natal, Mpumalanga, North West and Limpopo with the latter registering a ratio of 1:510.

The Eastern Cape Province also had a number of civil society organizations that dealt with women and children abuse in general, and with human trafficking issues in particular. These included the Masimanyane Women's Support Centre, Life Line, Child Line, Thuthuzela Care Centre, Family and Marriage Society of South Africa

(FAMSA) (an organisation which undertook trauma debriefing with rape survivors and offered training in trauma debriefing), Aids Training and Information Centre (ATIC), East London Community Care Centre, Rape Survivor's Support Group, Victim Support Centre, National Institute for Crime Prevention and Reintegration of Offenders [NICRO] (support group for abused women), Options Pregnancy Crisis Centre, Witness Support Programme, Eastern Cape Network on Violence Against Women and numerous community based, faith based and women organisations.

In summary, the Eastern Cape Province had a number of law enforcement centres and civil society organisations. On the other hand, Section 18 of the South African Police Act, 1995 (R.S.A. Government, 1995), empowered the law enforcement officers to freely engage the members of the community, business community and other stakeholders. This Act therefore opened the door for civil society organisations to freely engage the law enforcement agencies, a call which the Security Governance Theory advocates. Civil society organisations in Eastern Cape Province were therefore free to establish call centres at courts, police stations, clinics and in community areas. The civil society organisations also freely - networked with local, national and international partners. The purpose of the study - was to try to establish if (and to what extent) these institutions engaged each other in matters of human trafficking.

Conclusion

In conclusion, this chapter has presented a brief overview of the case study areas, focusing particularly on the historical, social, economic, political, environmental and geographical dynamics that influence human trafficking. The Chapter established that the Eastern Cape Province in general and the eight case study areas in particular, had social, economic, demographic and geographic factors which lent themselves to human trafficking. Some of the factors included nearness to an international border; high poverty, unemployment and dependency levels; the flourishing tourism industry in these areas; the high HIV/Aids prevalence and significant backlogs in service delivery. The Chapter has also established that the Province has law enforcement and civil society institutions that could facilitate governance and the multifaceted approach to human trafficking in the Province. The following chapter discusses the legal and policy framework which govern human trafficking in South Africa.

CHAPTER III

LEGAL AND POLICY FRAMEWORK ON HUMAN TRAFFICKING

Introduction

This Chapter gives the contextual background information to human trafficking. The Chapter discusses International Instruments, legislative frameworks and Policy frameworks that inform different countries, in particular South Africa, on human trafficking. The Chapter also emphasises how these International Instruments, legislation and Policy frameworks changed over time. Finally, the Chapter links these International Instruments, legislation and Policy frameworks to the Security Governance Theory.

Kreston (2007) and the IOM (2008) extensively reviewed the legislation and International Instruments that address human trafficking in South Africa. They observed that South Africa had no legislation that directly addressed human trafficking but that the Country ratified a number of International Instruments that offer provisions under which activities associated with human trafficking could be prosecuted.

International Instruments

The first far-reaching International Instrument to address human trafficking holistically was the United Nation's Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children which was a protocol supplementing the United Nation's Convention Against Transnational Organized Crime (U.N. 2000). It was adopted in November, 2000. The Protocol is often referred to as the "Palermo Protocol" because it was adopted in Palermo, Italy. South Africa ratified the Palermo Protocol on 20th February 2004 (IOM, 2008).

The Palermo Protocol is very important and stands tall because it was the first universal Instrument to address all aspects of trafficking in persons, especially women and children. Critical goals of the Protocol included:

- 1) Preventing and combating trafficking in persons, with particular attention to women and children.
- 2) Protecting and assisting victims of trafficking, with full respect for their human rights, and
- 3) Promoting cooperation among national States in order to prevent and combat trafficking, and protect and assist victims of trafficking.

The Palermo Protocol also offered the first internationally agreed-upon definition of human trafficking and criminalises trafficking. It also urged national States to combat trafficking, and assist and protect victims of trafficking through:

- 1) Adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in destination countries either temporarily or permanently.

- 2) Encouraging their respective law enforcement, immigration or other relevant State authorities to cooperate with one another through the exchange of information and training.
- 3) Facilitating and accepting safe repatriation of trafficking victims - who voluntarily wish to go back home - without undue or unreasonable delay.
- 4) Establishing comprehensive Policies, programmes, legislation and other measures which will help prevent and combat trafficking in persons and protect trafficking victims.
- 5) Taking necessary measures - in accordance with their respective domestic law and without prejudice to international commitments in relation to the free movement of people - which will strengthen border controls to prevent and detect trafficking in persons.
- 6) Ensuring that travel or identity documents that they issue are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued.

The IOM (2008) observed that the Palermo Protocol was a very important and successful tool for combating trafficking and assisting and protecting victims of trafficking worldwide. However, the IOM felt the gains made through the adoption of the Protocol in South Africa were primarily limited to cross-border or international trafficking. Two factors were cited as substantiating the IOM's stand. First, the IOM argued that several documentaries on trafficking in South Africa only brought into

attention cases of cross-border trafficking in women from countries like Thailand, China, Taiwan, Lesotho and Mozambique. Second, the IOM argued that both intergovernmental and nongovernmental organizations had circulated a number of reports on human trafficking which usually focused on the cross-border element of trafficking with South Africa as the destination. However, the IOM pointed out that even though South Africa emphasised international trafficking, the Palermo Protocol takes care of both internal and international trafficking.

Human trafficking was described as the modern day slavery because the conditions to which victims were subjected were similar to those that the victims of the trans-Atlantic slave trade experienced (IOM, 2008). Against this background, International Instruments which address slavery can equally be applied to address human trafficking, more especially, the exploitation of victims of trafficking. Member States can thus use the Slavery Convention of 1926 (U.N. 1926) which was signed in Geneva on 25 September to address trafficking. The United Nations amended it on 7 December 1953 (U.N. 1953). Article 2(b) of the Slavery Convention calls on member States to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms. Paragraph 1 of Article 5 of the Convention also calls for the end to compulsory or forced labour except for public purposes. Member States can thus use the articles of this Convention to address human trafficking for labour. The Convention can also be used to address the exploitation of victims who are subjected to slave-like conditions.

The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 (U.N. 1956) also prohibits the subjecting of people to slave-like conditions. Article 1 of the Convention calls member States to take all practicable and necessary legislative and other measures to bring about progressively, and as soon as possible, the complete abolition or abandonment of the following institutions and practices:

- 1) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt.
- 2) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.
- 3) Any institution or practice whereby:
 - a) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
 - b) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
 - c) A woman on the death of her husband is liable to be inherited by another person.

- 4) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

Article 2 of the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 further states that with a view to bringing to an end the institutions and practices mentioned in Article 1 (c) of this Convention, the States that are party to the Convention undertake to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages.

The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 therefore is a very important international instrument which can be used to address a wide range of trafficking activities including debt bondage, serfdom, forced marriages, child brides and other traditional practices like Ukuthwala³.

³ According to the South Africa's Department of Justice, Ukuthwala is a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman's family to endorse marriage negotiations. In ancient times, it did not involve raping or having consensual sex with the girl until marriage requirements had been concluded. However, today, Ukuthwala increasingly involves the kidnapping, rape and forced marriage of minor girls as young as twelve years, by grown men old enough to be their grandfathers (http://www.justice.gov.za/docs/articles/2009_ukuthwala-kidnapping-girls.html).

Various International Instruments have also addressed exploitative labour and the Forced Labour Convention of 1930 (U.N. 1930) is one of the Instruments. The International Labour Organisation adopted the Forced Labour Convention on 28th June 1930 in Geneva. The Convention called member States that ratified it to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Article 14 of this Convention also calls for victims of forced or compulsory labour to be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher. Human trafficking victims are often subjected to forced labour and/or slave-like conditions. Member States can thus use this International Instrument to address these trafficking issues. Member States may also use Article 14 of the Convention to seize property or assets of traffickers and compensate victims.

The International Labour Organization's Minimum Age Convention No. 138 of 1973 is another Instrument which addresses labour issues. The Convention gives the minimum age at which children can start work for different types of work, and the minimum age of entry into the labour force (U.N. 1973). This Convention can thus be used to address child trafficking through prohibiting exploitative child labour. The International Labour Organization's Worst Forms of Child Labour Convention No. 182 of 1999 (U.N. 1999) is the other Instrument which informs national states on human trafficking issues related to labour. The Convention prohibits slavery or practices similar to slavery and procuring or offering of a child for prostitution, for the production

of pornography or for pornographic performances. Labour-related Conventions can thus be used to address trafficking practices like debt bondage, serfdom, forced or compulsory labour, procuring children for prostitution and illicit activities.

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights (U.N. 1948). This is another International Instrument which can be used to address human trafficking. Article 4 of the document states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms. Article 5 of the Universal Declaration of Human Rights, on the other hand, states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Member States who are signatories to the Universal Declaration of Human Rights can use the above articles and other relevant articles to address human trafficking.

Related to the Universal Declaration of Human Rights is the Declaration of the Rights of the Child (U.N. 1990). The proclamation of the United Nations General Assembly Resolution 1386(XIV) of 20 November 1959 forms the basis of the Convention of the Rights of the Child of 20 November, 1989. The Convention on the Rights of the Child came into force on 2 September 1990. Principle 9 of the Convention on the Rights of the Child states that:

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic in any form. The child shall not be admitted to employment before an appropriate minimum age;

he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development (U.N. 1990, p. 2).

Principle One of the Convention of the Rights of the Child extends the privileges which people enjoy through the Universal Declaration of Human Rights to children. However, the Convention of the Rights of the Child also directly protects the child from trafficking, exploitation, cruelty and child labour. The Convention of the Rights of the Child can therefore be used by member states to fight trafficking.

The African Charter on the Rights and Welfare of the Child of November 29, 1999 also addresses issues related to child trafficking (O.A.U. 1999). Article 15 of the Charter deals with issues on child labour and states that every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral or social development.

Article 16 of the African Charter protects children against child abuse and torture and provides that States that are party to the Charter shall:

- 1) Take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse.

- 2) Put in place child protective measures which include the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child. The units would also be responsible for the prevention, identification, reporting, referral, investigation, treatment, and follow-up of instances of child abuse and neglect.

Article 21 of the African Charter also protects children against harmful social and cultural practices and states that:

- 1) States that are party to this Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:
 - a) those customs and practices prejudicial to the health or life of the child;
and
 - b) those customs and practices discriminatory to the child on the grounds of sex or other status.
- 2) Child marriage and the betrothal of girls and boys shall be prohibited. States that are party to the Charter should take effective action including legislation to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

Article 27 of the African Charter protects the child from all forms of sexual exploitation and sexual abuse and provides that States that are party to the Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:

- 1) The inducement, coercion or encouragement of a child to engage in any sexual activity.
- 2) The use of children in prostitution or other sexual practices.
- 3) The use of children in pornographic activities, performances and materials.

Article 29 of the African Charter addresses issues to do with the sale, trafficking and abduction of children. It calls on States to take appropriate measures to prevent:

- 1) The abduction, the sale of, or trafficking of children for any purpose or in any form, by any person including parents or legal guardians of the child.
- 2) The use of children in all forms of begging.

States that are signatories to, and have ratified the above International Instruments are required to take appropriate measures to ensure compliance with all the provisions of the Instruments. However, some important Instruments are even binding on State countries which are not signatories to the same. Countries that have ratified each protocol are also required to develop country specific laws which will ensure that the clauses contained in the Instruments are addressed.

South Africa is a signatory to, and has ratified some of these International Instruments. For instance, South Africa is a signatory to the Palermo Protocol and has also ratified the International Labour Organization's Worst Forms of Child Labour Convention No. 182 of 1999 (IOM, 2008). The Country can thus use these Instruments to address trafficking. The IOM (2008) has highlighted, for example, where South Africa has used some of the clauses of the International Labour Organization's Minimum Age Convention No. 138 of 1973 in the Basic Conditions of Employment Act, whereby children under the age of fifteen are not permitted to work until the end of the school year. Having looked at the International Instruments which can be used to address human trafficking, the next section examines the legal Instruments which the South African government uses to address trafficking.

South Africa's Legislative Framework

South Africa does not have legislation that directly addresses human trafficking but currently has the Prevention and Combating of Trafficking in Persons Bill which was published in Gazette No. 32906 on 29 January 2010 (R.S.A. Trafficking Bill, 2010). The Prevention and Combating of Trafficking in Persons Bill aims at:

- 1) Giving effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons.
- 2) Providing for the prosecution of persons involved in trafficking and for appropriate penalties.

- 3) Providing for the prevention of trafficking in persons and for the protection of and assistance to victims of trafficking.
- 4) Providing support services to victims of trafficking.
- 5) Providing for effective enforcement measures.
- 6) Establishing an intersectoral committee on the prevention and combating of trafficking in persons - which must develop a draft national policy framework and
- 7) Combating trafficking in persons in a coordinated manner.

The Bill defines trafficking as including the delivery, recruitment, procurement, capture, removal, transportation, transfer, harbouring, sale, exchange, lease, disposal or receiving of a person, or the adoption of a child facilitated or secured through illegal means, within or across the borders of the Republic by means of: the threat of harm; the threat or use of force, intimidation or other forms of coercion; the abuse of vulnerability; fraud; deception or false pretences; debt bondage; abduction; kidnapping; the abuse of power; the giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or the giving or receiving of payments, compensation, rewards, benefits or any other advantage, for the purpose of any form or manner of exploitation, sexual grooming or abuse of such person, including the commission of any sexual offence or any offence of a sexual nature in any other law against such person or the performing of any sexual act with such person, whether committed in or outside the borders of the Republic (R.S.A. Trafficking Bill, 2010).

The Bill also seeks to highlight the prevention and combating of trafficking in persons through public awareness programmes. It calls for the establishment of programmes which will inform and educate members of the general public especially those at high risk on issues about trafficking.

The R.S.A. Trafficking Bill also outlines offences and penalties to persons who are involved in trafficking in persons and acts aimed at committing, acquiring another person to commit, or conspiring to commit trafficking. It also outlines penalties to people involved in debt bondage or who are in possession, or have destroyed, or confiscated, or concealed or those who have tampered with the identification document, passport or other travel document of a victim of trafficking to facilitate or promote trafficking. Persons who are using the services of victims of trafficking are also punished. The Bill also sets out to punish persons whose conduct facilitates trafficking in persons and a carrier who brings a victim of trafficking into or removes a victim of trafficking from the Republic knowing that the victim of trafficking does not have a passport and, where applicable, a valid visa required for lawful entry into or departure from the Republic.

The R.S.A. Trafficking Bill also empowers courts to have jurisdiction in respect of an act committed outside the Republic which would have constituted an offence had it been committed in the Republic, regardless of whether or not the act constitutes an offence in that foreign country. Under this section, the Bill punishes citizens of South

Africa and even noncitizens as long as the latter have committed the offence against a citizen or a resident of the Republic.

The R.S.A. Trafficking Bill also seeks to promote the identification and protection of victims of trafficking by encouraging the reporting and referral of both child and adult victims of trafficking. The Bill also ensures that victims of trafficking access health care services; are not criminally prosecuted; are provided with recovery and reflection period, and temporary or permanent residence if need be. The Bill also calls for the provision of assistance in the voluntary repatriation of victims of trafficking from, and to, the Republic and the escorting of a child victim of trafficking. The Bill also ensures that victims of trafficking are offered quality services through the accreditation of organisations to provide those services and setting minimum norms and standards for such services. Chapter Seven of the Bill calls for the compensation to victims of trafficking and to the State by the attachment and sale of any property belonging to the trafficker.

In the absence of a law that specifically deals with human trafficking, the Republic of South Africa uses other legislation that has elements of trafficking. Kreston (2007), IOM (2008), Kotu-Rammopo (2008), and Jokani and Rusi (2009) pointed out that the following legislation can be used in the absence of human trafficking law in South Africa: the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007; the Children's Act, 38 of 2005; the Child Care Act, 74 of 1983; the Riotous Assemblies Act, 17 of 1956; the Films and Publications Act, 65 of 1996; the Human Tissue Act, 65 of 1983; the Sexual Offences Act, 23 of 1957; the Immigration Act, 13

of 2002; the Basic Conditions of Employment Act, 75 of 1997; the Intimidation Act, 72 of 1982; the Domestic Violence Act, 116 of 1998; the Prevention of Organised Crime Act, 121 of 1998; the Corruption Act, 94 of 1992; the Extradition Act, 67 of 1962 and the International Cooperation in Criminal Matters Act, 75 of 1996.

Jokani and Rusi (2009) also observed that customary law can be used to address the abuse of trafficking victims. The Traditional Courts Bill of 2008 empowers Traditional Courts to use customary law to try different offences and such courts can be used to address the abuse of trafficking victims if the following conditions are evident:

- 1) Abduction: the unlawful and intentional removal of an unmarried minor from the control of her/his parents or guardian with the intention of marriage.
- 2) Kidnapping: the unlawful and intentional deprivation of a person's liberty of her/his freedom of movement.
- 3) Common assault: unlawfully and intentionally applied force to the person of a victim or to have inspired a belief in the victim that force is immediately to be applied to him or her.
- 4) Assault with intent to do grievous bodily harm: unlawfully and intentionally inflicting serious physical injuries in the person of a victim, whether applied directly or indirectly.
- 5) Extortion: unlawful and intentional application of coercive pressure by one person upon another in order that the other may feel compelled to provide the

extorter with some advantage or benefit which he or she might not otherwise have.

The Constitution of the Republic can also be used to address trafficking (R.S.A. Government, 1996). The Constitution is the supreme law of the Republic and contains the fundamental or basic laws for governing the state; any law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled. The 1996 Constitution of South Africa, through the Bill of Rights addressed the following human trafficking related issues:

- 1) Human dignity - everyone has inherent dignity and the right to have their dignity respected and protected.
- 2) Life - everyone has the right to life.
- 3) Freedom and security - everyone has the right to freedom and security, which includes the right:
 - a) not to be deprived of freedom arbitrarily or without just cause
 - b) to be free from all forms of violence from either public or private sources;
 - c) not to be tortured in any way; and
 - d) not to be treated or punished in a cruel, inhuman or degrading way.
 - everyone has the right to bodily and psychological integrity, which includes the right:
 - a) to make decisions concerning reproduction;

- b) to security in and control over their body.
- 4) Slavery, servitude and forced labour - no one may be subjected to slavery, servitude or forced labour.
- 5) Freedom of movement and residence - everyone has the right to freedom of movement and every citizen has the right to a passport.
- 6) Health care services - everyone has the right to access health care services, including reproductive health care.
- 7) Children are supposed to be protected from maltreatment, neglect, abuse or degradation; from exploitative labour practices; are not required or permitted to perform work or provide services that are inappropriate for a person of that child's age, or that place them at risk of their well-being, education, physical or mental health, moral and social development.

Having looked at the South African Legislative Framework that can be used to deal with issues related to human trafficking, the next section discusses the Policy Framework that addresses human trafficking in South Africa.

Policy Framework that Addresses Human Trafficking in South Africa

A Policy can be described as a set of guiding principles determining the course of action. If certain actions of the government are well guided and implemented, major factors which contribute to trafficking can be addressed. The Economic Policy and South Africa's Growth Strategy of 2007 (R.S.A. Economic Policy, 2007) outlined some

microeconomic reforms required to lift South Africa's economic growth rates. Some critical inputs the government put in place to ensure high economic growth rates included higher levels of employment; having a skilled and productive workforce; encouraging corporate interest in skills development; raising labour productivity; raising real wages and raising household living standards. If this Policy is well implemented, it will address the major factor that contributes to trafficking, poverty (Okonofua et al., 2004)

The South African Immigration Policy (R.S.A. Government, n.d.) prohibits some persons from entering the Republic and excludes others from qualifying for permanent residence permits. Prohibited persons include a foreigner who is or was a member of an organisation using crime or terrorism to reach its goals, anyone against whom a warrant is outstanding or a conviction has been secured in the Republic or a foreign country with which South Africa has regular diplomatic relations in respect of genocide, terrorism, murder, torture, drug trafficking, money laundering or kidnapping. The clauses of the Policy may be used to deny members of trafficking syndicates entry into the Republic.

The 1997 South African National Youth Policy (R.S.A. Youth Policy, 1997) highlights the relationship between the youth and crime in South Africa. On one hand, the Policy observed that the average age of young people committing crime reduced, from 22 years in 1988 to 17 years in 1990. This change has been attributed to the emergence of gangs in townships as a result of youth marginalisation. On the other hand, the

Policy observed that there was an increase in crime towards the youth, mainly domestic violence, sexual abuse and rape, and offered solutions to the same. The Policy also called for the betterment of youth services and for the youth to be empowered in all spheres of their lives. This Policy can thus be used to address human trafficking related issues like sexual abuse and rape. Also, the South African National Youth Policy acknowledged that many international agencies and foreign countries support youth services and development through nongovernment and community based agencies, acknowledging one of the principles incorporated in the Security Governance Theory.

Other human trafficking push factors can be addressed through other Policy frameworks like the Policy for Early Childhood Development, National Policy on HIV/Aids for Learners and Educators in Public Schools and Students and Educators in Further Education and Training Institutions, the Liquor Policy Paper and the National Industrial Policy Framework. Having presented the legal and policy frameworks that can be used to fight human trafficking, the study now examines these frameworks for governance and the multifaceted approach to human trafficking.

Governance and the Multifaceted Approach in Legal
and Policy Frameworks that Address Human
Trafficking in South Africa

This section of the chapter analyses the clauses in the International Instruments and South African policy and legislation frameworks and link them to the Security

Governance Theory. International Instruments will be analysed first before analysing the national legislation and policies.

The Palermo Protocol (U.N. 2000) is the main International Instrument which addresses trafficking in persons. Article Nine of the Protocol deals with the prevention of trafficking in persons. Some of the clauses in Article Nine (U.N. 2000, p. 5) state that:

- 1) States Parties shall take or strengthen measures through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
- 2) States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially of women and children that leads to trafficking.

The above two clauses emphasize the need for bilateral and multilateral cooperation among State parties to alleviate the factors that encourage both the supply and demand sides. It is clear that the Palermo Protocol, just as is the case with the Security Governance Theory, values the importance of networking and partnerships. Article Ten of the Protocol deals with the information exchange among, and the training of, law enforcement officers. The Article (U.N. 2000, pp. 5-6) states:

- 1) Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another through exchanging information, in accordance with their domestic law, to enable them to determine the validity of travel documents and the means and methods that organized criminal groups use to recruit and transport victims.

- 2) States that are parties to the Protocol shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights, and child and gender-sensitive issues, and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

The two clauses in Article Ten of the Palermo Protocol reiterate the call of the Security Governance Theory. The first article calls for law enforcement officers in different sectors to cooperate with one another by exchanging information that is vital in curbing the transportation of victims. The second clause requires that law enforcement officers cooperate with nongovernmental organizations, other relevant organizations and other elements of civil society to prevent trafficking.

On the national scene, the Prevention and Combating of Trafficking in Persons Bill (R.S.A. Trafficking Bill, 2010) has parts which also facilitate the governance and multifaceted approach to trafficking. The establishment of the Intersectoral Committee on the prevention and combating of trafficking in persons in Chapter Ten of the Bill is a clear indication of the South African government's desire to have a governance and multifaceted approach to trafficking. The Intersectoral Committee on the Prevention and Combating of Trafficking in Persons consists of: the Director-General of Justice and Constitutional Development, who is the chairperson of the Committee; the National Commissioner of the South African Police Service; the Director-General of Home Affairs; the Director-General of International Relations and Cooperation; the Director-General of Social Development; the Director-General of Health; the Director-General of Labour; the Director-General of National Intelligence Agency; the National Director of Public Prosecutions; and the Chief Executive Officer: Government Communication and Information System.

Of great importance is the clause which states that the Intersectoral Committee may invite representatives from the nongovernmental sector and civil society to its meetings with the view to fostering cooperation between government and civil society in the implementation of this Act. The Bill also calls the Committee to invite any other persons to its meetings, when necessary, for technical assistance, support or advice. This is a clear indication of the intention of the government to include and network with nongovernmental organisations, civil society organisations and any member of the general public to fight trafficking.

Chapter Nine of the Bill deals with international cooperation and empowers the President to enter into an agreement with any foreign State whether it is a party or not to the Palermo Protocol in respect of any matter pertaining to trafficking in persons for the purpose of supplementing the provisions of the Palermo Protocol, or in order to facilitate the application of the principles contained in the Protocol. This is also a clear indication of the willingness of the South African government to extend governance and the multi-faceted approach beyond national borders. This Eastern Cape research tries to establish if the law enforcement sector and the civil society organisations are making full use of the favourable conditions laid down in International Instruments and national legislative framework to enhance governance and a multifaceted approach to trafficking.

Conclusion

The Republic of South Africa has no legislation to specifically deal with human trafficking. However, this Chapter has established that there are a number of International Instruments and alternative national legislation which the South African government can use to address human trafficking in the absence of specific legislation to deal with human trafficking. In the absence of specific legislation to deal with human trafficking, the Government can use the African Charter on the Rights and Welfare of the Child, the 1996 Constitution of South Africa, the Slavery Convention, the Forced Labour Convention, the Universal Declaration of Human Rights, the Palermo Protocol and national legislation that has elements of trafficking, and South

Africa's common law. The Chapter has also established that South Africa has a number of Policy frameworks which address the push factors of human trafficking. Finally, the Chapter has also established that the International Instruments and national legal and Policy frameworks provided the necessary environment for the governance and multifaceted approach to human trafficking in South Africa. The following Chapter presents the research findings.

CHAPTER IV

RESEARCH FINDINGS

Introduction

This Chapter gives a detailed outline of the findings of the Eastern Cape Province case study on human trafficking. This Chapter first summarises the details of the respondents and the data collection process that were presented in Chapter One before actually presenting the research findings. The presentation of research findings in this Chapter has been structured to link these findings directly to the aim and objectives of the study. The findings from both the empirical and secondary sources will be presented simultaneously.

Empirical data for this dissertation were collected through either face-to-face interviews or focus group discussions with representatives of the South African Police Service, Community Policing Forum, National Prosecution Authority, women group organisations, youth groups and Faith Based Organisations. The researcher also attended workshops on trafficking which the provincial government and other civil society organisations organised in all the District Municipalities of the Eastern Cape Province. Important issues raised through plenary discussions during these workshops were noted and formed part of research findings of the study. All in all, information obtained from over 400 people together with that gathered from various

secondary sources was used to answer the research questions and address the aim and objectives of this study. The first section of the Chapter discusses the roles of the law enforcement officers.

Roles of Law Enforcement Officers in

Combating Human Trafficking

The first objective of the study was to establish the different roles that law enforcement officers involved in combating human trafficking played. This study used both primary and secondary data to document the role of the South African Police Service, the Community Policing Forums, the National Prosecuting Authority, customs officials and immigration officers to achieve this objective.

The roles of the South African Police Service as one arm of the law enforcement sector in combating human trafficking are presented first. Intelligence gathering on or establishing evidence of trafficking was the first role of members of police officers. In the Eastern Cape Province, police officers mainly initiated the process of intelligence gathering after receiving a petition, complaint or a tip off from informers or members of the community.

At times the police initiated an investigation on a suspected trafficking case when they were responding to another crime (for instance, domestic violence) but during the process discovered that the case had elements of trafficking. In other instances, a person arrested for other crimes like possession of drugs, vandalism, trespassing, theft

or assault was discovered to be a trafficking victim after a thorough investigation and this forced the police to start investigating a trafficking offence.

About 18 months ago, a Gauteng woman between 25 and 30 years old went for counselling at a Counselling Centre⁵ in Port Elizabeth after she was beaten by her Nigerian boss. I was called to help with the counselling. Earlier on, the police had received a report that a young man was hijacked and dumped literally naked near the bushes in Motherwell. However, during the counselling process, the lady revealed that she was the one who robbed that young man because he was refusing to pay the agreed sum of money for the sex they had. The lady alleged that she robbed the young man because her Nigerian boss demanded a lot of cash from her prostitution - thus, unknowingly revealing that she was a victim of human trafficking (Member of Port Elizabeth Community Policing Forum, personal communication, August 14, 2009).

The police also initiated intelligence gathering on probable human trafficking during their normal duty of patrolling or surveillance if they observed something *suspicious* related to trafficking. Some police officers in the Eastern Cape Province were passionate about their job in that they even initiated personal or individual reconnaissance after suspecting trafficking from sources like media reports.

⁵Name withheld

In a few cases, the police initiated investigations on probable cases of human trafficking after receiving reports from border officials regarding suspicious activity they encountered in the course of their border functions. Medical practitioners who helped mainly abandoned victims with general health or drug related problems were another source of information. In most cases, traffickers had their own private medical practitioners who helped the victims with health related matters, and more often than not, the latter were also clients themselves. After the intelligence gathering process was over and a trafficking case had been established, the police were involved in the apprehension of the suspects. Depending on how well the trafficking syndicate was organised, the apprehension process ranged from just a simple arrest to a raid which involved up to 150 personnel (not only police but also personnel from other institutions and other government departments, for instance, the Department of Health) (Seethal & Ngwira, 2009).

The apprehension of suspected traffickers was not to be taken as a major achievement for the police to sit down, celebrate and relax. If the arrested suspects belonged to a well established syndicate, the chances were high that members of the syndicate who were on the run carried out attacks on the police, victims of trafficking or family members of the victims. They did this in retaliation for the arrest of their colleagues and to force victims to withdraw the case and not cooperate during the trial.

There was a time when I rescued white women and they were pressing charges against their traffickers. However, there were retributions from traffickers due to this development. The women were constantly threatened,

and worse still, even their families back home received similar threats. In fact, the flat belonging to the family of one woman was petrol bombed and the women consequently withdrew the case (Police Officer, personal communication, Humewood, June 26, 2009).

The suspects who were granted bail also involved themselves in similar violent activities and attacks to try and defeat the justice process. The police therefore had a duty to protect themselves, the victims of trafficking and their close family members from such attacks. The police contended that it was for this reason that law enforcement officers, the members of the general public and the mass media were discouraged from publishing the names or releasing the identities of the victims, the people who were involved in a raid on suspected traffickers and the family members of the victims. Second, publicity of the raids was discouraged for fear of alerting other trafficking syndicates about on-going police operations (Police Officer, personal communication, Motherwell, August 4, 2010).

After the arrest of suspected traffickers, the police were also required to give evidence in a court of law. At this stage, the police worked hand in hand with officers from the National Prosecuting Authority to secure the conviction of the suspects.

We work hand-in-hand with police officers who were present during the investigation and apprehension process to ensure that the suspects are linked to the trafficking offence. Police officers are the ones who give vital information obtained during the investigation of the case and from

statements of the victims and other sources before the court (NPA officer, personal communication, Port Elizabeth, August 03, 2010).

Apart from being involved in the criminal process outlined above, the police in the Eastern Cape Province were also involved in disseminating information on trafficking to the members of the community. The police were involved in community education during major events (such as the 2010 FIFA Soccer World Cup in South Africa) and in areas where some cultural practices negatively impacted basic human rights, mainly of children. Some officers formed part of teams which visited schools to raise awareness among learners on human trafficking and its dangers.

Many trafficking victims were also forced to take drugs to enable them to work longer hours and as a means of controlling them. It was therefore impossible to help a victim of trafficking without first dealing with his or her drug problem. In the Eastern Cape Province, the members of various Community Policing Forums tried to help solve trafficking problems through encouraging victims to enter into drug-treatment programmes. This strategy was important for two reasons. First, trafficking victims who were treated were freed from depending on traffickers (Stockholm syndrome) and therefore they were able to start a new life on their own. Second, the strategy helped the members of the Forums to identify victims of human trafficking since the clients who initially came as drug addicts might sometimes subsequently disclosed that their drug habit was the consequence of them being victims of trafficking.

In 2007 I received a call from the owner of a strip club (white lady in her 40s) who complained that seven girls (of different racial groups, aged between

18 and 25, of whom two were Russians) who worked for her were not performing well due to drug addiction and therefore requested that they join my support group on condition that the girls sign an attendance register to prove that they were there. The request that the girls sign this particular attendance register indicated to me that there was an element of human trafficking involved ... in fact, one stripper/prostitute admitted that the IOM rescued her from human traffickers in Macau ... but I assumed the reason she was recruited again was that she did not fully recover from her drug addiction (Member of Port Elizabeth Community Policing Forum, personal communication, August 14, 2009).

Besides using drug treatment as an indirect means of identifying victims and freeing them from the Stockholm syndrome, members of various Community Policing Forums in the Eastern Cape Province worked hand in hand with the police to identify and investigate probable trafficking cases. Members of various Community Policing Forums also helped the police to educate members of the community on various trafficking issues. The other arm of the law enforcement sector to be discussed is the immigration department.

Immigration or border officials interviewed and searched people seeking entrance into, or exit, from South Africa. These officials helped fight trafficking in that the law, the Immigration Act of 2002, empowers them to deny entry to a person involved in organised crimes (like human trafficking) into the Republic of South Africa (R.S.A. Government, 2002). The officers also inspected passports and other documents to

determine whether people were legally eligible to enter, stay, study or work in South Africa. If foul play in the documents was suspected, immigration officials arrested, charged, deported or refused entry to would-be immigrants. In addition, immigration officials had the authority to refer specific instances to the relevant authorities to investigate cases of human trafficking. The role of customs officials was similar to the role of immigration officers.

Customs officials worked closely with immigration or border officials, and examined the cargo about to enter or leave South Africa. During their routine work, customs officials searched for and apprehended prohibited materials. In cases where prohibited material related to human trafficking, for instance, where material containing child pornography, was discovered, the police were informed and an investigation into probable human trafficking was initiated. In cases of successful investigations, the culprits were apprehended and charged with an offence. The NPA is the other arm of the law enforcement sector and the next section discusses the role of this institution.

The National Prosecuting Authority (NPA) worked hand in hand with the police to secure the conviction of suspected traffickers. However, apart from participating in the criminal justice system, the NPA in the Eastern Cape was also involved in awareness campaigns on trafficking in the Province.

We are busy sensitizing community members in the Lusikisiki and Bizana areas to stop marrying very young girls (*the distorted form of Ukuthwala practice*), arguing that this is against the law. In fact, there are about 15

cases related to Ukuthwala which the NPA is currently handling in the area.

(NPA officer, personal communication, Mthatha, August 11, 2010).

Note: words in the italics are those of the author of this dissertation.

The campaigns mainly targeted high risk groups like the youth and other vulnerable members of the general community. On the other hand, the NPA was also involved in giving support to victims of trafficking through the Tsireledzani programme and Thuthuzela care centres, an aspect taken up later in this chapter.

In conclusion, the Eastern Cape Province study found that law enforcement officers in the Province were involved in intelligence gathering, the apprehension of trafficking suspects and the protection of victims of trafficking and their close family members from attacks from traffickers and their accomplices. The law enforcement officers also participated in the criminal justice system and disseminated information on trafficking to the members of the community. The officers encouraged victims to enter into drug-treatment programmes to free themselves from the Stockholm syndrome and gave support to victims of trafficking. At the border and immigration entry ports into the Republic of South Africa, law enforcement officers denied entry to persons involved in organised crimes like human trafficking. Also, the border officials also initiated investigations with relevant authorities into possible trafficking if they suspected foul play with travel documents and cargo about to enter or leave South Africa.

Combating Human Trafficking

The second objective of this study was to establish the role of civil society organisations in the fight against trafficking in the Eastern Cape Province. One of the most important roles cited during the interviews with respondents was that civil society organisations were responsible for ensuring that rescued victims of trafficking have a safe place where their physical, emotional, psychological, health and spiritual needs were met.

Depending on the funding available, victims of trafficking are given shelter, clothing, food and healthcare. Apart from this basic material support we also provide the victims with counselling services, education, vocational skills and even jobs. Some of the victims have recovered fully and are instrumental in the fight against human trafficking and other women abuse (Representative of a Women's Support Centre, personal communication, Cathcart, August 17, 2010).

Civil society organisations, mainly those with international links, also facilitated the safe return of victims of cross-border trafficking. They linked with relevant authorities in destination countries and other international organisations like the International Organisation for Migration (IOM) to ensure the safe return of the victims. Victims of international trafficking, as is the case with victims of internal trafficking, received the necessary support for them to start new lives following repatriation to South Africa (Representative of a Women's Support Centre, personal communication, East London, July 2009).

Some civil society organisations were also involved in public awareness campaigns on human trafficking.

We visit schools and enlighten learners about human trafficking and its dangers. For instance, we tell learners not to believe and accept job offers which appear to be too good for an average offer even if the one giving such an offer was known to them because most traffickers are well known to the victim. At times we use information, education and communication (IEC) materials like posters to raise awareness on human trafficking among members of the community (Representative of Cathcart Civil Society Organisation, personal communication, August 17, 2010).

Human trafficking is generally a new phenomenon in South Africa and in Eastern Cape Province. In consequence, some well established civil society organisations in collaboration with other international organisations were involved in running special workshops to train staff members of newly established civil society organisations and officials from other government departments such as the South African Police Service on various aspects of human trafficking, including how to identify and help trafficking victims.

Some civil society organisations adopted a preventative strategy through empowering vulnerable groups to ensure that they did not fall prey to false promises from traffickers. For example, vulnerable groups like the unemployed youth were empowered through skills development to make a steady income while in their local areas of residence.

The economic stabilization programme targets vulnerable people (especially women who are unemployed, single mothers, the economically disadvantaged or those coming from dysfunctional families) aged between 16 and 30 to empower them economically. After equipping the beneficiaries with business skills, they are provided with grants (an average of \$2000 per person (2009 figure)) to start self- sustaining businesses. In the Eastern Cape Province, we partnered with a Trust⁴ based in Port Elizabeth which identifies and mentors the beneficiaries of this programme. Currently, the beneficiaries have plans ready to be funded (Representative of an International Organisation (Pretoria), personal communication, September 1, 2009).

Some civil society organisations were also involved in lobbying the government of South Africa to change some of its existing laws, more especially those affecting women and their sexual life. Although it was a subject which was under hot debate, some civil society organisations felt that decriminalising prostitution would empower women. They argued that this decriminalisation and the resulting empowerment would enable women report sexual abuse in general and trafficking in particular. Some civil society organisations engaged government officials to ensure the quick passage of the Trafficking Bill into law in South Africa.

Some civil society organisations were working with various government departments to promote human rights among members of the general community as a means of

⁴Name withheld

combating trafficking indirectly. Members of the general community were discouraged from practicing social, religious and cultural practices like Ukuthwala (mainly if it involved young girls of school-going age) which were detrimental to the children's well-being. The rights to education, access to healthcare, food and water and the right to human dignity were also emphasised. The civil society organisations argued that if these rights were upheld, the chances were very high that one of the causes of trafficking, namely, the fact that the victims came from dysfunctional families, would be addressed.

One interesting role which civil society organisations, mainly the Faith Based Organisations, played was seeking divine intervention to end human trafficking.

It is only God who has the power to completely change a person. No matter what course of action one may take to end human trafficking, without God's hand, all the efforts will be in vain. However, if we allow God to control and manage our lives, the world will be a better place to live in because everybody will be living in righteousness, thus there will be no exploitation in the name of human trafficking (Reverend Booï⁵, personal communication, Uitenhage, August 6, 2010)

Faith Based Organisations argued that it was only God's power that could completely change an abusive person into a responsible citizen. Most leaders of Faith Based Organisations also felt that prostitution was the practice which was fuelling human trafficking since traffickers mainly recruited people to meet the demands of this sex

⁵ Not real name

industry. These leaders argued that unless people on both the demand and supply sides in the sex industry repented, turned to God and changed their ways, the fight against trafficking would be lost since the demand for cheap prostitutes in the sex industry was on the rise.

In conclusion, the above section has shown that civil society organisations in the Eastern Cape Province, among other things, were responsible for ensuring that rescued victims of trafficking had a safe place; facilitating the safe return of victims of cross-border trafficking; public awareness campaigns on the trafficking phenomenon and training staff members of newly established civil society organisations and officials from other government departments on how to identify and help trafficking victims. Other organisations empowered vulnerable groups to ensure that they did not fall prey to traffickers; lobbied the government of South Africa to change some of its existing laws and ensure the quick passage of the Trafficking Bill into law. The following section presents findings on the assessment of the extent to which the law enforcement officers and civil society groups adopted governance and the multifaceted approach to human trafficking.

Extent to which Law Enforcement Officers and Civil
Society Groups Adopted Governance and the
Multifaceted Approach to Trafficking

The third objective of this study was to assess the extent to which law enforcement officers and civil society groups adopted governance and the multifaceted approach to human trafficking. This objective sought to assess whether law enforcement officers

and civil society groups included and networked with nonstate actors like international organizations, businesses and private actors. This objective establishes if the law enforcement officers and civil society groups in Eastern Cape functioned within the parameters espoused in the Security Governance Theory to include and network with other actors in the fight against trafficking.

The government of the Republic of South Africa has increased its efforts to include other players in the fight against trafficking. One example was the Tsireledzani project.

The Tsireledzani project was created through the partnership that included the National Prosecuting Authority, the Department of Home Affairs, the International Labour Organisation, the International Organisation for Migration and a local radio station, Metro FM, as a project to counter human trafficking in South Africa (NPA, 2010).

The Tsireledzani project was involved in a number of activities which included research, capacity building and awareness campaigns to prevent and react to human trafficking. Through the Tsireledzani project, different government departments, international organisations and the media came together to fight human trafficking. Although this was a national initiative, Tsireledzani projects were also at the provincial level, thus ensuring that the Eastern Cape Provincial government included other actors in the fight against trafficking.

Related to the Tsireledzani project was the Thuthuzela project. The Thuthuzela project was established through the partnership of the National Prosecuting Authority's

Sexual Offences and Community Affairs Unit (SOCA), with various government departments such as the Departments of Justice and Constitutional Development, Health, Education (currently (2009) split into Basic Education, and Higher Education and Training), Cooperative Governance and Traditional Affairs (previously, Provincial and Local Government), Treasury, Correctional Services, Police (previously, Safety and Security), Social Development and numerous civil society organisations (NPA, n.d.). Initially, the project aimed at offering one stop centres, known as Thuthuzela Care Centres, which were responsible for supporting rape victims through the provision of medical care and treatment, safe places, counselling and advice on the criminal justice system. However, the project went beyond only managing rape victims to include helping victims of other sexual offences. The majority of victims of human trafficking were exploited sexually therefore, many civil society organisations which dealt with victims of human trafficking were linked to these centres, and referred victims of human trafficking to them. The Thuthuzela Care Centres showed that the law enforcement officers and civil society groups included and networked with other actors in the fight against trafficking.

The Provincial government in the Eastern Cape Province also engaged other actors when fighting human trafficking. Through the Special Programmes Units in the six District Municipalities of the Eastern Cape, the Premier's Office worked hand in hand with the Department of Social Development, the South African Human Rights Commission, the National Prosecuting Authority, the South African Police Service and the University of Fort Hare to engage various civil society organisations and members

of the community in the District Municipalities on how to prevent child trafficking as well as develop a Provincial child trafficking prevention strategy paper.

From the discussion above, it is clear that the law enforcement officers and civil society groups worked with different government departments and other nonstate actors like international organizations, private actors and members of the community in the fight against human trafficking. The law enforcement officers and civil society groups therefore functioned in terms of the Security Governance Theory to include, and network with, other actors in the fight against trafficking. The following section, however, establishes if this existing partnership was capable of effectively stemming human trafficking.

Assessment of the Existing Coordination between Law Enforcement Officers and Civil Society Groups

The fourth objective of this study was to assess the existing coordination between law enforcement officers and civil society groups involved in the fight against trafficking in the Eastern Cape Province. The Security Governance Theory observed that coming together as partners or involving other actors in the fight against trafficking was one thing, and having a working partnership, another. That is why the Theory called for coordination among all networks. This objective assessed the coordination between law enforcement officers and civil society groups using the seven standard principles which the Vienna Forum established (referred to on pp. 15-16 of this dissertation):

- 1) A common definition of the purpose of cooperation is necessary. Much as both the law enforcement sector and the civil society organisations in the Eastern Cape aimed at reducing trafficking, they did not have a common statement on how they were going to achieve this aim as partners. This usually resulted in different organisations pursuing a common agenda independent of one another. For instance, on one hand, an individual who happened to be a key speaker was invited to address several antitrafficking workshops at the same time. On the other hand, more than one workshop with the same agenda of fighting human trafficking was held at different venues within the same locality. Consequently, delegates were often confused as to which workshop they were supposed to attend.
- 2) Cooperation should not be limited to law enforcement but should also incorporate the provision of other services, such as education. On this standard, the law enforcement sector and the civil society organisations in the Eastern Cape made a significant stride because providers of other services were included in their anti-trafficking activities as noted in the third objective of this study.
- 3) Cooperation needs to be formalised and structured through cooperation agreements. The study established that the law enforcement sector and the civil society organisations in the Eastern Cape Province did not have formal agreements to formalise their cooperation. This lack of formal agreements led to the different parties in the cooperation not taking one another seriously. A series of Provincial child trafficking prevention strategy workshops bore a clear

illustration on this. Quite often, key speakers did not show up and neither did they report their absence nor apologize because they knew that there was no formal agreement compelling them to attend the workshops. Clearly, some individuals did not take the initiatives and efforts against human trafficking seriously.

- 4) Information-sharing and data management need to form part of the cooperation agreement. This study showed that both the law enforcement sector and civil society groups, mainly in the rural areas, were guilty when it came to information sharing. On the one hand, the law enforcement sector argued that it did not want to release information for fear of jeopardising their investigations and publicising the identity of victims. Second, given that there was no specific legislation on human trafficking, the police and NPA records did not necessarily reflect cases of human trafficking but listed these as other offences like assault, rape and kidnapping. On the other hand, the civil society groups argued that for ethical reasons, they were not able to release the information of clients. Had there been an understanding and sharing of information between these two parties, both would have benefited. The law enforcement officers would have had access to victims in the hands of civil society organisations and would have been able to initiate investigations into trafficking. Civil society groups, on the other hand, would have had a chance to know victims in the hands of the law enforcement sector and arrange for assistance for them. However, the study established that where there were Thuthuzela Care Centres, information

sharing and general cooperation was better. The lack of trafficking data also implied that there was no data management.

- 5) The cooperation should have assessment or evaluation mechanisms which would underscore its successes. Evaluation or assessment mechanisms rely on the availability of reliable data. However, the study established that there was lack of information-sharing among different partners, and that specific records on human trafficking cases were lacking due to the lack of specific legislation on trafficking. It was therefore difficult for the law enforcement sector and the civil society organisations in Eastern Cape to explicitly tell whether their anti-trafficking strategies were succeeding. This situation has created a blurred image on the situation of human trafficking in the Province.
- 6) The importance of a holistic, multidisciplinary approach is to be stressed when developing cooperation frameworks. This study, in objectives one and three above, showed that the law enforcement sector and the civil society organisations in the Eastern Cape Province valued the multidisciplinary approach and thus involved players from other sectors when dealing with trafficking issues (e.g., when conducting raids). However, there were loopholes in this approach, for instance, since their cooperation lacked formal agreements and a common definition of the purpose as observed above.
- 7) Having a specialist representing all involved parties to build trust and enhance communication. Stakeholders in the Eastern Cape Province did not have a specialist representing all involved parties. The SAPS was well ahead of its counterparts in that it had a Provincial coordinator on human trafficking within

the institution. Other institutions needed to follow suit, and then one Provincial coordinator representing all institutions in the Province be identified. The Province needed one person to link all government departments and civil societies involved in the fight against trafficking. The situation in Eastern Cape Province could therefore be likened to a well equipped army battalion without a commander to execute operation orders. The battalion would definitely not perform. No matter how good anti-trafficking strategies were, the chances of winning the fight against trafficking without a Provincial coordinator were reduced. The Province needed a Provincial coordinator to link all the parties concerned and provide direction and guidance in the efforts against trafficking.

From the standards which the Vienna Forum established, it was clear that the law enforcement sector and the civil society organisations needed to cooperate more fully if they hoped to succeed in their fight against trafficking. Their cooperation lacked a common definition of purpose; had no cooperation agreements; was also characterised by the lack of information-sharing and poor management of trafficking data; and lacked a specialist representing all involved parties thus negatively affecting the cohesion of the anti-trafficking programmes. Having highlighted some of the challenges affecting the existing cooperation between the law enforcement sector and the civil society organisation, the following section will discuss the challenges the law enforcement officers and the civil society organisation face when combating trafficking.

Challenges the Law Enforcement Sector and the
Civil Society Organisations faced when
Combating Human Trafficking

The study finally wanted to uncover the challenges which law enforcement officers and civil society groups faced when combating human trafficking in rural and urban areas. The challenges which the law enforcement sector faced are presented first; this will be followed by the challenges that the civil society organisations faced.

Challenges Law Enforcement Officers faced
when Combating Human Trafficking

Human trafficking is an underground crime. The victims of trafficking were mostly exploited in undisclosed places which law enforcement officers did not easily reach to rescue the victims. The victims were also threatened and coerced to prevent them from disclosing their status. Against this background, law enforcement officers found it hard to investigate trafficking cases.

The other challenge which the law enforcement officers faced was the exposure to bodily harm. Human trafficking, as an organised crime, involved many people engaged in multiple illegal activities. The acquaintances of people who were under investigation or detained posed a danger of retaliatory attacks on the law enforcement officers. The law enforcement officers were also exposed to bodily harm when they were conducting raids.

Human trafficking, as an organised crime, also involved people who were powerful and in controlling positions both in public and private sectors.

Most of the time we are caught in the middle of a fight between accomplishing our role as law enforcement officers and the pressure not to expose people in authority, more especially politicians, who are in one way or the other connected to human trafficking. For instance, when we decide to 'sweep' our streets and get rid of prostitutes, we receive orders 'from above' to reverse our decision. More often than not, the political influence prevails, but this opens us up to criticism and pressure from the members of the community for not doing enough to protect them (Police Officer, personal communication, Bethelsdorp, August 5, 2010).

The other challenge which the law enforcement sector faced was the lack of resources, more especially well trained human resources.

Human trafficking is a new phenomenon and most of our friends do not understand this concept as well as how to identify and help trafficking victims. There are very few of us who are well trained in trafficking issues. For instance, tomorrow I am expected to represent the SAPS at two different anti-trafficking functions. I accepted the invitations out of passion for my job, but I am overworked (Police Officer, personal communication, Motherwell, August 4, 2010).

The other challenge which the law enforcement officers, and probably all the stakeholders involved in the fight against trafficking faced was the lack of legislation

that deals specifically with human trafficking. The lack of legislation that deals specifically with trafficking meant that the law enforcement sector, in particular the South African Police Service and the National Prosecuting Authority, did not keep specific records of human trafficking cases. This situation therefore deprived the law enforcement sector of a well organised data base on human trafficking cases and made it difficult to assess whether or not the sector was winning the fight against human trafficking. The lack of a well organised data base also created a situation where the sector failed to establish a good monitoring system that could be used to identify the best anti-trafficking programmes at hand.

Respondents from the law enforcement sector noted that the lack of a law to deal specifically with human trafficking affected the justice system as well.

There are two main challenges facing the justice system due to the absence of legislation to deal specifically with trafficking. First, traffickers get lenient sentences since they are charged with minor offences like assault and not the serious crime of human trafficking. Second, in the absence of a legislation to deal specifically with trafficking, we are using other legislation to prosecute trafficking. However, a lot of prosecutors do not understand the alternate legislation used to prosecute trafficking cases in lieu of the specific legislation to deal with human trafficking (NPA officer, personal communication, Port Elizabeth, August 3, 2010).

Finally, the law enforcement officers admitted that improved technology made it difficult to fight trafficking. The officers cited a growing number of online social sites

and networks like “badoo”, “mix-it” and “face book” which traffickers used to lure and meet probable victims. Improved technology also made it easier for traffickers to produce fake travel and identity documents. Advanced technology also meant improved communication within the ranks of the trafficking syndicates that ensured that all syndicate members were well updated and alerted with regard to the operations of the law enforcement officers.

In conclusion, the section above established that law enforcement officers found it hard to investigate human trafficking due to the nature of the offence; were prone to bodily harm from traffickers or their acquaintances; and failed to perform their duties freely due to pressure from people in authority who were connected to human trafficking. Law enforcement officers also felt that trafficking was a new crime and that they did not have proper training to deal with it; the lack of legislation to deal specifically with human trafficking negatively affected the monitoring and evaluation processes to determine best anti-trafficking programmes; the lack of legislation to deal specifically with human trafficking resulted in lenient sentences to offenders since offenders were charged with minor crimes and not the serious crime of human trafficking. The following section present challenges civil society organisations faced.

Challenges Civil Society Organisations Faced when Combating Human Trafficking

Civil society groups in the Eastern Cape Province faced a wide range of problems during their day to day endeavours. One problem which affected newly established and largely rural civil society organizations was the lack of adequate funding.

Lack of funds is preventing us from providing adequate assistance to human trafficking victims. We therefore rely largely on volunteer workers. I highly appreciate the work of volunteer workers. However, the amount of work and the efficiency of a voluntary worker cannot match that of a paid worker since the former lacks motivation. In order to motivate our voluntary workers, we give them stipends and other incentives like training, uniforms and a certificate of recognition as a qualified volunteer. However, it is very hard to sustain these incentives, mainly the stipend. Worse still, some government departments have volunteers who receive much higher stipends than the ones we offer and as a result, we lose our personnel to these well paying government departments (Representative of an NGO, personal communication, Mthatha, August 11, 2010).

Most respondents from civil society organisations also agreed that human trafficking was a new phenomenon in Eastern Cape Province. Their workers and volunteers therefore largely lacked an understanding of this phenomenon and were not able to effectively manage human trafficking victims or to fight the pandemic. However, officers from well established civil society organisations (like Masimanyane Women Support Centre), some international organisations (like the IOM) and from several government institutions (like the Premier's Office, Human Rights Commission and the Department of Social Development) held workshops with officers from newly established civil society organisations on how to identify and help victims of human trafficking, and fight the pandemic.

Many civil society organisations based in urban areas and those which were operating near a Thuthuzela Care Centre had a cordial relationship with the law enforcement sector. However, many representatives of rural civil society organisations reported that they were having problems in their relationship with the law enforcement sector.

Quite often, officers from the law enforcement sector refer victims of trafficking to urban area based civil society organisations for assistance. This demoralises our staff and affects our funding too because donors do not appreciate our work here in the rural areas (representative of a rural NGO, personal communication, August 11, 2010).

However, one can deduce from the discussion above that this may be the case because most urban-based civil society organisations have a better understanding of the phenomenon, more resources and a greater capacity to assist victims of trafficking.

Many civil society organisations in the Eastern Cape Province also felt that they were not adequately helping victims of international trafficking. Language barriers have been cited as one factor. Some victims of international trafficking who were trafficked into South Africa did not know English. It was a challenge, therefore, to give such victims proper counselling and emotional support due to language barriers. On the other hand, both foreign and local trafficking victims were afraid to come out in the open and receive assistance from civil society organisations because of the sexual exploitation they were subjected to.

With the dawn of democracy in South Africa in 1994 and the freedoms attached to it, urban-based civil society organisations were faced with a renewed challenge of human rights.

Even though traffickers use different forms of threats and coercion, and drugs to control their victims, our children in the sex industry deny this and argue that they were in their present situation out of choice. It is extremely difficult to help someone who argues that since it was her body, she had the right to do whatever pleased her. What we end up doing is to rescue only those who are under the age of 18 (Representative of an NGO, personal communication, Graaff-Reinet, September 14, 2010).

Against this background, the general belief among community members was that girls in the sex industry were there out of choice and therefore should not complain if they were exploited. Unfortunately, this perception existed among the personnel of most civil society organisations. Consequently they failed to offer assistance to those who were 'true' victims of human trafficking.

The lack of legislation to deal specifically with human trafficking was also negatively affecting the work of the civil society organisations. In the absence of this legislation, victims of human trafficking were not treated as such but as mere victims of one form of sexual abuse, for instance, rape. Treating victims of human trafficking merely as rape victims deprived them of other vital care since rape was only one aspect of a larger problem.

The other challenge which civil society groups faced was the infighting among the civil society groups as regards the best approach to end trafficking. Confusion existed mainly between Faith Based Organisations and other organisations. Even though both parties agreed that prostitution was fuelling human trafficking in the Eastern Cape Province, the two parties had opposing views to deal with prostitution. Faith Based Organisations argued that prostitution should remain illegal because it was against the will of God. On the other hand, some women based organisations were calling on the government to decriminalise prostitution. They argued that if prostitution was decriminalised, the women would be able to report any form of abuse, including human trafficking, since they would not be afraid of being arrested.

Another challenge which the civil society organisations faced was how to deal with victims who accepted their present condition due to drugs, persistent fear or mental breakdown. These were the victims who felt they could not be helped since the damage done to them was beyond repair - for instance they felt they already had HIV. Other victims felt they could not survive without drugs while others were afraid of the consequences which would befall them or their family members when they decided to leave the traffickers. Many civil society organisations in the Eastern Cape Province felt they were not competent to handle such situations.

The issue of Ukuthwala did not only affect the law enforcement officers. Civil society groups also indicated that they were facing considerable resistance from the members

of the community if they raised the issue that Ukuthwala (mainly if it involved force and underaged girls) constituted human trafficking.

Some people are deeply rooted in their culture and seem to have deaf ears to any call suggesting change. They point out that Ukuthwala has been practised for many years and wonder why it has become a 'sin' only now. One funny experience was when an elderly man told one of our volunteers to stop calling for an end to the practice since the volunteer herself was happily married to a man who used Ukuthwala to marry her. However, we are working very hard to check this malpractice (Representative of an NGO, personal communication, Mthatha, August 11, 2010).

Finally, some civil society organisations complained that most of the government social workers, mainly those in rural areas were not adequately trained on human trafficking issues and were difficult to work with. Other organisations complained of the lack of certain material resources like the means of transportation to reach victims. Lastly, other organisations reported that they lacked the capacity to train their staff on human trafficking issues.

In short, the section above established that many civil society organisations lacked adequate funding; their staff largely lacked an understanding of human trafficking and how to effectively manage; and had problems in their relationship with the law enforcement sector. Language barriers and the fact that some victims did not

disclose their predicament for fear of stigma also negatively affected the work of many civil society organisations. The following section concludes the Chapter.

Conclusion

The Chapter has presented the findings of the study in line with the five objectives of the study. The study found that law enforcement officers in the Eastern Cape Province were involved in the intelligence gathering, the apprehension of trafficking suspects and the protection of victims of trafficking and their close family members from attacks from traffickers and their accomplices. The law enforcement officers also participated in the criminal justice system and disseminated information on trafficking to the members of the community; encouraged victims to enter into drug-treatment programmes to free themselves from the Stockholm syndrome⁶ and gave support to victims of trafficking; denied, as far as possible, entry into the Republic to persons involved in human trafficking; and reported to the relevant authorities the necessity to investigate possible trafficking if they suspected foul play with travel documents, and cargo about to enter or leave South Africa.

The study also showed that civil society organisations in the Province were responsible for ensuring that rescued victims of trafficking had a safe place where their physical, emotional, psychological, health and spiritual needs were met;

⁶ Stockholm syndrome is a situation whereby victims of human trafficking develop a strong bond or attachment with their traffickers. The victims become physically and emotionally attached to traffickers because the traffickers are seen as kind people since they provide the victims with basic needs for survival. In this situation, victims are given drugs and later become addicted. The victims later see traffickers as kind people who are giving them drugs for their survival and even defend the traffickers when approached by law enforcement officers.

facilitated the safe return of victims of cross-border trafficking and empowered vulnerable groups to ensure that they did not fall prey to traffickers; were involved in public awareness campaigns on human trafficking; trained staff members of newly established civil society organisations and officials from various government departments on how to identify and help trafficking victims; lobbied the government of South Africa to change some of its existing laws, more especially those affecting women and their sexual life; engaged government officials to ensure the quick passage of the Trafficking Bill into law in South Africa; and worked with various government departments to promote human rights among members of the community as a means of combating trafficking indirectly. Finally, Faith Based Organisations sought divine intervention to end human trafficking.

The study further established that different law enforcement sectors worked together with other government departments and nonstate actors like nongovernmental organisations, civil society organisations, international organizations and private actors in the fight against human trafficking.

The Eastern Cape Province study also showed that even though the law enforcement sector and civil society organisations in the Province engaged different government departments and nonstate actors, international organizations and private actors (e.g., the IOM, the University of Fort Hare and Media Houses) in the fight against human trafficking, they needed to cooperate more fully if they hoped to succeed because their cooperation failed to meet most of the standards which the Vienna Forum set.

Finally, the Chapter has also presented the challenges which the civil society organisations and the law enforcement sector faced when combating trafficking. The law enforcement officers found it hard to investigate human trafficking due to the nature of the offence, and were also prone to bodily harm from traffickers or their acquaintances; failed to perform their duties freely due to pressure from people in authority who were in one way or another connected to human trafficking; felt that trafficking was a new crime and that they did not have proper training on this crime; observed that the lack of legislation to deal specifically with human trafficking negatively affected the monitoring and evaluation processes to determine the best anti-trafficking programmes; and contended that the lack of legislation to deal specifically with human trafficking resulted in lenient sentences to offenders since offenders were charged with minor crimes and not the serious crime of human trafficking.

Finally, the Eastern Cape study established that many civil society organisations lacked adequate funding; their staff largely lacked the understanding of human trafficking and how to effectively manage human trafficking victims since the pandemic was new; had problems in their relationship with the law enforcement sector; failed to execute their jobs well due to language barriers and the fact that some victims did not disclose their predicament for fear of stigma. The next chapter links these findings to specific conditions in the study area, existing policies and legislation, findings of similar studies carried out elsewhere, and the conceptual framework.

CHAPTER V

DISCUSSION OF RESEARCH FINDINGS

Introduction

This chapter discusses the findings of the Eastern Cape Province case study on human trafficking. Specific conditions prevailing in the study area, existing policies and the current legislation in South Africa will be linked to the outcomes of this research. The Chapter also compares the findings of this research to the findings of other studies undertaken elsewhere. Finally, the findings of this research will be linked to the Security Governance Theory, the conceptual framework that underpins this study. The first section of this Chapter discusses the first objective of the study, which was to establish different roles which law enforcement officers involved in combating human trafficking in Eastern Cape Province played.

Roles of Law Enforcement Officers

The first objective of the study was to establish different roles which law enforcement officers (i.e., officers from the South African Police Service, community policing forums, National Prosecuting Authority, customs and immigration or border officials) involved in combating human trafficking in Eastern Cape Province played.

The Eastern Cape Province study found that law enforcement officers in the Province were involved in intelligence gathering, the apprehension of trafficking suspects and

the protection of victims of trafficking and their close family members from attacks from traffickers and their accomplices. The law enforcement officers also participated in the criminal justice system and disseminated information on trafficking to the members of the community. The officers encouraged victims to enter into drug-treatment programmes to free themselves from the Stockholm syndrome and gave support to victims of trafficking. At the border and immigration entry ports into the Republic of South Africa, law enforcement officers denied entry to persons involved in organised crimes like human trafficking. Also, the border officials reported to relevant authorities and suggested investigations into possible trafficking when they suspected foul play with travel documents, and cargo about to enter or leave South Africa.

Existing International Instruments, national legislative and policy frameworks largely informed the roles of the law enforcement officers in the Eastern Cape Province. The South African Police Act of 1995 calls on the members of the SAPS to ensure the safety and security of all persons and property in the national territory. The SAPS officers guaranteed the safety of victims of trafficking through the apprehension of suspected traffickers and protection of victims and their close family members from attacks from traffickers and their accomplices. Section 18 of the South African Police Act of 1995 highlights one feature of the Security Governance Theory through empowering the law enforcement officers to freely engage the members of the community, business community and other stakeholders. The law enforcement officers in the Eastern Cape Province were therefore free to engage members of the community through dissemination of information on trafficking, encouraging victims of

trafficking to enter into drug-treatment programmes and providing support to victims of trafficking.

The Eastern Cape Province shared an international boundary with Lesotho. The Province also has harbours and airports which connect it to other major cities and serve as entry points into the Republic. Customs and immigration (border) officials denied entry into the Republic to persons involved in organised crimes like human trafficking. Border officials also reported to relevant authorities to initiate an investigation into possible trafficking if they suspected foul play with travel documents, and cargo about to enter or leave South Africa. Customs and immigration (border) officials worked in accordance with the International Instruments and national legislation and Policy frameworks to prevent trafficking at the border and the ports. The Palermo Protocol encourages law enforcement officers to take necessary measures that will strengthen border controls to prevent and detect trafficking in persons. The South African Immigration Act of 2002 (R.S.A. Government, 2002) and the South African Immigration Policy (R.S.A. Government, n.d.) empower border officials to deny entry into the Republic to persons involved in organised crimes like human trafficking. Also, the law enforcement officers acted in line with the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 when they laid charges against people involved in Ukuthwala (when it involved young girls) in the former Transkei. The Convention prohibits social and cultural practices which force a woman into

marriage without her consent. The next subsection links the roles of law enforcement officers in Eastern Cape with findings of other studies.

The roles of law enforcement officers involved in combating human trafficking in Eastern Cape Province paralleled those of their counterparts in other countries. The Eastern Cape study established that law enforcement officers were involved in intelligence gathering, the apprehension of trafficking suspects and the protection of victims of trafficking and their close family members from attacks from traffickers and their accomplices. Law enforcement officers in the Province also participated in the criminal justice system and disseminated information on trafficking to the members of the community. These roles complemented the findings of the study that Wilson and Dalton (2008) conducted in Columbus and Toledo in Ohio, United States of America. Wilson and Dalton established that the law enforcement officers in the U.S.A. were involved in the identification and protection of victims of human trafficking, and the investigation and prosecution of trafficking cases. Similar roles were established in European countries (Goodey, 2004). The law enforcement officers in Europe provided information to victims on the substance and progress of their case. The officers in Europe also provided specialist victim support and counselling services.

The Eastern Cape study further established that the law enforcement officers involved other stakeholders when conducting raids. Involving other players in the fight against trafficking is one aspect of the Security Governance Theory. Wongboonsin (n.d.) established that the law enforcement officers in Thailand also incorporated this aspect

of the Security Governance Theory, and also closely cooperated with NGOs in the raid and rescue operations after a trafficking case was reported.

Currently (2010), the law enforcement sector in Eastern Cape does not fight for compensation for victims of human trafficking. However, government officials of the Republic of South Africa noted the importance of compensating victims of human trafficking and included this issue in the Prevention and Combating of Trafficking in Persons Bill. Once the Bill is passed into law, the compensation of victims will be provided for, since the proposed legislation provides for the compensation of victims. The law enforcement officers in Eastern Cape Province did not fight for the compensation of victims of trafficking from their traffickers although their counterparts in Europe sought restitution and compensation (Goodey, 2004). Perhaps, one important aspect that law enforcement officers from the Eastern Cape could learn from their counterparts in the U.S.A. (which would ease their role of protecting victims and their close family members) was to lobby the government to allow victims of human trafficking to change their identity, and facilitate the process whereby victims and their close family members relocate to safe undisclosed places (Wilson & Dalton, 2008). In conclusion, the roles of law enforcement officers in the Eastern Cape were in line with the International Instruments, legislative frameworks and the Security Governance Theory. The roles of law enforcement officers in the Province also paralleled most international studies. Having discussed the role of the law enforcement sector, the section that follows will now discuss the role of the civil society organisations.

Roles of Civil Society Organisations

The second objective of this study was to establish the role of civil society organisations in the fight against trafficking in the Eastern Cape Province. The Eastern Cape Province study showed that civil society organisations in the Province were responsible for ensuring that rescued victims of trafficking had a safe place where their physical, emotional, psychological, health and spiritual needs were met. Civil society organisations also facilitated the safe return of victims of cross-border trafficking and empowered vulnerable groups to ensure that they did not fall prey to traffickers. Some civil society organisations were involved in public awareness campaigns on human trafficking. Still more, other organisations trained staff members of newly established civil society organisations and officials from various government departments on how to identify and help trafficking victims. Also, other civil society organisations lobbied the government of South Africa to change some of its existing laws more especially those affecting women and their sexual life. The organisations also engaged government officials to ensure the quick passage of the Trafficking Bill into law. Other civil society organisations were working with various government departments to promote human rights among members of the community as a means of combating trafficking indirectly. Finally, Faith Based Organisations sought divine intervention to end human trafficking.

Existing International Instruments, national legislative and policy frameworks largely informed the roles of the civil society organisations in the Eastern Cape Province. The Palermo Protocol called States which are parties to the Protocol to protect and assist

victims of trafficking, with full respect for their human rights. Civil society organisations in the Eastern Cape Province were responsible for ensuring that rescued victims of trafficking had a safe place where their physical, emotional, psychological, health and spiritual needs were met thus helping the government of the Republic of South Africa fulfil its Palermo Protocol obligations. Furthermore, civil society organisations in the Province were working with various government departments to promote human rights among members of the community as a means of combating trafficking indirectly. This role too was in line with the requirements of the Palermo Protocol. The Palermo Protocol further called national States to establish comprehensive policies, programmes, legislation and other measures to help prevent and combat trafficking in persons and protect trafficking victims. Civil society organisations that lobbied the government of South Africa to change some of its existing laws and to quickly pass the Trafficking Bill into law were also acting in line with the Palermo Protocol.

Civil society organisations in the rural areas of the Eastern Cape Province called for the stopping of the Ukuthwala practice (which involved young girls) mainly in the former Transkei. Several International Instruments called for the end of such cultural practices. The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 prohibits marrying a woman without her consent. The Convention also prohibits any institution or practice which exploits a child or young person under the age of 18 years. The African Charter also prohibits child marriage and the betrothal of girls and boys under

the age of 18 years. Civil society organisations in Eastern Cape therefore performed their duties in line with these International Instruments.

The Palermo Protocol also focused on the issues of the Security Governance Theory. The Protocol encouraged cooperation among national states and other actors in order to prevent and combat trafficking, and protect and assist victims of trafficking. The Protocol thus created a conducive environment for the principles of the Security Governance Theory to be implemented. Civil society organisations that worked with various government departments in providing support to victims of trafficking and in promoting human rights among vulnerable groups therefore operated in line with International Instruments. The partnerships between civil society organisations and government departments put into effect the principles of the Security Governance Theory.

High poverty levels, high dependency ratios, low Human Development Index and high unemployment rates characterised the Eastern Cape Province in general and the case study areas in particular. High rates of HIV/Aids related deaths also characterised the Province. HIV prevalence was high among the economically active populations. High Aids related deaths in the Province resulted in many child-headed, women-headed or single-parent households. Such households were often dysfunctional and poverty stricken. These existing conditions therefore made the Eastern Cape Province a favourable area of origin for trafficking victims. Some international organisations and well funded civil society organisations therefore empowered vulnerable groups

through skills development. Vulnerable groups were taught business skills and later given loans for them to start small scale businesses. Civil society organisations addressed the major factor that contributed to trafficking, poverty. This role of civil society organisations was also in line with the Economic Policy and South Africa's Growth Strategy of 2007. The Economic Policy advocated for initiatives to develop a skilled and productive workforce. The following section links the role of civil society organisations in the Province to other studies.

The roles of civil society organisations involved in combating human trafficking in Eastern Cape Province paralleled those of their counterparts in other countries. The Eastern Cape study established that civil society organisations in the Province provided support to the victims of human trafficking. The organisations ensured that rescued victims of trafficking had a safe place where their physical, emotional, psychological, health and spiritual needs were met. Civil society organisations also facilitated the safe return of victims of cross-border trafficking and empowered vulnerable groups to ensure that they did not fall prey to traffickers. The roles of civil society organisations in the Eastern Cape Province were similar to those of their counterparts in Asia, Africa, Latin America, Europe, North America, the Middle East and the Pacific region (Tzvetkova, 2002). Tzvetkova established that NGOs in 64 countries she studied offered support to human trafficking victims which ranged from social and psychological assistance; shelter provision; financial, return and reintegration assistance; and also counselling, housing, vocational training, legal advice and documentation assistance. Some NGOs in these countries were involved

in outreach work. Tzvetkova also noted that many anti-trafficking organisations in both countries of origin and destination played an important role in research, prevention, advocacy and awareness-raising on human trafficking. These antitrafficking organisations, like those in the Eastern Cape, were also involved in gender education, vocational training for women and sensitisations on themes related to violence against women and women's rights.

The roles of civil society organisations in the Eastern Cape also matched those of their counterparts in Thailand, the U.S.A. and in Europe (Goodey, 2004; Wilson & Dalton, 2008 and Wongboonsin, n.d.;). Wongboonsin reported that NGOs in Thailand distributed information to various stakeholders on the trafficking situation in the country. NGOs in Thailand also helped victims of trafficking find lawyers (if the victims wanted to pursue charges against their traffickers), liaised on behalf of the victims of trafficking with the police to find out the progress of criminal proceedings, provided victims with information about the legal rights of the trafficked person and also helped victims in the whole process of reintegration. Wilson and Dalton noted that civil society organisations in the U.S.A. provided care to the victims of trafficking, counselling, outreach programmes and family reunification and legal services. Employment training to victims who had been rescued was also offered in the U.S.A. On the other hand, Goodey mentioned short-term residence permits; housing; welfare payments; education; employment and health-care as social responses which NGOs in European countries provided for victims of human trafficking. The fact that the Eastern Cape Province NGOs were involved in the activities undertaken in these other

countries is testament to their exceptional work in the struggle against human trafficking.

It was encouraging to observe that despite the lack of funds and other resources, the assistance which civil society organisations in Eastern Cape Province provided to victims of trafficking was of international standard as it was similar to what was being offered overseas. However, the Eastern Cape Province organisations needed to incorporate a few missing roles and functions which their international counterparts were involved in. For instance, civil society organisations in the Province focused very much on the victim alone whereas their counterparts in U.S.A. extended the focus to include providing assistance and counselling to the families of the victims of trafficking. Offering assistance and counselling to the families of the victims of trafficking was important, more especially when the victim came from a dysfunctional family. Having discussed the role of civil society organisations, the study now discusses how the law enforcement officers and civil society groups in the Eastern Cape Province adopted the governance and multifaceted approach to human trafficking.

Extent to which Law Enforcement Officers and
Civil Society Groups Adopted Governance
and the Multifaceted Approach

The third objective of this study was to assess the extent to which law enforcement officers and civil society groups adopted the governance and multifaceted approach to human trafficking. The study showed that different law enforcement sectors worked

together with other government departments and nonstate actors like nongovernmental organisations, civil society organisations, international organizations and private actors in the fight against human trafficking. The NPA through the Tsireledzani project, for instance, worked with the Department of Home Affairs, the International Labour Organisation, the International Organisation for Migration and a local radio station, Metro FM to counter human trafficking. The Thuthuzela project, on the other hand, brought together the NPA's Sexual Offences and Community Affairs Unit (SOCA), Departments of Justice and Constitutional Development, Health, Basic Education, and Higher Education and Training, Cooperative Governance and Traditional Affairs, Treasury, Correctional Services, Police, Social Development and numerous civil society organisations to support trafficking victims. The Premier's Office in the Eastern Cape Province also engaged other actors like the Provincial Department of Social Development, the South African Human Rights Commission, the National Prosecuting Authority, the South African Police Service and the University of Fort Hare in the fight against human trafficking.

Various International Instruments highlighted the importance of having partnerships in the fight against human trafficking. The Palermo Protocol advocated for cooperation among national States in order to prevent and combat trafficking, and protect and assist victims of trafficking. The Protocol also highlighted the importance of partnerships when it encouraged law enforcement, immigration and other relevant State authorities to cooperate with one another through the exchange of information and training. The South African Police Act of 1995, the South African Immigration Act

of 2002 and the South African Immigration Policy realised the importance of involving other players and all have clauses which called the law enforcement officers to engage other players when executing their duties. The Security Governance Theory, on the other hand, also urged various stakeholders to increasingly rely on the cooperation and resources of one another if the fight against trafficking was to be won. The Theory called for the establishment of alliances, partnerships, treaties and coalitions when dealing with human trafficking. The Eastern Cape Province law enforcement sectors and civil society organisations that worked together with other government departments and nonstate actors (like international organizations and private actors) in the fight against human trafficking therefore responded to the calls of the International Instruments, South African legislation and Policy framework, and the Security Governance Theory. The following subsection shows how law enforcement officers and civil society groups in other studies adopted the governance and multifaceted approach to human trafficking.

The findings of the Eastern Cape research paralleled what Wilson and Dalton (2008) found in the U.S.A. This Eastern Cape Province study showed that law enforcement officers and civil society organisations in the Province worked together with other government departments and nonstate actors (like international organizations and private actors) in the fight against human trafficking. Wilson and Dalton also observed that different law enforcement agencies in Ohio came together to work as partners. Their study showed that even though there were some challenges (e.g., many local law enforcement officials perceived the federal law enforcement officials as being too

busy or unconcerned with investigating and prosecuting trafficking cases) to the existing partnerships, law enforcement agencies had inter- and intra-departmental collaboration (e.g., the establishment of a federal task force on human trafficking, comprising the local police and sheriff's offices, the FBI, and the U.S. attorney's office) around issues to do with human trafficking. Tzvetkova (2002) also observed that there were a number of areas that the NGOs fighting human trafficking could not approach in isolation. She cited, for instance, that when NGOs in the 64 different countries that she studied wanted to offer legal advice to victims of trafficking, they liaised with the respective law enforcement institution in their respective countries. She further acknowledged that NGOs needed donor, community and state support for them to fight trafficking effectively. Most NGOs in the 64 countries which Tzvetkova studied also worked with women's groups, human rights' groups, development organisations, social service departments, law enforcement agencies, refugee groups, academic institutions and other professionals.

The section has established that the Eastern Cape Province law enforcement sectors and civil society organisations worked together with other government departments and nonstate actors in the fight against human trafficking in line with International Instruments, national legal and Policy frameworks, and the Security Governance Theory. The section has also established that the Eastern Cape Province law enforcement sectors and civil society organisations worked together with other government departments and nonstate actors just as their counterparts in the other countries were doing. The following section discusses the existing coordination

between law enforcement officers and civil society groups involved in the fight against trafficking in the Eastern Cape Province.

Assessment of the Existing Coordination between Law
Enforcement Officers and Civil Society Groups

The fourth objective was to assess the existing coordination between law enforcement officers and civil society groups involved in the fight against trafficking. The Eastern Cape Province study showed that even though the law enforcement sector and civil society organisations in the Province engaged different government departments and nonstate actors like international organizations and private actors (e.g., the IOM and the University of Fort Hare) in the fight against human trafficking, they needed to cooperate more fully if they hoped to succeed in their fight against human trafficking. Their cooperation failed to meet fully a number of the standards that the Vienna Forum set. Their cooperation lacked a common definition of the purpose and this led to difficulties in having a combined effort against trafficking. There were also no cooperation agreements thus making it easy for one party to avoid fulfilling its cooperation obligations because these were not legally binding. The cooperation was also characterised by the lack of information-sharing and poor management of trafficking data. The lack of information sharing and poor data management affected the evaluation process because the lack of reliable statistics and information made it difficult to tell whether an organisation was succeeding in the fight against trafficking or not. Finally, the cooperation lacked a specialist representing all involved parties, thus negatively affecting the cohesion of the antitrafficking programmes.

The fact that the law enforcement sector and civil society organisations in the Eastern Cape Province needed to cooperate more fully if they hoped to succeed in their fight against human trafficking meant that there was a lack of adherence to the principles of the Security Governance Theory and the International Instruments. Both the Theory and the International Instruments called for the full cooperation among various actors if the fight against trafficking is to be won.

There were existing specific conditions in the Province which explained the lack of information-sharing and poor management of trafficking data between the law enforcement officers and civil society groups in the Province. Law enforcement officers and representatives of many civil society groups in Eastern Cape Province bemoaned the lack of human and material resources. Sharing information and data required constant communication and interaction between the two parties in the partnerships. The lack of computers and vehicles to facilitate communication and interaction therefore negatively affected the information sharing process. Data management was simplified through the use of computers. The lack of computers therefore affected the data management process as well. Low education levels also characterised the Eastern Cape Province populations. There were high proportions of people who were either illiterate or had not completed primary school. Low education levels negatively affected the quality and performance of the labour force. Low quality labour force of the Eastern Cape Province failed to adapt to the rapidly changing data management principles and systems.

The cooperation between law enforcement officers and civil society groups in Eastern Cape lacked a specialist representing all involved parties. The absence of this specialist negatively affected the cohesion of the anti-trafficking programmes. There was the problem of having more than one workshop with the same agenda of fighting human trafficking at different venues within the same locality. A Provincial coordinator (specialist), for example, would have easily resolved such a problem because he or she was going to be responsible for the cohesion of all antitrafficking programmes in the Province. The following reports on extent of cooperation in other studies.

The Eastern Cape Province study showed that law enforcement officers and civil society groups in the Province needed to cooperate more fully if they hoped to succeed in their fight against human trafficking. These findings paralleled those of Tzvetkova (2002). Tzvetkova noted that cooperation among antitrafficking institutions in some European countries (like Poland, Ukraine, and Bulgaria) required improvements. She acknowledged that poor cooperation created challenges in the fight against trafficking. Her study found that the root cause of poor cooperation was the lack of a strong political will among different actors to confront and address human trafficking as a unit. She thus called on governments, NGOs, the police and other law enforcement personnel to work more closely together to combat trafficking. Van de Glind and Kooijmansclarity (2008) also noted that many law enforcement officers in many countries found it hard to exchange information and collaborate on child trafficking issues.

Unlike the relatively poor cooperation which existed among different stakeholders involved in the fight against trafficking in Eastern Cape Province and other countries , Wilson and Dalton (2008) showed that different stakeholders (like the local police and sheriff's offices, the FBI, and the U.S. attorney's office) in Ohio coordinated their services (like the investigation and prosecution of cases) in the attempt to provide victims of trafficking with the quality assistance (e.g., in criminal justice). Wilson and Dalton also noted that different stakeholders shared information and resources, exchanged personnel and also helped one another during training.

In conclusion, the section has established that the cooperation between law enforcement officers and civil society groups in the Eastern Cape needed to be improved in terms of the International Instruments, legislation and the Security Governance Theory. Having discussed the existing cooperation between law enforcement officers and civil society groups in Eastern Cape, the following section discusses the challenges which the law enforcement officers and civil society groups in Eastern Cape Province faced (when combating human trafficking).

Challenges the Law Enforcement Sector and the
Civil Society Organisations faced when
Combating Human Trafficking

Finally, the Eastern Cape Provincial study wanted to uncover the challenges which the law enforcement officers and civil society groups faced when combating human trafficking in rural and urban areas. The first part discusses the challenges of the law enforcement sector; the challenges which the civil society groups faced will be discussed later.

Challenges the Law Enforcement Officers faced
when Combating Human Trafficking

On the part of the law enforcement officers, the study established that officers found it hard to investigate human trafficking due to the nature of the offence, and were also prone to bodily harm from traffickers or their acquaintances. Some officers also failed to perform their duties freely due to pressure from people in authority who were in one way or another connected with human trafficking. Many law enforcement officers felt that trafficking was a new crime for which they did not have proper training. This situation resulted in a few well trained officers working long hours since they were required to attend several anti-trafficking engagements. Law enforcement officers further observed that the lack of legislation to deal specifically with human trafficking negatively affected the monitoring and evaluation processes to determine the best anti-trafficking programmes. The officers also contended that the lack of legislation to deal specifically with human trafficking resulted in lenient sentences meted out to

offenders since they were charged with minor crimes and not the serious crime of human trafficking.

Most challenges the law enforcement sector faced in the Eastern Cape mirrored those of their counterparts in other countries. Many law enforcement officers in the Eastern Cape Province felt that trafficking was a new crime and they did not have proper training to deal with this crime. The situation was the same in Hungary (Choudhury et al., 2005). Choudhury et al. revealed that law enforcement officers in Hungary had problems conceptualising and understanding human trafficking. Wilson and Dalton (2008) also observed that some law enforcement officers in the U.S.A. lacked awareness on trafficking while others were not properly trained on trafficking issues. Van de Glind and Kooijmansclarity (2008) also noted that law enforcement officers in many countries found it hard to define their roles and responsibilities when fighting child trafficking. They also noted that many officers were not well-equipped and did not have proper training in relevant laws and practices with regard to child slavery. Gallagher and Holmes (2008) noted that law enforcement officers missed opportunities to identify victims because frontline officials, whether from police, labour inspectorates, immigration or border-control agencies lacked the knowledge or skills to recognize victims and remove them from harm. They therefore called for the training of law enforcement officers in critical tasks such as victim safety, evidence preservation and detention of suspects which were very crucial if the law enforcement sector was to investigate trafficking effectively. Bales and Lize (2005, cited in Wilson & Dalton, 2008) also lamented the lack of knowledge of the trafficking phenomenon

among some law enforcement officers in the United States. The Tsireledzani study (which the NPA carried out to assess human trafficking in South Africa) also pointed out that the lack of understanding of the trafficking phenomenon among prosecutors, immigration officials and service providers in South Africa hampered the fight against trafficking (Tsireledzani, 2010). In short, the lack of understanding of the human trafficking phenomenon observed among law enforcement officers in the Eastern Cape study manifested itself in other countries as well.

Advanced technology is a good feature in a globalised world since antitrafficking activists in the world easily link through the internet. However, the law enforcement officers in Eastern Cape Province were not happy with social sites like “badoo”, “mix-it” and “facebook” and argued that traffickers met young girls through these social sites. The problem of advanced technology was also raised in Hungary. Choudhury et al. (2005) revealed that advanced technology in Hungary made it difficult for the law enforcement officials to carry out their duties effectively since the officials failed to adapt to the rapidly changing criminal environment. Sager (2002, cited in Väyrynen, 2003) also argued that the internet had particular importance in the recruitment of women for the sex industry. Sager pointed out that there were two spaces, the virtual enclave and the territorial enclaves. He argued that the business of human trafficking was increasingly conducted with the help of the internet which constituted a virtual enclave. Shifman (2003) also echoed Sager’s views on the challenges which advanced technology posed in the fight against trafficking worldwide. Shifman observed that with the dawn of the internet, traffickers and pimps no longer relied on

traditional routes into sex work, as women and girls were sold on the internet. She further argued that globalisation encouraged new routes and new methods (e.g., via the internet) to exploit women and children for profit. She gave an example of the negotiations for 'mail order brides', which she also called "internet brides". Shifman also observed that highly facilitated communication systems that were spreading all over the world were also encouraging sex tourism and the easy movement of trafficking related goods and services with no checks and controls. The USCRS (2002) study cited the globalisation of the world economy as being responsible for increased movement of people across borders, legally and illegally, especially from poorer to wealthier countries. The USCRS study argued that international organised crime had taken advantage of the easier flow of people, money, goods and services to extend its own international reach. In short, much as advanced technology was useful in the fight against trafficking, the findings of the Eastern Cape study paralleled the findings of other studies through observing that advanced technology facilitated the recruitment of victims of human trafficking.

The lack of legislation to deal specifically with human trafficking also negatively affected the operations of the law enforcement officers in the Eastern Cape. In Ohio, U.S.A., Wilson and Dalton (2008) also found that lack of proper legislation to deal specifically with human trafficking handicapped law enforcement officers and made it difficult to fight trafficking. Wilson and Dalton also observed that policies which were not compatible with the fight against trafficking were also hampering efforts against trafficking. The USCRS (2002) study outlined various challenges facing the law

enforcement sector in the fight against human trafficking in countries of origin, transit and destination. The USCRS study also noted that the inadequacy of laws (as was the case in South Africa) and law enforcement on human trafficking in most origin, transit and destination countries was one of the factors that hampered law enforcement officers' efforts to fight trafficking.

Law enforcement officers in the Eastern Cape found it hard to investigate human trafficking due to the nature of the offence and they were also prone to bodily harm from traffickers or their acquaintances. Choudhury et al. (2005) also established that law enforcement officers in Hungary found it challenging to gather the evidence required to prove a trafficking case. Fear of retribution was also highlighted in the USRCS study and few victims dared to testify against traffickers due to the same reason.

The other challenge faced was that law enforcement officers in the Eastern Cape Province failed to perform their duties freely due to pressure from people in authority who were in one way or another connected to human trafficking. People in authority, mainly politicians who were connected to human trafficking, were reported to be interfering with anti-trafficking activities (Police Officer, personal communication, Bethelsdorp, August 5, 2010). Studnicka (2010) also observed that in Brazil, judges and politicians participated in trafficking and that at times they used sexual services which victims of trafficking provided. Studnicka bemoaned that the participation of government officials in human trafficking and in any other type of criminality

undermined the basic structure of government and the moral responsibility of the criminal justice system to uphold and protect the integrity of the law. In Hungary too, some cultural and political structures were found to negatively affect the fight against trafficking (Choudhury et al., 2005). In short, the findings from these other countries (e.g., Brazil and Hungary) parallel the findings in the current research on human trafficking in the Eastern Cape Province of South Africa.

The lack of human and material resources in the fight against human trafficking which was reported in the Eastern Cape study was also reported in Ohio (Wilson & Dalton, 2008) and in different countries Gallagher and Holmes (2008) studied. On the other hand, the negative effects of cultural practices like Ukuthwala (when it involves young girls) were also reported in Hungary (Choudhury et al., 2005). In short, the problems that the Eastern Cape faced in limiting human trafficking occurred elsewhere too (Ohio and Hungary). The similarity in these experiences highlighted the critical need for institutions across the world to work together on common grounds to fight human trafficking.

However, some of the challenges which law enforcement officers faced in the Eastern Cape Province were different from those of other studies. There was no evidence of corruption among law enforcement officers in Eastern Cape Province although corruption was cited as one of the challenges facing law enforcement officers who were fighting trafficking in Hungary (Choudhury et al., 2005). The 2000 study which Molo Songololo conducted also revealed that there was corruption among law

enforcement officers handling child trafficking in South Africa. The Molo Songololo study reported that law enforcement officers received money from gang leaders and had sex with offenders to have charges against child traffickers dropped. In relation to this, the Mail and Guardian Online newspaper of January 06, 2010 also reported that some law enforcement officers in South Africa, particularly in Cape Town, were harassing, assaulting, robbing, raping, receiving bribes and violating the human rights of sex workers. Studnicka also observed that corruption was one of the major challenges encountered in fighting human trafficking in Brazil. Having discussed the challenges which law enforcement officers in Eastern Cape faced, the following section will discuss the challenges which civil society groups in the Eastern Cape Province faced.

Challenges Civil Society Organisations faced when Combating Human Trafficking

The study established that most civil society organisations, mainly those in the rural areas, lacked adequate funding. This negatively affected the quantity and quality of assistance rendered to victims and also lowered the capacity of their human resources. Civil society organisations also agreed that their staff largely lacked the understanding of human trafficking and how to effectively manage human trafficking victims since the pandemic was new. Rural area based civil society organisations reported having problems in their relationship with the law enforcement sector. Language barriers and the fact that some victims did not disclose their predicament for fear of stigma due

to the nature of exploitation they were subjected to also negatively affected the work of many civil society organisations.

Rural area based civil society organisations in Eastern Cape Province reported having problems in their relationship with the law enforcement sector. The law enforcement sector in the Province argued that it did not want to release information of victims to civil society organisations for fear of jeopardising their investigation efforts and publicising the identity of victims. However, the civil society organisations needed this information to assist victims of trafficking. On the other hand, the civil society groups argued that they were not willing to release the identities of clients to the law enforcement officers for ethical reasons even though the law enforcement officers needed the information to initiate investigations. There was a similar lack of trust between law enforcement officers and civil society groups when handling trafficking victims in Ohio. Wilson and Dalton (2008, p. 307) observed that:

In four labour-trafficking cases, service providers indicated that, although they knew whom in the law enforcement to contact about their trafficking victims, they could not take that chance because the disclosure could lead to negative consequences for their clients. A service provider reported that there are no examples of handling these cases successfully, and, as such, it is hard to trust a system that has not been tested. In addition, some respondents indicated that law enforcement's dual role of interrogating possible illegal immigrants on the

one hand and helping exploited victims on the other hand creates a trust problem in many communities.

The Eastern Cape study established that most civil society organisations, mainly those in the rural areas, lacked adequate funding and material and human resources.

Tzvetkova (2002) also observed that officers working in different NGOs in most of the countries she studied had limited resources and funding. Friesendorf (2007) also noted that anti-trafficking civil society institutions in Europe faced problems due to short-term funding priorities and governments donating to 'their' NGOs. The Tsireledzani study also stressed the challenges that the lack of skilled human resources posed in the fight against human trafficking in other parts of South Africa.

Regarding the quality of their own service delivery, shelters reported a lack of specific skills to deal with trafficking cases and a need for more human resources, mostly social workers and psychologists. They also expressed a need for integrated multi-sectoral services to provide, inter alia, legal, mental and physical health care focussed on individual needs (NPA, 2010, p. ix).

Civil society organisations in the Eastern Cape Province also agreed that their staff lacked an understanding of human trafficking and how to effectively manage trafficking victims since the pandemic was new. Tzvetkova (2002) noted that some NGOs in many countries she studied had inexperienced personnel who were not able to handle trafficking issues competently. She also observed that NGOs faced challenges because most of them lacked officers with adequate skills in project management and fundraising. Kreston (2007) also raised the issue of the lack of a better understanding

of the trafficking phenomenon among personnel of various anti-trafficking institutions in South Africa. She pointed out that lack of proper training on human trafficking issues posed a disaster in the fight against trafficking:

Equally concerning is the lack of provision for specialised training and specialised personnel to address this newly recognised crime. Failure to provide a specially trained multi-disciplinary team (MDT) comprising specialist personnel for this type of sexual abuse and exploitation, like all types of sexual abuse and exploitation, is an invitation to disaster. Kreston (2007, p. 50)

Civil society organisations in the Eastern Cape Province also failed to offer adequate assistance and support to victims of trafficking due to various reasons. Language barriers and the fact that some victims did not disclose their predicament for fear of stigma were some of the reasons why it was difficult to offer the necessary support to victims of trafficking. Wilson and Dalton (2008) revealed that in Ohio, U.S.A., most civil society groups either failed to provide support to victims or victims failed to access support from civil society groups due to fear of retaliation, lack of knowledge about services, fear of deportation, lack of social support, lack of trust in the system, language differences, lack of knowledge about rights, feelings of shame and not being able to identify oneself as a victim. Wongboonsin (n.d.) also noted that stakeholders in Thailand had difficulties supporting most trafficking victims due to language and cultural barriers. In short, cultural barriers, fear of stigma and the lack of human and

material resources negatively affected the functions of civil society organisations in the Eastern Cape Province and in other countries too.

The lack of legislation to deal specifically with human trafficking also negatively affected the operations of civil society organisations in the Eastern Cape. Tzvetkova (2002) observed that many NGOs fighting human trafficking in the former Soviet Union were facing difficulties in dealing with the remains of the outdated and oppressive communist regime, and also found it hard to function effectively in the absence of a legislative framework or administrative regulations to legitimise their work. Friesendorf (2007) also noted that lack of adequate legislation in some European countries negatively affected their work. Clearly therefore the problem of the lack of specific legislation which handicapped dealing with human trafficking in South Africa was replicated in other countries (former Soviet Union and some European countries).

The other challenge which civil society groups faced in the Eastern Cape Province was the infighting among the civil society groups as regards the best approach to end trafficking. Confusion existed mainly between Faith Based Organisations and other organisations. Much as both parties agreed that prostitution was fuelling human trafficking in the Eastern Cape Province, the two parties had opposing views to deal with prostitution. Faith Based Organisations argued that prostitution should remain illegal because it was against the will of God. On the other hand, several women based organisations called on the government to decriminalise prostitution. They argued that if prostitution were legalised in South Africa the women would be able to

report any forms of abuse, including human trafficking, since they would not be afraid of being arrested. Friesendorf (2007) reported that there was also a debate on the effects of legalising or decriminalising prostitution on human trafficking in Europe. Friesendorf concluded that both options had weaknesses. He noted that after the introduction of a law in Germany that legalized prostitution in 2002 during the FIFA Soccer World Cup, many prostitutes did not register and sign work contracts with brothel owners because they did not want to pay the relatively high social security contributions and taxes. Foreign prostitutes were also not eligible to register since they did not have residency and work permits. He thus concluded that even if legalization led to better working conditions for registered prostitutes, traffickers would still be making money out of the unregistered prostitutes. However, Friesendorf identified two reasons why the criminalization of prostitution was not a smart option either. First, experience from the U.S.A. showed that it resulted in negative effects in terms of law enforcement as it further pushed the crime underground. Second, pimps and clients added more to the level of exploitation of victims since the business was more risky. Given the emerging debate in South Africa on the legalisation and the decriminalisation of prostitution and its impact on human trafficking, South Africans would do well to reflect on the experiences Friesendorf identified in other countries.

Finally, civil society groups in the Eastern Cape Province also indicated that they were facing considerable resistance from the members of the community if they raised the issue that Ukuthwala, (mainly if it involved the use of force and underaged girls) constituted human trafficking. The Tsireledzani study echoed that some social and

cultural practices which lowered the status of women and children in societies increased the trafficking phenomenon. This Eastern Cape study therefore highlights that renewed efforts and initiatives need to be implemented in dealing with traditional cultural practices that have a bearing on human trafficking. Having discussed the research finding, the following section will conclude the Chapter.

Conclusion

This chapter discussed the research findings of the Eastern Cape case study on human trafficking. It linked the research findings with other studies, existing conditions in the study area, International Instruments, legislative framework and the Security Governance Theory. The Chapter showed that the roles of the law enforcement officers in the Eastern Cape Province were largely similar to those of their counterparts in other countries, with very few exceptions, notably, lack of evidence on corruption in Eastern Cape. The roles of the law enforcement officers in the Eastern Cape Province were also in line with International Instruments, legislative framework and the Security Governance Theory. The roles of the civil society organisations were also largely similar with other studies and also adhered - with minor deviations - to the calls made in International Instruments, legislative framework and the Security Governance Theory. Partnerships in the fight against trafficking in Eastern Cape Province existed just as was the case with other studies. Partnerships too were in line with what International Instruments, legislative framework and the Security Governance Theory advocated for. However, coordination among various actors in South Africa still lagged behind those from other parts of the world and did not agree

with what International Instruments, legislative framework and the Security Governance Theory were calling for. The challenges the law enforcement sector and the civil society organisations faced were also similar to challenges faced in other countries. The following chapter gives the conclusion and recommendations.

CHAPTER VI

CONCLUSION AND RECOMMENDATIONS

Introduction

This Chapter gives the summary of research findings of the Eastern Cape case study on human trafficking. The Chapter also discusses recommendations based on the findings. This Chapter highlights how the findings of the research on human trafficking in the Eastern Cape contribute to the better understanding of human trafficking mainly in the law enforcement sector and among different civil society organisation. This Chapter also discusses the limitations of the research and also sheds light on possible future research themes as regards to human trafficking, the law enforcement sector and civil society organisations. Finally, the Chapter draws conclusions in respect of the Security Governance Theory, the conceptual framework that underpins this study.

Summary of Findings

This research aimed at studying the governance of, and the multifaceted approach to, human trafficking in the Eastern Cape Province of South Africa, mainly in the law

enforcement sector and among civil society organisations. To achieve this aim, the study identified five main objectives. This section gives a summary of the findings. The first objective of the study was to establish different roles which law enforcement officers (i.e., from the South African Police Service, Community Policing Forums, National Prosecuting Authority, customs and immigration or border officials) involved in combating human trafficking played. The study found that law enforcement officers in the Eastern Cape Province were involved in intelligence gathering, the apprehension of trafficking suspects, and the protection of victims of trafficking and their close family members from attacks from traffickers and their accomplices. Law enforcement officers also participated in the criminal justice system, disseminated information on trafficking to the members of the community and encouraged victims to enter into drug-treatment programmes to free themselves from the Stockholm syndrome. The law enforcement officers also gave support to victims of trafficking. At the border and immigration entry ports into the Republic of South Africa, law enforcement officers denied, as far as possible, entry to persons involved in organised crimes like human trafficking. Also, the border officials reported to relevant authorities to initiate investigations into possible trafficking when they suspected foul play with travel documents, and cargo about to enter or leave South Africa.

The second objective of this study was to establish the role of civil society organisations in the fight against human trafficking in the Eastern Cape Province. The study showed that civil society organisations in the Eastern Cape Province were

responsible for ensuring that rescued victims of trafficking had a safe place where their physical, emotional, psychological, health and spiritual needs were met. Civil society organisations also facilitated the safe return of victims of cross-border trafficking and empowered vulnerable groups to ensure that they did not fall prey to traffickers. Some civil society organisations were involved in public awareness campaigns on human trafficking. Still more, some civil society organisations trained staff members of newly established civil society organisations and officials from various government departments on how to identify and help trafficking victims. Also, other civil society organisations lobbied the government of South Africa to change some of its existing laws, more especially those affecting women and their sexual life while others engaged government officials to ensure the quick passage of the Trafficking Bill into law. Other civil society organisations were working with various government departments to promote human rights among members of the community as a means of combating trafficking indirectly. Finally, Faith Based Organisations sought divine intervention to end human trafficking.

The third objective of this study was to assess the extent to which law enforcement officers and civil society groups adopted the governance and multifaceted approach to human trafficking. The study showed that different government departments worked together with nonstate actors like nongovernmental organisations, civil society organisations, international organizations and private actors in the fight against human trafficking. The NPA through the Tsireledzani project, for instance, worked with the Department of Home Affairs, the International Labour Organisation

and the International Organisation for Migration, to counter human trafficking. The Thuthuzela project, on the other hand, brought together the NPA's Sexual Offences and Community Affairs Unit (SOCA), Departments of Justice and Constitutional Development, Health, Basic Education, and Higher Education and Training, Cooperative Governance and Traditional Affairs, Treasury, Correctional Services, Police, Social Development and numerous civil society organisations to support trafficking victims. The Provincial government in the Eastern Cape Province also engaged other actors like the Department of Social Development, the South African Human Rights Commission, the National Prosecuting Authority, the South African Police Service and the University of Fort Hare when fighting human trafficking.

The fourth objective was to assess the existing coordination between law enforcement officers and civil society groups involved in the fight against trafficking. The study established that the law enforcement sector and the civil society organisations needed to cooperate more fully if they hoped to succeed in their fight against trafficking. Their cooperation lacked a common definition of purpose and this led to difficulties in having a combined effort against trafficking. There were also no cooperation agreements thus making it easy for one party to avoid fulfilling its cooperation obligations because these were not legally binding. The cooperation was also characterised by the lack of information-sharing and poor management of trafficking data. Lack of information sharing and poor data management affected the evaluation process because the lack of proper statistics and information made it difficult to tell whether an organisation was succeeding in the fight against trafficking

or not. Finally, the cooperation lacked a specialist representing all involved parties thus negatively affecting the cohesion of the anti-trafficking programmes.

Finally, the study wanted to uncover the challenges which the law enforcement officers and civil society groups faced when combating human trafficking in rural and urban areas. On the part of the law enforcement officers, the study established that officers found it hard to investigate human trafficking due to the nature of the offence and were also prone to bodily harm from traffickers or their acquaintances. Officers also failed to perform their duties freely due to pressure from people in authority who were also connected to human trafficking. Many law enforcement officers felt that trafficking was a new crime and they did not have proper training on this crime. This resulted in a few well trained officers working for longer hours since they were required to attend several anti-trafficking engagements. Law enforcement officers further observed that the lack of legislation to deal specifically with human trafficking negatively affected the monitoring and evaluation processes to determine best anti-trafficking programmes. The officers also contended that the lack of legislation to deal specifically with human trafficking resulted in lenient sentences to offenders since offenders were charged with minor crimes and not the serious crime of human trafficking.

Civil society groups on the other hand (mainly those in the rural areas), lacked adequate funding. This negatively affected the quantity and quality of assistance rendered to victims and also lowered the capacity of their human resources. Civil society organisations also agreed that their staff largely lacked the understanding of

human trafficking and how to effectively manage human trafficking victims since the pandemic was new. Rural area based civil society organisations reported having problems in their relationship with the law enforcement sector. Language barriers and the fact that some victims did not disclose their predicament for fear of stigma due to the nature of exploitation they were subjected to also negatively affected the work of many civil society organisations. Having summarised the findings of the study, the following section discusses the limitations of the study.

Limitations of the Study

The eight study areas (Addo, Barkly East, Cathcart, East London, Fort Beaufort, Graaff-Reinet, Mthatha and Port Elizabeth) were not 'the Eastern Cape Province'. The subjective nature of human beings leads to respondents perceiving human trafficking issues that were raised in this study differently from other people in their respective institutions. Had the study been conducted in other areas and the interviewed people different, the results would not be the same. Care should therefore be taken when inferring the results of this study to other areas or institutions in the Province. The reader should also bear in mind that this study was conducted when there was no specific legislation on human trafficking in South Africa. The study relied heavily on the perspectives and assumptions of the respondents to define a human trafficking case. People have different perceptions with varying definitions of a human trafficking case. The results, therefore, would not have been the same if there was a standard definition of a human trafficking case. The next section discusses possible future research areas.

Future Research Areas

At the time of conducting this Eastern Cape study, there was no standard definition of a human trafficking case in South Africa. A standard definition of a human trafficking case will only be there after the passage of the South African Trafficking Bill into law. There was, therefore, a lack of clarity in the definition of a human trafficking case among respondents. Currently (2010), there are no specific records on human trafficking due to lack of specific legislation on human trafficking in South Africa . It is therefore suggested that there be a follow-up study after the passing of South African Trafficking Bill into law. This follow-up study is necessary to compare the results for the time when there was no common definition of a trafficking case and the time when the Republic will have a common definition of a trafficking case. The follow-up study will also compare findings at the time when there were no specific records on human trafficking with findings at a time when specific records on human trafficking will be available.

Recommendations

The first recommendation which the study proposes originates from what the Vienna Forum developed as being the standards against which cooperation in human trafficking can be measured. The study recommends that all parties involved in the fight against trafficking in the Province have a specialist representing them. This is the person who will be responsible for the synergy in the fight against trafficking for all stakeholders in the Province. The SAPS was well ahead of its counterparts in that it had a specialist person on human trafficking coordinating activities of the institution in the Province. The same should happen in other sectors. One person among these specialists from different sectors should be tasked to be a Provincial coordinator. Besides coordinating different sectors, this Provincial coordinator would link all the parties involved and provide direction and guidance in the efforts against trafficking.

Lack of funding was singled out as one of the problems affecting civil society organisations, mainly those that were based in the rural areas. However, a careful observation and analysis of the programmes and activities which these organisations were involved in revealed similarities. The study therefore recommends that some civil society organisations be integrated with one another or form alliances and in doing so reduce overhead expenditure.

Apart from the lack of funding discussed above, both the civil society organizations and the law enforcement sector complained about the lack of infrastructure and skilled human and other material resources to combat trafficking effectively. The study suggests that the law enforcement responsible for human trafficking should improve its human resources by making use of other officers in other sister units (for instance, SAPS officers could use officers from the organized crime unit) instead of 'monopolizing' the fight against trafficking. The study also proposes sharing of some infrastructure and resources among civil society organizations (as with training, where well established civil society organizations rendered technical assistance to newly established organisations).

The study also established that some of the problems faced were place specific. Some challenges for instance were specific to rural areas. However, it was observed that most of the trainings and workshops on human trafficking in the Province were generic in nature with rural and urban areas being treated as though they were similar. The study, therefore, calls for specificity in the training content so that the training or workshops meet the contextual needs of each area. In relation to this issue, it was also observed that workshops on human trafficking (which experts representing international organisations facilitated) were mostly held in urban areas although relatively, more challenges were in rural areas. The study therefore recommends that there be an equal distribution of workshops between urban and rural areas if the fight against human trafficking is to be won. Human trafficking

should be addressed from both sides – the rural (supply) side as well as the urban (demand) side.

On the training issue, it was also observed that in most cases it was the high ranking personnel from the law enforcement sector and civil society groups who were usually invited for training. Much as it was assumed that these high ranking officials would in turn train the junior ranked officers, this Eastern Cape study calls for training which should be rank sensitive and role appropriate. Lower ranked officers, who are usually first respondents to a crime scene, need to be exposed to first hand information as well. The study also recommends that facilitators to these trainings start moving away from a focus that dwells on telling people that there is a crime called human trafficking to giving tips on what a probable victim should do, once a would be trafficker confronts him/her. This information will help promote the personal safety of probable victims. For instance, members of the community should be given advice on what they should do if a person who appears to be a trafficker approaches them and what they can do if they discover that somebody has forced or coerced them into an exploitative condition. This is vital information as a victim who has been trapped in the system could use it to liberate him- or herself.

Almost all respondents in this study agreed that human trafficking was a new phenomenon in the Province. Respondents agreed that there was little understanding of the concept of human trafficking as well as how to support victims. The study therefore suggests that anti-trafficking information be simultaneously

broadcast with other messages. For instance, any campaign whether it concerns sports, health, agriculture or education should carry with it information telling people more about human trafficking and its exploitative nature.

This Eastern Cape study also echoes the call which various actors made for the quick passage of the South African Prevention and Combating of Trafficking in Persons Bill into law. The delay is negatively affecting the operations of the law enforcement sector and the civil society organisations. The delay is also negatively affecting research on human trafficking. Specific data on human trafficking were lacking making it difficult for researchers to estimate the magnitude and trend of human trafficking in the Province.

The study also calls for increased participation of the law enforcement officers, mainly the police, in the awareness campaigns and projects intended to empower vulnerable groups and school learners. The message which the uniformed personnel, mainly the police, delivers, carry more weight and is valued highly amongst members of the community. However, care should be taken to choose exemplary officers if their message is indeed to be valued highly.

From the literature reviewed, one challenge facing many law enforcement officers in other countries and even in other parts of South Africa was corruption. However, it was pleasing to note that there was no evidence of corruption among law enforcement officers who were involved in the fight against human trafficking in the

Eastern Cape Province. The Eastern Cape study therefore calls for the upholding of the strategies that are curbing corruption in the Province.

Conclusion

The Security Governance Theory contended that, for the fight against trafficking to be won, three criteria on governance should be adhered to. The first criterion pertained to the need for cooperation among various actors; the second to the need for well-balanced governance arrangements reflecting the nature of the problem that is to be addressed; and the third to the need for networks among actors pursuing any one governance goal as well as networks between actors pursuing different goals.

The Eastern Cape study has established that networks among actors pursuing governance goals existed. A good example was where the NPA and SAPS - who are both in the law enforcement sector - helped each other in the criminal justice system. The study also established that networks between actors pursuing different governance goals also existed. A good example was where the NPA and the University of Fort Hare (a law enforcement institution and an academic institution respectively) came together to help fight human trafficking in the Province. The study has also shown that the civil society organisations and the law enforcement sector were geared towards addressing a common problem, human trafficking in Eastern Cape Province. However, the first criterion (that pertained to the need for cooperation among various actors) was not met. Objective four of this study has

shown that as much as different organisations in the Province came together with one aim of fighting trafficking, they needed to cooperate more fully if they hoped to succeed in their fight against human trafficking. Their cooperation did not meet most of the standards the Vienna Forum set. The Security Governance Theory (SGT) contended that three criteria should be adhered to for the fight against trafficking to be won. However, the study established that it was only two of the three criteria that were adhered to. In such circumstances, the SGT predicted an increase in human trafficking. It does not come as a surprise therefore to see that human trafficking in the Eastern Cape Province was on the increase. The researcher therefore concludes that Security Governance Theory holds since the prediction holds. Not all the three criteria of the SGT were adhered to and consequently stakeholders in the Province were not winning the battle against human trafficking.

APPENDIX A

GUIDING QUESTIONS FOR LAW

ENFORCEMENT OFFICERS

1. Introductory remarks and establishing rapport
2. Describe how you became involved in human trafficking activities in your institution (Any training on human trafficking? What was it about?)
3. Describe your duties as an officer who handles human trafficking cases
4. Describe a typical experience of handling a human trafficking case
5. Outline roles and activities which your institution carry out to combat human trafficking
6. This study is specifically interested in the relationship between your institution and civil society organisations. Comment on the nature of the relationship with civil society organisations
7. Comment on the nature of relationship between your institution and any other institutions that are also involved in handling human trafficking issues
8. Share with the interviewer any problems your institution faces as a result of working with other institutions

9. Share with the interviewer any problems you as an individual who handles human trafficking cases face as a result of working with other officers who handle trafficking issues in your institution or from other institutions
10. Outline any challenges your institution faces when combating human trafficking
11. Feel free to share anything you feel can be of importance to this study (in relation to human trafficking, the law enforcement sector and civil society groups)
12. Vote of thanks

APPENDIX B

GUIDING QUESTIONS FOR CIVIL SOCIETY ORGANISATIONS

1. Introductory remarks and establishing rapport
2. Describe how you became involved in human trafficking activities in your organisation (Any training on human trafficking? What was it about?)
3. Describe your duties as an officer who handles human trafficking cases
4. Describe a typical experience of handling a human trafficking case
5. Outline roles and activities which your institution carry out to combat human trafficking
6. This study is specifically interested in the relationship between your institution and the law enforcement sector. Comment on the nature of the relationship with the law enforcement sector
7. Comment on the nature of relationship between your institution and any other institutions that are also involved in handling human trafficking issues
8. Share with the interviewer any problems your institution faces as a result of working with other institutions

9. Share with the interviewer any problems you as an individual who handles human trafficking cases face as a result of working with other officers who handle trafficking issues in your institution or from other institutions
10. Outline any challenges your institution faces when combating human trafficking
11. Feel free to share anything you feel can be of importance to this study (in relation to human trafficking, the law enforcement sector and civil society groups)
12. Vote of thanks

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