

Master Thesis

Human Trafficking In Southern Africa

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ABSTRACT

In this thesis human trafficking is examined from a securitization point of view. The bulk of the study is concerned with examining the extend of human trafficking in women and children for purposes of sexual exploitation, especially in the southern African region. The focus is on cross-border trafficking in persons into South Africa from both regional neighbours (like Mozambique, Malawi and Lesotho amongst others) as well as from countries further afield like Thailand and China and the former Soviet states.

Before examining the trafficking trends in southern Africa, an international overview of human trafficking in general is provided. In this section considerable attention is given to the nature and scope of the problem on the global level. The anti-trafficking responses of the United Nations and the United States are also given considerable attention as the latter have played a significant role in raising awareness amongst nation states and the public regarding trafficking in persons. These actors have also played a major part in encouraging nations to act in the fight against human trafficking and to help them in doing so by providing funds and other assistance.

Finally, the conventional wisdom regarding human trafficking is challenged in the last section of the thesis. The extend of human trafficking – thought to be a common and widespread phenomenon – is questioned in this section. The problem of the lack of quantitative data to support qualitative studies is raised. Due to the lack of such quantitative data, the possibility is raised that other issues and political agendas may be the driving force behind the large-scale global anti-trafficking campaigns and the new legislation that has been drafted throughout the world regarding the problem.

In dieser Masterarbeit wird das Problem des Menschenhandels aus der Perspektive der Securitization-Theorie untersucht. Der Großteil dieser Untersuchung beschäftigt sich mit dem Ausmaß des Handels mit Frauen und Kindern zum Zwecke der sexuellen Ausbeutung, vor allem in der südafrikanischen Region. Der Fokus der Arbeit liegt auf dem grenzüberschreitenden Handel mit Personen mit dem Ziel Südafrika sowohl aus benachbarten (wie Mozambique, Malawi und Lesotho etc.), als auch aus weiter entfernten Staaten wie Thailand, China und den ehemaligen Staaten der Sowjetunion.

Bevor auf die Trends dieses Handels im südlichen Afrika eingegangen wird, wird ein internationaler Überblick über den Menschenhandel im Allgemeinen geboten. In diesem Teil der Arbeit wird vor allem dem Wesen und der Reichweite dieses Problems auf globaler Ebene Aufmerksamkeit geschenkt. Ebenso werden die Aktionen der Vereinten Nationen und der USA gegen den Menschenhandel genauer untersucht, da diese eine wichtige Rolle bei der Bewusstmachung des Problems Menschenhandel unter den Nationalstaaten und in der Öffentlichkeit spielten. Diese Akteure haben auch eine wichtige Stellung eingenommen, wenn es darum geht, Nationalstaaten zum Kampf gegen Menschenhandel zu ermutigen und diese dabei mit finanziellen und anderen Mitteln zu unterstützen.

Schließlich werden im letzten Teil der Arbeit herkömmliche Meinungen über den Menschenhandel in Frage gestellt. Hier wird das Ausmaß des Menschenhandels – der als

allgemeines und verbreitetes Phänomen gilt – hinterfragt. Es wird das Problem aufgegriffen, dass die quantitativen Daten, um qualitative Studien abzusichern, fehlen. Weil solche quantitative Daten fehlen, wird die Möglichkeit erwogen, dass andere Probleme und politische Anliegen die treibende Kraft hinter den großen globalen Kampagnen gegen Menschenhandel und der neuen Gesetzgebung sein könnten, die weltweit zu diesem Problem entstanden ist.

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ABBREVIATIONS

CATW	-	Coalition Against Trafficking in Women
COPRI	-	Conflict and Peace Research Institute
CORMSA	-	Consortium for Refugees and Migrants in South Africa
CSEC	-	Commercial Sexual Exploitation of Children
DOL	-	Department Of Labor
EU	-	European Union
ECPR	-	European Consortium for Political Research
FBI	-	Federal Bureau of Investigation
FIFA	-	Federation of International Football Association
FMSP	-	Forced Migration Programme
GAATW	-	Global Alliance Against Trafficking in Women
GAO	-	Government Accountability Office
GDP	-	Gross Domestic Product
HIV/AIDS	-	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IGO	-	International Governmental Organisation
ILAB	-	International Labor Affairs
ILO	-	International Labour Organisation
IMG	-	International Monetary Fund
IOM	-	International Organization for Migration
IPEC	-	International Program to Eliminate Child Labor
ISS	-	Institute for Security Studies
NCACA	-	National Campaign Against Child Abuse
NGO	-	Non-Governmental Organisation
SWEAT	-	Sex Worker Education and Advocacy Taskforce
TIP	-	Trafficking In Persons
TCPA	-	Trafficking Victims Protection Act
UAE	-	United Arab Emirates
UN	-	United Nations
UNDP	-	United Nations Development Program
UNGIFT	-	United Nations Global Initiative to Fight Trafficking
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations Children's Fund
UNODC	-	United Nations Office for Drugs and Crime
US	-	United States
US\$	-	United States Dollar
USAID	-	United States Agency for International Development
ZAR	-	South African Rand

1. HUMAN TRAFFICKING: THE STARTING POINT

1.1 INTRODUCTION

Human trafficking has gained a lot of attention in recent years as a large-scale and complex criminal and social problem. It is a multi-dimensional problem that affects every region of the world and is believed to have been made worse by the impact of globalization. It is especially the trafficking of women and girls for sexual exploitation that has gained the most attention around the world and that is commonly associated with the phenomenon of human trafficking, even though men, women and children of all ages are believed to be victims of human trafficking for various purposes.

The aim of this thesis is primarily to establish the nature and extent of the above-mentioned problem, especially in the southern African region. There is thus a special focus on the trafficking of women and children for sexual exploitation although other forms of trafficking may also be mentioned. Although considerable attention is paid to the international context in which human trafficking takes place – and how important international actors such as the United Nations (UN) and the United States (US) have responded to it – the in-depth geographical study is of southern Africa and the cross-border traffic into South Africa specifically.

Lastly, another aim of the thesis has been to question the conventional wisdom regarding cross-border cases of human trafficking for sexual exploitation. Human trafficking is commonly viewed as an extremely commonplace and widespread problem and yet there is also a commonly acknowledged lack of information about this widespread problem. It is thus wise to question the nature and scale of the problem in the absence of evidence to support widely held views of the issue. This is thus done by taking a brief look at Securitization Theory as a means to possibly explain the attention paid to the human trafficking phenomenon.

1.2 METHODOLOGY

Due to time constraints, this study will make use of a variety of secondary sources – material that has already been published. This would include a range of data: reports and surveys from governmental and non-governmental bodies as well as a host of scholarly journal articles. The information will consist of both quantitative as well as qualitative data as both are needed to examine the topic at hand. A large part of the study will also be descriptive in nature and both quantitative and qualitative data are needed to illustrate the issues.

1.3 THEORY

Within this thesis human trafficking is briefly discussed as a phenomenon that has been securitized. A short elaboration on Securitization Theory follows. Securitization Theory has been developed by the so-called Copenhagen School – an intellectual school founded by scholars like Barry Buzan and Ole Wæver,¹ in the fields of International Relations and Security Studies. Their origins lie in the founding of a Centre for Peace and Conflict Research in Copenhagen in 1985 and now known as the Conflict and Peace Research Institute (COPRI). From the very beginning COPRI focused on (among other subjects) non-military security issues in Europe.

Securitization Theory has been accepted by many scholars because it succeeds in broadening the notion of what makes up security without making security a catch-all concept in which everything can be constructed as a threat. Traditionally, security is associated with the security of the state, which uses its monopoly on violence to counter any threats to its survival and that of its citizens. Securitization Theory has expanded on the concept of security so that it can apply to other actors and to issues other than state or national security. According to this school of thought, almost any issue can become a security problem (or can be securitized) as long as it is successfully represented as such in political discourse.² However, the aim of this thesis is not to test Securitization Theory by studying discourse, but rather to use it as an explanatory tool when confronted with the arguments about the nature of human trafficking as a security threat.

Securitization is therefore a process of successfully constructing a security concern so that it enters the political realm (and only by doing so does it become a relevant concern) and is accepted as an existential threat by a particular audience. It is essential that the threat is recognized even if the nature of it is misunderstood.³ The threat is communicated to the public through discourse – or what the Copenhagen School refers to as the “speech act.”⁴ The characteristics of this speech act include a sense of urgency, the proclamation of an existential threat and the need to act before it is too late.

When the problem is successfully represented as a threat and the audience has been convinced of imminent danger (a process that sometimes includes a good deal of coercion and/or deception, but which is always a sort of negotiation between the securitizing actor and the audience), special measures can be legitimately taken in order to address the threat.⁵ It is good to remember that speech is often accompanied by symbols and imagery and that this also forms part of the discourse. Also: in raising the issue of human trafficking as a security concern, one is taking part in the securitization process.

¹ Buzan, B., Wæver, O. & de Wilde, J. “Security: A New Framework For Analysis.”

² Hansen, L. “The Little Mermaid’s Silent Security Dilemma.” 288.

³ Huysmans, J. “Revisiting Copenhagen.” 491.

⁴ Buzan, B., Wæver, O. & de Wilde, J. “Security: A New Framework For Analysis.” 26-28.

⁵ Stritzel, H. “Towards A Theory Of Securitization.” 360-363.

The identity of the securitizing actor is quite important – some actors are generally acknowledged as having legitimate authority on matters of security and can more easily facilitate the securitization of a potential threat. Apart from the identity and socio-political status of the securitizing actor, the specific characteristics of the proclaimed threat can also impact on its acceptance as a genuine threat. The different features of different threats will have various meanings to different audiences and some threats will therefore carry more significance with certain audiences than others. The same holds true for the language used during the speech act (its specific linguistic features).⁶ In other words, the social context in which the securitization process takes place is quite important, as are past security discourses.

Although the actor who attempts to securitize an issue is often the state, it is not automatically the case and any “actors who securitize issues by declaring something – a referent object – existentially threatened”⁷ are securitizing actors. These actors can include governmental bodies and non-governmental organisations (NGOs) as well as political parties and grassroots movements.⁸ The “referent object” is therefore anything that is “seen to be existentially threatened” and has “a legitimate claim to survival.”⁹ In the past, it was normally the state that faced existential threats and when it did, there was a general sense of danger and urgency that allowed the state to employ special political tactics to ensure its continued survival.

In contrast, threats to society – such as crime or unemployment – tend to be threats to individuals and have been viewed as issues of social justice rather than security. Only when they threaten society as a whole (on a large scale) have they been recognized as security problems. The Copenhagen School recognizes society and/or nations as referent objects that can have security concerns distinct from that of the state or even in contradiction to it. It is however maintained that security – even when not talking about the state – is mostly a collective issue and only rarely an individual one (even though issues of individual security are becoming more and more acceptable as genuine security concerns). For a problem to be securitized it is therefore (usually) represented as a threat to a group:

*“Societal security is about large, self-sustaining identity groups; what these are empirically varies in both time and place. In contemporary Europe these groups are mainly national, but in other regions religious or racial groups have more relevance. The concept could also be understood as ‘identity security [...] Whatever larger groups carry the loyalties and devotion of subjects in a form and to a degree that can create a socially powerful argument that this ‘we’ has to be threatened. Since we are talking about the societal sector, this ‘we’ has to be threatened as to its identity”*¹⁰

⁶ Stritzel, H. “Towards A Theory Of Securitization.” 364-370.

⁷ Hansen, L. “The Little Mermaid’s Silent Security Dilemma.” 288.

⁸ Huysmans, J. “Revisiting Copenhagen.” 492-495.

⁹ Hansen, L. “The Little Mermaid’s Silent Security Dilemma.” 288-300.

¹⁰ Buzan, B., Wæver, O. & de Wilde, J. “Security: A New Framework For Analysis.” 119-123.

Although Securitization Theory broadens and deepens the concept of security, it has been criticized for not fully addressing certain key issues that are of importance for a great many scholars today. This would include questions regarding human security, the environment and – especially important for this study – gender.¹¹ Since crime is normally considered a security threat to individuals and since the collective takes precedence over individuals, violence against women has generally been overlooked as an important security concern and especially in terms of the development of theory. Violence against women, however, is considered an extremely frequent occurrence. The lack of theory may be a result of the under-representation of women in many scientific fields amongst other problems.

Nevertheless, it is sometimes possible that people are targeted for violence or are particularly susceptible to violence because of their gender. In other words, an individual falls victim to violent crime not so much because of a random misfortune, but because the individual is a member of a larger “gendered collectivity”¹² – a group that is weaker and more at risk because of its (inferior) gender associations. Even if it’s not the whole group that is threatened, the targeting of individuals because they are members of that group, still makes it a collective security issue.

There are also some parts of the world where speaking out against threats to women is very difficult or even dangerous due to assigned gender roles and its implications. It is therefore important to note that threats against women can be a collective (instead of an individual) security issue even though it is not normally treated as such. It can be viewed as a collective security issue even though it does not strictly conform to the definition of societal security as quoted above: gender does not qualify as a “self-sustaining identity group”¹³ despite feminist attempts to create such a group.

The problem stems from the fact that gender is too closely tied to other parts of a person’s identity: nationality, race or religion. The root of a threat often emanates from one part of a person’s identity (like ethnicity or religion) while still affecting the person because of gender.¹⁴ Gender’s close ties with these other identity elements make them inseparable and makes it near impossible to create a gender-based identity group independent from these other elements from which a threat sometimes stems. However, this is not to say that insecurity isn’t gendered and that it isn’t a collective problem. The Copenhagen School’s lack of attention to gender in security can thus be considered a fault. Women’s diverse backgrounds in terms of social status, racial and cultural backgrounds, sexual orientation and geographical location do not necessarily have to be a problem – it can instead make analyses richer (if more challenging). A better understanding of identity issues and stereotypes can

¹¹ Spring, UO. “Deepening Security.” 1-5.

¹² Hansen, L. “The Little Mermaid’s Silent Security Dilemma.” 291-294.

¹³ Buzan, B., Wæver, O. & de Wilde, J. “Security: A New Framework For Analysis.” 119-120.

¹⁴ Hansen, L. “The Little Mermaid’s Silent Security Dilemma.” 287-299.

enrich both quantitative as well as qualitative research and lead to a better grasp of the dynamics of gender inequality.¹⁵

To broaden the Copenhagen School's already broad conception of security, it is thus useful to add gender into its theoretical framework. Hence, in the interest of the better understanding of gender-related inequality and injustices, gender security has been added to the existing theoretical framework of Securitization Theory. In other words gender is added to the referent objects acknowledged by Buzan¹⁶ as being essential to the security of human groups (the others are the military, the economic, the political, the societal and the environmental). It should also be closely linked with both human and environmental security¹⁷ (the framework can be viewed in Table 1) – the latter may not be important for this study, but the table merely provides an overview of the categories used in Securitization Theory as well as a good idea of what is meant by security when referring to different actors.

Table 1: Human, Gender And Environmental Security¹⁸

Denomination - Security Of What?	References Object - Security Of Whom?	Value At Risk - Security Of What?	Sources Of Threat - Security From Whom And From What?
National Security (Political/Military)	The State	Sovereignty, Territorial Integrity	Other States, Terrorism, Sub-State Actors
Societal Security	Nations, Societal Groups	National Unity And Identity	Nations, Migrants, Alien Cultures, Mass Media
Human Security	Individuals, Humankind	Survival, Quality Of Life, Livelihood	State, Globalization, Elites, Terrorism
Environmental Security	Ecosystem, Humankind	Sustainability	Nature, Climate Change, Global Warming, Humankind
Gender Security	Gender Relations, Indigenous Minorities, Children, Elders	Equity, Equality, Identity, Solidarity, Social Representations	Patriarchy, Totalitarian Institutions (Governments, Religions, Elites), Dominant Culture, Intolerance, Violence

¹⁵ Spring, UO. "Deepening Security." 6.

¹⁶ Huysmans, J. "Revisiting Copenhagen." 488.

¹⁷ Spring, UO. "Deepening Security." 6.

¹⁸ Ibid. 2.

Gender security's connection with human security is however worthy of more attention. The problem of human trafficking (and its gender dimension) has so far been represented as a humanitarian problem (a threat to individuals and society). However, the phenomenon is also closely linked to certain security threats directed at the state (a security dilemma can thus affect more than one referent object). In the latter sense human trafficking is part of a continuum in which it is linked with irregular migration, other forms of trafficking as well as terrorism and organised crime. It is a security continuum that:

*“Intersects with a humanitarian discourse that focuses on victims denied their ‘their rights to liberty, dignity, security of person, the right not to be held in slavery, the right to be free from cruel and inhumane treatment’.”*¹⁹

The victim of human trafficking is therefore not only an insecure individual and part of a vulnerable social group (having been targeted for violence, sexual exploitation and/or forced labour), but also gets caught up in a larger threat to the state. Since states have the sovereign right to control their borders, victims of human trafficking are also part of a security threat to the state: often viewed as illegal immigrants, prostitutes and potential criminals. They are also involved with organised crime networks. Whereas these individuals do not themselves threaten the state, they do run the risk of further victimisation as states try to find, identify and ultimately deport²⁰ them as part of attempts to secure borders and crack down on organised crime.

There is however another factor to keep in mind regarding Securitization Theory: it only recognizes a threat that has been successfully represented as such. In this way, the number of acknowledged threats is limited and such a limitation is certainly necessary. It also means that the Copenhagen School's work is firmly tied to empirical events, thus making the theory extremely flexible: it is able to change its focus and pick up on new and emerging security threats.²¹ Securitization theory can therefore be used in different times to analyse different threats – all that is necessary to do so is to identify the relevant securitizing actors and referent objects, both of which may vary from one century to the next or one place to another. For example, the politicization of religion is not equally relevant in every country and for all time – its importance varies over time and place.²²

However, it does make it possible that very real threats go unnoticed because actors are not capable of adequately raising the alarm.²³ By the same token, it is possible that very capable actors securitize issues that are not real threats. The latter point is quite relevant for the issue of human trafficking as there are some scholars who claim that the threat has been

¹⁹ Aradau, C. “The Perverse Politics Of Four-Letter Words.” 253.

²⁰ Ibid. 253-254.

²¹ Huysmans, J. “Revisiting Copenhagen.” 487.

²² Stritzel, H. “Towards A Theory Of Securitization.” 367.

²³ Hansen, L. “The Little Mermaid's Silent Security Dilemma.” 288-297.

exaggerated, has taken on mythical proportions and is motivated by political agendas.²⁴ This is a claim that I will return to later.

The last important factor to take into account is the claim that the work of the Copenhagen School can be seen as European. The bulk of the School's work is to be grounded in European security experiences, which may explain its focus on and acceptance of societal security as a relevant topic for study. It is European Cold War and immigration experiences that stimulated the development of the School's conceptual framework:

*“Another example is the societal security concept. It relates to European security experiences in the late 1980s and the early 1990s, especially the intensifying politicization of migration from a security perspective, and the negative reaction to the European integration process in some countries after the Maastricht Treaty. When Ole Wæver presented the concept at the first conference of the ECPR Standing Group on International Relation in Heidelberg (1992), he explained that he had experienced difficulties getting the message across in the US. It was apparently not always simple to argue the relevance of the ethnic-cultural identity theme which is central to the concept and which builds upon a European historical-cultural understanding of the nation.”*²⁵

Be that as it may, the elaboration of the Copenhagen School's ideas is definitively done from a more universal perspective. The Copenhagen School has its roots in European security dynamics and it makes use of Euro-American ideas on international relations and security²⁶. However, it ends up providing a conceptual framework that can be used for security analysis of any region. As has been seen, Securitization Theory has been broadened to include identity topics other than ethnicity, race and culture. In doing so it is made even more useful when studying other parts of the world, especially during a time when one part of the world is so easily influenced by another part – as much of the world is by Europe and the West.

1.4 CONCEPTS AND DATA

Human trafficking, like many emerging subjects of interest for scholars, suffers from a lack of clarity with regards to concepts and definitions. These problems with terminology aggravates an already serious problem concerning insufficient and unsatisfactory data. Yet the issue of human trafficking is very much connected to other highly politicised and emotional concerns like migration, organised crime, terrorism, drugs and prostitution (along with its problems of morality and legality). As such, it is becoming increasingly important to be accurate with regards to statistics and to find accurate terminology with which to be consistent.²⁷

²⁴ Doezema, J. “Loose Women Or Lost Women”?

²⁵ Huysmans, J. “Revisiting Copenhagen.” 483-484.

²⁶ Ibid. 500.

²⁷ Koser, K. 2005. “Irregular Migration, State Security And Human Security.” 4.

For a long time concepts such as smuggling and trafficking of persons (TIP) were used interchangeably. This began to change over the last ten years as more and more attention became focused on what we would today call human trafficking:

“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.”²⁸

There is also an additional definition for severe instances of human trafficking:

“Sex trafficking in which a commercial act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or...the recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”²⁹

It is important to distinguish the above-mentioned official UN and US Trafficking Victims Protection Act (TVPA) definitions of human trafficking from the concept of human or migrant smuggling:

“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 Party of which the person is not a national or a permanent resident.”³⁰

There is thus a difference between smuggling a person into a country and coercing or deceiving a person into migrating for the purpose of exploiting them. In the former scenario the migrant is a willing participant. In the latter, the person is either being forced or threatened into migrating or alternatively, is willing to travel, but unaware of the fact that he or (more commonly) she is being deceived as to the nature and intent of the trip. Another key difference is that human smuggling provides only short-term profits while human trafficking is aimed at long-term exploitation.³¹

Both the people who submit to being smuggled across international borders as well as the victims of human trafficking have commonly been labelled as illegal (im)migrants. There have been a number of objections to the term “illegal migrants”³² due to the term’s link with criminality. Most of the people concerned are not in actual fact participating or seeking to participate in criminal activities – other than crossing borders without authorization. The victims of human trafficking do not even necessarily aim to do that, but are either being moved against their will or believe that they are taking part in a legal procedure. In the case of refugees – and some victims of human trafficking may claim to be refugees if it is

²⁸ United Nations. 2000. “Protocol To Prevent, Suppress And Punish Trafficking In Persons.” 2.

²⁹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 2.

³⁰ United Nations. 2000. “Protocol against the Smuggling of Migrants Enters into Force.”

³¹ Makkai, T. 2003. “Thematic Discussion On Trafficking In Human Beings.” 5.

³² Koser, K. 2005. “Irregular Migration, State Security And Human Security.” 5.

dangerous for them to return home – the “illegal” status may harm their claims for asylum. It is also thought that labelling people as “illegal” generally undermines their humanity.

Thus it has become the norm for many political actors to refer to “irregular migrants”³³ as opposed to “illegal migrants.” The term is used by many credible organisations such as the Council of Europe, the International Organization for Migration (IOM) and the UN High Commissioner for Refugees (UNHCR) amongst others. A notable exception is the European Union (EU) which still refers to illegal immigration. This study does not show a marked preference for one term over the other, but merely raises the issue for the awareness of the reader.

It should be noted that reliable data on human trafficking (including quantitative data as well as demographical and socio-economical information) is fairly scarce. The lack of universally accepted definitions with regards to the problem is merely one reason for the scarcity of data. Different actors (whether they be states or governmental organisations) use different definitions, making it hard to compare statistics from different countries and regions. In addition, official records of irregular migration (of which human trafficking only makes up a small part) do not capture the full extend of the problem. Official records tend to only include the cases of the people that a given government is aware of, such as those who apply for asylum after entering a country or people who are caught illegally trying to cross a border. It is commonly accepted that most irregular migrants remain unrecorded and estimates concerning their numbers and activities are more often than not guesswork.³⁴

In many countries the available data on irregular migration is in fact gathered by enforcement agencies. As such the information is often not available to the public or may be outdated by the time it is released to the public. The data can also often be scattered in different governmental departments and agencies, further complicating any research that could be done. Another important factor with regards to data is the fact that a person’s migrant status can and often does change over time.

Irregular migrants are not only those who enter countries without the required documents (or with fake documents), but people who stay in a country for longer than they are supposed to. This includes persons whose visas have expired, those who become involved with bogus marriages or who are pretending to be students or self-employed as well as people who make fake asylum claims. Thus over time a migrant’s status changes, he or she can move between the categories of legal/regular and illegal/irregular migrant. Human smuggling can also become human trafficking: there are instances of women who want to migrate without going through the proper authorities. Some of these women migrate with the express purpose of engaging in prostitution in their destination country.³⁵ Sometimes these plans go bad and they end up being deceived and living in slave-like conditions that they would never have imagined or planned on.

³³ Koser, K. 2005. “Irregular Migration, State Security And Human Security.” 5.

³⁴ Ibid. 5-8.

³⁵ Aradau, C. 2004. “The Perverse Politics Of Four-Letter Words.” 261.

Despite the fact that human trafficking (and illegal migration in general) is considered a global problem made worse by rapid globalization, there is no one global authority on the matter. The fact that there is no one organisation responsible for providing global statistics and trends on irregular migration³⁶ further complicates data collection as well as co-ordinating international attempts to address the issue(s). Instead there is a number of different organisations that do research on migration and each tends to focus on different kinds of migration in different parts of the world. All these studies being carried out on the topic of irregular migration and human trafficking tend to be short in time span – there is thus also a lack of long term studies on the subject.

2. INTERNATIONAL OVERVIEW

Human trafficking has evolved from a little-known problem in the early 1990s to an international crisis. It is a global criminal industry that supposedly generates around US\$9.5 billion every year according to the Federal Bureau of Investigation (FBI).³⁷ Other sources have different estimates and the annual income from TIP might be as much as US\$18 billion, which makes it one of the most profitable as well as one of the fastest growing crimes in the world.³⁸ It is an issue that causes a multitude of problems with regards to migration, labour, health and the violation of human rights. It is a problem that touches almost every country in the world (an estimated 143 out of 192 countries have been linked to human trafficking) and takes many different forms. It can happen both within and between countries and international or transnational TIP often involves victims and offenders from a broad spectrum of political, economic and social spheres.

The US government has estimated that between 600 000-800 000 people are trafficked across various international borders every year.³⁹ If the figure for those who are trafficked within countries is included, the numbers jump to between 2 and 4 million people every year. The International Labour Organisation (ILO) claims that at there are at least 2.4 million victims of trafficking at any given moment in time. There are also at least 20 million enslaved people working against their will.⁴⁰ The ILO also claims that profits from trafficking may run as high as US\$32 billion. According to UN data, in the period from 1996-2003, people from 127 countries were trafficked to 137 recipient countries. Most of the people concerned – around 80% - are female, while up to half are minors.⁴¹

Most of the reported cases of trafficking take place across national borders. The tendency is for most victims to be moved around within the same geographic region or simply between neighbouring countries. Although fewer people are trafficked over very long distances,

³⁶ Koser, K. 2005. "Irregular Migration, State Security And Human Security." 7-8.

³⁷ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 1-2.

³⁸ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 143.

³⁹ Miko, FT. 2003. "Trafficking In Women And Children: The US And International Response." 1.

⁴⁰ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 143.

⁴¹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 2.

crossing continents or vast regions, this does also occur. While some countries are countries of origin for the trafficked people, others are merely transit countries while yet others are the final destinations. It is also possible for one country to be any combination of the three. The patterns of dispersion are not the same for all victims from all the countries of origin. For instance, victims from East Asia have been found in over 20 different countries throughout Europe, Africa, Central Asia, the Middle East and the Americas. Victims from West Africa on the other hand, are normally only trafficked to other parts of Africa and European countries, where they are more frequently found than East Asians.⁴²

The victims of sex trafficking have commonly ended up in the larger cities in their host countries. They are frequently taken to popular vacation and tourist destinations as well as areas where military bases are situated. Demand in these areas is considered very high. However, in recent years there has been a tendency for victims to be taken to smaller cities and even rural areas. Although the focus of this project is on the sex industry, it should be noted that victims of trafficking also often end up in agriculture, manufacturing, construction and domestic service and in some of these sectors they are vulnerable to sexual and other abuse too. The trends with regards to the global trafficking phenomenon are not static: traffickers adapt to changing circumstances and take advantage of new weaknesses and opportunities wherever they may be.⁴³

2.1 CAUSES AND CONTRIBUTING FACTORS

In fact, weakness and vulnerability is what the TIP phenomenon thrives on. It owes its continuing existence and expansion to the exploitation of weakness – not only that of the international political system, but also exceptional political instability such as war and other conflicts. The presence of political instability and conflict limits the power of governments to act against criminal activity in general. Conflict-ridden regions are often characterised by children acting as soldiers or sex workers. Even when there is no actual war, the presence of peacekeepers or military bases can still create demand.⁴⁴ On the other hand, the presence of a military base also creates a lot of general business opportunities, so that when it closes down, it creates a big unemployment problem, which once again can aggravate the trafficking issue.

Economic and social conditions like poverty and the social and cultural exclusion that poverty can bring, is a major problem:

“In most of the areas of origin of trafficked persons, 50-60% of the population lives on US\$1 a day. Income poverty, unemployment, hunger, disease and illiteracy are widespread and rampant. Employment, education, vocational training and economic opportunities are in chronic shortage. As a result, unemployed youths and school dropouts are reduced to vulnerability and thereby become easy targets to human traffickers. More

⁴² Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 3.

⁴³ Ibid. 3.

⁴⁴ Getu, M. 2006. “Human Trafficking And Development: The Role Of Microfinance.” 144-148.

vulnerable are those who migrate from rural areas, where opportunities are even rarer, to urban areas in search of employment and other opportunities.”⁴⁵

The subordination of women in certain societies lies at the root of the trafficking problem. In many countries there are big disparities between men and women when it comes to economic and educational opportunities. In a situation where women and girls are disadvantaged with regards to education, inheritance and job opportunities, poverty and ignorance may combine to make them vulnerable to exploitation. It is not only gender discrimination that makes certain people vulnerable to TIP – in some countries there is very strong class discrimination, which has the same effect.⁴⁶ Violent conflict and the humanitarian disasters and displacement that inevitably follow, also put people at risk. The same is true when a political system collapses and long periods of political, economic and social transition follow: with the collapse of communist rule in Eastern Europe, for example, space opened up for criminal networks to operate and flourish in.⁴⁷

The increased globalisation of the world economy means that high volumes of people, goods and services cross international borders – both legally and illegally. International crime syndicates have positioned themselves to take advantage of this state of affairs.⁴⁸ Migrants may have many reasons for wanting to move, but legal immigration to many countries have been made more difficult in recent years. The world has become increasingly interconnected, which makes it easier for migrants to move from one country to another – except when they come up against severe legal restrictions. Migrants – including refugees fleeing violence – have become increasingly desperate to try any option available to them. They have therefore frequently turned to illegal ways of entering and staying in countries of their choice. The decision to do so places them in a position where they are vulnerable to exploitation.⁴⁹

There is also believed to be strong demand for sex workers, domestic workers and sweatshop workers and the continued tax-free income that is to be gained from them. The growth of the commercial sex industry – often viewed as uncontrollable – is frequently blamed for the trafficking problem. It is held responsible for the increased demand for women and girls to work in the industry – not necessarily by choice and sometimes not under good living and working conditions.⁵⁰ The growth of the Internet has made it easy for people to participate in illegal activities without even leaving their homes. For instance, the sex industry, which used to be local and street-based, is now a global market accessible from

⁴⁵ Getu, M. 2006. “Human Trafficking And Development: The Role Of Microfinance.” 144.

⁴⁶ Dougherty, ME. 2006. “Preying On The Margins.” 19.

⁴⁷ Miko, FT. 2003. “Trafficking In Women And Children: The US And International Response.” 2.

⁴⁸ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 3-4.

⁴⁹ Bhabha, J. 2005. “Trafficking, Smuggling And Human Rights.” 1-2.

⁵⁰ Getu, M. 2006. “Human Trafficking And Development: The Role Of Microfinance.” 143.

a computer. The Internet makes it easy to coordinate demand and supply on an international level. It also makes it harder to find and punish criminals.⁵¹

Although demand – like human trafficking itself – is a global phenomenon, it has for the most part not been addressed, especially not by governments. The questions surrounding the issue – what is the reason for it and how can it be eliminated – remain unanswered:

*“If, when addressing demand, we take commercial sex to its logical conclusion, we arrive at the doorstep of the consumer. There is clarity about the demand and about possible alternatives, like shifting the burden for illegal activity from the prostitute to the customer. There is also the need for a greater exercise of political will on the issue.”*⁵²

There have also been other contributing factors to the problem: since TIP is a problem that has only recently gained attention, many governments lack sufficient legal tools to adequately deal with it. When police action takes place it is usually against prostitutes and not those who run prostitution - victims have thus sometimes been treated like criminals: arrested, detained, punished and/or deported. They are usually reluctant to help in the prosecution of the traffickers since they fear retribution and most governments do not offer sufficient protection for them. Since most countries (of origin, transit or destination) lack the proper legal means to combat the human trafficking problem – most countries have no laws dealing with the issue – prosecution and punishment for offenders tend to be minor. The illicit trafficking of goods like drugs and weapons tend to be much more harshly punished than TIP.⁵³

There is also a lack of will in some countries to fight the problem – governments and crime fighting agencies sometimes ignore the issue or marginalize it. In some instances, government officials are even involved in trafficking: accepting bribes from criminals for the provision of fake documents or just turning a blind eye to their activities. In certain countries criminal gangs are more powerful than the police so that even if law enforcement officials aren't corrupt, they may be reluctant to act against powerful criminals.

Finally, those who are most exposed to the risks of human trafficking – the poor, marginalised and uneducated – are also the least aware that there is a trafficking risk at all. Many people simply have no access to information and have not been made aware of the phenomenon. Information and technology is quite frequently very limited in the countries or areas where trafficking victims originate from. People therefore don't know about the complex and specialised human trafficking industry and nor are they aware of their rights and the laws that may protect them. They therefore do not know where to go when there is a problem.⁵⁴

⁵¹ Makkai, T. 2003. “Thematic Discussion On Trafficking In Human Beings.” 2.

⁵² Dougherty, ME. 2006. “Preying On The Margins.” 20.

⁵³ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 4-5.

⁵⁴ Getu, M. 2006. “Human Trafficking And Development: The Role Of Microfinance.” 145.

2.2 WHO ARE THE TRAFFICKERS?

Human trafficking is often run by organised and sophisticated crime syndicates who operate across international borders and sometimes across whole continents. Groups like the Italian Mafia as well as Russian and Albanian criminals are often involved in trafficking in Europe while Chinese triads and the Japanese Yakuza are heavily involved in Asian trafficking. Such international gangs and mafias coordinate their activities with groups that operate on a more local level as well as corrupt police and other officials, in order to obtain documents, accommodation, transport and connections for their operations.⁵⁵

Although these organised crime networks are a big part of the problem, traffickers are not always sophisticated international criminals, but can also be small family-run groups and other amateur gangs. Anyone who is involved in the trafficking process – whether as transporters, recruiters, exploiters or enablers – is considered a trafficker. Unlike trafficking in guns and drugs, women participate more actively in the trade and exploitation of people. Women traffickers are prominently involved in the managing and coordinating aspects of human trafficking. These female traffickers also act as assistants to male traffickers and are involved in the recruitment of victims. It is sometimes the case that these women were once victims of trafficking themselves.

The means by which traffickers obtain their victims are varied and can range from outright kidnapping to more underhanded tactics. Children are often simply bought from their guardians. The promise of jobs (both legal and illegal) and study or travel opportunities is often used to lure female victims. These opportunities may be advertised in newspapers, but sometimes potential victims are approached directly – traffickers use informal social networks or family and friends to do so. For example, it has been reported that Russian criminal groups make use of the databases of marriage agencies or matchmaking social events to identify their victims.⁵⁶

Women targeted for TIP therefore often travel willingly, but do not know that after they arrive at their destination (which may be different from where they thought they were going) they will be charged exorbitant fees for their transportation, documentation and housing. They then find themselves in a (possibly lifelong) debt-bondage and it is possible that a victim may be sold and resold over time. It is sometimes the case that traffickers use forced drug and alcohol use and addiction to further enslave and suppress their victims.⁵⁷ Sometimes those who have repaid their debts are released, but on condition that they recruit a replacement. In this way former victims become complicit in the crime and are more likely to keep quiet. These “supply agents”⁵⁸ lure more victims with talk of business and employment opportunities and rewards.

⁵⁵ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 3-5.

⁵⁶ Miko, FT. 2003. “Trafficking In Women And Children: The US And International Response.” 3-4.

⁵⁷ Makkai, T. 2003. “Thematic Discussion On Trafficking In Human Beings.” 4-5.

⁵⁸ Getu, M. 2006. “Human Trafficking And Development: The Role Of Microfinance.” 146.

Traffickers are primarily associated with those persons who coerce, abuse and transport human beings to where they are wanted. However, it is not only the suppliers who are guilty of trafficking, but also those who receive the victims of the trade and those who knowingly exploit them once they've reached their destinations. The "buyers"⁵⁹ can include sex tourists or just general sex customers, brothel owners, pornography producers and all kinds of employers looking for cheap workers for various industries.

2.3 WHO ARE THE VICTIMS?

A recent study from the United Nations Office for Drugs and Crime (UNODC) (undertaken for the period 2003-2006) took a closer look at who the victims of trafficking are:

*"On average, 65%-75% female, 15%-25% minors, and approximately 15% male. The same study found, for 2006, that the overwhelming majority of detected cases were victims of trafficking for sexual exploitation (79%), with a significant minority of detected cases involving victims of forced labour (18%). Child soldiers have been reportedly used in more than 300 ongoing or recent armed conflicts worldwide."*⁶⁰

These UNODC figures are however different from that of the ILO, who found that 43% of trafficking victims are sexually exploited, 32% are trafficked for forced labour and 25% for both sexual and labour exploitation.⁶¹ Most of the women that fall victim to trafficking are 25 years of age or younger – many are, in fact, in their mid or late teens. It is believed that the fear of HIV/AIDS among clients, drives the trade in younger women, who are thought to be less likely to have such diseases.

The victims of trafficking usually experience some form of mental and physical abuse in order to keep them under control. They are frequently threatened with violence against themselves or their families and may in fact be beaten, raped and/or tortured. They are also often imprisoned and kept in isolation. In some cases, a belief in magic might be exploited by the traffickers. The conditions whereby victims are transported are not always safe and can sometimes lead to unintended death.⁶² If and when they do reach their destinations, it is the norm that passports and other documents are taken away, especially when they arrive at their destinations. They are then forced into debt bondage and prostitution. They are denied access to medical care even though they are particularly vulnerable to HIV/AIDS and other diseases. Some of the women may also suffer mental breakdowns. In extreme cases, women who become sick have been killed.⁶³

⁵⁹ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 143.

⁶⁰ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 6.

⁶¹ Ibid. 30.

⁶² Bhabha, J. 2005. "Trafficking, Smuggling And Human Rights." 1.

⁶³ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 6.

2.4 REGIONAL TRENDS

The Asian Pacific region has the biggest trafficking problem in terms of victims. An estimated 700 000 to 2 million Asians⁶⁴ are trafficked across national borders every year (and the figure would of course be higher if trafficking within borders was included). The problem is thought to be connected to the large-scale sex tourism industries in countries like Thailand, Cambodia and the Philippines, that draws people from all over the world. Few of the countries in the region have adequate laws or statistics regarding the problem. However, it is believed that thousands of women have been sold into Thailand's sex industry since 1990 – most of them coming from countries in the region. In fact, Thailand seems to have the biggest problem in the region and features heavily in the area's intra regional TIP – as a country of origin, transit and destination.⁶⁵

In Taiwan and China, there is a strong demand for (mostly Vietnamese) women as wives and concubines. Once they are married they are frequently sold into prostitution. The demand for foreign women in especially China is worsened by the latter's imbalance in the ratio of men to women, which is caused by the government's population control policy and the general preference for male children who traditionally have more economic opportunity. Men in China are therefore in the majority and women are often quite scarce.⁶⁶

Although Asian women are trafficked globally, it is Japan, however, that has the biggest market for trafficked Asian women destined for sexual exploitation. Japan is also a market for women from Latin America, Eastern Europe and Russia. Australia, which is a recipient country as well as the source of many of the sex tourists in the region, has developed extraterritorial legislation and implemented harsher punishment to try and control the actions of Australians at home and abroad. The Australian government has also launched public awareness campaigns to warn travellers about TIP.⁶⁷

South Asia provides the second most trafficking victims and also has a burgeoning sex industry, especially in Sri Lanka and India. The poverty and low status of women also contribute to the problem. It is the poorest countries in South Asia – Bangladesh and Nepal – that are the origin countries of the victims – who leave mostly for India and Pakistan. There are believed to be thousands of Nepalese women and girls trafficked to India, now working in the massive Indian sex industry. The same is true of Bangladeshis in Pakistan. India is not only a host country, but a source country that is usually used for transit as well: women enter India from surrounding countries, some many stay, but some are sent on to Europe and the Middle East.⁶⁸

⁶⁴ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 143.

⁶⁵ Makkai, T. 2003. "Thematic Discussion On Trafficking In Human Beings." 3.

⁶⁶ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 143-144.

⁶⁷ Miko, FT. 2003. "Trafficking In Women And Children: The US And International Response." 4-5.

⁶⁸ Ibid. 5.

In Europe there is a divide between the richer countries - the countries of the old European Union, mostly in the so-called West – and the poorer, more economically and politically unstable nations of Eastern Europe and the Balkans and then also the Russian Republic. The former are recipients of trafficked persons while the latter are source and/or transit countries.⁶⁹ Criminal networks from Albania, Italy and Serbia are heavily involved in European trafficking. TIP is believed to be the most lucrative criminal enterprise in the Balkans, but it is the Russian gangs that dominate the sex industry in many Western European countries and some parts of the US and Israel.

Human trafficking in Europe is characterised by particular high levels of violence. It has also been found that Europe's major illegal immigration routes are the same ones used by the traffickers for TIP. Although most of the victims end up in countries like the Netherlands, Germany, Italy and France, many are taken further afield to the Middle East (Saudi Arabia and Israel), the Far East (Japan and Thailand) or North America. Western Europe is also a destination for women from Latin America, Southeast Asia and Africa.⁷⁰

Countries in the Middle East – mostly Saudi Arabia, Israel and the United Arab Emirates (UAE) – are mostly recipient countries. Women are trafficked from Asia to Saudi Arabia and the UAE to be prostitutes or brides. The victims who arrive in Israel are usually from Russia or the former Soviet states, but there are of course exceptions. Male children are also often trafficked from Bangladesh, Pakistan and the Sudan to work as “camel jockeys”⁷¹ in the Persian Gulf's camel racing industry.

In Latin America, countries have experienced a growth in the sex tourism industry – partly because of increased restrictions taking affect in Asia – and the problems connected to it, including TIP (mostly for sexual exploitation) and child prostitution. Central American countries are not just source countries but also provide transit routes to North America.⁷² In fact, Mexico is the largest source of children (for adoption and sexual purposes) trafficked into the US and is also a source of trafficked women to Japan.

In North America the same networks and routes used for legal migration into the US and Canada are also used for TIP, but illegal measures are used to cross the borders. Canada is both a country of transit (to the US) and a destination. In both the US and Canada trafficked persons are in demand not only for the sex industry but for sweatshop labour, domestic work and adoption purposes. Trafficking networks in different North American communities are apparently forging links with each other in order to facilitate their activities and make higher profits.⁷³

⁶⁹ Makkai, T. 2003. “Thematic Discussion On Trafficking In Human Beings.” 3.

⁷⁰ Miko, FT. 2003. “Trafficking In Women And Children: The US And International Response.” 5-6.

⁷¹ Getu, M. 2006. “Human Trafficking And Development: The Role Of Microfinance.” 144.

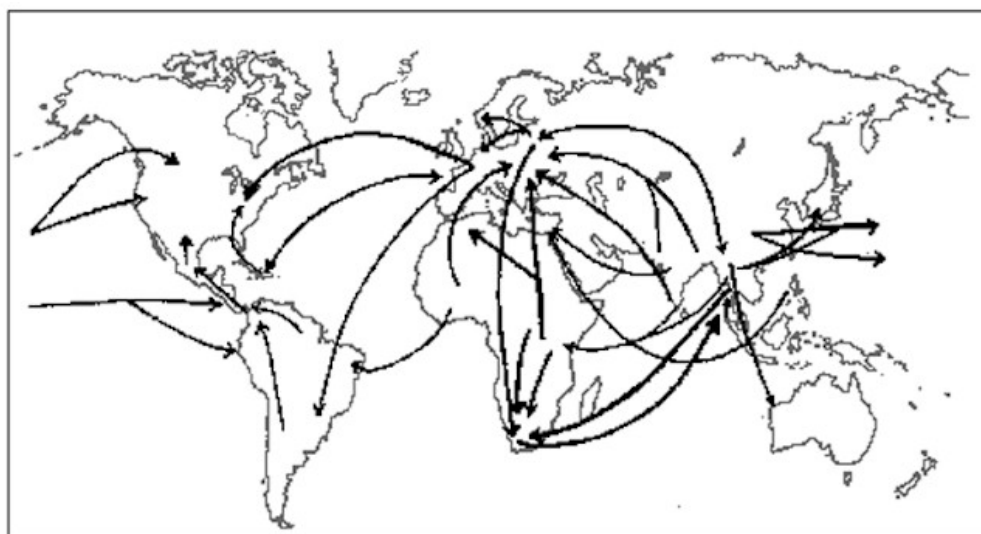
⁷² Miko, FT. 2003. “Trafficking In Women And Children: The US And International Response.” 6-8.

⁷³ Makkai, T. 2003. “Thematic Discussion On Trafficking In Human Beings.” 4-5.

Human trafficking in Africa is particularly badly documented and the extent of TIP on the continent is often difficult to establish. However, it is well-known that Africa has a particular problem with regards to children being trafficked, mostly for domestic and farm labour. The problem has been deemed serious in countries like Togo, Benin, Somalia, Nigeria, Algeria and many others. It is a problem that tends to worsen when the prices of the agricultural goods that Africa specialises in drops. TIP for purposes of sexual exploitation seems to be a lesser problem, but victims have nevertheless been found, especially in South Africa and Europe.

Since Africa is also one of the world's most war torn regions, it also has a big problem with regards to child soldiers and the demand for sex workers associated with military and peacekeeping operations. According to a 2004 survey,⁷⁴ 89% of the 53 African countries that were studied, had a regional trafficking problem in which victims were moved between neighbouring countries. A further 34% also had a trafficking problem involving Europe. Nigerian victims in particular have commonly been trafficked to Western Europe as well as the Middle East.⁷⁵

Map 1: Global Trafficking Routes⁷⁶



⁷⁴ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 143-144.

⁷⁵ Miko, FT. 2003. "Trafficking In Women And Children: The US And International Response." 7.

⁷⁶ Molo Songololo. 2000. "The Trafficking Of Women Into The South African Sex Industry." 31.

2.5 ANTI-TRAFFICKING INITIATIVES

Human trafficking is not a new phenomenon and neither is the international community's attempts to put a stop to it. Already in 1921 the International Convention for the Suppression of the Traffic in Women and Children was held to address the problem.⁷⁷ It was followed by the Slavery Convention of 1926 and later by the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) and Convention Concerning the Abolition of Forced Labour (1957).

Since human trafficking is an activity that exploits peoples' desire to migrate, it is in some ways not surprising that the problem increased in the latter half of the 20th century as the number of international migrants doubled between 1965 and the end of the century (to about 175 million people).⁷⁸ Despite the fact that TIP is not a new problem, it only really started gaining attention in the 1990s: the Fourth World Conference on Women that was held in Beijing in 1995 was perhaps the turning point for human trafficking as a human rights issue. At the Conference 189 nations adopted a Plan for Action which would include the shared objective of halting human trafficking. Throughout the rest of the 1990s "the trafficking of women for sexual exploitation began to be seen as both a form of discrimination against women and as a major human rights violation."⁷⁹

It is however not only the extreme human rights violations associated with TIP that has propelled governments around the world to finally start acting against it. It is rather the fact that human trafficking – along with human smuggling, drug trafficking and irregular migration – is increasingly an activity organised by international criminal groups.⁸⁰ Since the war on terrorism is very much about eliminating international criminal networks (and the operations that provide them with income), it in fact organised crime that also helped put human trafficking on the international agenda – at least where government and International Governmental Organisations (IGOs) are concerned. Also involved in combating TIP are of course bilateral and multilateral aid organisations as well as NGOs and religious organisations.⁸¹

⁷⁷ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 15.

⁷⁸ Bhabha, J. 2005. "Trafficking, Smuggling And Human Rights." 1.

⁷⁹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 15.

⁸⁰ Bhabha, J. 2005. "Trafficking, Smuggling And Human Rights." 2.

⁸¹ Getu, M. 2006. "Human Trafficking And Development: The Role Of Microfinance." 150.

2.5.1 THE UNITED NATIONS

The most important UN action against human trafficking is the Convention on Transnational Crime, which includes the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children. The Protocol was introduced in 1999 because it was believed that countries needed a universal tool with which to fight TIP and that without such a tool, many people would remain vulnerable to the TIP threat despite possible local measures against trafficking. The Protocol was therefore adopted by the UN General Assembly in 2000,⁸² signed in Palermo, Italy (and it – along with a similar Protocol on human smuggling – are often called the Palermo Protocols) and came into effect at the end of 2003.

The Protocol determined the official definition of human trafficking as mentioned in chapter 1. It also determined the following: as long as the elements of trafficking are still present – coercion, abuse, control over others – it is a crime regardless of any consent that the victim(s) may have given; the recruitment, transport and harbouring of a child (anyone under the age of 18) is considered trafficking even if factors like mental or physical abuse are not present.⁸³ The definition is extremely broad and inclusive and therefore open to interpretation and misinterpretation. For instance:

“Coercion is not simply brute physical force, or even mental domination, but includes ‘the abuse of a position of vulnerability.’ This can potentially encompass a very broad range of situations, since poverty, hunger, illness, lack of education, and displacement could all constitute a position of vulnerability. Whether a particular arrangement constitutes ‘abuse’ may be as much a question of assessing the market or ‘going’ rate for pricing a particular migration service as of characterizing a personal interaction.”⁸⁴

If a position of vulnerability includes extreme poverty and lack of education, the lines between human smuggling and human trafficking become blurred. There is thus perhaps a need to specify what exactly is meant by vulnerability because it would be incorrect to say that traffickers offering opportunities to poor people is the same as coercion.

Both the Convention and the Protocol were meant to facilitate international action against cross-border criminal activities. With regards to TIP, special attention was to be paid to women and children – their protection and human rights. The 119 countries who signed the Protocol committed to use law enforcement action to fight human trafficking, to develop the proper legislation necessary to address TIP, to help and protect the victims (which includes protecting their privacy and identity, providing medical, psychological and material assistance, as well as helping them take part in legal procedures while respecting their concerns throughout).⁸⁵

⁸² Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 15.

⁸³ United Nations. 2000. “Protocol To Prevent, Suppress And Punish Trafficking In Persons.” 1-2.

⁸⁴ Bhabha, J. 2005. “Trafficking, Smuggling And Human Rights.” 3.

⁸⁵ United Nations. 2000. “Protocol To Prevent, Suppress And Punish Trafficking In Persons.” 3-6.

States are also supposed to undertake projects for the prevention of human trafficking, to raise awareness and conduct research about TIP, to provide relevant training to the relevant authorities, share intelligence about TIP, to cooperate nationally and internationally (with state and non-state actors) to address trafficking and its causes (including the inequality and poverty of women as well as the demand that drives TIP) and to increase international cooperation with regards to border security specifically.

Member states that signed the Protocol are also expected to develop measures whereby trafficking victims are able to remain in the country either temporarily or permanently (whatever the situation might call for). The Protocol calls for victims to be treated as such and not to be prosecuted as criminals. If or when a victim is to be repatriated, her country of origin is expected to receive her without delaying the matter and with respect to her safety.⁸⁶ The country of origin is also supposed to provide new and appropriate travelling and identity documents to the victim if it is needed.

The above-mentioned duties that countries are required to fulfil seem very comprehensive and decisive. However, the language used to stipulate these measures implies that many of these actions are actually optional rather than mandatory. It should also be noted that the Protocol does not require states to provide any special immigration benefits for TIP victims. States are also under no obligation to address human trafficking by making legal immigration easier.⁸⁷

The UN's Trafficking Protocol falls under the authorisation of the UNODC. In 1999 it initiated its' Global Program Against Trafficking in Human Beings, which offers assistance to UN members so that they may successfully implement the Trafficking Protocol. The UNODC is therefore currently involved in over 30 such cooperative initiatives. It is also an important research body and compiles an annual report regarding human trafficking. In 2007, the UNODC and several other UN bodies as well as international organisations established the UN Global Initiative to Fight Trafficking (UNGIFT) which is meant to strengthen dialogue and cooperation amongst both state and non-state actors in the fight against trafficking. The UNGIFT initiative led to a series of regional forums in 2007 as well as the 2008 Vienna Forum to Fight Human Trafficking. The latter brought together 1 500 people from 116 countries and helped raise awareness, form partnerships and review TIP-related progress and challenges.⁸⁸

Quite a few UN agencies are also involved in fighting human trafficking: the UN Children's Fund (UNICEF) helps children who have been victimised; the UN Development Program (UNDP) tries to reduce the root social and economic issues that make potential victims vulnerable to traffickers; the UN High Commissioner of Human Rights launched a Special Rapporteur that protects the rights of trafficking victims; the IOM warns potential migrants about the risks of human trafficking and irregular migration. The IOM also assists

⁸⁶ United Nations. 2000. "Protocol To Prevent, Suppress And Punish Trafficking In Persons." 4-5.

⁸⁷ Bhabha, J. 2005. "Trafficking, Smuggling And Human Rights." 3-4.

⁸⁸ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 16.

governments in drafting relevant legislation, helps train government and NGO workers to identify offenders and support victims, funds research projects and conferences and keeps a database on global trafficking cases. Lastly, there is the International Program to Eliminate Child Labor (IPEC), which is used by the ILO to work with governments against child labour.⁸⁹

2.5.2 THE UNITED STATES

As the world's hegemon, the US has taken a leading role in fighting human trafficking – not just on the domestic front, but internationally. All the US anti-trafficking actions fall under the authorisation of the TVPA, which was passed by Congress in 2000.⁹⁰ US anti-trafficking activities are characterised by the so-called “three Ps” – prevention, protection and prosecution:

*“Prevention programs have combined public awareness and education campaigns with education and employment opportunities for those at risk of trafficking, particularly women and girls. Protection programs have involved direct support for shelters, as well as training of local service providers, public officials and religious groups. Programs to improve the prosecution rates of traffickers have helped countries draft or amend existing anti-TIP laws, as well as provided training for law enforcement and judiciaries to enforce those laws. U.S. policy has recently places a new, more “victim-centered” focus on rescue, rehabilitation, and reintegration (what it calls the three “Rs”). It has also emphasized the importance of combating forced labor among foreign migrant workers in destination countries, as well as addressing the public health consequences of human trafficking.”*⁹¹

In 2007 the US made US\$102.3 million available to various agencies for the domestic and foreign anti-trafficking effort – US\$79.4 million of this money was for assisting anti-trafficking outside the US. In 2008 the US government obligated around US\$99.1 million for foreign anti-trafficking measures and an estimated US\$23.2 million for domestic efforts. More recent figures are not yet available.⁹²

Some of the funds are earmarked for the anti-trafficking efforts of the UN and other international organisations, but it is the US Agency for International Development (USAID) and the Department of Labor (DOL) that receive most of the money for their anti-trafficking programmes. USAID supports information dissemination, support and protection programmes, training and income generation for former victims as well as training for police, prosecutors and judges. The DOL's Bureau of International Labor Affairs (ILAB) supports programmes that help child victims. They also support

⁸⁹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 16-17.

⁹⁰ Dougherty, ME. 2006. “Preying On The Margins.” 18.

⁹¹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 9.

⁹² Ibid. 6-7.

programmes that aim to prevent trafficking through “policy and legislative reform, public awareness campaigns, and capacity-building for governments and service providers.”⁹³

A very important domestic action taken by the US is the implementation of a special immigration status for TIP victims: they can apply for the T Visa, which enables them to remain in the country and eventually apply for citizenship. However, very few applications for the T Visa from victims and their families have been received as can be seen from Table 3:

Table 2: T Visa Applications And Issuing⁹⁴

Victims									
Fiscal Year	2002	2003	2004	2005	2006	2007	2008	2009	Total
Applied	115	557	278	229	345	230	394	222	2 370
Approved	4	285	136	112	182	279	247	186	1 431
Denied	0	28	292	210	52	70	64	30	746
Family									
Applied	122	331	118	114	324	149	290	132	1 580
Approved	0	207	216	114	99	261	171	144	1 212
Denied	0	13	26	18	43	52	19	37	208

In the year 2008 US agencies and funds supported around 140 anti-trafficking initiatives in 70 countries. Most of these initiatives were regional in nature or aimed to help countries address specific problems they are having in the fight against human trafficking. Countries with very severe trafficking problems and a willingness to cooperate fully with US agencies against TIP, have since 2004 been singled out to receive more assistance than others. These countries include Brazil, Cambodia, India, Indonesia, Mexico, Sierra Leone and Tanzania.⁹⁵

⁹³ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 7-8.

⁹⁴ Ibid. 22.

⁹⁵ Ibid. 8-24.

2.6 RESULTS

Every year the US State Department compiles a review of worldwide progress made against human trafficking. The 2009 TIP report (April 2008 to March 2009) included a record 173 countries and as usual analysed and ranked them individually. This most recent report was extended to, for the first time, include countries with small trafficking problems (fewer than a 100 cases a year) as well as two “special case”⁹⁶ countries. Special case countries are those countries where information is non-existent or considered completely unreliable – they are therefore not ranked, but in the 2009 report two of them – Haiti and Somalia – are at least discussed.

The 2009 report found that a lot of progress had been made in the fight against human trafficking, especially when it comes to drafting new anti-trafficking legislation (or amending existing laws) around the world. The new legislation is meant to facilitate the prevention and prosecution of trafficking offenses and to assist victims. Despite this progress, it nevertheless appears that attempts to fight against the TIP phenomenon have started to decline. The annual amount of prosecutions occurring worldwide has experienced an average 8.1% decline since the year 2003 (when data from around the world was first collected and compared). It is South and Central Asia that have experienced the biggest decline in prosecutions (an average 18.8% decline per year). As can be seen in Table 2, Europe has the most human trafficking prosecutions (43.5% of all cases) while Sub-Saharan Africa has the least (only 2%).⁹⁷

Adding to the concerns over the downward trend in the number of prosecutions is the current economic recession, which may impact negatively on global anti-trafficking programmes. The problem is more pronounced in developing countries where the harsh economic conditions have led to increasingly desperate people and thus a higher number of potential victims. The global financial problems have also increased demand for cheaper goods and services, which in turn may increase demand for forced labour. It is also thought that the financial crisis has led to some businesses going “underground to avoid taxes and unionized labor”⁹⁸ – such businesses will also have a demand for cheap, possibly forced labour.

⁹⁶ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 10.

⁹⁷ Ibid. 10.

⁹⁸ Ibid. 11.

Table 3: Global Prosecutions Of TIP Offenders, 2003-2008.⁹⁹

Year	Sub-Saharan Africa	Europe	East Asia & The Pacific	Middle East & North Africa	South & Central Asia	Western Hemisphere	Global	Global % Change From Previous Year
2003	50	2231	1727	1004	2805	175	7992	---
2004	134	3270	438	134	2764	145	6885	-13.9%
2005	194	2521	2580	112	1041	170	6618	-3.9%
2006	170	2950	1321	295	629	443	5808	-12.2%
2007	123	2820	1047	415	824	426	5655	-2.6%
2008	109	2808	1083	120	644	448	5212	-7.8%

As happens every year, the Department of State also ranks countries according to their progress. Countries fall into one of three categories: Tier 1 countries are those who have completely complied the minimum standards for halting TIP; Tier 2 countries are those whose governments are not meeting the minimum standards but are making serious attempts to do so; Tier 3 countries are the countries who are not meeting the required standards and are also not really making an effort to do so.¹⁰⁰ Tier 3 countries may face sanctions if they do not improve their efforts to combat human trafficking within three months of the release of the Department of State's report. The sanctions includes the stopping of non-humanitarian as well as non-trade related aid. It also includes the withdrawal of US support for loans from international financial institutions like the International Monetary Fund (IMF).

To meet the minimum standards (stipulated in the TVPA) and receive a good ranking, countries must:

“(1) Prohibit and punish acts of trafficking; (2) prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms (trafficking for sexual purposes, trafficking involving rape or kidnapping, (sic) or trafficking that causes a death); (3) prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offense’s heinous nature; and (4) make serious and sustained efforts to eliminate trafficking.”¹⁰¹

⁹⁹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 10.

¹⁰⁰ US Department of State. 2009. “Trafficking In Persons Report 2009.”

¹⁰¹ Miko, FT. 2003. “Trafficking In Women And Children: The US And International Response.” 11.

The “serious and sustained efforts to eliminate trafficking” include thorough investigation and prosecution (processes in which victims must be encouraged to participate), assisting and protecting victims, providing alternatives to deportation (in cases where victims might come to harm if deported), implementing preventative strategies (like education projects), cooperating with other governments and lastly, monitoring migration for signs of TIP.

In 2009, the Tier 1 category included only 28 or 16% of the total number of countries ranked (fewer than in the previous year) and most of the Tier 1 countries are European. Tier 2 has always been the largest category and grew over the last year from 70 to 76 countries. 52 Of the Tier 2 countries are however considered borderline countries who may at any time drop into Tier 3. The borderline countries who make up the sub-category known as the Tier 2 Watch list are the Tier 2 countries who have a great number of trafficking victims (or a significantly growing number of victims), countries where initiatives to fight severe forms of trafficking did not increase from the previous year and/or countries whose willingness to combat trafficking was measured by their promises of future action that hasn’t yet taken place.¹⁰² Countries who spend two consecutive years in the Watch list category run the risk of falling into Tier 3. Tier 3, which also grew over the past year, included 14 countries in 2008 while there are currently 17 countries in this group.

Table 4: Tier 1 Countries – 2009¹⁰³

Region	Countries
East Asia & The Pacific (3/25 Countries)	Australia, New Zealand and South Korea
Europe (21/45)	Austria, Belgium, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Italy, Lithuania, Luxembourg, Macedonia, Netherlands, Norway, Poland, Slovenia, Spain, Sweden, Switzerland and the United Kingdom
Middle East & North Africa (0/18)	---
South & Central Asia (0/12)	---
Sub-Saharan Africa (2/43)	Mauritius and Nigeria
Western Hemisphere (2/30)	Canada and Columbia

¹⁰² US Department of State. 2009. “Trafficking In Persons Report 2009.”

¹⁰³ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 11-13.

Table 5: Tier 2 Countries – 2009¹⁰⁴

Region	Countries
East Asia & The Pacific (13/25 Countries)	Brunei, Hong Kong, Indonesia, Japan, Laos, Macau, Mongolia, Palau, Singapore, Taiwan, Thailand, Timor Leste and Vietnam
Europe (18/45)	Albania, Armenia, Belarus, Bosnia & Herzegovina, Bulgaria, Cyprus, Estonia, Greece, Hungary, Iceland, Ireland, Kosovo, Malta, Portugal, Romania, Serbia, Slovak Republic and Turkey
Middle East & North Africa (4/18)	Israel, Jordan, Morocco and Oman
South & Central Asia (5/12)	Afghanistan, Kazakhstan, Kyrgyz Republic, Maldives and Nepal
Sub-Saharan Africa (18/43)	Benin, Botswana, Burkina Faso, Ethiopia, Gambia, Kenya, Liberia, Madagascar, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, South Africa, Tanzania, Togo, Uganda and Zambia
Western Hemisphere (18/30)	Antigua & Barbuda, Bahamas, Barbados, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Suriname, Trinidad & Tobago and Uruguay

Table 6: Tier 2 Watch list Countries - 2009¹⁰⁵

Region	Countries
East Asia & The Pacific (4/25 Countries)	Cambodia, China, Micronesia and the Philippines
Europe (6/45)	Azerbaijan, Latvia, Moldova, Montenegro, Russia and Ukraine
Middle East & North Africa (10/18)	Algeria, Bahrain, Egypt, Iraq, Lebanon, Libya, Qatar, Tunisia, United Arab Emirates and Yemen
South & Central Asia (7/12)	Bangladesh, India, Pakistan, Sri Lanka, Tajikistan and Uzbekistan
Sub-Saharan Africa (16/43)	Angola, Burundi, Cameroon, Central African Republic, Democratic Republic of Congo, Republic of Congo, Cote D'Ivoire, Djibouti, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Lesotho, Mali and Senegal
Western Hemisphere (9/30)	Argentina, Belize, Dominican Republic, Guatemala, Guyana, Netherlands Antilles, Nicaragua, St. Vincent & the Grenadines and Venezuela

¹⁰⁴ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 12.

¹⁰⁵ Ibid. 13.

Table 7: Tier 3 Countries – 2009¹⁰⁶

Region	Countries
East Asia & The Pacific (5/25 Countries)	Burma, Fiji, Malaysia, North Korea and Papua New Guinea
Europe (0/45)	---
Middle East & North Africa (4/18)	Iran, Kuwait, Saudi Arabia and Syria
South & Central Asia (0/12)	---
Sub-Saharan Africa (7/43)	Chad, Eritrea, Mauritania, Niger, Sudan, Swaziland and Zimbabwe
Western Hemisphere (1/30)	Cuba

As has been mentioned, Tier 3 countries face possible US sanctions if they do not quickly improve on the anti-human trafficking front. The US President has the option of imposing full sanctions of non-humanitarian and non-trade related assistance, partial sanctions (in other words only providing partial assistance instead of full aid) or, if it is in the US national interests, waive the option of sanctions completely. Of the 14 Tier 3 countries of 2007-2008, three countries – Burma, Cuba and Syria – were punished with the full sanction option; Partial sanctions were imposed on a further two countries – Iran and North Korea; Seven Tier 3 countries – Algeria, Fiji, Kuwait, Papua New Guinea, Qatar, Saudi Arabia and Sudan – were granted full waivers and faced no action; The remaining two countries – Moldova and Oman – had taken quick action against trafficking and were therefore no longer eligible for sanctions three months after the initial country rankings were reported.¹⁰⁷

2.7 CRITICISM

Although the US has been one of the leading countries when it comes to taking a stand against human trafficking, it has also been criticised on many fronts. The US data as well as the figures of organisations like the ILO have been questioned by many. The US Government Accountability Office (GAO) has criticised not only the quoted figures with regards to human trafficking, but also the methodology used. The GAO claimed in 2006 that the:

“U.S. government has not yet established an effective mechanism for estimating the numbers of victims or for conducting ongoing analysis of trafficking related data that resides from various government agencies.”¹⁰⁸

Measuring the success of the US’s anti-trafficking actions tends to be really difficult. There are very few good indicators to measure the effect of the various programmes and initiatives.

¹⁰⁶ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 14.

¹⁰⁷ Ibid. 14.

¹⁰⁸ Ibid. 3.

The US actions against TIP have been as comprehensive as any in the world (and probably more so than most) and the recent estimates of the number of victims trafficked into the US have been lower than in the past. However, it is completely unclear whether the lower numbers reflect successful anti-trafficking strategies or whether it's simply a case of better research.¹⁰⁹ The numbers with regards to worldwide estimates have remained largely the same, but there is once again a lack of evidence about what impact the international anti-trafficking efforts have had. The available information is often anecdotal and some countries do not properly distinguish between human smuggling and human trafficking, thus leading to inaccurate data. It is therefore easy to see why the GOA questions all the estimates.

Although the TIP reports have improved with each passing year, the country rankings are still accused of being superficial. The categories that countries fall into (Tier 1, Tier 2 and so forth) have been criticised as too broadly defined, especially Tier 2 – it is seen as too all-encompassing, allowing countries that should really be in Tier 3 to remain in Tier 2.¹¹⁰ There has been some controversy over the years over countries like Russia and Pakistan who have serious trafficking problems, but who remain in Tier 2. Human Rights Watch has in the past accused the report of a lack of hard evidence and of giving some countries too much credit for very little effort. In addition, even countries in Tier 1 often still experience serious problems in their efforts to combat human trafficking. Another point of criticism is that the US does not include itself in its own country rankings, but rather assesses its own progress separately from that of everyone else. The usefulness of the reports has thus been questioned. The State Department has admitted that the reports need to become more comprehensive, but at the same time it believes that conciseness is also important.

The use of sanctions against Tier 3 countries is another factor that has been criticised: in order for sanctions to have a chance at being effective, they need to be “clearly defined and evenly applied.”¹¹¹ The US has not applied sanctions evenly against all Tier 3 countries, instead choosing to take different measures with different countries depending on their importance to the national interest. Sceptics have noted that the only Latin American countries who have been penalised with sanctions since 2003 have been Cuba and Venezuela – countries that already have rocky relations with the US. Important US allies in the fight against terrorism have not faced any action when they find themselves in Tier 3. Sceptics have expressed the opinion that only countries who already have sanctions against them (countries like North Korea and Burma) are likely to face further sanctions over human trafficking.

Although some think that the threat of sanctions might undermine international cooperation, others claim that both threats and incentives are needed to get nations to cooperate – and international cooperation is essential to fighting TIP. Most countries also want to maintain good relations with the US for political and economic reasons and therefore seek to avoid the embarrassment of being classified as Tier 3. Furthermore, “some assert that unilateral

¹⁰⁹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 32.

¹¹⁰ Miko, FT. 2003. “Trafficking In Women And Children: The US And International Response.” 13-19.

¹¹¹ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 29.

sanctions, when designed in accordance with international norms, can incite countries to internalize those norms.”¹¹²

When it comes to the T visa, most human trafficking activists are supportive. There is some concern however that some victims might have difficulties with the application process or with meeting the criteria for obtaining a T visa. In order to receive benefits, a victim must first apply for the T visa, which may be difficult if her English is bad – she might have to turn to the immigrant community to help her and the traffickers might very well have ties to the community too. Some have questioned whether the T visa and the continued presence options primarily help victims or law enforcement. Despite general support for the visa, it does have some opponents: there is concern over possible abuse of the system and that people who were complicit in trafficking will claim victim status after arrest.

There is thus fear about the T visa from two different points of view: on the one hand, regular victims or those who find it hard to prove they suffered severe hardship, might not be able to obtain the visa; on the other hand, some persons (perhaps with the help of advocacy groups) may obtain the visa despite not really meeting the criteria. In addition, critics believe that scarce resources could be better spent on immigrants who enter the US legally. Although there is an acknowledged need to protect TIP victims, the benefits they receive – according to some - exceed that which is given to relatives of US citizens.¹¹³

Another concern is the lack of safe accommodation for victims – outside of the federal protective custody programme – despite the funds that have been channelled towards providing safe housing. The issue has primarily been raised by service providers to trafficking victims: they maintain that many shelters are full and domestic violence shelters are not fully equipped to help victims of human trafficking. They also dislike pressuring victims into aiding with prosecutions since it could have negative safety consequences to the victim’s family back home – some NGOs want the families of victims to also be taken care of (their security should be guaranteed where they live or they should be brought to the US).¹¹⁴

¹¹² Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 29.

¹¹³ Ibid. 32-34.

¹¹⁴ Ibid. 33.

3. HUMAN TRAFFICKING IN SOUTHERN AFRICA

Like in every other major region of the world, human trafficking is not a recent development in southern Africa. It is rather a phenomenon that has been taking place for at least a century and probably longer. In the late 19th century and early 20th century, young European women were being trafficked to Johannesburg and Cape Town: by using advertisements in British or Continental newspapers, criminal gangs lured European women to South Africa with promises of lucrative jobs as barmaids or domestic servants. In some cases the women were promised work in London and escorted there from the Continent by so-called agents. On arrival they were told their employers were in South Africa and they were convinced to continue travelling onwards. Once they arrived in South Africa they joined the flows of European prostitutes who went there willingly. Some of them were also taken to South African mines where there was a demand for European women from the white mineworkers.¹¹⁵

Africans from the region have also been trafficked into Europe: in the 1960s it was reported that thousands of African girls were being taken to Europe every year, many of them becoming sex slaves in European ports.¹¹⁶ In the early 1990s various reports began to surface regarding Mozambican women and children who were being trafficked into South Africa for purposes of sexual exploitation. At the end of the decade it was reported that not only were people from all over Africa being smuggled into South Africa, but that the trade reached even beyond Africa to many other regions.

There is however a new element to TIP in this region and that is the amount of attention it has received from the public and the media – not only in the region itself, but even in Europe and the US. This attention has increasingly been placed on southern Africa's multitude of trafficking activities perpetrated by both local and international crime networks. Women and children in southern Africa are particularly vulnerable to such gangs due to the civil conflict and general economic deprivation common to the region.¹¹⁷

Faced with a variety of problems and a lack of opportunities in their home countries, many people choose to migrate. The destination of choice is often the most prosperous country in the region with a long history of job opportunities for people from neighbouring countries: South Africa. The country's comparatively wealthy, modern economy, porous borders and dynamic sex industry lure a combination of both migrants and criminals including human traffickers. South Africa shares borders with six other countries: Botswana, Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe. It has a 5 000 kilometre-long borderline and 72 official ports of entry as well as several unofficial entrances.¹¹⁸

¹¹⁵ Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 41-42.

¹¹⁶ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 10.

¹¹⁷ Ibid. 1-5.

¹¹⁸ O'Connor, M. 2009. "Human Trafficking In South Africa: 2010 And Beyond."

3.1 CAUSE FOR CONCERN

Despite the attention that the region has received with regards to TIP, there is still ample reason for concern. Southern Africa remains vulnerable to the trafficking problem for a great many reasons. Much of the region is politically and economically unstable and it has had trouble with war and other conflicts throughout recent history. Some parts of the region still experience violent conflict and instability while the whole region still faces the after affects of conflicts gone by. Many parts of Africa have experienced decades of war and conflict, not to mention various other disasters like droughts, famines and floods.¹¹⁹ There is also endemic poverty throughout southern Africa and a general problem of unemployment and lack of education. The chaos produced by these afflictions have left many struggling for survival. Countries like Zimbabwe, Mozambique, Angola as well as the Great Lakes Region, have produced many people desperate to find a better way of life.

As is often the case, women tend to make up the most unfortunate segment of society: the group with the least amount of income, education and opportunity. In many parts of the region women are expected to submit to male authority and are more often than not dependent on fathers, husbands or brothers for income for themselves and their children. The impact of the rampant HIV/Aids virus and associated problems has worsened the situation, often breaking up families and leading to child-headed households. The region not only suffers from periodic food-crises, but economic conditions have also generally worsened with the recent recession. These conditions of hardship and lack of opportunity are ideal for human traffickers who offer seemingly wonderful opportunities for migration, employment and riches in places like Johannesburg – commonly known as the City of Gold.¹²⁰

Human traffickers are helped not only by harsh economic and social conditions, but also by the region's long history of migration. Over the decades many thousands of migrants from neighbouring countries have gone to work in South African mines or on South African farms. Leaving home to work in South Africa is thus a long-established practice. It is also a common traditional practice throughout the region to send one's children to well-off friends or relatives during times of economic trouble.¹²¹ Such traditional practices are often exploited and corrupted by those with less than honourable intentions.

Although South Africa is considered rich in comparison with her neighbours, conditions in South Africa are not ideal either – neither for foreigners nor many South Africans. The country itself struggles with many of the same problems as the rest of the region: widespread poverty which often leads to children dropping out of school to try and find work to support themselves or their families.¹²² Consequently there is a lack of education amongst many of the people; High levels of poverty also lead to competition for resources and

¹¹⁹ UNESCO. 2007. "Human Trafficking In South Africa: Root Causes And Recommendations." 7.

¹²⁰ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 11.

¹²¹ UNESCO. 2007. "Human Trafficking In South Africa: Root Causes And Recommendations." 11.

¹²² Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 28-40.

xenophobia; South Africa also has a high HIV/Aids infection rate (and there is the widespread belief that sex with a virgin can cure sexually transmitted diseases including HIV/Aids), high levels of domestic violence, child sexual abuse and drug and alcohol abuse as well as high levels of urbanisation – all these factors can have disruptive effects on family life, which in turn makes both children and adults vulnerable to exploitation.

Another key problem not unique to South Africa and surrounding countries is the silence of communities regarding sexual abuse and exploitation of any kind. The silence on behalf of families and communities is partly due to the sensitive nature of the crimes and the stigma that might be attached to people once they are associated with activities like prostitution. The general public is often unaware of human trafficking and all the different forms it takes – for instance who the traffickers are and how they approach potential victims and what can happen to them.¹²³

Parents are often simply unaware of the danger their children are in when they are entrusted to others. However, the silence can also stem from the fact that relatives and friends are often directly or indirectly involved in the crimes. The silence and lack of willingness to address such issues continue to put people at risk and limits the effective action of law enforcement and welfare agencies. The police and welfare authorities may in any case lack the appropriate training, knowledge and/or resources to prevent or address any trafficking problems they may encounter.

The region lacks the support and rehabilitation infrastructure that is needed for human trafficking victims. Many of the shelters that do exist are not geared towards addressing the problem – for example, South African shelters for domestic violence victims often require South African identity documents before they assist someone.¹²⁴ Many organisations willing to provide support and services to victims report that they are unable to do so on a sustainable basis because of a lack of resources. The NGOs who are able to assist trafficking victims are generally only able to do so on a small scale. They have indicated that “the need far outstrips the available capacity, in terms of financial and human resources, and alternative placements.”¹²⁵

Although South Africa has signed the UN trafficking Protocol among other agreements, there is still a distinct lack of domestic legislation regarding the TIP problem in many of the region’s countries. South Africa’s Trafficking In Persons Bill is still a work in progress, although existing laws regarding sexual offenses and organised crime are used to prosecute offenders.¹²⁶ However, in many cases the relevant authorities in southern Africa are unable to distinguish between human trafficking and human smuggling. The result is that law

¹²³ Adepoju, A. 2005. “Review Of Research And Data On Human Trafficking In Sub-Saharan Africa.” 76.

¹²⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 12.

¹²⁵ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 36.

¹²⁶ Gould, C. & Fick, N. “Selling Sex In Cape Town.” 87-88.

enforcement officials generally tackle the problem within an illegal immigration framework in which the primary tool to address the problem is immediate deportation.¹²⁷

Furthermore, investigation of and action against illegal practices in the sex industry have also declined since the 1990s as attitudes toward sex work have changed. While it is true that prostitution is still illegal in South Africa, it is very widespread and more commonly – if begrudgingly – accepted by the public than in the past:

*“The repressive sexual ideology of the apartheid years, that sanctified heterosexual relationships within marriage, stigmatized prostitution and confined all sexual encounters within its rigid racist boundaries, has changed dramatically. Since 1994 the strict sexual mores and conservatism have relaxed under one of the world’s most progressive Constitutions, that guarantees protection from discrimination on the basis of gender and of sexual orientation [...] The change from clandestine, illegal encounters to a more permissive environment, increased publicity and inter-racial activity is also new [...] The relevance of these societal shifts in attitudes and behaviours, alongside relaxed policing, has the potential to escalate the supply side of ‘victims’ for the predatory human trafficking business.”*¹²⁸

The public’s increased permissiveness of prostitution and other commercial sexual activities has also gone hand in hand with the growth of consumer culture in general. It is a culture in which many people (encouraged by the media) place high value on status symbols (for instance certain brands of clothing).¹²⁹ The desire to obtain a certain lifestyle of conspicuous consumption can easily put people in vulnerable positions.

3.2 TRAFFICKERS IN THE REGION

The southern African region has a large and multi-faceted organised crime problem. Up to 500 organised crime groups are believed to be operational in South Africa alone and many of them operate transnationally and/or internationally, using their networks and connections in Africa and abroad. There is no typical profile for a trafficker – they can be men or women and of any race or ethnicity. Their activities may be on a large or a small scale and some may have a higher degree of organisation than others.¹³⁰

Some of the criminal networks in question are well-known to both the public, authorities and researchers: the notorious West African – mostly Nigerian, but also Congolese – gangs as well as syndicates from Angola, Chinese Triads and the Russian and Bulgarian groups. They are all known to be operating on a global scale – trafficking various goods and people. Other lesser known local groups – often characterised by a particular ethnicity – work on a

¹²⁷ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 12.

¹²⁸ UNESCO. 2007. “Human Trafficking In South Africa: Root Causes And Recommendations.” 17.

¹²⁹ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 31.

¹³⁰ UNESCO. 2007. “Human Trafficking In South Africa: Root Causes And Recommendations.” 26.

smaller scale and use “their comparative advantage to traffic women and children across a particular border where they have developed a network of official and unofficial contacts.”¹³¹

Southern Africa’s vast number of criminal syndicates are involved in a great variety of illegal activities. Human trafficking is believed to be one of the most lucrative of their trades, responsible for an annual estimated income of US\$7 billion (a conservative estimate). The illegal trade in drugs and weapons are the only activities believed to be more lucrative than human trafficking. However, the penalties for the latter are much harsher and human trafficking have not been properly criminalised throughout the region, making it not only very lucrative (it has a very high profit margin – perhaps even the highest of any organised criminal activities), but also comparatively risk-free. The traffickers are thus the link between supply and demand of cheap labour and are in fact involved in a vicious cycle: by meeting demand they provide ‘easy access to victims,’¹³² thereby stimulating further demand.

The country that attracts the most migrants is the comparatively rich Republic of South Africa, whose Gross Domestic Product (GDP) is four times bigger than that of other countries in the region. The South African GDP of US\$159.9 billion also represents 25% of Africa’s total GDP.¹³³ TIP and transnational and international crime in general are made easier by southern Africa’s – and South Africa’s – porous borders. Whereas Apartheid South Africa used to practice very tight border security, South Africa started relaxing its border regulations in the 1990s in an effort to facilitate regional integration.¹³⁴ While border security was relaxed, infrastructure in the region was upgraded, which further facilitated the movements of all kinds of people. Apart from the better road infrastructure that South Africa’s border regions have, the country also has direct flights to Europe and Asia. The region has thus experienced an increase in the movement of people, goods and services as well as a rise in prostitution, the spread of disease and organised criminal activity.

Increased poverty in the region has led many to turn to crime to make a living, while the porous borders and good infrastructure have made it possible for crime syndicates to significantly expand their activities. It is not only transport infrastructure that has facilitated crimes like human trafficking, but also South Africa’s sophisticated financial infrastructure. South Africa’s good banking and other financial services and the fact that its currency – the South African Rand (ZAR) – is commonly used in the region (countries like Lesotho and Namibia even have their currencies pegged to the Rand) make transnational activities easier and eliminates the possibility of losing money to currency fluctuations.¹³⁵

Amongst the seemingly uncontrollable, documented and undocumented flows of people and goods across the borders of southern Africa, it is easy for the victims of human trafficking to

¹³¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 11.

¹³² UNESCO. 2007. “Human Trafficking In South Africa: Root Causes And Recommendations.” 26.

¹³³ Ibid. 10-11.

¹³⁴ Söderbaum, F. & Taylor, I. 2001. “Transmission Belt For Transnational Capital Or Facilitator For Development?” 680-690.

¹³⁵ Shaw, M. 2002. “West African Criminal Networks In South And Southern Africa.” 292-310.

become lost in the chaos. Like elsewhere in the world, migration often seems like a good option to desperate people and their circumstances and yearnings for a better life are sometimes exploited. Those who fall victim to trafficking experience a pattern familiar elsewhere in the world: unexpected debt and forced prostitution. In some cases, traffickers do not even bother to make a pretence of being owed money but simply force their victims into slavery for their own (physical and/or financial) benefit.¹³⁶

3.3 MAJOR TRAFFICKING PATTERNS IN SOUTH AFRICA

3.3.1 REFUGEE VICTIMS

South Africa is a popular destination for migrants and refugees throughout southern Africa and Africa in general, due to its comparative wealth and proximity. This is not without consequences for the country and the region. Although South Africa has only a small number of official refugees (more or less 30 000)¹³⁷ compared to Zambia (250 000) and Tanzania (500 000),¹³⁸ a lot of people enter the country undocumented. People who are forced to leave their homes are always the most vulnerable of populations, both in their home countries and their destination countries. Women and children are also the most vulnerable of the refugees, facing not only economic hardship but also gender-based violence in their war-torn countries:

*“While women move, and are moved, for a variety of reasons – political, socio-economic, and environmental, among others – traditional gender inequalities have great influence over when, where, and how women migrate. A woman may move from her home country partly because she believes that a better life awaits her elsewhere, but also upon request, because of her conditioned cultural subordination to male authority. For women from refugee-producing countries, the extreme desperation they experience makes them highly vulnerable to the deceptive recruitment tactics of traffickers, particularly male family relations.”*¹³⁹

The majority of South Africa’s refugees – 95% - are men who have fled the violence and persecution of their home countries. However, South Africa is not quite the land of milk and honey that refugees and migrants hope for – in reality it has its own political and economic problems including high rates of unemployment, an inefficient bureaucracy and xenophobia. The refugees are thus often unable to find work and find it difficult – even dangerous – to try and integrate into South African society.¹⁴⁰ Many turn to their own ethnic clans within the country to obtain support, protection and opportunities to make a living. Such kinship networks also help refugees maintain communication with friends

¹³⁶ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 11-12.

¹³⁷ UNESCO. 2007. “Human Trafficking In South Africa: Root Causes And Recommendations.” 8.

¹³⁸ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 14-15.

¹³⁹ Ibid. 14.

¹⁴⁰ UNESCO. 2007. “Human Trafficking In South Africa: Root Causes And Recommendations.” 22.

and family back home via the members of the clan who trade or take goods across the border(s) to their home countries.¹⁴¹

Kinship networks are also sometimes used to facilitate illegal activities, one of which is human trafficking. It has been found that some male refugees, when faced with problems in South Africa, have taken to inviting female relatives to also travel to South Africa:

*“Individual refugee traffickers are assisted by ethnically-based refugee syndicates in delivering a recruitment letter to the victim in her country of origin, escorting her to South Africa, and sexually assaulting her as an initiation to sex work should she resist upon arrival. The refugee trafficker takes the earnings the woman receives as a sex worker and, to protect his investment, he assists her in applying for refugee status to prevent deportation if police detain her.”*¹⁴²

The sexual exploitation of women often seem like a good option to refugees living in South Africa's harsh conditions: the big South African cities already have flourishing sex industries – there is obviously money to be made; Recruiting relatives for the industry is easy, costs little (the trafficker usually pays part of the travelling costs, the women and the rest of the family pay the rest) and poses no real risk to the trafficker. Although a male relative acts as the recruiting agent of the victim, the trafficking process often involves members of the kinship network of which he is part. They not only deliver the communications by which she is invited to South Africa, but they sometimes also help in transporting her and may be the first to exploit her once she reaches her destination.¹⁴³

Although members of the kinship group may accompany the victim to South Africa, at other times these women are escorted by their male relatives or simply travel alone. Although those who are accompanied by others on their travels are generally safer than the women who travel alone, it is also not unheard of that women are taken advantage of en route to South Africa by those who escort them.¹⁴⁴ The means by which travel takes place are varied: some women are transported by car, truck or minibus taxi, while others travel on boats or have to walk. Since the refugee women come from many different countries, a single victim's journey could last anything from a few days to a few months:

*“Travel from countries of origin appears to be by road. The routes are varied so as to avoid detection by border control officials. The women are brought for instance via the following routes: from Zambia, through Angola and to Namibia and from there to South Africa, or alternatively from Swaziland and/or Mozambique to South Africa en route to either Johannesburg or Cape Town.”*¹⁴⁵

¹⁴¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 16.

¹⁴² Ibid. 5.

¹⁴³ UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 24.

¹⁴⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 17.

¹⁴⁵ Molo Songololo. 2000. “The Trafficking Of Women Into The South African Sex Industry.” 20.

The women usually succeed in crossing international borders despite their lack of proper documentation. There are many guides along various African borders who are willing to assist in their crossing in return for a fee. Some borders are reportedly more expensive or more difficult to cross: getting in and out of Zimbabwe might cost as much as US\$50, while Botswana's authorities are known to be very vigilant and difficult to bribe. Botswana's borders are therefore usually avoided even if this means taking a longer route into South Africa. The latter's borders are thought to be easier to cross and people often enter through Beitbridge or Komatipoort.¹⁴⁶

These routes into South Africa are of course not only used by refugees and those who traffic them – they are also used to traffic people from other African countries in general. The countries of origin are mostly the Democratic Republic of the Congo (DRC) and the Great Lakes region in general, although Mozambicans have reportedly also been trafficked in this fashion.¹⁴⁷ Other trafficking victims to South Africa include women and children from Angola, Cameroon, Ethiopia, Kenya, Senegal, Somalia, Tanzania, Uganda and Zambia. TIP victims from these countries are taken by the same routes as refugees from unstable West African countries and Zimbabwe. Girls from these non-refugee countries have reportedly been trafficked to South Africa and forced to work in order to repay debts of ZAR 12 000 (more or less US\$1 200). Some of them do not stay in South Africa, but are trafficked to further destinations – often Bangkok.¹⁴⁸

Unlike the established international norm, the above-mentioned female victims tend to be older than the average victim of human trafficking: they are usually between 25 and 44. They are also often women who are either married or have been married and are now widowed or divorced. They frequently have children that they are raising by themselves¹⁴⁹ whom they might bring with them or leave behind with the aim of sending for them later. The older victims may have some level of education, the younger ones have often been left destitute by the impact of the HIV/Aids virus on African families.¹⁵⁰ Most of the refugee-victims come from cultural backgrounds in which women are subordinate to men – husbands, fathers and sons – but conflict disperses families or claims the lives of relatives, which often leaves the women as head of their households.

¹⁴⁶ Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 41.

¹⁴⁷ UNESCO. 2006. "Human Trafficking In Mozambique: Root Causes And Recommendations." 24.

¹⁴⁸ Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 43.

¹⁴⁹ UNESCO. 2006. "Human Trafficking In Mozambique: Root Causes And Recommendations." 24.

¹⁵⁰ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 15-16.

Map 2: Routes Into South Africa¹⁵¹



On arrival in South Africa the women are usually treated well at first and taken to the Department of Home Affairs so that they can apply for refugee status. Unlike in other cases of human trafficking where victims have their documents taken from them so that they can be more easily controlled, those who traffic refugees prefer their status to be legal. A legal status means that the trafficker's investment is protected – she cannot be deported (something that might easily happen if she is arrested for prostitution). Such protection is necessary since the trafficker does not have an endless supply of female relatives that he can exploit.¹⁵²

Once the victim has been granted temporary refugee status, she will be forced into sex work. She is of course a stranger in a country where she does not speak the language and the only people she knows are her relative – who, as a man, has authority over her - and his friends. She is therefore completely dependent on her traffickers and experiences tremendous pressure to do as they say. If she remains unwilling to prostitute herself, her relative's friends will rape her in order to break her resistance. She will then be put to work and will usually be supervised at first – later she will start to work unsupervised but

¹⁵¹ UNESCO. 2006. "Human Trafficking In Mozambique: Root Causes And Recommendations." 28.

¹⁵² Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 18.

will be beaten and threatened if she doesn't make enough money. In some cases the traffickers will charge the women with the cost of their accommodation, in which case they must work to repay a supposed debt – usually around ZAR 25 000 (US\$2 500).¹⁵³ The refugee women who fall victim to TIP find themselves in somewhat of a gender role reversal: they earn the money and are therefore the breadwinners, but since the male relative controls both the activity and the income, some semblance of traditional authority is maintained.

The refugee women tend to assimilate into the existing sex industries in South Africa's big cities. They join other sex workers in the fierce competition for clients and work long hours under dangerous conditions. They face possible abuse by clients, who also sometimes refuse to pay them. They also face harassment from police who can either arrest them for prostitution or simply take their money. Some of them are also abused by the other members of their ethnic community, which serves to isolate them and acts as a disincentive for those who may contemplate escape. Those who do attempt to escape – after a few months and sometimes after several years – do so if they have found a safe place to go outside their kinship community and even then they are usually found.¹⁵⁴

In many South African cities there is a lack of facilities to help victims of trafficking or refugees who need help. In Cape Town, for instance, there is only one shelter equipped to help refugees, where they have security, language services, legal assistance and English lessons and other skills training that would make refugees more employable. The shelter is able to help refugees in general, but its services are not geared towards helping TIP victims specifically – it does not have the specific support needed by those who have been trafficked. The lack of opportunities and support that women encounter when they try to escape means that they sometimes return to their traffickers of their own free will.¹⁵⁵

¹⁵³ Molo Songololo. 2000. "The Trafficking Of Women Into The South African Sex Industry." 20.

¹⁵⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 15-20.

¹⁵⁵ Ibid. 20.

3.3.2 THE MOZAMBIQUE ROUTE

Mozambique is one of the main African countries believed to be source countries for human trafficking flows to South Africa – the others being Angola, Botswana, the DRC, Lesotho, Malawi, Swaziland, Tanzania, Zambia and Zimbabwe. The practice of trafficking Mozambicans to South Africa was first exposed in the early 1990s when a vigorous trade in persons was discovered in which young Mozambicans were trafficked and enslaved. They were recruited to work on South Africa's tobacco farms, to become general labourers or to be the concubines of South African men living in the Komatipoort border area and the Witwatersrand.¹⁵⁶

Despite the fact that the destructive Mozambican civil war is now over and the country is rebuilding its economy, it is still vulnerable to organised crime syndicates because of the still-present effects of the war (for instance the dislocation of many people and the political and social upheaval and transformation) and the socially and economically disruptive impact of HIV/Aids (16% of adult Mozambicans are infected and the country has 470 000 Aids orphans). It is also a country where women are considerably more disadvantaged than men: the literacy rate for adult women is only 31.4% (62.3% for men); 53% of girls are enrolled in primary school and only 10% make it to secondary school; women own only 5-10% of the land although they make up 75% of the work force in the countryside; in addition, many households are headed by women. In general, about 70% of the total population live on less than a US\$1 a day. Many Mozambican citizens therefore still look to South Africa for employment and other opportunities,¹⁵⁷ and female migrants are particularly vulnerable to exploitation.

As in many countries in the region, migration has a long history in Mozambican society – this includes a history of child migration within and across Mozambique's borders:

*“In the process of looking for any type of work, and experienced in migrating to do so, some children, oblivious to the dangers, may more readily accept offers of work from strangers. As they migrate within the southern, central and northern regions of Mozambique, as well as to neighbouring states, many Mozambican children have been reported missing. Yet migration is considered a feature of Mozambican life and some parents are not overly concerned when their children disappear. The common assumption of family and friends is that they have gone to South Africa and have found employment there.”*¹⁵⁸

It is not strange for Mozambican children to be active in the work force – almost a third of the country's children are employed.¹⁵⁹ Migrating in search of work is considered normal and acceptable. It is also not uncommon for Mozambican parents to give their children to wealthier families so that they can receive education and other benefits. Gifts of money or cattle often accompanies these so-called adoptions and after the exchange

¹⁵⁶ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 30.

¹⁵⁷ UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 9-35.

¹⁵⁸ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 34.

¹⁵⁹ UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 11-42.

parents may lose contact with their children. The adopted child is often taken to other parts of the country or even across the border to neighbouring countries. This practice of informal adoption may in some cases facilitate human trafficking in the region.¹⁶⁰ The same is true when other cultural traditions involving gifts of money before marriage are corrupted and used in order to access people with the aim of abusing them.

The traffickers who operate in the Mozambique-South Africa border region are also responsible for smuggling people into South Africa – the guides or “traders”¹⁶¹ who help people cross the Komatipoort border are involved in both human smuggling and trafficking. Although some of the traffickers operating out of Mozambique are connected to large criminal networks who are involved in a host of illegal activities,¹⁶² many of the traffickers consist of small networks, including South Africans and Mozambicans, with connections in Maputo, the Lebombo border area as well as Johannesburg. Their associates help in the recruitment, transport and housing of the victims. They manage transit houses in the border region between Mozambique, South Africa and Swaziland, where the trafficking victims are kept on their way to their destinations. The traffickers also own or sometimes hire minibus taxis that they use to smuggle and traffic people into South Africa:

*“These fleets travel from the taxi ranks in Maputo to Johannesburg two or three times per week and the passengers are mainly Mozambicans visiting relatives or looking for work. Many Mozambicans rely on these taxis not only as the cheapest form of transportation but also to gain undocumented entry into South Africa. They may have passports but often cannot afford to pay for a visa to enter the country. For ZAR 500 [US\$50], the taxis not only transport them directly to Johannesburg but the taxi drivers also assist their passengers in undocumented border crossings at Ressano Garcia on the South African border.”*¹⁶³

Unlike the refugee-related trafficking problem, the region’s trade in Mozambican victims resembles similar trades in Europe and Asia: impoverished women and girls (and sometimes boys) from rural and urban Mozambique (and occasionally other countries in the region) – aged between 14 and 24 – are lured to South Africa with job offers.¹⁶⁴ Traffickers specifically target women and girls who speak very little English and have little education in general. The traffickers make use of other women – occasionally their girlfriends – who approach the potential victims at their homes or their place of work (they often approach women who sell goods at informal markets or women and girls who are already doing sex work). The female recruiters are sometimes known to the victims and often tell them about the great opportunities that they themselves have benefitted from in Johannesburg (or sometimes Swaziland).

¹⁶⁰ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 34.

¹⁶¹ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 41.

¹⁶² UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 10.

¹⁶³ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 30.

¹⁶⁴ Ibid. 6-34.

Sometimes the work opportunities offered to the potential victims are legal offers of waitressing jobs, but at other times the Mozambican traffickers seek out women and girls who are already working in brothels and lure them to Johannesburg (where they can supposedly earn more money).¹⁶⁵ Many of the traffickers in question also recruit victims for purposes other than sex work. They also often have links to broader criminal networks that smuggle various goods including drugs and weapons. Once a small group of women or girls have been recruited, they are kept together in a transit house in Maputo before being taken to South Africa. They will only find out the truth of their situation once they reach South Africa.

There are also cases in which women themselves approach taxi drivers to ask for transportation to South Africa where they want to visit family members or go look for work. At the taxi ranks these women are spotted by agents affiliated with the region's human trafficking networks and they might succeed in convincing the women to travel in their taxis.¹⁶⁶ The unsuspecting women will travel to South Africa in the traffickers' taxis along with other passengers – they might not even know that they are entering South Africa illegally.

The traffickers generally have three routes by which they travel to South Africa. One route takes people from Maputo to Pretoria and/or Johannesburg via the Lebombo border. For the operation to be successful, traffickers have to depart at specific times in order to reach the border during the working shift of their contact(s). Victims have reported that about a kilometre before their taxis reach Ressano Garcia, they stop and get out and take a footpath through the bush until they are met by soldiers patrolling the border. It is unclear whether these soldiers are Mozambican or South African but the traffickers have contacts among them and have arranged to pay them (ZAR 150 – US\$15 - for the whole group) in order to be let across the border. The soldiers sometimes also take any valuables and money that the migrants have on them and they are believed to share part of it with the traffickers. After bribing the authorities the group continues walking until they come to a designated point where they are once again picked up by taxi.¹⁶⁷

Next the passengers are taken to transit houses along South Africa's border with Mozambique and Swaziland. At this point the people who are merely being smuggled into the country are separated from the trafficking victims – they are put in different houses. The trafficking victims have been found to be taken to Tonga, a township – or informal settlement – close to the Jeppe's Reef border post with Swaziland.¹⁶⁸ It is also at this point that the victims become suspicious about their traffickers, especially if they did not know that they would be crossing the border illegally. The traffickers then proceed

¹⁶⁵ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 31-33.

¹⁶⁶ UNESCO. 2006. "Human Trafficking In Mozambique: Root Causes And Recommendations." 20.

¹⁶⁷ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 36.

¹⁶⁸ UNESCO. 2006. "Human Trafficking In Mozambique: Root Causes And Recommendations." 29.

to take their documents from them, ask for more money and finally start threatening and raping them. Furthermore:

*“It is also possible that the transit houses afford traffickers an opportunity to sell their young victims to local men as wives and domestic servants. Apart from the thriving trade in Mozambican women catering for the market on West Rand mines, there have been reports of these women being sold in the vicinity of the transit houses in eastern Mpumalanga province. They may also be forced into ‘marriages’ with South African men, who abuse them, force them into domestic work and often dump them when they are no longer wanted.”*¹⁶⁹

Those who are not sold in the area are then finally taken to Johannesburg or Pretoria, but they might very well still not know that they will be sold into prostitution once they get there. For the moment they will be made to believe that they are part of a smuggling operation and will be set free on arrival. Instead they will once again find themselves in transit houses in areas of Johannesburg – reportedly Soweto or Lenasia. Although trafficking victims will be kept captive in these houses, other migrants also lodge there and are usually free to leave once they have paid for their transport and accommodation.¹⁷⁰

Map 3: Mozambican Trafficking Routes¹⁷¹



¹⁶⁹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 37.

¹⁷⁰ Ibid. 37-38.

¹⁷¹ UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 28.

Other routes and methods are also used to take victims to either Gauteng province or KwaZulu Natal on South Africa's east coast. Traffickers cross into South Africa at Ponta do Ouro, a town just south of Maputo. From there the traffickers either go around southern Swaziland to Johannesburg and Pretoria or drive along South Africa's east coast until they reach Durban and Pietermaritzburg. The Ponta do Ouro route is known to have been used by criminals in the past in order to smuggle stolen vehicles. It is suspected that the same criminal networks may have a hand in the TIP operations.¹⁷² That would explain how they are able to cross borders so easily – they already have contacts among the border officials thanks to their other illegal activities.

The traffickers who use the Ponta do Ouro route do not make use of transit houses, but rather transport their victims directly to their destinations. The victims are told of their fate en route to the cities where they will be sold, but they are not abused along the way. Lastly, it is also believed that people from northern Mozambique are being trafficked to South Africa via a route through Zimbabwe.¹⁷³ The above-mentioned routes into South Africa are the same routes used by refugees, migrants and TIP victims from other parts of Africa like the Great Lakes region and East Africa. Regardless of the route taken by the traffickers, victims tend to end up in similar places:

*“Children as young as eight are reported to be trucked daily through the Kruger National Park or the Swaziland border, some having been sold to individual South Africans for between US \$30 and US \$50 per child. Among those involved are government officials, brothel owners, law enforcement personnel and crime syndicates.”*¹⁷⁴

Mozambican children – boys and girls – have also been found in the informal settlements surrounding Johannesburg (for instance Diepsloot, north of Johannesburg) as well as semi-rural areas like Wintersveld where they are also forced into prostitution.¹⁷⁵ On the other hand, brothels in various parts of Johannesburg, Pretoria and Pietermaritzburg are said to pay ZAR 1000 (US\$100) for trafficked women and girls. There have also been reports of Mozambican children trafficked to farms in the north and north-western parts of South Africa: Mpumalanga and the Northern Province.

However, the mines also provide a big market for trafficking victims: traffickers take their victims to housing compounds near the mines where the girls are shown to potential buyers. Mineworkers then buy them as wives and pay more or less ZAR 650 (US\$ 65). It is also possible to order a wife: some victims are thus contracted by private order, in which case the price remains around ZAR 550 to ZAR 650.¹⁷⁶ These women will then live in family units on the mines as the sex slaves and domestic workers of their so-called

¹⁷² Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 35-37.

¹⁷³ UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 21-29.

¹⁷⁴ Ibid. 21.

¹⁷⁵ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 43.

¹⁷⁶ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 6-40.

husbands. As penniless foreigners they have nowhere else to go and cannot return to Mozambique.

It is not known whether mineworkers force their wives to engage in commercial prostitution, but researchers do know that the forced marriages do not in fact last very long. The women are not usually kept for longer than three months, after which they are simply abandoned and a new wife may be acquired. The brothels into which some of the victims are sold have similar practices and there are also many private persons who buy Mozambican wives. The market for these women are thus quite large and conditions have been created for a continuously thriving trafficking industry. It is estimated that about 1 000 Mozambican victims are trafficked and sold every year – the industry is reportedly worth an annual ZAR 1 million (US\$100 000).¹⁷⁷

In Mozambique – as elsewhere – people are mostly unaware of the dangers that could befall potential migrants. Many female Mozambicans travel by long-distance taxi without ever experiencing any problems, thus creating the impression that the practice is completely safe. People know about smuggling operations, but many have never heard of human trafficking. Furthermore, people are too desperate for an income to ask too many questions when opportunity comes their way. Even more dangerously still, sometimes people are aware of the possible dangers, but prefer to take the risk anyway, believing that something bad would never happen to them. The lure of the South African currency and the glamour of life in Johannesburg – as seen on television – is often too strong to resist.¹⁷⁸

The Mozambican government has taken various measures to address the trafficking problem: after 1996's First World Congress against Commercial Sexual Exploitation of Children (CSEC) in Stockholm, government agencies collaborated with civil society to establish a programme to implement measures against the commercial exploitation of children – the end result was the National Campaign Against Child Abuse (NCACA). After participating in the Terre des Hommes International Campaign against Child Trafficking (2001) various programmes were initiated to create awareness and support victims.

In 2007 Mozambique also adopted a law against TIP – there was no specific law addressing this issue prior to 2007. Mozambique did have laws regarding labour, child labour and immigration, but human traffickers were not prosecuted under these laws. Furthermore, there have not been that many reported cases of TIP¹⁷⁹ (perhaps because child labour is so widely accepted) and Mozambican border controls have remained weak. A distinct lack of resources also prohibit the implementation of sustained law enforcement efforts. Also:

¹⁷⁷ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 6-40.

¹⁷⁸ Ibid. 33-38.

¹⁷⁹ Madzima, J. 2007. "Putting The Cart Before The Horse – Observations On Some Recent Southern African Initiatives Against Human Trafficking."

“Extended linkages between trafficking networks and sectors of the crime industry and business, conspire against successful pursuit and protection of traffickers while ensuring free reign for traffickers. Obstruction of justice, often involving organised criminal networks, is one of the most damaging practices facing Mozambican society and its criminal justice system. If perceptions should develop of organised criminal network’s infiltration of state or business structures, it will seriously damage public confidence and compound the difficulties of combating human trafficking.”¹⁸⁰

Clearly what Mozambique – and southern Africa in general – needs is to build the capacity to properly address TIP. The region needs to be able to control its borders properly and improve the quality of investigations and prosecutions. Legislation in itself is not believed to have much impact if it is not supported by the power of implementation.¹⁸¹

3.3.3 LESOTHO

The movement of people over the Lesotho-South Africa border is an old phenomenon: South Africa’s mines have long provided Basotho men with job opportunities. Many of the country’s (Lesotho’s) women also decided to migrate due to a variety of reasons: they may have been abandoned by the men who moved to South Africa, they may have been stuck in oppressive marriages or they just wanted escape from rural poverty. Thus even since the 19th century women from Lesotho have been migrating to South Africa where many of them had to engage in illegal activities, including prostitution, in order to make a living.¹⁸²

In a country where more than half the population lives on only US\$2 a day or less and where domestic employment is scarce, it is no surprise that many still look to migration as an answer to their financial problems. Women – who face an unemployment rate of 70% - are still drawn to job opportunities in South Africa, whether it be as domestic or farm workers or as prostitutes. The decline of the mining industry in South Africa has meant a similar decline in employment opportunities for the men – therefore placing more pressure on women to find work in South Africa while the men stay at home.

There is also considerable pressure on women and children to migrate from rural Lesotho to the capital, Maseru, and other border towns in order to find work there. Others run away to the towns in order to escape the negative effects of domestic violence and HIV/Aids: 23.2% of Lesotho’s adults are infected¹⁸³ and 28.9% of the total population is believed to be HIV-positive. There are also and estimated 100 000 Aids orphans in Lesotho. When runaways fail to find work they often end up living on the streets. It is

¹⁸⁰ UNESCO. 2006. “Human Trafficking In Mozambique: Root Causes And Recommendations.” 26.

¹⁸¹ Madzima, J. 2007. “Putting The Cart Before The Horse – Observations On Some Recent Southern African Initiatives Against Human Trafficking.”

¹⁸² Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 5-24.

¹⁸³ UNESCO. 2007. “Human Trafficking In South Africa: Root Causes And Recommendations.” 20.

on the streets of these towns – and especially in Maseru – where they sometimes fall into the hands of human traffickers.

Lesotho is mostly a country of origin for human trafficking, although occasionally it might also be a transit country. The victims are mostly trafficked to South Africa – a country that completely surrounds Lesotho geographically and dominates it economically. Just like in many other cities in southern Africa, there is little information and awareness in Maseru regarding TIP. While the public remains ignorant of the methods by which traffickers locate and secure victims, the “recruiters operate in stealth, with care, and in a manner calculated not to raise an alarm. Thus, child victims often disappear without a trace.”¹⁸⁴

The records of social workers as well as the statements of victims describe the traffickers as white South African men in their 30s and 40s. They come from towns in South Africa’s Free State province – Ladybrand, Fouriesburg and Qua-Qua – or sometimes the capital of Bloemfontein. While some of the men are reportedly Free State farmers, others often travel to Maseru because of business interests. There have been some reports regarding female traffickers from Bloemfontein, but for the most part, male traffickers in the area seem to be at the heart of the problem.¹⁸⁵

Lesotho’s problem with regards to street children has resulted in large-scale child prostitution in Maseru and other towns:

“On any day after dark, especially on weekends, if one drives along the mini bypass to the Maseru Bridge border one sees dozens of women and girls as young as 14 lining up the street in the hope of securing clients who will pay for sex. Not only do they wave at passing cars, but will rush towards any car that stops. They appear extremely desperate and are ready to go anywhere the client decides. It is in these situations they are sometimes bundled into cars and driven across the border to be abused. There is also growing evidence of young women crossing the border to the nearest South African town (e.g. Maseru Bridge to Ladybrand) both legally and illegally where they stand by the main road and wave at passing cars purportedly to obtain a lift when the real object is to sell sex. It is in such situations that they expose themselves to trafficking because some of the prospective “customers” are in fact traffickers ready to take advantage of the vulnerability of such women.”¹⁸⁶

Child sex workers in the capital can earn anything from US\$7 to US\$53 a night – if they managed to find work as domestic servants they would earn no more than US\$26 a month.¹⁸⁷ The traffickers who do not simply abduct their victims from the street, use false promises (of jobs in towns in area or on farms) to get them into their vehicles and take them to towns and farms across the border. In some cases the offers of jobs in

¹⁸⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 23.

¹⁸⁵ Ibid. 23.

¹⁸⁶ UNESCO. 2007. “Human Trafficking In Lesotho: Root Causes And Recommendations.” 32.

¹⁸⁷ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 23-24.

South Africa are genuine, but before or after being put to work on farms or in houses as domestic servants the children still face sexual exploitation.

Traffickers do not need to transport their victims very far as South African towns are really close to Maseru: Ladybrand is only 15 kilometres away,¹⁸⁸ Ficksburg is right on the border and it takes no more than two hours to drive from Bloemfontein to Maseru. There are therefore no high fees or complicated logistical planning attached to these trafficking operations. It is possible to simply drive to Lesotho, recruit victims and drive back to South Africa within the space of a few hours. The chances of getting caught and facing prosecution are minor (as are the penalties if this does happen). Traffickers do not go to any great trouble to hide what they are doing – they drive regular vehicles and use the main roads and border posts. Crossing the border from Lesotho into South Africa is considered easy:

*“The physical, social, economic and regulatory environment in place at Maseru and Ficksburg Bridges (border posts) creates an environment in which circumvention of immigration and passport control regulations for personal gain is greatly facilitated...There is no document, permit, regulation, or procedure required by South Africa at the border that cannot be obtained, ignored, or circumvented at a price.”*¹⁸⁹

There is thus a great deal of corruption and irregular activity present at the borders. In many cases the traffickers are known to the border authorities and simply allowed to cross the border, no questions asked. It has also been noted that apart from the land route, it is also easy to cross into South Africa with the goods train because the people onboard are almost never asked for documentation. Those who board the train are able to get off wherever they want.¹⁹⁰

Once the traffickers have crossed the border with their victims, the latter's chance of escape becomes minimal. They are taken to private farms or houses where they are locked up, verbally assaulted, raped, beaten and sometimes tortured by small groups of men (usually two to four men). This is in stark contrast to many other victims of TIP who are taken to more public domains like brothels for commercial sexual exploitation (commercial sexual exploitation of trafficking victims does also occur in the region in question, but is not as common as private exploitation). The use of private houses results in an added layer of secrecy to an already hidden activity and it might also put the victim at ease if she has initially been told she was going to be a domestic worker.¹⁹¹ According to reports, victims spend at least one night locked up in such private homes and usually are not kept for longer than a week. They are then set free – normally nearby and without any money – and have to find their own way back to Lesotho.

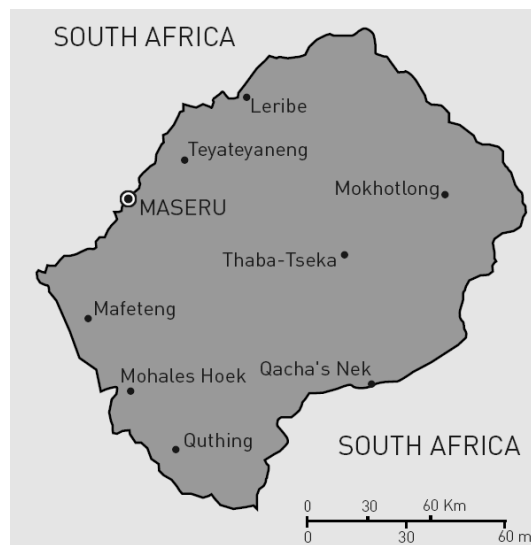
¹⁸⁸ UNESCO. 2007. “Human Trafficking In Lesotho: Root Causes And Recommendations.” 12.

¹⁸⁹ Sechaba Consultants. 2002. “The Border Within: The Future Of The Lesotho-South African International Boundary.” 2.

¹⁹⁰ UNESCO. 2007. “Human Trafficking In Lesotho: Root Causes And Recommendations.” 24.

¹⁹¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 25-29.

Map 4: Lesotho¹⁹²



The extent of the problem of trafficked Basutho street children is not quite known as there are no official statistics. However, at one point – in 2002 – the Lesotho Child Counselling Unit was reporting an average of two victims a month. The children had been referred to them from a variety of sources: churches (in Lesotho and South Africa), the police, family members and neighbours as well as Lesotho's Department of Social Welfare. It is also through the work of NGOs and the media that an increase in the number of trafficking victims from Lesotho to neighbouring countries – mostly South Africa – has been noted.¹⁹³

It is also believed that many cases of TIP go unreported – many victims have stated that they did not report what had happened to them. Some are afraid of their parents' reaction with regards to them leaving home without permission. Others do not trust the police, partly because they (the victims) left the country without documentation and partly because some of the police officers may be involved in or know about the trafficking operations. Police have also been accused of being disinterested in the problems of the street children and in some cases victims report being raped when they went to the police to report what had happened to them.¹⁹⁴

In addition to the risks that Maseru's street children face with regards to South African traffickers who live in the area, there have also been other instances of trafficking: long-distance truck drivers have been known to take women and children with them on their routes and sexually exploit them along the way. The victims may be taken as far as Cape

¹⁹² UNESCO. 2007. "Human Trafficking In Lesotho: Root Causes And Recommendations." 10.

¹⁹³ Ibid. 17-25.

¹⁹⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 5-29.

Town, Malawi, Zimbabwe or Zambia.¹⁹⁵ There have been cases of Basotho women who were trafficked into South Africa (and taken to Johannesburg or Durban) to be forced into prostitution or marriage. Lastly, there have also been people from Lesotho who have been trafficked as far as Europe. The victims in these cases report a diverse group of traffickers – frequently their abductors are black South Africans or other foreigners. These instances of trafficking also involve a wide variety of recruitment methods, ranging from advertisements (in newspapers or on the Internet), threats and outright abduction to kin-based recruitment and relatives or family friends with promises of jobs.¹⁹⁶

Although Lesotho ratified the UN Protocol on TIP, it still lacks the adequate domestic legal measures with which to tackle the human trafficking problem. As is the case with most of the countries in the region – including South Africa – there is often the problem that law enforcement is unable to enforce existing laws. There is also a lack of funding:

*“The Child and Gender Protection Unit, which should play a key role in the fight against trafficking, is under-funded, under-staffed and lacks sufficiently trained personnel to deal with this specialized area of law enforcement. There is also a need for policies or projects that are directly geared towards eliminating the push and pull factors of human trafficking to accompany adequate legislation.”*¹⁹⁷

There is also an urgent need to raise awareness amongst the public when it comes to TIP – currently there is a lot of silence and ignorance regarding the problem. If the public, politicians and law enforcement had more knowledge about human trafficking, it would constitute a big step towards eliminating it.

3.3.4 MALAWI

Many years ago Malawi and its people used to be part of Africa’s East Coast slave trade. Today the country’s endemic poverty leaves it vulnerable to TIP. The ongoing poverty problem and chronic food shortages can have harsh consequences for communities, especially children. It is not uncommon for children to be sold for food and other basic necessities. The people of Malawi are exposed to the same empty promises that traffickers use elsewhere in the region and the world. The value of child labour is also very much recognised in Malawi where rural unemployment and HIV/Aids put pressure on children to find work. Children often migrate to Malawi’s biggest cities (Lilongwe and Blantyre), towns (Kasungu, Mwanza and so forth), border areas and vacation resorts in order to find work. They often find work in bars and restaurants, but also do informal jobs as well as sex work.¹⁹⁸

¹⁹⁵ Adepoju, A. 2005. “Review Of Research And Data On Human Trafficking In Sub-Saharan Africa.” 79.

¹⁹⁶ UNESCO. 2007. “Human Trafficking In Lesotho: Root Causes And Recommendations.” 19-32.

¹⁹⁷ Ibid. 12.

¹⁹⁸ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 41-42.

There are also other factors that directly and indirectly contribute to the trafficking problem in and around Malawi: the country's high levels of domestic violence and child and sexual abuse also play a role in alienating women and children in society; girls are raised to be subservient to men, encouraged to marry early (from the age of 15 onwards) and are also often sexualised at a very early age – because of this they are vulnerable to trafficking because:

*“It deprives young woman of schooling and job opportunities because of pregnancies, confinement to households as cooks and cleaners, the promise of easy money as sex workers, or similar consequences. This makes offers of study and work in Europe or South Africa, commonly made by traffickers during recruitment, irresistible to many young women.”*¹⁹⁹

One of the common trafficking features in Malawi involves local recruiters and foreign buyers: local businesswomen (or women pretending to be businesswomen) and their partners approach their victims with study opportunities or employment opportunities in European factories, restaurants, hotels, shopping malls, beauty parlours and private homes. These recruiters actually aim to sell their victims to European-based Nigerians who have connections throughout Europe and who are all involved in the European sex industries. There are also Nigerian recruiters in Malawi who follow the same methods as their local counterparts in procuring victims. These foreign recruiters often enter Malawi by fraudulent means and proceed to settle there and engage in a range of illicit activities. They often have Malawian wives whom they might form trafficking partnerships with.²⁰⁰

The Malawian victims are typically between the ages of 15 and 25 and very few of them have finished their secondary schooling. The traffickers approach both employed and unemployed women – those who are employed may be traders, market women or sex workers. The targeted women frequently live independently from family members. The most common places of recruitment are social venues, hotels and markets. Although the majority of Malawi's trafficking victims have been from Lilongwe, there have also been reports of girls being approached in the country's rural areas. The Nigerian recruiters also seek out victims in the smaller cities as well as in Zambia (Zambian victims are first taken to Malawi and then transported to Europe along with Malawian recruits). In addition to work and study opportunities, they also sometimes make offers of marriage.²⁰¹

Those who accept the treacherous offers of employment or study in Europe (or sometimes South Africa, Botswana or Zambia), usually enter transit houses in Lilongwe, where some of them might live with their female recruiters for a period of up to seven weeks. During this period traffickers are believed to make arrangements – such as acquiring false passports and holiday visas – for the departure from Malawi. The trafficking routes to Europe are long trips that involve both land and air travel and passage through several countries. The Malawian recruiters generally take their victims

¹⁹⁹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 43.

²⁰⁰ Adepoju, A. 2005. “Review Of Research And Data On Human Trafficking In Sub-Saharan Africa.” 79.

²⁰¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 44-47.

from Lilongwe to Johannesburg via Blantyre and then on to Frankfurt (or London and Brussels) to Amsterdam. While some of the victims may stay in Amsterdam, others are taken to other cities in the Netherlands, Germany, Belgium or Italy.

The exceptionally long routes taken by the traffickers are meant to evade authorities, because the use of fake travel documents have been noticed at Lilongwe International Airport. Thus the traffickers have preferred to leave the country from Blantyre International Airport, but because the latter has no direct flights to Europe, it is necessary to go to Johannesburg first. The traffickers and their victims – usually between one and four women or girls – travel to Blantyre by car or by bus. The traffickers will be in possession of the victims' travel documents. Regardless of the nationality of the victims, their fake passports will be Malawian. In Johannesburg the group of travellers will make their connections to the Netherlands. However, as Malawian authorities have become more aware of the trafficking problem, some traffickers have abandoned Malawian airports completely. They prefer to cross Malawi's land borders into Zambia and then into Tanzania where they will board flights for Europe.²⁰²

Within a week after arriving in Europe the trafficked women and girls are taken to the homes of Nigerian agents and sold for about US\$10 000. They are then forced into prostitution to pay back the debts they supposedly incurred in coming there - the sum owed is almost always around US\$40 000. There is not usually a set period in which the money has to be paid back. The Malawian recruiters will return to Malawi immediately after their victims have been sold. The women left behind are often threatened and sometimes their beliefs in magical practices are used to scare them into complying with their captors' agendas.²⁰³ For instance:

*“To force compliance, victims are locked in a room and subjected to the enactment of a ritual intended to frighten and intimidate them. The trafficker first cuts the victims' fingernails and strands of hair and places them in a clay pot already containing snail shells and herbs. The women are then stripped naked and their underwear is added to the pot. Each woman is made to hold the pot while a photograph is taken of her. During the enacted ritual, the trafficker makes threats about the consequences of not repaying the debt or running away.”*²⁰⁴

Many of the women would have grown up believing in rituals and magic, making them genuinely fearful about threats of death by magic. Some time after the ritual the women have to start repaying their debts. Due to the fact that the Nigerian criminal network has contacts with clubs and brothels throughout the Netherlands, Germany, Belgium and Italy, the women are usually easily placed in such establishments. Victims who have been rescued have claimed that they were forced “to engage in homosexual activity and group sex, use sexual aids, take hard drugs, and very often, have unprotected sex.”²⁰⁵ The

²⁰² Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 44-47.

²⁰³ Adepoju, A. 2005. “Review Of Research And Data On Human Trafficking In Sub-Saharan Africa.” 79-80.

²⁰⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 48.

²⁰⁵ Ibid. 49.

money that they earned never reached them as half of the victim's earnings is typically taken by the agent that placed her, the other half is taken by the brothel manager.

Furthermore, if the brothel manager is not satisfied with the performance of one or more of the women, they may be given sex training so that they learn what is expected of them. If they still appear to be unable or unwilling to earn a sufficient income, they are taken to the homes of the traffickers and held captive and beaten. Alternatively, the women can also be sold and resold within the network of traffickers and their connections throughout Europe. By reselling the women, the traffickers at least get some money for their efforts and they also supply women to the traffickers in the network who do not have their own recruiters.²⁰⁶

The total number of Malawian victims who have been trafficked to Europe as described above is unknown. Many of the governments in southern Africa do not have any available statistics regarding human trafficking. However, rescued victims who have returned to Malawi have claimed that they came into contact with many other Malawian victims in Europe as well as other victims from South Africa, Nigeria and Zambia. Due to a lack of funds there has been little support for trafficking victims who return to Malawi: the Department of Social Welfare used to have a centre at Lilongwe International Airport that used to assist and reintegrate victims who had returned to Malawi, but this centre has since closed down. Victims who return to Malawi are thus not given any special attention by government.²⁰⁷

Malawi has a second trafficking problem centred around the holiday resorts along Lake Malawi. Tourism provides a source of income in this region and children often supplement their families' income by acting as tourist guides or working in the bars, restaurants and hotels. Prostitution is also fairly widespread and it is also not uncommon for young people – both boys and girls – to have relationships with foreign tourists, often in exchange for gifts. Malawi has thus become a destination for sex tourists – men and women who mostly come from Germany, the Netherlands and Britain. Parents are often unaware of the relationship their children have with the tourists and many are happy to let their children go to Europe with the foreigners when they offer opportunities for study or work.²⁰⁸

It is believed that the children who go with tourists back to their home countries are taken legally to Europe. To travel to Britain is particularly easy as Malawians do not need a visa to enter the country. The trafficker only needs to obtain parental consent to take the child. Many parents will never hear from their children again once they are gone. The children who are recovered are often reluctant to speak about what happened to them and families experience a sense of shame or failure about what has happened. Crimes are therefore not always reported – quite common with regards to sexual

²⁰⁶ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 49-50.

²⁰⁷ Ibid. 40-51.

²⁰⁸ Ibid. 1-53.

exploitation. What is known about the experiences of children who are exploited by foreign tourists – in Malawi and abroad - is that they commonly feature in pornographic material. The material is put on the Internet and copies can sometimes be bought. The names and contact details of the children are often included. They are also often sexually exploited within private homes or even sold into paedophile rings.²⁰⁹

Lastly, long-distance truck drivers are not just a problem in Lesotho but also present a threat along Malawi's roads, where they recruit women as well as female children with promises of jobs, marriage or study opportunities in South Africa. Sometimes the truck drivers use female agents – so-called Malawian businesswomen – to help recruit victims with the promise of the above-mentioned opportunities. However, truck drivers do not need to go out of their way to find potential victims: all along transportation routes, at truck stops and in border towns young women can be found socialising or selling food and other goods.

It is also not uncommon for women to approach drivers to offer them money or sex for transportation – although this is a dangerous practice, women are however more likely to be approached by the trafficker rather than vice versa. The women and girls who fall victim to nefarious truck drivers often find themselves abused while still on the road and then abandoned in random parts of southern Africa. Since they are without the proper papers and cannot properly communicate, they often find themselves deported back to Malawi if the police find them.²¹⁰

At other times the girls are not abandoned at the side of the road but taken all the way to Johannesburg and – like so many other victims of TIP – sexually exploited. They are frequently threatened with violence as well as with prison (since they are not in the country legally). The victims have limited options due to their lack of money and since they do not understand the local languages or cultures. The victims are thus either kept as the personal property of the truck driver and his friends (and she may be rented out to others if the trafficker has to leave for work) or delivered to a so-called buyer who had pre-ordered a girl.²¹¹

It has been found that Malawian women and girls who are trafficked into South Africa – whether by truck drivers or the businesswomen mentioned earlier – tend to turn to sex work of their own accord if they ever get the opportunity to escape from their traffickers. They come to accept the conditions under which they live as normal and eventually seek only to escape from their captors so that they can work for themselves. Many are not willing to return to the impoverished conditions they remember in Malawi. Those who do manage to escape are not usually free for long, but are rather either recaptured or arrested by the police. If arrested for prostitution they are treated as criminals and not

²⁰⁹ Adepoju, A. 2005. "Review Of Research And Data On Human Trafficking In Sub-Saharan Africa." 80.

²¹⁰ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 54-56.

²¹¹ Ibid. 57-58.

asked about how they came to South Africa – it may thus never be known that they were originally victims of human trafficking.

3.3.5 TRAFFICKING FROM ASIA: THAILAND

There are also more far-reaching trafficking networks that operate in the southern African region. There have, for example, been instances of Thai women trafficked into South Africa by a great variety of agents. Such practices were first uncovered in 1994 and it is believed that between 850 to 1 100 victims of TIP arrive in South Africa from Thailand every year. The victims are often women from rural Thailand who have been promised work in South African restaurants. In other cases they are aging prostitutes from Bangkok who travel to South Africa to continue working as sex workers.²¹²

The traffickers of Thai women and children into South Africa are generally of both sexes²¹³ and can be either Thai or South African: groups of Thai men who recruit, escort and sell or lease the women to brothels or other Thai agents. It would seem that these petty traffickers only have limited connections to the sex industry and the authorities. A second type of trafficker is the so-called “mama san.”²¹⁴ women who were themselves trafficking victims but who have paid off their debts, married South African men or in some way escaped their previous fates.

The women operate in the same way as the male agents, but tend to target older Thai sex workers, promising them amounts of money that they can no longer earn at home. The female traffickers are often more successful in luring victims than the male recruiters. Warnings about the dangers of human trafficking abound in Thailand so that convincing women to travel can be quite difficult – hence criminals increasingly target rural girls. However, if victims are approached by successful women – living proof of a better life that awaits elsewhere – they become more vulnerable to false promises.

There are also South African recruiters – men who travel to Thailand and recruit women they meet there. They use the promise of marriage to lure the women to South Africa where they are predictably locked up in private homes and sexually abused. At a later time they may be sold or leased to brothels. Brothel owners themselves sometimes act as traffickers too. The people concerned are heavily invested in the South African sex industry and their establishments are associated with foreign women. They also often have links to international criminal networks. They use either the recruiters known to them locally or have contacts in South-East Asia that can supply them with sex workers.

²¹² Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 57-69.

²¹³ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 43.

²¹⁴ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 59.

Whereas the other traffickers of Thai women (mentioned so far) are considered petty traffickers, brothel owners who enter the activity tend to be involved on a larger scale.²¹⁵

Other actors who are involved in the trafficking of Thai women to South Africa include international organised crime syndicates: the Chinese triads recruit women with false offers of job opportunities (especially common in the north of the country). The jobs on offer are usually in the catering and hospitality industries, although sometimes victims are promised work as teachers or in service industries.²¹⁶ They are transported either by sea or air and then put to work as prostitutes – usually in Johannesburg or Cape Town. The triads are also involved in other illegal activities and have South Africans – including human traffickers – who work for them.

Thai organised criminal groups are also involved in trafficking women to South Africa – albeit on a smaller scale than the Chinese triads (they are also less involved in other illicit affairs). They often recruit Thai women and girls from rural areas and their victims are often from families that owe the criminals money. The women are thus taken to South Africa where they will pay off their debt. The Thai criminal groups have contacts within South African law enforcement and immigration. They are also able to carry out threats against victims' families in Thailand.²¹⁷ Apart from the rural victims, both the Chinese and the Thai criminal syndicates also target women who are already working in the Thai sex industry.

Although the above-mentioned traffickers use various methods to ensnare victims from Thailand and Southeast Asia in general, it should be noted that the primary method of recruitment is through employment agencies:

*“An employment agency will have a woman looking for work on their books. This usually involves the woman's photographs and other details being placed in a catalogue that is circulated amongst prospective buyers who are agents or brothel/escort agency owners. The women are then ordered and brought to South Africa once arrangements have been made for their travel. They either travel alone or are escorted to South Africa.”*²¹⁸

The cost of taking a woman to South Africa in the above-mentioned manner amounts to ZAR 8 000 (US\$800). She will however be made to repay ZAR 60 000 (US\$6 000).

In many ways the Thai victims are quite diverse: they come from all parts of Thailand (and sometimes neighbouring countries), including rural and urban areas; they may be from indebted families, impoverished parents willing to sell their teenage daughters or they could be girls who have run away from home; the victims can also be older women (not only sex workers, but cleaners and factory or farm workers), including single mothers. Some of the victims may come from abusive families, others are from socially

²¹⁵ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 59-62.

²¹⁶ Molo Songololo. 2000. “The Trafficking Of Women Into The South African Sex Industry.” 11.

²¹⁷ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 60-61.

²¹⁸ Molo Songololo. 2000. “The Trafficking Of Women Into The South African Sex Industry.” 11-12.

excluded minority groups. What the victims do have in common is that they are poor, badly educated and don't really speak English. They are all promised high earnings in South Africa as well as free accommodation: they are generally told that they can earn between ZAR 3 000 and ZAR 5 000 (between US\$300 and US\$500) a month in South Africa whereas they only earn around ZAR 500 (US\$50) in Thailand.²¹⁹

Most of the women (or children) enter South Africa by air although there are also sea and land routes which may be utilised in part.²²⁰ Most of the Asian victims however, fly directly or indirectly via Hong Kong, Kuala Lumpur, Singapore or Mauritius to Johannesburg – travelling via Singapore is apparently very common due to the fact that Thai border officials are very much aware of the trafficking problem and can pose an obstacle when taking victims out of the country.

In Johannesburg the women and/or children are met by an agent (who may be either Thai or South African). Thai nationals do not need visas to enter the country, making travel fairly easy. Traffickers also usually have contacts amongst authorities in Bangkok (where the vast majority of traffickers and their victims depart from) whom they bribe in order to ensure a quick and safe journey. All immigration and travel procedures are dealt with by the traffickers – the victims only briefly hold their passports and flight tickets during departures and arrivals.²²¹

On arrival in South Africa, the recruiters are eager to sell the women to Thai or South African agents or brothel owners who will then bear the burden of the costs and legal risks involved in keeping and exploiting the women. Sales occur in the form of an auction in which the women are displayed. Prices range between ZAR 15 000 and ZAR 35 000 (between US\$1 500 and US\$3 500). Most recruiters are however not able to sell their recruits and have to house them in private houses from where they will be leased to brothels. In the transit houses the women are informed of their new situation, their freedom of movement is completely restricted and they may face threats as well as physical and verbal abuse. The women are then required to prostitute themselves in order to repay their debt (up to US\$7 500) within a period of up to six months. The amount they have to repay is of course much larger than the real costs incurred in bringing them to South Africa.²²²

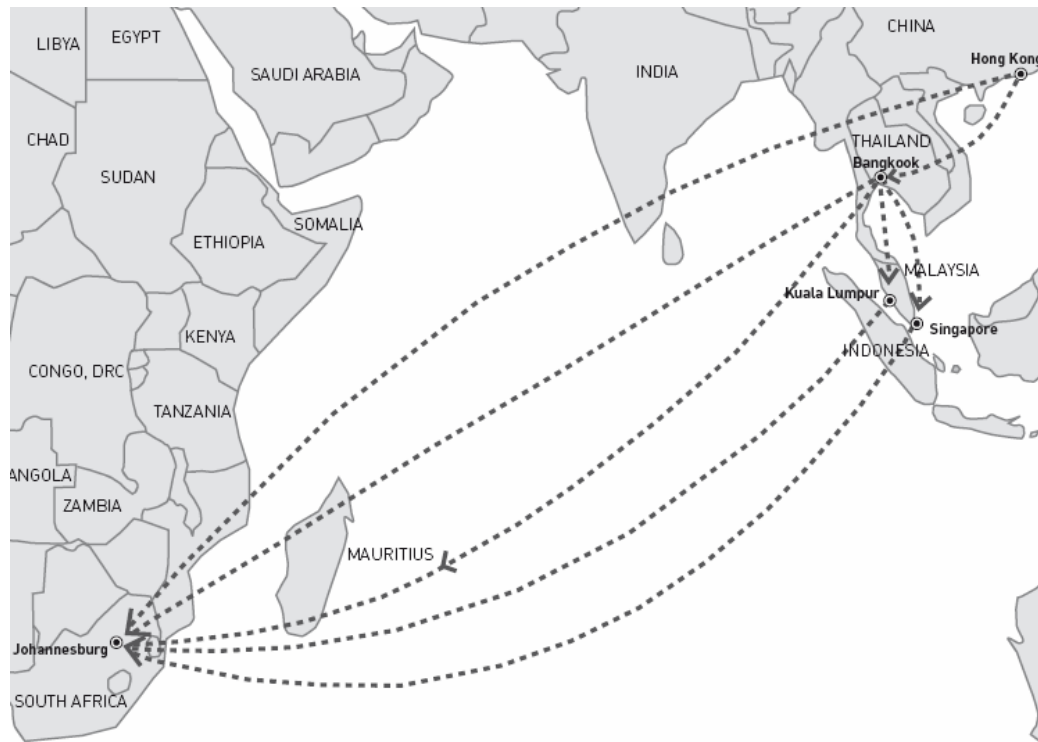
²¹⁹ Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 43.

²²⁰ UNESCO. 2007. "Human Trafficking In South Africa: Root Causes And Recommendations." 25.

²²¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 62-63.

²²² Ibid. 63-64.

Map 5: Asian Trafficking Routes To South Africa²²³



In order to pay off their debt the women work long hours (12 to 16 hours), six days a week, often in unhygienic conditions. They are frequently rotated between different clubs, brothels and hotels or receive clients in the houses where they live. Since they are debt-bonded to their traffickers and not to the owners or managers of the brothels, the women have a double burden of having to make money for both their trafficker and their employer.²²⁴ Living conditions in the private houses (often run by female traffickers) are usually worse than in other locations – in one instance thirty women were found to be living in a two-bedroom house. Sometimes they are subjected to forced drug use. Everything they do and everywhere they go is strictly controlled. Only very rarely will they receive a small percentage of their income.²²⁵

There have been cases of South African clients marrying some of the women - they can do so by buying the women's contracts. In some cases these marriages are genuine, but at other times the women are forced to continue working as prostitutes, their money then going to their husbands. Most of the time, however, the victims of trafficking have to repay their debts before they are then either returned to Thailand, abandoned in South Africa or moved to a different location, in which case their debt-bondage starts all over again. Only very few of the women ever manage to escape on their own since - like most

²²³ UNESCO. 2007. "Human Trafficking In South Africa: Root Causes And Recommendations." 25.

²²⁴ Molo Songololo. 2000. "The Trafficking Of Women Into The South African Sex Industry." 8.

²²⁵ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 64-66.

of the other foreign trafficking victims in South Africa - they are without documentation, communication is difficult due to language barriers and the people they come into contact with most often, their clients, have little interest in helping them escape.²²⁶

If a woman does regain her freedom, she may be unable to return home as she may still owe money to the syndicate that trafficked her. As a consequence her family will also be in danger – there have been reports of family members being assaulted when their enslaved relatives escape or even just attempt to escape.²²⁷ If a woman does therefore manage to regain her freedom, it usually results in her continuing to do sex work to support herself or in her becoming a trafficker herself.

3.3.6 CHINA

The migration of people from East Asia to other parts of the world started in earnest in the 19th century. There were already more or less 30 million Chinese people living abroad in the early 1900s and the number kept growing in the 20th century as people migrated legally and illegally. Today there are Chinese migrant communities in cities all over the world. South Africa's Chinese community is however quite small, numbering only around 300 000 people (from both Taiwan and China).²²⁸

Chinese immigration does not always occur legally. In fact, illegal immigration is a multi-billion dollar industry in which individuals can pay over US\$30 000 to Chinese organised crime groups to smuggle them to other countries. Since a lot of people do not have all the money to pay for their migration, they end up being indebted to the triads or to moneylenders connected to these groups. The Chinese triads – whose members are always Chinese - can be found everywhere where there's a Chinese immigrant community. They first became active in South Africa in the 1970s when they initiated illegal gambling operations and started smuggling shark fins and rhino horns.²²⁹ In the 1980s their illegal practices had expanded to include the smuggling of weapons, drugs, diamonds and abalone. By this time they were also involved in vehicle theft, extortion and prostitution.

Today Chinese triads can be found in every major city in South Africa and even some of the smaller towns. However, most of their activities are centred around Johannesburg and Pretoria. At least seven major Chinese criminal networks are operating in the country – four of these triads have strong ties with Hong Kong and China, while the other three are connected to Taiwan. Some of these groups have expanded their illegal activities to include TIP. They make use of corrupt South African officials, especially in the Department of Home Affairs. However, they operate not only in South Africa, but

²²⁶ Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 44.

²²⁷ Molo Songololo. 2000. "The Trafficking Of Women Into The South African Sex Industry." 12.

²²⁸ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 70-71.

²²⁹ Gastrow, P. 2001. "Triad Societies And Chinese Organised Crime In South Africa."

as Chinese immigration to Swaziland has increased, it has been noted that Chinese and Taiwanese women are also trafficked to and from this country.²³⁰

It has been difficult for the South African police to investigate the Chinese triads because of language problems and the ethnically-based loyalty and fear that they inspire in the Chinese community. There is also apparently a lack of cooperation on the part of Taiwanese authorities to assist the South African police in information sharing with regards to the networks that have ties to Taiwan. However, Chinese organised crime networks have also not been a big priority for the South African police, who did not view them as as big of a threat as Nigerian and South African syndicates.²³¹

The Chinese syndicates tend to use legal businesses - shops, restaurants and clubs – to disguise their illegal activities. The Chinese-owned clubs employ both Chinese and South African women and are well-known to tourists, businessmen, seamen and locals – all of whom are Chinese as non-Chinese (apart from the South African women employed there) are not allowed entry.²³² The Chinese women who work there are recruited by agents connected to the syndicates. The women are unemployed and uneducated people from Southern China – often from villages that have long histories of migration. The women are offered jobs in Chinese-owned businesses or opportunities to study in English language schools. To undertake the journey they usually incur a large debt, which they plan on repaying when they start their jobs.

The women are provided with passports - often more than one depending on where they are going. Sometimes they are provided with fake Japanese passports²³³ so that they can easily enter South Africa. They are also given tickets and they will travel unescorted. They frequently pass through Hong Kong and Singapore on their way to Johannesburg where they enter South Africa. However, sometimes neighbouring countries – Lesotho, Botswana Mozambique and Swaziland²³⁴ – are used as transit countries where they receive visitors' visas before going to South Africa. South Africa is also often used as a transit country for women on their way to Europe or North America: women from Asia will stay in the country (often in the Western Cape province) until they receive further documents to facilitate their journeys onward.

As soon as the victim arrives in South Africa and has gone through immigration and customs, she dials a phone number that was given to her earlier. Only then will she be picked up by an agent. This procedure is meant to ensure that the woman cannot implicate anyone if she gets caught at the airport. If she does get caught she will be abandoned by her traffickers. Once they are safely in South Africa and picked up by the locally-based syndicate members, they are forced into prostitution – often indefinitely.

²³⁰ Molo Songololo. 2000. "The Trafficking Of Women Into The South African Sex Industry." 19.

²³¹ Gastrow, P. 2001. "Triad Societies And Chinese Organised Crime In South Africa."

²³² Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 70-72.

²³³ Adepoju, A. 2005. "Review Of Research And Data On Human Trafficking In Sub-Saharan Africa." 80.

²³⁴ UNESCO. 2007. "Human Trafficking In South Africa: Root Causes And Recommendations." 21-22.

They may work out of a variety of locations: private houses, restaurants, clubs and even boats. The women who believe themselves to be going to South Africa for studying purposes are frequently able to complete the programmes they enrolled in. Only after their studies are finished are they told that they owe US\$12 500 in debt, which they must repay by doing sex work. In both cases the women's freedom of movement is restricted, working hours are long, working conditions bad (for instance, women rarely have the ability to refuse clients or dictate any terms of trade) and most or all of their income taken from them.²³⁵

The Chinese Triads are known to be quite brutal and often use violence to force people to do as they want. Victims of human trafficking are also threatened with violence toward their families back in China. The women also have their immigration status to think about: any Chinese who are caught without the appropriate papers will be deported. In China they will then face charges for immigration violations and can be sent to prison for up to three years. Threatening the women with deportation is thus often a successful tool of coercion.²³⁶

3.3.7 RUSSIA AND EASTERN EUROPE

Eastern Europe's and the former Soviet Union's TIP problem started in earnest in the 1980s when border controls in the region were relaxed in order to facilitate trade and tourism between the former Soviet states and the Western countries. Trade and tourism did indeed increase, but unfortunately so did transnational crime. Organised crime networks started trafficking women from the former Soviet Union to work in the brothels, massage parlours, clubs and streets of Western Europe. By the 1990s women from Eastern Europe could be found all over many Western European countries as well as Middle East and East Asia. At the beginning of the present decade their presence was also noticed in South Africa.²³⁷

South Africa is host to various mafias and gangs from Europe. Chief among them with regards to human trafficking are the Russian and Bulgarian groups, although there are also individual agents who traffic Russian and East European women into the country. These traffickers are believed to be highly organised and many of the Eastern European traffickers have military experience. They tend to operate in several East European countries (for instance Bulgaria, the Czech Republic, Estonia, Latvia, Romania and the Slovak Republic)²³⁸ in addition to countries further afield. They also traffic drugs and cigarettes and are known to be involved in money laundering activities.

²³⁵ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. "Seduction, Sale And Slavery." 6-11.

²³⁶ Ibid. 73.

²³⁷ Ibid. 74.

²³⁸ Molo Songololo. 2000. "The Trafficking Of Children For Purposes Of Sexual Exploitation." 42-43.

The above-mentioned syndicates usually own clubs in many South African cities, including Johannesburg, Pretoria, Durban, Cape Town and Port Elizabeth. They often maintain contact with members of the syndicate back in their home countries. There is nothing exceptional about their methods of recruiting trafficking victims: as with so many other victims, the women and children are promised employment opportunities, sometimes as waitresses, strippers, dancers and hostesses.²³⁹ These opportunities may be advertised in newspapers or, more commonly, offered to women personally – often through a mutual friend. The use of former victims who have turned to trafficking themselves is also common:

*“It appears that the recruitment operation in Eastern Europe in particular rests on a relationship of trust between the agent and the trafficked woman, at least in the beginning. The agent is either known to the woman as a male friend or acquaintance, or is known to a friend of the woman. He usually offers her work in the hospitality industry in South Africa, and offers to pay her air ticket as well as ensure that she has the necessary documentation to travel to South Africa legally.”*²⁴⁰

Unlike most victims of human trafficking, some of the women from Eastern Europe are well-educated, but their financial and economic conditions have made them vulnerable to lucrative all-expenses-paid job offers. Most of the women have no general work experience or any experience as sex workers, but some are aware that they will be working in the sex industry once they reach South Africa. They are however not informed about their living and working conditions which includes severe restrictions on movement and no rights with regards to working hours or clients (for instance, they do not receive breaks even when they're sick and they cannot refuse clients). They are also often subjected to violence and once they finally manage to repay their debts, they are sometimes resold instead of set free.²⁴¹

The unfortunate women who accept the traffickers' job offers in South Africa will be supplied with holiday visas (for South Africa or a neighbouring African country) that are obtained for them either legally or otherwise. In some cases the women will apply for political asylum (for religious reasons) on arrival in South Africa.²⁴² Trafficking victims from Eastern Europe typically travel alone and often travel to South Africa via Western European countries. Various airlines are used to transport the women to South Africa, including Lufthansa, British Airways and Turkish Airlines.

Once they reach Johannesburg they will either enter South Africa directly or – those with visas for other countries – will board further flights. Those who travel to other countries in the region will apply for South African visas from there or simply cross into South Africa illegally by road. Some of the victims who arrive in South Africa have a phone

²³⁹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 7.

²⁴⁰ Molo Songololo. 2000. “The Trafficking Of Women Into The South African Sex Industry.” 9.

²⁴¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 74-75.

²⁴² Molo Songololo. 2000. “The Trafficking Of Women Into The South African Sex Industry.” 9.

number which they have to call so that they are directed to a particular immigration officer who will let them into the country.

After their arrival their travel documents are naturally taken away. They are then informed about the nature of the work that they will have to do and that they must repay US\$2 000 a month in debt – for a period of six months (sometimes longer). Any refusal to cooperate is met with the threat of violence to themselves or their families in Europe. Sometimes they are also threatened with being resold after which they will “just disappear into Africa.”²⁴³

The women generally comply with the wishes of their captors and begin working in one or more brothels or clubs within days after their arrival. Their earnings are shared between their traffickers and the brothel managers unless they exceed the monthly amount that they owe – in that case they may be allowed to keep some of the money. However, the cost of their accommodation and food as well as any fines for wrong-doing (often handed out by brothel owners) will be added to their debt. It is likely that the brothel owners or managers are not always aware that a woman is a victim of human trafficking.²⁴⁴

The victims are usually housed close to the up-market clubs where they will work. The traffickers will generally accompany their victims to and from their place(s) of work. To avoid suspicion they are frequently moved to different clubs and apartments. In the case of underage girls, it is believed that they are able to earn more than women:

*“With regard to children from Eastern Europe and Southeast Asia it would be reasonable to assume that the sex exploiters would be men with sufficient money to pay for children in brothels and escort agencies. Given the stigma attached to sex with a child, the children’s illegal status and the criminal nature of the operation it would also be reasonable to assume that amounts charged would be greater than for women.”*²⁴⁵

The traffickers may know police officers who will inform them before a raid on a particular club is scheduled to take place, giving them time to evade arrest. Although most traffickers let their victims go once they have repaid their so-called debt, in some cases they are kept captive indefinitely. On occasion, the women may also leave if they find a husband who is willing to pay their debt on their behalf. If the women are discovered by police, they are usually arrested for prostitution and deported (where some women might once again fall victim to traffickers). Only rarely has it been discovered that the women in question are actually victims of TIP.²⁴⁶

²⁴³ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 75-76.

²⁴⁴ Molo Songololo. 2000. “The Trafficking Of Women Into The South African Sex Industry.” 9.

²⁴⁵ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 44.

²⁴⁶ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 76-77.

4. QUESTIONING HUMAN TRAFFICKING

4.1 A CHALLENGE TO ANTI-TRAFFICKING CAMPAIGNS

Since the 1990s campaigns against human trafficking – particularly with regards to the trafficking of women and girls for sexual exploitation – has gained a lot of momentum. The cause has proven important to many actors, but feminists in Europe and North America have been particularly pro-active in the fight against TIP. It is not the first time in history that governments and other organisations have become concerned about the safety of female migrants: in the 19th and early 20th century similar alarm was raised with regards to so-called white slavery. The anti-white-slavery campaigns of the time were concerned with the abduction and trafficking of European women for purposes of sexual exploitation to South America, Africa and Asia.

Today, the campaigns against human trafficking bear a resemblance to the previous anti-white slavery campaigns, especially in terms of rhetoric:

*“Though the geographical direction of the traffic has switched, much of the rhetoric accompanying the campaigns sounds almost completely the same. Then as now, the paradigmatic images is that of a young and naive innocent lured or deceived by evil traffickers into a life of sordid horror from which escape is nearly impossible [...] Policies to eradicate trafficking continue to be based on the notion of the ‘innocent,’ unwilling victim.”*²⁴⁷

It is argued that the actual cases of white slavery were very few and in reality most of the European women who migrated to engage in sex work in other parts of the world did so willingly. The large-scale worry over the phenomenon was rather caused by fears regarding uncertainty about national identity, women’s increasing independence as well as xenophobia and not by any real widespread problem of slavery. Nevertheless, concern over the perceived threat of white slavery resulted in international organisations dedicated to eliminating the problem, international conferences being held, new laws and international agreements being drafted, media attention focussing on the issue and calls for social reform and the abolition of prostitution.²⁴⁸

The calls for an end to prostitution were very much based on the idea of prostitutes as victims: young and innocent women who were deceived, drugged, kidnapped and forced into the industry and who did not want to be there. However, as migration out of Europe started to decline after 1914, concern over white slavery started to fade and stories of trafficked women forced into sex work disappeared. Then in the 1980s, accounts of trafficked women slowly started to emerge again. These accounts feature the same highly emotive and sensational language of the white slavery reports although today’s victims are usually from developing and non-Western countries.²⁴⁹

²⁴⁷ Doezeema, J. 2000. “Loose Women Or Lost Women”?

²⁴⁸ Ibid.

²⁴⁹ Ibid.

Although it is clear that some accounts of trafficking are genuine, there is a serious problem in establishing the extent of the phenomenon. Every report and investigation on TIP emphasises the unreliability of or lack of information, the confusion with regards to definitions and the secretive nature of the activity that makes it hard to investigate. There are wide discrepancies in the number of victims and the profit margins quoted in various reports.²⁵⁰ Nevertheless, reports and articles continue to surface in which the number of trafficking victims are estimated to be in the millions and growing. The links between TIP and the sex industry and TIP and organised crime syndicates have also been questioned by some researchers, but continue to be taken for granted by many:

*“GAATW, (Global Alliance Against Trafficking in Women) whose report is based for a large part on responses of organisation that work directly with ‘trafficking victims’ found that the majority of ‘trafficking’ cases involve women who know they are going to work in the sex industry, but are lied to about the conditions they will work under, such as the amount of money they will receive. They also conclude that abduction for purposes of ‘trafficking’ into the sex industry is very rare.”*²⁵¹

GAATW’s findings have been backed up by various other reports from around the world in which the naivety and innocence of female migrants are exposed as a myth. The portrayal of trafficking victims as uneducated and impoverished can be seen as patronising, implying that these women are helpless, backward and completely unempowered:

*“Logically there is no difference between ‘debt-bonded’ Asian workers and Australian workers choosing to work for Hong Kong triads for more money than they can get in Sydney: it is racism which says that the former are victims and the latter agents.”*²⁵²

Whereas organisations like GAATW make a clear distinction between voluntary and forced prostitution, some feminist and religious organisations view all female prostitution as forced and as violence against women. For instance, the Coalition Against Trafficking in Women (CATW) believes prostitution is never really voluntary and is always a human rights violations – women who migrate in order to work in the sex industry are thus seen as being trafficked according to CATW.²⁵³ Although organisations like CATW have been very actively involved in the TIP discourse on an international level, the current UN definition of trafficking recognises only those trafficking victims who have literally been forced or deceived into prostitution, including those women who knew they were migrating to work as sex workers, but who did not know the conditions under which they would be working.

Although several organisations, especially in the US, have argued in favour of the broader definition of trafficking (which includes all prostitution), the issue has not progressed as it “would impede the capacity of the international community to achieve consensus and work

²⁵⁰ Milivojević, S., & Pickering, S. 2008. “Football And Sex: The 2006 FIFA World Cup And Sex Trafficking.” 23-25.

²⁵¹ Doezeema, J. 2000. “Loose Women Or Lost Women”?

²⁵² Gould, C. & Fick, N. “Selling Sex In Cape Town.” 92.

²⁵³ Doezeema, J. 2000. “Loose Women Or Lost Women”?

together to combat trafficking.”²⁵⁴ This is because many countries – The Netherlands, Germany, Austria, France and Italy – have legal and regulated prostitution. Nevertheless, the US Department of State has linked human trafficking with prostitution, as the former would not exist without the demand for the latter. The 2008 TIP report also stated that prostitution “should not be regulated as a legitimate form of work for any human being.”²⁵⁵

Under the Trafficking Victims Protection Reauthorization Act (2003), US funds for anti-TIP initiatives are limited to organisations that oppose prostitution. There is thus clearly a struggle within the TIP discourse between those opposing TIP as well as the sex industry with which it is connected and those who only oppose severe forms of trafficking and who want to mobilise sex workers to help fight the trafficking that takes place. The more conservative, anti-prostitution NGOs have over the years become more active in their lobbying at the UN and have left their mark on how “UN negotiations occur around gender and sexuality issues in significant ways for both feminist and conservative ‘pro-family’ groups.”²⁵⁶

Due to the considerable influence of organisations who campaign against trafficking, the questions therefore arises: is the widespread concern over human trafficking for sexual exploitation based on a vast number of real cases of abuse or is TIP actually a small-scale phenomenon that has been sensationalised by people with anti-prostitution agendas as well as others who make a living from campaigning against human trafficking? In the words of Stan Cohen:

*“Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnosis and solutions; ways of coping are involved or (more often) reverted to...sometimes the panic is passed over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way society conceives itself.”*²⁵⁷

Those who think the attention paid to TIP might just be an instance of “moral panic” point to the Federation of International Football Association (FIFA) World Cup in 2006 as an example: the event brought together state and non-state actors interested in preventing human traffickers from luring impoverished foreign women into Europe’s sex industry. In the process Germany’s legalised sex industry came under attack as many organisations and politicians accused legal sex work of fuelling the trafficking phenomenon and it was expected that thousands of women would be trafficked into Germany to work as prostitutes during the World Cup. Although the German police stated that there was no rise in forced

²⁵⁴ Wyler, LS., Siskin, A. & Seelke, CR. 2009. “Trafficking In Persons: U.S. Policy And Issues For Congress.” 30-31.

²⁵⁵ Ibid. 31.

²⁵⁶ International Communication Association. “Human Price Tags And The Politics Of Representation.” 2

²⁵⁷ Doezema, J. 2000. “Loose Women Or Lost Women”?

prostitution in Germany during the World Cup, it didn't stop governments (for instance Sweden and the US), NGOs and religious organisations around the world from pressuring the German government and football teams about prostitution in general. Numerous anti-trafficking and anti-prostitution campaigns aimed at football fans and potential trafficking victims were also launched.²⁵⁸

The result of all the attention and pressure on the World Cup in Germany was increased raids on brothels and arrests of sex workers – mostly for violating immigration regulations and for not complying with business regulations. There were calls for increased visa regulations to make it more difficult for non-EU citizens to enter the Union. Countries outside of the EU – Romania and Asian countries like Thailand and Nepal – also imposed restrictions on women that were suspected of leaving their countries to engage in sex work abroad.²⁵⁹

4.2 THE EXTENT OF CROSS-BORDER TRAFFICKING IN SOUTHERN AFRICA

Southern Africa and South Africa are no different from other regions in the world when it comes to TIP data: statistics are scarce and yet estimated numbers are widely quoted. There is only a handful of in-depth studies regarding the trafficking phenomenon in the region – mostly from the NGO Molo Songololo and the IOM – and they are qualitative in nature. The number of cross-border trafficking victims found by the Molo Songololo and IOM studies is small – 10²⁶⁰ and 25²⁶¹ respectively. From the case studies they found, they drew very broad conclusions – in other words, their findings are largely based on anecdotal evidence.

The alarmism caused by these reports have thus been criticised by a small number of researchers including the Forced Migration Programme (FMSP) at South Africa's University of the Witwatersrand as well as the Consortium for Refugees and Migrants in South Africa (CORMSA).²⁶² They claim that the reports by the IOM and Molo Songololo were “not based on rigorous quantitative research but on estimates that were likely inflated”²⁶³ Critics also claim that these reports were meant to raise awareness rather than provide hard evidence of trafficking and that in reality few organisations or government departments have encountered cases of TIP. It would otherwise be hard to understand how the IOM and Molo Songololo reached their high estimates from the small number of actual case studies they encountered.

²⁵⁸ Milivojević, S., & Pickering, S. 2008. “Football And Sex: The 2006 FIFA World Cup And Sex Trafficking.” 28-33.

²⁵⁹ Ibid. 28-36.

²⁶⁰ Molo Songololo. 2000. “The Trafficking Of Children For Purposes Of Sexual Exploitation.” 4-5.

²⁶¹ Martens, J., Pieczkowski, M. & van Vuuren-Smyth, B. 2003. “Seduction, Sale And Slavery.” 13.

²⁶² Boe, HP. 2009. “Human Trafficking Is Not A Figment Of Imagination!”

²⁶³ Naidoo, Y. 2009. “2010 Human Trafficking Fears Overblown.”

The Institute for Security Studies (ISS) in Cape Town has conducted the only instance of quantitative research with regards to human trafficking for sexual exploitation. The two-year study, which started in 2006, was conducted in Cape Town, which according to previous studies was identified as a key location for victims of human trafficking. The ISS was helped in their research by the Sex Worker Education and Advocacy Taskforce (SWEAT), which facilitated access to sex workers.²⁶⁴

In their study the ISS systematically counted and approached all the brothels and streetwalkers that they were able to find in Cape Town. From this study the sex industry in Cape Town appears to be much smaller than initially thought as the researchers estimated that there are only around 1 209 prostitutes in the city. In their interviews with sex workers, South Africans and foreigners who work from brothels and streets in Cape Town, the ISS found very few possible victims of trafficking. Most of sex workers found by the researchers were between the ages of 24 and 28.²⁶⁵

Although the researches did find instances of underage prostitutes, drug use, overly long work hours and other activities associated with TIP, these activities do not seem to be as widespread as some reports make out. The prostitutes and brothel managers interviewed were generally unaware of any possible trafficking activities going on in Cape Town. The women working in the industry had been recruited through word of mouth or had responded to newspaper advertisements. These advertisements do not explicitly ask for sex workers, but are placed in the adult entertainment part of the paper and thus not exactly deceptive. Almost all the women interviewed claimed that they knew what they were doing when they accepted jobs in the sex industry.²⁶⁶

Very few foreign sex workers were found at all – those found were working out of brothels (as opposed to the street) and had migrated to South Africa temporarily to make more money than they could get in their home countries. The brothels that use agents to recruit foreign women do require them to repay the expenses they incur, but in most cases the women are aware of the nature of the work they will do (and were already sex workers before they chose to migrate) and are free to come and go as they please. However, in a small number of cases, the women were unaware of the extent of the debt they would incur. Since these women willingly migrated to do sex work, they are strictly speaking victims of trafficking as they were subjected to extreme debt-bondage.

The above-mentioned women encountered by the researchers had since left their exploitative employers (those brothels had closed down) and were working as regular sex workers in other brothels. In addition to these women – who were clearly not forced into prostitution – it was also found that some of the foreign women encountered may have been subjected to in-country trafficking in the past (in their own countries), but then went to South Africa of their own free will. Nevertheless most brothel managers who said they were

²⁶⁴ Gould, C. & Fick, N. "Selling Sex In Cape Town." 1-34.

²⁶⁵ Gould, C. & Fick, N. "Selling Sex In Cape Town." 109-112.

²⁶⁶ Ibid. 109-112.

approached by agents who recruit foreign women, turned them down, fearing that it might draw police attention. In addition:

*“We found that people enter the sex work industry for rational reasons, primarily because it offers better earning prospects and greater flexibility than other available opportunities. For those needing immediate cash, sex work provides cash-in-hand in place of a month-long wait. The majority of sex workers do not do the work because they love it (although a small number do), and would prefer alternative work if offered the same returns and the same flexibility. We found that few sex workers consider themselves to be victims of anything more than circumstance. We therefore believe that foisting a ‘victim’ label on people working in this industry, simply because many regard the work as morally repugnant, is not only inappropriate, but also disempowering.”*²⁶⁷

The sex workers interviewed in South Africa therefore echo the sentiments of their overseas counterparts. For instance, research in the Balkans found that most so-called victims of trafficking were from the cities and did not consider themselves impoverished. Some of the victims have been repeatedly trafficking, suggesting that they knew what they were doing and did not find efforts to rescue and repatriate them helpful. Research in countries like Cambodia, India and the UK also suggest that trafficking victims in these countries may have been overestimated. It would appear that the vast majority of South African and foreign prostitutes in South Africa are also working in the country of their own accord.²⁶⁸

While qualitative data clearly shows that human trafficking is a reality throughout Southern Africa, South Africa’s only significant quantitative study suggests that TIP for sexual exploitation appears to be rare. Although the study only took place in one city, if the level of trafficking was overestimated for Cape Town, the same may very well prove true for Johannesburg and other cities. This could also explain why the numbers of reported cases and prosecutions with regards to human trafficking are so low – in Southern Africa and around the world. Although the legal tools to address TIP are imperfect in southern Africa, even the US with its sophisticated anti-trafficking measures, reports a low number of trafficking cases – as seen in Table 3.

South Africa is still developing its Prevention and Combating of Trafficking in Persons Bill and has been using existing laws – the Prevention of Organized Crime Act and the Sexual Offenses Act – to prosecute TIP offenders. Legal measures have also been taken to ensure TIP victims are not charged for crimes that they were forced to commit due to being trafficked. Witness protection programmes are also used to ensure that victims may remain in the country if they are willing to help in the prosecution of offenders. Over the past year charges were laid against 16 alleged trafficking offenders. Throughout 2008 and 2009 suspected traffickers from various countries have been arrested including men and women from Mozambique, Sierra Leone, Nigeria, Tanzania, Thailand and South Africa.²⁶⁹

²⁶⁷ Gould, C. & Fick, N. “Selling Sex In Cape Town.” 6-7.

²⁶⁸ Ibid. 97-101.

²⁶⁹ US Department of State. 2009. “Trafficking In Persons Report 2009.”

However, despite the fact that training have been provided to police and other officials and the increased awareness surrounding TIP, the number of annual prosecutions is still too low to explain the high estimates of victims in the region. It may be that because offenders are prosecuted under the Sexual Offenses Act and other laws, it is just too hard to identify the number of people possibly guilty of trafficking specifically. Once South Africa's Trafficking Bill takes effect – possibly at the end of 2009 – there will be more information with regards to the prosecution of human traffickers.²⁷⁰

In light of the fact that South Africa will be hosting the FIFA World Cup in 2010, one must expect similar fears to arise with regards to prostitution and TIP as was the case in 2006. In fact, such fears have already come to light and questions have been asked about South Africa's ability to cope with increased human trafficking in 2010,²⁷¹ which some believe will be even worse than in 2006 because of the widespread poverty in Southern Africa that is expected to compound the problem.

It is believed that hosting the FIFA World Cup will not only increase the demand for the services of prostitutes in South Africa's host cities, but due to the relaxation of visa-requirements to facilitate tourism in southern Africa, trafficking victims will be able to enter the country as legitimate visitors and football fans. It is also thought that the influx of visitors to South African cities will encourage parents to put increasing pressure on their children to sell paraphernalia to the visitors on the streets or to beg money from the tourists. This may very well put them in danger.²⁷² Activists are therefore planning similar anti-trafficking campaigns as were seen in 2006, spreading their message through the Internet, newspapers, television and targeting visitors at football matches and hotels.

However, the 2006 World Cup proved to be an example of unfounded fears²⁷³ as Germany only saw a minimal rise in the number of prostitutes in the country and no rise in reports of human trafficking for sexual exploitation. It would therefore be wise not to give in to such fears again in 2010. In the absence of proof that TIP is a serious and widespread crime in the region, it would be wise to not give in to exaggerated fears regarding the phenomenon in general. This is not to say that the region doesn't need legal measures with which to address the problem when it does occur, but unless further study proves that TIP is truly a widespread problem, it should not be represented to the public as such.

²⁷⁰ O'Connor, M. 2009. "Human Trafficking In South Africa: 2010 And Beyond."

²⁷¹ Parker, S. 2008. "Will The 2010 World Cup Increase Modern Day Slavery?"

²⁷² O'Connor, M. 2009. "Human Trafficking In South Africa: 2010 And Beyond."

²⁷³ Loewenberg, S. 2006. "Fears Of World Cup Sex Traffickinb Boom Unfounded." 105-106

4.3 HUMAN TRAFFICKING AND SECURITIZATION

The moral panic described by Stan Cohen²⁷⁴ sounds very similar to the process of securitization described in chapter 1. Indeed, there can be little doubt that various NGOs, followed by IGOs and states have at least attempted to securitize human trafficking – especially of women and children for purposes of sexual exploitation. Although the worldwide lack of data is acute, when one compares what is available – the number of prosecutions that have taken place around the world and the findings by organisations like GAATW,²⁷⁵ GAO²⁷⁶ and the ISS in Cape Town²⁷⁷ – it would appear that TIP has been presented as a serious threat despite the lack of evidence to back this up.

The inflated numbers associated with human trafficking – despite the fact that little evidence supports it – as well as the highly emotive language and images that is used to express concerns over the problem, has been sufficient to raise worldwide alarm regarding the issue. It has been presented as a big global problem characterised by the worst kinds of abuse against the most vulnerable of people. The alleged scale of the phenomenon and its heinous nature call for immediate and extreme action – the special measures commonly implemented when a risk is securitized. Thus we have seen new agreements and laws being drafted, by the UN as well as individual countries: apart from the UN Protocol, there are individual countries' newly drawn up trafficking laws and tougher migration regulations by EU and other countries as well as the sanctions tool by the US. Countries' trafficking legislation even includes special immigration status for victims. A good deal of resources have been expended on these special measures.

As can be seen from individual events like the FIFA World Cup as well as from country statistics (prosecutions and the low number of applications for the US T Visa), the human trafficking problem is not as common as has been feared. It is clear from various qualitative studies by the IOM and NGOs that the problem does indeed exist, but is it a valid threat to society? The latter would appear not to be the case – there simply is no evidence that TIP is anything more than a criminal threat to individual members of society rather than a serious threat to society as a whole or any large societal group. As a criminal threat to which a small number of individuals fall prey, it should be treated as an issue of social justice instead of security. As a criminal and social justice issue, legislation and other actions are of course needed to address it, but, unless new evidence is found to support the claims of a large-scale TIP problem, there is no need for widespread international panic regarding the problem. Such panic may lead to the kind of measures that actually restrict people's freedom of movement or - in countries where prostitution is legal – freedom to choose employment.

²⁷⁴ Doezeema, J. 2000. "Loose Women Or Lost Women"?

²⁷⁵ Ibid.

²⁷⁶ Wyler, LS., Siskin, A. & Seelke, CR. 2009. "Trafficking In Persons: U.S. Policy And Issues For Congress." 3.

²⁷⁷ Gould, C. & Fick, N. "Selling Sex In Cape Town."

5. CONCLUSION

On examining human trafficking on an international and a regional scale, it would appear that much is still lacking with regards to accurate and reliable information about the problem. Much of what is known is based on studies that were short on the number of victims found and short in terms of time span. Anecdotal evidence has been used to make estimations of the nature and scope of human trafficking that appear to be unrealistic on closer study. The results from South Africa's only quantitative study on human trafficking seem to reflect what critics of anti-trafficking campaigns in South Africa and abroad have been saying: there is no evidence to suggest that the high estimates of human trafficking victims are accurate. To the contrary, human trafficking as a reality seems to be an activity that happens on a much smaller scale than people are led to believe.

The discourse on human trafficking, however, seems to be far removed from this reality. The TIP discourse is still dominated by the aforementioned unrealistic estimations of the problem. It is also a discourse heavily influenced by emotions and personal opinions. At this stage, anti-trafficking campaigns and actions are seemingly driven by the political agendas of the actors that have hijacked the issue rather than by any factual basis. The genuine concern of states, NGOs and other civil society groups have led them to respond to the horrific stories of human trafficking for sexual exploitation. There is no doubting the good intentions of many involved in the fight against human trafficking. However, many of the actors involved also happen to have other interests: many of the most involved NGOs have political agendas such as the criminalisation of prostitution; states on the other hand, have taken the opportunity to tighten regulations regarding migration, terrorism and organised crime. Very few actors have initiated in-depth qualitative studies of the sort needed to establish the reality of the situation so that appropriate action can be taken.

If one judges from the available facts, human trafficking for purposes of sexual exploitation – in southern Africa and elsewhere – comes across as an infrequent crime committed against individuals. Legislation and information-sharing to address it and prevent it are necessary, but widespread panic is not. It would however appear that certain NGOs, states and IGOs have been in the process of securitizing human trafficking. It is presented as a serious global threat that calls for immediate action. Various special measures have already been taken in order to eliminate the problem. It is however doubtful whether the securitization process will be completed: the ultimate aim of many of the actors involved is to criminalise prostitution, but the world stands divided on the issue.

Furthermore, a growing number of scholars have begun to question whether human trafficking is the threat that it is represented as. Many have criticised the anti-trafficking campaigners for sensationalising TIP and for scaremongering, especially since the result of the anti-trafficking campaigns have sometimes been the restriction on the choices and movements of people (especially women from the developing world). Until further research proves otherwise, the critics have the facts on their side. Treating human trafficking as a big security threat when it is not, not only undermines human rights but also runs of waiting precious resources – something that a region like southern Africa can ill afford.

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