



IOM International Organization for Migration
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“No Experience Necessary”: The Internal Trafficking of Persons in South Africa

**International Organization for Migration (IOM)
Regional Office for Southern Africa**

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**Pretoria, South Africa
October 2008**

Acknowledgements

This report was prepared on behalf of the International Organization for Migration (IOM) by research consultant, Laura Gauer Bermudez, with funding from the United States Agency for International Development (USAID) in South Africa. **“No Experience Necessary”: The Internal Trafficking of Persons in South Africa¹** was completed over a period of six months, beginning in March and ending in September 2008, with the aim of providing relevant qualitative findings concerning the internal trafficking of persons for the purposes of commercial sexual exploitation, forced labor, and the removal of organs.

Considerable material was gathered by the author during field visits to various community advocates, law enforcement, and social service personnel. The author wishes to express gratitude to the individuals that served as participants and agreed to share detailed information about the clients they have served.

Special appreciation also goes to staff members of IOM Pretoria and field offices in Cape Town and Durban for their guidance and support throughout the project.

The views expressed in this report are those of the author and do not necessarily reflect those of the International Organization for Migration (IOM) or the United States Agency for International Development (USAID).

¹ The title “No Experience Necessary” refers to newspaper ads that have recently been placed in local newspapers in South Africa seeking women to work as waitresses or secretaries, no experience required. When women answered the ads, they found they had been deceived into situations of forced prostitution.

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Abbreviations

ANEX-CDW	Activists Networking Against the Exploitation of Child Domestic Workers
BCEA	Basic Conditions of Employment Act
CBD	Central Business District
CSEC	Commercial Sexual Exploitation of Children
IGO	Intergovernmental Organization
ILO	International Labour Organization
IOM	International Organization for Migration
NGO	Non-governmental Organization
NPA	National Prosecuting Authority
SACTAP	Southern African Counter Trafficking Assistance Programme
SALRC	South African Law Reform Commission
SAPS	South African Police Service
ZAR	South African Rand

Glossary of Terms

Child Placement	The cultural practice of sending one's child from rural to urban areas to live with members of the extended family or family friends as a means of ensuring better opportunities for the child.
Coloured	A racial category within South Africa to denote individuals of mixed heritage. The majority of the coloured population resides in the Western Cape.
Lobola/Mahadi	A South African dowry custom where a man provides a sum of money to the family of his fiancée, also referred to as "bride price".
Muti	The Zulu word for medicine and in the traditional sense refers to the use of potions made from indigenous herbs to cure common ailments. Some have expanded this principle to include the use of parts which are believed to enhance fertility or ensure economic success.
Sangoma	A traditional healer

Provincial Map of South Africa



Executive Summary

The International Organization for Migration (IOM) with funding from the United States Agency for International Development (USAID) initiated an assessment of internal trafficking of persons in South Africa. Completed over a period of six months, beginning in March and ending in September 2008, the aim of this research was to provide relevant qualitative findings concerning the internal trafficking of persons for the purposes of commercial sexual exploitation, forced labor, and the removal of organs.

Exploratory qualitative methodologies were used by way of questionnaires, in-person and telephone interviews. A range of persons from within South African society were consulted for the research with particular emphasis on outreach personnel such as social workers, faith leaders, and community advocates. Sources from all nine South African provinces were consulted and efforts were made to diversify the sample with respect to gender and ethnicity. From the outset, the main aim of the study was not to identify or interview trafficked persons.

The following is a list of key findings from the assessment:

- 52% (n = 108) of participants had a direct awareness of internal trafficking, 19% (n = 39) had an indirect awareness, and 29% (n = 61) had no awareness
- Direct awareness was measured by direct contact with or assistance provided to a victim of internal trafficking
- Indirect awareness was measured by knowledge of the crime in the community but no direct interaction with a victim
- Victims were reported to be recruited from rural areas or informal settlements and transported to the urban centers of Johannesburg, Pretoria, Cape Town, Bloemfontein, and Durban
- Victims were most often reported to be black or coloured and under the age of thirty
- In the Western Cape, the level of awareness around trafficking for domestic labor is as common as trafficking for sexual exploitation
- Employment agencies are trafficking coloured females from rural regions of the Western, Northern, North West, and Eastern Cape Provinces into the suburbs surrounding Cape Town to work as domestic servants
- Adolescent girls and young women who leave exploitative situations as domestic servants are vulnerable to recruitment into the sex industry
- In respect to commercial sexual exploitation, women are just as likely as men to be recruiters
- Boys under the age of eighteen are increasingly lured into sexual exploitation, more frequently for use in pornography
- Methods employed to control victims include restricted movement, use of force, and/or threat of physical violence
- Substances are provided as an additional means of control particularly in sexual exploitation

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- West African organized crime syndicates operate heavily in Pretoria, Port Elizabeth, Johannesburg, & Bloemfontein and traffic local black South African females into commercial sexual exploitation
 - Organized crime syndicates that are operated by foreign nationals use local South Africans as recruiters
 - Advertisements in local newspapers have been used as a recruitment technique to deceive young women into the sex industry
 - Boys are recruited from rural regions of Western and Northern Cape Provinces for exploitative labor as street vendors in Cape Town
 - Men and boys are recruited to work on farms under false promises of pay and suitable accommodation. Boys who are not in school or on school holiday are more frequently targeted
 - Children who are most vulnerable to recruitment for trafficking are child-headed households due to HIV and AIDS, unregistered children, and children living in impoverished rural areas and informal settlements
 - Awareness about multi-related crime is most recognized in Limpopo, Mpumalanga, Free State, and KZN

The following is a sample of key recommendations based on the assessment. These recommendations are provided in further detail in Chapter 11.

- The national legislation proposed by the South African Law Reform Commission (SALRC) should be accepted for approval at the earliest possible date
- Government, IGOs, and NGOs should invest in rural development projects that aim to advance sustainable livelihoods outside of urban centers
- NGOs should adapt community-based watch programs that report to local organizations on the emergence of new child-headed households or the proliferation of recruiters in the neighborhood
- A nationwide campaign to register children and provide identification documents should be implemented
- Increased media campaigns around human trafficking should highlight the distinctions of internal trafficking within the South African context
- Awareness raising programs should focus on rural areas and informal settlements with an emphasis on peer training and education
- Further curriculum in the school systems should provide for education around human trafficking, human sexuality, sexual violence, and substance abuse
- Law enforcement should consider a more visible policing of the sex industry with sensitivity to potential internal trafficking
- Steps should be taken towards creating a systematic procedure for those who encounter a victim of trafficking in order to ensure adequate assistance to victims and more accurate documentation of the crime
- When appropriate, alternatives to return should be considered for internal trafficking victims such as rehabilitation, education, and vocational opportunities
- Further research should analyze the propensity for re-trafficking amongst internal trafficking victims

Chapter 1 Background

1.1 Introduction

The International Organization for Migration (IOM) with funding from the United States Agency for International Development (USAID) initiated an assessment of internal trafficking of persons in South Africa with the aim of providing relevant qualitative findings concerning internal trafficking of persons in each of the following areas: sexual exploitation, domestic labor, agricultural work, street work (vending, begging, and crime) and organ harvesting for the purposes of traditional medicine, known as “muti”.

As muti-related crime does not typically involve the recruitment and transport of persons it may be more appropriately categorized as “organ trafficking” rather than “human trafficking”. This and other issues surrounding muti-related crime are discussed in latter parts of this report.

The objectives of the study were to:

- Study the character of internal trafficking of persons in South Africa
- Determine the extent to which local stakeholders have direct experience with cases of internal trafficking
- Verify internal trafficking routes in order to inform future prevention efforts
- Cautiously analyze demographic data to determine trends on vulnerable populations
- Develop a better understanding of the methods and means of recruitment for internal trafficking
- Provide recommendations for counter-trafficking programming, law enforcement, legal bodies, social service agencies, and government officials to more effectively address internal trafficking

For the purposes of this assessment, IOM relies on the definition of trafficking as provided in the Optional Protocol to the United Nations Convention on Transnational Organized Crime. This protocol was adopted in November of 2000, and came into force in 2003, and is commonly referred to as the Palermo Protocol. See Section 3.1.1.

Chapter 2 South African Context

2.1 Introduction

South Africa is an emerging global market and the continent's leading economy with well-developed financial, communication, and manufacturing sectors as well as a thriving business in tourism and mineral exports. The country is home to approximately 48 million people divided among 79% black, 9.6% white, 8.9% coloured², and 2.5% Indian/Asian (GoSA, 2007; U.S. CIA 2008). Among black South Africans, the population is further divided among tribal groups, the majority being the Zulu, followed by the Xhosa, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, and Venda. The country is also host to a wide range of migrants from the continent, particularly Southern and Western Africa. Life expectancy at birth is 42.37 years with this expectancy peaking in the Western Cape Province and dipping to its lowest point in KwaZulu-Natal, which has been most adversely affected by the HIV/AIDS epidemic (Gov't of SA, 2007).

Prior to 1994, South Africa was ruled by a white minority government that imposed a system of Apartheid, ordering that black and white communities live, work, and socialize independently of one another. In 1994, the apartheid government was abolished and the African National Congress (ANC), led by Nelson Mandela, came to power. The change in government was a welcome transformation yet social problems remain. Economic disparity, much of which is a bi-product of the Apartheid regime, continues to linger. According to statistics from 2007, 24.3% of the population is unemployed and at least 50% live below the poverty level (U.S. CIA, 2008).

With unemployment as one of the predominant difficulties facing South Africans, internal migration in search of work is common practice. In previous decades, men were considered the primary breadwinners and would leave their homes in search of employment in the mines and in the cities. Today, gender roles have changed both as a result of a cultural shift as well as due to the impact of HIV and AIDS. In 2005, approximately 18.8% of South Africa was living with HIV, and AIDS claimed the lives of a reported 320,000 individuals (UNSD, 2008). As a result, women are increasingly becoming the primary breadwinners for their immediate and extended families and have made female migration within the country a growing phenomenon. Child-headed households and the migration of minors in search of employment has also increased.

Traditional migratory customs as well as new patterns of migration influenced by the effects of HIV and AIDS have seemingly placed South Africa's most vulnerable at a higher risk of exploitation, especially by traffickers who use promises of employment and opportunity as a means of recruitment.

At the present time, South Africa does not have comprehensive legislation that addresses human trafficking. Currently, provisions listed under various legislation referring to child welfare and sexual offences are used in prosecution. However, conviction rates are low

² The term "coloured" is used as a racial category within South Africa to denote individuals of mixed heritage.

and if convicted, offenders generally receive minimal sentencing often just a monetary fine (UNODC, 2007: 5). Offenders can also be charged with rape or kidnapping which will bring a harsher sentence yet difficulties with these convictions exist and are discussed further in forthcoming chapters.

2.2 Trafficking In Persons Report

Each year the U.S. Department of State releases a Trafficking in Persons report to monitor the status of human trafficking in specific countries and to provide recommendations for prosecution, protection of victims, and prevention. Countries are ranked annually based on their ability to effectively address the problem of human trafficking. South Africa has ratified the Palermo Protocol and is therefore obligated to address the issue as a crime and make it punishable by law with sentencing appropriate to the gravity of the offense.

In 2008, South Africa was put on the Tier 2 Watch List for the fourth consecutive year for what the Department of State considers as an inability to exhibit efforts to meet the minimum standards for the elimination of trafficking. The report outlines difficulties with prosecutions, inadequate government protection of victims, and minimal improvement on prevention efforts (U.S. Dept of State, 2008).

2.3 Vulnerabilities

Human trafficking is a multi-dimensional social phenomenon that is perpetuated by both the socio-economic challenges facing populations which make them vulnerable to recruitment, also known as “push factors,” as well as demand for the exploitative use of individuals whether in forced labor or the commercial sex industry, also known as “pull factors”.

Internal trafficking may occur within a country particularly when significant economic disparities exist. South Africa has the potential for high levels of internal trafficking because of its unique socio-political history and stark economic inequalities. The country also has distinctive challenges around gender violence and HIV and AIDS which can be seen as factors that often increase vulnerability to being trafficked.

2.3.1 Poverty

Economics is an essential factor in the trafficking of persons. Those who are vulnerable to victimization are disproportionately of lower socio-economic status. Individuals living in impoverished situations are often desperate to seek work and in doing so overlook the potential hazards of accepting an offer. Women and children are vulnerable across the globe, but particularly in Africa, where many are the sole breadwinners of their households. For many women in South Africa, it is relatively normal to migrate outside of their communities to seek better economic opportunities for themselves and their families.

One of the primary means of addressing poverty has been the system of social grants which has been expanded under the new government with monetary grants to African households doubling between 1993 and 2004 (Altman, 2006: 39). Grants are provided to

elderly individuals, persons with disabilities, and families with children under the age of fifteen. Such child support grants have increased from 3.6 million beneficiaries to 8.1 million in March of 2008 (ILO, 2008: 1).

2.3.2 Unemployment

South Africa has a socio-economic dilemma with its status as a middle income economy yet with high levels of unemployment, high earning inequalities, low wages for low-skilled workers in relation to the cost of living, and a human development index that would normally be associated with an economically underdeveloped country (Altman, 2006: 5). Whereas low-skilled labor was previously absorbed into industries such as mining and agriculture, these industries are becoming increasingly insecure and the wages associated with such employment are also remaining stagnant or declining (2006: 6).

Each year, Statistics South Africa performs a Labor Force Survey which documents trends in employment. In 2007, the survey found that the unemployment rate for South Africa was approximately 23% which has declined from 25.5% the previous year (xxiii). The rate is based on individuals who are actively seeking work and the results demonstrate that unemployment disproportionately affects black South African citizens followed by Coloureds, Indian/Asians, and Whites (2007: 7).

2.3.3 Migration

Migration for employment is a rational reaction to the demand of the market. The economic centers of Johannesburg, Pretoria, Cape Town, and Durban are widely viewed as the destinations to find employment and greater economic opportunity. Migration to these commercial centers is common and statistics have shown these provinces to have the highest levels of population growth (Statistics South Africa, 2001). See Figure 1.

Fig. 1 Population Growth by Province

Province	1996 Population	2001 Population	% Change
Gauteng	7 348 423	8 837 178	16.85
Western Cape	3 956 875	4 524 335	12.5
KZN	8 417 021	9 426 017	10.7
North West	3 354 825	3 669 349	8.6
Mpumalanga	2 800 711	3 122 990	6.6
Limpopo	4 929 368	5 273 642	6.5
Free State	2 633 504	2 706 775	2.7
Eastern Cape	6 302 525	6 436 763	2.06
Northern Cape	840 321	822 727	-2.1

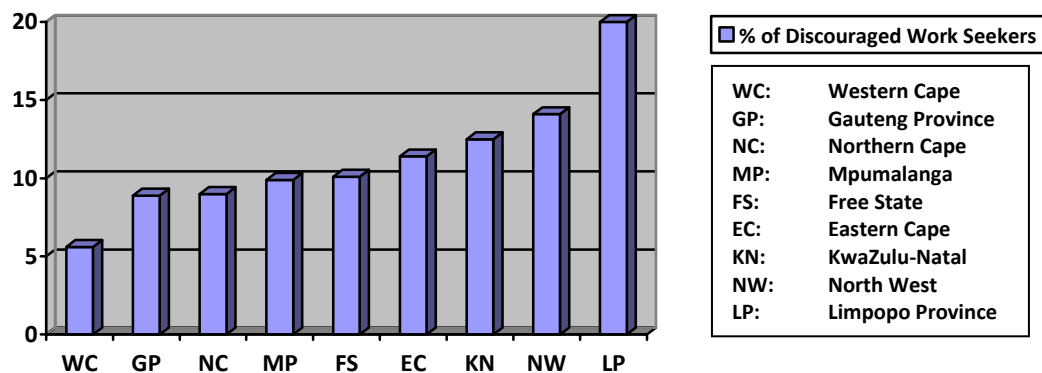
Source: Statistics South Africa, Census Data, 2001

The Censuses of 1996 and 2001 have been the only all-inclusive data gathering mechanisms that South Africa has conducted under the democratic government. Data from these statistical reports show the population growth in each of the nine provinces

with Gauteng, Western Cape, and KwaZulu-Natal showing the largest increase in growth from 1996 to 2001 (Statistics SA, 2001).

A census which would have been conducted in 2007 was replaced with a Mid-Year Population Projection/Community Survey that offers population estimates and is accompanied by the Labour Force Survey. Data from the Labour Force Survey conducted in September 2007 provided key figures that illustrate the migratory patterns within South Africa. The survey found that “discouraged work-seekers”³ were most often between the ages of 20-24 followed by 25-29 years of age. Discouraged work-seekers were also most often reported in Limpopo Province with one in every five persons between the ages of 15-65 years defining themselves in such a manner. There were also high levels of discouraged work-seekers reported from North West Province, KwaZulu-Natal, and the Eastern Cape.

Fig. 2 Percentage of Discouraged Work-Seekers by Province



Source: Statistics South Africa, Labour Force Survey 2007

2.3.4 HIV/AIDS

In 2005, approximately 18.8% of South Africa was living with HIV, and AIDS claimed the lives of a reported 320,000 individuals (UNSD, 2008). The country has one of the highest rates of infection in the world and the disease has fundamentally affected the social structure. Female and child-headed households are increasingly common and it has been noted that this breakdown in the family unit can place children at risk of exploitation primarily due to the lack of supervision and care (Van Niekerk, 1999: 26). Migration by both women and children in search of employment is increasingly common and some have speculated that HIV and AIDS in Southern Africa is the most compelling reason for the increase in child labor and the exploitation of children in the sex industry (Perschler-Desai, 2001: 1).

The UN estimates that 1.2 million children have been orphaned by AIDS and if all outlying factors remain static, the number of AIDS orphans is anticipated to peak in 2015

³ A “discouraged work seeker” is defined as someone who is unemployed but has not recently taken active steps to find work. Reasons may include discouragement over the ability to find work or absence of transport.

with an estimated 1.5 million children suffering the consequence (UNSD, 2008; Richter, 2004: 16). Research has shown that children become more vulnerable when they are cared for by relatives other than their biological parents, particularly aged relatives due to issues of mutual dependency. In households affected by HIV and AIDS, the school attendance of children decreases due to the demand for domestic labor around the home (Richter, 2004: 11). In the same regard, income previously used on school expenses may now be used for basic necessities, medication, and health services and some begin to consider offers by friends, family members, or even strangers who promise care and better opportunities for the child.

2.3.5 Gender-Based Violence

South Africa is party to one of the most progressive Bill of Rights of any developing nation and has initiated a national strategy for the empowerment of women which includes the Commission on Gender Equality and the Office on the Status of Women. South Africa is also one of few countries that has over 30% female representation in the national legislature (Bundlender & Bosch, 2002: 14).

Despite the country's efforts on female empowerment initiatives, gender-based violence remains prevalent and violence against women in the society is widely recognized as an issue of significant concern. Physical and sexual abuse at the hands of an intimate partner, family member, or individual in the community is an all too common experience for many South African women. Statistics from 2007 show 36,190 incidences of reported rape throughout South Africa, with the highest level of reporting from Gauteng Province followed by KZN and Eastern Cape (SAPS, 2008). These statistics are likely not an accurate depiction of the extent of the issue considering the crime is widely underreported.

South Africa remains a patriarchal society where men shape the relationship between the sexes. Men will negotiate the timing and conditions of sex and women still feel relatively powerless in negotiating the sexual relationship (Nyembezi, 1999:35).

In a report on sexual violence against girls in South African schools, Human Rights Watch, documented a number of studies that illustrated societal beliefs of young South African men who admitted to the notion that “ ‘no’ means ‘yes’ ” and that forced sex on someone you know was not sexual violence (2001: 7). Such attitudes towards women and sex may subconsciously condone sexually exploitative practices.

Further perpetuating such practices, is the myth that having sexual intercourse with a virgin can cure HIV. It is also widely accepted for men to choose much younger women as sexual partners due to the belief that these young women and girls will be less likely to be infected.

Familial history of sexual violence and abuse may be linked to vulnerability to trafficking, particularly for the purpose of sexual exploitation. In 2006, IOM reported primary data collected from brothels in Hillbrow, Johannesburg, showing that, in many cases, women had been exposed to physical or sexual abuse since childhood (IOM, 2006: 36).

Additionally, in households where physical or sexual violence is frequent, children are more likely to run away as a means of escaping their environments. Children that have run away are highly vulnerable to exploitation, including trafficking for the purposes of commercial sex or forced labor (UNICEF, 2005: 17).

2.3.6 Traditional Beliefs

Certain traditional beliefs have also been linked to trafficking-like practices, particularly those involving ‘muti’, ‘lobola’, and ‘child placement’.

‘Muti’ is the Zulu word for medicine and in the traditional sense refers to the use of potions made from indigenous herbs to cure common illness. Some have expanded this principle to include the use of human body parts which are believed to cure ailments ranging from HIV to infertility as well as to increase wealth and influence (Petrus, 2008:1).

Women and children appear to be more commonly targeted for the practice with the removal of genitals as the most standard practice due to the supposed benefits such parts can provide (Petrus, 2008:1). There is a documented local trade of body parts for the aforementioned purposes though the trafficking of human persons specifically for organ removal has yet to be verified.

‘Lobola’ or ‘Mahadi’ is a South African dowry custom where a man provides a sum of money to the family of his fiancée. In other cultures, this can also be referred to as “bride price”. The roots of lobola were considered to offer respect and to demonstrate a binding arrangement between two families. However, in regions of economic distress, a young woman may be considered a financial burden on her family and may be used as an economic bargaining chip for older men seeking a young bride.

Forced marriage can cause vulnerabilities for young women that come under extreme physical or emotional stress and choose to run away. If the woman does not feel able to return to her immediate family she may seek assistance through strangers and therefore be at risk of recruitment into a trafficking operation.

Child placement is another cultural practice that is viewed as a means of ensuring a better life for one’s children. Moving children from rural to urban areas is common and movement may occur from immediate to extended family members or friends. Unscrupulous ‘employment agencies’ have been known to exploit this practice by promising a placement that will provide better opportunities for the child. Agencies or individuals may also provide a sum of money to the parent for compensation. However, once the child leaves home, there is generally very little contact with the parent and the child is made to work long hours in poor conditions and is deprived the right to education (Fitzgibbon, 2003: 84).

In areas of endemic poverty, factors that can contribute to child placement include the death of a parent, inability to provide financially for a child, and/or a lack of educational or vocational opportunities in the region. Remittances sent back to the rural areas by

family members working in urban areas can also be viewed as success stories and provide motivation for future child placement (Fitzgibbon, 2003: 84).

2.4 Demand

Trafficking of persons has been viewed as both a supply and demand-led operation which requires market-driven forces to encourage the exploitation of cheap labor.

In an article discussing sex trafficking in respect to the 2006 World Cup in Germany, A.M. Tavella provides a description of Sweden's success with decreasing trafficking by delivering harsher punishment for those who purchase sexual services. Since 1999, penalties for prostitution have been focused exclusively on traffickers and buyers and the country has seen a significant decrease in both prostitution and trafficking for the purpose of commercial sexual exploitation (Tavella, 2007:7).

Conversely, some argue that the availability of a cheap labor supply is fueling the demand. A 2003 IOM multi-country pilot study focused in Europe and Asia discussed potential reasons that perpetuated demand for sexual services and cheap labor namely the unregulated nature of certain labor markets, an abundant supply of exploitable labor, and the power of social norms regulating the behavior of employers and clients (Anderson & O'Connell Davidson, 2003: 5).

2.4.1 Demand for Sexual Services

Demand for sexual services can be linked to sex tourism, a growing industry where individuals seek commercial sex as part of a travel experience. The upcoming FIFA World Cup in 2010 has sparked specific concerns around both internal and cross-border trafficking for the purposes of sexual exploitation.

Among country nationals, a demand for younger women and girls is increasing due to the HIV epidemic. There continues to be a widely held myth that having sexual intercourse with a virgin can cure the disease. Additionally, men are choosing much younger girls as sexual partners to lessen the probability of infection (HRW, 2001: 6, Van Niekerk, 1999: 27).

While the aforementioned cultural norms may be providing a specific demographic of demand for sexual services, some suggest that supply is fueling demand. In an article on the complexities of the demand side of commercial sexual exploitation, researchers suggest that demand is determined by social factors, culture, and history and is closely related to supply and availability (Davidson, 2004: 2). It is argued that that an abundance of inexpensive sexual services may actually be what is stimulating growth in the sex industry (Davidson, 2004: 2; Anderson & Davidson, 2003: 41).

2.4.2 Demand for Cheap Labor

There is incentive for the use of cheap labor particularly when such labor is abundant and social norms encourage such practices.

Presently in South Africa, much of the exploitable labor is being found in vulnerable migrants from Mozambique, Zimbabwe, and Lesotho. However, South Africans living in impoverished conditions are also subject to exploitative labor practices and may choose to be employed for low wages and under harmful conditions as the only viable option for employment.

Employers seeking cheap labor may choose from adult populations while others will elect to use children. In a study on child labor in the agricultural sector, a high incidence of such labor was discovered in subsistence and commercial agricultural in the regions of the Western Cape, KZN, and Mpumalanga (Streak, et al, 2007).

Adult and adolescent girls are in high demand and actively recruited for domestic service (ANEX-CDW, 2006). In a society where the majority of the wealth is disproportionately aggregated to a few and over half of the country lives below the poverty line there is incentive for the use of domestic workers. Certain families can afford to pay for such a service and workers with few alternatives will consent to work for a small sum.

Those who are under-skilled and living in poverty are most often exploited by those with economic privilege. Social norms that are a legacy of apartheid can perpetuate the use of individuals in an exploitative manner. The racial classification system from the apartheid era provides a lingering legacy of discrimination, whereby certain ethnic and tribal groups may be considered of inferior status and existing for the purpose of cheap labor.

Chapter 3 Legal Framework

The following is a review of the current legislation referenced when seeking to address human trafficking in South Africa. The country has ratified a number of international instruments that offer provisions under which activities associated with trafficking may be prosecuted however national legislation that directly addresses human trafficking is not yet in place.

3.1 International Instruments

3.1.1 Palermo Protocol

On 20 February 2004, South Africa ratified the primary international instrument used in addressing human trafficking, the United Nation's adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in November of 2000, and referred to as the "Palermo Protocol".

The Palermo Protocol offers the first internationally agreed-upon definition of human trafficking stated below:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations, 2000).

The protocol was established to increase international cooperation in order to effectively prevent and combat human trafficking. In this regard, the Protocol has been successful with human trafficking becoming an issue of principal importance among a number of international advocacy campaigns, non-governmental organizations (NGOs), and faith-based institutions.

Yet the attention gained through the adoption of the Protocol has been primarily limited to trafficking which involves the crossing of borders. In South Africa, several documentaries have brought local attention around cases of trafficking in women from Thailand, China, Taiwan, and Mozambique. Both intergovernmental and non-governmental organizations have circulated a number of reports around the issue, though usually focusing on the cross-border element with South Africa as the destination.

Despite this trend in awareness, the Protocol does not denote border crossing as a determinant in defining human trafficking and therefore offers a definition under which internal trafficking justifiably falls.

Countries that have ratified this protocol are bound to develop laws which protect victims of trafficking and prosecute offenders in such a manner that is appropriate to the gravity of the offense.

3.1.2 ILO Worst Forms of Child Labour

The International Labour Organization's Worst Forms of Child Labour Convention No. 182 of 1999 was ratified by South Africa on 07 June 2000 and seeks to address labor exploitation specific to situations of child slavery or practices similar to slavery, debt bondage, recruitment of children for the use of armed conflict, prostitution, pornography, the use of children for illicit activities such as drug trafficking, and any work which would harm the health, safety or morals of children (ILO, 1999).

For the purposes of this Convention, the term "the worst forms of child labour" comprises:

- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;*
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;*
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;*
- (d) work which, by its nature or the circumstance in which it is carried out, is likely to harm the health, safety or morals of children.*

States that ratify Convention No. 182 are required to take appropriate measures to ensure compliance with its provisions.

3.1.3 ILO Minimum Age Convention

The International Labour Organization's Minimum Age Convention No. 138 states that employment of a child less than 15 years of age (in developed countries) and 14 years of age (in developing countries) is prohibited by international law.

South Africa has addressed this Convention through the Basic Conditions of Employment Act, whereby children are not allowed to work under the age of fifteen and are not permitted to work until the end of the school year. See 3.2.4.

3.1.4 UN Convention on the Rights of the Child and Optional Protocol

Whereas the Palermo Protocol is the primary international instrument addressing human trafficking in its entirety, the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography focuses directly on the rights of children. Article 35 of the UN CRC specifically addresses child trafficking stating:

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

In Articles 2 and 3 of the Optional Protocol, the sale of children, child prostitution, and child pornography are addressed specifically (UN, 2002).

3.2 South African Legislation

At the present time, South Africa does not have legislation that directly addresses human trafficking. The South African Law Reform Commission (SALRC) is proposing comprehensive legislation to address trafficking in persons. As of 16 Oct 2008, the report, which includes the draft legislation, was approved for publication and will be available in its entirety to the public in the coming weeks. ⁴ See 3.2.5

Until comprehensive legislation is passed, provisions under related legislation offer means by which to prosecute individuals found guilty of trafficking practices.

3.2.1 Sexual Offences and Related Matters Amendment Bill (B50B/2003)

In November of 2006, the Sexual Offences and Related Matters Amendment Bill of 2003 was passed. This Bill maintains several clauses that address trafficking of persons specifically for the purposes of sexual exploitation and though it does consider such exploitation a criminal act it does not mandate a specific sanction for this activity. Provisions under this Bill are expressed as a transitional mechanism until more comprehensive legislation is passed.

3.2.2 Children's Act No. 38 of 2005

The Children's Act No. 38 of 2005 does specifically prohibit the trafficking of children and also states that the Palermo Protocol has force of law in South Africa, mandating the country to afford all forms of assistance to victims as listed in the Protocol. The Act additionally defines both the term "trafficking" as well as the term "exploitation":

"trafficking" in relation to a child,

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

"exploitation" in relation to a child, includes

⁴ Email exchange with Lowesa Stuurman. South Africa Law Reform Commission. Pretoria. 16 Oct 2008.

-
- (a) *all forms of slavery or practices similar to slavery, including debt bondage or forced marriage;*
 - (b) *sexual exploitation;*
 - (c) *servitude*
 - (d) *forced labour or services;*
 - (e) *child labour prohibited in terms of section 141 (worst forms of child labour); and*
 - (f) *the removal of body parts*

In 2003, the Children's Bill was divided into two separate bills for procedural reasons. The first bill addresses issues for which the national government is chiefly responsible. This bill was passed by Parliament in 2005 and signed into law in 2006 as the Children's Act No 38 of 2005. Though this Bill contains provisions on child trafficking, the majority of the Act is not in effect. The regulations have not yet been finalized and are not anticipated until 2009 (Proudlock & Jamieson, 2008: 4).

The second Bill deals with matters for which the national and provincial governments share responsibility. It was passed by Parliament in 2007 and signed into law in March 2008 as the Children's Amendment Act No 41 of 2007.

3.2.3 Children's Amendment Bill of 2006

Children's Amendment Act No 41 of 2007

An amendment to the Children's Act 38 of 2005, this Bill is currently being debated in the provincial legislatures. Unlike the Children's Act 38 of 2005, the Amendment bill requires a separate parliamentary procedure as it involves both provincial and national legislative processes.

The Amendment bill specifically prohibits employing a child under 15 years of age, procuring a child for the purpose of commercial sexual exploitation, and forcing a child to perform duties that would place at risk his/her well-being, education, physical or mental health, spiritual, moral or social development (Government of South Africa, 2006, Clause 141).

This amendment, which deals with the responsibilities of the provincial governments to implement these regulations, has not yet been passed through Parliament. Until both the original bill and the amendment are passed, South Africa remains dependent on the existing Child Care Act No. 74 of 1983 which lacks provisions for trafficking and child labor.

3.2.4 Basic Conditions of Employment Act 57 of 1997

Under the Basic Conditions of Employment Act (BCEA), explicit instruction is prohibiting child labor. Under this Act it is prohibited to employ a child who is under 15 years of age, who is under the minimum school leaving age (where the age is 15 years or older), or who is over 15 years but under 18 years if the employment:

- is inappropriate for the age of the child or if the work places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development;
- has been prohibited by the Minister of Labor through regulations

The BCEA is mainly enforced through inspectors from the Department of Labor.

3.2.5 Combating of Trafficking in Persons Bill

The South African Law Reform Commission (SALRC) is proposing comprehensive legislation to address trafficking in persons. This bill defines trafficking as:

*...the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of persons, **within** or across the borders of the Republic*

- (i) by any means, including the use of threat, force, intimidation or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control or authority over another person; or*
- (ii) by abusing vulnerability, for the purpose of exploitation*

The bill provides specific sanctions for offenders and allows for up to two years of imprisonment for individuals that procure services from a victim (Kreston, 2007: 45). Once the Combating of Trafficking in Persons Bill is passed, the trafficking components of the Child Care Act and the Sexual Offences Bill will be repealed.

Chapter 4 Methodology

4.1 Introduction

A purposeful sampling method was employed, initially contacting and surveying individuals who had completed training with IOM on human trafficking. These individuals were highly involved in their provinces as social workers, government officials, academic researchers, students, community advocates, and faith-based leaders. This strategy was implemented in order to get a more accurate glimpse into the realm of domestic human trafficking through the eyes of South Africans in civil society. From these sources, a snowball sampling method was used to connect with other individuals in the community that had not yet been involved with the work of IOM. See Figure 3.

Research methods were triangulated to ensure a diverse collection of primary and secondary data and were structured within the following framework (a) desk review, (b) distribution of questionnaires, (c) field visits, and (d) review of recent internal trafficking cases assisted by IOM.

4.2 Desk Review

A desk review was conducted to obtain background information on trends in migration and demographics as well as current and proposed legislation around trafficking of persons within South Africa. Data sources included academic research, UN agencies, non-governmental organizations, intergovernmental organizations, and official statistics.

4.3 Questionnaire

A survey consisting of open-ended questions was disseminated electronically and in person during IOM trainings to stakeholders throughout the country. Questions pertained to the method, means, and purpose of internal trafficking in South Africa looking at both the recruitment and exploitation phases as well as the demographics of the victims and the traffickers.

For the purposes of this study, the phrase “domestic trafficking” and “internal trafficking” were used interchangeable and were defined as:

South African nationals recruited under false pretense or through the use of force and transported from one location to another within South Africa for the purpose of exploitation.

Exploitation was further defined but not limited to instances of forced prostitution, domestic servitude, forced labor within the agricultural sector, forced begging, or the forced/ involuntary removal of organs for the purposes of traditional medicine.

4.4 Field Visits

Field visits were organized in seven of the nine provinces in South Africa for the purpose of in-person interviews. Open-ended, semi-structured, exploratory interviews were

conducted in order to obtain descriptive qualitative data on the nature of the internal trafficking trade within South Africa. Interview questions were based on the questionnaire but were structured with flexibility to accommodate follow-up to interview topics.

Interviews were manually recorded by the researcher and varied from 20 to 90 minutes in length depending on the breadth of information held by the informant. Participants that did not have specific information on trafficking were probed on internal migration trends and vulnerabilities among populations within South Africa. Depersonalized extracts from these interviews are included in this report.

4.5 Internal Trafficking Cases Assisted by IOM

Since the inception of this research, fourteen cases of internal trafficking have been referred to IOM for assistance. Of these fourteen cases, three originated in Free State, three in Gauteng, two in Western Cape, and six in Northern Cape. The individuals ranged in age from 18 to 55 years of age and were trafficked for the purposes of sexual exploitation, domestic servitude, and agricultural labor.

4.6 Ethical Considerations

Participants were informed on the purpose of the study prior to being interviewed, provided with the option of anonymity when submitting sensitive information, and were ensured that in all instances their confidentiality would be upheld. In-person interviews were held in private offices where participants felt the freedom to share sensitive experiences.

All interviews were conducted in English. English is one of the official languages of South Africa, is used widely, and considered the official language of Government. Participants were asked if they were comfortable conversing in English. If they were not comfortable an interpreter was utilized. At the conclusion of the study, the researcher solicited participant feedback on the report to ensure the information provided was accurately interpreted.

All quotations and case profiles provided by participants were referenced anonymously for the safety and security of those who provided the information.

4.7 Sample

Two-hundred and twenty four participants were consulted for the study and efforts were made to include a diverse range of participants with particular emphasis on street outreach workers, local community leaders, and law enforcement personnel. The following table demonstrates the breakdown of participants from all nine provinces. Field visits were carried out in seven of the nine provinces with surveys and telephone interviews conducted in Northern Cape and the North West provinces. For internal trafficking cases assisted by IOM, victim assistance case files were reviewed.

Of the 224 participants, sixteen were victims of internal trafficking, fourteen of which were directly assisted by IOM between the months of March and August 2008. These

sixteen individuals were not included in the quantitative sample though their information was used for quotations and case profiles included throughout the text. Therefore the quantifiable sample included 208 individuals.

Figure 3 – Participants by Province and Sector

	Government*	UN System	NGO	Faith-Based	Law Enforcement	Journalism	Academia	Total
Eastern Cape	5		10	3	1		1	20
Free State	9		10		2		3	24
Gauteng	10	2	24	1	3		2	42
KZN	10		9	1		1		21
Limpopo	5		5	2	3	1		16
Mpumalanga	18		10	1				29
Northern Cape	3		3					6
North West	6		1				1	8
Western Cape	17		21	1	1		2	42
Total	83	2	93	9	10	2	9	208

*Government officials consulted for this research were primarily social workers from the Department of Social Development and the Department of Health

4.8 Limitations

A snowball sampling methodology was an essential component of this research. Acquiring participants through this methodology can be seen as a deterrent to the reliability of research findings as it does not necessarily provide a representative sample of the population. Efforts to minimize this limitation were employed.

For participants who responded to the survey by email, there is the potential for response bias where individuals who have information to provide are more motivated to respond. In order to reduce response bias, a brief caveat was included in the introductory email that requested a simple reply indicating that the informant did not have any specific information around internal trafficking. For those surveys that were disseminated in person, response bias was mitigated by instructing participants who did not have knowledge on internal trafficking to also return the survey simply indicating as such.

There may be an over representation on knowledge of trafficking for the purpose of commercial sexual exploitation in relation to other trafficking sectors due to the notion by the general public that correlates the term ‘trafficking’ with sexual exploitation exclusively.

For sample sizes of fewer than 1000, statistical significance may not be ensured. As this study was primarily qualitative in nature, the sample size is smaller and therefore

quantitative data should be interpreted with caution. Generalizations to the broader population are limited however quantitative findings pulled from the coding of qualitative interviews and survey responses can provide an initial glimpse into internal trafficking trends.

An additional limitation during the study was that several cases which appeared to be instances of internal trafficking of persons were pending trial in the Sexual Offences Court. Detailed information on these cases was not available as such information is not permitted to be shared with the general public until it is seen in court.

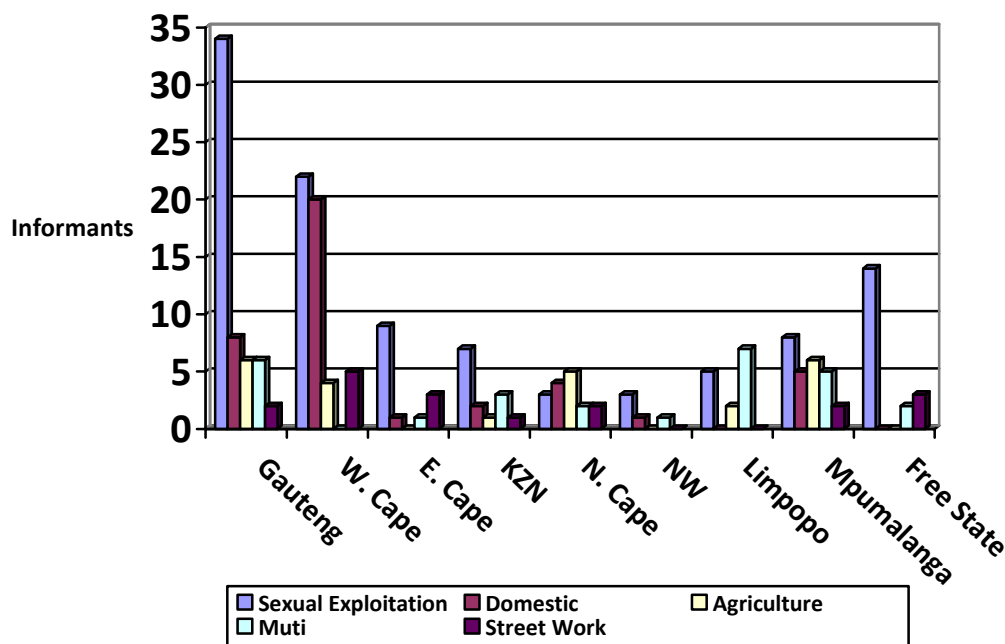
Chapter 5 Findings

5.1 Trafficking Trends

Preliminary research demonstrated five primary intentions of internal trafficking: commercial sexual exploitation, domestic servitude, agricultural labor, street work (such as vending, begging, and crime) and organ removal for the purposes of traditional medicine. Each aim has a relatively specific demographic who are targeted for victimization and each will be discussed in depth in later chapters.

Internal trafficking operations appeared to have regional distinctions with certain provinces sharing more knowledge around one of the five primary trafficking sectors. Participants were classified as having either “Direct Knowledge”, “Indirect Knowledge” or “No Knowledge” on internal trafficking. An individual classified as having direct knowledge had provided assistance or dealt directly with at least one victim of internal trafficking for one of the five specified purposes. Participants with an indirect knowledge were classified as such when they demonstrated peripheral knowledge on the issue in their community but did not have direct experience with a victim. Those who lacked both direct experience and peripheral knowledge were classified as having no knowledge on internal trafficking.

The following chart demonstrates participants who had direct or indirect knowledge on internal trafficking and is divided by province and nature of exploitation within trafficking context. Results showed provinces such as the Gauteng, Western Cape, and the Free State with high levels of awareness around commercial sexual exploitation. The Western Cape demonstrated a significant level of awareness around trafficking for the purpose of domestic servitude. Muti-related crime was most frequently acknowledged in Limpopo province. Trafficking for the purpose of street work was on a smaller-scale, but more frequently noted by sources from the Western Cape.

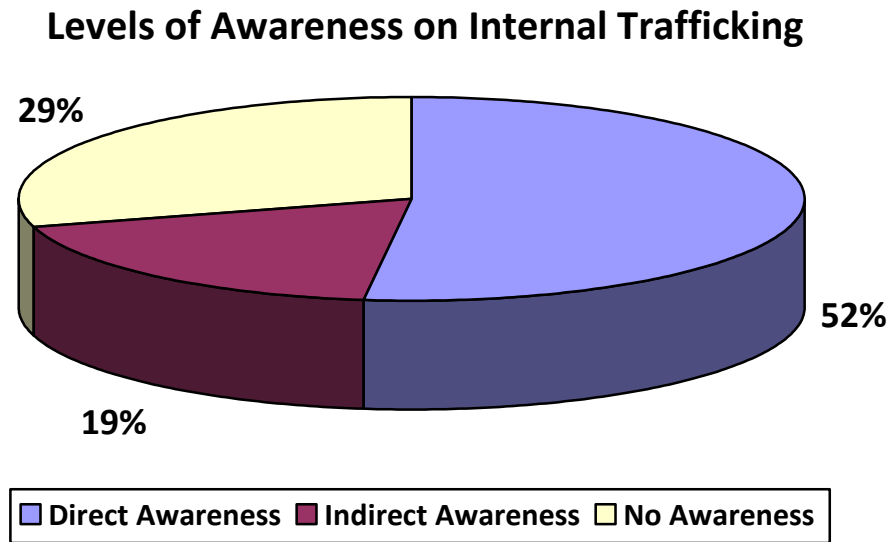
Fig. 4: Internal Trafficking Awareness among Participants by Province⁵

5.2 Levels of Direct Awareness on Internal Trafficking

Two hundred and twenty four individuals were consulted for this study, either in-person, by telephone, or through a qualitative survey. Sixteen of these participants were internal trafficking victims, fourteen of which were assisted by IOM. The experiences of these individuals are documented in the following chapters. The responses of the remaining 208 participants have been analyzed through the coding of qualitative data. Of these participants, 52% (n = 108) were directly aware of internal trafficking cases among their clients or members of their community, 19% (n = 39) were indirectly aware of internal trafficking sharing their belief that it was occurring in their region but unable to provide direct knowledge of cases, and 29% (n = 61) individuals were not aware of this phenomenon occurring in their communities⁶. A brief analysis of the demographic data of the participants demonstrated that individuals who were unaware on the issue were generally in a managerial position rather than providing direct outreach to clients. Based on in-person interviews, persons who were unaware of internal trafficking were more often white or Indian whereas those with direct awareness on the issue were more frequently black or coloured.

⁵ Certain participants had direct or indirect awareness on more than one internal trafficking sector

⁶ The participant information is analyzed without respect to gender as this information was not requested in the research survey

Fig. 5: Levels of Awareness among Participants

5.3 Source and Destination Regions

Data collected through participants shows that internal trafficking victims are generally recruited from regions of lower socio-economic status, in provinces such as Mpumalanga, Limpopo, Northern Cape, and Eastern Cape as well as informal settlements or rural areas of Western Cape, Free State, and Gauteng Province. Victims were most often transported by minibus taxi, with the fare frequently paid for by the recruiter, and taken to a commercial center. Respondents most often mentioned Johannesburg as a destination, followed by Durban and Cape Town. Though movement to a thriving urban center appears to be the most common, it is not always the desired destination as a number of internal trafficking cases have recently been documented in the Free State.

5.4 Demographics of Traffickers

In an organized effort of trafficking in persons, there are often a number of individuals involved, each with a different role and responsibility of aiding and abetting the crime. The term “trafficker” can refer to recruiters, madams, pimps, brothel owners, taxi drivers, or employment agencies and can relate to a role undertaken by one more person at any given time during the trafficking process.

For the purposes of this research, the term “trafficker” was most often used when referring to the recruitment phase, and in relation to the individual who initiates the invitation to the potential victim and arranges for transport to the destination.

Recruiters were most often defined as individuals between the ages of 31-40 years immediately followed by 21-30 years of age. They were equally documented as both male and female and most often noted to be black South Africans, followed by South Africans of mixed race heritage “coloured”, white South African, Indian, and of international origin (i.e. Chinese, Nigerian). Recruiters were also frequently listed as

being known by the victim whether as a family member, friend, neighbor, or acquaintance in the community.

Organized crime was noted as an essential element of trafficking operations specifically in respect to commercial sexual exploitation. Qualitative interviews uncovered the proliferation of Nigerian organized criminal involvement in trafficking operations in the central business districts of Bloemfontein, Pretoria, Johannesburg, and Port Elizabeth.

The primary motivating factor behind the trafficking of persons was indicated as financial profit, followed by the desire for cheap labor, the desire for power, and the low-risk of negative consequences. Monetary benefit ranged from 250ZAR to 3500ZAR⁷ per person; however, most respondents did not specify a response in this category as they were not certain of precise amounts.

Some traditional beliefs were seen to encourage human trafficking, most notably those of muti⁸, lobola or mahadi⁹, and the belief that sexual intercourse with a virgin can cure HIV. Organized crime syndicates were seen as involved with internal trafficking specifically in regard to trafficking for the purpose of sexual exploitation. Trafficking for the purpose of forced labor appeared to be smaller-scale operations.

5.5 Demographics of Victims

Respondents most often noted the victims to be black South African females under the age of 20 immediately followed by females between 21 and 30 years of age. The native language of victims ranged from Xhosa to Zulu to Tswana, depicting the broad base of communities from which victims are recruited. Most were listed as single with a primary or secondary level of education. Participants most often provided a generic response of “rural area” or “township” when offering information on where victims are recruited. For those who listed more specific regions, the province of origin for victims most frequently noted was the Eastern Cape, followed by Kwa-Zulu Natal, Northwest Province, Limpopo, and the Northern Cape.

5.6 Recruitment

Victims were most often recruited with the offer of a job. This may have been through an advertisement in a local newspaper or through a friend or acquaintance in their community. These individuals were then provided with travel allowances to urban centers or offered a ride by the recruiter. Victims were promised a change of lifestyle, a new job, the ability to send money home, and even the potential of meeting a wealthy husband. A young woman looking for a job is particularly vulnerable to recruiters who may offer employment or assistance. One informant in Gauteng Province knew of internet cafes where the owners would target young women that visited the shop in order to scan or copy their curriculum vitae. They were then immediately flagged as looking for work and targeted for potential recruitment into a trafficking operation.

⁷ Between \$24 and \$333 USD based on exchange rate of 10.5 USD to 1 ZAR.

⁸ ‘Muti’ is the Zulu word for medicine and in the traditional sense refers to the use of potions made from indigenous herbs to cure common ailments.

⁹ ‘Lobola’ or ‘Mahadi’ is a South African dowry custom where a man provides a sum of money to the family of his fiancée, also referred to as “bride price”.

5.7 Trafficking Routes & Modes of Transport

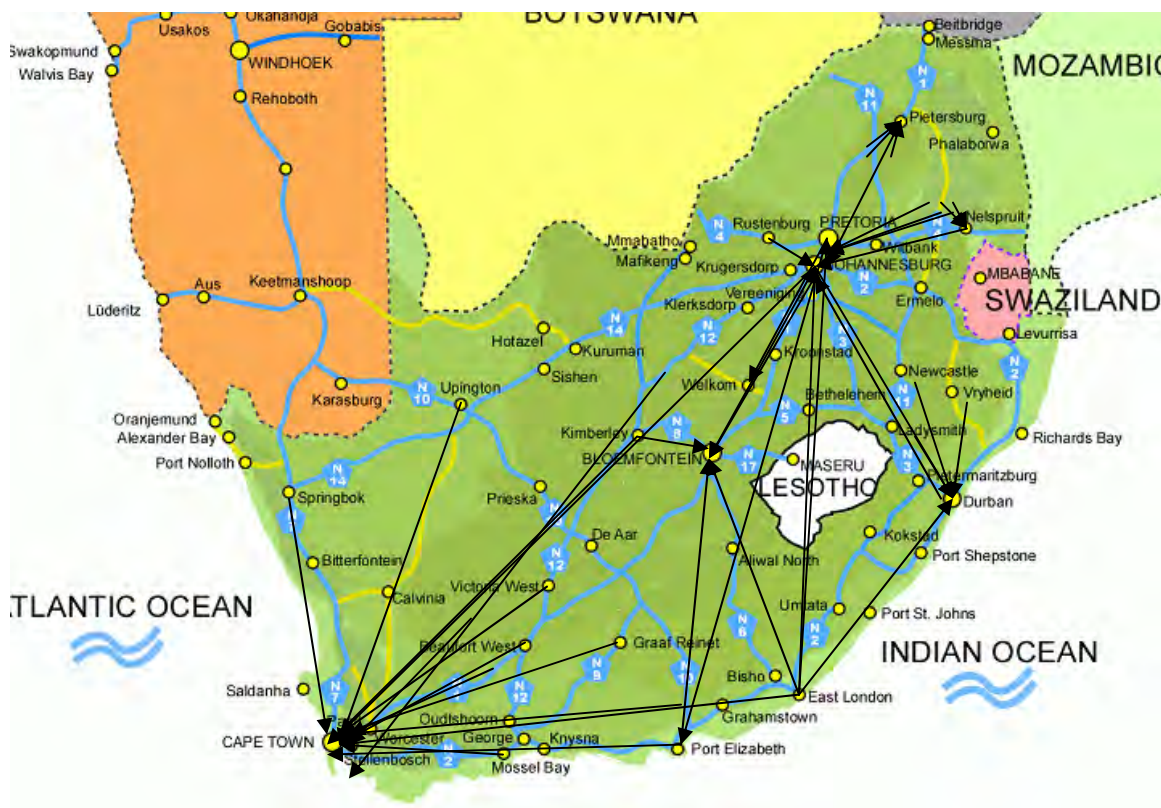
Findings demonstrate a number of internal trafficking routes, with a wide variety of both source regions and destinations. (See Figure 6.) Mini-bus taxis were most often noted as the mode of transportation for moving victims from their home to the destination. Costs for financial transport were overwhelmingly noted as being provided by the recruiter.

The following is an inclusive but not exhaustive list of locations where victims of trafficking have been recruited for all purposes of exploitation.

- Beauford West
- Bloemfontein
- Ceres
- Durban
- East London
- Graaff-Reinet
- Johannesburg
- Kimberly
- Mossel Bay
- Orange Farm
- Port Elizabeth
- Pretoria
- Somerset East
- Uppington
- Vryberg
- Informal settlements and rural areas of all nine provinces

The following is a list of locations that served as the destinations for victims of trafficking:

- Bloemfontein
- Cape Town
- Durban
- East London
- Johannesburg
- Nelspruit
- Port Elizabeth
- Pretoria
- Rustenburg
- Welkom

Fig. 6 Internal Trafficking Routes

5.8 Exploitation

Once at their destination, victims were deposited by their recruiter and put under the control of one or more individuals. Survey respondents indicated that victims were controlled through intimidation, threats, and use of force. Movement was restricted and often victims were required to repay the “debts” that they had incurred through transport to the destination. Drugs and alcohol were often cited as a means of control, particularly in situations related to commercial sexual exploitation.

Those that escaped the exploitative situation, managed to do so by physically fleeing the premises and notifying local law enforcement, school officials, or church workers. Some devised schemes so that they may be removed from the location in order to seek assistance. As one informant from Limpopo province stated, “She pretended to be very ill. She was taken to a sangoma¹⁰ where she related her story. The sangoma alerted the police.”¹¹

Some victims were able to return home but were noted to suffer intense shame as well as prolonged physical and emotional trauma. Those who had developed a drug dependency were especially vulnerable to returning to exploitative situations.

¹⁰ A ‘sangoma’ is a practitioner of traditional medicine in South Africa.

¹¹ Anonymous survey respondent. Social worker from Limpopo Province. 11 April 2008.

Chapter 6 Sexual Exploitation

6.1 Introduction

Trafficking of persons for the purpose of sexual exploitation is a crime that involves the recruitment, transport, and exploitation of an individual which can take the form of forced prostitution, pornography, or any other forced sexual practices. Trafficking for this purpose has garnered the highest amount of media attention in the country with several documentaries highlighting the sex trade including:

- “Soul Trade” 23 October 2007
- “The Ring” 26 June 2007
- “Operation Priscilla” 30 November 2004

Operation Priscilla was an undercover sting operation by the South African Police Services (SAPS) to expose sex-trafficking rings. The operation focused on a specific Nigerian syndicate that recruited minors for prostitution using false promises as a lure and intimidation, drug dependency, and the use of force as a means of preventing escape.

Summary results from the operation were provided by an informant who took part in it and who interviewed a number of the girls after they were removed from the brothels. The informant estimated 160 youth, primarily female, were discovered working in brothels. The girls were between the ages of 13 and 17 and were mostly from rural areas. They were found working in brothels in urban areas in Gauteng, Western Cape, Free State, and KZN provinces. The girls were lured from rural areas by female recruiters and were taken to the city where they were “befriended, spoiled, and groomed”.¹² Soon after arriving at their destination, the girls were introduced to drugs, primarily crack cocaine, and became drug dependent. On rare occasions they were forced to inject drugs to initiate dependency, though these were extreme cases.

He asked me if I was in school and what I was studying. He said he could get me a job in Jo'burg. As a model.

- Interview with community advocate. Bloemfontein, Free State. 19 August 2008.

At their destination, the victims were forced to perform sex acts with men as a way of earning money to both pay off the “debts” they had incurred while under the care of the recruiter as well as to pay for their increasing drug habit.

The undercover operations unfortunately found very little success in prosecution of the traffickers involved and rehabilitation of the young women. After the operation, the informant made specific recommendations regarding the need for specialized after-care facilities for minors that are victims of sex trafficking. He also recommended a change in legislation so that successful prosecution would not rely on the minors as witnesses.

¹² Telephone interview with law enforcement official. Gauteng Province. 30 May 2008.

6.2 Legal Framework

Although prostitution and associated activities are illegal in South Africa, the policing of such activities is known to be relatively relaxed. When raids do occur, law enforcement does not always have the proper training to identify victims of trafficking, specifically those who are South African nationals.

Participants who assisted foreign victims of trafficking often identified law enforcement as being helpful and working closely with various NGOs to assist victims. However for those participants who worked with internal trafficking cases, many reported a lack of understanding and capacity to identify those who were engaging in prostitution of their own accord versus those who had been trafficked.

You know many people come to the police for assistance and often they are not believed. They can be turned away from services because the police do not believe their story. Girls from Limpopo...Orange Farm. Fourteen and fifteen-year-old girls.¹³

One anonymous informant from Gauteng Province stated his belief that 70-80% of the women found in prostitution raids are treated as criminals.

Many (officers) don't look beyond the surface. They don't look at the core of the problem. 'We don't have time. It is prostitution. It is drugs. Period.' However, there are a handful of highly trained officers that know how to ask the right questions. We need more of these.¹⁴

There was a woman whom I assisted that had been linked up with a Nigerian and was beaten up very badly. She reported her story to me and said that the man had recently bought two girls, ages nine and twelve, and transported them from Pretoria to Port Elizabeth. The girls were given to an older lady that was teaching them what they need to do. I reported the information to the police but nothing happened.¹⁵

When traffickers are arrested they are often charged with secondary offenses such as sexual assault, rape, or kidnapping. There have been difficulties with crime scene search and evidence collection and many offenders have been released due to lack of evidence. Additional problems occur when there is an inability to follow such arrests with appropriate legal recourse.

Cases will go to court and that is the last you will hear. Witnesses disappear for fear of their lives. Cases are withdrawn for lack of evidence.¹⁶

¹³ Interview with outreach workers in Johannesburg, Gauteng Province. 05 June 2008.

¹⁴ Interview with law enforcement official. Johannesburg, Gauteng Province. 05 June 2008.

¹⁵ Interview with community advocate. Port Elizabeth, Eastern Cape Province. 29 July 2008.

¹⁶ Interview with social worker. Nelspruit, Mpumalanga Province. 14 August 2008.

6.3 Findings

Of the 147 participants who were had direct or indirect knowledge on internal trafficking, 105 individuals had such awareness of trafficking for the purposes of sexual exploitation. Of these participants, 32% (n = 34) were from Gauteng Province, followed by 21% from the Western Cape (n = 22) and 13% from the Free State (n = 14).

In qualitative interviews with service providers two central themes emerged. One theme was that of practices that can be defined as trafficking per the UN definition cited in the Palermo Protocol. The other theme was that of sexually exploitative practices that, though exploitative in nature, cannot be defined as human trafficking. Each of these themes are discussed below.

6.3.1 Trafficking Practices

In these cases, young women are lured through a recruiter in their community or through an advertisement in the local paper. This recruiter or advertisement promised a job in a different city and offered an attractive sum of money. Victims were then given transport to the destination or were promised reimbursement for their transportation expenses. Upon arrival, victims found they would be working in the sex industry and were threatened with the use of force against them or their families should they try to escape the situation.

Unlike trafficking for the purpose of labor exploitation, trafficking for sexual exploitation appears to have a strong link to organized crime syndicates. Though some cases of trafficking for commercial sexual exploitation were found to be individually-run operations, most cases had organized crime as a major component. Several participants were familiar with organized crime networks in South Africa, reporting such crime to be dominated by Nigerian, Chinese, Moroccan, and Eastern European syndicates with Nigerian syndicates being widely acknowledged for involvement in internal trafficking of South Africans for the purpose of commercial sexual exploitation. Field visits and interviews indicated that most organized crime appears to operate out of Johannesburg, Pretoria, Cape Town, Durban, Port Elizabeth, and Bloemfontein.

An informant in Hillbrow, estimated that over half of the individuals engaging in prostitution in her district were under 18 years of age and that approximately 70% of the girls had come from outside of Gauteng province. She stated that many of the women were now coming from Mpumalanga. She believed some of these girls may have been trafficked because their home was just far enough away that it made it difficult to simply get a taxi and return home.

An organization in the Eastern Cape who assists victims of rape and domestic violence estimated that roughly 10-20% of the individuals they see have been victims of trafficking or a trafficking-like practice. The organization estimated that they assisted between 100-200 cases per month with the summer months bringing a higher rate of victims seeking assistance. This would indicate an estimated ten to twenty cases of potential human trafficking per month seen by one organization alone in Port Elizabeth.

Young boys are also increasingly victims of trafficking for the purpose of sexual exploitation with a significant amount of participants discussing the upsurge in the victimization of adolescent boys through commercial sexual exploitation particularly for use in pornography. Participants with these reports ranged in geographic location from the Western Cape to KwaZulu-Natal (KZN) to Mpumalanga Province.

Child-headed households were frequently noted as vulnerable to recruitment for commercial sexual exploitation. In Zwide, an informal settlement just outside of Port Elizabeth in the Eastern Cape, an NGO serving the community noted the incidence of people taking advantage of child-headed households.

We had a case of two sisters, ages fourteen and sixteen, who had become a child-headed household because their parents had died. The youngest sister had been gone for six months now. We found out that she was picked up with a group of other girls and taken to the CBD (Central Business District). Her old sister says she knows she is doing sex work. The younger one was brought home once to collect any photographs. I think it was so she couldn't be found. The older sister doesn't like to talk about it.¹⁷

6.3.2 Secondary Exploitation and Transactional Sex

Throughout the qualitative interview process other stories of sexual exploitation were discussed. Though these arrangements were exploitative in nature they do not necessarily fall under the definition of human trafficking.

In these cases, women had left home of their own accord to pursue work in a more promising location. Upon arrival, employment was difficult to find. Because of the shame that would be associated with not succeeding in the city and not being able to send money home, some women resorted to prostitution as a means of economic survival. Often this entry into the sex industry was facilitated by a pimp who had befriended the young woman while she was struggling to find work. Once the woman had entered the industry, she was then vulnerable to abuse and exploitation at the hands of her pimp.

In these cases, movement did periodically occur, but usually after the woman was seen as to have “outlived her usefulness” and was then sent to another location. Informants in Johannesburg and Port Elizabeth discussed the incidence of “swapping” or “selling” young women once they ceased to earn money for the pimp in one specific locale.

Other cases involved young women traveling to a commercial center to attend university. An informant in Polokwane discussed her experience with young women who were involved in prostitution as a means of financial gain.

Young women would come to me when they wanted to stop doing prostitution. They are younger women. Average age of 18-25. From

¹⁷ Interview with care worker in Zwide Township, Port Elizabeth, Eastern Cape. 28 June 2008.

*different districts. They come to attend school. They are attracted to the lifestyle and want to wear the nice clothes.*¹⁸

Connected to this theme is the practice of “transactional sex” which can be defined as the non-professional exchange of sexual favors in order to receive material gain such as cash, clothes, food, or drugs.

Incidences of transactional sex were reported to be frequent along trucking routes. Large truck stops that are situated in small towns were rife for sexual exploitation. Adolescent girls would frequent the stop and were chosen by drivers as a companion for the duration of their trip. In Cradock, a small town in the Eastern Cape, girls would seek a ride to Johannesburg and would often give sexual favors in return for new clothing, shoes, and other gifts, as well as a “chance to get out of Cradock”¹⁹. Once in Johannesburg, the teenage girl would ride back with the same driver after his shipment was off-loaded or would seek a new driver for the return trip.

Similar incidences of transactional sex were reported amongst school girls and minibus taxi drivers. Drivers will pick up schoolgirls who loiter at the taxi ranks and allow them to spend the day collecting fares and riding in the taxi. Several participants reported that these relationships were exploitative and in return for sexual favors, the girls would receive goods such as cigarettes, alcohol, candy, or new sneakers.

As previously mentioned, though these types of arrangements are exploitative they do not fall under the umbrella of human trafficking. Nonetheless, as transactional sex is frequently carried out with older men the nature of these relationships is illegal, if the partner is a minor.

Parents, particularly mothers, are often familiar with these types of arrangements and more often than not, condone them as a means of alleviating a financial burden. Though not considered trafficking, the normalcy of these types of arrangements not only perpetuates gender inequalities but also makes adolescent females vulnerable to trafficking practices.

An informant in the Eastern Cape suggested that trafficking occurs far more frequently than is reported because she believed that mothers were hesitant to report a missing child if they had in some way given permission or encouragement to leave with an older man.²⁰

6.4 Demand

The demand for sexual services is often attributed to a clientele of a certain level of income. These men are generally of middle to upper-income brackets and over 40 years of age. The use of sexual services is also known to occur among business associates who incorporate parties, strip clubs, and prostitution into business dealings. As one informant

¹⁸ Interview with social worker. Polokwane, Limpopo Province. 24 June 2008.

¹⁹ Interview with child welfare worker, Schauderville, Eastern Cape. 31 July 2008.

²⁰ Interview with child welfare worker. Schauderville, Eastern Cape. 31 July 2008.

in Gauteng stated, “paying for the sex act, the venue, the drugs, all at the same time can be up to 1000ZAR²¹ or more”.²²

While some of the demand continues to be in downtown districts such as Central in Port Elizabeth, Sunnyside in Pretoria, or Hillbrow in Johannesburg, portions of the sex industry are moving to middle and upper-class private houses in suburbs surrounding commercial centers. One informant mentioned the proliferation of venues within the sex industry to more up-market suburbs, particularly near football stadiums in preparation for the 2010 World Cup.²³

Racial dynamics also play a unique role in the use of sexual services. The new South Africa is becoming increasingly multi-racial however the recent history of apartheid and resulting complexities of race relations still exist.

One informant noted that when seeking sexual services, men who would not request a woman of a particular race or ethnicity in his personal life due to societal norms and taboos, may seek such a woman for sexual services out of curiosity or desire for power and control. In a tense racial climate, a client may use forced and aggressive sex with a prostitute of a different ethnicity in order to assert dominance.²⁴

This dynamic may facilitate a demand for black or coloured girls in a socio-economic environment where those who have the most financial resources continue to be white and Asian. In a recent trafficking raid in the Free State, four young black women who had been victims of internal trafficking stated that the clients they were forced to take were primarily over 40 years of age and white, Indian, or Chinese. The men were likely unaware that the women had been trafficked.

Participants also reported a growing demand for homosexual services and pornography placing male children and adolescents at greater risk.

6.5 Recruitment

In survey responses, those who identified an awareness of trafficking for the purposes of sexual exploitation most frequently responded that traffickers were known to the victims.

*I can see a trend. How it has changed. Previously it was girls running away from home and seeking shelter with a pimp and then being led into a life of sex work as a way of making it in the city. Now girls come here with a 'friend'. Then the friend leaves them. And they are made to work as a prostitute. The trend has definitely changed. There is a marked increase in these girls brought under false pretenses.*²⁵

²¹ Approximately \$95 USD based on an exchange rate of 10.5 USD to 1 ZAR.

²² Interview with former law enforcement official. Gauteng Province. 03 April 2008.

²³ Interview with former law enforcement official. Gauteng Province. 03 April 2008.

²⁴ Interview with former law enforcement official. Gauteng Province. 03 April 2008.

²⁵ Interview with social worker. Pretoria, Gauteng Province. 04 June 2008.

*You know, I am afraid our sisters are getting involved in this domestic trafficking. Women will come to provinces and say “my boyfriend can set something up for us... a good job. You may even be able to find a rich husband”. Once they arrive, the friend that recruited them has now disappeared and they are left with a stranger who now has control over them.*²⁶

In cases where foreign nationals have organized the trafficking operation, often South Africans serve as recruiters to entice potential victims with an offer of employment or the promise of a wealthy husband. Participants noted the occurrence of female community members who return from their time in the city wearing new clothing and shoes and providing a lure for other young women who are seeking employment or change in lifestyle.

Relatives were occasionally cited as playing a role in the recruitment process. Some were overt agents of sexual exploitation whereas others played a more passive role.

*We had one girl that was really afraid of her Auntie. She kept saying she couldn't get away from her.*²⁷

*Some parents may know that ‘Uncle’ is a bit dodgy but they turn a blind eye because they don't want to know about it. They want to hear that you just got your first paycheck from Edgars²⁸, everything is fine, and you are sending money home to the family.*²⁹

*We had a case of sisters from the Eastern Cape who were sold by their family for a set of lounge furniture. They were not told what they were going to be doing once they arrived in Gauteng. They were petrified.*³⁰

Intimate partners or “boyfriends” were also frequently cited as pimps and recruiters into the commercial sex industry.

Social networking via cell phone is an additional way in which young women are being recruited into potential trafficking networks. Several participants mentioned the use of MX It, a social networking service available via cell phone which enables the user to send a text message for one cent. Users can connect with “friends” via the network and chat by sending text messages. As with other social networking mechanisms, persons who the user does not know may request to be a friend of the user and chat. One young informant who is knowledgeable on the issue of human trafficking relayed her story of attempted recruitment.

²⁶ Interview with outreach worker. Hillbrow, Gauteng Province. 08 April 2008.

²⁷ Interview with outreach workers. Cape Town, Western Cape Province. 02 July 2008.

²⁸ Edgars is a department store chain in South Africa.

²⁹ Interview with shelter manager. Braamfontein. Gauteng Province. 05 June 2008.

³⁰ Interview with social worker. Pretoria, Gauteng Province. 17 June 2008.

He asked me if I was in school and what I was studying. He said he could get me a job in Jo'burg. As a model. He said he could get a job for my boyfriend as well. As an engineer or something. That he would make all the arrangements. I played dumb like I didn't know anything. This MX It can be very dangerous.³¹

Another recruitment method specific to trafficking for the purpose of sexual exploitation is that of local newspaper advertisements. The ads solicit young women and teenage girls to work in various industries, no experience required. This method was used in a recent case involving the recruitment of young women through an advertisement in the Daily Sun which sought females between the ages of 18 and 35 to work as bartenders or waitresses. (See Case Profile 6.9)

6.6 Routes and Transport

The following are trafficking routes for the purpose of sexual exploitation which were reported by participants through interviews and survey response.

Beauford West	→	Cape Town
Bloemfontein	→	Rustenburg
Ceres	→	Cape Town
East London	→	Pretoria
Johannesburg	→	Cape Town
Johannesburg	→	Nelspruit
Nelspruit	→	Johannesburg
Orange Farm	→	Johannesburg
Orange Farm	→	Bloemfontein
Port Elizabeth	→	Bloemfontein
Pretoria	→	Port Elizabeth
Pretoria	→	Welkom (Free State)
Rural Eastern Cape	→	Bloemfontein
Rural KZN	→	Johannesburg
Rural Limpopo	→	Johannesburg
Rural Mpumalanga	→	Nelspruit

6.7 Exploitation

Upon arrival at the destination victims were forced to engage in prostitution, participate in pornography, or take part in other sexually exploitative acts. They were often instructed to serve a certain number of clients per day or earn a specified amount of money or else they would suffer consequences.

The girls were recruited from country towns. One came from Ceres and the other Beauford West. Recruiters told them that they would get employment as domestic workers in Cape Town and their parents were told that their daughters would send money to them. They were transported in the recruiter's cars to suburbs in Cape Town. The young women were used in prostitution. In one case, the woman described a night that she was

³¹ Interview with community advocate. Bloemfontein, Free State. 19 August 2008.

*drugged and used in pornography. She said they made her have sex with different men and they took pictures and videos. They were given no money and they did not know how to use public transportation. They were taken to the street to work at night and slept at the pimp's house all day. They told us that the pimp sometimes beat them if they did not bring in enough money.*³²

Of those who demonstrated awareness around internal trafficking for the purposes of exploitation, intimidation and threats of physical violence were most frequently cited as a means of controlling victims. Threats were reported to have been made to the victim and/or to the victim's family. Both sole proprietor operations and organized crime syndicates were reported to use extensive amounts of violence and intimidation to control victims.

*We had a case of a young female who was involved with a Nigerian man and in a situation of forced prostitution. One of her relatives was also involved. She managed to escape but when staying at the shelter she demonstrated extreme levels of fear. She was afraid for her life. It really showed me the level of intimidation that was used. The girl opened a rape charge against the man and he came to the shelter to look for her. Even though he knew it was staffed by many police officers. It was as if he was saying 'So what? I don't care'.*³³

Other participants cited similar methods of intimidation by traffickers. Outreach workers in Cape Town discussed their involvement with individuals engaged in prostitution and reported that the young women were often very frightened of their pimp and did not want to be seen talking to the outreach workers.

*We met a young woman who was approximately twenty years old and was brought to Cape Town from Johannesburg. She was being kept against her will and made to prostitute. The person in charge of her was Nigerian, I believe. He gave her a cell phone and sent her to the street. She was to bring back a certain amount of money every night. We met her on the street. She was terrified of the guy and always answered the cell phone when it rang. Finally, she decided to come with us and did not answer the cell phone when it rang. We arranged transport for her back to Jo'burg. Where she is now, I am not sure.*³⁴

Another more tragic case involved the murder of a young woman who was thrown off a balcony in Port Elizabeth for her failure to comply to the demands of the organized crime syndicate.

³² Survey Respondent. Cape Town, Western Cape Province.

³³ Interview with shelter manager. Braamfontein, Gauteng Province. 05 June 2008.

³⁴ Interview with outreach workers. Cape Town, Western Cape. 02 July 2008

6.7.1 Health Risks

Trafficking for the purpose of sexual exploitation poses unique and serious risks to the victim's physical and mental health. Due to the myth that having unprotected sexual intercourse with a virgin can cure HIV, children can be placed at great risk for contracting the disease.

We had one case of an eleven-year-old girl who was sold from one rural area to another in the Eastern Cape. She was allegedly sold by a relative and was kept and used for sexual exploitation by many men in the town. She ended up contracting HIV and was referred to us.³⁵

Substance abuse is rampant in the sex industry and has debilitating health effects on the user.

All the young women we interviewed were using drugs and some told us they needed the drugs in order to be able to cope with what they had to do.³⁶

Victims can also be highly traumatized by their ordeal and suffer various psycho-social effects such as anxiety, paranoia, depression and Post-Traumatic Stress Disorder (PTSD).

We had a 14-year-old girl come to the shelter. She had become pregnant. When she arrived she was extremely paranoid that she would sleep under the bed. She wouldn't eat because she thought the food would be poisoned. The traffickers scared her so much. They brainwashed her. Made her not to trust anyone. She lied and said she was from Swaziland but when we took her to the Embassy she could not speak the language. We found out she was a local. From Orange Farm.³⁷

6.8 Case Profile

The following is the profile of an internal trafficking case assisted in May 2008.

In May 2008, IOM assisted victims of internal trafficking in Free State. The victims were four black females from Gauteng and Free State provinces between 19 and 25 years of age.

The four young women came upon an advertisement in the Daily Sun seeking women between the ages of 18 and 35 to work in a club earning up to R4000 per week. The women responded to the advertisement and were told to send their contact details and photographs. After being offered and accepting the position, the young women were either provided with a bus ticket to the destination or told to purchase their ticket and they would be reimbursed. The bar owner was to pick them up at the bus

³⁵ Interview with social worker in Port Elizabeth, Eastern Cape. 28 June 2008.

³⁶ Survey respondent. Cape Town, Western Cape.

³⁷ Interview with outreach workers. Braamfontein, Gauteng Province. 05 June 2008.

station and each of the girls was under the impression that they would be doing bar work or waitressing.

Upon arrival at the club, the young women were introduced to other women who were employed at the bar but were not told the details of their working arrangement. Shortly thereafter, the girls were told they would go by a new name and made to sign a contract, which was written in Afrikaans, a language which the girls did not speak or read fluently. After signing the contract, the girls were informed they would be working as prostitutes and if they tried to escape they would be found and would suffer.

The girls were expected to take between 5-10 clients per day, most of whom were White, Chinese, and Indian men over 40 years of age.

After a certain amount of time the girls were either paid very small amounts of money or told they would receive the money at the end of their three-month contract. They were also told that money was being subtracted from their salaries for expenses but were not informed of the nature of these expenses.

The victims were eventually assisted through a patron of the club who had heard the stories of the young women and deemed it illegal that they were being held under such conditions. The patron provided a tip to the police who then raided the club.

6.9 Conclusion

While not all cases of prostitution involve trafficking, the internal recruitment and transport of persons for the purpose of commercial sexual exploitation is a practice within South Africa that is widely recognized by local community members and should be addressed at local and national levels without delay.

Chapter 7

Domestic Labor

7.1 Introduction

The dialogue around trafficking of persons has previously centered on trafficking for the purpose of commercial sexual exploitation. However, when discussing the nature of internal trafficking with local South Africans, the conversation expands uncovering issues of trafficking for labor exploitation. Some of these operations are highly organized while others operate on a smaller scale. Regional distinctions are evident with the Western Cape demonstrating a highly organized trade in adolescent girls and young women for the purpose of domestic servitude.

This chapter will focus on female work seekers who are recruited for household opportunities as domestic servants.

7.2 Legal Framework

The Basic Conditions for Employment Act (BCEA) sets the minimum age of work at fifteen years and is primarily enforced through inspectors from the Department of Labor. Under this Act, it is prohibited to employ a child who is under 15 years of age, who is under the minimum school leaving age (where the age is 15 years or older), or who is over 15 years but under 18 years if the employment:

- is inappropriate for the age of the child or if the work places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development;
- has been prohibited by the Minister of Labour through regulations

A number of participants named institutional capacity as a primary challenge. Despite the fact that recruitment agencies that operate large-scale trafficking operations for this purpose are registered with the Department to Labor, little to no monitoring or punitive measures were cited for those who break labor laws. Determinations around what can be considered exploitative or hazardous were also deemed difficult.

While judgment on what kinds of work should be determined inappropriate for adolescents between the ages of fifteen and eighteen may be subjective, employment of children under the age of fifteen is a criminal offense.

With respect to adults, there is no legally mandated national minimum wage, rather minimum wages are determined sectorally by the Department of Labor. In 2002, the Minister of Labour introduced minimum wages and conditions of employment for those in domestic work in the BCEA, Sectoral Determination 7 for Domestic Workers (Gov't of South Africa, 2002a). The determination establishes a minimum wage, number of working hours and leave days, and termination rules for domestic workers. Minimum wage is dependent upon the region in which one is employed.

7.3 Findings

Of the 147 participants who had direct or indirect awareness of internal trafficking, 41 individuals had knowledge on trafficking for the purposes of domestic servitude. Of these 41 participants, 49% (n = 20) were from the Western Cape followed by less significant margins in the remaining eight provinces.

In qualitative interviews with participants who had assisted victims of internal trafficking for the purpose of domestic servitude, commonalities concerning methods were uncovered. Participants discussed the use of organized employment agencies that actively recruited female work seekers, particularly coloured girls and young women from the Central Karoo in Western Cape as well as the Northern, North West, and Eastern Cape Provinces, and transported to the suburbs surrounding Cape Town.

7.4 Demand

In countries of high economic disparity, the demand for household domestic workers is extensive and the supply is easy to acquire. Similar instances of organized efforts have occurred in Nigeria with girls ages 12-17 as primary targets for domestic work at an average monthly wage of 1,500 naira (\$13 USD). The adolescent girls are not only denied access to education but are often physically and/or sexually abused by their employer (IRIN, 2007). As with South Africa, extreme income inequality exists in Nigeria and poverty often compels parents to advise their daughters to seek employment as a domestic.

In rural towns of lower socio-economic status, the need for employment directly fulfills the demand for domestic work and dubious employment agencies aim to fill the gap in connecting the two realms and collect a profit margin in doing so. Agencies organize the trade of persons with disregard for labor laws, human rights, and respect for the minimum wage, exploiting the lack of sustainable employment opportunities in rural areas.

Participants often cited the lack of viable employment options for young work-seekers in rural regions.

In Murraysburg, there is no sustainable employment. There are little to no prospects past matric and there has been an exodus of qualified people. The majority of the population survives on a child care grant. Teenage pregnancy and substance abuse is rife with alcohol as the drug of choice.³⁸

The problem here is with the youth. When you finish your matric, what are you going to do? Unless you work on a farm there is not much employment. This is why young people want to go to the town.³⁹

³⁸ Interview with child-rights advocate. Cape Town, Western Cape Province. 01 July 2008.

³⁹ Interview with faith leader. Malelane, Mpumalanga Province. 13 August 2008.

7.5 Recruitment

Adolescent girls and young women were predominately targeted with several informants stating, “Coloured girls are preferred”.⁴⁰ It was reported that children ages fourteen to eighteen are the most vulnerable as their families do not have access to the child support grant and therefore they are often encouraged by their parents to seek employment. It was also reported that age was not a restrictive factor in recruitment.

*If you are underage, they will still accept you.*⁴¹

During recruitment, young women and girls are told that they will be able to work in Cape Town. Many of them know that it will involve some sort of domestic work but are unaware of the conditions, the hours, and the debt bondage that they will incur. Some believe that if they are transported along with their friends, they will be able to spend time together once in Cape Town.

*A group of five teenage Coloured girls were recruited from Murraysburg and told they would earn 1500 ZAR per month and that they would be working in the same area with one another. The girls believed they would be able to go to the movies together and buy nice clothes. But when they arrived in Cape Town, they were put in a small holding center with twenty other girls, made to sleep on the floor, and then eventually picked up by different employers. They had no idea where their friends had gone and they were then debt-bonded to the family for the recruitment fee and transport.*⁴²

Sometimes young women will make their own arrangements with the employment agency while other circumstances will find parents arranging these logistics.

Recruiters will offer a specific monthly salary as well as room and board. Each day, mini-buses will move groups of girls and young women to the suburbs surrounding Cape Town. They will be taken to a holding center where they will be kept in a small room with twenty to thirty other girls. They will be made to sleep on the floor awaiting placement. Prospective employers will come to select a worker and in some cases, it was reported that the young women would be paraded before the clients who were most frequently noted to be of the Muslim faith and of South Asian descent.

The domestic worker is then bought and kept for a probationary period with the ability to be returned within a certain amount of time if her performance is deemed unsatisfactory. The placement fee, which is between 250 and 400 ZAR, is paid by the prospective employer to the recruitment agency, and is then charged against the monthly salary of the domestic worker along with transport fees and accommodation expenses, thereby putting the individual in a circumstance of debt bondage.

⁴⁰ Interview with community advocate. Cape Town, Western Cape Province. 01 July 2008.

Interview with law enforcement official. Mitchell’s Plain, Western Cape Province. 04 July 2008

⁴¹ Interview with domestic worker. Mitchell’s Plain, Western Cape Province. 04 July 2008.

⁴² Interview with community advocate. Cape Town, Western Cape Province. 01 July 2008.

7.6 Routes and Transport

The following are trends that have been identified in the recruitment of women for employment as domestic servants through organized internal trafficking operations.

Beauford West	→	Cape Town
Ganyesa (NW)	→	Cape Town
Graaf-Reinet (E.Cape)	→	Cape Town
Kimberly (N.Cape)	→	Cape Town
Leeu Gamka	→	Cape Town
Murraysburg	→	Cape Town
Somerset East (E.Cape)	→	Cape Town
Taung (NW)	→	Cape Town
Upington (N.Cape)	→	Cape Town
Vryberg (NW)	→	Cape Town

7.7 Exploitation

Upon arrival at the destination, typically a middle class suburb of Cape Town, a young domestic worker will be expected to work between fourteen and eighteen hours per day often splitting time between work in the residence of the employer as well as the employer's shop. Accommodation is frequently in a shack-like structure in the back of the residence. There have also been relatively frequent accounts of either physical or sexual abuse at the hands of the employer.

'You must do what they say. If they want to lock you up they will lock you up.'

-Interview with domestic worker. Mitchell's Plain, Western Cape. 04 July 2008

We had a twenty-year-old girl who had been brought to Cape Town and paid to work as a domestic for very low wages. She was promised 900 ZAR per month. She only received 700 ZAR the first month and than nothing for the remaining four or five months. She was hit in the face, verbally and physically abused. The case was taken to the police station. The police did not assist. Labor investigations would take a long time. They assisted her in getting home but were not able to retrieve the money that was owed to her.⁴³

Other domestic workers have sought assistance from social service agencies but feared the loss of income. Some would endure physical or sexual abuse at the hands of their employer so as to not lose this monthly income.

There was a period of time when we were receiving a lot of calls from female domestic workers. Domestic employment agencies would go upcountry to fetch groups of girls. The girls would call because they were being either physically or sexually abused by their employer. But they

⁴³ Interview with social worker. Cape Town, Western Cape. 01 July 2008.

often did not wish to have any action taken because they did not want to lose the income. One seventeen-year-old girl phoned and said that when the woman of the house was away the husband would rape her. She was also forced to work horrific hours and sleep outside.⁴⁴

In some instances, adolescent girls managed to escape unfavorable conditions as a domestic worker but then had no alternative location to which to go. Money was not available to return home or the girls felt shame in returning to their families without bringing money. Participants report that in many cases, girls in this situation were befriended by pimps and groomed for sex work. This demonstrates a link between the trafficking of persons for labor exploitation and commercial sexual exploitation.

In my old job I used to provide assistance to sex workers. I would see many girls who were promised jobs in Cape Town. They came from other parts of Western Cape, Eastern Cape, and Upington (Northern Cape). Many from Upington. They were between the ages of 16 and 24. They were brought here to work as a domestic worker and ended up being treated quite badly. They were made to be up at 5am, had to work in the home as well as the shop, and couldn't go to bed until midnight. When they tried to leave they were stranded in Cape Town. They still wanted to send money home. They would get lured by people who would say 'I know of something better you can do'. They were targeted by pimps and drug lords. They ended up sending less and less money home as they became more addicted to drugs. They were filled with shame because their parents had high hopes of them 'making it' in Cape Town.⁴⁵

7.8 Case Profile

The following is a case profile provided by a young domestic worker who had recently left an exploitative labor situation in the suburbs of Cape Town.

Mary⁴⁶ is a 23-year-old Coloured female from Murraysburg in the Western Cape. When she was 22-years-old she was recruited from Murraysburg to work as a domestic in Cape Town. She was taken in a mini-bus taxi which was full of other young women her age and younger. The taxi had been arranged for them by the recruiter and transported the young women and girls to the Rylands. 'I spent three days at the agency. There is no place for you to sleep. There were over twenty other women in the room. At 5:00am you must get up and help the lady clean the place.' After three days, Mary was chosen as a domestic by an Indian family in Cape Town. From the beginning, she owed 300 ZAR, the price that was charged for the family to collect her. She was paid 1100 per month but room and board were charged against this amount as well. Her accommodation was a small shack in the back behind the main house.

⁴⁴ Interview with social worker. Cape Town, Western Cape. 03 July 2008.

⁴⁵ Telephone interview with shelter manager. Cape Town. Western Cape Province. 10 July 2008

⁴⁶ The name has been changed to protect the identity of the victim.

*'You must do what they say. If they want to lock you up they will lock you up.'*⁴⁷

7.9 Conclusion

The internal trafficking of persons for domestic servitude is rife in the Western Cape province with highly organized employment agencies recruiting adolescent girls and young women from rural areas and subjecting them to slave-like working conditions where they are bonded by debt. Endemic poverty and lack of employment opportunities are root causes for recruitment into forced labor for domestic work and must be addressed in order to effectively combat trafficking in the region.

*In the rural areas there is nothing for them to do. A fifteen-year-old girl left an exploitative domestic labor situation but ended up going back to the very same agency to find another job because she didn't have any other choices.*⁴⁸

⁴⁷ Interview with domestic worker. Mitchell's Plain, Western Cape Province. 04 July 2008.

⁴⁸ Interview with child advocate. Cape Town, Western Cape Province. 09 July 2008.

Chapter 8

Agricultural Labor

8.1 Introduction

Internal trafficking is a practice where victimization is not limited by gender. Men and boys are vulnerable to recruitment and exploitative labor practices. Whereas women and girls appear to be more frequently recruited into the sex industry and domestic servitude, reports from participants demonstrate the use of men and boys trafficked for the purpose of forced labor in the agricultural sector.

8.2 Legal Framework

As with domestic labor, the Basic Conditions for Employment Act (BCEA) provides a legal framework that regulates the minimum age for employment and makes employing a child under the age of fifteen a criminal offense.

With respect to adults, there is no legally mandated national minimum wage, rather minimum wages are determined sectorally by the Department of Labor. In 2002, the Minister of Labour introduced minimum wages and conditions of employment for the agricultural sector in BCEA, Sectoral Determination 13 for Farm Workers (Gov't of South Africa, 2002b). The determination establishes a minimum wage, number of working hours and leave days, and termination rules for farm workers. Minimum wage is dependent upon the region in which one is employed.

However, interviews with participants demonstrated a loophole in legislation which is frequently abused, whereby employers replace permanent labor with contract labor. Contract labor is beneficial to farmers because they can conceal their role as the employer and shift any sanctions onto the contractor or recruitment agent.

8.3 Findings

Of the 147 participants who had direct or indirect awareness of internal trafficking, 24 individuals had knowledge on trafficking for the purposes of agricultural labor. Of these 24 participants, 25% were from Mpumalanga (n = 6), 25% were from Gauteng Province (n = 6), 21% were from the Northern Cape (n = 5) and 4% were from the Western Cape (n = 4).

In qualitative interviews with informants who had assisted victims of internal trafficking for the purpose of agricultural labor, some commonalities concerning methods were uncovered. With regard to the agricultural sector, migrants from countries such as Mozambique and Zimbabwe were frequently noted as targets for labor exploitation. Because of the vulnerable economic situation and lack of documentation these migrants were particularly vulnerable and prone to exploitation and abuse. However, South African nationals were also noted to be at risk, particularly those living in regions of endemic poverty and households affected by HIV and AIDS. In these circumstances, children were often encouraged and expected to bring earnings back to the family.

Some parents motivate their children not to go to school but to find employment so they can bring in income.⁴⁹

Unregistered children are also vulnerable to all forms of human trafficking and are most commonly found in the rural areas and informal settlements. Parents may not register their children for a variety of reasons. The inconvenience and lack of transport to the registration office can be a deterrent for those living in isolated rural areas. Additionally, some mothers will choose not to register a child if the father of the child is not a South African national.

We had a grandmother who was caring for two children ages one and three. The mother had since passed away and had not registered the children. The father of the children was Mozambican and she did not want to register them because of the way the community would look at her.⁵⁰

Children who are unregistered will have difficult gaining entrance into schools and their care givers will not be able to obtain the Child Care Grant which is due to households caring for a child under the age of fifteen. When these structures are not in place, children are likely to be encouraged to work and provide income for the family making them vulnerable to various child labor practices and all forms of human trafficking.

In North West Province, it was not uncommon for a man to come to the home of a family and say “Your kids are not in school. You’re not feeding them well. What can you do for them? They have no ID and this is a rural area. Let me take your boy. He will become very clever and will earn lots of money that he can send back to you.” In this case, the boy was never heard from again.⁵¹

8.4 Demand

The agriculture industry is becoming increasingly insecure and the wages associated with such employment are also remaining stagnant or declining (Altman, 2006: 6).

We have problems of poverty and undernourishment in Limpopo. Farmers have moved from traditional farming toward hunting and game viewing because there is more profit available. Water scarcity is deeply affecting rural communities that use traditional farming methods. The rainfall pattern has changed and the water table is dropping. Farmers still practicing traditional, labor-intensive methods are struggling. This may be why people are seeking cheap labor.⁵²

⁴⁹ Interview with social worker. Nelspruit, Mpumalanga Province. 14 August 2008.

⁵⁰ Interview with community advocate. Nelspruit, Mpumalanga Province. 14 August 2008.

⁵¹ Interview with student from North West Province. Bloemfontein, Free State. 20 August 2008.

⁵² Interview with faith-leader. Polokwane, Limpopo Province. 25 June 2008.

In a media report on child labor in commercial agricultural, the Bureau of International Labor Affairs of the U.S. Department of Labor noted that even in countries with high levels of unemployment, children are found working on farms while adult work-seekers remain unemployed. The reason for the demand for child labor can be seen as fourfold: an abundance of children in rural areas seeking employment, children that are familiar with farming techniques because they currently live on farms, minors can be paid less or simply paid in-kind with accommodation or food, and youth are considered more docile than adult employees (U.S. DOL, 2008: 3).

A white man with a bakkie will come to a rural area and pick up the boys and get them to work on the farms during school holidays. The average age was twelve. The boys would only be given food and no pay.

-Interview with social worker.
Polokwane, Limpopo
Province. 24 June 2008

Decades of racially-based labor exploitation also continues to plague the nation with social norms and discriminatory ideologies contributing to the use of cheap labor.

You know some people think that those that live in the rural areas exist just for cheap labor.⁵³

8.5 Recruitment

The trafficking of persons for exploitative labor in the agricultural sector appears to be less organized than that of commercial sexual exploitation or even domestic servitude. Operations were reported to be more private and smaller in scale.

Male farmers between 41 and 50 years of age were most commonly reported as the offenders in trafficking for forced labor in the agricultural sector. Farmers would recruit boys and men with promises of employment. Wages and accommodation were promised as well as transportation.

Small-scale recruitment techniques were also reported with one-man recruitment agencies in operation that will traffic minors for farm work.

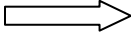
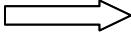
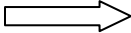
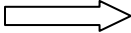
Agents will go to a farm and say 'I've got some boys' and then they charge the farmer maybe 8 ZAR per boy per day. It is usually a self-employed agent. Farmers will pay him and the boys will be given maybe 5 ZAR, a cold drink, and some bread. If investigated by the Department of Labor, they can say 'these are not my employees, I have a contractor that brings me my workers'.⁵⁴

⁵³ Interview with community advocate. Cape Town, Western Cape Province. 01 July 2008.

⁵⁴ Interview with social worker. Nelspruit, Mpumalanga Province. 14 August 2008.

8.6 Routes and Transport

The following are documented routes provided by participants

Northern Cape		Free State
North West		Mpumalanga
Rural Limpopo		Farming regions Limpopo
Rural KZN		Farming regions of Natal (KZN)

8.7 Exploitation

The exploitation phase of trafficking for the purpose of forced agricultural labor generally involves long hours of work in slave-like conditions with unsuitable accommodation and little to no compensation. Victims may be adults or children and are generally targeted in the most impoverished regions of South Africa.

In Limpopo & Mpumalanga provinces, it is widely known for farmers to recruit boys from the townships and rural areas to work on their farms during the school holidays. The boys are, on average, twelve years of age and from disproportionately poor households. Once on the farms, the boys generally stay for longer than the anticipated length of time and receive little to no compensation for their labor.

Though the arrangements was less than ideal, it was reported that some of the boys did not enjoy attending school and would hide from labor inspectors so as not to be made to return to school.

Others frustrated about not being paid for their physical labor, made a decision to flee the farm on foot, and sought assistance from the local police station.

A white man with a bakkie will come to a rural area and pick up the boys and get them to work on the farms during school holidays. The average age was twelve. The boys would only be given food and no pay. They were frustrated because they were doing hard labor and not getting paid. A few ran away. They came back looking dirty and ragged and it looked like some of them had been abused physically.⁵⁵

8.8 Case Profiles

The following is a case profile for a group of individuals trafficked for forced agricultural and domestic labor in the Free State province.

In April 2008, IOM assisted eight victims of internal trafficking found in Free State. The victims were four black males ranging from age 34 to age 54 and their female partners ranging in age from 18 to 53, one of which was pregnant and the other with a 3-month-old infant. Two of the victims were from Western Cape the other six were from Northern Cape. The men were

⁵⁵ Interview with social worker. Polokwane, Limpopo Province. 24 June 2008.

recruited separately by a farmer offering work. The men were told they could be doing farm work and driving tractors. Accommodation and food was assured as well as transportation to the farm in Free State. The men were promised between 1000 and 1400 ZAR per month. The farmer also guaranteed domestic work for each of their female partners earning approximately 600 ZAR per month.

Upon arrival at the farm, the men and women found they would be living in a small corrugated iron hut with a dirt floor. Small beds were provided but no mattresses or bedding. No bathroom facilities were available. The men were expected to work from 06h30 until approximately 20h00 every day and were not provided with a lunch break. The women were expected to work 08h00 until 20h00, seven days a week, working in the home or garden.

At the end of the first month of work, certain individuals were given remuneration ranging from 100 to 600 ZAR. Others were not paid at all. However, after the second month of work, all of the victims ceased to be paid altogether. The farmer stated that they were not being paid because they owed money for their food and accommodation. When questioned on the fairness of this arrangement, the farmer became physically abusive towards the workers.

After some months, the victims again confronted the farmer and said the arrangement was unfair and particularly unsuitable to mandate a pregnant woman to work outside clearing weeds all day. After this protest, one of the men was badly assaulted by the farmer and the group decided to leave. The eight individuals collected their belongings and loaded onto a small truck believing the farmer was going to return them to their homes. Instead, the farmer drove to the N1 and dropped them on the side of the road. The victims sought shelter under a bridge for a few days and were given food by residents of a nearby informal settlement. Eventually, they made it to a petrol station where the manager informed the police.

8.9 Conclusion

Trafficking of persons for the purpose of forced agricultural labor is a reported problem within rural areas such as Limpopo and Mpumalanga provinces as well as the Free State and areas of Kwa-Zulu Natal. Though migrants from Mozambique and Zimbabwe appear to be the most vulnerable to such practices, South African nationals living in impoverished conditions, both adults and children, are also targeted for forced agricultural labor and vulnerable to trafficking operations.

Chapter 9

Trafficking of Boys for Street Vending, Forced Begging, and to Commit Crime

9.1 Introduction

Young boys can be vulnerable to human trafficking for the purposes of sexual exploitation and farming as well as street work primarily consisting of street vending, forced begging, and forced criminal activities such as petty theft and property crime.

Boys who are used for these purposes may be victims of small-scale trafficking operations or may be those who are recruited into various forms of labor exploitation and debt bondage once they have made it to the streets on their own will as a means of escaping an unfavorable home life.

9.2 Legal Framework

As discussed in previous chapters, the Basic Conditions of Employment Act (BCEA) provides minimum age restrictions for labor making the employment of persons under the age of fifteen a criminal offense.

More specific legislation around child labor and child trafficking is also included in the Children's Bill which was signed into law in 2006 but which will not likely come into effect until 2009. The Amendment Bill specifically prohibits employing a child under 15 years of age, procuring a child for the purpose of commercial sexual exploitation, and forcing a child to perform duties that would place at risk his/her well-being, education, physical or mental health, spiritual, moral or social development (Government of South Africa, 2006, Clause 141).

In the interim, in cases which involve suspected child trafficking, offenders are often charged with abduction which brings legal difficulties when parents give consent to the transport of the child. Such was the case of a man in Cape Town who was trafficking children from Upington (Northern Cape) and Mossel Bay (Western Cape) to work in his fruit and flower stalls in Cape Town. The offender was charged with trafficking but because the parents had given consent for the man to bring their children to Cape Town, the charges were withdrawn (Donne, 2007: 1).

9.3 Findings

Of the 150 participants who had direct or indirect awareness of internal trafficking, 18 individuals had knowledge on trafficking for the purposes of street work. These sources were highest in the Western Cape with the rest scattered among the remaining provinces.

The most vulnerable demographic for trafficking for street work included unregistered children, children living in poverty, and street children.

In qualitative interviews with participants who had assisted victims of internal trafficking for the purpose of street vending, commonalities concerning methods existed. Children were offered a ride or promised employment and accommodation at the destination.

These cases provided for a method of recruitment, transportation and subsequent exploitation upon arrival at the destination.

Other cases did not specifically fit the definition of human trafficking as provided in the UN Protocol, most often cases involving street children. These cases tended to begin with a self-referral mechanism that was followed by exploitative labor but may not necessarily be considered trafficking. In these instances, children chose to leave unfavorable home situations and seek an alternative lifestyle on the street. Once on the street, they were subject to exploitative practices.

9.4 Demand

Young children are seen as assets for street vending, begging, and are used to commit crime. Individuals may traffic children to be used as street vendors merely for the cheap labor that the child can provide. Older adolescents recruit young street children into their networks to be used as beggars as the young children can provide a more emotional appeal and earn more income than older children. Young children are also used to commit crime due to their small body frames, thereby enabling them to more easily commit or act as an accomplice to property crime.⁵⁶

9.5 Recruitment

As with the trafficking of persons in the agricultural sector, trafficking for the purposes of street vending, begging, and crime appear to be small scale operations.

Cases can be considered human trafficking per the UN Protocol when a method of recruitment is employed and the child is transported from one location to another. An example of a case aligning with the UN Protocol involved the trafficking of boys from Upington in the Northern Cape and Mossel Bay in the Western Cape to Cape Town. A middle-aged man would travel to the communities of the young boys, offer employment and accommodation to the children, and subsequently transport the children to Cape Town to work as street vendors in his fruit and flower stalls. In some cases, the children left without telling their parents in other cases the parent or guardian gave permission to leave with the individual offering employment.

Orphans and other vulnerable children were at particular risk for being trafficked for forced labor. Child-headed households affected by HIV and AIDS were frequently noted as targets for recruitment of children into forced labor situations.

*The AIDS orphans are really desperate. They have no food at home, no shelter. They aren't in school. People will take advantage of them and take them to the city to work as street vendors to sell the mealies and the tomatoes.*⁵⁷

While both male and female children can be recruited for these types of forced labor practices, there appears to be a preference for male children in respect to street work

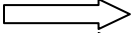
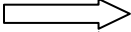
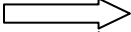
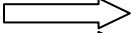
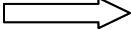
⁵⁶ Interview with shelter manager. Bloemfontein, Free State Province. 20 August 2008.

⁵⁷ Interview with community advocate. Nelspruit, Mpumalanga Province. 14 August 2008.

while female children are more often recruited for domestic labor and commercial sexual exploitation.

9.6 Routes and Transport

The following are documented routes provided by participants

Informal Settlements		Commercial Centers
Mossel Bay		Cape Town
Rural KZN		Durban
Rural Mpumalanga		Nelspruit
Upington (N. Cape)		Cape Town

9.7 Exploitation

Exploitation in street work involves various forms of child labor including but not limited to street vending, forced begging, and forced criminal activity. Children that are trafficked for the purpose of street vending are generally promised transport and accommodation at the destination, yet the accommodation is generally unsuitable. In a list of cases provided by an informant in Cape Town, boys who were trafficked for the purpose of street vending were made to stay in a Wendy house⁵⁸ situated behind the main residence of the employer.

In the case of street children, upon arrival on the streets, older children would recruit younger boys to perform various acts of child labor, such as street vending, forced begging, and forced criminal acts, in return for protection on the streets. Any money that was made from these acts would be turned over to an older boy in the group who would then distribute goods among the rest of the children. Goods may include food, blankets, and substances such as glue and dagga⁵⁹.

9.8 Case Profile

The following is a case profile for a group of adolescent boys trafficked for street work to Cape Town.

We assisted five adolescent boys from rural areas in the Western and Northern Cape provinces. The boys were recruited with the promise of employment to sell fruit and flowers in the southern suburbs of Cape Town. Transport, accommodation, and 300 ZAR per fortnight were promised. Once they arrived the boys were given blankets and made to stay in a Wendy house in the backyard of the employer. After working for sometime, the boys were not given compensation and decided to leave. After the employer refused to provide transport back to their homes, the boys landed on the streets, some of whom sought shelter directly from us while others were picked up by SAPS.⁶⁰

⁵⁸ A shack or tool shed

⁵⁹ Marijuana

⁶⁰ Interview with shelter manager. Cape Town, Western Cape Province. 09 July 2008.

9.9 Conclusion

The trafficking of boys for the purpose of street work is a less recognizable form of trafficking. In instances where children are recruited or abducted, transported, and subsequently exploited, these cases may be deemed to fall under the definition of trafficking as per the UN Protocol and offenders should be penalized accordingly.

Chapter 10

Muti

10.1 Introduction

'Muti' is the Zulu word for medicine and in the traditional sense refers to the use of potions made from indigenous herbs to cure common illness. Some have expanded this principle to include the use of human body parts which are believed to cure ailments ranging from HIV and AIDS to infertility as well as to increase wealth and influence.

Women and children are more commonly targeted for the practice with the removal of genitals being the most frequent due to the supposed benefits such parts can provide. It is reported that the removal of the organ or body part will take place while the individual is still alive as it is believed that the scream of the victim will enhance the power of the potion.

We had a case of 21 girls who have been missing since 2004. Seven of the girls were found with their wombs removed.

-Interview with social worker.
Polokwane, Limpopo
Province. 24 June 2008

There is a documented local trade of body parts for the aforementioned purposes. In 2005, the South African Police Services (SAPS) estimated that 150-300 muti murders occur per year (U.S. Dept of State, 2006:1). However, this estimate is likely to be conservative because the trafficking of body parts in South Africa remains poorly documented due to lack of evidence in prosecution and fear on behalf of witnesses.

While muti-related crime involves the forced removal and transport of organs specific means of recruitment and transport of persons for this purpose are less evident. When the crime does not involve the recruitment and transport of persons it will not fall under the definition of human trafficking as provided by the UN protocol. Muti-related crime should be addressed on a case-by-case basis to determine if it contains the necessary elements to be defined as trafficking in persons.

10.2 Legal Framework

In respect to muti-related crime, offenders are generally charged with murder, attempted murder, tampering with a corpse, or illegal possession of body parts. It was noted that evidence is difficult to collect and individuals do not wish to testify as witnesses due to fear of repercussions. One informant mentioned the frustration by the general public as often offenders were released upon the payment of a fine.

Offenders are rarely charged and if they are it is with the "tampering of a dead body" and fined approximately 2000 ZAR.

In the absence of tough penalties for offenders, some communities have resorted to vigilante justice as a means of curbing muti-related crime. Several participants mentioned accounts of retribution for persons suspected of muti killing.

There was a case in my community last year. A woman's body was found in the river with her female organs removed and a local resident was suspected of the killing, for muti. The community was very upset by this and stoned him (the suspect) to death.⁶¹

If communities know that you are doing these muti murders, they will burn you alive.⁶²

10.3 Findings

Of the 150 participants who had direct or indirect awareness of internal trafficking, 27 individuals had knowledge on the removal of parts for the purposes of traditional medicine. Of these 27 participants, 26% (n = 7) were from Limpopo province followed by less significant margins in the remaining eight provinces.

10.4 Demand

The use of traditional medicine among the black South African culture is common and widespread. Respondents discussed the use of traditional medicine alone or in conjunction with more Westernized methods. Within South African society, muti is covered in a shroud of secrecy and is not openly discussed.

The use of muti for witchcraft and superstition continues to be common and dubious traditional healers seeking to make a profit will enlist individuals looking to earn money to retrieve various body parts for inclusion in the healer's potions and tonics.⁶³

10.5 Recruitment

Muti-related crime most often appears to be a crime of opportunity where victims are targeted while unaccompanied. Adults were reported to be most vulnerable when walking alone and children when playing without adult supervision.

We had a case of 21 girls who have been missing since 2004. Seven of the girls were found with their wombs removed. All of them were from the same community. It appeared the children were taken from in or near their homes.⁶⁴

In some instances, more formal recruitment methods may take place.

There are some reports of children being trafficked within Mpumalanga by so-called healers. The girls are taken on the promise of going to school or

⁶¹ Interview with community advocate. KZN Province. 15 April 2008.

⁶² Interview with law enforcement official. Limpopo Province. 24 June 2008.

⁶³ Interview with social worker. Nelspruit, Mpumalanga Province. 14 August 2008.

⁶⁴ Interview with social worker. Polokwane, Limpopo Province. 25 June 2008.

*families are paid to marry the girls and they are intentionally taken for muti. This case was intercepted by community members and reported to the local police.*⁶⁵

The removal of parts from young or unborn children is also seen as particularly powerful and can bring forth larger monetary sums for both the traditional healers and those who bring the parts to the healers. An informant in the Free State discussed the issue of muti in relation to illegal abortion clinics.

*Vulnerable teenagers who are pregnant will be promised a certain sum if they have an abortion. They are taken to a back-street clinic where the fetus is removed, stored for a few days or weeks, and then used to make the muti.*⁶⁶

10.6 Routes and Transport

In muti-related crime, the element of transport is not always evident. The body part or organ is removed and subsequently trafficked documenting a case as organ trafficking. The transport of human beings for the purposes of muti is less evident and in such cases, the crime may not fall under the category of human trafficking as per the UN definition.

The following are a list of provinces where muti-related crime was documented by participants. Crimes were reported to occur in rural areas and informal settlements.

- Limpopo
- Free State
- KZN
- Mpumalanga
- North West Province

10.7 Exploitation

In a muti-related crime, a victim is targeted and specific body parts are removed for the purpose of financial gain. The individual committing the act serves as a trafficker of the part to the traditional healer where the individual collects a specified sum of money depending on the desirability of the part obtained.

It was reported that the removal of parts generally happens while the person is alive and that the individual ends up dying due to a loss of blood. Some victims have managed to live through an attempted muti killing.

*Limpopo is the place with the highest incidence of muti. We have had many cases here. Some people have lived through it. One man had his arms chopped off. Another woman had her tongue cut out.*⁶⁷

⁶⁵ Survey Respondent. Johannesburg, Gauteng Province. 21 April 2008.

⁶⁶ Interview with community advocate. Bloemfontein, Free State. 20 August 2008.

⁶⁷ Interview with law enforcement official. Limpopo province. 24 June 2008.

It was reported that the offenders were generally members of the larger community and lived in proximity to the victim, often in a different section of the informal settlement or a nearby town. Sources in Mpumalanga Province indicated that the offenders of muti-related crime were often adolescent boys who were not in school and looking to earn “small cash”, approximately 300 ZAR, to retrieve body parts which were then sold for as much as 5000 ZAR by the traditional healer.

10.8 Case Profiles

Muti-related crime is a problem in South Africa that involves the trafficking of organs and, depending on the nature of the case, may involve the trafficking of persons. The following is a selection of cases of muti-related crime that have been reported in the media between 2003 and 2008.

- A man was arrested in the Umsinga area of KZN Province after he was found with a human head which he allegedly intended to sell to a traditional healer (SABC, 29 April 2008)
- A 33-year-old woman was caught smuggling human tissue at a Durban hospital. Police recovered a placenta and three frozen umbilical cords which the offender was selling for muti purposes (SABC, 07 October 2008)
- The mutilated body of a 16-year-old was found in Pella village in the Madikwe area of the North West Province. Police suspected he was a victim of a muti-killing as several of his body parts were missing (SABC, 07 September 2008)
- A woman in Limpopo Province was found in the Muunga River, nine days after she went missing while walking to her boyfriend’s home. Her intestines had been removed for muti purposes (SABC, 30 April 2007)
- Seven suspects from rural areas south of Durban in KZN Province appeared before the Magistrates Court for allegedly murdering eight women and mutilating their bodies for muti purposes (SABC, 11 April 2007)
- A woman was accused of killing a nine-year-old girl in Ubombo in northern KZN province. The girl’s body had been found under a tree with her tongue and genitals missing. A 14-year-old boy who was last seen with the girl led police to the offender (SABC, 31 January 2005)
- Five men were arrested in the Free State after a bag filled with human body parts was found with them. Police were given a tip that the men were hawking body parts in the Freedom Square township and retrieved a bag containing a human head, a pair each of hands and feet, intestines, and genitals (SABC, 09 September 2003)

10.9 Conclusion

The removal of body parts for the purposes of financial gain within the realm of traditional medicine is a unique issue facing South Africa. Often shrouded in secrecy, muti-related crime is a sensitive cultural issue. Whether or not muti-related crime can be considered human trafficking is a grey area and should be determined on a case-by-case basis. When specific methods of recruitment and transport are involved these cases should be reviewed under the definition as per the UN protocol and given due justice under the law.

Chapter 11 Recommendations

The Palermo Protocol has provided a mechanism whereby the international community can unite and increase efforts to combat trafficking. International, non-governmental, and faith-based organizations alike have made combating the trafficking of persons a chief element of their work. Conversely, the internal trafficking trade remains a lesser exposed issue that has yet to prompt adequate attention.

This research was intended to provide an initial look into the crime of internal trafficking within South Africa. Whereas participants were often not aware that internal trafficking could be defined as such when questioned on matters of recruitment, transportation, and exploitation, a range of valuable information was disclosed and practices were widely recognized.

It was discovered that internal human trafficking does exist in South Africa for the purposes of commercial sex and forced labor. Incidences involving the removal of body parts for use in traditional medicine must be reviewed on a case-by-case basis to determine if they can be considered trafficking.

It is recommended that coordinated efforts on the part of government and civil society be implemented to prevent the internal trafficking of persons, to provide adequate assistance to victims, and to prosecute offenders in a manner appropriate to the gravity of the crime.

11.1 Legislative Reform

The absence of comprehensive legislation that specifically addresses human trafficking makes it difficult to adequately respond to the crime and bring justice to the victims. Without comprehensive legislation, there is little incentive for law enforcement to scrutinize trafficking-like practices and a muddled framework exists, under which prosecutors must operate. It is therefore recommended that Trafficking in Persons legislation drafted by the South African Law Reform Commission (SALRC) be accepted for approval at the earliest possible date. This legislation should fall within the framework of the Palermo Protocol.

As the law will only be as effective as those who administer it, training efforts for law enforcement, prosecutors, and magistrates is essential. At the present time, training for law enforcement and legal bodies must focus on the current provisions that criminalize trafficking and related offences which fall under the Child Care Act, the Basic Conditions of Employment Act, and the Sexual Offences Bill. After the new Trafficking in Persons legislation is passed, extensive training and capacity building will be necessary for the aforementioned parties.

11.2 Prevention

Addressing the root causes of human trafficking cannot be overstated. A socio-economic climate which is defined by poverty, economic inequalities, unemployment, and violence

against women will continue to be fertile ground for human trafficking. In this regard, civil society, intergovernmental organizations, and government officials should consider:

- Investing in sustainable livelihoods outside of urban centers
- Additional community-based initiatives that offer after-school and school holiday programming
- Community-based watch programs that report to local NGOs on the emergence of new child-headed households or the proliferation of recruiters in the neighborhood
- Further campaigns to register children and provide identification documents
- Building upon existing community networks to focus additional programming on the development of rural women

11.3 Education & Awareness Raising

Building awareness around human trafficking is an essential element of prevention. It is therefore recommended that civil society, intergovernmental organizations, and government officials invest in the following:

- Increased media campaigns around trafficking that highlight the distinctions and geographic nuances of internal trafficking within the South African context and include attention towards forced labor as well as commercial sexual exploitation
- Community awareness programs that specialize in peer training and education
- Participatory programming focused on rural populations and townships that enlist the feedback and assistance of local leaders, religious personnel, and community members
- Further educational curriculum in the school systems that discuss human trafficking in addition to human sexuality, sexual violence, and substance abuse

11.4 Victim Assistance

Assistance to victims of human trafficking is a complex discipline that requires a coordinated response by trained staff and includes measures of security, psycho-social care, legal assistance, and in some cases, repatriation. It is recommended that:

- Relevant government departments, in collaboration with civil society, should develop assistance and referral mechanisms for internal trafficking victims
- Handbooks that offer guidance on how to assist victims of trafficking should adequately cover the unique challenges posed to internal trafficking victims and should consider those who have been trafficked for the purposes of labor exploitation as well sexual exploitation
- When appropriate, alternatives to return are considered for internal trafficking victims such as rehabilitation, education, and vocational opportunities
- The government more fully invest in the training, recruitment, and retention of social workers

11.5 Law Enforcement

The willingness of law enforcement to put time and energy into combating human trafficking is essential. The research demonstrated that additional capacity was needed by law enforcement in respect to identifying and assisting victims of trafficking, particularly those who had been subject to internal trafficking. The research also demonstrated that the transportation of South African nationals for the purpose of exploitation was not limited to the commercial sex industry but was also significant in respect to forced labor. It is recommend that:

- Law enforcement bodies should consider a more visible policing of the sex industry with additional attention paid to private houses and suburbs around soccer stadiums for the 2010 World Cup
- Additional training be provided to law enforcement around human trafficking with awareness on the propensity for internal trafficking victims
- Cases involving prostitution should be reviewed by personnel who have knowledge around human trafficking
- Cases that involve suspected trafficking or trafficking-like practices should be kept on record by provincial law enforcement bodies in order to increase documentation of both cross-border and internal incidences
- Harsher penalties should be evoked for “middlemen” such as taxi drivers that knowingly transport for the purposes of both sexual and labor exploitation
- Department of Labour inspectors should receive in-depth training on child labor and trafficking for the purposes of labor exploitation so that they may be able to provide additional oversight of employment agencies that recruit domestic workers
- Department of Labour should address the gap in labor standards which enables employers to outsource jobs under a contract labor system that passes the responsibility for employment conditions on to the subcontractor or recruitment agent

11.6 Coordination of Services

Effective action against trafficking of persons requires political commitment on behalf of national, provincial, and local government bodies as well as through other sectors of civil society. Research throughout the provinces has shown a lack of coordination with respect to addressing the needs of victims of trafficking, particularly internal victims. The IOM hosts a database which utilizes a standard methodology to obtain both qualitative and quantitative information on victims which have been assisted. While cases of international trafficking victims have been referred to IOM on a fairly regular basis, internal trafficking cases are often supported solely through local social service providers. Most services are provided on an ad-hoc basis with little collaboration between stakeholders. It is recommended that:

- Efforts be made to utilize the national helpline which can provide region specific assistance and would enable better data collection around trafficking

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- National guidelines on how to assist a victim of trafficking should be drafted and include the mechanisms for assisting internal victims both those who have encountered sexual exploitation and those who have been victims of forced labor

11.6 Further Research

As this study is intended as an initial exploratory look at the internal trafficking of persons in South Africa, there are a number of recommendations for further research:

- Assess the vulnerabilities of individuals between the ages of fifteen and eighteen and determine specific vulnerabilities of those that leave school
- Analyze the propensity for re-trafficking amongst internal trafficking victims and the existence of linkages between the internal and cross-border trafficking of persons
- Study the incidence of sexual violence in the home to determine the correlation between childhood sexual abuse and the susceptibility of being trafficked into commercial sexual exploitation
- Look at the incidence of HIV/AIDS to determine the correlation between parental infection rates and subsequent vulnerability of children to trafficking
- Provide exclusive look into the crime of organ trafficking in respect to traditional medicine in order to determine if the trafficking of persons is apparent

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**CHARACTERISTICS OF INTERNAL TRAFFICKING IN SOUTH AFRICA
QUESTIONNAIRE FOR THIRD PARTIES**

The International Organization for Migration (IOM) is carrying out a research study on internal trafficking in South Africa. We would like you to be a part of the study. Please note that participation in this study is completely **voluntary** and **confidentiality** will be maintained.

For the purposes of this research, human trafficking is as defined in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (2000):

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

INFORMATION ON THE PARTICIPANT

1. For what organization do you work and what is your role?
2. What is your province of residence?
3. Have you had any experience with South African nationals who have been transported for the purpose of exploitation?
4. Please indicate whether or not you would prefer to have the information you provide kept anonymous.

Kindly answer the following questions in terms of your experience with INTERNAL human trafficking in South Africa. For the purposes of this study, "internal human trafficking" refers to South African nationals who are recruited under false pretense and subsequently transported from one location to another for the purpose of exploitation. If you are familiar with more than one case of internal trafficking, please elaborate on all cases to the best of your ability.

5. In your experience, from where are victims recruited? (province/city/town)
6. How are victims transported to their destination?
7. What modes of transport are used?
8. Who covers the costs of the transport? What are the costs?
9. What are the final destinations of the victims? (province/city/town)
10. For what purpose are these individuals trafficked (domestic work, commercial sexual exploitation, begging rings, farm work, organ removal/muti, other)? Please explain in detail.

Please answer the following questions in terms of your knowledge on TRAFFICKERS (recruiters, transporters, employers) in regard to:

Please mark an "X" in the appropriate box

Age

<20 Years	21-30 Years	31-40 Years	41-50 Years	>50 Years

Gender

Male	Female

Race

Black	Coloured	Indian	White	Other (Specify)

Native Language

English	Afrikaans	Xhosa	Zulu	Tswana	Other

Highest Level of Education

Primary	Secondary	Tertiary	Post-Graduate	Other (Specify)

11. Country (province/city/township) of origin of the trafficker(s)?
12. What do you think are the motivating factors behind the trafficker(s) and his/her associates?
13. Are there any traditional beliefs/practices that you believe may foster trafficking in persons in South Africa? If so, please explain.
14. How do they benefit? In monetary terms, how much may be benefited?
15. Does the trafficker work alone or within a syndicate? Please explain.
16. Is there a link between trafficking and organized crime? Please explain.
17. Have you found that the victim knows the recruiter prior to being trafficked? If so, in what regard?

Please answer the following questions in terms of your knowledge on VICTIMS in regard to:

Age

<20 Years	21-30 Years	31-40 Years	41-50 Years	>50 Years

Gender

Male	Female

Race

Black	Coloured	Indian	White	Other (Specify)

Marital Status

Single	Married	Widowed	Divorced	Other (Specify)

Native Language

English	Afrikaans	Xhosa	Zulu	Tswana	Other

Highest Level of Education

Primary	Secondary	Tertiary	Post-Graduate	Other (Specify)

18. Province/City/Township of origin of the victim(s)?
19. How are the victims recruited?
20. How did the trafficker/employer control the victims? Were drugs or alcohol given to victims?
21. What methods were used to prevent the victim from escaping?
22. Are you aware of any victims who have escaped such situations and how did he/she do so? Where did they go after they escaped?
23. Were victims able to return home? What happens if they return home?
24. Please provide any further information you feel would be useful to this research study. Please also include names and contact information for other individuals that you think may be valuable informants for this study.