



**AN EXAMINATION OF NON-PROFIT ORGANISATION RESPONSE TO HUMAN
TRAFFICKING: THE CASE STUDY OF DURBAN, KWAZULU-NATAL PROVINCE**

By

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I, Bindela Khanyile, declare that the dissertation submitted in the University of KwaZulu -Natal entitled, “**AN EXAMINATION OF NON-PROFIT ORGANISATION RESPONSE TO HUMAN TRAFFICKING: THE CASE STUDY OF DURBAN, KWAZULU-NATAL PROVINCE**”, represents my own original work except where acknowledgements indicates otherwise, and all sources that I have consulted and quoted have been acknowledged in the list of references.

Signature

Date

.....

.....

BINDELA KHANYILE

DEDICATION

This dissertation is dedicated to any active individual trying their best to get a better life, however, find themselves being exploited, trafficked and coerced without their consent.

It is also dedicated to the “KHANYILE AND MNDUNA FAMILY,” more especially to my late parents; “THENGANI AND MZWAYIBANI KHANYILE.” I promise to always try my very best to do things in accordance to your teachings of respect and understanding despite your demise, your spirit rests within me.

It is further dedicated to my late brother “BAMBELIHLE KHANYILE,” my lifetime role model, I still look at your certificates to remind myself to do more in life, you are and permanent inspiration to me.

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 - To all my friends who have been very patient with me and who were always willing and able to assist whenever I requested their assistance.
 - To the selected participants for this study who willingly agreed to be interviewed, without their cooperation it would have been impossible to complete this study.
 - Most importantly to my brothers and sister: “BUYANI, ANDILE, MLEKELELI AND KWENZEKILE,” MANGWANE AMAHLE NGIBONGA NGAKHO KONKE.

ABSTRACT

It is difficult to deny that human trafficking has received an increased international attention over the years, South African is no exception, the citizens of this country are daily affected and experiencing daily occurrences of human trafficking in their shores, however, this still remains an international phenomenon, affecting a greater portion of the world. It is no secret that various criminal activities occur around the globe, however, this dissertation focuses of response to human by the NPO as a transnational issue affecting different age and race groups.

In response to this crime, the South African nation is collectively doing its best to eradicate the continuous prevalence of human trafficking for different reasons; the elite government is also working tirelessly to eliminate underreporting of this scourge. To this end, individuals nor victims of this crime are living in fear and currently looking at available relevant stakeholder, such as Non-Government Organisations / Non-Profit Organisations (NGOs/NPOs), Umngeni Community Empowerment Centre (UCEC) included.

This study mainly focused on examining the responses of NPOs to human trafficking in Durban, KwaZulu-Natal (KZN). This was achieved by acquiring valuable knowledge, perceptions and opinions, among others on this practice. Thus, this study adopted a qualitative research approach. the NPO, UCEC was chosen as the object of this study and this study was consisted of 12 elected participants, with simple random sampling adopted in the selection process and face-to-face semi-structured interviews were applied to solicit the responses of these participants human trafficking in Durban, KZN Province.

This study found that not only trafficking exist in international countries, it also found it breath in South African soil, Durban as well. It was also revealed that this crime is not epidemic to specific

areas of KZN Province, however, it colours are spreading across the entire province. The examined organisation for this study also confirms that they employing effective strategies to minimise further occurrence of trafficking in Durban policing area with limited resources on their disposal. In terms of responding to human trafficking cases they work with stakeholders whom assists them manage the influx number of cases to ensure justice and assistance is offered to those in need. For recommendations; this study provides that the to minimise the occurrences of human trafficking in Durban, KZN Province, more collaborative efforts needs to be put in place. More resources and improved technology are also required for related cases to be addressed and responded upon effectively by the responsible NPOs in South Africa in general and KZN Province specifically (UCEC).

Keywords: Case study, Durban, Examination, Human Trafficking, NPOs, KZN Province, Response, South Africa, UCEC

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ACRONYMS

ACRONYM	DESCRIPTION
AI/A	American Indian and Alaskan Native
CBD	Central Business District
CJS	Criminal Justice System
CPF	Community Policing Forum
CTA	Clandestine Transitional Actors
DBN	Durban
DOJ and CD	Department of Justice and Constitutional Development
FBI	Federal Bureau of Investigation
GDP	Gross Domestic Product
HIV/ AIDS:	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
ICC	International Convention Centre
ILO	International Labour Organisation
IOM	International Organisation for Migration
KZN	KwaZulu-Natal
NAC	National Advocacy Centre
NCPS	National Crime Prevention Strategy
NICTI	National Indian County Training Initiative
NGO	Non-Governmental Organisation
NGP	New Growth Path
NPA	National Prosecuting Authority
NPO	Non-Profit Organisation
PMB	Pietermaritzburg
SALRC	South African Law Reform Commission
SAPS	South African Police Service
TV	Television
UCEC	Umgeni Community Empowerment Centre
UN	United Nation

UNCLOS	United Nations Convention on the Law of the Sea
UNESCO	United Nations Organisation for Education, Science and Culture
UNCTOC	United Nation Convention against Transnational Organised Crime
UNODC	United Nations Office on Drugs and Crime
US	United States

1 CHAPTER ONE: BACKGROUND OF THE STUDY

1.1 STUDY ORIENTATION AND PROBLEM FORMULATION

South Africa as a country is affected by crime, Durban of KwaZulu-Natal (KZN) Province included. The country's safety and security is being threatened by crime activities across all provinces, and this further threatens the country's peace and stability. Crime affects everyone, and this calls for everyone's interventions. Human trafficking is no exception to the crimes that are having a negative impact on South African communities. Against the above background, in some region trafficking is defined as recruitment, transport, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion or deception for the purpose of exploitation (Surtees, 2008). Trafficking is often portrayed as a phenomenon distinct from larger streams of migration (Rao and Presenti, 2012). One consequence of this crime is the sharp contrast between popular and official concern for trafficked persons and far less sympathetic attitudes toward illegal immigrants (Rao and Presenti, 2012).

Individuals are manipulated for various reasons. Their awareness lacks at times, resulting in bad decision-making. Rose-Ackerman and Palifka (2016) points out that only a few countries are able to provide data on trends in trafficking over several years, making it difficult to accurately establish the extent to which trafficking may be increasing. Although the full scale of trafficking is uncertain, the available data clearly indicate which are the most important source countries and regions for victims of trafficking. The importance of exploitation as well as coercion in the trafficking literature is one possible explanation for the relative absence of economic literature in this area. Fitzgibbon (2010) states that although it is important to note that South Africa ranks as the upper-middle income country with a per-capita Gross Domestic Product (GDP) of R227.60, the majority of South Africa's population lives in poverty. Accordingly, forced labour occurs when people are being subjected to psychological and physical coercion in order to perform some work or services, which they would otherwise not have accepted at the prevailing conditions. One other important thing to note is that not all child labour is defined as forced labour. Rather, it amounts to forced labour only when coercion is applied by a third party to the children or to the parents of the children, or when a child's work is the direct result of the parents being in forced labour. A

particular area of concern has been inconsistent enforcement; very few traffickers have been convicted. Authorities and officials place low priority on enforcement, and the failure of numerous enforcement agencies has seen trafficking thrive in several locales (Heiges, 2009). Therefore, the police and communities needs to cooperatively unite in an attempt to combat, prevent and investigate various crimes

Operational definition to be adopted in this study highlights that trafficking in person occurs both in rural and urban area. In most cases, children are misled or exploited by traffickers promising them good life. Human trafficking will refer to illegal movement of people, typically for the purposes of forced labour or commercial sexual exploitation. The rationale for choosing this research topic is based on manifestation of human trafficking cases in the KZN Province.

This study will closely examine Non-Profit Organisations' (NPOs) response to human trafficking. The consulted literatures reveal that human trafficking is a transnational crime that affects people of different age, race, ethnicity, and marital status. However, women and children are more vulnerable to trafficking due to lack of protection and existence of corruption associated with this crime.

The delinquent of human trafficking has caught prevalent public attention in recent years. It has mostly been in response to narrow representations of impoverished women and girls trafficked into sex industry by dappled figures connected to organised crime (Guentert, 2013). Communities can benefit by working in harmony with available NPOs and other relevant stakeholders to address this crime effectively. One notable example is a recent incident which occurred on March 03 2017 at Sweetwater in Pietermaritzburg (PMB), in KZN, where a child was found at the back of the house with some body parts missing, with no arrest made thereafter. This raises many question as to how the local NPO members responds to this crime holistically. This prompted the researcher to conduct a study of this nature. To this end, Shelley and Lee (2007) argues that human trafficking is a transnational crime that has been escalating in recent decades. Globalisation influences more regions, resulting in the decline of national states and border controls.

Trafficking of humans for sexual exploitation is growing in high numbers as many teenage girls are turned into sexual slaves. Around the world many women are also exploited because of their need for better life. Poverty and unemployment seems to be some of contributory factors to this crime, since most of the victims of this crime are searching for jobs, only to be lured into the hands

of the traffickers. Many individuals are also trafficked for slavery jobs, rituals, prostitution and drugs, to name a few. This issue is not only limited to South Africa, it escalates worldwide. According to Wheaton et al. (2010), human trafficking is the crime that happens or strike at the time the person needs money, when unemployed and other needy things. Trafficking affects women, men, old and young; but the population of men affected by trafficking is proportionally low.

Adepoju (2005) stresses that poverty is one powerful factor that drives a desperate person to taking wrong action since majority of people, young and old, are eager, unemployed and trying various things in order to sort their lives. But when one tries a number of option without succeeding they become desperate and make wrong decisions without thoroughly thinking about the consequences. Parents are often forced by poverty and ignorance to enlist their children, hoping to benefit from their wages and sustain the deteriorating family economic situation (Adepoju, 2005). The cooperation from Community Policing Forums (CPFs), Sector Policing, the proper implementation of National Crime Prevention Strategy (NCPS), as well as the collation between NPOs and communities can pay dividends in curbing human trafficking.

About 90 percent of these victims are females and over half of all those trafficked each year are believed to be trafficked for sexual exploitation. Women, children or rather victims of trafficking are being abducted, threatened, coerced, deceived, and sold by petty cash little as R380.00. It is typically eminent that at the initial stage they were assured better life in South Africa (Jewkes and Morrell, 2012). The major violation of human rights, but mostly women and girls rights, is the exploitation. Trafficking has multiple push and pull factors contributing and history has linked it to the migration through the years.

To work towards the elimination of trade in human being, therefore, we must first understand why and how trafficking occurs; only then can we advance long-term advocacy plans that seek not only to offer reprieve to individual victims of trafficking, but just as importantly, to termination of the slave trade permanently. Kothari (2004) pointed out that the formulation of a research problem is the first and most important step of the research process. The research problem serves as the foundation of this study. If it is well formulated, the researcher can expect a good study to follow. The research problem may take many forms; form the very simple to the very complex. Kothari (2004) further indicates that a research problem refers to some difficulty, which a researcher, in

the context of either a theoretical or a practical situation, wants to obtain a solution for. The problem to be investigated must be defined unambiguously, for that will help to discriminate relevant data from the irrelevant ones. The research problem will also enable the researcher to be on track whereas an ill-defined problem may create hurdles. Defining a research problem properly and clearly is a crucial part of a study and must in no case be accomplished hurriedly (Kothari, 2004).

According to Aronowitz (2009), human trafficking is big issue worldwide. This crime consists of young women from poor households who find themselves being lured to the cities under false pretences and then blackmailed or coerced into the sex industry. The United Nations Office on Drugs and Crime (UNODC) Global Report on trafficking notes sexual exploitation as by far the most commonly identified form of human trafficking (79%) followed by forced labour (18%). As sexual exploitation of women tends to be visible in city centres or along highways, it is reported more often and therefore the most documented type of trafficking.

Singh (2017) reveals that in Durban authorities rescued 72 foreigners believed to have been trafficked into the country and used as cheap labour at a factory in KZN. According to the Hawks, the foreigners were trafficked from Swaziland and Lesotho to work at a factory in the Newcastle area. In a statement, the Hawks said that after receiving information on the factory, a search warrant was obtained and authorities from departments including labour and home affairs raided the premises.

Over the decades, a range of governmental and NPOs actors have displayed growing awareness of concern on human trafficking, focusing their attention on sex industry, claiming that this area can be a site of various forms of exploitation and abuse. Trafficking of humans continues to increase, though many are aware of this problematic issue. That considered, the researcher intends to conduct this study to gather more detailed information about the issue of human trafficking. Furthermore, Leedy (1993) shows that it is important that the researcher establishes “the reason for undertaking, or the rationale for the study, or what practical value the study will have.” A problem that is defined with incorrect presumptions concerning needs and opportunities can result in significant monetary losses as well as problem solving ineffectiveness (Granger, 1964). A problem needs to spring from the researcher’s mind like a plant springing from its own seed

(Kothari, 2014). The problem ought to be stated in a broad general way, keeping in view either some concrete concern or some systematic or rational interest.

1.2 STUDY OBJECTIVES

The objective of this study were designed as follows:

- To determine the extent and nature of human trafficking based on Umgeni Community Empowerment Centre (UCEC) experiences.
- To identify types of human trafficking in Durban by UCEC.
- To evaluate the existing strategies in combating human trafficking in Durban as employed by UCEC.
- To determine barriers in combating human trafficking in Durban as expressed by UCEC

1.3 RESEARCH QUESTION

Yin, (2013) points out that the formulation of the research question should lead to the research methods including the purposes and design of this study, and then followed by the total research project. A research question is a fundamental core of a research project, study, or review of literature. It centers a study, decides the methodology, and controls all stages of enquiry, analysis, and reporting. That aside, the following research question was used as a guide of this study:

- How does the UCEC respond to human trafficking in the Durban area?

1.4 STUDY JUSTIFICATIONS

Numerous regions of this world are aware of the continuous increase of trafficking, and many studies as well as methods have been used on this matter but the knowledge base still seems to be weak. The methodology adopted is similar to one adopted by other scholars but the targets are not the same. Several scholars have conducted studies on human trafficking but this study intends to bring to light the side many have not written on. In looking at the rise of trafficking in various places in South Africa, the roles of NPOs is to be put on the spot light in dealing with this crime. This study will benefit the community in an awareness form so they gain more about the continuous increasing issue of trafficking. Scholars who have conducted research on human

trafficking have guided this research to look for neglected areas in contribution to the body of knowledge.

The continuous increase in the body of knowledge not only specific people or organisation gains more than others. The University of KwaZulu-Natal (UKZN) is amongst the organisations that will extensively gain from this study, producing a paper that will steal many people's attention. South African Police Service (SAPS) will also gain from this study through strategies to better improve the unbearable living conditions and what should be done to eliminate the issues. Amongst others, the UCEC will gain from this study since more attention is to be projected to the organisation that is tirelessly ensuring society or community safety through raising awareness and knocking on specific doors to look for help and assistance in an epidemic criminal activity.

1.5 DEFINITION OF RELEVANT KEY CONCEPTS

This study has adopted some key important terms that are used in this research work, though not all the terms used are pointed but the useful key points that are role players in this research work are defined in line with the study topic. The key terms for this study are adopted in line with obtaining the core information in understanding the concept of the research topic.

Scholars have provided the foundation that serve as the basis for coming to light with the topic using the body of knowledge in coming up with new information and identifying the gaps on the existing boy of knowledge.

1.5.1 Case study

A case study is a research strategy and an empirical inquiry that investigates a phenomenon within its real-life context. Case studies are based on an in-depth investigation of a single individual, group or event to explore the causes of underlying principles. It is a descriptive and exploratory analysis of a person, group or event. Case studies analyse persons, groups, events, decisions, periods, policies, institutions or other systems that are studied holistically by one or more methods. Feagin et al. (1992) states that a case study is defined as an in-depth, multifaceted investigation using qualitative research methods of a single social phenomenon. They also pointed out that it is usually seen as an instance of a broader phenomenon as part of a larger set of parallel instances.

1.5.2 Examination

Examination is a detailed inspection or study, the act of examining; inspection; inquiry; investigation. Green and Murriss (2014) opined that this term is usually understood as an activity undertaken in order to discover, clarify or check information, and in everyday life people enquire about issues that are important to them. They look into questions that they find interesting, or puzzling, or troubling.

1.5.3 Human Trafficking

Fitzgibbon (2010) states that the protocol defines trafficking in persons as the recruitment, transport, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Human trafficking is defined as the “illegal trade in human beings through abduction, the use of threat or force, deception, fraud or sale for the purposes of sexual exploitation or forced labour” (Bernat and Zhilina, 2010).

1.5.4 Non-Profit Organisation

In economic terms, a non-profit organisation uses its surplus revenues to further achieve its purpose or mission, rather than distributing its surplus income to the organization's shareholders as profit or dividends. Hansmann (1980) defines a non-profit organisation as one that is precluded by external regulations or its own governance structure from distributing its financial surplus to those who control the use of organisational assets.

1.5.5 Response

This refers to a reaction to something (Merriam-Webster, 2018). This term under this study was based on perceptions of selected participants as made in light of human trafficking cases. It was summarily based on how these participants perceive or view the subject under investigation.

1.6 SCOPE OF STUDY

This study focuses on human trafficking cases affecting individuals of different age and gender, but more specifically women and children in Durban, KZN Province. Over the recent years, it has been noted that trafficking of humans is rapidly growing, hence, the undertaking of this study to gather the perceptions of other stakeholder, the UCEC NPO in this regard, in responding to this crime. With the rapid rise of human trafficking occurrences across the KZN Province, this study seeks to add more neglected angles in the present body of knowledge. Various scholars have provided adequate research studies on this area subject, while focusing on Criminal Justice System (CJS) responses against this crime. However, this study attempted to fill this *lacuna* in body of knowledge by involving the responses of UCEC NPO officials. To this end, the other scholars' previous research work was used as a foundation to guide this study in an attempt to highlight the significant and awareness of this crime in Durban, KZN Province. The perceptions, opinions and experiences of UCEC officials was strongly considered for this study to understand their responses thereof.

1.7 LIMITATIONS TO THE STUDY

Although the author did their best to eliminate bias, some of the participants are victims of human trafficking themselves and they showed some reluctance to engage in other conversations as questions might have provoked pain. A representative sample of 12 participants was used to represent the opinion of the whole of South Africa on the issues pertaining to human trafficking. The study also relied more on participants' willingness to bring their knowledge out in the open for the research study.

1.8 STUDY PROGRESSION

- **Chapter Two- Literature review of the research**

This chapter provided a discussion on the literature that is relevant to this study. The literature review will provide a background to the study on NPOs response to human trafficking. This chapter also reviews existing literature and will show where the research fits into the existing body of knowledge.

- **Chapter Three- Research Design and Methodology**

This chapter discussed the employed research design and methodology in this study for data collection process. This chapter also highlighted some of the strengths and limitations these methods had in the process of collecting data.

- **Chapter Four- Theoretical Perspective**

This chapter outlined the theoretical underpinning, which will demonstrate an understanding of theories and concepts that is relevant to this study. This chapter also introduced and described the theory, which will explain why the research problems under this study exist.

- **Chapter Five- Data presentations and Interpretations**

This chapter presented the results reported from the collected data from the selected participants. It also explained provide analysis drawn from this data.

- **Chapter Six- Conclusion and Recommendations**

This chapter highlighted the conclusion, recommendations and suggestions for further research on the human trafficking subject.

1.9 SUMMARY

This chapter dealt with the background of the general and specific study problem, the research questions and study objectives, as well as on why study was important (i.e. significance of the study). In brief, this chapter revealed the plan on how this study was conducted. It provides the breakdown of this study by pointing out the introductory section, coupled with the problem formulation and presentation of study objectives and a research question. This chapter provides the informative structure of this study and outlined where the premise of this study resonate. The next chapter discusses more ideologies of various scholars, while providing referrals of human trafficking occurrences and responses.

2 CHAPTER TWO: LITERATURE REVIEW ON HUMAN TRAFFICKING

2.1 INTRODUCTION

An actual and worthy literature review is one that is based upon a concept-centric approach rather than chronological or author-centric approach (Webster and Watson, 2002). Bem (1995) notes that “authors of literature review are at risk for producing mind-numbing lists of citations and findings that resemble a phone book impressive case, lots of numbers, but not much plot.” An effective literature review accomplishes this step by, helping the researcher understand the existing body of knowledge including where excess of research exists and where new research is needed (Levy and Ellis, 2006). This provides a solid theoretical foundation for the proposed study, substantiating the presence of the research problem and justifying the proposed study as one that contributes something new to the book. A good literature review help frame the valid research methodologies, approach, goals, and research questions for the proposed study.

Leedy (1989) provides that the objectives of literature review “is the recommendation in an area, not specifically similar but guarantee to, the area of study.” The literature review strictly looks at the works of other scholars who conducted studies that were relevant to a current enquiry. In the context of this study, the findings of other studies on human trafficking will be discussed, with particular emphasis on the extent to which the findings of these studies addressed the objectives of the current study. Literature review in the current study is used as a director or foundation, starting point, which channelled the formulation of the research questions and it also, guides the information gathered. It also looks at the strategies that are in place for combating human trafficking and the barriers in combating it.

2.2 UNDERSTANDING THE NATURE AND EXTENT OF HUMAN TRAFFICKING: EXPLORING THE EFFECTS AND CHALLENGES

Trafficking is a phenomenon that affects and implicates all regions and most countries of the world. It can broadly be described as the illegal trade of human beings mainly for the purpose of commercial sexual exploitation or forced labour. Trafficking is most commonly associated across

the world with the trafficking of women and girls for sexual exploitation, to some extent with the trafficking of children for sexual exploitation, and to a lesser extent with trafficking for labour exploitation (Hodge, 2008). Although trafficking paths are continuously changing one constant factor is the economic distinction between countries of origin and countries of destination. Trafficking regularly comprises association from a poorer country to a wealthier one (Gallagher, 2010). Traffickers practices a range of recruitment approaches comprising outright abduction and procurement from family members, nonetheless, in most circumstances the latent trafficking victim is approached by associates or lured through an advertisement (Gallagher, 2010). Some are misled to trusting they are being recruited for genuine employment or marriage abroad. Amongst all others, know they are being recruited into sex industry and even that they will be indebted to work in order to pay back large recruitment and transportation fees but are cheated about their conditions of work.

Traffickers generally seek to exercise control over a victim's legal identity by confiscating their passport or official papers. Admission and stay in the destination country is commonly illegal, serving to escalating the reliance on the traffickers. Debt burden is commonly used to control trafficked persons, to guarantee control over trafficked persons, and to ensure their continued profitability. Victims of trafficking are hardly treated compared to the seriousness of criminals by the authorities, in most cases they are regularly interned, prosecuted and transported, nothing much is done thereafter. The trafficking in persons issue is often used – some would say hijacked – to support policies limiting immigration. In fact, the recent global tightening of asylum admissions has increased trafficking by forcing many desperate people to turn to smugglers.

Effective trafficking law enforcement efforts are challenging. Effective trafficking law enforcement efforts are challenging, human trafficking often unfolds in various stages and over extended periods, typically in determining multiple actors. Human trafficking is a hidden crime in which perpetrators take advantage of power imbalances and coerce and intimidate their victims into silence. “Human trafficking” and “migrant smuggling” are two distinct crimes that often are erroneously conflated or referred to interchangeably. Clarifying the differences between the two is critical to the development and implementation of sound government policies.

A key difference is that victims of trafficking are considered victims of a crime under international law while smuggled migrants pay smugglers to facilitate their movement. Human trafficking,

concentrated primarily in Asia, remained purely a regional concern. With the collapse of the Soviet Union, the problem of trafficking from the former socialist countries emerged on a global scale (Shelley and Lee, 2007). Trafficking and smuggling share some similarities and are both forms of irregular migration. Transnationality; smuggling facilitates illegal border crossing of persons and entry into another country. Trafficking in persons should not be entirely linked to a crossing of any border and where it does; the legality or illegality of the border crossing is irrelevant. The trafficking process usually start with recruitment of the trafficked person in the country of origin. The basic means for recruitment includes deception by promising a job, marriage or education in the country of destination, selling a person, usually a child or kidnapping the victim, which is the rarest method of recruitment. For many people, trafficked cases start as a migration process with people seeking a better life abroad. Once the destination country is reached traffickers use different methods to control their victims in order to exploit them for profit. These methods include debt bondage, physical, linguist and social isolation, confiscation of travel. The action of trafficking, which means the recruitment, transportation, transfer, harbouring or receipt of persons.

The means of trafficking include the threats or use of force, deception, coercion, abuse of power or position of vulnerability. The purpose of trafficking is in many cases exploitation. As defined by the Trafficking Protocol, an exploitation shall include at a minimum the exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs (Goodey, 2008). Human trafficking is a crime involving exploitation of an individual for the purposes of compelled labour or a commercial sex act with force, fraud, coercion. The term “human trafficking” may suggest movement. However, no movement is required. It is a crime that can be committed against an individual who has never left his or her hometown (Logan, 2009). Individuals may be considered trafficking victims regardless whether they were born into a state of servitude, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to human trafficking (Logan, 2009).

Women’s body and sexuality are central to the making of nations’ states and empires, their potential as child-bearers and mothers as well as workers and settlers position them in unique relation to state-building projects and as markers of ethno-nationals boundaries. They are integral to the physical and cultural reproduction of the nation’s state and empire (Hodge, 2008).

Globalisation bringing with it the promise of wider markets and greater profits had created complex new networks and even new forms of exploitation. According to the study conducted by International Organisation for Migration [IOM] (2003), South Africa is a destination, source, and transit point for human trafficking.

The trafficking of women and girls for prostitution has captured the attention of academics, activists, politicians, and reporters around the world, spurring an energetic movement to help those involved in the international sex trade. Gajic-Veljanoski and Stewart (2007) contend that human trafficking establishes a denial of the person's rights to liberty, integrity, security and freedom of movement further stating that often it is combined with violence, torture and degrading treatment. Human trafficking is widely acknowledged as a major social problem. Human trafficking is the modern day slavery. As a global epidemic, it is the fastest growing criminal industry in the world, second only to drug dealing and tied with arms dealing. Trafficking is not only limited to that one form which start with abduction or hijacking. It also involve people on their way to different destination who are misled when not sure of the exact place they are going and perpetrators take such opportunities for their wrongful act resulting in the rise of human trafficking crime. Trafficking is a big business in many regions of the world. It involves mostly "disorganised crime"; individuals or small groups linked on an ad hoc basis (Feingold, 2005). The continuity of human trafficking relies on the availability of resources hence people through their attempt to be successful in life easily are exploited. Shelley and Lee (2007) speaks of the stunning growth in human smuggling and trafficking occurring in the last 20 years. They reported that this has transpired due to both structural reasons within the international economy, and the increased risk for narcotics traffickers.

Over the past two decades human trafficking has become an issue of considerable concern for international community (Pharaoh, 2006). The past few years has shown gender discrimination and violence at large scale to be of similar vein as human trafficking that continuously become a major problematic issue (Bermudez, 2008).

2.3 THE ASSOCIATED CHALLENGES IN RESPONDING TO HUMAN TRAFFICKING: SOUTH AFRICAN EXPERIENCES

Trafficking of women and children as commercial sex workers or as exploited domestic servants has assumed an alarming proportion that African leaders are breaking the normal culture of silence

to address the issue with the urgency it deserves (Adepoju, 2005). Different countries around the world are facing the difficulties in controlling and preventing the smuggling of human beings partly because they do not have effective policies designed to combat trafficking in human beings. According to the ILO (2012), Africa has the highest percentage of child labours in the world with 80 million or 41% of African children working. Kempadoo et al. (2015) reveal that at the turn of the twenty-first century human trafficking was identified by the United Nations (UN) as a transnational crime and was cast by political leaders alongside terrorism and drug trafficking as one of the three “evils” to haunt the globe. The exploitation include at a minimum, exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitudes or the removal of organs (Wang and Davidson, 2010). The existing sad part is that in almost a decade anti-trafficking programs have done little to reduce the occurrence or harm caused by human trafficking, and they may even have diverted attention from root causes of trafficking as well as equally harmful practices of labour mistreatment affecting even greater numbers.

Adepoju (2005) opines that parents and guardians of trafficked children are under illusions and are unaware of the severe exploitation to which their regions are often subjected. In West and Central Africa where trafficking is perhaps more widespread and recognised, more than 70% of the countries identified trafficking as a problem compared to 33% of countries in East and southern Africa (Adepoju, 2005).

A country’s financial downfall somehow plays a role in trafficking in human beings. People try their level best to secure employment but end up exploited to adhere to false ideas. Quiet a huge number of human beings are exploited and that is a human rights violation, since this is an imposed thing to one’s life. Trafficking in human beings has been in existence for numerous years where people through their eagerness to take on or compete for opportunities in various areas of survival become contrary to their expectation. Trafficking affects women, men, old and young; but the population of men affected by trading is proportionally low. It occurs for the number of reasons of which one may be sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to the recruitment, harbouring, transportation, provision, or obtaining a person for labour or services, though the use of force, fraud, or coercion for the

purpose of subjection to in unitary servitude, peonage, debt bondage, or slavery (Wheaton et al., 2010).

Trafficking in women and children for sexual exploitation is a seething problem in southern Africa, fundamentally in Lesotho, Mozambique, Malawi, South Africa, and Zambia. South Africa is the goal for provincial and additional local trafficking exercises. The trafficking plot is complex, including different causes inside and outside the area. Women are trafficked from exile delivering nations through the system of outcast's occupant in South Africa. Children are trafficked to South Africa from Lesotho's border towns. Women and girls trafficked from Mozambique are bound for South Africa's Gauteng and areas across KZN Province. In Malawi, women and girls are trafficked to northern Europe and South Africa. Notwithstanding these setups, women are additionally trafficked from Thailand, China, and Eastern Europe (Levitt et al., 2003). The focus on women and children, while perceiving the presence of trafficking for different sorts of constrained work, and of men, was due to a great extent to the extraordinary weakness, injurious, and de-humanising nature of the abuse. Since human trafficking is one of the fastest growing criminal industries; the demand also increases as a result people from different places, rural or urban, become victims of such crime (Rizer and Glaser, 2011). Prostitution is one major cause of human trafficking, since many people have made business out of it. Another cause is the continuous existence of poverty.

Danailova-Trainor and Laczko (2010) pointed out that poverty is often regarded as the basis of trafficking, but the linkages between poverty, a lack of development and trafficking are complex. The crime of trafficking in South Africa is regarded as one of the most disastrous issues of our time. It cracks families, changes global markets, destabilises the rule of law and spurs other transnational criminal activity, as well as threatens the public safety and national security. Even more importantly, it should be pointed out that trafficking robs people their freedom as well as their dignity. The 2008 Trafficking in Persons Report (United State Department of State, 2008) notes that, "Human trafficking has a shocking impact on individual victims who often suffer physical and emotional abuse, rape, threats against self and family, and even death (Danailova-Trainor and Laczko, 2010).

The South African legal order which provides legal and institutional form to the policy of apartheid or separate development been the subject of close international attention since 1952 when this country's race policies first appeared on the agenda of the General Assembly of the UN (Dugard,

2015). As recently as ten years ago, the term “human trafficking” was rarely referred to in debates about migration policy. Currently it is one of the major concerns of both governments and organisations active in the migration field and has become a priority for those working in many other policy areas such as human rights, health, gender, law enforcement and social science (Burke, 2017). In the decelerating global economy, one sector is opposing the trend. Each year, many individuals, mainly women and children, are conned, retained, coerced or otherwise forced into situations of exploitation from which they cannot escape.

An example of a way in which to develop better indicators of trafficking is a project by IOM in the Balkans in which began in May 2001. This was conceived to create a database on trafficking. However, one reason it has been difficult to measure trafficking is because until fairly recently there has been little agreement on how to precisely define human trafficking (Burke, 2017). It has been eight years since South Africa signed and ratified the UN Convention against Transnational Organised Crime (UNTOC) and the Protocol to preclude, overpower and reprimand trafficking in persons, especially women and children, referred to as the Palermo Protocol, and still currently very little is known about the true extent and nature of this phenomenon of trafficking in South Africa (McCormack, 2014). Numerous regions of this world are aware of the continuous increase of trafficking, and many studies and methods have been used but the knowledge base still seems to be weak. The methodology adopted is similar to one adopted by other scholars but the targets are not the same.

2.3.1 The evolution and manifestation of human trafficking phenomenon

Human trafficking is one of the fastest growing criminal activities in the world (Rizer and Glaser, 2011). In response, governments have been deeply reluctant to view trafficking as a serious problem while strongly neglecting the problem of migration, poverty, discrimination and gender-based violence (Chuang, 2006). South Africa is a developing country still facing many challenges. The country continues to invent means of improving individual lives. However, a larger portion of the population is still affected by poverty and the rapidly rising rate of unemployment. As a result, the struggling groups of individuals adopt various options to survive leading to victimisation by availing themselves to criminals in quest of obtaining employment and eradication of poverty.

Shelley and Lee (2007) defines human trafficking as “an opportunistic response” to the tension between the economic necessity to migrate, on the one hand, and the politically motivated restrictions on migration, on the other. They highlighted that the decision to address human trafficking within the context of transnational crime is highly significant, as it defines the problem not as a small-scale one but as a phenomenon tied to international organised crime. As part of this process, the government should identify and understand the root causes of the negative by-products of human mobility – corruption, human rights abuses, labour competition – and begin developing ways to help reduce them rather than rely on the false premise that it can and should totally control mobility (Landau, 2009). The growing international attention was then paid to combating trafficking, including the development of international instruments to combat the phenomenon (Shelley and Lee, 2007). Human trafficking is a transnational crime that has been escalating in recent decades as globalisation impacts more regions, resulting in the decline of national states and border controls (Shelley and Lee, 2007).

This practice is the illegal movement of people, typically for the purposes of forced labour or commercial sexual exploitation. People are manipulated into various things that they are not aware of and that results in bad outcomes. Though some are harassed or violated to do things that they do not adhere to but there are others who engage in such things through manipulation of minds by people they respect the most (Bales, 2012). The aim of the study is to distinguish the main root cause of human trafficking, and an objective of this study focuses on how human trafficking occurs in South Africa with the presence of police system in each and every border to ensure safety for all.

International trafficking of women and girls for sex industry, while not new has spread to new regions of the world and become a larger part of the illicit global economy. Many criminals have switched to this area of transnational crime because of the high profits and low risk. Others not previously involved in transnational crime have entered this trade because of the low initial costs of entry and the large demand for smuggled and trafficked people (Shelley and Lee, 2007). Though the drug trade remains the most lucrative aspect of transnational crime, the last few decades have seen an enormous growth in organised human trafficking. There is no standard profile of traffickers; they range from truck drivers and village “aunties” to labour brokers and police officers (Feingold, 2005).

The business is the third fastest growing criminal activity, the first two are drugs and firearms, and this business ranks in anywhere from seven to ten billion dollars every year. Human trafficking is associated with the organised crime and prostitution in our South Africa. Most people who are sold are convinced of a better life or job opportunity in our country then when they come they are stripped of their identification and sold. Trafficking is a crime against a person, where the victim has no say or choice in where they are moved to or what happens to them; in short, they are slaves to their owners.

Fighting human trafficking has turned into an inexorably essential political need for some legislatures around the globe. At the national level, more prominent endeavours and assets are being given to fighting this issue, and there is likewise far reaching assertion in the universal group on the requirement for a multilateral reaction, as reflected in the UN Protocols on trafficking and pirating marked in Palermo, Italy, in 2000 (Laczko, 2005). In spite of the fact that the starting points of the trafficking face off go back to the end of the nineteenth century, the quick rise in the quantity of distributions on the subject of trafficking mirrors the mounting national and universal worry with human trafficking and the accessible intents to battle it.

Poverty is one powerful factor that drives a desperate person to taking wrong action since majority of people, young and old, are eager, unemployed and trying various things in order to sort their lives. But when one tries a number of option without succeeding they become desperate and make wrong decisions without thoroughly thinking about the consequences. Parents are often forced by poverty and ignorance to enlist their children, hoping to benefit from their wages and sustain the deteriorating family economic situation (Adepoju, 2005). Human trafficking takes place in different levels including exploitative labour and domestic work and sexual exploitation of women and girls within, outside and into countries of the region. In some regions, trafficking is defined as recruitment, transport, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion or deception for the purpose of exploitation (ILO, 2002).

2.3.2 Globalisation of human trafficking incidences

Human trafficking has been considered a global business generating lucrative profit for traffickers as well as criminal syndicates/organisation, where activities often include other forms of illicit trade such as smuggling of drugs and weapons. Irregular migration poses very real dilemmas for

states, as well as exposing migrants themselves to insecurity and vulnerability (Koser, 2005). There is no specific family structure or environment in which one only becomes a victim of trafficking but they come from dysfunctional or non-existent families. Research in the field of human trafficking is difficult for many reasons. Perhaps the most challenging factor is that most of the populations relevant to the study of human trafficking, such as prostitutes, traffickers, survivors, or illegal immigrants constitute so-called hidden populations. Furthermore, membership in hidden populations often involves stigmatised or illegal behaviour, leading individuals to refuse to cooperate, or give unreliable answers to protect their privacy (IOM, 2003).

Many countries find it difficult to control and prevent the smuggling of human beings partly because they do not have effective policies designed to combat trafficking in human beings (Adepoju, 2005). South Africa over the years has been affected by the persistence of human trafficking hence since it is a developing country affected by poverty, ill regulation of migrants, globalisation and poor economy therefore make people vulnerable to become victims of trafficking. An emphasis will be placed in both women and children since they are the ones mostly targeted by traffickers. Human trafficking is not limited to only occurring in rural areas or at airports but it occurs anywhere and in some cases, police are aware of it. People are affected when hiking to reach their destination, when travelling abroad and even at school and workplace. This means that traffickers search for a right time to seize a chance and a victim unaware ends up in places out of their consent. However, there are three main types of human trafficking that have been identified in the region, namely 1) trafficking in children primarily for farm labour and domestic work within and across countries, 2) trafficking in women and young person's for sexual exploitation, mainly outside the region and 3) trafficking in women from outside the region for the sex industry of South Africa (Adepoju, 2005).

The existence of patriarchy in South Africa for the number of years has been a contributing factor to the persistence of human trafficking. Due to the lack of equal treatment, women end up being treated badly and start to look for opportunities where they trust to be respected and be treated with dignity. The importance of policing territorial access is also evident in the rising prominence of law enforcement in the international diplomacy and in the policy discourse about borders, with many states of "law politics" to the "high politics" of security.

The border changes are most apparent in the advanced industrialised regions of the world, and have been substantially reinforced and accelerated by the policy response to the terrorist attacks on the world Trade Centre and Pentagon on September 11, 2001. The desperate need to migrate for employment combined with destination countries tightening their border control (despite a growing demand for migrant workers) render these migrants highly vulnerable to trafficking (Chuang, 2006). “While the problem of human trafficking has captured widespread public attention in recent years, it has mostly been in response to narrow portrayals of impoverished women and girls trafficked into sex industry by shady figures connected to organised crime” (Chuang, 2006).

There is a growing international attention in combating trafficking, including the development of international instruments (Shelley and Lee, 2007). Over a number of years of negotiations among member states, the UN adopted the protocol to prevent, suppress and punish trafficking in persons, especially women and children. It is, at this juncture, suggested that the main causes of human trafficking may be social and economic. The solutions to it lie in the adoption and enforcement of laws (Shelley and Lee, 2007). This paper argues that the concept of human security can offer a useful perspective for assessing policy priorities to make globalisation better for people, adding value to existing perspectives such as poverty, inequality, human rights and conflict resolution and prevention (Fukuda-Parr, 2003). Globalisation and the international human rights regime have contributed to the creation of operational and legal openings for non-state actors to enter international arenas that were once the exclusive domain of national states (Sassen, 2002). The human security concept differs from these other perspectives by focusing more sharply on the downside risks that can threaten the well-being of all people, both affluent and poor (Fukuda-Parr, 2003). Furthermore, it focuses on the well-being and dignity of people rather than on the protection of national borders, and it offers a more complete set of criteria for assessing the impact of globalisation on human well-being, encompassing as it does socio-economic aspects and personal safety from the consequences of violent conflicts.

2.3.3 The related exploitations on human trafficking cases

Economic liberation brought not only unprecedented reductions in barriers to trade but the introduction of multilateral rather than bilateral agreements and the extension of trade rules beyond traditional areas to issues such as intellectual property and services (Fukuda-Parr, 2003). It also led to institutional arrangements for enforcement of the agreements with the creation of the world

trade organisation. Human trafficking shares with poverty, human development and human rights a concern with protecting ‘the vital core’ of human life (Fukuda-Parr, 2003). Political, economic and technological barriers interact across nations and distances. They are driving globalisation by ‘shrinking space, shrinking time and disappearing borders’ (Giddens, 1990) while poverty and human trafficking security focuses on the risks of sudden change for the worse (Fukuda-Parr, 2003).

Criminals have been some of the most entrepreneurial elements in exploiting the opportunities created by the shrinking time, space and disappearing borders of an integrating world. Criminal syndicates have spread their operations across borders, building worldwide alliances and networks, using open economic and political borders for human trafficking, money laundering, and other activities (Fukuda-Parr, 2003). It appears that now we live in a world in which the rule is inequality for many and prosperity for a few within and among nations, a world in which everything is a commodity with an economic value and a market price to be traded and sold, including our fellow human beings (Nagle, 2008). The ILO (2002) estimate that 12.3 million people are “in forced labour, bonded labour, forced child labour and sexual servitude at any given time” (Morrow, 2008). This spread of crime exposes people to threats to personal safety and financial ruin, among other consequences. Understanding the distinction between human trafficking and smuggling of illegal migrants is crucial to determining policy approaches, allocating responsibility, and obtaining effective outcomes (Nagle, 2008).

Certainly, it is known that trafficking and smuggling are intrinsically terms and acts accorded the international landscape. Confusion over the terms and acts accorded the illegal enterprises can have devastating consequences to the security of nations and on individuals rights by increasing the plight of trafficked persons while all but guaranteeing impunity for the traffickers (Nagle, 2008). Strange (1996) sets out three important premises to understanding the modern world: 1) the position of politics – the exercise of politics is not a monopoly of the state but is equally exercised by non-state actors, 2) power over consequences is exercised objectively by markets, and 3) authority in society and over economic transactions is legitimately exercised by agents other than states.

2.3.4 Further collaborations on prevalence of human trafficking

Human trafficking is in fact better understood as a collection of crimes bundled together rather than a single offence, a criminal process rather than criminal event. By mid-2011, South Africa had not enacted a required comprehensive counter-trafficking legislation. According to the 2011 US Trafficking in persons Report, the lack of comprehensive law that fully defines trafficking, empowers police and prosecutor is the greatest hindrance to anti-trafficking efforts in South Africa. Therefore, it is argued that traffickers continue trading in people with impunity, while law enforcement officials find their “hands tied” in endeavouring to arrest and bringing these perpetrators to book. Against this background, one is tempted to highlight that “traffickers come to South Africa, enjoy the unhindered trade in human beings, generate huge profits while the risk of being prosecuted is minimal (Kruger and Oosthuizen, 2012). “Whether or not the *Ukuthwala* cultural custom which is still practiced in some *Nguni* communities in South Africa may be prosecuted under the crime of abduction is the subject to debate, as is whether or not such a custom constitutes human trafficking for sexual exploitation” (Kruger and Oosthuizen, 2012).

Organised crime includes the participation of a few. Deregulation contended that opposition would compel all station proprietors to carry on in a comparable way, paying little respect to their plan concerning offering their stations. This position is bolstered by financial value hypothesis, which attests that the cost for an advantage like a communication station would be a component of that station’s reduced future typical benefits, and would not be affected by any endeavour to swell worth (Bates, 1989). To a limited extent, proof recommends that the administration needs of minor casualties of human trafficking might be significantly not quite the same as the administration needs of other misled youth (Fong and Cardoso, 2010).

Building the limit of administration frameworks to react to the human trafficking of kids, the anticipating sex trafficking and reinforcing families act was passed in 2014 to require state kid welfare organisations to recognise, record, screen, and give administrations to casualties of sex trafficking and at-risk youths, including the individuals who flee from out-of-home consideration.

With the presence of police corruption, it is deceiving for individuals from the general public to imagine that police personnel may not be involved in human trafficking in South Africa. “The role of the *“kitskonstabels”* translated as “instant constable” who was known to have been poorly

trained in six weeks, took bribes from members of the public and served as agents of oppressive apartheid regime” (Yusuf, 2014).

Poverty and human trafficking will just stop when they are satisfactorily address as two blended issues, which sustain each other and drive defenceless people into profound hardship and misuse. Human trafficking is a touchy theme, every now and again connected with unpredictable movement, prostitution or tyke work. This wonder carries with it extensive human and social dangers, it damages essential human rights, it stimulates humiliation, government evasion, unlawful work, creating a demographic destabilisation, movement forms.

Victims are liable to different types of misuse. For example, sexual, work, illicit youngster receptions, trafficking in organs, constrained relational unions, inclusion and investment in outfitted clashes, association in particular criminal exercises and numerous different things. The wrongdoing of traffickers is not managed in criminal enactment of most nations, so a large number of the guilty parties of this wrongdoing stayed unpunished or they went on a trial for minor offenses. The latest trends show that trafficking for sexual exploitation may be the most widely recognised form of trafficking, but that does not mean that it is the most widespread. Informal networks usually can be recognised in the form of smaller groups of individuals within the family networks and ethnic communities that operate across borders (Radovic et al., 2016). Large organised crime networks control all aspects of human trafficking, from recruitment and local transport to management of brothels and street prostitution. The link between human trafficking and organised crime in itself does not give a complete picture of this phenomenon, because individuals who are not members of organised criminal groups are also in it (Radovic et al., 2016).

2.4 POSSIBLE PROBABLE CAUSES OF HUMAN TRAFFICKING

Key factors explaining human trafficking of young women and girls for in unitary prostitution are lifestyle activities such as affluence abuse, internet use and corresponding groups. Van der Hoven and Maree (2005) attest that the lifestyle activities, which a potential victim participates, determine the type of victimisation one could experience. The sex industry is more visible than, for example, domestic servitude, or organ trafficking, and it is also less economically important than other industries, which use trafficked workers. Members of the public seems to be aware that one can make fast money through illegal conducts therefore that is one of the reason crime of this kind

continues to escalate. Amongst factors or causes of trafficking, poverty and unemployment seem to be the top two of the contributing factors as mentioned earlier on in this study. The core causes of trafficking in persons consist of the greed of criminals, economic pressures, political instability and transition, and social and cultural factors

Ethical standards are rules set by organisations to guarantee that their individuals satisfy their sacred commitment to serve and secure. Ethical standards do not approve remuneration and debasement. It is the disappointment of cops to take after recommended moral principles that may prompt debasement in any case. Thorough implementation of moral principles is required in the police administration to transfer corruption to history. Any police benefit where the recognition of moral standard is advanced will convey success more than the police benefit that is tormented with degenerate authorities. The South African police benefit has turned out to be more politicised than any time in recent memory. It is occasionally hard to recognise legislators and the police in South Africa. One can achieve these conclusions from the instances of disgraced former SAPS National Commissioner Jackie Selebi who was imprisoned for 15 years for corruption. It is critical that we perceive the way that cops are all around a microcosm of the more extensive society they serve and secure (Yesufu, 2014). The specialist contention is that societal strain because of living in an aggressive industrialist society might be in charge of police corruption.

Trafficking runs within national borders, characteristically from rural to urban areas. Numerous forms of exploitation exist, including trafficking for prostitution, pornography, forced marriage, domestic servitude, forced labour, begging, criminal activity (including drug trafficking) and the trafficking of body parts. Sex trafficking is not a poverty issue but a law enforcement issue. You can only carry out this trade at a significant level with the cooperation of local law enforcement. In the developing world, the police are not seen as a solution for anything. You do not run to the police, you run from the police (Kreston, 2007).

2.4.1 The existing neglect and migration in human trafficking cases

Human migration has shown a gradual increase in an academic discipline such as migration studies, security studies, and it comes within the wider framework of international relations (Guild, 2009). The attention is on the state as the key actor about migration, which is a cross-border action permitted by individuals, of which the state may that of the nationality or origin of migrants or that

of their destination. Migration is seen as the threat to social cohesion and the right of communities to determine their membership is central to a Communitarian approach to the field (Guild, 2009)

Border controls the effort to restrict territorial access has long been a core stable activity. As territorially demarcated institutions, states have always imposed entry barriers, whether to deter armies, taxi trade and protect domestic producers, or keep out perceived “undesirable” (Andreas, 2003). Human trafficking in general means any forms of trafficking such as bondage labour, selling of organs, sexual work, prostitution etc. and consists of all gender and ages but the main objective of this thesis would be to explore only one of the dimensions of human trafficking i.e. the trafficking related with sexual exploitation of women and girls from Nepal (Prasad, 2014). The relocation of work is, obviously, not new, but rather globalisation is nearly connected with the increasing speed of movement where to a great extent, spurred by financial need, individuals have spread over the globe, so that universal movement is a piece of a transnational unrest that is reshaping social orders and legislative issues far and wide.

Migration has affected both the countries of origin and on the country of destination. “The policing objective is to deny territorial access to what is termed as ‘Clandestine Transitional Actors’ (CTAs), which is defined as non-state actors who operate across borders in violation of state laws and who attempt to evade law enforcement efforts”(Andreas, 2003). The responsibility attached to the states of origin includes an obligation to provide adequate ‘security especially human security’ for its citizens and to create an “environment conducive to the growth of economic opportunities” (Nagle, 2008). Nations in which individuals are transported for begging, prostitution, slave work, soldiering, and drug trafficking have an obligation to treat the individuals as victims of crime and as victims of human rights violations. Such nations must provide assistance and protection, and prosecute the perpetrators (Nagle, 2008).

Victims are often recruited by a trafficker tempting them with an offer of work; for example as a waitress in other country, the willing traveller then finds herself forced into prostitution and becomes a victim of sex trafficking (Morrow, 2008). Trafficking mainly of women has been a serious concern for developing country like Nepal as well as some parts of the developed world (Prasad, 2014). As much as poverty is an issue, lack of education, lack of rights and lack of empowerment, developing countries women are more vulnerable to the traffickers and thus easily manipulated by traffickers. The requirements of casualties of human trafficking are one of a kind

contrasted with casualties of different sorts of misuse. These casualties, regularly trafficked crosswise over worldwide outskirts, is presented to amazing types of dehumanisation and misuse. In this way it is a genuine worldwide issue influencing all nations around the globe, including South Africa. Human trafficking abuses essential human rights and causes limitless injury to casualties, their families and groups. In the 1990s, immigration to post-apartheid South Africa became a potentially explosive issue. The patterns, nature, and socio-cultural and economic implications are extremely complicated. Immigration policy and controls have become very restrictive as emigration has increased (Maharaj, 2010).

Maharaj (2010) continues that exploitation comes in many forms. It can include “sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” Previous attempts to fight human trafficking and women trafficking in general also have been associated with higher likelihood of various illness including Human Immunodeficiency Virus (HIV) infection among migrant sex workers. It ranged from 21% in urban areas of Nepal to as high as 72% in Mumbai, India (UNs Programme on HIV infection and Acquired Immune Deficiency Syndrome (HIV/ AIDS), 2000), which further diminishes their chance of being accepted in the society. Trafficked women are always considered to be carriers of sexual transmitted diseases in Nepalese society (Prasad, 2014). Globally, out of all trafficked persons, women account for 55 – 70% of trafficking victims (Bagley, 2012). Women trafficking refer the forceful transportation; transaction, abduction, and deception of women making them do undesirable work. Women and children trafficking are legally and socially unacceptable as well as punishable crime as it is a severe form of human right violation and domestic laws (Prasad, 2014).

States need to enact legislation mandating training programs on prevention, protection, and prosecution; and should work in cooperation with national government organisations. Increased border controls, improved travel and identity documents, and measures regarding victim status within the state, as well as possible repatriation, complete the trafficking protocol. Because of the serious and inhuman nature of trafficking in persons, especially in women and children, the international community has throughout its history created a set of international regulations and guidelines to prevent and combat against human trafficking. There is a UN Convention against Transnational Organised Crime including two protocols, which focus on measures to combat the struggling of migrants and measures to combat human trafficking.

Marrow (2008) reveals that “where prostitution is legalised or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sexual slavery.” South Africa’s popular soccer team wore counter-trafficking t-shirts before a nationally televised game in 2006 to inaugurate South Africa’s National Human Trafficking Awareness Campaign. The campaign has been specially geared toward reducing human trafficking before the 2010 world cup. Non-Government Organisations (NGOs) were already involved in anti-trafficking laws before the expected onslaught of prostitutes for world cup 2010 spectators (Marrow, 2008). South African women and children have been found to commonly fall prey to sex traffickers and trafficking for the purpose of forced marriage. The focus of the transnational effort against human trafficking on the prevention of cross-border movements created a legal slippery slope in which it proved possible to set a transnational duty to criminalise not only “human trafficking” characterised by coercive dealings leading to exploitation- but also much broader phenomenon of human trafficking (Hathaway, 2008).

There is even a UN special rapporteur “on the human rights aspects of the victims of trafficking in persons, especially women and children”, who conducts trafficking focused investigatory missions on behalf of the human rights council with a view to “raising the profile of the issue in the international debate and strengthening, through increased coordination, the work of the human rights machinery on the issue of trafficking (Barnhart, 2009).

In poor countries, an assortment of components cultivates a situation for human trafficking: degraded neediness, human hardship, sex imbalance, tenacious unemployment, absence of training, huge quantities of street kids left destitute from parental passing on because of HIV/AIDS, fringe debasement, rural-urban relocation, and abuse by traffickers who control poor families to surrender their endless supply of employments and instruction (Bernat and Zhilina, 2010). Human sex trafficking happens inside urban areas, towns, rural and suburban communities over the world. Every year a huge number of men, ladies, and kids are trafficked inside and between countries.

Most casualties are not distinguished as casualties of trafficking; they may not be seen or perceived as requiring help (Bernat and Zhilina, 2010). South Africa has likewise sanctioned different laws identified with child care, child justice or equity and sexual offences and has just as of late proclaimed the counteractive action and battling of trafficking in people act, which is intended to

exhaustively address the issue. Trafficking can show itself both inside and amongst nations, and in this manner ought to be not considered as a transnational wrongdoing yet one that can likewise happen inside a nation's outskirts (Goodey, 2008). Among some of the factors identified as its main causes are poverty; ineffective laws; corruption, political and economic changes; internal conflict, linkage to organised crime and attractive conditions in destination countries (Adepoju, 2005). This study contributes to the current debate on international migration and the best practices for countering the illicit movement of, and trade in people.

The study focuses on women and children in sub-Saharan Africa and examines the conditions under which cross-border migration there - as an element historically embedded in livelihoods system - becomes intersected with practices formally defined as human smuggling and trafficking (Truong, 2003). The governance of migration is viewed as consisting of overlapping sets of normative rules, which may include resources, duties and eligibility for migration; the formal and informal contractual practices adopted by facilitating social networks; state regulation, and practices of immigration control. Laczko and Gramegna (2003) notes the growing consensus on the existing difficulty in measuring and monitoring trafficking given the wide range of actions and outcomes covered by the term. Since the early 1990s, human trafficking in Southern Africa has been attracting significant attention. Domestic and international trafficking of men, women and children for sexual and labour exploitation are the most prevalent forms of trafficking in South Africa. Although it appears that human trafficking mainly flows from relatively richer countries and regions to relatively poor ones (Elliott, 2012), empirical evidence tends to suggest that no country or region can uniquely be considered as a destination, transit, or source country or region in the regional and global human trafficking business. Trafficking routes are varied and change as law enforcement improves (Aronowitz, 2009) and new forms of trafficking are discovered.

2.4.2 Racial discrimination and human trafficking linkage

There is no clear links between trafficking and racial bias, but nonetheless undeniable. According to the UN high commissioner for human rights, trafficking is inherently discriminatory unlike ongoing migration configurations that are male dominated and, in many cases, outside and into the region, involves intermediaries or third parties, especially scams and criminal gangs; and infringes on the victim's human rights (Adepoju, 2005). Recent years have witnessed a gradual increase in

the smuggling of migrants and trafficking in human beings to and from Africa, as well as within the continent (Adepoju, 2005).

Despite an impressive, if disparate, array of international legal protections, it was clear to our organisations that forced labour, child labour, debt bondage, forced marriage and commercial sexual exploitation of children and adults were flourishing, virtually unchecked in many parts of the world (Gallagher, 2010). Trafficking protocol provided some important and occasionally uncomfortable insights into the place of human rights within a broader international legal and political context, making human trafficking rights the centre of thinking about trafficking stops us from being side-tracked by the slick arguments of those who would prefer it to be approached as a straight forward issue of migration, public order or organised crime (Gallagher, 2010). It prevents an uncritical acceptance of the strange legal fiction, explored various points throughout this book, that “trafficking” and “migrant smuggling” are two completely different crimes involving helpless, virtuous victims on the one side and foolish or greedy adventures, complicit in their own misfortune on the other (Gallagher, 2010). Perhaps most importantly, a human rights approach makes clear that trafficking is woven deeply and inextricably into the fabric of an inequitable, unjust and hypocritical world. During the entire twentieth century, when trafficking and its array of associated practices “belonged” exclusively the international human rights system, states could not even agree on definition, much less on specific legal obligation. International oversights of trafficking and related forms of private exploitation was almost non-existent. The modern legal definition of crime refers to acts prohibited, prosecuted and punished by criminal law.

2.5 THE INEXHAUSTIBLE TYPES OF HUMAN TRAFFICKING

Around the world there has been a growing number of trafficking, which exists in different forms. Trafficking in person has been perpetuate in different forms. To point out some of them, this study begins with a type that is in a form of forced labour. The second type is trafficking for money-making sexual exploitation but it is not only restricted to these varieties. Bello (2016) states that there is internal trafficking which takes place within a country’s territory. He further states that it usually takes the form of recruitment and movement of people from rural to urban centres for various forms of exploitative work and or activities such as prostitution and forced labour. In

contrast to the internal dimension, international trafficking takes the form of recruitment and movement of people from one country to another for the purpose of exploitation.

The notion of exploitation in this frame is additionally like the residential shape yet in an extent that is more prominent. The requests are higher so likewise are the expenses and suggestions. For a large portion of the cross-fringe measurements, the streams are generally between nations inside a similar district or neighbouring nations (Bello, 2009). Bello (2009) mentions the second type of trafficking is an external trafficking involving the recruitment, movement and transfer of persons from the shores of South Africa to other countries for exploitative purposes. Most victims of external trafficking are often impoverished persons from the poor regions or provinces of South Africa and from neighbouring Southern African countries who are seeking better life in cities like Durban, Pretoria, Johannesburg, among others (UNs Organisation for Education, Science and Culture [UNESCO] (2007). It is pertinent to note that external or international trafficking of persons in South Africa further has varying dimensions.

Trafficking flows within national borders are typically from rural to urban areas. Many forms of exploitation exist, including trafficking for prostitution, pornography, forced marriage, domestic servitude, forced labour, begging, criminal activity (including drug trafficking) and the trafficking of body parts. Sex trafficking is not a poverty issue but a law enforcement issue. You can only carry out this trade at a significant level with the cooperation of local law enforcement. In the developing world, the police are not seen as a solution for anything. You do not run to the police, you run from the police (Kreston, 2007).

2.6 NON-PROFIT ORGANISATIONS INTERVENTIONS AND BENEFITS ON HUMAN TRAFFICKING CASES

In spite of their restricted assets, financing, preparing, and access to data, most NPOs examined lead the pack in fighting trafficking in their particular nations. Their hostility to trafficking exercises, goals, and introduction are connected to the social foundation of their separate nations and areas, and reflect neighbourhood examples of trafficking. NPOs' histories and associations with legislative foundations fluctuate, as does their extension to add to social change and improvement. For instance, most NPOs in Eastern Europe rose during an era of aggregate social flimsiness in the 1990s, a period portrayed by neediness, social change, financial limitations, swelling, and joblessness (Mollema, 2013).

Autonomous NPO culture was new for people groups who, until at that point, had been exploited in totalitarian state structures. Numerous New Growth Parties (NGP) confronted troubles managing the remaining parts of the obsolete and harsh social framework, and the nonappearance of an authoritative structure or regulatory directions to legitimise their work. An absence of experienced faculty and restricted limit constituted further difficulties, with aptitudes in venture administration, gathering pledges, and systems administration to a great extent truant. These shortcomings and freshness were showed when traffickers were ending up progressively ruthless and better at bypassing legitimate limitations. Survivors of trafficking are suggested to help administrations controlled by neighbourhood NPOs on repatriation. NPOs in nations of starting point are generally associated with helping women on their arrival. They meet them at the airplane terminal and give them emergency treatment; crisis lodging, nourishment and different supplies, restorative care, and prompt mental help. Now and again, they help women to contact their families, or may contact the families straightforwardly. For instance, *La Strada-Bulgaria* sometimes meet guardians ahead of time of a trafficked lady's arrival to clarify the circumstance, and will pay for guardians to come and meet their little girl (Mollema, 2013). NPOs in root nations have constrained ability to give all the essential needs of returning trafficked survivors. In this manner, they should work in co-operation with different experts and associations. Most NPOs reached revealed that they had formal or casual referral frameworks, regularly in view of broad systems administration and individual assets.

The overwhelming necessities and circumstances of trafficked women require viable, entrenched frameworks of referral. NPOs dealing with sexual abuse have Nigeria and Italy in partnership. With the help from the Italian Ministry of Foreign Affairs, various NPOs in Edo State (Nigeria) were prepared to shape a Coalition with the name Coalition on Trafficking Assistance Programs. The principle objective was to battle trafficking in women out of Edo state to Italy and other European nations. They have possessed the capacity to consolidate their abilities to address the issue of trafficking. Their exercises have focused on preventive mindfulness battles and restoration exercises for casualties reacted to the issue of trafficking in assorted ways. The two investigations of human trafficking in Nigeria demonstrated that NPOs in Nigeria have been involved for the most part with resettlement of casualties and directing mindfulness crusade against trafficking in women and kids.

Preventive exercises have generally appeared as mindfulness crusades on radio and Television (TV) and the print media. This was supported by one of the NPOs in order to sharpen viewers and particularly potential casualties on the nature and shades of malice of trafficking. Different NPOs created notices, radio and TV jingles, and so on, to sharpen the group. Classes, workshops, and talks in commercial centres and schools have additionally been composed by NPOs to sharpen people in general, including guardians of potential casualties and pupils.

The NPOs now offer a scope of administrations to repatriated and protected victims. While some were focused at youth and children's rights, others were focused on women's rights. A couple were focused particularly on trafficking of kids and women. These have appeared as arrangement of restoration habitats for casualties, giving skills training and small-scale credit facilities with a specific end goal to make options accessible for potential and real casualties. Notwithstanding, a couple of residential NPOs have the assets and ability to have a noteworthy effect toward this path. Arrangement of coalition of NPOs against trafficking. Edo State in Nigeria is the fundamental wellspring of young women and older women. South Africa is a nation that draws in individuals from the entire landmass escaping from furnished clash, political and financial change, sustenance frailty, the HIV/AIDS pandemic, and joblessness. South Africa has the most astounding number of refuge searchers on the planet. Albeit South Africa bolsters substantial quantities of displaced people and refuge searchers, the purview is likewise home to an expected five million unlawful foreigners, including about three million Zimbabweans.

In light of the flow of free market activity, the permeable idea of the nation's outskirts and drift lines, and inadequate checking of land, rail and ocean transportation modes support movement to South Africa. South Africa's sense of duty regarding checking human trafficking in the district has principally appeared as receiving a few universal and provincial human rights instruments with arrangements under which exercises related with trafficking might be indicted. As a province of Great Britain, the past Union of South Africa turned into a state gathering to a large number of the recent abolitionist subjection and counter-trafficking traditions. A progression of worldwide understandings went for tending to the false enrolment of ladies for prostitution were embraced, for example, the International Agreement for the Suppression of the White Slave Traffic 1904, which involved *Ipsa Facto* promotion to the Agreement of 18 May 1904 by virtue of article 8 of the Convention of 1910. The Union of South Africa endorsed the International Convention for the

Suppression of the Traffic in Women and Children of 1921 on 28 June 1922. Moreover, the Union of South Africa endorsed the International Convention for the Suppression of the Traffic in Women of Full Age 1933 on 20 November 1935 (Mollema, 2013).

These instruments finished in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1950. The Union of South Africa also confirmed the Slavery Convention 1926 on 18 June 1927, and furthermore marked its Amending Protocol of 1953 on 29 December 1953. In particular, South Africa has endorsed the essential global instrument utilised as a part of tending to human trafficking; the Palermo Protocol. The nation marked the instrument on 14 December 2000. The ward has not conferred itself to receiving any further abolitionist servitude and counter-trafficking traditions.

2.6.1 History of the targeted non-profit organisation: Umgeni Community Empowerment Centre of Durban, KwaZulu-Natal Province

The UCEC began in 2003 as a soup kitchen, which targeted a few schools and needy families. It was thereafter confronted with the reality of many other overwhelming challenges that individuals and communities faced. It then sought after sponsorship for food, clothing, shoes, blankets and mattresses to assist the people who we found living in poverty-stricken communities.

For the purpose of this study, the researcher conducted interviews with the UCEC organisation members that are working tirelessly to ensure safety of the entire citizenry regardless of age, race or even underlying root causes of trafficking occurrence. The members of the organisation are spiritual human being who put God in their work and attempt to provide help to the society of Durban area. The organisation not only deals with human trafficking cases but also further helps orphanages or homeless people to restore their lives. The organisation serves young and old people with food every day to ensure that they take their mind off of the stresses of life. It also helps them with Curriculum Vitae (CV) creation and finding employment (UCEC, 2010-2017).

The UCEC is a NPO that has its primary focus on the care, counselling and rehabilitation of the following individuals:

- Orphaned, abused or neglected children;
- Marginalised communities;
- Underprivileged families and individuals;

- Victims of human trafficking;
- Abused women;
- Unemployed individuals;
- The destitute;
- Commercial sex workers;
- Persons afflicted with HIV/AIDS (including the counselling of their families in this regard); and
- Indigent persons over the age of 60 (UCEC, 2010-2017).

The Mission of this NPO is to play a vital role in the implementation of programs aimed at empowering both individuals and communities to become self-sustainable and contributory citizens. UCEC ensures a good corporate governance, accountability, transparency and financial management, maintaining a clear and defined strategy that is in line with its vision. The organisations vision and goal is in essence to bring a measure of relief and a helping hand to fellow citizens, who in many cases by no choice of their own become subjected to the many misfortunes faced in South Africa (UCEC, 2010-2017).

This NPO seek to establish a partnership and a working relationship with the business community and individuals in a concerted effort to bring about a sense of self-worth and independence to the less fortunate and underdeveloped people, to create a stigma free environment for those infected and affected by HIV/AIDS and to those who are shamed as a result of being a victim of abuse (in its many facets), to be a life line for people who live in poverty and misery. In addition, in the event of natural or other disasters in and around South Africa, UCEC positions itself to participate in the damage assessment and distribution of food, clothing, blankets and medical supplies, and to engage professional field workers on a volunteer basis.

The UCEC's core practice is to benefit and uplift society. UCEC assists in the collection and distribution of food, as well as the empowerment and counselling of under-privileged, down trodden and unemployed individuals (UCEC, 2010-2017).

2.7 THE OTHER AVAILABLE RESPONSES TO HUMAN TRAFFICKING

South Africa does not currently have in force a law that specifically addresses trafficking of children for purposes of sexual exploitation. However, there are specific statutory offences that

might be applied to trafficking, and provisions in the common law, such as abduction, kidnapping, rape and indecent assault, which might also be available (Kreston, 2007). Taking from the words of Kreston (2007), it is difficult to deal with a crime that is not recognised under the South African crime definition. The SAPS under this arrangement received the technique of group policing as a method for promoting themselves to people in general with the objective of securing open trust and certainty. Nevertheless, regardless of the benefits of this activity, the unmistakable part of the South African criminal equity still endure mishaps. Criminal equity framework is designed to work in an interrelated way, with the end goal that the powerful execution of one part of the criminal equity framework ought to be reliant on the other two. The SAPS cannot be pronounced to have performed viably by quite recently only capturing wrongdoers or having such a vast pool of guilty parties in their care, however, in the limit of other segment to indict the case, guarantee the charged is attempted and if discovered blameworthy, condemned to the remedial. It is related to express that the South African criminal equity framework (Court) works an antagonistic framework - one in which there are two clashing prosecuting parties, with the judge or officer as the impartial intermediary.

The court framework, in light of the principles of worldwide-prescribed procedures, ought to be tenable, unbiased and reasonable for all contesting parties. The South African criminal equity framework was based on the establishments of the Constitution of the Republic of South Africa Act (Act No. 108 of 1996). It sets the basic esteems whereupon the whole framework is based. It manages and directs on how the court translate and execute the law. South African criminal equity framework rotates round the accompanying State's establishments: SAPS, The National Prosecuting Authority (NPA), the Department of Justice and Constitutional Development (DoJ and CD). Notwithstanding, the NPA is regularly considered as a major aspect of the DoJ and CD. Although assessing the true extent of human trafficking may be very difficult, if not impossible, much of the literature highlights the global and insidious nature of the problem, and with virtually no country immune from it. Some stakeholders believed that human trafficking was a serious problem in South Africa, while others continued to query its magnitude due to a lack of data. Trafficking is something that happens within the country (South Africa) and from other countries to South Africa too. It is a crime that exists and it is a crime that is very silent. There is not much research that takes place. As a result, people think that it does not exist.

The participant's reports help to build a more comprehensive picture of the many role players involved in human trafficking in South Africa. Its complexity makes the crime difficult to combat. The role players include recruiters who often disguise themselves as labour brokers; transporters who may knowingly or unknowingly be involved; and brothel owners, nightclub owners, massage parlours and other business owners. It may also include medical doctors who help the traffickers to provide basic health care services for the victims, some individual households and other end users of trafficked victims' services. Most rescued victims in South Africa, therefore, either have no access to justice or were denied justice due to the difficulties involved in the prosecution of perpetrators. The quotations below show some cases of denial of rights to justice. Governments, intergovernmental associations, NGOs, and nonconformist gatherings have held onto trafficking as a reason, yet discourses proceed with both to concentrate on and build 'pure' casualties disregarding those, similar to workers, transients, or sex labourers, who display a more mind boggling profile and to play on and react to open feelings of trepidation about migration and prostitution. The concentration of worldwide consideration regarding human trafficking, both customarily and as of now, has been on trafficking in women and, to some degree, kids. Governments and NGOs alike have re-established worldwide enthusiasm for human trafficking, especially trafficking in women.

South Africa marked the Palermo Protocol on 14 December 2000 and endorsed it on February 2004. Overall, the legislature is, in this manner, required to pass household enactment keeping in mind the end goal to satisfy its worldwide commitments. The South African draft against trafficking, The Prevention and Combating of Trafficking in Persons Bill, was brought before Parliament on 16 March 2010, after an extensive consultative process by the South African Law Reform Commission (SALRC) since 2003. However, it has not yet been instituted (Hamman and Fletcher, 2011). It has been recognised, in any case, that "The Bill, once it turns into an Act on Parliament and is completely operational, will be a standout amongst the most far reaching laws in the battle against human trafficking in this nation" (Allais, 2013).

Allais (2013) state that the present law with respect to trafficking in people in South Africa is divided. The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 6 of 2012) Judicial Matters Amendment Act (Act 42 of 2013) and the Children's Act (Act No. 38 of 2005) (the Children's Act) contain temporary measures identifying with trafficking in people. The

Sexual Offenses Amendment Act (Act No.32 of 2007) criminalises a demonstration of trafficking in people for sexual purposes while the Children's Act tends to the trafficking of kids all the more completely. The two Acts have restricted operational extension. Allais (2013), opine that the arrangements of the Children's Act identifying with trafficking of kids came into operation in April 2010. Notwithstanding, different parts of the wrongdoing are criminalised under different bits of South African law that incorporate the Sexual offence Act (Act No. 12 of 2009); the Immigration Amendment Act (Act No. 13 of 2011); The Basic Conditions of Employment Act (Act, No 75 of 1997); the Intimidation Act (Act No. 72 of 1982); the Domestic Violence Act (Act 116 of 1998; the Films and Publications Act (Act No. 65 of 1996) and the Prevention of Organised Crime Act (Act 121 of 1998). Under the custom-based law, contingent upon the conditions of each case, people associated with trafficking could be accused of seizing, normal attack, ambush with aim to do heinous substantial damage, blackmail, and murder.

Divided and constrained laws add to disarray in regards to the meaning of trafficking. Characterising trafficking in every one of its components in national enactment is critical to distinguishing cases and creating arrangements to address the issue and secure the conviction of traffickers. The issue of the absence of declared enactment and deficient record keeping hampers the distinguishing proof of the wrongdoing, as well as causes extra issues as cases are not caught and enlisted as trafficking cases and, in this way, no precise data identifying with the wrongdoing is accessible (Horne, 2011).

2.8 THE EXISTING STRATEGIES IN COMBATING HUMAN TRAFFICKING

To address the global trade in human beings, the Convention against Punish Trafficking in Persons, especially women and children, established international minimum standards for combating and effectively prosecuting human trafficking offenders. On the 9th of August, 2015 South Africa's first comprehensive counter-trafficking law, the Prevention and Combating of Trafficking in Persons Act (Act No. 7 of 2013) came into operation. Efforts to combat human trafficking have increased significantly during the past decade.

Community policing is an age-old sluggish model of combating crime that has now become a mantra in contemporary policing discourse in several countries of the world, including South Africa (Bello, 2015). Efforts of combating human trafficking is not restricted to South Africa,

different States have made huge steps to guarantee there is no place of refuge for the criminal undertaking in their nations. Endeavours by the worldwide group to react to the issue of human trafficking fall under three essential rubrics – law implementation, labour rights, and human rights. In later years, human trafficking has again turned into a huge worldwide worry due to a limited extent to the vast number of individuals included and its colossal money related effect (Bello, 2009).

The government improved its trafficking prevention efforts, continued to coordinate its anti-trafficking activities through its high commission, which met three times during the reporting period and individually held working level meetings. Provincial anti-trafficking commissions in provinces coordinated activities to implement policy established by the high commission.

The high commission did not receive money from the government for its operating or program expenses; the international community fully funded its activities. The government continued to implement its 2015-2017 national action plan to combat human trafficking. The high commission developed an action plan for public awareness of human trafficking and conducted training programs in provinces. The government continued to raise trafficking awareness through radio, television, and print media, and encouraged mullahs to raise awareness through their weekly sermons.

The early accentuation on ensuring white women now appears to be clearly supremacist and sexist. However, that emphasis has kept on permeating the present dialogs of, and approach towards, human trafficking. According to Mahmoud and Trebesch (2010), awareness campaigns might have a positive effect on the reduction of human trafficking. Awareness may play a major role for both affected and unaffected group. This may allow people to be cautious of such issues affecting them or people closer to them. The more knowledgeable different societies become the more the issue of trafficking may be eradicated. The role of NGO in these instances is when they can assist victims of trafficking who are afraid of speaking to authorities.

Tzvetkova (2002) suggests that NGOs countering human trafficking face many obstacles, but most of them are generated by the absence of political will. In February 2015, the National Indian County Training Initiative (NICTI) and the Federal Bureau of Investigation (FBI) held the first ever Human Trafficking in Indian Country Seminar at the National Advocacy Centre (NAC) for

government and tribal criminal equity experts working in Indian Country. The preparation additionally incorporated into profundity exchanges of viable systems for distinguishing, researching, and arraigning human trafficking cases, incorporating prosecutors' roles in arranging fruitful authorization operations, procedures for creating casualty declaration, pre-trial suit techniques, successful trial introduction in human trafficking indictments and condemning issues. The NICTI has likewise supported addresses on human trafficking in Indian Country at a few national gatherings, including sessions facilitated by the Bureau of Indian Affairs, the US offices in the Districts of Kansas, Nebraska, and Northern Iowa, and the American Indian Justice Conference facilitated by BJA. In 2015, Native American subjects and tribal pioneers from all through New Mexico, including urban Indian people group and non-benefit associations, met up with tribal law requirement, tribal court agents, the Bureau of Indian Affairs, the New Mexico Attorney General's Office, a delegate from the US Lawyer's office, and social and wellbeing specialist co-ops to make what is accepted to be the primary tribal team concentrated on human trafficking of American Indians in New Mexico. The team has concentrated on group effort and building connections keeping in mind the end goal of making the foundation assume a role that is essential to battling human trafficking. Preparing law authorisation and group individuals to distinguish the indications of human trafficking exploitation will likewise be a piece of the team's core interest. Besides, uniting differing individual from local groups will encourage the data sharing that is key to tending to human trafficking.

Department of Justice is organising its work to avoid trafficking in Indian Country with its concurrent work to execute the area particular American Indian and Alaskan Native (AI/A) Sexual Assault Nurse Examiner-Sexual Assault Response Team rules, as both are expected to battle brutality against ladies. Office of Justice Program's Office for Victims of Crime and United States Bureau of Justice Office on Violence against Women made a progression of five preparing recordings concentrated on violations of savagery conferred against Alaska Native women, discharged in October 2016.

Different government accomplices, including the NICTI, gave input to this arrangement, which incorporates a video that features the issue of sex trafficking exploitation among Alaska Natives. Through a progression of contextual investigations, viewers are instructed about the dangers postured to youthful Alaska Natives who go from their hometowns to urban zones, similar to

Anchorage, where they may fall prey to sex traffickers. The intended interest group for the preparation recordings incorporates tribal, state, and government initiative and criminal equity and social administration experts who manage instances of abusive behaviour at home, rape, and sex trafficking including Alaska Natives.

2.9 THE BARRIERS IN COMBATING HUMAN TRAFFICKING

Combating human trafficking and in particular the successful prosecution of this crime remains a daunting challenge worldwide. Despite the increasing counter-trafficking efforts, minimal trafficking convictions have been reported on the African continent, including South Africa. Trafficking in persons report states that in South Africa only three convictions on a charge of human trafficking were secured annually (Kruger, 2010). Failure to stop human trafficking in South Africa in past years may in large measure be attributed to lack of comprehensive legal measures designed to prosecute perpetrators effectively. Furthermore, Illicit, underground activities may be hard to detect or to disrupt due to the corruption of government officials and the risks associated with tackling organised crime. The reluctance to come forward is often compounded by cultural and linguistic barriers in transnational trafficking that work against reporting (Allais, 2013). Governments also face the challenge of over-reporting because of double counting of cases. Even when agencies have systems to facilitate the secure transfer of case files to another agency, there may be no systems in place to ensure that data collected by one agency is not also collected by another agency. This means that data from single cases may be counted more than once, leading to distortions in statistics (IOM, 2007).

2.10 SUMMARY

The SAPS still ascertains it stimulating to adjust to this style of policing in their crime combating operations in contemporary South African communities. This accounts for some of the reasons why the initiative has consistently failed. The focus is largely on arrest, prosecution and incarceration. Unfortunately, such a posture is inimical to a successful combating campaign, especially for a sophisticated crime like human trafficking.

Human trafficking like some other social ills is associated with levels of poverty in the exploited countries or regions. It is suggested to be strongly related to the fundamental transformations in the global economy, which marked the close of the twentieth century and referred to as

globalisation, created imbalance in world production and distribution of economic resources, which resulted in the inability of African countries to compete in the new global economy. Findings that are more scholarly suggest that trafficking gradually continues to escalate though more people are becoming aware of it, but due to their poverty, economic needs and societal strains turn to force things upon them.

In this chapter efforts have been prepared to search and discourse human trafficking and its proportions, including the criminal gangs behind its functionality. The various academic viewpoints were also explored. History of South Africa with respect to human trafficking was analysed, including the types, forms, streams and a range of issues perpetuated with it. The following chapter will provide the methodology employed in this study to collect data as well as highlight some of the strengths and limitations these methods had in the process of collecting data.

3 CHAPTER THREE: RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

Information concerning the research procedure and the strength of the study are presented in this chapter. Rich and detailed explanations of the methods used in the study are offered. The justification for the use of particular research procedures will be explained and discussed. The approaches of data presentation, analyses and discussion are demonstrated. A depiction of the research materials, explanation of how the materials were organised for the research, and description of the research procedure. All these are as clearly and logically constructed as possible. Critical indication by which the validity of the current study could be decided is thoroughly clarified. Dependable descriptions of the procedures used in conducting the study are provided so that the study could be replicated by other academics who may wish to test whether the results are consistently replicable. This chapter also outlines the characteristics of the participants and the ethical considerations that framed their participation.

This study was conducted in Durban, KZN Province, the area where imports and exports are regulated, which makes it easy for prostitutes to be exploited and transported to other countries. Since the Durban area consists of Harbour and Air Port which are the perpetrators' focal points in perpetuating this kind of crime of trafficking people. Approaches taken in this study are further highlighted herewith.

3.2 DESCRIPTION OF STUDY LOCATION

Durban/*EThekwin*i is the largest City in this province and the third largest city in the country. It is a sophisticated cosmopolitan city of over 3 442 398 people (as per 2011 Census). It is known as the home of Africa's best-managed, busiest port and is a major centre of tourism because of the city's warm subtropical climate and extensive beaches. Durban's metropolitan municipality ranks third among the most populous urban areas in South Africa after Johannesburg and Cape Town. Durban is famous for being the busiest port in South Africa. *EThekwin*i Municipality is responsible for running Durban.

The area is topographically hilly, with many gorges and ravines, and almost no true coastal plain. Durban has a turbulent history dating from ivory hunters in the 1820s and their conflict with the local *Zulu* monarchs. The province has the largest number of battlefields. The excellent Durban Chief Albert Luthuli International Convention Centre (ICC) has hosted a historic line-up of events including conferences of a global scale. Its land area of 2,297 square km is comparatively larger than other South African cities.

Durban Tourism is the leading domestic destination in South Africa. The estimated visitor numbers for the financial year 2010/11 is 9.95 million. International visitors increased by 2.92% to 669 585 for the year. This is partly due to the 2010 World Cup, as Durban was one of the host cities. The value of our domestic tourism economic impact on the region's GDP is estimated to be 8% per annum. Hotel occupancy in Durban for the year averaged 65.17%, which is better than the national average. Hospitality industry consists of many fine hotels, nightspots, shopping malls, ethnic attractions, traditional villages, craft markets, sparkling dams and big-game parks, such as, Mitchell Park where 100-year-old Admiral Tortoise is kept.

The timeline of human habitation in Durban goes back to long before the advent of recorded history in the region. While some of the earliest remnants of humanity are found in the nearby Drakensberg, it is now established that prior to the arrival of the *Nguni* people and subsequent European colonialists, the area was populated by the original people of Southern Africa – now collectively called the *Khoi/San*. Then, several thousand years later, on Christmas day in 1497, Portuguese explorer Vasco da Gama passed the mouth of Durban Bay and promptly named it *Rio de Natal* (Christmas River), presuming that several rivers flowed into the bay. Back then, before the intrusive advent of industrialisation, the bay was separated from the sea by a sandbar, where crocodiles, hippopotamuses and flamingos spent their days in the vast waters of the bay while its swampy edges were densely populated with mangroves. Beyond the bay lay a ridge of hills, which was home to elephants, hyenas and lions until about a century ago, and now houses Durban's suburbs.

3.3 RESEARCH DESIGN AND METHODOLOGY

3.3.1 Research design

Research design or configuration could be comprehended as the exact methodology or steps taken by a researcher in search for getting answers to the exploration questions (Fouché et al., 2011). Research configuration manages an intelligent issue and not a strategic one. Research design is consequently a work design with points of interest of what should be done to finish the investigation. Study design or configuration helps in guaranteeing that the data got amid the lead of the examination reacts to the underlying inquiries unambiguously.

The study in question was an informative interaction between the UCEC, which is a NPO that is based in Durban, KZN Province. The research design adopted or employed for this study were the descriptive and interpretive research designs to understand and gain more insight into this subject matter. The research design for this study is a descriptive and interpretive case study that is analysed through qualitative methods. Questions were used to examine participant's responses and to get an understanding of what they think needs to be improved. Participant observation and face-to-face interviews were used as data collection methods. Furthermore, the justification for each of the data collection methods used in the study was discussed. Finally, in order to ensure trustworthiness of the research, appropriate criteria for qualitative research were discussed.

3.3.2 Research methodology

For the researcher to gather more knowledge in in this study a wide-ranging method was adopted – qualitative research approach. The researcher conducted descriptive and interpretive interviews that were of examining the NPO officials' responses to human trafficking in Durban, KZN Province. Therefore, this allowed the researcher to gather in-depth perceptions of the NPO to be selected for this study on the subject matter. The researcher was seeking to describe and explore the responses of the NPO to human trafficking in KZN Province. Against this background, human learning is best researched by using qualitative data. Qualitative research approach is primarily exploratory research, which is used to gain an understanding of underlying reasons, opinions, and motivations. It provides insights into the problem or helps to develop ideas or hypotheses for potential quantitative research. The qualitative approach allows for the generation of new idea, as well as examine questions that cannot be possible with quantitative methods.

Elliot and Timulak (2005) argues that qualitative research method place more emphasis on understanding phenomena in their own right. Qualitative research uses a naturalistic approach that seeks to understand phenomena in context-specific settings, such as “real world setting the researcher does not attempt to manipulate the phenomenon of interest” (Patton, 2001).

3.3.3 Study population

The location of this study is KZN Province. This province is regarded as one of the hubs for human trafficking in South Africa as it contribute a huge percentage of population and economical activities to the nation. Some of the recent reported cases of human trafficking in South Africa were reported from this province. The officials attached to UCEC formed part of this study; this organisation began in 2003 as of a soup kitchen which targeted a few schools and needy families. They were thereafter confronted with the reality of many other overwhelming challenges that individuals and communities faced, human trafficking included. They then sought after sponsorship for food, clothing, shoes, blankets and mattresses to assist the people who were found living in poverty-stricken communities. The ideal population of this study were going to be relevant stakeholders within the CJS and other private organisations in response to human trafficking cases in Durban, KZN Province.

3.3.3.1 Sample size and procedure

Huysamen (1991) indicates that a sample of 25 or more is the preferred unit of analysis. In order to achieve the aim, objectives and research questions of this study, the sample for this study will therefore consist of 12 officials at UCEC (NPO) who respond directly to human trafficking cases (those with more experience in responding to this crime). The breakdown of these participants will comprise of females and males attached to this NPO. For the recruitment of participants of this study, the researcher adopted simple random sampling method, where the researcher wrote down the codes of each official on a piece of paper (all pieces were on the same size), they were all folded and placed in a hat. This hat was shaken to shuffle the papers, and a piece of paper was drawn blindly. The process was repeated until 12 officials representation were drawn.

3.3.4 Methods of data collection

The researcher conducted the study with the UCEC, a NPO in the KZN region that deals or work closely with human trafficking and its victims. Face-to-face, in-depth semi-structured interviews were conducted with the participants that were selected. This allowed for a great degree of flexibility and prompted participants to speak on issues that are relevant to this research.

3.3.4.1 Interviews – *face-to-face semi-structured interviews*

The researcher made utilisation of semi-structured interviews since it empowers the interviewee to expound on the focuses where the members and the researcher sees the need. This study never intended to force anyone to participate, therefore; during this interview process, each official in the NPO was given an informed consent letter before the interview commenced. The interviews with participants took about 15-20 minutes per individual. The interviews were reliant on participant's responses in term of duration of the interview.

3.3.5 Methods of data analysis

To analyse the information provided by the NPO officials, the researcher used the spiral method. Leedy and Ormrod (2001) are of the opinion that there is no single correct method of analysing data in a qualitative research. However, De Vos et al., (2011) are of the opinion that data should be organised, reduced to manageable pieces and then explored to make meaning of the data. Creswell (2013), Hasse-Biber and Leavy (2011), Leedy and Ormrod (2001:159) and Ritchie, Lewis et al., (2014), claim that the data spiral method in qualitative research is a process where data and text is entered into a spiral and the end product is the account or narrative of what has been researched.

In this study, the researcher made use of the spiral method by doing the following steps:

- **Organisation** – broke data down into smaller fragments and created a database to organise the data (Fan, 2008). This was applied in ensuring that the research is categorised in a well thought-out manner, and with alignment of similar characters.
- **Perusal** – scrutinised the data several times and made sense of the data as a whole (Kaur, 2010). This was applied through taking as much time as possible to gather if the data has meaning that is of importance to the requirement.

- **Classification** – categorised data into groups, to get to the meaning of the data (Fan, 2008). The researcher separated the data according to their similarity to ensure the outcome is strictly what is required.
- **Synthesis** – incorporated different aspects and summarised it (Koutsopoulos, 2002). This study relied on different factors that are main causes of trafficking therefore incorporated all that together.
- **Induction** – combined or integrated known facts to form a rule (Minnameier, 2010); and therefore this study applied this by combining both known and new information gathered.
- **Deduction** – studied all the facts obtained through the literature review and interviews to find answers for the posed research questions (Minnameier, 2010). In this study the researcher ensured that the key research question together with literature review and interviews are all guided by same question as well as objectives to ensure the outcome is along the required results.

3.4 METHODS TO ENSURE TRUSTWORTHINESS

If the validity or trustworthiness can be maximised or tested then more “credible and defensible result” (Johnson, 1997) may lead to generalisability which is one of the concepts suggested by Stenbacka (2001) as the structure for both doing and documenting high quality qualitative research (Golafshani, 2003). Joppe (2000) opines that validity determines whether the research truly measures that which it intended to measure or how truthful the research results are. Descriptive validity will be adopted for this study because it is a major objective in nearly all-qualitative research. Descriptive validity refers to the factual accuracy of the account as reported by the researcher. To ensure validity for this study multiple observer’s method will be conducted paying attention to the information being provided through crosschecking to assess it. Reliability and validity assessment is merely the first step towards understanding the complex issues of measurement theory.

3.4.1 Four elements of trustworthiness

3.4.1.1 Credibility

According to Trochim and Donnelley (s.a) (in Kumar, 2011) credibility involves establishing that the results of qualitative research are credible or believable from the perspective of the participant in the research. Since qualitative research studies explore perceptions, experiences, feelings and beliefs of the people, it is believed that the respondents are the best judge to determine whether or not the research findings have been able to reflect their opinions and feelings correctly. Schurink et al., (s.a) (in De Vos, et al., 2011) explain that credibility is the alternative to internal validity and with credibility the goal is to demonstrate that the research was conducted in such a manner to ensure that the participants had been accurately identified and described. The credibility of qualitative research can be increased through prolonged engagement and persistent observation in the field, triangulation of different methods, making use of formalised qualitative methods, and member checks. The researcher interpreted the data received from the participants in a correct and exactly manner. The researcher further use multiple sources of data collection and spent long periods with the participants. This stands to help to get a better understanding into the respondent's insight to this problem (human trafficking). To increase the credibility of this study the findings were to be believable from the participants' viewpoints.

3.4.1.2 Transferability

Transferability refers to the degree to which the results of qualitative research can be generalised or transferred to other contexts or settings (Trochim and Donnelley (s.a) (in Kumar, 2011)). According to Sandelowski (s.a) (in Liamputtong, 2013) transferability conveys that the theoretical knowledge obtained from qualitative research can be applied to other similar individuals, groups, or situations. Schurink et al., (s.a) (in De Vos, et al., 2011) explain that the researcher must question whether the findings that the research produced can be transferred from a specific situation to another. This is viewed as an alternative to external validity or generalisability. It is envisaged that if another researcher will subject the findings to similar circumstances, and apply the same qualitative methods the same results will be obtained.

3.4.1.3 Dependability

Dependability is very similar to the concept of reliability in quantitative research. According to Trochim and Donnelley (s.a) (in Kumar, 2011) it is concerned with whether one would obtain the same results if one observe the same thing twice. Schurink et al., (s.a) (in De Vos et al., 2011) explain that the researcher must ask whether the research process is presented logically and well documented. Dependability notably is the alternative to reliability, whereby the researcher attempts to account for changing conditions in the phenomenon chosen for research to conduct. The researcher used the code-recode procedure with an aim of ensuring that different participants' findings showed the same or different outcome. This procedures allows enough time to examine and analyse if the data obtained has the same or different outcomes.

3.4.1.4 Conformability

Conformability refers to the degree to which the results could be confirmed or corroborated by others, Trochim and Donnelley (s.a) (in Kumar, 2011). Conformability is also similar to reliability in quantitative research. It is only possible if both researchers follow, the process in an identical manner for the results to be compared (Kumar, 2011). Participants' responses confirmed what was understood by the researcher and so did the responses were confirmed by the researcher.

3.5 ETHICAL CONSIDERATIONS

This study aim was not to force any individual to participate. Thus, during the interview process, the researcher was guided by the ethical approvals from the primary University (i.e. UKZN) Annexure C and the UCEC (NPO) Annexure D as all participants of this study were selected from this organisation. As previously stated; an informed consent (obtaining of informed consent) letter was handed to these participants before the interview commenced. This aspect of this research plays an important role as it allows the researcher to ensure anonymity and confidentiality by using pseudonyms. The confidentiality of research participants was prioritised by the researcher, therefore all collected information provided by all the selected participants was used while adhering and respecting the available ethical considerations of these two organisation. there was also no disclosure of particulars of these participants as sources of information for this study (Gonsalvesh et al., 2008). Furthermore, the assistance from a qualified psychologist was sought for in case participants' experiences trauma.

3.6 SUMMARY

This chapter reviewed the research design and methodology adopted in this study. This chapter also provided an overview of the methodology employed for this study. The nature of the study, setting, ethical considerations and methods to ensure reliability were discussed in this chapter. The following chapter presents the theoretical framework guiding this research.

4 CHAPTER FOUR: THEORETICAL FRAMEWORK AND LEGISLATIVE FOUNDATIONS

4.1 INTRODUCTION

This chapter focuses on the scholarly theories as well as the South African legislation. Two theories are adopted by this study to provide an understanding of the occurrences of human trafficking in Durban, KZN Province and responses of the NPO under study. This chapter also looks at which legislations are enshrined in the constitution aimed at dealing with crime of this magnitude.

This study was guided by two fundamental theories to enhance the research explanation of this particular crime. The two theories adopted for this were strain theory and economic theory. The Strain Theory looks at burdens or obstructions that forces one to not reach their desires, on the other hand Economic Theory looks at the main force that contributes to one engaging into criminal conducts. It focuses on the individual and his or her immediate social environment – although the macro implications of the theory are explored at various points. The theory is also written with the empirical researcher in mind, and guidelines for testing the theory in adolescent populations are provided. The focus is on adolescents because most currently available data sets capable of testing the theory involve surveys of adolescents. In explaining this crime of human trafficking, both these theories will play an important role, both enlightening as well as educating everyone

4.2 STRAIN THEORY

Agnew (1992) advocates that strain can be categorised in three different ways; strain as the actual or anticipated removal of positively valued goals, strain as the actual or anticipated removal of positively valued stimuli, and thirdly as the actual or anticipated presentation of negatively valued stimuli. Causal models of crime or delinquency are dominated instead by variables derived from differential association or social learning theory and social control theory. Strain theory is distinguished from social control and social learning theory in its specification of the type of social relationship that leads to delinquency and the motivation for delinquency.

Strain Theory focuses explicitly on negative relationships with others: relationships in which the individual is not treated as she or he wants to be treated. Strain Theory has typically focused on

relationships in which others prevent the individual from achieving positively valued goals. In looking at the strain theory in relation to this study, it is certain that many people are unemployed and living in poverty and that gives them an urge to engage in crime in order to reach their goals. The study will look at the underlying factors that forces or contributes to transnational crime occurrence, which generates billions of dollars each year. Looking at the Strain Theory to explain this phenomenon, it is important to bring to attention what the theory entails than relating it to this study.

The theory is composed at the social-mental level. It concentrates on the individual and his or her quick social condition despite the fact that the full-scale ramifications of the hypothesis are investigated at different focuses. The hypothesis is likewise composed considering the observational analyst, and rules for testing the hypothesis in immature populaces are given. The emphasis is on youths because most right now accessible informational indices equipped for testing the hypothesis include reviews of young people. This general hypothesis is fit for overcoming the hypothetical and experimental reactions of past strain speculations and of supplementing the wrongdoing nor misconduct hypotheses that presently command the field.

Strain Theory, at that point, is recognised by its emphasis on negative associations with others and its request that such connections prompt misconduct through the negative influence uniquely outrage they in some cases induced (Agnew, 1992). The two measurements are important to separate strain hypothesis from control and differential affiliation/social learning hypothesis. Specifically, social control and social learning hypothesis sometimes analyse negative connections although such connections are not an express concentration of these speculations. Control theory, nonetheless, would contend that negative connections prompt wrongdoing not because they cause negative effect, but rather because they prompt a lessening in social control. A control theory scholar, for instance, would contend that physical manhandling by guardians prompts wrongdoing since it lessens connection to guardians and the adequacy of guardians as socialising agents.

4.3 ECONOMIC THEORY

In an economic system based on capitalism, economic cycles of inflation and deflation are frequent. Inflation gives rise to bankruptcy and insolvency. Therefore, the persons affected are thereby forced to lead an anti-social life and some of them may even resort to crime. Bonger (2015)

pointed out that modern age is a period of capitalistic economy and concluded that capitalism was one of the potential causes of criminality because the system created an atmosphere for promoting selfish tendencies in men. Economic theorists have never successfully integrated government with private decision-makers in a single general equilibrium theory. Many people are aware that they can make a lot of money through trafficking therefore it appears to be the reason for the increase in that type of crime. The economic theory was adopted to explain the reason behind human trafficking. Bonger (2015) opined that trafficking is a capitalism criminality which is adopted for selfish gain the toughening economic climate of South Africa is leading more and more people into this criminal activity.

The strain theory and economic theory are brought together in this study to combine the two perspectives on the understanding of this phenomenon. Currently, Statistics South Africa (Weitzer, 2007) shows that unemployment is sitting at 26.6%. This seems to be a problem causing or driving people to engage in wrong conducts that sees some spend time in prison. In looking at Agnew's perspective, strain that he refers to includes unemployment and failure to reach the desired goals, to name a few. Goals that each person have require amongst other thing economic assistance and therefore one's failure to obtain them results in acts of desperation. Money is the particular supreme essential force behind the trafficking of people beings and this crime is generating some of the highest sources of illegal income, ranking just below drugs and gun dealing (Goździak and Bump, 2008). Trafficking is an economy-driven crime perpetuated with a number of other crimes. In linking both strain and economic theory to explain its occurrence, it important to look to each theory basis. Agnew (1992) pointed out that strain theory is distinguished from social control and social learning theory in its specification of the type of social relationship that leads to delinquency and the motivation for delinquency. One notable thing from Agnew's point of view is that people engages in wrongful act due to motivational factors or drives.

Casualties of trafficking often do not know they are qualified for lawful security and may fear being indicted or rebuffed for wrongdoings or movement infringement submitted as an immediate consequence of the trafficking plan. Regardless of the possibility that a casualty at first agrees to go into a circumstance in which abuse later happens, or to partake in criminal acts amid such misuse, such assent is lawfully unimportant under the Palermo Protocol once that individual is subjected to constrained administration through compel, misrepresentation, or pressure. In these

situations, law authorization should gather proof to empower prosecutors to demonstrate suspects planned to misuse somebody, frequently with barely any, authenticating witnesses. Where the wrongdoing takes place over various nations, governments may confront extra difficulties securing worldwide collaboration to adequately examine and arraign trafficking crimes.

4.3.1 Scholars' input on economic theory

Marx's economic theory is grounded on the price of wage labour. The capitalist system was ruined to failure since the landowners who made a profit based on the work of the labourers, would eventually produce an oversupply of goods that would exceed the labourers' ability to purchase such goods (Itoh, 1995). This would bring about a collapse of the capitalist system. According to Despain (2011), Marx predicted that capitalism would collapse because it creates an ever-increasing class of property-less workers. As wealth is positioned in a small number of capitalists, overproduction, due to the lack of purchasing power by the masses, will become a crisis. There was no escaping this crisis and ultimate collapse, so long as the capitalist system of economics continued (Itoh, 1995). The inequity between landowners and wage labourers created by capitalism was seen as a fatal flaw. The collapse was an inevitable outcome of the capitalist system. His complaint was that exploitation is built into the capitalist system of production, because labour is bound to sell its power to capital on the market, but then has no say over what is produced, how it is produced or where the profit goes.

The class associated with the ownership or control of capital makes profit at the expense of the working class, which thus has 'nothing to lose but its chains'. But Marx's analysis of capitalistic economy is overly simplistic. According to Haas (1992), Marx failed to take into consideration at least seven key factors that work to allay such a collapse that Marx envisioned. These factors are: the dynamic nature of money, the role of psychology in the economy, the relation of advertising to distribution, Consumer credit, a continually expanding market, "People's Capitalism," and the role of government and legislation. Some have sought to establish a Biblical basis for Marxism both in Jesus' words to the rich young ruler that he was to sell all he had and give to the poor, and in the early church's practice of sharing all things (Marxism, 1964). However, as to the former, this was not a general teaching addressed to all, but a specific instance intended to reveal the rich young ruler's problem with covetousness; and, as to the latter, the example of the early church cannot be taken as normative for doctrinal purpose.

Human trafficking is said to be the fastest growing source of income for organised crime and it is the third most important, exceeded only by drugs and arms trade (Mahmoud and Trebesch, 2010). The growing but unsatisfied demand for legal migration options has created a breeding ground for criminal organisations and exploitative employers, who have learned to make a profit from people's desire to work abroad. Some migrants using smuggling services may depart unitarily, but end up being exploited. The available evidence indicates that human trafficking is an exceptionally lucrative business for crime syndicates.

Trafficking organisations find and attract people willing to work abroad via advertisements in newspaper. In the eighteen and nineteenth centuries, the ownership and productivity of land were evidently of great importance in determining the distribution of income, and the timing, location of the industrial revolution in the United Kingdom were clearly influenced by the exhaustion of certain traditional resource suppliers and the availability of alternatives. Many economically important commodities could be described as natural resources – land, oil, coal, ores, precious stones, fish populations, and areas of scenic beauty and so on.

4.4 UNDERSTANDING THE APPLICATION OF THEORIES ON HUMAN TRAFFICKING

In breaking down the meaning behind the theories employed for this study it is very much important to have a clear understanding of what the economic and strain theories entail. In a social context, crime is perpetuated by many outcomes, and with a thorough examination many reasons can be pointed out. Scholars have brought to attention that people face lot of challenges and the way they respond to them differs. The crime rise occurrence that is escalating in South Africa seem to be caused by strains. Not just any strain, but economic strains. Social and economic determinants of violence, many a legacy of apartheid policies, must be addressed to reduce inequalities in society and build community cohesion. Multi-sectoral interventions to reduce traffic injuries are also needed. South African crime problems seem to be mostly attached to unemployment that further extends to poverty. Poverty is one of the sign of strains that are the root causes of crime persistence. Agnew (1992) pointed out that strains are the main force behind crime commitment. People resort to illegal acts in order to better the frustrating situation ahead of them.

An understanding of what is crime is very much vital in giving a diagnostic examination to the behaviour that seems to be against what is understood to be a norm. Poverty plus unemployment

seem to play a role in economic driven opportunistic attempts that sees trafficking of people escalating. It is through failed attempts that people resort to illegal ways of doing things. In line with Agnew's strain theory, the failure to reach the goals is one of the role player on crime occurrence. Human trafficking has been regarded as one of the greatest social ills in the late twentieth century and it continues to be the scourge of the early twenty-first century (Brown, 2011). Brown (2011) further highlighted that the internal factors associated with it are bad governance, corruption, wars and societal crises, and other forms of conflicts including poverty, diseases and unemployment. These are known as push factors. External factors known as the pull factors are attributed to the fundamental changes in the international economy, globalisation in particular, and in some cases the attendant demand for cheap labour provided by trafficked persons.

A consequence of human trafficking, which has constituted the greatest concern to humanity, is the infringement of human rights. It is important to note that trafficking incidence occur in a well looked after South African society, a country that gradually ratifies the protocols to ensure safety of each individuals.

4.5 THE CONTRIBUTING OF STRAIN AND ECONOMIC THEORIES ON HUMAN TRAFFICKING

There is a developing rate of human trafficking levels in South Africa. It is affected by the failure to achieve the coveted objectives and henceforth people end up being deluded by go-getters who give the defenceless and unsuspecting a chance to accept to get help. These go-getters attempt to satisfy their financial strains by turning and misdirecting others to human trafficking, subjection and medication trafficking. Every day human trafficking rapidly increases and participant are of high and low class status, meaning different people are role players and others equally are victims. A number of people from around the world are taking advantage of the freedom to visit countries. People import and export their goods, some which are legal and some which are illegal to countries of their intended destination. Children, adults and people affected by poverty, unemployment are at high risk of becoming victims.

Strain would be likely when a person is strongly committed to making a lot of money but have the opinion of college education as beyond attainment. The theory is written at the social-psychological level. It focuses on the individual and his or her immediate social environment although the macro implications of the theory are explored at various points. In Merton (1968),

the inability to achieve one's goals may lead directly to delinquent behaviour as the adolescent searches for alternative means of goal achievement. If the theory were correct, we would expect delinquency to be greatest when aspirations were high and expectations were low. The argument for using the measure is that job prospects are less useful as goals for juveniles because these prospects are too far removed from their conscious concerns (Agnew, 1992).

Crime in South Africa is an element of the advancement and replication throughout the years of a "society of brutality", a "standardization of wrongdoing and viciousness" amongst an "underclass" of adversely mingled and socially prohibited youth who constitute a huge chunk of the South African population. The trafficking victims act, as presented in Weitzer (2007) defines all minors or citizens at large involved in commercial sex acts as victims of a severe form of trafficking. Poverty as powerlessness is the result of changing system. It is one element at this interface that can bring about an assortment of types of human trafficking for work misuse. Agnew (1992) emphasizes that general strain theory is a socio-psychological theory that focuses on the pressures that push a person's involvement in crime or delinquency. The majority of people in South Africa are trying their best to make ends meet but due to the existence of class hierarchy, inability to earn as they wish, and lack of employment are contributing to financial strains.

Crime increases rapidly in South Africa because people resort to illegal means of fulfilling their financial goals. One of the possible solutions to experience of strain is innovation, the use of new and deviant, socially less acceptable means such as commercial sex or prostitution. As Agnew (1992) states that strain produced by life adversity is theorized to incite negative emotion in people, resulting in dysfunctional coping. This forces them to settle for options categorised as easy ones. The lack of financial power, unemployment and failure to obtain a good life is one of the main reasons for human trafficking persistence. As people attempt to compete in the world of different opportunities they mislead and exploit others to make money.

Current efforts to counteract human trafficking fall into three categories, namely prevention and deterrence, law enforcement and prosecution of traffickers, and protection of trafficked person, rehabilitation and assistance in social reintegration. Bonger (2015) states that the present age is a period of capitalistic economy. This means that those able to maintain good life and financial challenges stands more chances to exploit the ones of poor, vulnerable and poverty affected class. South Africa as a developing country is still affected by poverty and unemployment. Such

problems are the main causes of strains that make people vulnerable to human trafficking and slavery. Financial freedom is a tool for the capitalist to buy their way through the highly secured South African borders. Although numerous strategies to fight human trafficking are being adopted, it is still growing each and every day. Strains are life distractions that are being provoked by economic sanctions that make people vulnerable and engage in unforeseen things.

4.6 AN OVERVIEW OF THE APPLIED THEORIES

The theories adopted in this study helps us understand the reasons behind the crime occurrence and the root causes of crime problems. Firstly, looking at the strain theory, it addresses the daily life crisis of which it differs from one individual to another. The inability to reach the desired goals may prompt one to engage in criminal conducts but it is not only limited to forcing individuals to crime as some turn a bad situation to a life changing lesson. Strains are contributing factors but not the cause of crime. Wrongful acts occur due to individual neglect of overcoming unusual situations. Since the strain theory incorporates both psychological and structural explanations for crime, its dismissal would be a serious loss to criminology. The proximate causes of deviance was described by Merton (1968) as individual adaptations to perceived strain, but the origins of that strain were traced to contradictions in the structure and cultural goals of modern industrial society. On a societal level, Merton (1968) described the meritocratic ideal that universal economic success is possible through effort and ability. This dysfunction between cultural prescriptions and access to desired goals can create an acute sense of strain at an individual level.

Merton (1968) projected that individual strains are likely among lower-class members who internalise cultural goals of wealth and status but recognise blocks to conventional means for their attainment. Merton (1968) described strain as an individual's reaction to a disjunction between universal goals and access to institutionalised means for their attainment. In summation, the two theories provide an explanation for this kind of crime occurrence.

This looks at the push and pull factors making people engage in crime, as well as how they generate income through the slow growing economy.

4.7 INTERNATIONAL LEGISLATIONS ON HUMAN TRAFFICKING

One of the notable thing is that the term “international legislation” is a metaphor, and the use of metaphors in an exact science is nearly always a source of danger. The essence of “legislation” is that it binds all people subject to the authority of the legislating, whether they assent to it or not, whether their duly appointed representatives have assented to it or not. International legislation does not (McNair, 1933). It only binds parties who have duly signed the law-making treaty and where necessary as it usually is have ratified. The second thing is that in the enthusiasm for international legislation there is a tendency to assume that once the legislation of a multipartite treaty has resulted in its signature by many states it can, so to speak, be inscribed on the statute roll and attention can be turned to a new topic of legislation (McNair, 1933).

The UN legal framework on human trafficking is contained in a supplementary protocol to the UN Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol) which came into effect on 29 September 2003 (Geldenhuis, 2016). This protocol is widely ratified by 143 member states and aims to provide a comprehensive legal framework for the prevention, suppression and punishment of human trafficking. It further aims to protect and assist victims of human trafficking and promote cooperation between member states to meet these objectives. According to the UNODC (2011), human trafficking may take place in a process, which includes at least four phases: the initial recruitment or abduction; transportation and (perhaps illegal) entry of persons into another country; exploitation; and subsequent laundering of the criminal proceeds.

Geldenhuis (2016) points out that the UNs Convention on the Law of the Sea (UNCLOS) of 1994 governs state jurisdiction over vessels and activities at sea. It divides the world’s oceans into maritime zones in which coastal states’ jurisdiction over vessels and activities in coastal regions are gradually abandoned to the state in which a vessel is registered. This is known as the vessel’s “flag state”, as the vessel moves out into waters beyond national jurisdiction. Article 92 and 94 of UNCLOS confer primary jurisdiction over fishing vessels to the flag state which means that the flag state bears primary responsibility for regulating vessel activities and enforcing its laws on board fishing vessels at sea (Geldenhuis, 2016). Jurisdiction over registered vessels is never abandoned on the high seas: the responsibility remains with the flag state (ILO, 2013).

Unfortunately, some flag states are unwilling or unable to meet their obligations under international law.

4.8 DISCUSSION ON SOUTH AFRICAN LEGISLATIONS GOVERNING HUMAN TRAFFICKING

South Africa does not currently have in force a law that specifically addresses trafficking of children for purposes of sexual exploitation. However, there are specific statutory offences that might be applied to trafficking, and provisions in the common law, such as abduction, kidnapping, rape and indecent assault, which might also be available (Kreston, 2007). There is no central legislative body in international law with the power to enact rules binding all states. The General Assembly of the UN is only empowered to adopt recommendations that are not binding upon member states. Although the Security Council may take decisions in terms of article 25 of the UN Charter binding on all member states of the UN, action of this kind is limited to situations determined by the Security Council to threaten international peace and security: and in practice the Security Council is seriously restrained from making such determinations by the veto power vested in each of the five permanent member states of the UN (China, France, the United Kingdom, Russia, and the US). The UN therefore cannot be described as an international legislature.

The rules of international law are to be found in agreements between states, known as treaties, and in international custom. These rules are created by the consent of states, whereas municipal law operates vertically, with rules imposed from above, international law horizontal system in which lawmaker and subject are the same legal persona (Dugard, 2015). Conviction of a perpetrator who traffics a minor to be exploited for the purpose of sexual intercourse or a forced marriage may in certain circumstances fall under the common law crime for abduction. A prosecution on a charge of abduction will be successful where such a perpetrator unlawfully and internationally removes an unmarried minor from the control of his or her parents or guardian without their consent. Kidnapping is one of the means used to “recruit” persons for human trafficking. Kidnapping contain an unlawfully and intentionally depriving a person of his or her freedom of movement and if such person is a child, the custodians of their control over the child (Rautenbach and Matthee, 2010).

However, unlike kidnapping, human trafficking further requires that the perpetrator traffic a person with an exploitive purpose, whereas kidnapping focuses mainly on the violation of the rights to

freedom of movement. Human trafficking more often than not includes the violation of several other human rights, such as the right to the dignity, life and security of the person. Murder and attempted murder – a perpetrator who causes the death of a trafficked person may be charged with murder. In cases where traffickers or their clients, while knowing that they are HIV-positive, rape a trafficked person, they may be convicted of attempted murder. Such a conviction is possible, irrespective of whether or not the victim is infected with the HIV because of being raped. Culpable homicide-in some trafficking cases apply when victims die, not because the perpetrators had the intent to kill them but because their deaths are caused by the perpetrator’s negligent conduct. Unlawfully and negligently causing the death of another human being can be prosecuted on a charge of culpable homicide. Trafficking and smuggling share some similarities and are both forms of irregular migration, smuggling facilitates illegal border crossing of persons and entry into another country. Trafficking in persons need not involve the crossing of any border and where it does, the legality or illegality of the border crossing is irrelevant.

The trafficking process usually start with recruitment of the trafficked person in the country of origin. The basic means for recruitment includes deception by promising a job, marriage or education in the country of destination, selling a person, usually a child or kidnapping the victim, which is the rarest method of recruitment. For many people trafficked cases start as a migration process with people seeking a better life abroad. Once the destination country is reached traffickers use different methods to control their victims in order to exploit them for profit. These methods include debt bondage, physical, linguist and social isolation, confiscation of travel. The action of trafficking, which means the recruitment, transportation, transfer, harbouring or receipt of persons.

The means of trafficking include the threat of or use of force, deception, coercion, abuse of power or position of vulnerability. The purpose of trafficking which is always exploitation in the words of the Trafficking Protocol, Article 1 exploitation shall include at a minimum, the exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs (Goodey, 2008). Human trafficking is a crime involving the exploitation of an individual for the purposes of compelled labour or a commercial sex act with force, fraud, coercion. The term “human trafficking” may suggest movement. However, no movement is required. It is a crime that can be committed against an individual who has never left his or her hometown. Individuals may be considered trafficking victims regardless whether they were born into a state of servitude, were

transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to human trafficking.

According to Qaba (2009), there are various existing precedent-based law wrongdoings and statutory offenses accessible to indictment, as far as which a man or people associated with being engaged with the trafficking of people for the motivations behind sexual misuse might be charged, contingent upon the conditions of a specific case. According to Qaba (2009), without enactment, the NPA has experienced one kind of issues in guaranteeing a sensible reaction to the events of human trafficking. This author additionally clarifies that human trafficking indictments have continued on a specially appointed premise, perceptible and recognizable to the specifics of wrongdoings, for example, snatching, seizing, attack, obscene ambush and assault, which do not totally draw in as powerful judgements as a particular trafficking face-to-face offense would force.

Available legislation incorporate part 18 of the Children's Act (Act No. 38 of 2005) (South Africa, 2005), area 50(A) of the Child Care Act (Act no.74 of 1983), and Section 5 of the Criminal Law (Forensic Procedure) Amendment Act (Act 37 OF 2013) (Burchell, 2013). The present arrangements accessible in both the normal and administrative law that might be utilised for the indictment of trafficking in people for sexual abuse will be talked about below.

The nonappearance of established human trafficking enactment in South Africa moreover constrains prosecutors to bargain just with those culprits that are specifically connected to the human trafficking offense coming about because of the trafficking of the casualty, and along these lines bars the culprits off camera, as this is frequently a sorted out criminal movement (Qaba, 2009).

The accompanying administrative measures are as needs be used in the indictment of human trafficking cases, to be specific: the Child Care Act (Act No. 38 of 2005), as altered; the Sexual Offenses Act (Act No.32 of 2007); the Prevention of Organised Crime Act (Act No.121 of 1998); the Prevention of and Combatting of Corrupt Exercises Act (Act No. 12 of 2004); the Immigration Act (Act No. 13 of 2002); the Films and Publications Act (Act No. 65 of 1996), as revised; the Corruption Act (Act No. 94 of 1992); the Intimidation Act (Act No. 72 of 1982); the Riotous Assemblies Act (Act No. 17 of 1956) in encircling trick and impelling charges; and the Constitution of the Republic of South Africa Act (Act No. 108 of 1996) (Burchell, 2013).

In terms of Section 205(2) of the Constitution, legislation must establish the powers and functions of the SAPS and must accordingly enable the SAPS to fulfil its responsibilities effectively. Although various statutes stipulate the policing powers of the SAPS, only the SAPS Act (Act no.68 of 1995), as amended by the SAPS Amendment Act (Act No. 57 of 2008), describes the functions of the SAPS as noted in the Strategic Plan for the SAPS 2010-2014 hereunder (Burchell, 2013). Masilela (2013) points out that The Strategic Plan for the SAPS 2010-2014 (SAPS Strategic Management, 2013) explains that in terms of the Police Service Act (Act No. 57 of 2008) there is a need to provide a police service throughout the national territory in order to perform the following functions:

- To ensure the safety and security of all persons and property in the national territory;
- To uphold and safeguard the fundamental rights of every person as guaranteed by chapter 2 of the Constitution;
- To ensure cooperation between the SAPS and the communities it serve in the combating of crime;
- To reflect respect for victims of crime and an understanding of their needs; and
- To ensure effective civilian supervision over the SAPS.

Laws and regulations are relatable to other key human rights principles. Corruption of its government officials leads to the moral and legal deterioration of a government, possibly leading to additional criminal activities on the part of corrupt officials. Victims of international trafficking are transported across borders, increasing the possibility that forged documents or corruption of government officials is necessary to facilitate the activity. South African legislation breaks down the legal and illegal doing under the South African context with an understanding that countries rules differ according to each countries jurisdiction. In an economic driven society, it is highly difficult that individuals living under poverty can abide by legislative guidelines that states how one is allowed to do things whilst not violating others' rights (Najemy, 2010). The human rights enshrined under the South African constitutional law guides each individual even though living under a poverty-stricken state. According to Turner (2010), some approaches gives short shrifts to criminological theories of aetiology, by treating criminal behaviour as part of the more general economic theory of rational choice, where it is assumed that people will commit crimes if the

expected utility exceeds the utility that could be realised by other activities. Poverty and inequality are crucial social dynamics that have contributed to South Africa's burden of violent injury.

In various nations, accumulations in the courts or with over-troubled law authorisation staff defer arraignments and moderate the conveyance of equity. Numerous legislatures need satisfactory work force to deal with time-serious trafficking cases or face high staff turnover of those authorities with experience to arraign them. Noteworthy deferrals in indictment can debilitate casualties from affirming or seeking after a case, or may have the useful outcome that the individual is no longer in the nation or accessible to help law implementation or testify at trial.

More regrettably, these postponements can enable traffickers to keep abusing, undermining, or scaring victims, including survivors whose testimony is important to accomplish a conviction (Najemy, 2010). With constrained assets and staff, a few governments have endeavoured to assign specific prosecutors to oversee against trafficking caseloads, a stage that encourages the advancement of mastery on the examination and indictment of complex trafficking cases and takes into consideration proceeded with regard for fighting this wrongdoing. For instance, a specific prosecutor would comprehend why a trafficking victim may at first mislead law implementation about the realities of the wrongdoing or even depict an eager inclusion in the trafficking plan. An unpractised prosecutor may see a hesitant or untruthful observer as an obstruction to justice, rather than seeing proof of the trafficker's accomplishment in controlling the casualty with the end goal that he or she does not feel safe trusting in law requirement. Particular prosecutors had better see how to explore these difficulties.

Human trafficking happens in essentially each nation on the planet and frequently crosses national boundaries. While the wrongdoing of human trafficking does not require development either inside or crosswise over outskirts, cases regularly include development between source, travel, and goal nations. This is particularly valid in an undeniably interconnected worldwide economy, with relocation on the rise. Individuals looking for circumstance or escaping struggle as often as possible travel a few nations and face vulnerabilities to human trafficking *en route*. Delegates and exploiters, now and again including vagrant runners, in transit to third nations where they confront abuse, move others, enlisted from their homes. Traffickers frequently benefit from the trouble between governments to shroud the full extent of their criminal endeavour. The transnational idea of many trafficking violations requires expanded endeavours by governments to coordinate with

each other. Governments must hold fast to their commitments under Articles 2 and 10 of the Palermo Protocol, which require collaboration and data sharing among governments' law implementation, migration, and other important experts to explore and arraign trafficking. Source-nation governments report challenges.

Trafficking is an economic activity in which organisations try to make profits; traffickers only sell people for sexual exploitation when market conditions make profitable (UNODC, 2009). Najemy (2010) advocates that an enactment of the prevention and combating of trafficking in persons Bill, coalesced with appropriate and suitable implementation procedures and measures, should be enough to remove South Africa from its current placement on its position, ideally bringing the country up to full compliance with United States and international standard. The legislation enactment by government to prohibit severe forms of trafficking in persons, and the penalties are prescribed for human trafficking offenses with a maximum of at least four years deprivation of liberty, or a more severe penalty is provisioned under the South African legislation. It can be safely accepted that the South African constitution removed any doubt as to the status of customary law in the South African law on the par with common law. Both the common law and customary systems of law recognise and define crimes, both system prescribe punishment for each crime committed.

The South African constitution protect each and every individual residing in it but fails to protect the criminal activity, for each individual that illegally migrates into the country is not protected by any law. This transnational crime is a law violation and should it be that one is illegally in the country it is difficult for them to have access to same protection as South African citizens and those with visas to the country. It is important to note that there is a migration protocol that protects everyone who legally moves from one country to the other. Since transnational crime is an act of illegal doing, one is violated without protection from the country they are experiencing violation in. Stuurman (2004) places emphasis on that victims of human trafficking often are prosecuted for instance trafficked persons who are in South Africa with valid documentation because their passport have been seized for prostitution. The sexual offences amendment act addresses the issue by specifying that a victim of trafficking is not liable for any criminal offence including any migration related offences, which was committed as a direct result of being trafficked.

Human trafficking is an ambush on human dignity and ought to be punished in like manner. No legislature can consider human traffickers responsible or address the requirements of victims without stringent and far-reaching human trafficking laws, solid law implementation and prosecutorial limit supported with sufficient assets, and an educated legal. Casualties of human trafficking merit opportune and significant access to equity through a framework that regards rule of law and due process rights (Jacobs, 2006).

Without these measures, human trafficking will keep on flourishing. While governments cannot fix the torment and insult casualties confront, they can try to right those wrongs through authority affirmation of foul play and by indicting, and condemning traffickers and those complicit in human trafficking. In taking these measures, governments give equity to casualties, make steadier social orders to keep the defenceless sheltered, and work towards a world free from current subjection. South African laws and legislation are made in favour of all the citizens regardless of age, gender or race as well as ethnicity. As a way of offering protection to all, the legislation enshrined under South African laws makes it easy to regulate and prevent each individuals from exposure to harm. As the developing country South Africa ensures that everyone is out of harm and is protected, however, along the way fails to protect the ones that comes into the country without permission.

Building a solid human trafficking case can be perplexing and inconvenient. In many cases, police authorities start an examination with a solitary casualty who regularly might be the main witness who can portray the power, misrepresentation, or intimidation experienced over the span of his or her exploitation. Authorities should then assemble confirmation to verify that statement, which is regularly a testing and tedious process. Jacobs (2006) suggests that it is imperative that law authorisation is adequately prepared on the best way to confirm the victim's testimony and how to gather evidence to prove a suspect's intent to exploit a person in forced labour or sex trafficking. More to that, specialists and prosecutors should cooperate amid the examination stage to guarantee the fundamental proof is gathered and any shortcomings for the situation are tended to as ahead of schedule as could be allowed. Insufficient or fragmented proof is frequently to fault for the absence of effective trafficking cases everywhere.

Governments in a few nations have expanded coordination amongst police and prosecutors. In South Africa, the NPA drives national hostile to trafficking endeavours, with prosecutors managing common against trafficking taskforces enabling them to lead commonplace law

implementation endeavours and trainings for particular police and group work force nationwide, additionally fabricating the ability and system of prepared experts (Jacobs, 2006). Law authorisation and legal authorities require propelled preparing to create fitting examination and confirmation handling strategies.

In Ukraine, the Prosecutor General issued a mandate in 2017 to give human trafficking examinations need access to observation assets. In Cambodia, neighbourhood associations and even a few authorities recognise an earnest requirement for the law to approve refined proof accumulation systems, including covert examinations, wiretaps, and the capacity to look for court orders. These methods can enable law implementation to diminish dependence on witness declaration and adjust to the inexorably surreptitious nature of human trafficking.

4.9 SUMMARY

This chapter focused on theories adopted in this study for explaining crime occurrence. It also explained more using the international and South African legislation to give an understanding of factors contributing to crime occurrence. The next chapter presents the findings obtained through the interviews conducted by the researcher

5 CHAPTER FIVE: RESULTS AND DISCUSSION

5.1 INTRODUCTION

This study explores the responses of NPOs in human trafficking in Durban, KZN Province in line with South African policing system and the strategies of combating trafficking. It looks at the main contributing factors that are role players in the increase rate of trafficking existence.

This study adopted the qualitative research approach method. The research method utilised a semi-structured interview technique, observation and a review of relevant literatures. All these were utilised in gathering both primary and secondary information for the study. Though the central approach was the interview or qualitative approach, the researcher was able to collect reasonable data in the form of information from the various NPO officials for the study. The literature reviewed for the study contributed immensely to the strength of the study. There is consequently no contradiction to the fact that the literature and other research materials consulted in this study were resourceful in allowing the researcher to answer the key research question and achieve the specific objectives stemming from the problem under investigation.

5.2 THE NON-PROFIT ORGANISATION PERCEPTIONS ON RESPONSES TO HUMAN TRAFFICKING IN DURBAN, KWAZULU NATAL PROVINCE.

Interviews conducted with participants aimed at obtaining rich knowledge from participants and were very much useful as the questions posed to them prompted important knowledge in line with their experiences with human trafficking cases. Their responses and presented and discussed in the following sections.

5.2.1 How can the Umgeni Community Empowerment Centre respond effectively to human trafficking in Durban?

Data gathered through the interviews revealed that UCEC does not work alone in combating human trafficking in the Durban area. They seek assistance from different areas and stakeholders in the area. This is what one of the participants had to say:

“Well, firstly we are in partnership with the international organisation called A21. This organisation deals with a lot of human trafficking cases, especially in terms of rescuing, so we have a special number that we or all the NPOs that are working with this campaign use. That number is 0800 222 777. It is a very effective number in the sense that one does not only call it when in trouble, or when they are being trafficked but when they have any question, suspect anything to do with human trafficking. Anyone can get in touch with us on this number anytime. It has been very effective in leading to the rescue of victims.” UCEC participant A

“We are on a special task team that responds immediately. It is kind of an international team. There was a case reported about six weeks ago and the girls were rescued” UCEC participant B

5.2.2 According to the Umgeni Community Empowerment Centre, has human trafficking increased in the last five years (2013-2017) in Durban?

The responses from the participants pointed to an increase in the cases of human trafficking although there were no statistics given. One responded said,

“I am not too sure about the past five years but I certainly do believe that in 2017 we definitely saw an increase in human trafficking cases. The news about it was all over, in public eye, newspapers and on social media. People were being stolen and put into cars. This was an eye opener for the public who did not think it was real in Durban. We indeed had an increase especially in 2017.” UCEC participant C

“It is increasing, but it is something that a number of people hide. Ladies that have been trafficked don’t want to be exposed. I see a lot of it, actually the girls being trafficked for sex. There is also trafficking of body parts that’s also on the increase.” UCEC participant C

With regards to attempts and effort being put to raise awareness about and fight human trafficking, participants brought up the Annual Human trafficking walk as a helpful initiative.

“Yes, I really do believe it reaches a lot. Our campaigns, especially the annually stop trafficking five kilometre awareness walk, are very important events. The annual walk is like a war that we all fight together, it is non-cultural, non-sexist, and non-religious. It’s for everyone because it affects every single person. It is so lovely to see people from all walks of lives stand together against this high crime. It’s one of those things that the country has to unite against, because you are not too rich or poor or too intelligent to be trafficked. You know that sometimes we fight to

protect plants and nature, and animals. How important is it to fight and protect human beings?”

UCEC participants D

5.2.3 What are the types of human trafficking cases responded to by Umgeni Community Empowerment Centre of Durban?

The participants in this study pointed out forced prostitution as one of the most prevalent type of human trafficking. Their responses also pointed out that more is still required in order to eliminate the continuity of trafficking.

“Most trafficking cases are related to forced prostitution. This is the case because people, especially young ladies from the rural areas or from other countries, are lied to. They get deceived into thinking they are getting employment and they get trafficked. But then again we have had a case, not really a complete case, where this lady sent her daughter to traffickers for her to be abused.” UCEC participant E

“Basically, more like the girls have been lured by false job offers. Most of them have problems at home and they run away. Traffickers look for people like these, and they feed on their vulnerability. So it is those kinds of vulnerable people that become victims of human trafficking.” UCEC participant E

5.2.4 Based on your Umgeni Community Empowerment Centre records, what are the major causes of human trafficking in Durban?

The respondents to this study highlighted that lot of human trafficking cases are a result of poverty and unemployment. The causes of human trafficking are discussed in detail in Section 5.3. The following is what some of the participants had to say.

“Oh, well, it is not just one thing. For victims, it’s poverty. If we can address poverty then we can address the human trafficking issue. Sometimes people fall victim to human trafficking because they are rejected by their own family and friends and they end up being homeless. For perpetrators, it is definitely money because there is big market for human beings out there. But I would say it is mostly poverty and money.” UCEC participant F

“Its evil godless man and women who are making a fortune out of other people. They do not see these young ladies as their own daughters, or imagine that this can happen to any of their children. It is evil and horrible.” UCEC participant A

“In other cases it is difficult to specifically say one thing as a main cause because things that endanger human life are more linked. For example, it may appear as if it is poverty that is leading people into human trafficking while it is actually unemployment. Trafficking is just a ruthless kind of crime that goes with a vast number of crimes that can lead to drug smuggling, corruption and many.” UCEC participant B

5.2.5 How effective are the current Umgeni Community Empowerment Centre strategies in responding to human trafficking in Durban?

UCEC is doing the best, within the capacity of their human and financial resources, to effectively respond to human trafficking and raising awareness to prevent. Awareness efforts being done by UCEC include school visits and public seminars to educate people on how human traffickers operate and equip them with safety tips so that they do not fall victim to this crime. However, their efforts can be improved by the availing of resources. Some of the respondents had this to say:

“Well, for us as an organisation our resources are somehow limited because of finances but we do our best to help the victims of human trafficking. We have a psychologist and safe house for victims of trafficking. We are also focusing more on preventing crimes from happening that’s why we do awareness campaigns. We go to schools and public gatherings to give safety tips because we really believe that prevention is better than cure. So, yes our ways are very effective for the little resources we have, but with more there is room for improvement.” UCEC participant G

“We as UCEC, I would say we are responding actively with regards to creating awareness. We go out to airports and schools throughout the year where we expose some of the ways in which these traffickers work.” UCEC participant B

5.2.6 With your understanding, who are the main role-players in combating human trafficking in collaboration with Umgeni Community Empowerment Centre of Durban?

The UCEC is affiliated to a task team called Human trafficking Harmful traditional practices Pornography Prostitution and Brothel (HHPPB). This task team consist of the UCEC, the NPA, SAPS, Hawks, department of social development, the premier of KZN and other NPOs dealing with the same issue. These stakeholders were revealed by two participants quoted below.

“Well, the main one I would say is the Human trafficking Harmful traditional practices Pornography Prostitution and Brothel (HHPPB) task team. This is a consortium that works with other stakeholders such as SAPS, Hawks, Department of social development, Office of the premier in KZN and also other NGOs. We report everything to them and they handle the cases accordingly. The head of task team is advocate Don Coalman who is a senior advocate of the NPA so those are our best partners at the moment regarding human trafficking cases.” UCEC participant H

“Yes, the task team we belong to is the NPA, SAPS, Metro Police and Hawks. They all engage with us in fighting against human trafficking.” UCEC participant H

5.2.7 In your understanding, can improved resources, advanced training and better education of Umgeni Community Empowerment Centre personnel minimise human trafficking in Durban?

In response to this question, all the participants unanimously agreed that more resources and advanced training will lead to a reduction in human trafficking. This is because the organisation will be able to reach a lot of people to raise awareness about the crime and effectively help trafficking victims.

“We truly believe that already the effort we put in do minimise human trafficking case but not as much as we wanted. People are getting informed, educated and more aware about it now more than they were ten years or five years ago. Ask anyone now how they got to know about human trafficking and they will tell you it was information they got from our organisation. Definitely, the ideas are there and the people who are willing to help in this campaign are ready. What just limits us is the lack of resources. We have the spirit and we believe we can improve on it. And yes, I definitely think we have minimised it to some extent in Durban.” UCEC participant I

“Yes I think so, we could be better if we get the necessary resources. UCEC is not funded and has never been externally funded. We look to corporate business for funding but it is always an issue. I think we could be better if we are funded.” UCEC participant F

5.2.8 On Umgeni community Empowerment Centre level, are the current legislative frameworks protecting human trafficking victims adequately in Durban?

The current legislation and structures do not fully support the victims of human trafficking because it is not made a priority. Participant C pointed out that some efforts are being made to help the

victims but it is not enough because there is still less awareness on the reality of the crime in Durban and South Africa as whole. This participant pointed out the need for the local authorities and governmental departments to be hands-on in collaboration with NGOs that are fighting against human trafficking.

“As a city the efforts are visible especially recently, but not yet as visible I do not think that as a city we priorities this crime and reason we are not aware of the realness of it but we have really improved and our city has done much, but we just hope that the City, Municipality and governmental department could be more hands on with the NGOs and whoever is fighting for human trafficking and work together unity is strength, the more we work together it’s the more we can conquer this”. UCEC participant G

5.2.9 How can Umgeni Community Empowerment Centre be used effectively to provide help to victims of human trafficking in Durban?

The participants of UCEC proposed that as ways of improving the way in which the organisation helps human trafficking victims.

“We are fortunate that we work closely with qualified psychologist, counsellors, and we have a special shelter for victim. That on its own makes victims feel welcome and comfortable. They get a sense of trust because we have been doing this for long and we have been dealing with people for long. When they get to the safe house they find that there are other people who have been through the same ordeal. This gives them a sense of belonging and understanding that someone has been through this also. We also give them an opportunity to be part of our campaigns through stage plays or through walks and campaign of many sort, so they are always eager and love to fight against this issue. That also helps them psychologically to get out of that state of mind of being victims.” UCEC participant J

5.2.10 What challenges do Umgeni Community Empowerment Centre experience in dealing with human trafficking cases in Durban?

One of the major challenges cited by UCEC participants was drug addiction. They revealed that most human trafficking victims become drug addicts because they are exposed to drugs while they are in captivity. Many of these drug addicts go back to their captors to get drugs to fuel their habit.

So the challenges arises when trying to help the victims get over their drug addiction. The following quote is what one UCEC employee had to say on this issue.

“Victims unfortunately get conditioned to their condition. By that I mean most of them are drugged. Some of them go there as victims who don’t do drugs and who are not addicts but when they come out of there they are already addicts. So now this means before we put a victim in a safe house we have to deal with that drugs problem, and it is very difficult. Hence we find some victims going back to traffickers mainly because they have created a bond or some kind of connection with some of them and gotten used to their condition and their body requires drugs and some of them go back to traffickers because they know they can get drugs easily. So those are some of the challenges that we do have. It does not happen often but believe me it does happen”. UCEC participant K

5.2.11 How can other relevant stakeholders work closely with Umgeni Community Empowerment Centre to adequately respond to human trafficking in Durban?

Participants pointed the financial aid as best thing that other stakeholders can do to help fight against human trafficking. The business rarely has the time to participate in the campaigns physically. Other things like marketing and advertising were cited as some of the ways in which stakeholders can get involved in such a good cause as fighting human trafficking. Two of the participants responded on this wise with regards to this matter:

“What happens in the business sector is that many organisation do not really have time to do campaigns and talk to victims. Basically they do not have time to do what we do. So we just encourage them to help us financially. it helps so many people since anyone can be a victims, everyone is vulnerable, so we just encourage people to partner with us in term of finance, funding, marketing and advertising so that these criminals can be exposed, its partnership that we require and financial help from business sector.” UCEC participant L

“Most definitely the SAPS has been very helpful. Recently they have been easy to reach out to than before, and we are really happy that we have been able to partner with them. It was so surprising to know that even some of the members of SAPS do not know much about human trafficking. The more they work with us as the law enforcers themselves is the more they gain from us. It makes us very proud teaching law enforcers a thing or two, so we are just hoping this can work and keep

going. We are also hoping that we can be more hands on, knowing that in the SAPS there are so many departments, one might be directed to different departments and that lengthens the process.”

UCEC participant D

5.2.12 Do you have any other comments that you want to share regarding Umgeni Community Empowerment Centre’s response to human trafficking in Durban?

“All we can say is that the public needs to understand Durban is surrounded by Ocean and Harbour, there are so many activities that go on in the Harbour, and there is containers that go in and out of this country. We cannot be 100% sure that our Harbour and Sea are monitored accordingly because everyday criminals get smarter and smarter. Let us just know that our country is at greater risk because victims are put into containers and shipped to overseas. We are vulnerable as a city, so let us just be aware all the time and let us be vigilant wherever we are, whether it is on social media, in creative arts, writing and poems, church or in your community just raise awareness. Thank you”. **UCEC participant I**

5.3 EMERGING STUDY THEMES (BASED ON PARTICIPANT RESPONSES) ON CAUSES OF HUMAN TRAFFICKING CASES IN DURBAN.

5.3.1 Corruption

Police corruption is not a new occurrence in South Africa. It is deceptive for us to think that police corruption was not marked during apartheid era in South Africa. There is evidence to suggest that corruption was very much present. The role of the “*Kitskonstabels*” translated as “instant constable” who were known to have been poorly trained in six weeks, took bribes from members of the public and served as agents of oppressive apartheid regime. Essentially, police corruption in South Africa is well documented (Yesuf, 2014). According to Newman (2004), corruption is when a police officer works for himself rather than his country. The researcher interprets the line of argument taken by Newman as a euphemistic remark because, under the South African Police Services Act (Act No. of 1995), the Corruption Act (Act No. 94 of 1992) and the Prevention and Combating of Corrupt Activities Act (Act No.12 of 2004), there are no provisions in any of these Acts stipulating that the police should work for themselves.

5.3.2 Drug smuggling

This kind of crime is perpetuated with corruption, which is a method they use to fast-track their dealings without facing problems. Organized crime usually pursues to nullify or invalidate government by eluding examination, arrest, prosecution, and conviction through payments to the police, prosecutors, and judges.

5.3.3 Forced labour

Forced work can be comprehended as work that is performed automatically and under the threat of any punishment. It alludes to circumstances in which people are pressured to work using viciousness or terrorizing, or by more unpretentious means, for example, controlled obligation, maintenance of personality papers or dangers of reprimand to movement experts.

5.3.4 Forced marriage

A forced or constrained marriage happens when the lady of the hour, prep or both would prefer not to get hitched yet are compelled to by others, as a rule their families. Individuals constrained into marriage might be deceived into traveling to another country, physically undermined as well as sincerely extorted to do as such. Consistently, several youngster's; male and female, are constrained into marriage without wanting to, frequently by viciousness and shakedown from their own families and relatives.

5.3.5 Poverty

Jensen (2009) states that people with salary not as much as that esteemed adequate to buy fundamental needs sustenance, haven, garments, and different basics are assigned as poor. As a general rule, the average cost for basic items changes drastically in light of topography; for instance, individuals named poor in San Francisco will not feel as poor on the off chance that they lived in Clay County, Kentucky. It characterises destitution as an endless and incapacitating condition that outcomes from various unfavourable synergistic hazard factors and influences the psyche, body, and soul. Nevertheless, you characterise it, destitution is perplexing; it does not mean a similar thing for all individuals. For the motivations behind this book, we can distinguish six sorts of destitution: situational, generational, outright, relative, urban, and country.

Situational destitution is for the most part caused by a sudden emergency or misfortune and is frequently transitory. Occasions causing situational destitution incorporate ecological fiascos, separate, or serious medical issues. Generational neediness happens in families where no less than two ages have been naturally introduced to destitution. Families living in this sort of neediness are not furnished with the devices to move out of their circumstances. Outright neediness, which is uncommon in the United States, includes a shortage of such necessities as sanctuary, running water, and nourishment. Families who live in outright destitution tend to concentrate on everyday survival.

Relative neediness alludes to the monetary status of a family whose salary is deficient to meet its public's normal way of life. Urban destitution happens in metropolitan zones with populaces of no less than 50,000 individuals. The urban poor manage an unpredictable total of endless and intense stressors and are subject to regularly lacking huge city administrations.

5.3.6 Prostitution

The term prostitution is commonly used to refer to the craft of sexual services for compensation in cash, and so to a form of communal interaction that is concurrently sexual and economic. This makes prostitution a difficult social type, for in most societies sexual and economic dealings are fictional and regulated in very different ways (Davidson, 2007). Prostitution has ordered considerable devotion from feminists in recent years, but has also highlighted deep theoretical and political divisions within feminism. Altogether prostitution is a form of sexual violence and slavery that infringes women's human right to dignity and bodily integrity, and buying sex is corresponding to the act of rape. This interpretation rests on the assumption that no woman freely chooses or genuinely consents to prostitute (Davidson, 2007). It leaves little room for women as agents within prostitution, and provides what critics deem to be a gender essentialist, totalizing, and reductive analysis of prostitution.

5.3.7 Unemployment

This is defined as a state where someone of working age is not able to get a job but would like to be in full-time employment. These strains affect many people, which hinders their desire to own and afford different things.

5.4 THE UMGENI COMMUNITY EMPOWERMENT CENTRE RESPONSE TO THE TRAFFICKING IN DURBAN

The organisation is tirelessly working to ensure that prevention measures are being adopted to ensure that human trafficking does not take place. It is ensuring that people of different regions, schools, workplace and residences are educated about the impact of trafficking occurrence. UCEC collaborates with governmental structures, SAPS and Metro Police to ensure that justice is being served and whoever is rescued from such a troubling issue gets assistance. Victims are given care after being rescued. Psychologist of the organisation provides care and counselling to them.

The UCEC responds by coming up with positive strategies to assist shape people's mind into a good state. For example, a victim is rescued from this epidemic issue, given shelter and a fresh start as they help them with application for employment. In such a case where one does not have an Identity Document (ID), they help them to obtain it and start doing things they wish to pursue. It is undeniable that resources are key to providing services that are exceptional of which UCEC happens to be struggling financially. This is exacerbated by the increasing number of people who comes for help without a commensurate increase in financial resources to help the growing number of victims. This results in UCEC referring some of the victims elsewhere where they can get assisted immediately.

The organisation in each year focuses on the awareness campaigns to ensure that people are educated about trafficking. The annual anti-trafficking walk is one form of raising awareness where people around the world are allowed to participate. They involve people of different race, ethnicity, and age so that they can gain and know how much of an issue trafficking is. The organisational efforts rely on other organisational assistance, which they collaborate with such as SAPS and Metro Police. As a delicate issue, the organisation is attending to each case with open mind that the victims may be operating under threats or force. Since trafficking is about exploitation, the organisation's psychologist assist them on reshaping their minds and taking away all the false promises that had dominated their minds. Some victims are rescued with drug addiction but the organisation ensures that the care they give to them is aimed at bettering their lives and making sure one gets assistance.

South African children are recruited from poor rural areas to urban centres, such as Johannesburg, Cape Town, Durban, and Bloemfontein, where girls are subjected to sex trafficking and domestic

servitude and boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. Many children, including those with disabilities, are exploited in forced begging. Non-consensual and illegal *ukuthwala*, the forced marriage of girls as young as 12 to adult men, is practiced in some remote villages in Eastern Cape province, exposing some of these girls to forced labour and sex slavery. Local criminal rings organize child sex trafficking, Russian and Bulgarian crime syndicates operate in the Cape Town sex trade, and Chinese nationals organize the sex trafficking of Asian men and women. Nigerian syndicates dominate the commercial sex trade in several provinces. To a lesser extent, syndicates recruit South African women to Europe and Asia, where some are forced into prostitution, domestic service, or drug smuggling. Law enforcement reported traffickers employ forced drug use to coerce sex trafficking victims.

The Government of South Africa does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In August 2015, the government promulgated the Prevention and Combating of Trafficking in Persons Act (PACOTIP), which criminalizes all forms of human trafficking, mandates a coordinated government program to prevent and combat trafficking, requires consolidated reporting of trafficking statistics, and outlines victim assistance measures. The government developed implementing regulations for PACOTIP, including on victim identification and referral, and began training officials on the law. The government increased law enforcement efforts—convicting 11 traffickers and initiating prosecution of five sex traffickers in 2015 in comparison to three convictions and 19 prosecutions in 2014. The Department of Social Development (DSD) continued its oversight of victim shelters, which assisted 103 victims—a significant increase compared to 41 during the previous reporting year. Officials did not implement procedures to identify trafficking victims among vulnerable groups, including illegal migrants and women in prostitution. The government did not address labour trafficking offenses systematically. A serious lack of capacity and widespread corruption among the police force hindered anti-trafficking law enforcement efforts. The government did not systematically prosecute or convict individuals involved in major international syndicates responsible for much of the sex trafficking in the country

The government increased efforts to protect victims. DSD continued oversight of and funding to 13 accredited multipurpose shelters, which hosted 103 victims—a significant increase compared with 41 in 2014. DSD continued to oversee 17 NPO-run safe houses designed to temporarily

shelter victims before transfer to an accredited shelter, providing a stipend on a per person, per night bases to the safe houses. There was only one shelter, in Gauteng Province, available for male trafficking victims. Some shelters declined to accept trafficking victims because of concerns about the government's ability to provide security. DSD ran a nine-week rehabilitation program to address the psycho-social well-being of victims and paid for victims to receive residential treatment at rehabilitation centres for overcoming drug addiction; however, not all provinces had such centres. The government operated a network of *Thuthuzela* Care Centres (TCCs)—full service crisis centres to assist victims of rape and sexual violence, including potential trafficking victims; it reported the 53 TCCs assisted five victims of trafficking. Staff prevented both adults and children from leaving shelters unaccompanied, reportedly for security reasons. Rapid-response teams comprised of government agencies and NGOs in Gauteng, Mpumalanga, Western Cape, and KZN Provinces continued to coordinate protective services, including shelter, for victims. DSD, which is responsible for designating and certifying trafficking victim status, continued to accept victims from law enforcement and coordinate their placement in a registered shelter. SAPS, DSD, National Prosecuting Authority (NPA), DHA, and Department of Justice (DOJ) developed uniform formal procedures to identify and refer trafficking victims to care, in accordance with PACOTIP. Implementation of these procedures varied by department and province; not all officials were aware of referral procedures.

The KZN and Western Cape provincial task teams used an interagency protocol to guide law enforcement interactions with women in prostitution. Law enforcement generally did not screen women and LGBTI persons in prostitution for trafficking indicators, and instead sometimes charged them with prostitution and other violations. Male labour trafficking victims remained largely unidentified and were frequently detained, deported, jailed or fined. Systemic hurdles inhibited progress in providing justice and protection for victims. A lack of language interpretation impeded the investigation of trafficking cases, prosecution of suspected offenders, and screening of victims. Officials encouraged victims to participate in the investigation and prosecution of traffickers and, at times, provided security and long-term care to foreign victims who did so. PACOTIP provides trafficking victims relief from deportation; however, regulations to implement this provision had not been promulgated. Law enforcement may petition DHA on behalf of foreign victims to prevent their deportation. Law enforcement reported difficulty placing suspected

victims in shelters if they failed to provide evidence of force, fraud, or coercion immediately after their rescue; leaving DSD unable to immediately classify persons as victims of trafficking and delaying victims' placement in facilities. Suspected criminals could only be held for 48 hours without evidence, and many traumatized victims were unable or unwilling to provide statements within that time frame, leading to the release of suspected offenders.

5.5 SUMMARY

The information that was gathered from the interviews conducted was presented and discussed in this chapter. The perspective of the UCEC remained the subject of exploration in this chapter. A summary of the research and conclusions drawn from the gathered data are presented in the next chapter.

6 CHAPTER SIX: SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

In this chapter, the results of the study are characterised under the substantiation of the articulated investigation enquiries, as well as the recommendations pertaining to the research objectives and questions. The study examined the responses of organisational members of UCEC based in the Durban area. This chapter summarises the study processes and provides appropriate conclusions based on the findings. The recommendations section concludes the discussion in this chapter. The theories adopted for this study mutually agree that the root causes and influences stems from factors mostly important in human life. This study was conducted using a qualitative approach. Qualitative data were collected using unstructured individual interviews. Individual in-depth interviews were conducted in order to examine their responses on human trafficking.

6.2 IDENTIFIED STUDY THEMES AND RECOMMENDATIONS

6.2.1 Corruption

It was noted that employees in government positions, like clerks, office staff and others, receive low salaries. This causes many to turn to corruption in order to make extra money to meet their needs. For this they try to delay the work for so long that the client is fed up and opts for bribery for progress in the work. So low salary is one of the reasons for corruption. It is therefore recommended that better salaries be given to civil servants and have periodical raises to catch up with the growing inflation.

It is also recommended that the number of workers be increased. In many offices of the government sector, the work load has gone up drastically but the recruitment of an additional workforce has declined. This huge burden of workload on the few employees thus resulting in them taking a lethargic stance. This is done to solicit some monetary motivation from the receiver of service in order for them to be served faster. Law to dismiss from service if an employee is found to be involved in corruption should be implemented fully and religiously, without partiality or regards to who is the guilty party.

The prevention and eradication of corruption is an absolute requirement for better public life. This corruption takes an interesting turn in such a way that everyone becomes corrupt in some other sort of situation if it permits. Surveillance needs to be top of the range and transfers of anything need to be regulated by more than one person to eliminate the risk of company losing out on money. Ensuring that not only the bank but even law enforcers ensure that any transactions are clearly inspected to prevent corruption from taking place.

6.2.2 Drug smuggling

Education and information are very much useful weapons to stop the problem from taking place. Awareness is a pivotal tool to ensure that one learns about something that is far from them so that in future or when it starts to strike on them they become aware of how to deal with that situation. Surveillance systems that can scan the person's body not only their luggage can be of very much importance in ensuring that no crime is perpetuated with any other crime. In the same way that there are resources created to see through one's luggage, one that can scan a person would be very much resourceful in eliminating crime such as smuggling of drugs.

6.2.3 Forced labour

Law enforcement that prevents the occurrence of slavery needs to be employed as enshrined in the South African Constitution. There must be structures that are society friendly or reachable for everyone to be able to check each and everything related to employment in order to ensure that they are not being exploited for false employment. Technologically friendly systems that provide every bit of information about the promised employment has to be in place for the benefit of the society.

6.2.4 Forced marriage

A national plan or act to protect and stop this practice needs to be drafted without favouring certain religion or culture. UN Women's Handbook for National Action Plans on Violence against Women (2012) recommends that national action plans should outline a comprehensive, coherent, and sustained programme of activity that builds evidence and practice over time. A coordinated strategy for the primary prevention of violence against women establishment and ongoing improvement of an integrated service, police and judicial response to violence against women

needs to be practically applied. A description of how the plan will be implemented, including articulation of concrete goals, actions, timelines and implementing entities, links to gender equality machinery and policy and designated funding sources stands to be put to place. The plan should also address the roles and responsibilities of actors charged with implementing the plan, and what stands to be consequences of doing what is against the formed strategy.

6.2.5 Poverty

Eradicating poverty in all its forms and extents, including extreme poverty, is the greatest global challenge and a crucial requirement for sustainable development. It is undeniable or cannot be ignored that over a period of time it can be eradicated but with a proactive plan aimed at improving the current barriers. The Agenda for Sustainable Development resolves to free the human race from the oppression of poverty and to heal and secure our planet. The main goal or aim is to end the poverty issue of any form in the whole country. Its seven associated targets aim, among others, to eradicate extreme poverty for all people everywhere, reduce at least by half the proportion of men, women and children of all ages living in poverty, and implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

Apparently, there have been campaigns to address this issue and were very much proactive in gradually minimising the poverty such as *“spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty”*. This strategy helped to boost more than one billion individuals out of extreme poverty, to make inroads against hunger, to enable more girls to attend school than ever before and to protect our planet. Poverty can be eradicated with a mutual strategy aimed at improving and moving people from worse to improved lives.

6.2.6 Prostitution

Many people are engaging in prostitution against their freewill mostly due to having been exploited into it. Many of them have found themselves sticking around because they failed to run away. Legalising prostitution can minimise the growing force that pushes unwilling people to be part of it. It is growing in numbers because it is a known fact that not many people are willing to be openly

admit that they are prostitutes because there is no legal framework to recognise it as a profession. Therefore, if it is made legal like any other form of employment less victims will be forced into it.

6.2.7 Unemployment

Create funding mechanisms that are contingent on mentorship and financial education. Stand-in relationships between project capitalists, incubators, business angels and a multitude of up-and-coming accelerators and crowd-funding platforms. Generate a community that is easy for everyone to access funding and not forgetting that offering tax incentives, credits, deductions, are all within a government's power. Sponsor start-up growth with low-cost funding for targeted groups especially female-led start-ups and academic institutions looking to boost the business readiness of students. Support global mobility for young entrepreneurs. Promote inbound start-up activity by promoting relocation funding support and relaxing visa restrictions for targeted groups. Support immigrant entrepreneurs by linking them to funding institutions and business incubators.

6.3 THE UMGENI COMMUNITY EMPOWERMENT CENTRE RESPONDS TO HUMAN TRAFFICKING IN DURBAN: THE ENVISAGED RECOMMENDATIONS

The involvement of various stakeholders such as corporate businesses, department of arts and culture, department of defence and the national government as a whole, and many other structures to fight this epidemic issue would make it difficult for perpetrators to attempt any further commission of crime. Unity and resources can better the performance of the UCEC. An improved environment with conducive resources can prevent any hindrances within the organisation to assist people who require their help. Since it is a NPO, finance is sometimes a problem therefore economic freedom is required to better perform and assist people as much as they wish to.

6.4 SUMMARY

Human trafficking is a global scourge and it leaves no one free from its danger. It affects each country in various degrees which differ from one country to another. This study looked at what trafficking is, the causes and recommendations to what can be done to minimise the trafficking occurrence. In South Africa as a whole there has been an increase in cases of trafficking. The provincial and national organisations have been making efforts to eliminate trafficking. The objectives of this study were achieved since it came to an understanding of the causes of this crime

and different types of trafficking, strategies that are in place to combat trafficking. The challenges faced by the UCEC in fighting against human trafficking were also brought to bear. Literature and selected participants' responses on human trafficking cases in Durban, KZN Province helped answer the objectives of this study.

It was found that human trafficking is a crime that is neglected in the South African crime definition chart. Even though this is the case, there are organisations that are working tirelessly to put the lives of many people out of danger. It was also revealed that human trafficking is not unique to South Africa; it is happening worldwide. This global crisis requires everyone's effort and resources to effectively do away with it. The effort of NPOs is good but there is room for improvement. There is need for financial aid for these NPOs to boost their performance.

6.5 CONCLUSION

Human trafficking is a disturbing crime that intimidates society's most defenceless members, manipulating them for sex, labour, and slavery of all kinds. It results in broken lives, and destabilises our most fundamental principles about the self-respect of all people. Victims of trafficking may be afraid of regulation execution because of their involvement in illegal activity, such as prostitution, or, in the case of foreign victims, their undocumented status or experiences with corrupt or violent authorities in their home country. Traffickers exploit these fears by intimidating the victim with arrest, detention, or banishment if encountered by authorities. Trafficking is a transnational crime that affects every race of different countries. It is not limited to South Africans or African but everyone is at risk of being affected by its occurrence.

Human trafficking not merely crosses national and international borders, but also tops at the street level. Local regulation execution agencies often are the first to encounter this undercover crime. As first responders, law enforcement agencies play a critical role in identifying and responding to human trafficking cases. However, little is known about how law enforcement agencies are establishing their response to human trafficking, or the competency of law enforcement to respond to the needs of trafficking victims.

6.6 FUTURE RESEARCH STUDIES

A better and improved regulation of export and import as well as immigration process leads to a well-planned and proper way of ensuring safety of everyone. Durban is a tourist friendly area therefore safety has to be prioritised by creating strategies that are aimed at preventing human trafficking from occurring. The corruption rooted in migration, export and import needs to be put to an end so that perpetrators stand no chance in continuing their illegal dealings.

South Africa has one of the best constitution but in terms of implementation it is lacking. Enforcement of proper laws, rules and regulation would revive the country as a whole. Research should trigger the SAPS, Metro, Art and Culture, FBI, Politicians and other prominent members of the society to ensure that their engagement on the issue be of vital role in improving societal issues. The proper enforcement of the law would eliminate any existing room for corruption seeks to prevent trafficking of human. Technological assistance together with cooperation of stakeholders is very much appreciated and encouraged for the benefit of not only Durban but also South Africa as a whole. Anti-human trafficking measures are voicing what is ignored or neglected by some members of the society, an engagement of the society as a whole in stopping human trafficking is encouraged to better the country.

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ANNEXURE A: INTERVIEW SCHEDULE GUIDE

1. In your words, what safety majors do you think can be adopted to ensure human trafficking decreases, if it is at high rate?
2. How effective are your strategies based on your experience in dealing with human trafficking?
3. According to your knowledge, what do you think is the major causes of human trafficking?
4. According to your understanding whom, are the main role players responsible for combating human trafficking?
5. In your words, do you think it is important to adopt advanced or improved ways to minimize human trafficking?
6. According to your knowledge, are there any laws or legislation that are in place to protect and assist people against human trafficking?
7. How as an organisation provide help to people affected and unaffected by trafficking?
8. What challenges do you experience in dealing with human trafficking cases?
9. South African Police Service are the ones that ensures citizens safety, what do you think should be amended in their strategies for trafficking to decrease?
10. Based on your knowledge, how would you rate the level of trafficking in South Africa?
11. As a South African citizen, do you think are there any strategies that can be implemented to regulate issues of trafficking?
12. Do you have any other comments that you want to share in regards to the responses of human trafficking?

ANNEXURE B: CONSENT LETTER USED DURING DATA COLLECTION

Thank you for your participation



Dear Sir/Madam

I am Bindela Khanyile, a Masters student from the Department of Criminology and Forensic Studies at the University of KwaZulu-Natal. In order to complete, this degree I am conducting research on human trafficking in South Africa looking at the NPOs responses. The main aim of this study is to examine the responses of NPOs in Durban, KZN Province, hence, they work closes in assisting people whom are victims. Specific.

The interaction or co-operation of the members of the NPOs will assist me in reaching my aims. Furthermore, the knowledge and information gained will help make recommendations towards what support is needed with regards strategies that needs to be implemented or refined to protect the country. In completing these interviews, the confidentiality of your organization participants and strata that you work with will be ensured anonymity.

Should you require further clarity you can contact my supervisor Dr. W. Maluleke on this number 031 260 1061 or email him: MalulekeW@ukzn.ac.za

Your cooperation will be greatly appreciated.
Yours sincerely

Bindela Khanyile
Masters Criminology and Forensic Studies



Dear Participant

INFORMED CONSENT LETTER

I am Bindela Khanyile, Masters Student from the Department of Criminology and Forensic Studies at the University of KwaZulu-Natal. In order to complete, this degree I am conducting research on human trafficking in South African looking at NPOs responses. The main aim of the study is to examine NPOs' perceptions on human trafficking and explore majors to be adopted. Specific areas of focus are the NPOs' members and strata they work closely with in South Africa.

Your co-operation will assist me in reaching my aims. Furthermore, the knowledge and information gained will help make recommendations towards what support is needed concerning minimizing the crime occurrence. To gather the information, I am interested in asking you some questions.

Please note that:

- Your confidentiality is guaranteed as your inputs will not be attributed to you in person, but reported only as a population member opinion.
- The interview may last for about 30 minutes
- Any information given by you cannot be used against, and the collected data will be used for purposes of this research only.
- Data will be stored in secure storage and destroyed after 5 years.
- You have a choice to participate, not participate or stop participating in the research. You will not be penalized for taking such an action.
- Your involvement is purely for academic purposes only, and there are no financial benefits involved.
- If you are willing to be interviewed, please indicate (by ticking as applicable) whether or not you are willing to allow the interview to be recorded by the following equipment:

	Willing	Not willing
Audio equipment		
Photographic equipment		
Video equipment		

I can be contacted at 076 118 1757 or bingwane@gmail.com

Should you require further clarity you can contact my supervisor Dr. W. Maluleke on this number 031 260 1061 or email him MalulekeW@ukzn.ac.za

DECLARATION

I (Full names of participant) hereby confirm that I understand the contents of this document and the nature of the research project; I consent to participating in the research project.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNITURE OF PARTICIPANT

DATE

.....

.....



Informed Consent form For the University Counsellor

Title of Study: An Examination of Umgeni Community Empowerment Centre Responses to Human Trafficking: The Case Study of Durban, KZN Province

Researcher: Khanyile Bindela

School: Applied Human Sciences

Discipline: Criminology and Forensic Studies Cluster

Phone: 076 118 1757

INTRODUCTION

I am Bindela Khanyile, a Masters student from the Department of Criminology and Forensic Studies at the University of KwaZulu-Natal (UKZN), doing research on human trafficking. When undertaking a study that involving human participants, consent has to be obtained from the individuals first. I would also like to request your presence during the interview and data collection session so that you can assist me should I encounter an event where participants might experience psychological trauma. However, you can raise any concerns and questions about the research before you agree, which I will address.

PROCEDURE

Twelve (12) will be interviewed. I will ask a few questions related to the topic of this study. The interviews will be recorded and kept in strict confidence by my supervisor and no one else will have access to these tapes except my supervisor and me.

There will not be any direct benefits for the learners and you. The results will enable us to understand the effects of human trafficking has on country or world at large. Their participation is voluntary and they are free to withdraw from the study at any time without the fear of any negative or undesirable consequences to you. However if the learners shows signs of distress I will refer them to you.

AUTHORIZATION

I have read and understood this consent form. I have been made aware that there will be no benefits for either the learners or me. I have also been provided with the researcher’s contact details and those of the supervisor who can be easily contacted during office hours.

Counsellor’s Name:

Signature

Date

Researcher’s Name

Signature

Date

ANNEXURE C: UKZN APPROVAL LETTER: PROVISIONAL AND FINAL



28 June 2017

Mr Bindela Khanyile (211533810)
School of Applied Human Sciences – Criminology & Forensic Studies
Howard College Campus

Dear Mr Khanyile,

Protocol reference number: HSS/0766/017M

Project title: An examination of non-profit organisation response to Human Trafficking: The case study of KwaZulu-Natal

Provisional Approval – Expedited Application

I wish to inform you that your application received on 12 June 2017 in connection with the above, has been granted Provisional Approval, subject to the following:

1. Gatekeeper permission letter(s) being obtained;

Kindly submit your response to Dr Shenuka Singh (Chair), Research Office, Westville Campus as soon as possible.

This approval is granted provisionally and the final approval for this project will be given once the above condition has been met. Research may not begin until full approval has been received from the HSSREC.

Yours faithfully

Dr Shenuka Singh (Chair)

/ms

cc Supervisor: Dr Witness Maluleke
cc Academic Leader Research: Dr Jean Steyn
cc School Administrator: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X24001, Durban 4000

Telephone: +27 (0) 31 260 3387/83524537 Facsimile: +27 (0) 31 260 4309 Email: shenuka@ukzn.ac.za / enman@ukzn.ac.za / mokun@ukzn.ac.za

Website: www.ukzn.ac.za

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15 November 2017

Mr Binzelo Khanyile (211533810)
School of Applied Human Sciences – Criminology & Forensic Studies
Howard College Campus

Dear Mr Khanyile,

Protocol reference number: HSS/0766/017M

Project title: An examination of non-profit organisation response to Human Trafficking: The case study of KwaZulu-Natal

Approval Notification – Expedited Application

With regards to your response received on 16 August 2017 to our letter of 28 June 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaires/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully


Dr Shamila Naidoo (Deputy Chair)

/ms

Cc Supervisor: Dr Witness Maluleke
Cc Academic Leader Research: Dr Jean Steyn
Cc School Administrator: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

Dr Shenaka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag 3600, Durban 4001

Telephone: +27 (0) 31 267 3307/3356/4667 Facsimile: +27 (0) 31 260 4609 Email: shenaka.singh@ukzn.ac.za / msn@ukzn.ac.za / hrp@ukzn.ac.za

Website: www.ukzn.ac.za



Founding Campuses:  Durban  Pietermaritzburg  Westville  Howard College  Medical School  Pietermaritzburg  Westville

ANNEXURE D: UMGENI COMMUNITY EMPOWERMENT LETTER TO CONDUCT RESEARCH WITH THE ORGANISATION



**Umgeni
Community
Empowerment
Centre**

*Empowering people
to become self sustainable*



Award Winner
Sustainable
Living Exhibition 2013



Award Winner
ACSA Security Awareness
Campaign 2015



Award Winner
The Royal Show PMS 2016
Silver Medal
Beef Awareness Display

Counseling Centre / Early Childhood Development Centre/ Street Ministry / Anti - Human Trafficking / HIV Aids / Feeding Scheme / Crisis Centre / Job placements
No.16 Mona Rd, Victoria Embankment, Durban, 4001, South Africa. Telephone 031-8247951 Cell 073 1148969

TO WHOM IT MAY CONCERN

This is to certify that Mr. Bindela Khanyile, Identity number: 911105 5423 087, has been accepted by Umgeni Community Empowerment Centre to do research on Criminology at the centre.

For any further information, kindly contact, Gloria De Gee: 0731148969

With thanks, yours sincerely

Gloria De Gee
Founder – UCEC

**UMGENI COMMUNITY
EMPOWERMENT CENTRE**
Tel: 031 824 7951 Cell: 073 114 8969
Email: ucec@webmail.co.za
Email: gloria@ucec.org.za

Date: 14/08/2017

 Umgeni Community Empowerment Centre 9 16 Mona Road, Durban, South Africa	 www.ucec.org.za	 gloria@ucec.org.za
	 031 824 7951/61	NPO 035-250 PBO 930013167

ANNEXURE E: 2017 ANTI-HUMAN TRAFFICKING WALK IMAGES

Umgeni Community Empowerment Centre, 2017. Anti-Human trafficking walk. 2017.
<http://www.ucec.org.za/>











