



**AN EXPLORATORY STUDY ON RESPONSES OF SOUTH AFRICAN POLICE
SERVICE AND NON-GOVERNMENTAL ORGANISATIONS TO HUMAN
TRAFFICKING IN DURBAN POLICING AREA**

by

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Submitted in fulfilment of the requirements for the degree

MASTER OF SOCIAL SCIENCE

(CRIMINOLOGY AND FORENSIC STUDIES)

in the

SCHOOL OF APPLIED HUMAN SCIENCES

COLLEGE OF HUMANITIES

UNIVERSITY OF KWAZULU-NATAL

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November 2018

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DECLARATION

I hereby declare that this dissertation entitled “An exploratory study on responses of South African Police Service and Non-Governmental Organisations to human trafficking in Durban Policing Area” for a Degree of Master of Social Science in Criminology and Forensic Studies at the University of KwaZulu-Natal (UKZN), is submitted by me and it is my own work. This study has not been previously submitted to the principal university or any other university elsewhere. I declare that the contents of this dissertation result from my own research work except where otherwise stated and acknowledged.

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DEDICATION

This dissertation is dedicated to **my son, Kukhanya Lubanzi Nkosi**, and **my late grandfather, Muntuyatshelwa Jeko Ntshangase**. They have kept me pushing during the completion period.

It is also **dedicated to all victims of human trafficking** across the world, and all other relevant stakeholders which are taking part in responding to this scourge that is associated with inhuman activities.

ACKNOWLEDGEMENTS

To **Jehova** almighty, *Mninimandla onke*, you have been the best from the beginning. Glory be to you.

I would like to offer my deepest gratitude to the following people, without whose unflinching support and assistance this dissertation would not have come to fruition:

My parents, Mbuzeleni Nkosi and Busisiwe Ntshangase: Thank you for having been the best parents since my childhood. Your nurturing ways and wise teachings have shown me the direction to a life of green pastures. Your love, assistance, and encouragement are significantly noted, and I intend to give back to you what you have given so unselfishly to me.

All **my family members, especially Phumaphi Nkwanyana:** Thank you for your daily prayers and positive thoughts. Without these prayers, this study would not have been possible.

My supervisor, Vuyelwa Kemiso Maweni: Thank you for your guidance and encouragement throughout this journey. I truly appreciate your extraordinary support.

Dr Witness Maluleke of the University of Limpopo: I confirm that you are the best in what you do. I fully acknowledge your generous mentorship. Thank you, my good doctor.

Dr Monique Emser of the University of KwaZulu-Natal: Your contribution to this study has made it a great success. I always believe that people like you are needed in our country and the world at large.

I also acknowledge everyone that I have met in my life (friends and colleagues) as you have all contributed directly or indirectly to my study journey and progression through life. I wish to thank **my loyal friend, Mr Liso Nobanda**, for being a good brother to me. You always provide me with words of encouragement and educational support. **Mr Vuyani Nobanda**, thank you for being a good parent from the year 2016. You instilled in me the knowledge that education is a solution to every troubling situation. I would also like to thank **Dr John Mhandu** of the **University of KwaZulu-Natal**. Thank you, brother, for your constant guidance. To **Kogie Perumaul of UNISA**, thank you double for your contribution to my academic journey. I appreciate what you have done for me. **Mandlenkosi Mphatheni**, thank you, brother, for your support and encouragement throughout the entire journey.

Linda Coertze: thank you for being a good and generous editor. Your contribution is appreciated. I would also wish to express my gratitude to the **SASSETA** and **UKZN** fee remission for their contribution to the success of this study, without your funding I would not have been able to complete this study.

I would also like to acknowledge the assistance of **Lt Col Nundul, Captain Titus and Lt Col Joubert of the SAPS** for their endless support and for being patient.

This acknowledgement is particularly extended to the selected participants of this study from the **South African Police Service (SAPS)** and **the Non-Governmental Organisations (NGOs)** in the Durban Policing Area (DPA). Thank you for your unstinting efforts to ensure the success of this study.

ABSTRACT

Human trafficking is not a recent phenomenon, as it is believed that acts of human abduction for various reasons can be traced back to time immemorial. The manifestation of this crime is escalating, with elusive trends and patterns across the globe and in the Durban policing area (DPA) in particular. However, scholarly investigations into this practice have been avoided for quite some time in the field of humanities, which has exposed society to experience its harmful effects. However, in response to this scourge, relevant stakeholders across the globe have exerted relentless efforts to curb it, with limited success to date as the elusive nature and extent of human trafficking allow the perpetrators to continue their acts with impunity. This crime remains a huge threat to peace and security and violates the human rights of any affected individual. In recent years, this problem has escalated, and its exploitative and manipulative nature has destroyed the lives of thousands. It appears that not only underdeveloped states experience the destructive presence of this form of crime, but that the operations of human trafficking exist globally owing to porous borders and associated corruption.

The approach to human trafficking in South Africa should be geared towards a capable system that may inform practices to curb it across the globe. In the South African context, this could be achieved by rigorously implementing available legislation and using collaborative strategies to respond to and eradicate this scourge effectively. The South African Police Service (SAPS) and relevant non-governmental organisations (NGOs) are two of the systems that should not stint their efforts in addressing this crime. To this aim, the SAPS has formed partnerships with different structures such as the International Police (Interpol) and many other NGOs in their quest to respond effectively to human trafficking in the DPA.

The research design and methodology of this study employed an exploratory objective. This study thus adopted a qualitative research approach to adequately explore the responses from selected participants representing the SAPS and NGOs regarding human trafficking in the DPA. These participants were probed to learn about the available strategies and legislation in operation that are utilised to respond to human trafficking. The nature of this study allowed purposively and snowballed selected participants to be drawn from the SAPS and NGOs. Five (5) investigators were purposively selected from SAPS while a further five (5) participants were selected from two NGOs operating in the DPA. The snowball sampling technique was used in the latter instance. These participants were all selected to obtain detailed information and to maintain the trustworthiness of this study. Semi-structured one-on-one interviews were

used as the primary data collection instrument. The thematic analysis method was employed for the analysis of the data.

The study found that human trafficking is perpetuated in the DPA due to the current instability in the current partnerships of all the relevant stakeholders (selected SAPS and NGOs included). The findings call for closer societal contributions and collaboration, as the South African criminal justice system (CJS), compared with international responses, evidently does not find common ground in its response to human trafficking. Furthermore, the use of advanced technology to respond to this crime is not adequate. It was suggested that the use of appropriate and advanced technology in responding to this crime is crucial and that the SAPS and NGOs should acquire knowledge and frequent training in using relevant technological devices to respond to human trafficking. This should be coupled with updated changes in the commission of this crime to identify human traffickers and instances of victimisation easily.

It is envisaged that this study will be significant in assisting relevant structures such as the SAPS and NGOs in devising new and effective strategies to respond to human trafficking in the DPA. Most importantly, it is acknowledged that the relationship between the SAPS and NGOs is paramount in dealing with this crime; however, NGOs should take further steps in responding to human trafficking by identifying victims themselves instead of heavily relying on the SAPS to perform this duty. Therefore, NGOs should partner with other relevant stakeholders in the community while also exercising savvy in the utilisation of technologically advanced devices.

LIST OF ACRONYMS AND ABBREVIATIONS

AU	African Union
DPA	Durban Policing Area
DSD	Department of Social Development
EU	European Union
ILO	International Labour Organisation
INTERPOL	International Police
IOM	International Organisation for Migration
KZN HPPB Task Team /Provincial task team	KwaZulu-Natal Human Trafficking, Prostitution, Pornography and Brothels Task Team
NGOs	Non-Governmental Organisations
Palermo Protocols	United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air and United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
SADC	Southern African Development Community
SAPS	South African Police Service
Sexual Offences Amendment Act	Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
TVPA	Trafficking Victims Protection Act of 2000
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGIFT	United Nations Global Initiative to Fight Human Trafficking
UNODC	United Nations Office on Drugs and Crime

STATS SA	Statistics South Africa
UN	United Nations
US	United States

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CHAPTER ONE

GENERAL ORIENTATION AND PROBLEM FORMULATION

“I was lied to about my job. I wanted to leave but at some point, I realised I wasn’t allowed to go. Nobody had to tell me but I knew I was trapped,” said the 22-year-old. “I didn’t know where I was or how to go home.”

- Vietnamese human trafficking survivor (United States Department of State, 2018)

1.1 Preamble

The Constitution of South Africa Act No. 108 of 1996 endeavours to protect citizens from all injustices they may experience. This mainly involves the protection of human rights and elicits their responsibilities. However, regardless of the operational efforts by relevant structures to curtail human trafficking, it remains a noticeable shame that this problem is clearly becoming worse and seemingly impossible to curtail. The discourse in this dissertation on human trafficking aims to positively provide strategies to work against incidences of human trafficking in the DPA, with a possible extension of the South African situation.

In South Africa, the SAPS is to maintain order by sustaining and administering the law, and the manner in which the police are to exercise authority to fulfil their duties is mandated in section 205 (3) of the Constitution (Joubert, 2013). Therefore, in exercising their power, the SAPS is expected to protect citizens against brutal activities, including human trafficking practices.

This study explored the responses of the SAPS and NGOs to human trafficking in DPA. The key concepts used are comprehensively defined and limited to this study. This conceptualisation comprises functional terms that form part of developing an understanding of the concept of human trafficking as well as other relevant concepts. Furthermore, the discussion on the responses of the SAPS and NGOs to human trafficking in the DPA serves as a contextual basis for the presentation of the problem formulation in the following section of this study. This will be linked to the literature review, and the findings will be triangulated with the responses of selected participants to address the study’s aim and objectives.

The United Nations Office on Drugs and Crime (UNODC) (2009) report highlights that the most prevalent human trafficking is sexual exploitation with a rate of 79%. This high percentage of this crime primarily involves women and girls as victims, but men and boys are not exempt from traffickers' attacks. The second dominant form of this practice is attributed to forced labour, amounting to 18%. The UNODC (2009) report further divulges that across the world, 20% of victims are children. For example, in the Mekong region (Southeast Asia), and on the African continent, particularly in some parts of West Africa, children make up to 100% of trafficking victims (UNODC, 2009).

The literature that was consulted revealed evidence that human trafficking is caused and perpetuated by a variety of factors. In this regard, Masika (2002) identifies factors such as globalisation, liberalisation and free market promotion as contributory to the uncontrollable movement of capital and labour. The freedom of movement accorded by porous borders (locally, regionally and internationally) and investments, trading and capital, have been opened for elites from prosperous countries, while people from penurious countries are deprived for such freedom (Masika, 2002). Also, Shelly (2010) argues that the root causes of human trafficking include the imbalance among world regions regarding the economy, corruption, the rise of unemployment, poverty, weakened the control of borders, ethnicity, gender discrimination, political inconsistency, and armed conflicts.

Human trafficking occurs both internally and across international borders. Aronowitz (2009) contends that internal trafficking occurs to a considerable degree in more countries than transnational trafficking. The latter author further opines that this crime is irrevocably associated with exploitation.

1.2 The conceptualisation of Relevant Key Terms

It is pivotal to an understanding of this study to provide meanings associated with the concepts that underpinned the study. Thus the following key concepts are defined and limited to the context of the study:

1.2.1 Human trafficking

The concept of 'human trafficking' is not a recent phenomenon, as this practice has existed historically since ancient times. There is no universally accepted concept of human trafficking. Arnold and Bertone (2002, cited in Jones, Engstrom, Hilliard & Diaz, 2007) argue that to define

human trafficking is not an easy task, the main reason being that no single definition is generally accepted globally. Human trafficking is experienced in contemporary social settings for reasons that include cheap labour and exploitation for prostitution. Adepoju (2005) concurs with this view and adds that victims of human trafficking often work in sectors such as the domestic sphere where there are rampant labour and sexual exploitation of women and young in predominantly low-income countries. Building from the discussion above, this study acknowledges that trafficked persons are often caught in the ‘push’ or ‘pull’ forces of human existence or, more likely, are caught up in some amalgamation of the two that is referred to as ‘supply and demand’ factors.

1.2.1.1 The concept of human trafficking as enshrined in the Palermo Protocol

The Palermo Protocol is the product of an agreement that global institutions, as well as governments, enacted. The advent of this Protocol came with the development of the concept of human trafficking that would assist in the struggle against slavery, prostitution and child labour. Since the advent of the Protocol in December 2003, a lot has changed; notably, a variety of societal and cultural practices have been categorised as human trafficking (Einarsdóttir & Boiro, 2014).

This Protocol transformed the definition of the concept of human trafficking by looking at many aspects, particularly by focusing on the victim and the actions of the trafficker. Dafel (2014:12) reveals that Article 3 of the Palermo Protocol state that trafficking in persons:

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

(b) The consent of a victim of trafficking in persons to the intended exploitation outlined in subparagraph (a) of this article shall be irrelevant where any of the means outlined in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) ‘Child’ shall mean any person under eighteen years of age.’

The above definition makes it clear that the process of trafficking happens in a variety of ways. In support of the above submission, Smith, Zhang and Barberet (2011) expound that traffickers must either force or convince the victim to leave their familiar place. This can be done in a variety of ways. The basic means of recruitment include deception by providing false promises of a job, marriage, or education in the country of destination, selling a person, usually a child, or kidnapping the person, which is the most unusual method of recruitment. The table below compares the definition of Palermo Protocol Article 3 (a) and South African Trafficking Act section 4 based on action, means and purpose

Table 1.1: Human trafficking definition: Comparison of Article 3(a) of the Palermo Protocol and the South African Trafficking Act No 7 of 2013 section 4

DEFINITION: ‘TRAFFICKING’	PALERMO PROTOCOL: Article 3(a)	SOUTH AFRICAN TRAFFICKING ACT: section 4
Prohibited actions	recruitment, transportation, transfer, harbouring or receipt of persons	recruitment, transportation, transfer, harbouring, receipt, <i>delivery, sale, exchange or lease of another person within or across the borders of the Republic</i>
Means		<i>(a) threat of harm</i>
	threat or use of force or other forms of coercion	(b) threat or use of force or other forms of coercion
	the abuse of a position of vulnerability	(c) the abuse of vulnerability
	Fraud	(d) fraud
	Deception	(e) deception
	Abduction	(f) abduction
		<i>(g) kidnapping</i>
	the abuse of power	(h) the abuse of power
	giving or receiving of payments or benefits to achieve the consent of a person having control over another person	(i) the <i>direct or indirect</i> giving or receiving of payments or benefits to obtain the consent of a person having control <i>or authority</i> over another person, or
	<i>(j) the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person</i>	
Exploitative purpose	for the purpose of exploitation	for the purpose of <i>any form or manner</i> of exploitation

Key to table:

- ~Normal text: identical in both the Palermo Protocol and the Trafficking Act
- ~**Text in bold italics**: only in the Trafficking Act
- ~*Text in italics*: only in the Palermo Protocol

Source: Van Der Watt (2018)

The operational definition of human trafficking that was employed for this study is that human trafficking is the recruitment, transportation, transfer, harbouring and receiving of people to use them for sexual and labour purposes.

1.2.2 Transnational crime

The term ‘transnational crimes’ refers to crimes that have a genuine or potential impact over national borders and crimes that are intrastate. However, to annoy crucial estimations of international society, syndicates pose a threat not only from the basis of one organisation but expand it to more than one country. Their actions involve non-compliance with the law and threats to various sectors across national borders (Vlassis, 2002). This term covers the crime that is committed in different countries, as well as the operations of those syndicates that are operating within a specific country but that are controlled by crime syndicates outside the country (UNODC, 2010). For this study, ‘transnational crimes’ refers to the human trafficking for sexual and labour exploitation that occurs inside as well as outside the borders of a country.

1.2.3 Policing

The police are responsible for the process of controlling crime in societies (Moore, Trojanowicz & Kelling, 1988). Furthermore, Heidensohn (1997) states that policing is ‘the strategies utilised by specific states to counter or govern to guard against unlawful actions’. The police determine which persons should enter the criminal justice system formally, and this process applies to many acts of crime and includes minor crimes (Scott, 2010). Therefore, in this dissertation ‘policing’ is defined as the method of enforcing the law to counter crimes such as human trafficking.

1.2.4 Organised crime

Organised criminal group is the group of three or more people which has existed for a specific period who gather to commit more serious offences for financial gain or other benefits (UNODC, 2004). To date, organised crime has drawn the attention of the public and law enforcement agencies and governments, and relevant law enforcement organisations refer to it as a policy issue (Wright, 2013). This study contends that organised crime is limited to the commission of crimes such, as human trafficking, that involve networking and syndicates.

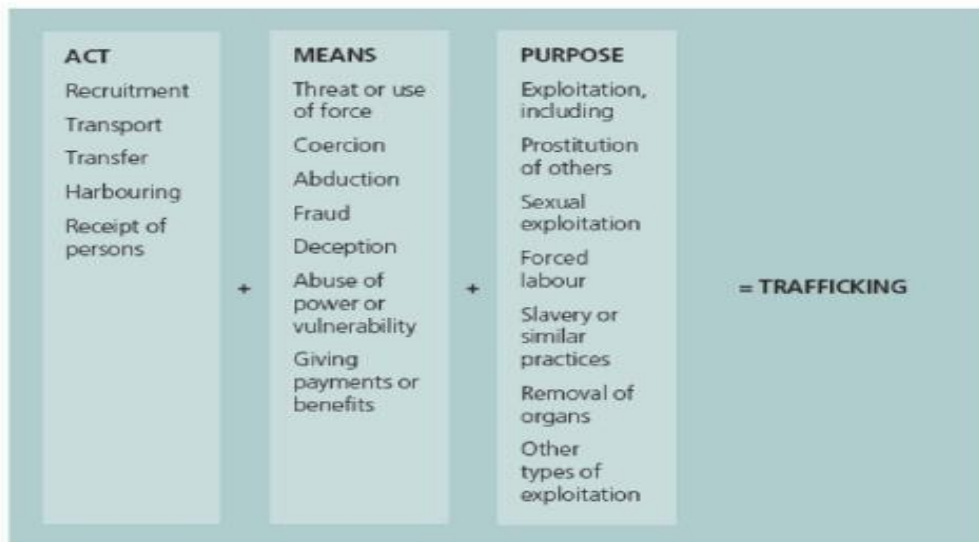
1.2.5 Non-governmental organisations (NGOs)

An NGO is a local agency that is not making a profit from the duties it performs or the services it offers. NGOs operate internationally and provide services to citizens by initiating programmes, liaising on behalf of citizens with governments, and monitoring the execution of policies (Kruger, 2010). The NGOs that were included in this study were demarcated to programmes that provide victims of trafficking with psychological and physical assistance in Durban.

1.2.6 The criminal justice system (CJS)

The CJS comprises of structures such as the police service, correctional services and courts, and through these structures, the legal process is operated (Roach-Spencer, n.d.). By executing policies and legal practices, the criminal justice system guards against the violation of the public order, and it attempts to reduce crime through punishment and the rehabilitation of lawbreakers (Sage, 2018). This study limits the CJS to the police law enforcement system, as the SAPS is the justice system that is responsible for responding to human trafficking in the DPA.

Figure 1.1: The execution of the crime of human trafficking



Source: Emser (2013)

Figure 1.1 is depicting the execution of human trafficking which includes the act, the means and purpose.

1.3 Study Demarcation

1.3.1 Geographical demarcation

The study was conducted within the DPA boundaries to understand the problem of human trafficking and the associated responses by the local SAPS and NGOs as stakeholders who engage with this crime in order to positively deal with it. Human trafficking in the DPA viewed as part of a universal problem, and transnational crime as its detrimental nature is not only confined to the DPA. However, because the Republic of South Africa as part of the African continent experiences the crime in all its velocity, and because Durban is a departure and arrival point of international scope, it was argued that information pertaining to human trafficking in this area might inform future law enforcement strategies to curb the problem. It is acknowledged at this point that the limited scope of the study precludes the findings from being generalised to the larger national and international arena, yet much can be learnt from the conclusions and the recommendations as they may also inform future investigations in this field.

1.3.2 Relevant institutions

The responses to human trafficking is a global concern of gigantic proportions that demands the co-operation of all related structures. For this study, the SAPS and selected NGOs in the DPA were deemed relevant as they were located in the DPA and it was envisaged that their representatives would help to elicit clear understand regarding responses to this crime.

1.3.3 Study period and comparatives

This study attempted to dwell on current problems associated with human trafficking in South Africa while also looking peripherally at issue in the international arena. It was thus imperative to create a vivid picture of the current efforts of relevant bodies concerning defunct and ratified legislations in their response to human trafficking. Moreover, understanding the history of human trafficking was also deemed vital to comprehend the current situation of this phenomenon in the DPA. The study was conducted during 2018, and the fieldwork was conducted in August 2018.

1.4 Problem Formulation

This study explored the views of representative SAPS and NGOs participants in terms of human trafficking in DPA. With reference to the consulted literature, it was noted that a limited number of research studies had been conducted on human trafficking in South Africa and in the DPA specifically. This paucity of information may be explained by the lack of available resources and other fruitless efforts involving ineffective preventative measures and intervention programmes to curb this crime. Emser (2013) states that Africa (and by implication, South Africa) is struggling in terms of studies on human trafficking. According to this author, the gap in scholarly knowledge about the human trafficking phenomenon highlights the issue of a lack of comprehension of the extent of human trafficking which, in the current author's view, exacerbates problems associated with efforts to curb it.

The human trafficking problem is complex and needs special attention. Gozdzia and Collect (2005) state that impartiality in trafficking concept has only emerged after the signing of the UN Palermo Protocol in December 2000.

It is contended that inadequate legislation plays a massive part in data non-availability and reported convictions of human traffickers (Horne, 2014). Perpetrators of human trafficking are most likely to be convicted for other crimes such as assault, rape and kidnapping, to name a few. Thus, human trafficking is infrequently recorded as such. The suggestion of this claim is that lack of official statistical data on arrests and convictions are troublesome as this does not truly reflect the nature, extent and scope of this scourge (Kruger, 2010, cited in Horne, 2014).

Little information is accessible about human trafficking incidences, trends, patterns and routes of trafficking involving women and children in Southern Africa. Songololo (2000) produces one of the few in-depth reports on the internal trafficking of children in South Africa for commercial sexual exploitation. According to this study, girl children are predominantly victims of human trafficking while boys are secondary targets. Parents, local gangs, and brothel owners are active recruiters of children into the sex industry (Truong & Angeles, 2005). Regarding cross-border human trafficking, two documented reports (US Department of State, 2017; Groes-Green, C., 2015) have revealed that the trafficking of people from Mozambique to South Africa has become a dire problem. The International Organisation for Migration (IMO) also documented the trafficking of Angolan refugees to South Africa (Truong & Angeles, 2005).

The International Organisation for Migration [IOM] (2003) states that in Southern African regions – Mozambique, Lesotho, Swaziland, Malawi and South African – big cities such as Johannesburg, Durban, Cape Town, and Pretoria have become concentrated centres for the trafficking of women and children for sexual exploitation. Adepoju (2005) notes that, while recognising the existence of trafficking for other various kinds of forced labour involving men, the focus on women and children is due mainly to their extreme vulnerability, resulting in the abusive and dehumanising nature of their exploitation.

It is worth noting that incidences are portraying the severe problem regarding the rise of the heinousness of human trafficking points to labour exploitation and human sex trafficking. More than 10 000 victims were coerced to labour exploitation in South Africa, and many victims were women and children who were employed as domestic workers (Singh, 2016). Generally, the trafficking of women and children occurs from rural to urban areas such as Bloemfontein, Cape Town, Durban and Johannesburg (Singh, 2016).

There is one incident that reportedly involved 14 men who were trafficked to Angola for human trafficking purposes. The incident was reported by Thora Mansfield, founder of the Open Door Crisis Centre in Durban, Thora confirmed that she had worked with the victims who managed to escape. Shockingly, they had been told that their body parts would be used for *muthi* (medicine) (Msomi, 2018). This incidence shows the seriousness of the problem in South Africa and the DPA. According to Somduth (2018), the province of KwaZulu-Natal has been a focal point in the recruitment of victims for human trafficking. Jameel Essop (September 2018) of the NGO Stop Human Trafficking Now insists that 124 people were reported missing in 2017 and that only 94 of these people were found. National case officer Bianca van Aswegen (September 2018) suggests that the chief reason for the disappearance of people is the practice of human trafficking (Somduth, 2018).

It is in this regards that the efficacy of existing laws is questioned. Kruger (2010) states that legislation that deals with the response to human trafficking is insufficient. The focus is on the Children's Act No. 38 of 2005 and the Criminal Law Sexual Offences and Related Matters Amendment Act no. 32 of 2007 that is understood to be limited to specific forms of trafficking and that they are in ignorance of other forms of this crime (Kruger, 2010). To exacerbate this problem, it is believed that the police are lacking in training and understanding of human trafficking and that they are ineffective in identifying and investigating such cases. NGOs are also unable to identify the victims of human trafficking in the areas where they operate.

This study focused on understanding the views of SAPS and NGOs representatives regarding human trafficking in Durban, which is a city that is affected by this problem. The study followed a step-by-step exploration of possible ways (measures and strategies) that may help the government to respond to human trafficking. Policy makers may also benefit by taking cognisance of and utilising the recommendations should the findings be adequately disseminated through workshops and academic publications, which this researcher intends to do.

1.5 Aim and Objectives

The aim of a study comprises of the general statement based on the intended results of what is to be accomplished by completing the study (Surbhi, 2016). This study aimed to explore the views of selected SAPS members and NGOs representatives regarding the human trafficking phenomenon in DPA intending to expand knowledge of this phenomenon through the academic endeavour.

The study thus intended to elucidate possible solutions for ameliorating the ineffectiveness and lack of efficiency of the SAPS and NGOs in responding to the menace of human trafficking in the DPA. To address this aim, the study objectives were to explore this phenomenon and draw precise conclusions successfully. These study objectives were as follows:

- To assess the participants' views regarding the nature and extent of human trafficking in the DPA;
- To evaluate impediments that inhibit the SAPS and NGOs from responding effectively to human trafficking in the DPA;
- To identify current preventative measures employed by the SAPS and NGOs in their response to curb human trafficking in the DPA;
- To determine possible strategies that may be applied effectively by the SAPS and NGOs in their fight against human trafficking in the DPA.

1.6 Research Questions

Research questions could be described as those questions about a particular topic that a research study intends to answer. The significance of these questions should not be neglected as they direct the research, and therefore they must be precisely defined (Chalmers, 2010). Research

questions provide the direction to the suitable data for the study and suggest the manner in which the data should be gathered (Leedy & Ormrod, 2005). The following research questions guided this study:

- What is the nature and extent of human trafficking in the DPA according to the views of selected SAPS and NGO representatives?
- What are the challenges experienced by the SAPS and NGOs in their efforts to respond to the crime of human trafficking in the DPA?
- What preventative measures and resources are currently utilised to assist the SAPS and NGOs in responding effectively to human trafficking?
- Which strategies may be applied to respond effectively in the fight to curb human trafficking in the DPA?

1.7 Significance of the Study

Although the prevalence of various forms of and purposes for human trafficking across the world is acknowledged, this study focused on an exploration of SAPS and NGOs participants' responses to human trafficking based on trafficking for sexual and labour exploitation.

The practice of human trafficking has been explored by and discussed in various discourses, and literature was traced that expounds explorations of this phenomenon through narratives, success stories and the actions of the SAPS and NGOs. However, the fact that this crime persists is indicative of ineffective strategies and even invisible efforts to curb it. This study thus looked at filling the existing gap in knowledge by, specifically, addressing the lack of information on ways in which this crime is addressed. In explicating the phenomenon, Emser (2013) suggests that the shortfall of discourse on human trafficking in South Africa, on the African continent and in other international spheres is endemic of law enforcement agencies' inability to respond effectively to this crime and to bring the perpetrators to book. One reason for this might be the 'invisible' presence of syndicates that have significant and sophisticated resources at their disposal to persist in this crime, whereas financial and staffing issues notoriously hamper traditional law enforcement agencies.

1.8 Chapter Outline

Chapter One: General orientation and problem formulation

In this chapter, the study background is provided, and a summary of this study is presented by pointing out various relevant elements. The definitions of vital relevant concepts that formed part of this study are provided to clarify these concepts for the reader. In this introductory chapter, the study aim and objectives are set out, and the research questions are presented.

Chapter Two: Literature Review

This chapter presents the literature review that mainly explored the nature and extent of human trafficking at the international, regional and local levels. Possible steps to combat human trafficking are discussed. It was also deemed essential to explain the difference between human trafficking and human smuggling to prevent uncertainty in this regard. A historical perspective is presented on human trafficking to provide a vivid picture of the timelines relating to this crime. Furthermore, this chapter also expounds information regarding available legal frameworks aimed at responding to human trafficking. Argumentative literature on possible prevention programmes that could offer a solution to this problem is reviewed, with a focus on the SAPS as a law enforcement agency and NGOs who work to support and augment their efforts.

Chapter Three: Theoretical framework

This chapter is based on the selected theories that guided this study. These theories are explained with reference to different sources and in terms of their underpinning of the data, coupled with interpretations concerning criticisms of and the lasting value of these theories. It is explained how these theories supported and gave impetus to the study. The theories used were the social systems theory and the rational choice theory. It is noted that these theories helped in providing reasons for the massive and unrestricted escalation of human trafficking in the DPA. These theories thus assisted in providing an understanding of the organisational operations of the SAPS and NGOs as well as their interactions with relevant stakeholders.

Chapter Four: Research design and methodology

This chapter provides clarity on the explorative and qualitative research design and methodology that were employed to bring this study to fruition. The qualitative study design directed the choice of study location, the sampling procedures and techniques, the data

collection methodology comprising semi-structured one-on-one interviews with SAPS and NGO officials, and explains the triangulation process that validated the findings. The delimitations of the study are also addressed in this chapter. This chapter is also discussing the ethical consideration followed by the researcher in conducting the interviews and study.

Chapter Five: Data presentation and interpretation

In this chapter, the data is interpreted and evaluated in order to guide the interpretations that led to the study findings. This process was done by carefully analysing and validating the sampled participants' responses using thematic analysis methods.

Chapter Six: Discussion of the findings

In Chapter Six, the findings of the study are discussed. The findings are verified, and their relevance to the study objectives is explicated.

Chapter Seven: Conclusion and Recommendations

This chapter provides a study summary by presenting the conclusions and recommendations. These are integrated with the delimitations of the study. Recommendations based on the findings are offered, and suggestions for future research are presented.

1.9 Summary

Chapter one of this study provided an introduction to and an explication of the background of the research study. There was a reflection concerning the research problem, and the significance of the study and its aim, objectives and research questions were listed. The structure of this dissertation is also outlined in this chapter. The next chapter is based on the critique of the previous and current literature on human trafficking from international to local levels as part of understanding the attempts so far.

CHAPTER TWO

LITERATURE REVIEW: INTERNATIONAL, REGIONAL AND LOCAL PERSPECTIVES

“From the ground to the top we need to create network[s] from governments, legal, medical, social institutions, businesses to schools, local communities, individuals. We have to involve all. Traffickers are extremely well connected. We need to be, too.”

Jana, the survivor of sex trafficking, in her address to the United Nations (UN) Human Rights Council (United States Department of State, 2015).

2.1 Introduction

As was stated in Chapter One, the focus of this investigation was to explore the views of selected SAPS and NGOs representatives on human trafficking in the DPA. The study was limited to human trafficking for sexual exploitation and labour practices, mainly because the literature review exposed the fact that, regardless of numerous attempts by various stakeholders, this phenomenon is proliferating at local, national and international levels.

This chapter provides an overview of relevant literature on human trafficking and comprises three main sections. The problem that this study explored conceptualised in terms of established legislation aimed at responding to human trafficking in the international, regional and local spheres. The main aim of this chapter is to provide an in-depth analysis of the works of other seminal scholars who have explored the phenomenon of human trafficking. In this process, the means that they discovered to respond to this scourge effectively is illuminated, while the barriers to efforts to deal with this crime were also highlighted. More particularly, literature that speaks to the attempts of the police and NGOs to curb human trafficking are analysed to comprehensively understand the successes and failures of dealing with this issue in the area of study. This critical discussion is presented under sub-sections to form part of creating a complete idea of the current scope of human trafficking in the DPA. Other related countries serve as references in this discussion.

The attempts by relevant stakeholders are thus analysed to illuminate their past and more recent attempts to respond to human trafficking, and the various failures and successes they achieved

are highlighted as they served as a springboard for the investigative processes undertaken during the current study.

2.2 Forms and Purposes of Human Trafficking

The following section discusses related forms of human trafficking and notes the reasons thereof. In the main, it is noted that human trafficking often occurs for various reasons such as sexual exploitation, forced labour, organ removal and domestic servitude. These reasons will be discussed in-depth in the ensuing sections.

2.2.1 Human trafficking for sexual exploitation

Human trafficking occurs in various forms and for various reasons, but a commonality is that this practice is always to manipulate and coerce. MacCabe and Manian (2010) argue that human trafficking for sexual exploitation refers to an inhuman form of trafficking that involves force and fraud in its execution. This practice is gaining momentum in our communities. Particularly, Walker-Rodriguez and Hill (2011) state that the percentage of international and domestic victims has been immense in the past decade. These authors confirm that the most common victims are women and children who become enslaved to work as sex slaves in the sex industry and their payment is by no means guaranteed (Walker-Rodriguez & Hill, 2011).

It can be contested that, in many instances, human trafficking for sexual exploitation is the business of organised crime that is escalating massively. Amy Klobuchar (n.d, cited in Politifact, 2016), in her speech to the Democratic National Convention, declared this crime to be the third biggest in the world. Furthermore, Walker-Rodriguez and Hill (2011) make an insightful revelation that sex trafficking is an international problem on the grounds that victims are taken from low-income regions such as South and Southeast Asia, the former Soviet Union, Central and South America from where they are transported to more developed economies such as Asia, the Middle East, Western Europe, and North America. One notable case involved eight princesses who trafficked servants to Belgium. They were convicted for holding these servants hostage in the hotel for quite some time (Emirati princesses convicted in Belgium for human trafficking, 2017).¹

¹ The accused were liberated and ordered to pay an amount of 165 000 Euros as a fine for treating people in a cruel manner. This case was brought to the police by one of the servants who sneaked out of the hotel.

In 2014, a wealthy South African man by the name of Lloyd Mabuza was found guilty of human trafficking and rape and sentenced to eight years in prison (Bloch, 2017).² In another report, a conviction for human trafficking involving two Nigerian citizens who held two women hostage to work for them as prostitutes in Gauteng Province. These women were not allowed to leave the residence during the day, and they would leave the dwelling after six in the evening to start working on the streets, look for clients (de Lange, 2017).³ In another incident, a 46-year-old woman was rescued after she was allegedly a victim of human trafficking for sexual exploitation in Gauteng Province. Some of these women had been reported missing since January 2018, according to SAPS Major General Margaret Stafford (46 women rescued in sex trafficking bust, 2018).

Another shocking incident involved two Asians who were killed after they had worked as prostitutes in South Africa.⁴ According to Lutya (2012), since this incident, a myriad of academic and agency reports have been forthcoming on both internal and external sexual trafficking, and the State and NGOs are spreading the message about sex trafficking as a way of educating the people of South Africa about this crime.

Another shocking incident involved the self-proclaimed televangelist from Nigeria, Pastor Timothy Omotoso, who has churches branches across South Africa. The pastor in question is accused of sexual abuse and the human trafficking of his followers, more especially young girls. His other co-accused were women, Lusanda Solani and Zukiswa Sitho, who are believed to have assisted him to execute his criminal activities of sexual abuse and human trafficking. This court case was underway in the High Court of Port Elizabeth in the Eastern Cape Province at the time of writing (Sicetsha, 2018).⁵

² The wealthy man by the name of Lloyd Mabuza and his collaborator, Violet Chauke, forced five Mozambican girls into the sex industry for three years. This businessman was found guilty of multiple cases including human trafficking and rape. Chauke herself had been a victim of human trafficking.

³ In judging this case of two Nigerian nationals, Judge Ronel Tolmay made use of the Human Trafficking Act. The case is described as fitting very well as human trafficking offence as enshrined in the Human Trafficking Act. But the case had some hindrances because victims did not want to testify in the beginning, and this was believed to be caused by the victims being drugged.

⁴ One incident that made headlines in 1998 was human trafficking for sexual exploitation of Asian women, whose dead bodies were found on a railway track by the SAPS. These Asian women were brought into the country under false pretences – they were told they would be working in high-end restaurants where they could mingle with and marry rich men. When they arrived in South Africa, they became entangled in debt bondage and their passports were taken from them.

⁵ This televangelist worked with the second and third accused in recruiting girls from different branches of his church in the province of KwaZulu-Natal.

2.2.2 Human trafficking for forced labour

This study contends that it cannot be ignored that human trafficking is one of the world's most great concerns as it happens not only for sexual exploitation, but people are trafficked for labour exploitation as well. Orphant (2002) reveals the seriousness of this form of human trafficking by highlighting its far-reaching impact at a global level. Orphant (2002) further provides that human trafficking for forced labour affect both men and women. In particular, this author argues that this practice has grown immensely to become the world's most significant concern. Orphant (2002) suggests that human trafficking occurs at all levels and in most countries for labour exploitation in the construction industry, agriculture industry, forced labour prostitution and domestic servitude.

On this note, Belser (2005) points out that the profit that private exploiters of forced labourers have made is enormous as it could reach US\$44.2 billion (about R530.4 billion) yearly, with as much as US\$31.6 billion (about R402.19 billion) being earned through the exploitation of victims. Belser (2005) states that huge profits of more than US\$15 billion (about R190.91 billion) are made through the exploitation of people who work under duress in various industries. Further information has revealed that agents recruit migrants because they have insufficient knowledge of the local language in foreign countries (Guichon & Van den Anker, 2006). The work of Guichon and Van den Anker (2006) also highlights the fact that high levels of human trafficking by agents, is anchored on the pretext that victims have insufficient knowledge of the local language in foreign countries.

2.2.3 Human trafficking for the harvesting of organs

The trafficking for organ removal has been the fastest growing and most lucrative crime globally, with South Africa being no exception. This practice has grown across the world, and incidents of organ removal are escalating. It is impossible to determine exact data because of the clandestine manner in which this crime is executed (European Parliament, 2015). In addition, Luidid (2012) states that the factors that are directly proportional to the rise of this form of human trafficking include poverty, medical needs and criminal activities, but this list is inexhaustible. This author further states that the idea of a 'regenerative body' and viewing the body as a useful object is one of the causes for the proliferation of this crime (Luidid, 2012). Dafel (2014) asserts that trafficking for organs is among the most disastrous international organised crimes. It involves organisers, nurses, medical practitioners, and

medical facilities in its execution. This author further opines that South African reports have revealed that *muthi* (making medicine from body part) rituals have a huge part to play in the escalation of trafficking for organs. The process of *muthi* making involves the removal of body parts of children in particular (Dafel, 2014). Furthermore, the victims of this crime are either kidnapped or bought from their legal parents or guardians. The rise in this crime is perpetuated by the belief that specific body parts can cure people's sicknesses, and this occurs extensively in southern African countries (Dafel, 2014).

Dafel (2014) further highlights the problem of human trafficking for organs by giving an example of an incident that happened in Egypt where children were exploited in private hospitals. This author notes that at least 32 children under the age of 13 were exploited for their organs and each organ that they 'donated' they were paid 20 000 Egyptian pounds (about R16 000). In support of this statement, another incident references the nature of this crime by indicating that in November 2010, a case involving illegal kidney transplant operation by NetCare practitioners was reported. This case revealed that 109 illegal operations had been executed between 2001 and 2002, where Israelis would buy organs from South Africa (Allaine, 2011).⁶

In a similar case, which happened in Kosovo, six physicians and a former senior-level representative of the Ministry of Health accused of illegally and forcefully removing organs from victims (Ambagtsheer, Zaitch & Weimar, 2013). Ambagtsheer et al. (2013) suggest that these were landmark cases involving a variety of other illegal acts within their illegal execution, such as the involvement of legal institutions, the cross-border nature of these cases and the inclusion of the black market in the process, to mention some.

2.2.4 Human trafficking for domestic servitude

This form of human trafficking occurs undercover (or covertly) because workers normally work indoors and are referred to as 'normal' domestic workers. In this respect, the Organisation

⁶ In prosecuting this particular case, the old "Human Tissue Act 65 of 1983" to rule on the illegitimate implantation of the organ was utilized because the Prevention and Combating of Trafficking in Persons Act 7 of 2013 was not yet ratified. Human Tissue Act 65 of 1983 among its suggestions, criminalise against using of the any body part of the minor child as the donation (article 19), and accepting the remuneration pertinent to 'import and supply' of the organ is against the law, unless that institution is approbated by the law (Article 28). In respect of this lawsuit, misleading information about the authority on the Israeli transplant was provided to catalyse the whole process. Albeit, the impossibility in following the human trafficking provision in the prosecution of this case, variety of elements made it to be prosecutable, the components include, *inter alia*, there were many indications of exploitation, such as coercion of the donors by these traffickers and their passport confiscation in their arrival, among others.

for Security and Co-operation in Europe (2014:13) defines ‘domestic servitude’ as “a form of human trafficking that is difficult to detect for many reasons such as that it is mainly performed under closed systems such as private residences”. This form of employment, which is perceived to be hidden, often forms part of the informal economy and the nature of work itself is precarious in the sense that workers work long hours, and their human rights are violated. By virtue of socioeconomic issues such as lack of education and poverty, forms of trafficking such as domestic servitude and slavery are increasing in West African countries, where they are also regarded as ‘cultural traditions’ (Gyurácz, 2017).

The Organisation for Security and Co-operation in Europe (2014) underscores that in many countries, this sector of labour is poorly regulated and not recognised as real work. Moreover, it happens indoors, thereby isolating the workers and this makes domestic workers more vulnerable to abuse and exploitation compared to workers in the formal sector. It remains difficult to detect and address domestic servitude in diplomatic residences, which is even greater presently (2018), as such residences often enjoy inviolability under international law and cannot be entered by relevant authorities in the host state (Organisation for Security and Co-operation in Europe, 2014).

2.3 Distinction between Human Trafficking and Human Smuggling

To offer clarity on understanding human trafficking, it is essential to discuss the difference between human trafficking and human smuggling (Orhant, 2002). The latter author argues that ‘smuggling’ occurs when there is illegal transportation facilitation of a person from one country to another. It usually involves payment to criminal syndicates for assistance. For this procedure, the mission is to help the person(s) to get to a destination, and it ends as soon as the mission has been completed.

The United Nations Women’s Anti-Human Trafficking Programme (Bello, 2015) reports that one of the differences between smuggling and trafficking is that smuggled migrant's consent to the activity and that the smuggling often happens in dehumanising conditions. Bello (2015) further asserts that, on the other hand, victims of trafficking have either never given permission or consented to the act and that they have never consented to the act following coercion. It is also characterised by deceptiveness and abuse they experience from the traffickers.

Shelly (2014) argues that both human smuggling and trafficking involve a victim that is recruited, moved, and the delivery of victims from one place to another. According to Shelly

(2014), what separates these two activities from each other, is whether the participation of the victims is voluntary or not and the notion that victims of trafficking are oppressed and exploited in the execution of this crime. On the other hand, there is an agreement between the smuggled person and the smuggler, and when the destination country has been reached, the smuggled migrants are free.

These heinous crimes are causing disruption, as they both cost the world massively in monetary terms. According to UN University (2017), other than being unlawful and modern slavery, human trafficking and forced child labour are extensive business enterprises across the globe. A report by the International Organisation (ILO) estimates that forced labour generates an amount of about US\$150 billion (about R1 909.11 billion) yearly (UN University, 2017). The resulting revenues go through legitimate a financial business and, as a result, the financial business is positioned to deal with the moving of finances that are related to these crimes (UN University, 2017). The following table is depicting the difference between human trafficking and human smuggling.

Table 2.1: The differences between human trafficking and human smuggling

TRAFFICKING	SMUGGLING
Must contain an element of force, fraud, or coercion (actual, perceived or implied), unless under 18 years of age; involvement in commercial sex acts.	The person being smuggled is generally cooperating.
Forced labour and exploitation	There is no actual or implied coercion.
Enslaved, subjected to limited movement or isolation, or had documents confiscated.	Persons are free to leave, change jobs, etc.
Need not to involve the actual movement of the victim.	Facilitates the illegal entry of person(s) from one country into another.
No requirement to cross an international border.	Smuggling always crosses an international border.

A person must be involved in labour/services or commercial sex acts; i.e., must be “working”.	The person must only be in the country or attempting entry illegally.
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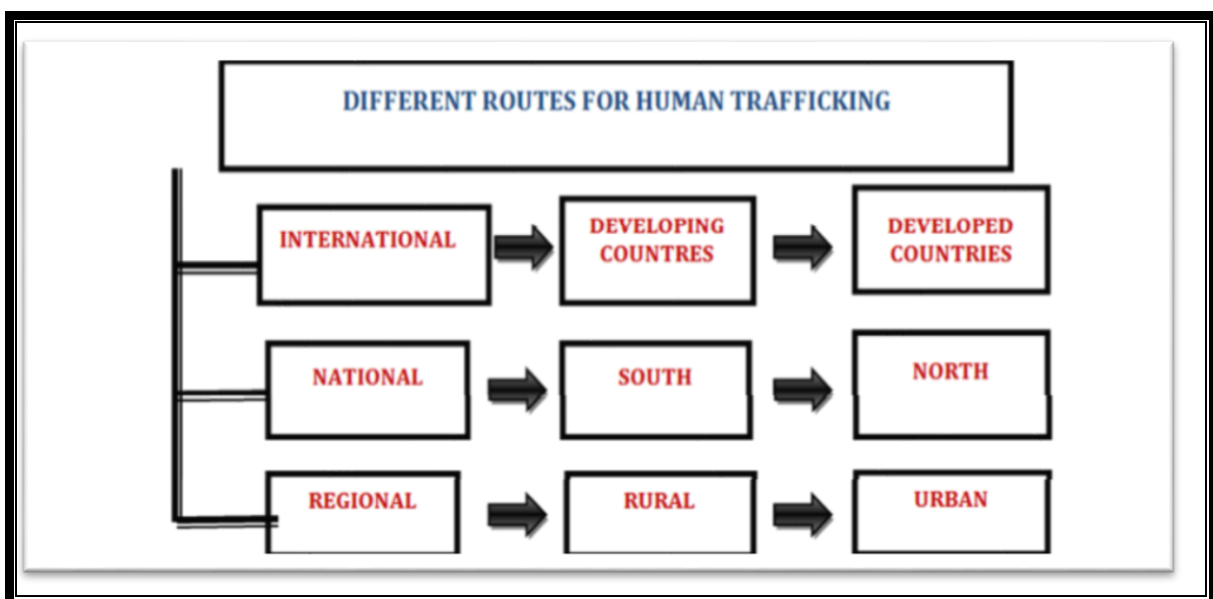
Source: The Human Smuggling and Trafficking Centre (2006)

Table 2.1 is illuminating on the execution of human trafficking and human smuggling. Looking from this stable is clear that there was a difference in how these crimes are committed in 2006.

2.4 The Nature and Extent of Human Trafficking in a Global Context

To understand the nature and extent of human trafficking on the global stage, it is of the utmost importance to start by depicting the operational manner of the incidence of human trafficking worldwide. Figure 2.2 depicts the route of human trafficking at national and international levels.

Figure 2.1: Flow diagram depicting different routes for human trafficking



Source: William (2008)

Figure 2.1 depicts the different routes of human trafficking, which mostly touch the developing countries with continents not excluded. The current situation concerning human trafficking that affects all levels from societal to international level is depicted.

Efrat (2016) states that human trafficking has drawn the attention of policymakers and scholars. This author reveals the growth of human trafficking by highlighting its escalating forms. Among the forms of human trafficking are sexual exploitation, labour exploitation, and the removal of organs (Efrat, 2016). These forms of human trafficking are directly proportional to the rise of trading in persons.

It is imperative noting that human trafficking is the third largest illicit international enterprise, after illegal drug and weapon smuggling. It creates an underground economy of illegal labour markets and businesses where both vast profits and great suffering happen (Rudolph & Schneider, 2013). Moreover, Rudolph and Schneider (2013) submit that, in estimation, around one billion dollars is generated by this crime annually in developed countries alone. This amounts to approximately US\$31.61 billion (about R410.5 billion) annually (Interpol, 2012; ILO, 2005).

Rudolph and Schneider (2013) further emphasise that the ILO estimates that around 20.9 million people have been exposed to human trafficking as victims.

Human trafficking is on the increase, and it is a perennial crime that affects the whole world. ILO (2007, in Jones, Engstrom, Hilliard & Diaz, 2005) concur, revealing that an estimated 12 300 000 victims had been forced into labour globally. Bales (2005) estimates this number to be 27 000 000. It is notable that the highest percentage of victims has been female, at a staggering 80% (UNODC, 2006).

It is plausibly argued that human trafficking is both a global phenomenon and a domestic issue (Jones et al., 2007). The United States (US) is a major destination for human trafficking activities. It is estimated that in 2005 around 15 000 to 50 000 globally trafficked victims arrived in the United States (US) each year (US Department of States, 2005; US Department of Health and Human Services, 2004; UNODC, 2006), of which figure could have grown further in the years up to now. Trafficked victims can be found in various sectors of the US economy, including prostitution, sweatshops, factories, and service industry work (US Department of Health and Human Services, 2004). As Jones et al. (2007) expound, the massive data of human trafficking explicitly indicate the scope of the phenomenon. Hopper (2004) is critical of the fact that there have been few convicted cases of human trafficking compared to the rate of reported cases and argues that this has an adverse effect on the process of identifying actual victims of this crime. Due to the criminal, secretive nature of human trafficking, victims are often hidden in brothels, private homes and businesses.

The inadequate ability of law enforcement officials and other related professionals to discern potential victims leaves victims of human trafficking shrouded in secrecy and trauma. Another point is made which is that the victims are intentionally hidden (Jones et al. 2007) and even secured in captivity. In addition, if victims have been released and are interviewed by professionals, they frequently become unwilling to open up to them, chiefly because of the psychological intimidation they have experienced, or they are terrified of being punished by the traffickers (Clawson, Dutch & Cummings, 2006). It has also been suggested that many victims are citizens of countries with repressive governments, and therefore they may fear retaliation by the government if they implicate them in the violation of human rights (Human Rights Centre, 2004).

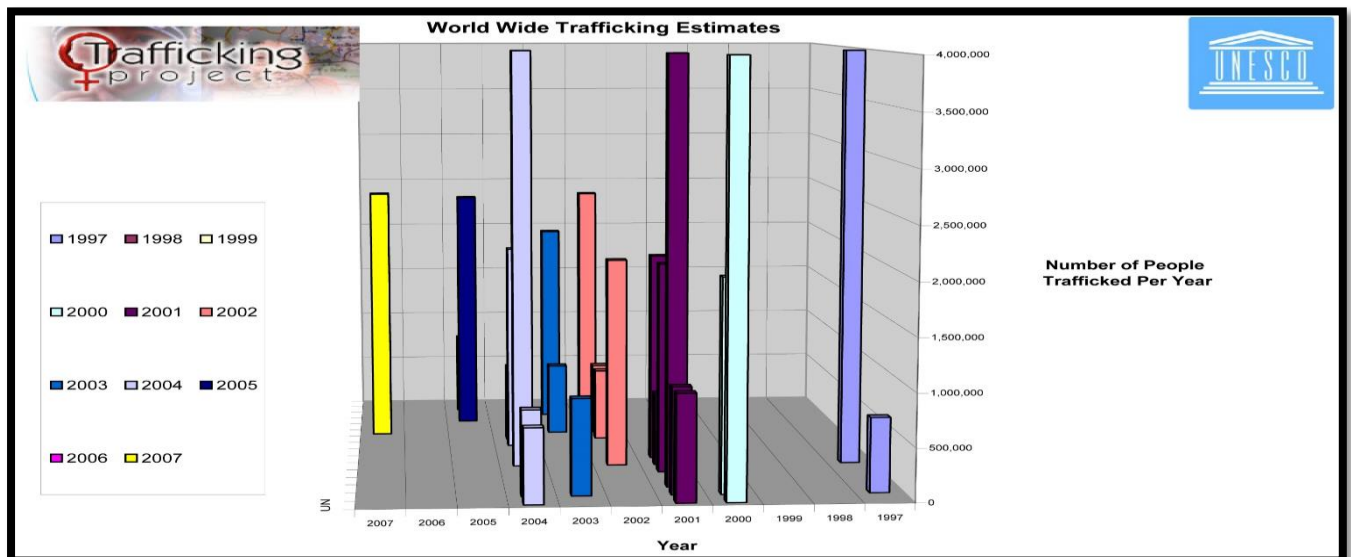
The ILO (2007, cited in Goodey, 2008) report stated that around 275 068 to 508 931 people had fallen prey to human trafficking both within countries' borders and between countries at any point in time and that around 2.45 million people had become the victims of human trafficking globally in the period 2007. Figures revealed by the US government with those of the ILO (2007, cited in Goodey, 2008) shows that the number of trafficked people across countries' borders was around 600 000 to 800 000 annually in the period of 2007 which differs from the figure of 500, 000 revealed by NGOs between the 1990s and 2000s. These figures suggest that the rising number of trafficked people on an annual basis reveals rapid growth in the number of incidents each year. Moreover, global approximations reveal that a frightening number of 12.3 million people become victims of trafficking at any given point in time, with approximately 1.2 million children falling prey to human trafficking nationally and internationally every year (Kreston, 2007).

About 27 000 000 people were involved in human trafficking or 'slavery' globally in the period 1999 (Bales 1999, in Winterdyk, Perrin & Reichel, 2011). It was also estimated that between 800 000 and 4 000 000 people, particularly women and children, are trafficked across the globe's international borders yearly (Ngwe & Elechi, 2012). These authors state that the trafficking of males is seldom reported and that the trafficking for labour has escalated in terms of adult males. They also disclose the lucrateness of human trafficking, and they emphasise the point that annual profits in human trafficking are approximately between US\$9 billion (R116.97 billion) and US\$32 billion (R415.88 billion) per year.

In 2016 approximately 40 million victims were forced to work without their will on any given day (ILO, 2017). Furthermore, the ILO report (2007) report suggests that the number of children that are affected by human trafficking exceeds one million yearly.

The dichotomies in the available statistics suggest that there are no reliable data on the extent of human trafficking in Nepal, although existing data suggest that between 11 000 and 13 000 girls and women worked in the nightclub industry in the Kathmandu Valley of Nepal in the stated period (Brülisauer, 2015). UN Environment Programme [UNEP] (2011, cited in Brülisauer, 2015) indicates that approximately 12 000 to 20 000 children and women fell prey to trans-border human trafficking annually in the surveyed period, with 30% of these cases ending up in forced labour and 70% as victims of sexual exploitation.

Figure 2.2: Estimates of human trafficking worldwide



Source: Andreas and Greenhill (2010)

Figure 2.2 indicates that human trafficking is escalating at an alarming rate.

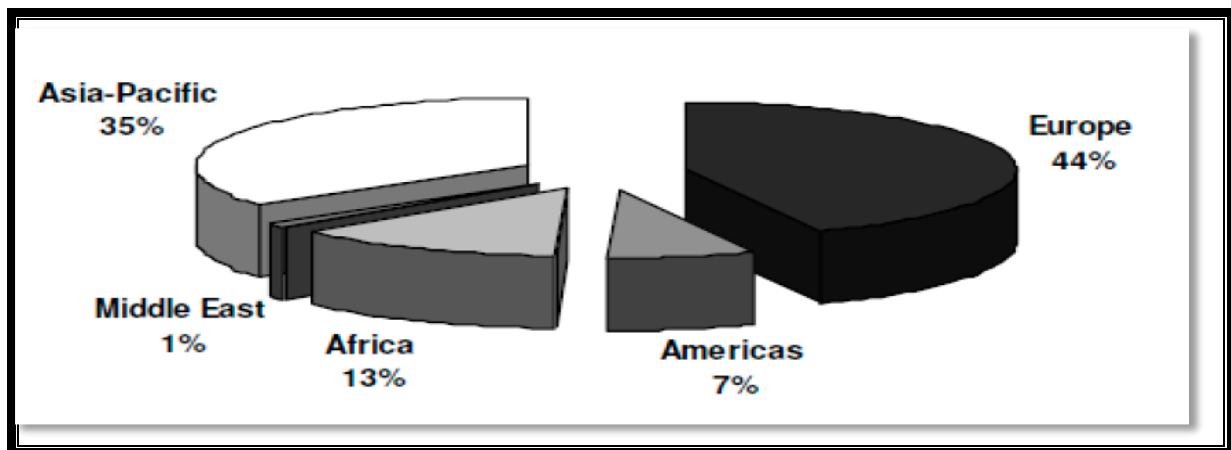
Martynowicz, Toucas and Caughey (2009) assert that, at the close of Pentameter 2, launched in 2007 (a multi-agency anti-trafficking initiative), reports in Northern Ireland revealed that a total of five trafficked people had been released, four of whom had been victims of sexual exploitation and one who had been a victim of forced labour. The report also revealed that six people had been arrested for smuggling and prostitution and that nine properties had been investigated with the amount of £5 500 (about R96 182) being retrieved. Although the number of trafficked and smuggled women in Northern Ireland could not be confirmed, Pentameter 2

indicated that an unknown number of women had been trafficked or smuggled from other countries to Northern Ireland (Martynowicz et al., 2009).

Similarly, an estimation by the ILO (2012, cited in Dugan, 2013) suggested that the number of victims of forced labour was 20.9 million at the time of the survey, but according to ILO (2012), there was no accurate picture of the number of victims living in Britain. Human trafficking is thus a crime that costs the world billions because not only one but a variety of crimes occur because of human trafficking; crimes such as illegal drug businesses, prostitution and slavery. The more disturbing problem is that dealing with these crimes is a challenge because of its elusiveness and also because of its lucrativeness. In this regard, Fitzgibbon (2003) argues that the minimum risk and profitability of ‘modern-day slavery’, as the author refers to human trafficking, escalate its rate. An estimation by the UN suggests that trafficking in persons generates US\$7 billion (R91.02 billion) to US\$10 billion (R130.02 billion) annually for traffickers, which is the third largest market for illicit activities following arms dealing and narcotics trafficking (Fitzgibbon, 2003).

Noteworthy, human trafficking is concealed and a crime that occurs underground; therefore, it is difficult to generate more accurate statistics on its occurrence and rate (Fitzgibbon, 2003). The following figure is revealing the regional data on human trafficking.

Figure 2.3: The contribution of regional research data to human trafficking figures



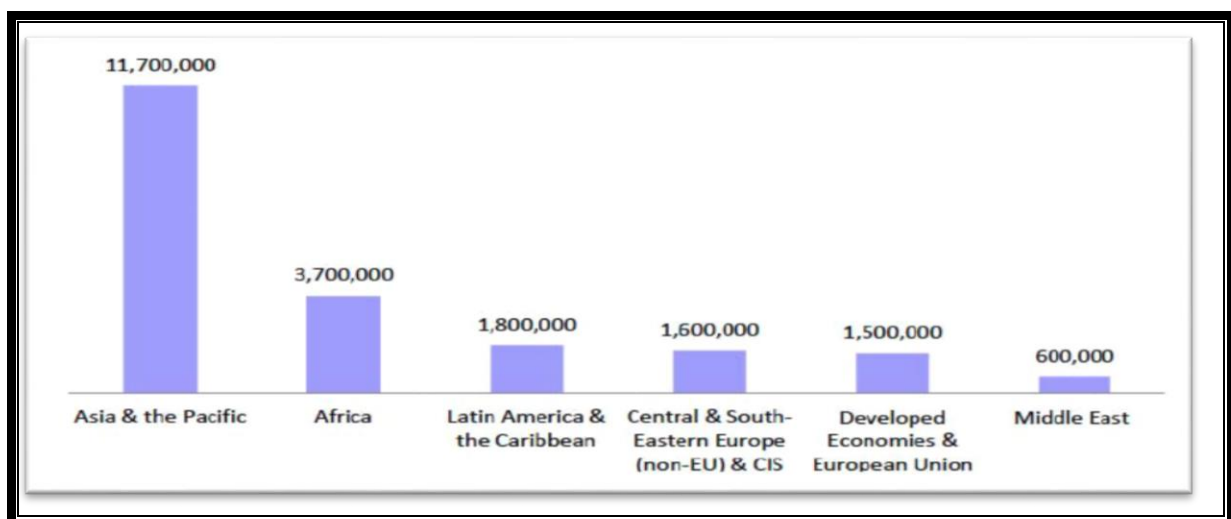
Source: Emser (2013)

Emser’s (2013) pie-chart (Figure 2.4) shows that limited research has been conducted on the African continent on human trafficking, this according to this study could reflect on the lucrativeness of the crime. This accounts for the few publications on the phenomenon that could be traced in the South African context. This figure also reveals that of all the studies conducted

on human trafficking, the Middle East, the Americas and Africa hold relatively low percentages, while the majority of the studies were conducted in countries in the Pacific and Europe. This suggests that more research is required on the continent of Africa and, by implication, in South Africa.

It is also inarguable that more needs to be done about human trafficking detection in Africa. According to UNODC (2016), few countries have been able to identify important cases, and when these cases were reported, there were no details with regards to their commission. As a result of the shortfall on human trafficking information in the African sphere, the basis for analysis in this region is minimal (UNODC, 2016). This problem is enormous compared to what has been done in terms of research and conviction. Figure 2.5 illustrates the extent of human trafficking in Africa.

Figure 2.4: Estimations on the extent of human trafficking in Africa



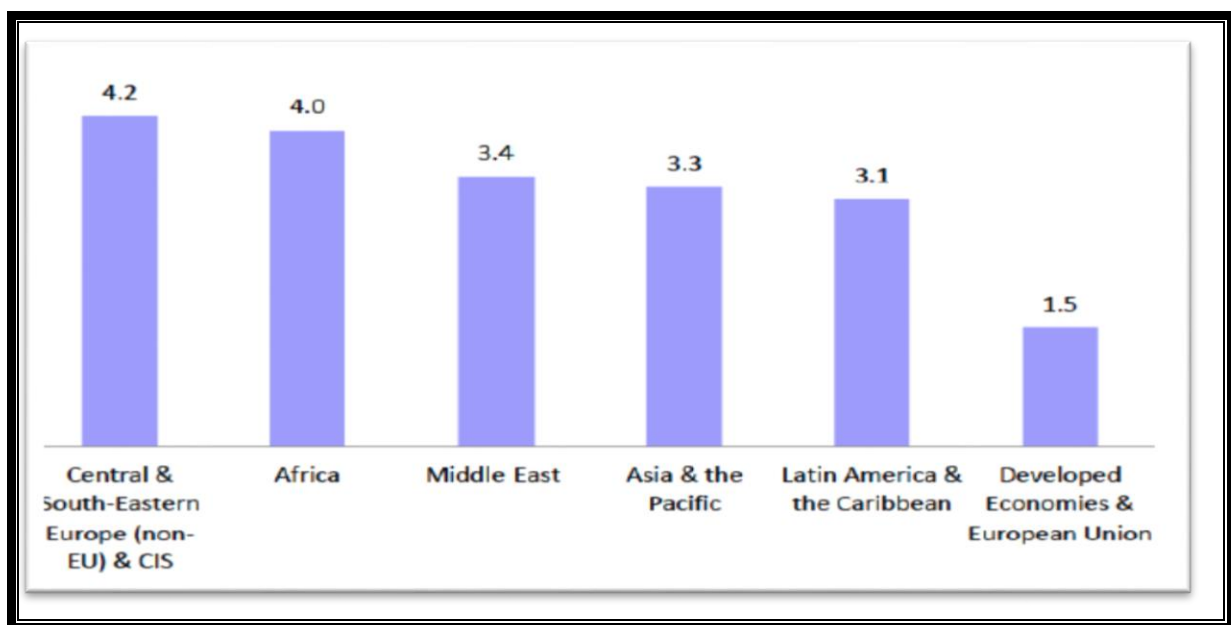
Source: ILO (2012)

Figure 2.5 illustrates that the human trafficking problem is shocking in African states, and it reveals a high percentage when compared to the rate in Latin American countries, this could have gone further in five years back in Africa, which directly affects places such as DPA as one of the big African towns. Moreover, UNODC (2016) states that half of the 2 580 trafficked people who were identified in sub-Saharan Africa were trafficked for labour exploitation. A type of forced labour that appears as the reason for trafficking and that was highly reported is domestic servitude. UNODC (2014:83) further mentions that “this type of trafficking accounts for more than three-quarters of the total number of detected victims in this sub-region, which is a very large proportion.”

It is also argued that human trafficking in Africa, particularly in West Africa, is perpetuated by capitalist means of production. For example, according to Sackett (2008), the production of cocoa in West Africa since the late 1800s has been profitable through forced labour, and particularly child labour. The documentary entitled *The dark side of chocolate* explicates the negativity surrounding the production of chocolate in the lives of people, and exposes the exploitation of young children who are smuggled to work in cocoa plantations (Tippins, 2016).

In terms of labour exploitation, the fact that chocolate is still a highly desirable commodity poses many questions in terms of human rights issues, as the negative effects of the escalation of human trafficking for this practice in other African countries are escalating as well. Pennington and Ball (2011) reveal that Co[^]te d'Ivoire and Ghana are also two African countries where child labour is used exploitatively for the production of cocoa.

Figure 2.5: Estimations of forced labour across the world



Source: ILO (2012)

The above figure illustrates the rate of forced labour, and Africa showed to be significantly affected by the problem, and this figure could have gone up these few years. This study argues that if Africa is negatively affected by the rise of human trafficking, municipalities such as Durban are also affected because they have ports and their population is high.

The prevalence of human trafficking can be divided into three categories: country of origin, country of transit, and destination country (Kreston, 2007; ILO, 2012). A country may be involved in more than one classification and may be included in all three classifications

altogether. It is notable that South Africa is involved in all three classifications. The seriousness of human trafficking in South Africa is therefore undeniable, and there is an urgent need for the attention of all relevant stakeholders to respond to persistent human trafficking. In the SADC region, South Africa is one of the leading countries in human trafficking scourge. Countries in the Southern African region such as Mozambique, Zimbabwe, Malawi and Zambia remain the suppliers of labour through human trafficking, among other strategies (Bello & Olutola, 2015).

The collaborative research conducted by UNODC and SADC in 2007 showed that the rise of human trafficking and human rights violations occur perennially in the entire SADC region (Nshimbi & Moyo, 2017). Nshimbi and Moyo (2017) reveal that the study undertaken by UNODC and SADC in 2007 in three SADC states, namely Swaziland, Mozambique and South Africa, suggests that the human trafficking problem in these countries is enormous. Furthermore, the study by Nshimbi and Moyo (2017) discovered that Swaziland, Mozambique and South Africa are transit and destination points for human trafficking activities.

In 2017, the SAPS exposed a trafficking ring that moved approximately 40 or more women and young girls every month between Mozambique and South Africa. Each of these victims was supposedly sold for R9 000. These figures reveal that the problem of human trafficking in the Southern African region is not to be ignored (Nshimbi & Moyo, 2017). It should also be noted that SADC countries also become providers of 'goods' through human trafficking, as many people are lured away from their countries of origin with false promises of jobs in countries in North Africa, Asia, Europe and North Africa (Nshimbi & Moyo, 2017).

South Africa is considered one of the countries that experience high rates of human trafficking, particularly because it has become an 'ideal location' for human trafficking to and from the country (eNCA, 2018). However, the CJS has never litigated high-levels of human-trafficking cases, which shows that South Africa is one of the African countries that have inadequate data on the seriousness of human trafficking. It has been argued that the cases that are prosecuted with success in South Africa are not difficult or complex cases, but that the CJS has been unable to prosecute so-called 'international syndicate' cases due to their complexity (Whittles, 2017). The problem of human trafficking is, therefore, a recurring and persistent issue, especially in major cities in South Africa. This argument is supported by the work of Van Der Watt (2018), who stresses that many people of South Africa have taken the law into their own hands by trying to deal with crimes related to drugs, prostitution and human trafficking at community

level instead of through the CJS. Violence has erupted in locations such as Rosettenville, Mamelodi, Rustenburg and Krugersdorp (Van Der Watt, 2018). Crime syndicates from countries such as Nigerian, Taiwan, China, Russia and Bulgaria are believed to be involved in human trafficking in South Africa with impunity. According to UNESCO (2007), evidence has revealed human trafficking incidences involving girls and women from Thailand and China for sexual exploitation in South Africa

The recruitment of victims involves women from countries/regions such as Brazil, Eastern Europe and Asia. Women are recruited for work, sex, domestic servitude, or forced labour, and they are taken to European countries where they are oppressed and exploited (US Department of States, 2018). In South Africa, cases of trafficking are generally referred to the IOM, which collects data about the victims of human trafficking in the country. However, not all cases that come to the attention of the police are referred to the IOM institution (UNODC, 2009). Based on this fact, the current study contends that the SAPS has not been fully equipped to respond constructively to human trafficking, and argues that the police lack the necessary knowledge to curb this problem. It is also quite shocking that a recent report revealed that some South Africa police members play a part in the execution of human trafficking in the country (US Department of State, 2018).

South Africa is exerting more effort into combating human trafficking, but not enough has been done to eradicate this crime (US Department of States, 2017; Van der Watt, 2018). However, in analysing the nature and future of human trafficking in South Africa, Van der Watt (2018:9) contends the following:

“Apart from a vibrant civil society and a non-governmental organisation (NGO) community engaged in frontline counter human trafficking work in South Africa, the mere handful of skilled and dedicated social workers, prosecutors and police investigators working tirelessly to address the crime amidst a high workload and limited resources, is by no means sustainable.”

2.5 Brief Historical Perspectives on Human Trafficking: Africa and South Africa

In Imperial Rome, 30-40% of the population comprised slaves that had been trafficked from Thrace, Gaul, Britain and Germany (Logan & Walker, 2009). This estimate reflects the extent of human trafficking in Europe in ancient times.

Human trafficking in SADC and the African arena has grown to be an issue beyond the ambit of national response holistically. The enslavement and trafficking of African people in the 16th and 17th centuries is well known. Oster (2015) describes how African men were both the victims and distributors of human trafficking while Europeans and Americans were involved in purchasing these people as slaves.

Bello (2015) submits that in order to trace the origin of human trafficking in South Africa, the broader context of Southern Africa should be taken into consideration at all times. This author reveals shortcomings in the literature to substantiate the widespread practice of human trafficking in historical Southern Africa, specifically between the 16th and 17th centuries while emphasising that the majority of studies that explored human trafficking between the 17th and 18th centuries revealed that human slavery in the Southern African sub-region employed practices that were similar to those in other African regions.

It is essential to look at the colonisation of Africa by European countries to understand the history of human trafficking in South Africa. To this effect, this study drew insight from Mollema (2013), who relates that slavery first occurred in his region after 1652. This happened after Dutch colonisers established and expanded the Cape Colony as a station to provide fresh produce and water for their ships *en route* to Asia and back. The Cape Colony became a psychologically manipulated society, as the colonisers could not thrive without slave labour. Categories of slavery included women who worked as domestic workers, men who tilled the land, and others who worked in trading businesses such as shoe, clothing and furniture making (Mollema, 2013).

European settlers in the Cape Colony owned many slaves, and about 60 000 slaves were transported to the colony between 1652 and 1807 when slavery was abolished. A report by the UN Educational Scientific and Cultural Organisation (UNESCO, 2007, in Bello & Olutola, 2017) argues that human trafficking never really ceased in South Africa, as its extent in the last few decades has been disconcerting.

2.6 Inadequacy of Police Resources to Expose Human Trafficking Activities

According to Pfeffer (2015), inadequate comprehension of human trafficking is directly proportional to the inapplicability of laws against human trafficking. Farrell (2015) argues that “the erroneous understanding of law enforcement with regards to human trafficking and its occurrence can negatively impact the elucidation and implementation of the human trafficking laws”. As was mentioned earlier, the study was conducted to comprehend the responsive effort of the police structure to the scourge of human trafficking. Therefore, officials’ understanding of human trafficking as individuals in the police structure was elicited. This was ideal for creating a vivid picture of the nature of SAPS and NGOs responses to the menace of human trafficking in DPA.

Various forms of legal systems that need to respond to human trafficking clearly understand that this crime as a harmful threat to legal rights. To this course, it is undeniable that the SAPS and NGO stakeholders are some of the agencies that come first when this crime is reported. However, so far, a little is known about this relationship and efforts to equipping these parties to deal with human trafficking in South Africa effectively, if not non-existing. In this regard, Farrell, Pfeffer and Bright (2015) argue that the police are lacking understanding when it comes to human trafficking, and generically they do not acquire skills and training to assist them in investigating human trafficking crimes. Newton, Mulcahy and Martin (2008) further indicate that this sector has insufficient knowledge of the laws of human trafficking operating in their policing areas. In the similar vein, the finding of the study conducted by Allais, Combrinck, Connors, Jansen van Rensburg, Ncoyini, Sithole and Tilley (2010) uncovered that, in terms of understanding laws pertaining to human trafficking, the police are still struggling because their knowledge of this issue is limited to poor.

Even in the UK, Her Majesty’s Inspection on Constabulary and Fire and Rescue Services [HMICFRS] (2017) highlights that the number of front-line officers lacks knowledge as far as modern-day slavery and human trafficking are concerned and that this lack of knowledge is coupled with a lack of proper training. Farrell and Pfeffer (2014) also mention that there is still uncertainty in the police and among prosecutors with regards to some parts of human trafficking laws, and they thus struggle to define some components for prosecuting acts of human trafficking such as whether a victim has been forcefully removed or not. They also struggle to determine if victims volunteered or were coerced and they battle with a clear definition of human trafficking in the USA, both in terms of State and Federal laws.

One of the precipitating factors of human trafficking is the negative idea that this crime is not a problem in a specific policing area, and this belief leads officials to ignore the need to comprehend the elements that categorise acts of human trafficking as criminal offences. More often, local law enforcement agents fail to understand the problem of human trafficking in their local areas, supposing it to be a phenomenon that happens somewhere else or outside their area (Farrell, *et al*, 2015; Newton, Mulcahy & Martin, 2008). These factors further place a huge responsibility on all relevant structures to provide training to police agencies on how to effectively respond to human trafficking at local SAPS police stations and cluster level.

It should be noted that another huge challenge is language. Geldenhuys (2017) suggests that language is a significant barrier in the communication between victims and the police, which affects the effective policing of this crime. Geldenhuys (2017) further states that NGOs find it difficult to communicate with victims because the latter are typically drugged.

2.7 Obstacles Encountered in Response to Human Trafficking Incidences

Law enforcement agencies are divisions working against human trafficking, with the SAPS being the primary gatekeepers. The SAPS is the major institution that directly works towards combating human trafficking in accordance with the Constitution of the Republic of South Africa 1996 Act No. 108 of 1996. Section 205(3), which asserts that the SAPS has to investigate the crime. Although many institutions exist to combat human trafficking in South Africa, the SAPS is in the front line in terms of contact with human traffickers, and they are given the mandate to sustain existing relevant law[s] that protect human rights and govern human conduct. Although their operations are not exposed to the public domain, it is understood that the SAPS has begun the journey to respond effectively and efficiently to human trafficking incidences, while recognising that there is still a huge amount of work to be done with multiple challenges to encounter. With that said, the following are the main challenges that prevent the SAPS from combating human trafficking in South Africa in a more effective way (DPA included).

2.7.1 The legacy of colonialism

The operationalisation of the police force of the past impacts their current efforts to combat crime. For example, some police officers still have stereotypical views regarding ethnicity. Phillips (2011) mentions that the manner in which some police officers view their colleagues greatly defines the capacity at which they will assist people from diverse cultures, race and

gender. Furthermore, Bello (2015) points out that, regardless of the excellent work of the police, a large proportion of the population still perceives the police through the lens of apartheid.

It should not be ignored that some strategies that are exercised by SAPS officials in combating crime resemble those of the South African Police (SAP) of the apartheid era, which was an organisation that was characterised by force and cruelty (Bello, 2015). Bruce (2011) states that other factors that underrate the attempts by the SAPS to combat crime are corruption, long litigation processes, and the postponement of court cases.

2.7.2 Dissimilitude between police and community police structures

The efficiency of Community Police Forums (CPFs) has been sabotaged by the actions of some police officers who offer deals to community members for their enrichment (Phillips, 2011). Moreover, Malatji (2016) argues that collaboration between the police and the community is fractured, pointing out that a lack of information sharing is a serious barrier. The latter author argues that “a tightened relationship between society and the police is cardinal in responding to human trafficking, which implies that human trafficking investigators should strengthen their alliance with structures in communities to combat crime effectively. Malatji (2016) further argues that community participation in policing is beneficial as it increases police and community interaction, ensures a concentration of quality of life issues, elicits the decentralisation of the police, provides strategic methods for making police practices more efficient and effective, ensures a concentration on neighbourhood patrols, and engenders problem-oriented or problem-solving police officers. As an argument, this study views the importance of engaging society to work with SAPS and NGOs to respond effectively to the scourge of human trafficking in DPA.

Yaso (2015) focuses on the need to involve society or victims in the formation of community campaigns. This author also refers to the campaign against human trafficking that was established for the 2010 FIFA World Cup and decries the failure of all stakeholders to conduct the campaign effectively. It is argued that a lot was incorrectly done, that society was not well represented, and that there was a marked inability to connect prostitution, drugs, missing children, and a high rate of immigration to human trafficking (Yaso, 2015). This speaks to the need to put society first when responding to serious crime such as human trafficking.

2.7.3 Inefficient resources to respond to human trafficking

The shortfall in the necessary resources is one of the main reasons why the police find it difficult to combat human trafficking. Even in the US, the US Department of States (2018) argues that few organisations have sufficient resources to provide the necessary assistance. Farrell and Pfeffer (2014) highlight that budget limitations have had a negative impact on the training of police officials. In addition, insufficient provisioning of materials and devices to ensure that cases reach trained investigators is also a problem. Patrolling officials may thus regard a kidnapping case as a ‘missing person’s’ case (Farrell & Pfeffer, 2014). In their paper, Farrell and Pfeffer (2014) state that Trafficking Victims Protection Act of 2000, which South Africa has signed, provides the necessary guidelines to the police to be able to distinguish between human trafficking and other crimes. However, it is argued that the police are unable to identify cases of human trafficking and that they lack the necessary understanding regarding this crime (Ibid.). It may be for this reason that only a few cases of human trafficking have been officially investigated, and this raises the questions whether established legislations are functioning optimally and whether police training institutions have been mandated to take this crime seriously.

However, a recent report about human trafficking pertaining to South Africa reveals that the SAPS has committed itself to counter human trafficking. This decision, which includes the appropriate training of front-line officers, was finalised only recently (US Department of State, 2018). Another decision was to revamp some places of safety for victims to ensure successful psycho-social assistance to them after human trafficking (US Department of State, 2018). Furthermore, in its recommendation for South Africa, the human trafficking report emphasises the need for increased effort in investigations, prosecutions and convictions of human trafficking cases (US Department of State, 2018).

NGOs have also arguably been unable to respond successfully to the problem of human trafficking. Tzvetkova (2002) views the incapacity of NGO personnel to be the cause, pointing out their inability to manage relevant programmes and fundraisers as well as their failure to cooperate with other structures. In the same vein, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE) (2009) refers to the inefficiency of NGOs to equip and provide victims of trafficking with the necessary services such as medical care, legal assistance and financial support. The points mentioned above speak

to the importance of NGOs to be well-equipped to address any issue victims under their supervision may encounter.

In a study conducted by Clawson Clawson, Dutch and Cummings (2006), it appeared that the most prevalent challenges involve the inability of the CJS to win the trust of victims, the lack of proper training of the officials of the justice system, inadequate resources, as well as an insufficient number of interpreters and translators.

2.8 Legislative Framework: Police Service Act No. 68 of 1995

To explore the efficacy of the police in dealing with the crime of human trafficking, it was essential to illuminate the legislative framework that guides the SAPS and NGOs regarding this crime in South Africa. An important finding is that the law does not specify how human trafficking is dealt with.

It is imperative that SAPS officials acquire sufficient knowledge with regards to the functioning of laws and that they fully recognise and abide by laws of criminal procedure and evidence as these laws, and their resultant regulations and guidelines, clearly prescribe how the police should perform their tasks in order to serve the public (Joubert, 2013). To this end, the Police Service Act No. 68 of 1995 (South Africa, 1995) governs the operations of the SAPS. The Act, in general, provides how police officials are expected to maintain order and security in the country. Provisions also prevent the possible exploitation of the rights of the people as enshrined in the Constitution of South Africa. The Police Serve Act also emphasises the importance of reciprocity between police officials and society and urges respect for victims of crime (Joubert, 2013).

Chapter 6 of this Act (South Africa, 1995) focuses on the importance of maximising investigation strategies concerning organised crime. However, by omitting specifics, the Act fails to regulate organised crimes such as human trafficking completely. This study argues that it is this omission in the law that is the chief reason why some police officers cannot attend adequately to human trafficking cases. For example, organised crime is identified as ‘trading of endangered species and unpolished minerals (such as diamond smuggling) (South Africa, 2005), which begs the question why a life-threatening crime such as human trafficking is not given more prominence.

2.9 Non-Governmental Organisations as an Aid to the Police

The collaboration of structures in the fight against human trafficking is an integral part of the world's response to this scourge. In this context the role of NGOs is vital. During a press conference at Bukit Aman in Kuala Lumpur in Malaysia on 13 March 2018, Deputy Inspector-General of Police, Tan Sri Noor Rashid Ibrahim, raised the issue of partnerships with the NGOs in responding to human trafficking. In his statement, he suggested that victims prefer opening up to NGO representatives rather than to law enforcement personnel, which makes it clear that coordination among the structures must be stabilised (Tee, 2018). *This raises the concern of whether the SAPS is focused on strengthening its partnerships with NGOs that are investing their time and efforts in addressing the challenges of human trafficking.*

Geldenhuis (2017) suggests that a partnership approach in responding to human trafficking must be practised among structures such as the SAPS and NGOs, as NGOs are a vital role-player in 'policing' human trafficking. In the same vein, Crawford (2010) argues that the police cannot effectively prevent human trafficking without assistance from other structures. However, when the SAPS partners appropriately with government organisations and society, it can proactively respond to the menace of human trafficking. Drawing from the above arguments, this study contends that the ability and resources of NGOs to respond to human trafficking should not be underrated and that their cooperation should be elicited in attempts by national, provincial and local government structures (including DPA), and particularly the police, to respond more effectively to human trafficking.

Partnering of agencies is a crucial strength which could help in counteracting human trafficking. In the UK, a stable partnership among a variety of stakeholders is encouraged, as it is argued that they could yield the best results in policing human trafficking (HMICFRS, 2017). Conversely, instability in partnerships leads to the failure of forces to identify societal risks and to efficiently attend to them (Ibid.).

The significance of partnerships among relevant stakeholders to curb the problem of human trafficking is therefore inarguable. In 2005, the SAPS collaborated with other structures such as the National Prosecuting Authority (NPA) and the Department of Home Affairs to form an anti-trafficking project that would provide education to officials to help them discern and question victims of human trafficking properly, especially at international airports. The SAPS also established an anti-human trafficking unit at the Johannesburg airport (UNESCO, 2007).

The level of partnerships between government structures, social structures and international agencies is a matter of interest. A lack of such partnership arrangements limits the ability of forces to understand local risks and deal with them effectively (HMICFRS, 2017). Mellon (2015) further states that even though the South African state has been a signatory to PACOTIP for decades now, there is still a need to purify some elements in the legislation to be able to deal with the complexity of human trafficking. In particular, it is argued that some roles in it should be clarified to define the partnership between the government and NGOs better. Apart from the active roles society and NGOs should play countering human trafficking, other structures such as social workers, prosecutors and SAPS investigators are working hard to deal with the crime. However, there are challenges such as resource insufficiency and extremely high workloads (Van der Watt, 2018).

The partnership approach is seen by Geldenhuys (2017) as the most relevant response of stakeholders, NGOs and the police to combat crime. According to Crawford (2010, in Geldenhuys, 2017), the collaboration among the police, society and NGOs in fighting crime is vital.

There is a variety of actions that stakeholders should take as they partner with society in responding to human trafficking. Geldenhuys (2017) asserts that the functions of role players include: providing education on human trafficking, particularly involving children at their level of understanding; spreading information on human trafficking; and raising awareness of a helpline [A21] that is available to report human trafficking and other related crimes. In a similar vein, Temesgen (2014) argues the issue of vigilantism, which involves awareness raising programmes and issuing necessary warnings to the public. Temesgen (2014) further states that providing essential training to officials and social workers, as well as the provision of anti-trafficking laws, could positively assist in responding to human trafficking.

Furthermore, managing society at community and local government level will allow society to deal with this crime at the grassroots level, and the participation of women in awareness programmes must all times be motivated (Temesgen, 2014). According to this argument, collectiveness is a core ingredient in the recipe for responding to human trafficking, as this speaks to the significance of stakeholders and the society to find common ground to respond to the menace of human trafficking collectively.

2.10 Responding to Human Trafficking: Structural Prevention Mandates

The escalation of human trafficking across the globe has led to the development of proactive measures as part of preventative initiatives to curb human trafficking. This process involves efforts by NGOs, families, churches, schools, government departments, CPFs and international structures to collaborate across international and national borders. To curb human trafficking, employment should be provided to people, poverty should be eradicated, and positive liaison between European and African anti-human trafficking projects should be initiated. Furthermore, proactive and reactive measures should be employed to help curb the problem.

It should be noted that human trafficking is not an easy crime to detect and prevent (Portland State University, 2011). However, visible efforts by relevant structures and well-established laws that are implemented effectively are of cardinal importance, because they make exploitation associated with human trafficking illegal. The characteristics of effective anti-trafficking laws involve a broad definition of the concept of coercion; a well-structured definition of trafficking; a mechanism of care for suspected victims; explicit relief for trafficking victims; specific protection for child victims; and legal access for the victims (Ibid.).

The Global Alliance against Traffic of Women [GAATW] (2017) asserts that global compact could help in the prevention of human trafficking. It prioritises the need for creating explicit knowledge about smuggling/trafficking and strengthening the fight against the smuggling of people. It also urges the elimination of any prevailing need for people to rely on smugglers (and traffickers).

Another revelation is that a large number of officers, especially police officers, are not trained to identify human trafficking incidences. Newton, Mulcahy and Martin (2008) state that few law enforcement officials can discern the potential victims of trafficking. They suggest that only 10% of officers are able to spot a victim while on duty or working on a particular case. This low rate reveals the need for a massive effort to train police officers. Interestingly, Portland State University (2011) argues that changes in current laws against prostitution could help in identifying the victims of human trafficking. Niemi (2010, in Portland State University, 2011) points out that the language that is used in prostitution laws and anti-human trafficking laws points to the need to strengthen current prostitution laws to shift the focus away from prostitution as a commercial transaction. In addition, the author stresses the need to identify children and women as exploited victims, which would criminalise ‘buyers’ as exploiters and traffickers. A good example would be the criminalisation of the practice of *ukuthwala*

(abduction). Lutya (2010) explicates that some cultural rituals in Africa and South Africa infringe the rights of young girls who are frequently forced into ‘involuntary marriage’. Cultural practices that are prominent in some parts of the Eastern Cape, such as *ukuthwala intombi* (girl abduction) have been performed for years. This practice involves young girls who are forced into marriage with older men. Such practices are not necessarily a crime, but they could lead to involuntary prostitution, and these young girls eventually become victims of trafficking. Building on the example as mentioned above, it seems logical to assert that human trafficking in South Africa has a strong historical background that has existed for a very long time.

Given such deep-seated traditional beliefs, the current study concurs with the proposition posed by Barner, Okech and Camp (2014:150), who are of the view that the only way forward to adequately protect the rights of all people and to abolish human trafficking, is to “proactively embark on multiple sectoral approaches and advance more abstract movement anchored on shared goals”. In addition, Chuang (2006) states that a variety of policies view trafficking as an act of violence, which means that such lawbreakers need to be deterred and victims need to be brought back and helped to reintegrate into their communities. However, inasmuch as the responses look to deal with human trafficking, they overlook its sources that perpetuate the phenomenon.

In this context, Barner, Okech and Camp (2014) argue that poverty leads to the vulnerability of women which exposes them to sexual abuse, resulting in the slave trade of women for this purpose in many countries. For instance, in Albania young women are tempted with job opportunities such as being nannies or working in restaurants, but they are trafficked and taken to countries such as Italy or Greece where they are coerced into prostitution or forced into domestic servitude. One interesting case study that was conducted in the US revealed that a Mexican-American family trafficked Mexicans to work in their restaurant and on their farm. They were not paid as they had to ‘work off’ the transportation costs. The latter study contends that, if socioeconomic ills could be positively dealt with, it could play a huge role in the reduction and prevention of future human trafficking enterprises.

Equally, Schulze, Canto, Mason and Skalin (2014) argue that women who are traded for sex generally belong to disadvantaged groups. Being an immigrant or lacking good living conditions is seen by international agencies as a cause to lure women into prostitution. Furthermore, socioeconomic conditions and the cultural inequality of women leads to women

being lured into the sex trade. Many scholars agree that socioeconomic factors and inadequate resources are the primary reasons why women opt for prostitution (Schulze et al, 2014). Similarly, in Albania the major push factors that promote human trafficking include poverty, unemployment, dysfunctional families, domestic violence, gender inequality and low level of education of parents, to name a few. One important pull factor that was a focus of the current study is an imbalanced law enforcement structure (Meçe, 2016).

As much as human trafficking remains a global phenomenon, the African continent remains one of the continents that experiences the destructiveness of human trafficking. Asiiimwe (2014) asserts that young children and women are the ones who fall prey to human trafficking in Rwanda. Poor economic status and lack of education contribute to the trafficking of women and children because, when they strive to migrate for economic opportunities, they become victims. Asiiimwe (2014) states that in Rwanda, women and children are trafficked to Uganda and Kenya to be exploited for sex and labour. This author insists that inadequate law enforcement, discrimination against women, lack of resources and inadequate policies contribute to the persistence of human trafficking in Rwanda.

This information strengthens the need to combat social ills if one wants to prevent human trafficking. The emphasis is on the fight against the low status of women, past political issues and the eradication of poverty, and insists that the importance of international cooperation and coordination be recognised on a global scale. It is not only Rwanda that should strengthen its relationship with relevant national and international stakeholders (Asiiimwe, 2014), but all countries across the globe. Mollema (2013) notes that the Ouagadougou Action Plan highlights the need for states to develop rehabilitation centres as part of helping victims of human trafficking to heal and recover. The following is a list of projects aimed at preventing human trafficking in different states. The following is the list of the operating NGOs in the world

Table 2.2: International anti-slavery and anti-human trafficking programs

Country or Region	Organisation	Services	Website
Australia, New Zealand, and the Pacific Islands	Project Respect	Outreach services, emergency accommodation, support groups, prevention services, intensive case management	[38]
Belgium	Samila Foundation	Prevention services, outreach services	[39]
Cambodia	Rapha House	Safehouse, rehabilitation and reintegration programs	[40]
Estonia	Living for Tomorrow	Hotline, policy advocacy, awareness campaigns, and preventative services	[41]
France	Committee Against Modern Slavery	Legal aid, health services, rehabilitation facility	[42]
	Esclavage Tolerance Zero	Residential rehabilitation program	[43]
Greece and the Ukraine	A21 Campaign	Awareness campaigns, safe-houses, rehabilitation program, skills training, legal aid, policy advocacy	[44]
Ireland	Ruhama	Counselling services, skills training	[45]
Italy	On The Road	Policy advocacy, rehabilitation, and awareness programs	[46]

Latvia	Shelter/Safe House	Residential services, outreach and aftercare services.	[47]
Lebanon, Jordan, Iraq	International Rescue Committee	Refugee work, policy advocacy, residential program, counselling services	[48]
The Netherlands	La Strada International	Policy advocacy, intensive case management	[49]
Philippines	My Refuge House	Safehouse, the rehabilitation program	[50]
Switzerland	International Office of Migration	Safe houses, skills training, health services, mental health services health services	[51]
Thailand and Burma	Life Impact International	Prevention programs, intensive management, legal aid	[52]
United Kingdom (UK)	Helen Bamber Foundation	Policy advocacy, legal aid, rehabilitation services	[53]
	Anti-Slavery International	Skills training, mental health services, policy Advocacy	[54]
	Stop the traffic	Policy advocacy, awareness campaigns	[55]
US	International Justice Mission	Legal aid, rehabilitation services	[56]
	Not For Sale	Policy advocacy, the awareness campaign	[57]
	Love 146	Prevention services, rehabilitation services, awareness campaign	[58]

Made In A Free World	Skills training, the awareness campaign	[59]
Free The Slaves	Legal and policy advocacy.	[60]
Oasis	Policy advocacy, an awareness campaign	[61]

Source: Barner, Okech and Camp (2014)

Table 2.2 lists some NGOs that have been established to counteract human trafficking in different countries in the world. The study is assuming these NGOs are preventative measures of human trafficking. However, the escalating rate of human trafficking globally is shocking, and one can question the effectiveness of the intervention of NGOs to counteract trafficking. The question is posed whether NGOs play a significant role in the global response to human trafficking and whether their services are provided appropriately or not.

Friesendorf (2009) argues that, despite significant attempts to combat human trafficking, it persists and even escalates, which brings into question effective ways to monitor, prevent, measure and combat human trafficking across the globe. An Austrian-led expert group on human trafficking has revealed that, despite the hard work of the stakeholders and NGOs to positively respond to the scourge of human trafficking, it is still a most disturbing problem (Friesendorf, 2009).

One of the findings of the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE) (2009) is that a lack of resources is prevalent among NGOs. It is stated that victims need services such as psychological support, legal advice, financial assistance, job training and medical care, but that most NGOs are unable to provide these, and few lawyers are willing to assist on a pro-bono basis. These factors disallow victims the freedom of choice and the right to assistance (OSCE, 2009).

2.11 National and International Legal Frameworks on Human Trafficking

Strategies geared towards eradicating human trafficking have been implemented in some parts of the world to proactively and reactively resist the negativity of the perennial human trafficking phenomenon across the globe. For this study, strategies are conceptualised as Acts

(legislation, policies and regulations) that have been evolved by different countries on the continent of Africa. These include the following:

2.11.1 International laws on responding to human trafficking

2.11.1.1 Trafficking Victims Protection Act of 2000

One of the first federal laws in the US to curb human trafficking is the Trafficking Victims Protection Act [TVPA] of 2000. The principal purpose of the Act is to fight the scourge of human trafficking by maintaining justice for victims and providing functional punishment for perpetrators (US Department of State, 2000). Barone (2003) states that this Act has been enacted to prevent trafficking and to protect the victims of human trafficking. The current study contends that this Act is both proactive and reactive. As Bello (2015) contends, TVPA and its rectifications (respectively 2003, 2005, and 2008) conceptualise trafficked victims of human trafficking as anyone (under the age of 18) who is forced to work as a labourer or prostitute.

Furthermore, according to the US Department of State (2000), Section 2 of this Act has divisions that elaborate its functionality. Section 2 of this Act is organised into three divisions, namely:

- Division A: Trafficking Victims Protection Act of 2000;
- Division B: Violence against Women Act of 2000; and
- Division C: Miscellaneous provisions.

With these three divisions, the Act can cover a broad spectrum of human trafficking responses. From the perspective of this study, these divisions in the Act endeavour to protect victims and combat human trafficking.

As human trafficking is one of the most destructive transnational crimes, the United States must cooperate with the world's countries in its efforts to combat it. The Trafficking Act reveals that the enforcement of anti-trafficking laws is hampered by official indifference, the participation of officials in human trafficking, and corruption. This Act assumes that if associated problems with human trafficking arise, they can be possibly dealt with, while it emphasised that the problem of human trafficking could be positively curbed worldwide. The response to trafficking began many years ago. Since the year 2000, the United States (US) Department of Justice has increased the number of filed cases of human trafficking six-fold,

quadrupled the number of charged people, and tripled the convicted defendants (US Department of Justice, 2007; Farrell et al., 2008). After the enactment of this Act, the US Department of Justice has managed to charge above 300 perpetrators and secured above 200 convictions (Farrell et al., 2008). This study emphasises the importance of this Act in protecting victims such as women and girls who fall prey to everyday human trafficking activities.

The efforts of the US government towards preventing and punishing the act of human trafficking and protecting victims were inevitable. In 2003, 2008 and 2013 this Act was re-authorised as it gradually evolved elements to respond to the scourge of human trafficking. According to Imerman (2018), this Act was reauthorised in 2017, which has arrived with the expansion of strategies, measures for investigations and means for victims of human trafficking. April 2003, this Act was first signed into law, strengthening the power of the CJS in the US investigate, prosecute and punish crimes involving child sex tourism (Tiefenbrun, 2006). Within the same year, this Act was strengthened by passing the Trafficking TVPRA, and the Act was re-authorised again by 2005. More interestingly, the Act has worked to escalate punishment to a maximum of 30 years in prison for child sex tourism dealings (Tiefenbrun, 2006). The re-authorisation of the Trafficking Victims Protection Act (TVPA) of 2000 came about to assure suitable punishments against the abuse of victims and children's rights.

This study argues that the re-authorisation of the TVPA came with a huge movement towards responding to human trafficking, more particularly in America, with the development of Anti-trafficking organisations such as the ILO, Coalition against Trafficking in Women, and Shared Hope International (Coleman, 2016). However, a shortcoming is that this Act focuses only on the victims of one or two forms of human trafficking while excluding the victims of other forms of human trafficking. The study is concerned with the failure of the Act to involve victims of other forms of human trafficking in its respective re-authorisations. In places such as DPA there are many forms of human trafficking, thus, a huge Act such as the Trafficking Victims Protection Act of 2000 should work on responding to these forms equally.

2.11.1.2 The Palermo Protocol

The protocol was developed the same year as the TVPA of 2000, but this protocol came about as an aim to combat human trafficking by different countries in the world collectively. Many countries that are members of the UN are also signatories of this protocol, including South Africa.

The protocol was enacted to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (Heinrich, 2010). This study argues that the protocol initiated a great move to introducing the collaborative point of view in preventing, suppressing and punishing acts of human trafficking. In this context, Parkes (2015) provides that the development of this protocol came with the new strategic plan towards combating human trafficking and allowing signatory states an opportunity to amend or evolve new Acts aimed at human detection specifically. This author further argues that the Act provides an opportunity for updating outdated legislation against human trafficking. Doezema (2005, in Einarisdóttir & Boiro, 2014) contends that the Palermo Protocol was developed as a result of the consensus between States, world organisations and NGOs that enthusiastically wanted to further deal with the seriousness of the phenomenon. These authors reveal the point of departure of the Palermo Protocol, pointing to the significance of widely formulating the concept of ‘human trafficking’. The Protocol under discussion identifies three elements such as action, means and purpose (Einarisdóttir & Boiro, 2014).

However, although the Palermo Protocol covers the idea of responding and combating to human trafficking holistically, the study contends that it lacks the provision of educating relevant stakeholders such as the police, NGOs, as well as society. Since the Palermo Protocol’s 29th Article refers to ‘training and technical assistance’, it does not provide precise discussion on the execution of the article to benefit law enforcement officers and NGOs. This assertion finds support in the work of Seideman (2015), who provides that educating stakeholders about human trafficking will help them to discern victims and situations related to human trafficking so that they will actively immerse themselves in the struggle against global sex trafficking.

In the SADC region, which involves Malawi, South Africa, Mozambique and Namibia, there have been efforts to train law enforcement officials, but little has been done to enrich police officers with ongoing training programmes. While the IOM is conducting training on human trafficking in countries such as Malawi and Zambia, it is a fact known to this author that the SAPS is planning to introduce a new strategic training programme with a particular focus on responding to human trafficking (UNODC, 2007).

2.11.1.3 Council of Europe Convention Action against Trafficking in Human Beings

The Council of Europe has found it mandatory to protect human rights and the dignity of all human beings and to promote the freedom of all people (Council of Europe, 2009). The

following are selected chapters of the Convention that address some of the objectives that the current study focused on:

- **Chapter I – Purposes, scope, non-discrimination principle and definitions⁷**

- Article 1 – Purpose of this Convention

This convention aims to protect the rights of the victims of human trafficking. This is done together with helping and protecting the survivors and witnesses of human trafficking and striving for productive investigations as well as the successful prosecution of perpetrators of this crime. This Convention further promotes the coordination among international States against human trafficking (Council of Europe, 2005).

- Article 2 – Scope

This Convention promotes open legislation and emphasises that all forms of human trafficking should be addressed nationally and transnationally regardless of whether an incident is related to organised crime or not (Council of Europe, 2005).

- Article 3 – Non-discrimination principle

This section emphasises the provision of the legislation that is non-discriminatory. It urges that assistance shall be provided on all grounds, regardless of race, sex, colour, language, religion, political or other opinions, national or social origin, association with a national minority, property, birth or any other distinction (Council of Europe, 2005).

- **Chapter II – Prevention, co-operation and other measures**

- Article 5 – Prevention of trafficking in human beings

This section insists on the need for coordination among the parties in the convention and healthy relationships to prevent and combat the scourge of human trafficking (Drew, 2009). It is enshrined in this Convention that each State taking part should uniquely establish campaigns comprised of research, awareness campaigns, training of relevant professionals and developing social and economic structures to help curtail the menace of human trafficking (Council of Europe, 2005). From the study's point of view, the convention is on the right track by providing education to society and relevant professionals, but it is argued that the Convention is

⁷ This section contains the selection of articles that are relevant for the discussion.

unambiguous as far as professionals are concerned, as the article is not specific as to which professionals should be provided with the necessary training.

- **Chapter V – Investigation, prosecution and procedural law**

- Article 27 of the Convention

This section insists on the procedures to be followed in initiating investigations into human trafficking cases and the competency of relevant structures that are mandated to investigate cases under each Party's criminal law system. It emphasises that Parties should develop structures that will provide assistance to victims of human trafficking (Council of Europe, 2005).

- Chapter 5 of this Convention under Article 28

This section makes assertions regarding the protection of victims from potential perpetrators. It insists that State Parties are obliged to provide the necessary safety measures during and after procedures involving victims, reporters, and witnesses to human trafficking acts. This protection should also cover each family member of the reporters of crime, victims and witnesses (Drew, 2009).

It may be argued that this Convention is holistically applicable in light of its mandate to cover all forms of human trafficking. The enormous scope of the legislation it addresses makes it relevant to any country and any condition, albeit it a European Convention. However, an analysis of the sections of operational sanctions that were discussed, it is inarguable that the focus does not include the police as one of the prominent structures in responding to human trafficking. Just like any other legislation that was reviewed for this study, this Convention does not dwell on the efforts of the police, nor does it propose measures to equip police structures to curb or respond to human trafficking effectively. Because this study views the SAPS and NGOs as two of the most relevant stakeholders and gatekeepers of the fight against human trafficking, it is argued that the provisions of this Convention should be augmented to include the police agencies and NGOs in more specific detail in the mandate it offers. Though it is European legislation, it can influence the functioning of agencies in DPA such as SAPS and NGOs as there is always partnership among structures.

Another shortcoming is that Convention focuses more on the power invested in its signatories rather than the work that should be done by the Convention itself. In this regard, Raffaelli (2009) contends that this Convention leaves the signatories with too much power to make judgements. Its review is therefore imminent based on an evaluating the efforts of the States that are party to this Convention.

2.11.2 Continental legislation

2.11.2.1 The Ouagadougou Action Plan

Many countries on the African continent have initiated projects and enacted laws aimed at combating/responding to the egregious crime of human trafficking. The Ouagadougou Action Plan is one among many relevant legislation that addresses this issue. The Ouagadougou Action Plan reaffirms various international legislation and supports essential measures to deal with the scourge of human trafficking in Africa. In this regard, Mollema (2013) reveals that its point of departure focuses on the prescription of proactive actions such as training, education and raising awareness, to name a few. Mollema (2013) recounts that the Ouagadougou Plan of Action looks holistically at the phenomenon of human trafficking in Africa and that it assumes that, if socio-economic issues are positively dealt with, it will yield good results concerning efforts to respond to human trafficking (African Union [AU], 2006).

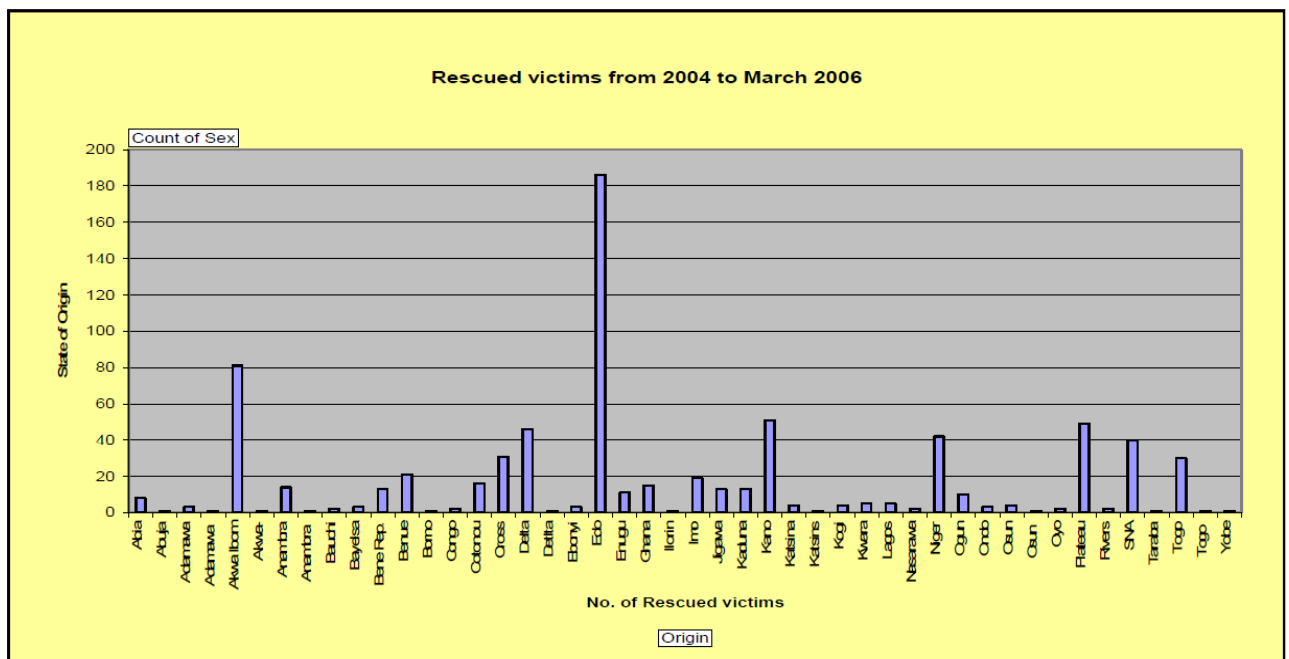
The AU campaign committed itself to ensure the prevention of human trafficking, the protection of victims of trafficking, and also the possible prosecution of traffickers (AU, 2009). From 2009 to 2012, in an attempt to fulfil the three set strategies, the campaign budgeted an amount of US\$600 000 (about R8 594 310) to implement the established strategies (AU, 2009). To combat human trafficking, particularly of women and children, the Ouagadougou Action Plan focuses on educating relevant stakeholders, especially policing forces in African nations. The action plan also focuses on the need for capacity building and emphasises the education that police structures should receive on how to combat human trafficking. This study argues that this plan covers one of the most critical aspects of the fight against human trafficking, which is the training that the police should be exposed to in order to respond effectively to human trafficking. However, the functioning or implementation of this campaign is questionable in light of the rapid escalation of human trafficking, especially for sexual slavery and labour exploitation in places such as DPA.

2.11.3 African laws

2.11.3.1 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003

This Act was enacted on 14 July 2003 in Nigeria. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was enacted by the Nigerian government to develop means to punish any person who engages in acts of human trafficking and related crimes. This legislation is regarded as the first official effort to establish a national legal framework to address the scourge of human trafficking (Olateru-Olagbegi & Ikpeme, 2006). In 2006, following the operations of the NAPTIP, many victims of human trafficking were discovered, and these people ranged from 10-15 years of age. They were victims of many forms of exploitation, particularly labour exploitation (NAPTIP, 2006). The following figure depicts the number of victims of human trafficking that were rescued between 2004 and 2006.

Figure 2.6: Victims of human trafficking discovered between 2004 and 2006



Source: NAPTIP (2006)

It may be argued that NAPTIP was successful to a large extent, as is reflected in Figures 2.6. The figure also reveals the widespread nature of the problem, but due to the clandestine nature of this practice, one may still question the actual extent of the problem, as many victims may not have been identified or rescued to date.

2.11.4 South African legislation

South Africa's efforts to grapple with the issue of human trafficking still requires a concerted effort as, for a seventh consecutive year, the country was ranked second by the Trafficking-in-Persons Report, which clearly suggests that it is failing to meet the standards of the United States' Trafficking Victims Protection Act to eradicate human trafficking (Kruger, 2016). According to the US Department of States (2018), South Africa is one among many countries that fail to prosecute and convict the perpetrators of the crime of human trafficking crime. Nevertheless, Bello (2015, in Bello & Olutola, 2017) recognises the importance of the journey that South African has walked since its decision to criminalise human trafficking actions, stating that South Africa has worked on strengthening its criminal justice system to combat this scourge by initiating community police structures and investigations as well as convicting lawbreakers for various human trafficking offences.

2.11.4.1 Criminal Law Sexual Offences and Related Matters) Amendment Act No. 32 of 2007

This Amendment Act provides direction in terms of the following:

- Section 71(1): Trafficking in persons for sexual purposes;
- Section 71(2): Involvement in trafficking in persons for sexual purposes;
- Section 71(6): Transportation by a commercial carrier of a person for sexual purposes into or out of the Republic without travel documents required for lawful entry into or departure from the country.

South Africa is regarded as a major destination of human trafficking on the African continent, especially in the SADC region (Adepoju, 2005). By the escalation of human trafficking, South Africa has enacted a law against the commission of this crime. This Act was signed and commenced to operate in 2015. According to the Criminal Law (sexual offences and related matters) Amendment Act No. 32 of 2007 (South Africa, 2007), sexual abuse and exploitation are crimes, and this Act includes the definition that comprises components of human trafficking as expounded in the Palermo Protocol (Van Der Westhuizen, 2015). The contradiction between the said Amendment Act and the Palermo Protocol is that the Act states that permission should be granted if a person is to be removed, whereas the Protocol considers the consent of a trafficked individual to be irrelevant in rendering it a crime (Van Der Westhuizen, 2015).

The said Amendment Act is part of the legal framework in South Africa, and it plays a significant part in prosecuting human trafficking criminals (Sigfridsson, 2012). This author insists that the Act is one of the tools that assist law enforcement agencies in combatting human trafficking in South Africa (Sigfridsson, 2012). According to Sigfridsson (2012), Section 71 of this Act provides that if a person is found guilty of human trafficking activities, he or she may be convicted to life imprisonment.

This Act, like other related Acts, dwells more on the exploitation of children and ignores other forms of human trafficking such as the exploitation of men. Furthermore, it is contended that the Act focuses on acts of rape, which limits its applicability to human trafficking cases. The Act states for example that any person who is guilty of trafficking another person without their permission is guilty of a sexual offence (South Africa, 2007). The concern thus focuses on the issue of permission, and the study argues that, if the victim's consent was granted after coercion or was given because of the fear of abuse by the victim, it should still be regarded as a human trafficking crime regardless of the seemingly voluntary involvement of the victim. Furthermore, the provision of relevant resources to help the SAPS in the process of investigation of sexual offences is referred to in this Act (South Africa, 2007). However, a limitation is that there is no discussion of the tools that are available to the police to investigate human trafficking acts per se. Places such as DPA needs all the necessary equipment to respond to human trafficking, and this Act says little, in any, about equipping the NGOs to respond to the scourge of human trafficking.

2.11.4.2 Prevention and Combating of Trafficking in Persons Act No. 7 of 2013

The Prevention and Combating of Trafficking in Persons Act (PACOTIP) No. 7 of 2013 is enshrined in a government gazette and was passed in Parliament in 2013. It was developed to:

“...provide effect to the duty of the Republic of South Africa to curb human trafficking in terms of international accord; to provide for the offence of human trafficking and other crimes related to human trafficking; to provide for penalties that may be imposed in connection with the offence; to provide measures to give protection and help to victims of human trafficking; to provide for the coordination, implementation, application and administration of the Act; to prevent and combat human trafficking inside the borders of South Africa/across South African borders; to provide for matters connected with human trafficking” (South Africa, 2013:2).

This Act criminalises forms of trafficking such as sex and labour trafficking, and traffickers are given punishment up to life imprisonment and up to a maximum of \$8.1 million (R100 million) or punished with both these sentences (US Department of States, 2018).

With [Chapter 3] of PACOTIP (No7 of 2013), the investigation of the human trafficking cases have been elevated, Section 16 of the Act grants provides investigators including police with an opportunity to investigate the case in the presence of the victim regardless if the victim is the foreign national (South Africa, 2013). In some most times the case of human trafficking involves the foreign nationals as victims and offenders as well, the study argues of the importance of ensuring the availability of the victim to collect all the evidence deemed crucial. The government has been able to investigate some potential cases of human trafficking, and 23 of the cases has proceeded to the prosecution phase, and eight cases ended to the conviction, with two under the PACOTIP (US Department of States, 2018). However, according to this study, if the rate of human trafficking in South Africa is compared to the successful investigations, prosecutions and convictions, it leaves the question, *is intervention and legislation of South Africa sufficient to respond to the human trafficking?*

Nevertheless, the PACOTIP mentions little information regarding the operation of the SAPS and other relevant investigators and organisations (NGOs). In light of this shortcoming, this study argues the importance of ensuring the inclusiveness of the law regarding foreign offenders and the flexibility of investigators, including special SAPS human trafficking units and relevant NGOs, to reach traffickers anywhere they hide.

2.11.4.3 Human trafficking, prostitution, pornography and brothel task team

In the province of KwaZulu-Natal (KZN) the effort against human trafficking resulted in the launch of a Human Trafficking, Prostitution, Pornography and Brothel (HPPB) Task Team on 2 October 2008. The purpose of the task team is to provide technical support to the Programme Coordinating Unit of the National Task Team. Secondly, it assists with policy development and inputs into the legislative process. Thirdly, it was tasked to develop a provincial action plan to prevent and combat human trafficking. This task team was the first to counter human trafficking in the country, and the system of this task team has been utilised for arrangements for the task teams of other provinces across the country (Emser, 2013).

Establishing task teams is a positive effort by the country to counter human trafficking. However, such task teams seem to lack the mandate to counter human trafficking (Emser &

Fransic, 2017). Du Plessis and Collins (2010) argue that structures such as task teams are incompetent and complicated due to the lack of anti-trafficking legislation, the lack of a clear mandate, and the controversial and questionable ability of National Prosecuting Authority (NPA) to function at a provincial and lower level. An analysis of this system suggests that this legislation focuses on trafficking for sexual exploitation in ignorance of other forms such as human trafficking for labour exploitation.

2.12 Efforts by the Southern African Development Community Regions in Responding to Human Trafficking

To understand the efforts of South Africa in responding to human trafficking, one should not ignore the collaboration among countries in SADC. The chief reason is that human trafficking is a transnational crime, and in the SADC region South Africa is a major destination for human trafficking. It has been amply demonstrated that victims are often trafficked from neighbouring states to South Africa. According to Gallinetti (2008) women and young girls are trafficked from Mozambique to South Africa for sexual exploitation and domestic servitude, in contrast, men and boys are trafficked for labour exploitation purposes, where they are forced to work in farms and mining industries. South Africa is also regarded as a provider for other African states' and international countries' syndicates, victims are trafficked and transported outside the country (SADC Secretariat, 2016). Any movement from SADC is vital to prevent the problem to move further. The following figure illustrates the SADC member States who are signatories of Palermo Protocol.

Table 2.3: SADC countries that are signatories to the United Nations Convention against Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (signature and reification)

Country	United Nations Convention against Transnational Organised Crime		Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	
	Date of signature	Date of ratification or accession (a)	Date of signature	Date of ratification or accession (a)
Angola	13.12.2000	01.04.2013	–	19.09.2014 (a)
Botswana	10.04.2002	29.08.2002	10.04.2002	29.08.2002
Democratic Republic of Congo (DRC)	–	28.10.2005 (a)	–	28.10.2005 (a)
Lesotho	14.12.2000	24.09.2003	14.12.2000	24.09.2003
Madagascar	14.12.2000	15.09.2005	14.12.2000	15.09.2005
Malawi	13.12.2000	17.03.2005	–	17.03.2005 (a)
Mauritius	12.12.2000	21.04.2003	–	24.09.2003 (a)
Mozambique	15.12.2000	20.09.2006	15.12.2000	20.09.2006
Namibia	13.12.2000	16.08.2002	13.12.2000	16.08.2002
Seychelles	12.12.2000	22.04.2003	22.07.2002	22.06.2004
South Africa	14.12.2000	20.02.2004	14.12.2000	20.02.2004
Swaziland	14.12.2000	24.09.2012	08.01.2001	24.09.2012
United Republic of Tanzania	13.12.2000	24.05.2006	13.12.2000	24.05.2006
Zambia	–	24.04.2005 (a)	–	24.04.2005 (a)
Zimbabwe	12.12.2000	12.12.2007	–	13.12.2013

(a) = accession

Source: SADC Secretariat (2016)

Table 2.3 presents data on the SADC countries that signed and/or ratified an international instrument against human trafficking, clearly illustrating that all these countries have signed this protocol. However, evidence has shown that the problem of human trafficking is escalating regardless of the decision by countries in the SADC region to sign the protocol against human trafficking.

2.12.1 Joint SADC legislation against human trafficking⁸

Attempts by SADC states to counteract human trafficking involve the establishment of legislation. A particular focus is to safeguard women and children in these countries. A joint effort by SADC countries to criminalise human trafficking is the 10-year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially women and children (2009-2019). This legislation emphasises eight main areas in legislative and policy measures.

⁸ SADC legislation that is part of the discussion comprises a selection of the relevant enacted laws.

Hitherto, 13 SADC countries have enacted legislation to counteract human trafficking. By 2016, two member states were still in the process of establishing such legislation, namely the Democratic Republic of Congo (DRC) and Zambia (refer to Table 2.4) (SADC Secretariat, 2016). Although the SADC regions had implemented legislation, most countries still have to establish regulations to guide these laws (SADC Secretariat, 2016). However, the fact that SADC states have implemented legislation pertaining to human trafficking demonstrates that the region is endeavouring to suppress this crime in the region.

Table 2.4: International and national legal frameworks on human trafficking in the Southern African Development Community Member States

Country	United Nations Convention against Transnational Organised Crime		Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children		Title of national legislation on trafficking in persons
	Date of signature	Date of ratification or accession (a)	Date of signature	Date of ratification or accession (a)	
Angola	13.12.2000	01.04.2013	--	19.09.2014 (a)	- <i>Lei sobre a Criminalização das Infracções subjacentes ao Branqueamento de Capitais, Lei 3/2014</i> [Law on Criminalisation of underlying offenses to Money Laundering] (Article 19 addresses trafficking in persons). - Provisional Criminal Code (Articles 177 and 183 address slavery, servitude and trafficking in persons). However, the provisional code is not yet in force.
Botswana	10.04.2002	29.08.2002	10.04.2002	29.08.2002	- The Anti-Human Trafficking Act, No. 32 of 2014
Democratic Republic of Congo (DRC)	--	28.10.2005 (a)	--	28.10.2005 (a)	- <i>Loi N° 09/001 du janvier 2009 portant protection de l'enfant</i> [Child Protection Code, Law 09/001, which includes a chapter on Child Trafficking] - Drafting of specific legislation on trafficking in persons in progress
Lesotho	14.12.2000	24.09.2003	14.12.2000	24.09.2003	- Anti-Trafficking in Persons Act, No. 1 of 2011
Madagascar	14.12.2000	15.09.2005	14.12.2000	15.09.2005	- <i>LOI N° 2014-040 du 20 janvier 2015</i> [Anti-Trafficking in Persons Law No. 40 of 2014] <i>amending LOI N° 2007- 038 du 14 janvier 2008</i> [Anti-Trafficking Law No. 38 of 2007].
Malawi	13.12.2000	17.03.2005	--	17.03.2005 (a)	- Trafficking in Persons Act, No. 3 of 2015
Mauritius	12.12.2000	21.04.2003	--	24.09.2003 (a)	- Combating of Trafficking in Persons Act, No. 2 of 2009
Mozambique	15.12.2000	20.09.2006	15.12.2000	20.09.2006	- Trafficking in Persons Law, No. 6 of 2008
Namibia	13.12.2000	16.08.2002	13.12.2000	16.08.2002	- Prevention of Organised Crime Act, No. 29 of 2004 (Section 15 covers trafficking in persons), and Child Care and Protection Act, No. 3 of 2015 (Chapter 14 addressed child trafficking) - Drafting of specific legislation on trafficking in persons in progress
Seychelles	12.12.2000	22.04.2003	22.07.2002	22.06.2004	- Prohibition of Trafficking in Persons Act, No. 9 of 2014
South Africa	14.12.2000	20.02.2004	14.12.2000	20.02.2004	- Prevention and Combating of Trafficking in Persons Act, No. of 2013
Swaziland	14.12.2000	24.09.2012	08.01.2001	24.09.2012	- The People Trafficking and People Smuggling (Prohibition) Act, No. 7 of 2009
United Republic of Tanzania	13.12.2000	24.05.2006	13.12.2000	24.05.2006	- The Anti-Trafficking in Persons Act, No. 6 of 2008
Zambia	--	24.04.2005 (a)	--	24.04.2005 (a)	- The Anti-Human Trafficking Act, No. 11 of 2008
Zimbabwe	12.12.2000	12.12.2007	--	13.12.2013	- Trafficking in Persons Act, No. 4 of 2014

(a) = accession

Source: SADC Secretariat (2016)

Table 2.4 above illustrates the legislation signed and ratified by the SADC States. Most of these countries by now should have been able to identify victims, prosecuted and convicted the traffickers in bulk, however, little is known with regards to the success of the SADC in prosecuting and convicting traffickers.

2.12.1.1 Training for skills enhancement and capacity building

It is acknowledged that, in responding to human trafficking, role-players need the necessary knowledge and skills to combat this crime efficiently. The legislation thus makes provision for the necessary training of relevant structures, and this includes reviewing existing resources and better equipping law enforcement officers, among others (SADC Secretariat, 2016). The criticality of this legislation is that training should be provided by to appropriate structures such as IMO, the Southern African Police Chiefs' Cooperation Organisation (SARPCCO), UNODC, and USA embassies in partnership with the SADC Secretariat (SADC Secretariat, 2016). This study argues that one of the weapons that are critical in successfully suppressing human trafficking is by equipping all stakeholders responding to human trafficking, particularly, in busy places such as DPA.

2.12.1.2 Prevention and raising public awareness

There is a dire need for the public to receive education on human trafficking. It is assumed that if society can engage in awareness programmes against human trafficking, they will obtain in-depth knowledge about the problem. Ordinary citizens will thus be equipped to avoid or protect their children against human trafficking. In this regard, social media is seen as one of the most powerful sources that could be utilised to disseminate human trafficking awareness information. Awareness campaigns play a massive part in educating people about ways to prevent trafficking and to identify threatening situations. Strengthening the attempts of awareness programmes could improve people's awareness and increase their level of cautiousness (SADC Secretariat, 2016).

2.12.1.3 Victim support and witness protection

It is enshrined in this legislation that victims of human trafficking should be safeguarded against re-victimisation and that witnesses should be protected against the threat of human trafficking syndicates who might retaliate and take revenge if their victims have been rescued.

Support structures such as counselling and assisting victimised individuals to reintegrate into their communities are core in these endeavours (SADC Secretariat, 2016).

2.12.1.4 Coordination and Regional Cooperation

The integration of regions and their collaboration in counteracting human trafficking play a vital role in ensuring positive responses to cross-broader crimes such as human trafficking (SADC Secretariat, 2016). According to this legislation, the complexity of the nature of this crime requires a joint effort that will comprise attempts to investigate, prosecute and initiate campaigns against this crime collaboratively. Legislation should thus recognise the importance of platforms such as the Joint Permanent Commissions on Defence and Security as they provide opportunities for inter-state coordination. Working together could trace perpetrators and ensure that human trafficking is identifiable through the efforts of all the countries that experience this threat (SADC Secretariat, 2016).

2.12.1.5 Research and information sharing

Knowledge sharing among SADC states will facilitate the development of effective legislation to counteract traffickers' ability to develop and employ new trafficking strategies continually. It is therefore critical to study the developing trends in human trafficking (SADC Secretariat, 2016). This knowledge should be spread across the region to lessen the task of reducing the rate of this crime. Criminals develop new modus operandi (MO), and the region should stay strong and ready to face their onslaught by creating a strong platform for the sharing of information (SADC Secretariat, 2016).

2.12.1.6 Resource mobilisation

There is a dire need for the development and utilisation of resources and to address current inadequacies in this regard (SADC Secretariat, 2016). The legislation is thus of paramount importance to prepare countries in this region to combat the scourge of human trafficking effectively. The national budget should be sensitive to this issue and promoting the availability of funds to rehabilitate and reintegrate survivors and to ensure sufficient resources. The study argues that joint budgeting could be a solution and could ensure the committed involvement of all the countries in the region if they contribute funds towards this endeavour (SADC Secretariat, 2016).

2.12.1.7 Monitoring and evaluation

This element insists that continual joint reflection is required if SADC states are committed to curtailing human trafficking. Monitoring, evaluating and reporting on the development and progress of programmes is cardinal, and an exchange of ideas should occur regularly to ensure that the lessons learnt from past experiences are shared among the law enforcement unit of the states. To this end, reflection and monitoring are important because they provide a platform for continuous learning. This study thus argues that if projects are accurately monitored, human trafficking could be successfully hampered (SADC Secretariat, 2016).

However, in all these endeavours it should be noted that legislation mostly ignores men as potential and actual victims of human trafficking. It appears that the assumptions that drive legislation are generally derived from international instruments such as the United Nations Protocol to supplement the 2000 Convention against Transnational Organised Crime (known as the Palermo Protocol) and the Victims of Trafficking and Violence Protection Act of 2000. The study by Kiss, Pocock, Naisanguansri, Suos, Dickson, Thuy and Borland (2015) that was conducted in Cambodia, Thailand, and Vietnam suggests that men are highly vulnerable as they fall prey to trafficking for labour in industries and the fishing sector in countries such as Indonesia and China. This shows the importance of including the trafficking of males legislative frameworks.

The review of related legislation revealed that the policing of human trafficking by the SAPS and NGOs is mainly ineffective as insufficient resources and ineffective strategies in response to this crime are not yielding positive results. This was demonstrated by the exposure of a limited legislative platform for NGOs to aid the SAPS in their task. It is thus contended that the legislative framework should be augmented to create a stronger platform from which the SAPS and NGOs could be equipped with adequate knowledge, skills, resources and information to assist them in responding effectively to human trafficking in the DPA.

2.13 Summary

This chapter analysed existing literature on the current state of affairs pertaining to the human trafficking phenomenon internationally as well as nationally. The review served to create a clear picture of the journey that has thus far been travelled to fully furnish the SAPS and relevant NGOs with a legislative framework, appropriate tools and educational awareness in their ongoing battle to curb human trafficking. As the primary purpose of this study was to

explore the views of SAPS and NGOs on human trafficking, this chapter looked at existing discourses on various countries' and regions' responses to human trafficking, with a particular focus on the efficacy of current legislative frameworks to aid law enforcement agencies in their task. Based on the findings of the analysis of the literature, it was argued that the education and training of all relevant stakeholders, particularly that of SAPS and NGOs, is paramount in the fight to effectively curb human trafficking. This process should include international, regional and local perspectives and experiences and should include collaborative reflections on the lessons learnt and ways to counteract evolving criminal tendencies that perpetuate this crime. It was reiterated that NGOs should not be excluded from the fight against human trafficking because, although they are struggling in many ways to respond to this phenomenon, they provide valuable assistance to the victims of trafficking and can share their knowledge and experiences to better understand and deal with this problem.

The next chapter illuminates the theories that assisted this research in describing the problem of human trafficking.

CHAPTER THREE

THEORETICAL FRAMEWORK

“Every citizen can take action by speaking up and insisting that the clothes they wear, the food they eat, and the products they buy are made free of forced labour. Business and non-profit leaders can ensure their supply chains do not exploit individuals in bondage.”

-Former President Barack Obama (US Department of State, 2015)

3.1 Introduction

Two widely recognised theories, namely the general systems theory and the rational choice theory, underpinned this study. By utilising these theories, the underlying causes of perpetual human trafficking could be identified and discussed. These theories separately look at the causes of human trafficking and, when these causes are understood and addressed through legislation and law enforcement regulations, relevant stakeholders will be better equipped to deal with this issue.

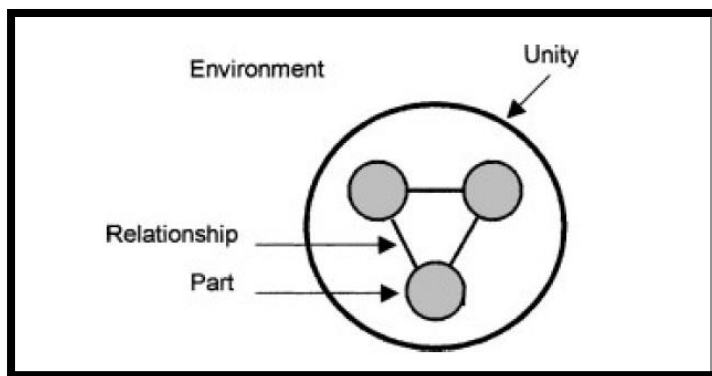
The general systems theory focuses on persisting factors that may also be identified in the human trafficking phenomenon. The presence of these factors suggests that the weakening of punishment contributes to a rise in criminal activities. Thus if traffickers perpetrate the crime of human trafficking for sexual slavery and labour exploitation with impunity, the tendency is that these crimes will not only be perpetuated but that they will also escalate.

The rational choice theory assumes the rationality of human traffickers in the execution of their crimes. The general systems theory was utilised in this study because it focuses on the partnership of all relevant systems to respond positively to human trafficking, whereas the rational choice theory elucidates the reasons why the perpetrators of human trafficking appear to be so successful in their criminal endeavours. Holistically, tackling this crime needs states to form partnerships on a regional and even global scale as well as the provisioning of relevant resources to expose traffickers and bring them to book, and to rescue and reintegrate their victims into society.

3.2 The General Systems Theory (GST)

General systems theory was developed by Ludwig von Bertalanffy and introduced the theory in 1949 to emphasise the significance of the “science of ‘wholeness’ to complement mechanistic and reductionist approaches” (Drack & Schwarz, 2010:601). According to Dubrovsky (2004), the aim of GST is the amalgamation of science, and the core of this incorporation is interdisciplinary. Furthermore, “GST theorists believed that at least some ‘isomorphisms, formulated on the basis of theoretical models of more than one scientific discipline, could be extended to other sciences, as well as the studies of new types of objects, and thus serve as general principles applicable to all systems” (Dubrovsky, 2004:109). According to von Bertalanffy (1968; 1998, in Dubrovsky, 2004) system comprises of a variety of components functioning as a whole and should not be treated in isolation. The following figure is illustrating the functioning of the system as a whole with different elements.

Figure 3. 1: Ontological picture of a system in GST



Source: Dubrovsky (2004)

Figure 3.1 is depicting the unification of elements in the GST, and this study submits that for government to thrive in responding to human trafficking, unity, solid partnership and an ongoing relationship among all relevant structures is the core.

Disciplines in the science of writing, such as biology and sociology, have used the GST for different purposes. This study adopted this theory to emphasise [un]steady partnerships in response to human trafficking. This study supports the view that CJS structures should cooperate actively with societal structures to curb crime. The sensitivity surrounding the issue of human trafficking is acknowledged, and therefore any cooperative exertion among relevant stakeholders should not be haphazard but should be coordinated and founded on a supportive legislative framework. The SAPS firmly resides under the funnel of the CJS that comprises the

SAPS, the courts or the judiciary (Department of Justice and Constitutional Development [DoJ & CD]) and the Department of Correctional Service [DCS]. All these structures are mandated to curbing and eventually eradicate crimes such as human trafficking for sexual and labour exploitation. As part of the larger CJS, the SAPS should cooperate with other related organisations such as NGOs to find common ground as a platform from which they could efficiently and effectively reduce the disruptive rate of human trafficking in the country and elsewhere.

Von Bertalanffy (1972:410) describes the functioning of the GST as follows:

“[Because] the fundamental character of the living thing is its organisation, the customary investigation of the single parts and processes cannot provide a complete explanation of the vital phenomena. This investigation gives us no information about the coordination of parts and processes. Thus the chief task of biology must be to discover the laws of biological systems (at all levels of organization). We believe that the attempts to find a foundation for theoretical biology point at a fundamental change in the world picture. This view, considered as a method of investigation, we shall call ‘organismic biology’ and, as an attempt at an explanation, ‘the system theory of the organism’.”

Since the contribution of the study by the American Bar Foundation (ABF) forty years ago on the CJS, academics have come to regard law enforcement structures as a system, thus referring to the criminal justice system or the CJS. This argument consolidates the CJS and brings commonality to their attempts to achieve their set goals (Bernard, Paoline III & Pare, 2005). Bernard et al. (2005) highlight that many scholars utilise the GST to describe collective actions within the CJS. To this end, a variety of similarities exists within the CJS that relate to the goal of crime eradication. It is in this context that criminal justice efforts may be understood as a system (Bernard et al., 2005).

In the context of this study, this theory emphasises the importance of mutual and collaborative efforts by all role-players in ‘the system’ against the scourge of human trafficking. This requires concerted efforts to coordinate the functions, knowledge and operations of all relevant stakeholder to respond to human trafficking in the DPA effectively. The emphasis should be placed on mutual systematic partnership efforts by the SAPS and NGOs as a form of policing, while other relevant stakeholders (e.g., anti-trafficking institutions, civil society and the alliance of all international, federal structures) should not be ignored or side-lined.

3.2.1 Application of the general system theory to the CJS and NGOs

The nature and extent of human trafficking need to be clearly understood by all relevant stakeholders across South Africa. For example, communities who often are witnesses of this crime should provide more detailed information to the police and should thus form part of the equation to respond to human trafficking effectively. In this study, the GST was the basis for the call for collectiveness in responding to human trafficking incidences in DPA. This submission endorses the point that it will be impossible to effectively respond to human trafficking without the mutual efforts of all stakeholders. In this regard, this study contradicts the view of Bello and Olutola (2016), who argue that this theory is untenable in this context as it can contribute little to the policing of human trafficking.

However, Bernard, Paoline III and Pare (2005) agree that the relationship between the GST and CJS comprises a variety of stakeholders and that this system calls for a multi-agency framework. Walker (1980) emphasises the need for relooking at the effects of injustice in the pre-historical CJS to make this system productive, while pointing to unhappy experiences of people in terms of the CJS. In support of this assertion, Bello and Olutola (2017) insist that the CJS is one structure that assists the country to respond to crime. However, they argue that components such as investigations, prosecutions and convictions have been insufficient in combating the scourge of human trafficking. Gallagher and Holmes (2008, in Bello and Olutola, 2017) submit that, regardless of high rates of investigations and convictions in various countries, the response is still incompetent when the scope of the human trafficking problem is considered. Therefore, the present study affirms the importance of stable partnerships to effectively respond to human trafficking at all levels, with particular reference to the DPA.

Berry, Briggs, Erol and Van Staden (2011) mention that forging partnerships against human trafficking is key in this battle, and that various elements contribute to the effectiveness of this relationship such as leadership, data sharing, a problem-solving focus, communication and collocation, and structures' experiences that can be shared among the relevant stakeholders. Bernard et al. (2005) state that there is a dire need that the structures maintain equality within the CJS in terms of associated inputs and outputs. The success of the CJS as a system depends on the many partnerships in place (Hollis, 2016). Another submission suggests that dangerous crimes, such as human trafficking, can only be tackled collectively, and that no distinctions can be made if the systems are operating towards fighting this crime in isolation. Furthermore, the utilisation of this theory is aimed at emphasising the establishment of common goals and

models by the CJS in the DPA. The following discussion relates to the structures that this study finds vital in responding to the problem of human trafficking in DPA and are treated as a unified system which is significant to grappling human trafficking.

3.2.1.1 Police structure

The police organisation is the primary structure that deals with crime in the first stages of the commission. Thus policing human trafficking needs the stability of collaboration among the SAPS and many other stakeholders such as NGOs and communities. This study acknowledges the efforts of the police in responding to this crime; however, there is evidence that the knowledge and skills of the police operating from local police stations are deficient in terms of policing human trafficking, as a decline in the exposure and prosecution of perpetrators of this practice are evident (Farrell & Pfeffer, 2014). There is, therefore, a considerable need for adequate knowledge among local police officers to empower them in their quest to identify human trafficking cases and perpetrators. These criminals should be effectively prosecuted and convicted, yet this does not occur as various entities do not work collectively to ensure that these criminals are brought to book.

Significantly, Farrell and Pfeffer (2014) submit that the fact that the police possess insufficient knowledge, coupled with society's ignorance about the matter, leads to their failure to discern cases related to human trafficking across the country. It is therefore contended that the SAPS and NGOs, as main agencies in the system that fights against human trafficking, are utterly incompetent as they do not adequately respond to this crime in DPA. Therefore, they need to be backed up by relevant structures. Traditionally, policing was viewed as the task of the police alone. However, establishing partnerships between the police and other relevant stakeholders in responding to human trafficking is pivotal, and thus the police, as a separate component of the CJS, needs all the support it can get. In this regard, Bello (2015) urges that if the purpose of the SAPS is to respond to the menace of human trafficking positively, the rapport between police and society is essential.

The study argues that the partnership of the SAPS and society could bring vigilantism and stabilise the response to human trafficking, and both these parties should play a significant role in the process.

3.2.1.2 Community policing and society's involvement in responding to human trafficking

The efforts of society to curb crime through community policing should never be underrated in the fight against crimes such as human trafficking, and society's partnership with police should be gradually strengthened for positive results. According to Oluwaniyi (2011, in Bello & Olutola, 2016:50), this is important for the following reason:

“Traditionally, policing was the responsibility of all adults in the community. In medieval society, all adult males were obliged to contribute towards the prevention and control of crime and disorder under the systems of ‘hue, cry and pursuit’ and the ‘watch and ward’” (Alemika and Chukwuma, 2003).

In Nigeria, a vigilante group called *Ode adugbo* was established even before colonialism, and it is still operating in many parts of the country, which should be the case in DPA. However, the emergence of the idea that the state has the responsibility to protect citizens in colonial times required the establishment of a police force (Oluwaniyi, 2011 in Bello & Olutola, 2016). A stable partnership between the CJS, individuals and other relevant stakeholders could be a solution to crime problems such as human trafficking (Siegel & Worrall, 2014). This nexus rests on community policing and social involvement in response to human trafficking and looks at active engagement to positively respond to this crime as there is a dire need to place society at the forefront in responding to human trafficking. Local communities are in the best position to understand the problem and they can provide possible strategies to respond to human trafficking incidences effectively. Little, if any, has been said about the involvement of the society in the fight against human trafficking in DPA and in South Africa at large. However, as stated above, this study finds it crucial that society plays a part in responding to the menace of human trafficking.

3.2.1.3 Anti-trafficking organisations' response to human trafficking

NGOs have played an imperative role in responding to human trafficking at various levels, and their contributions have been recognised in offering assistance to victims of this crime in the absence of government institutions that are mandated to perform this duty. The duties of NGOs vary, but primarily involve providing services to the victims of human trafficking regardless of insufficient resources (Tzvetkova, 2002). Furthermore, African NGOs have worked in raising awareness of human trafficking problems in Africa, which has also been the case in South Africa. This study thus argues that NGOs, should be fully recognised and that they

should be provided with resources by the government and be treated as an integral part of the system that combats human trafficking in DPA.

3.2.1.4 International efforts in responding to human trafficking

It is inarguable that human trafficking is a cross-border crime. Therefore, this study argues that a joint effort that involves international agencies is of great significance in the process of effectively responding to human trafficking in the DPA specifically. Koschmann and Isbell (2009) recommend what they refer to as ‘inter-organisational partnership’ as a positive move which can restructure the responsive movement of the world, and with this form of collaboration, problems could be attended to collectively.

The study conducted by Reichel (2011) found that participants regarded partnerships among countries as the solution to the transnational human trafficking problem. In this regard, there is still a considerable need for international structures to raise their standards in responding to human trafficking in the country and DPA– particularly in instances of human trafficking for sexual and labour exploitation purposes.

Overall, GST has limitations such as concerns based on its lack of progress and concerns regarding its existence as a principle (Rousseau, 2015). Albeit, this study has focused on the element of interrelationship, to emphasise the significance of solid partnership and mutual effort towards grappling human trafficking in DPA.

3.3 The Rational Choice Theory (RTC)

RTC was developed by Cornish and Clarke to explain the offender’s criminal behaviour (Cornish & Clarke, 1987).

The prevalence of extensive and life-threatening criminal acts is often exacerbated by factors such as a lack of sanctions and crimes that are perpetrated with impunity. The elusiveness of being held responsible for a crime plays a huge role in understanding criminal behaviour. Many academics have utilised the RTC for a variety of purposes, including understanding persons’ misbehaviour in Sociology discourses (Lovett, 2006). This author submits those potential criminals and their displayed behaviours have immensely grown, calling for the need to employ the RTC to explain such phenomena. However, this further gave birth to growth in controversy associated with this theory, where the importance of the RTC and its underlying deficiencies have become a core discussion (Lovett, 2006).

Lilly, Cullen and Ball (2011) assert that the notion behind Cornish and Clarke's development of the RTC was that when potential offenders (such as human traffickers) commit a crime, they are entirely aware of the problem they are about to cause. Thus they are capacitated by their own free will which they elicit to engage in crime (such as human trafficking) or not. Potential or habitual criminals are aware of the consequences of the commission of their intended crime; thus they first weigh up the cost and gains and commit a specific crime afterwards. In this context, human trafficking becomes highly attractive if the associated gains are estimated to be higher than the losses, which are in line with how the CJS and other relevant stakeholders respond to this crime. This implies that the more certain criminals are that they will not escape free, and the more severe and swift the response to human trafficking is, the more likely it is that the knowledge of imminent penalties will control their behaviour.

Rational action generally means to choose among a variety of choices in accordance with the beliefs and desires of the person who makes a choice (Voss & Abraham, 2000). Thus the RTC provides an understanding of human behaviour by utilising rationality while revealing that the whole process is dependent on characteristics such as the state the persons find themselves in at the time of making a choice (Voss & Abraham, 2000).

Furthermore, the RTC focuses on the 'choice behaviour' of one person or more people, and this choice is often related to monetary gain. So one person may make decisions based on the 'wants' of the target market (the buyer). This theory expounds that when choices are made, it involves a rigorous inspection of whether the individual choices will relate well to achieving positive results (Kari, 2014).

This theory assumes that people are massively motivated by money. This has led to the development of the model of human behaviour (Scott, 2000). Furthermore, Scott (2000) stresses that many theorists believe that if they base their methods on economics, their discourses could reach the intended aims. Theorists have constructed their theories on the presumption that people are entirely rational, meaning that they tend to look thoroughly on the achievements of their unlawful behaviour and the cost of the illegal actions, and thus their decisions follow deep, rational thinking (Scott, 2000).

Dietrich and List (2013) refer to the RTC as a reason-based choice, and they view a rational person as somebody who takes actions based on considered reasoning. The author further asserts that a rational person has his personal beliefs and yearnings, and the agent (rational

person) would act in a specific manner to fulfil his or her yearnings in correspondence with his or her beliefs.

In agreement with the submissions presented above, Cornish and Clarke (1987) explain criminal behaviour by pointing out that profit and punishment are the core elements in the execution of crime (Hechter & Kanazawa, 1997). This assertion was explained in section 2.4 of this study, where it is stated that human trafficking is one of the most destructive of global criminal phenomena. This impact refers specifically to the costs resulting from human trafficking, with human traffickers benefiting excessively. This study argues that if all relevant stakeholders (specifically the SAPS and NGOs) fail to ignore this phenomenon, it will be disseminated more extensively in future years.

In brief reference to the deterrence theory, this theory views 'rationality' as the calculation of the legal punishment experience as the starting point of the occurrence of a crime (Akers, 1990), while the RTC propounds that persons will commit criminal acts when there is a high possibility of payoff and minimal punishment for the crime (Akers, 1990).

In interviews that were conducted by Jacobs (1996, in Hechter & Kanazawa, 1997) with 40 participants who were crack (a drug) dealers, the participants revealed that their criminal behaviour was directly proportional to their intentions to supplement their profit and curtail the likelihood of narcotic officers to arrest them. They further warned that dealers were exceptionally cautious when dealing with anonymous clientele, and they thus operated carefully to avoid deception and thus being caught.

The RTC was effectively utilised in this study to explain the reasons behind the execution of human trafficking. First, this scourge has become perennial despite the efforts of governments and different stakeholders, including the SAPS and NGOs, to curtail it. This theory thus clarifies the reasons why human trafficking is escalating regardless of extensive efforts to curb it. The greed of human traffickers was exposed as a primary reason for its persistence. By implication, the higher the benefits of human trafficking activities are, the more greedy and persistent the perpetrators become, which is a push factor that exacerbates this crime. Human traffickers carefully and rationally consider all possible deterrence measures before going into action. Therefore, if the police are serious about responding positively to and dealing effectively with the clandestine operations of human trafficking, they need to co-operate with a broad spectrum of role-players.

3.4 costs and benefits of crime

3.4.1 Human trafficking as a lucrative crime with limited sanctions

Limited penalties associated with human trafficking have inflicted minimal fear among human traffickers, and thus the question is relevant: Do the sanctions that are imposed outweigh the gratification that traffickers experience at the commission of human trafficking crimes? The answer is demonstrably a big “No”. Therefore, the principal premise of the RTC is that efficient penance should be directly proportional to the reduction of the crime, meaning that effective punishments or sanctions should become a deterrent for potential and habitual offenders (Pratt, 2008). As was previously stated in this chapter, human trafficking has cost many countries huge sums of money in their attempt to respond to it, without significant effect, and according to Human Rights *first* (2017) this crime has cost the world \$150 Billion (about R 2 086 102 500 000,00) annually. Therefore, harsh sentences should be set that will deter the commission of this crime. The strength or weakness of existing constraints determine the behaviour of perpetrators, and the effective use of punitive measures should be mapped together (Sato, 2013). Similarly, the whole idea of [human] trafficking begins when potential (or habitual) traffickers perceive the possible pain to be weak compared to the possible gain (Gul, 2009).

As was indicated earlier, South Africa has positioned itself in tier 2 for many years now. This reflects on ineffective punishments and a failure to meet the world’s standards for responding to human trafficking (US Department of State, 2018). The downgrade of South Africa in terms of combating human trafficking means that this crime has overpowered the efforts (punishment and strategies), as this study argues that if the passed laws are setting an example to the human traffickers, this problem cannot be this elusive as it stands.

As included in the previous chapter, the South African state has dwelled in tier 2 for many years now, this reflects on the weaker punishment and failure to meet the world’s standard towards responding to human trafficking (US Department of States, 2018). The downgrading of South Africa in terms of combating human trafficking means that the commission of this crime has exceeded all efforts to curb it. This study argues that, if the country’s laws were effectively implemented to set an example to traffickers that human trafficking will not be tolerated, this crime would not be as problematic as it currently is.

Similarly, Horne (2014) found in a study on human trafficking that the level of incompetence of some officials was unacceptable. Some participants had inadequate knowledge, and some

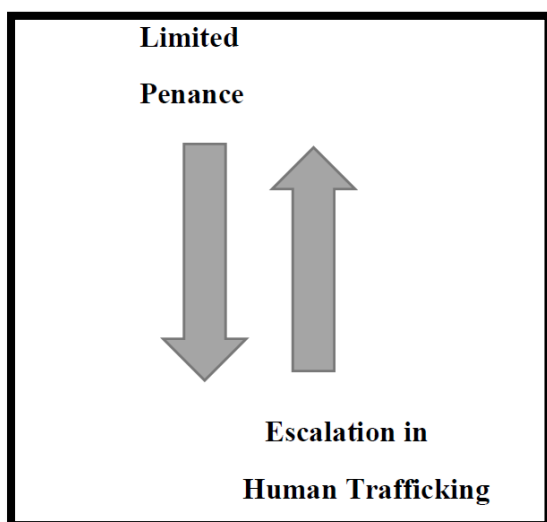
still need the training to enhance their comprehension of human trafficking. Thus, if the aim is to successfully deter human trafficking by strengthening punishment measures, educating relevant officials will be the point of departure. In this context, Chembe (2016) condemns the functioning of the Palermo Protocol for its fragility in covering some crimes that are legally regarded as falling under human trafficking in nations such as South Africa and Mozambique. The crimes that are specifically referred to are organ removal for making traditional medicine (*muthi*) and abduction (*ukuthwala*). In some way, there is confusion between local legislation and the Palermo requirements with regards to crimes that are related to human trafficking.

In light of the exposed dichotomy between international instruments and domesticated laws, this study contends that a variety of factors must be taken into consideration when sanctions are inflicted on human traffickers. Furthermore, punishment for human trafficking crimes should be stabilised to prevent recidivism and an escalation in human trafficking incidences, as current evidence suggests that the latter two points are inevitable.

3.4.2 Satisfactory prosecution of human trafficking cases

The profitability of human trafficking activities to feed the greed of individuals and syndicates is undeniable. This crime continues to cause imaginable disruptions, and the world has forfeited huge billions in attempting to combat it.

Figure 3. 2: Diagram to illustrate the assumption of the RCT about crime



Source: Author

The above figure has been developed by the researcher to simplify the main hypothesis of RCT visually. This diagram simplistically explains the escalating incidences of human trafficking in the light of an ineffective and inefficient CJS that fails to bring perpetrators to book. Although simple, it reveals a vivid understanding of what the RCT suggests as the reason for the persistent acts of human trafficking. It illustrates that the escalation of human trafficking is caused by the instability of punitive measures to deter lawbreakers. Thus, if the penance factor is not stable, human trafficking will rise uncontrollably. It is evidenced by a lack of detection and the prosecution of human trafficking cases in South Africa that punishment for this crime does not serve as a deterrent (US Department of States, 2018), and it is postulated that this crime will escalate out of hand if something is not done to curb it.

3.5 Summary

In summation, the GST and RTC theories were illuminated as they were integrated with the data obtained from SAPS and NGO respondents' views on human trafficking in the DPA. The argument that a healthy relationship among structures in the CJS is vital was presented through the application of the general systems theory (GST). Relevant stakeholders in the fight against human trafficking should apply their different roles and work collaboratively to stabilise and continuously monitor the human trafficking threat to society. Systemic coordination should occur at international, regional and local levels where common ground should be found in response to the human trafficking threat to ensure success. The RCT was applied to illuminate ineffective and inconsistent punishment for human traffickers as a factor that exacerbates and causes human trafficking to escalate. The following chapter explains the methodology that was employed in the study.

CHAPTER FOUR

RESEARCH DESIGN AND METHODOLOGY

“There is no inevitability, no excuse: with commitment and the right policies and institutions, forced labour can be stopped.”

– *ILO Director-General Guy Ryder (US Department of States, 2015).*

4.1 Introduction

The study was located in the Durban policing area (DPA) in the KwaZulu-Natal province of South Africa. The study intended to explore the views of CJS and NGO representative on human trafficking in this area. This chapter presents a discussion of the research design that was employed to conduct the study. The discussion elucidates the selected approach for maintaining authenticity and reliability, and it also provides an account of the qualitative approach that was utilised. The data collection and analysis approaches are discussed in detail. To avoid conjecturing, the procedures that were followed for the collection of the data to maintain the testability of the findings are elucidated. Furthermore, the compilation of the sample and the sampling method to procure appropriate participants for the study are examined.

4.2 Research Design

An exploratory research design was employed in this study. The exploratory nature of this study involved eliciting the views of a relatively small SAPS and NGO sample in order to elicit their in-depth views on human trafficking in the DPA. As characterised by Burns and Grove (2001), exploratory research guides the researcher to new knowledge and to find new thoughts, and it helps in expanding learning of the phenomenon. This suggests that expanding knowledge is the priority of such as study. It had been noted during the literature review process that, although various studies had been conducted on human trafficking, few had explored the efforts of the police and NGOs to fight against the scourge of human trafficking. In this respect, Babbie (2001) asserts that social research is often carried out to investigate a phenomenon and to elicit new knowledge. The discovery of new information was one of the main aims of the study, as the persistent nature of this threat requires creative and innovative strategies to assist in curbing this problem and to establish a foundation for future research into the human trafficking phenomenon (Phillips & Pugh, 2000). The exploratory research design was, therefore, core in

the researcher's endeavours to establish an in-depth understanding of the views and opinions of SAPS officials and NGO representatives in terms of the human trafficking threat and to identify measures that could curb this problem.

Overall, the exploratory research design assisted the researcher to elicit the responses of SAPS and NGO representatives as separate agencies, and then to evaluate the current effectiveness of their partnership, if it exists, in response to this phenomenon. In the data collection process, the researcher was cognisant of the sensitive nature and prevalence of human trafficking, which were motivations for the exploratory design that was adopted in order to put this perennial problem under a scholarly lens (Babbie, 2001).

Moreover, the exploratory design was useful as data could be obtained by means of semi-structured interviews that allowed the researcher to probe the participants for more in-depth responses persistently.

4.3 Research Approach

This study adopted a qualitative research approach to obtain valid information pertaining to the perceptions of SAPS officials and NGO personnel on the responses of their agencies to human trafficking. A phenomenological approach was thus used, as such an approach seeks to understand the problem by exploring it from the views of real people who experience the phenomenon in real-life situations and thus to understand the phenomenon more holistically (Lichtman, 2014). The importance of a qualitative approach lies in the fact that it is able to yield results that are substantial, and that cover broad aspects of the research phenomenon (Mack, Woodsong, MacQueen, Guest & Namey, 2005). Likewise, Schoeman (2011) describes the qualitative approach as a research method that involves participants in order to obtain all relevant facts and knowledge pertaining to the phenomenon. This approach recognises the dignity and abilities of the participants. Furthermore, the qualitative approach does not generalise its findings of the phenomenon, but it explores it in-depth by involving all available sources. This approach requires going to the setting to obtain reliable information about the topic in order to produce good results.

This study understood the critical and sensitive issues that inform human trafficking. Thus a qualitative research methodology was selected to minimise any breach of confidentiality and leak of sensitive information because in a qualitative research approach meetings are usually held in private spaces.

The prevalence and disruptive nature of human trafficking is problematic in the DPA; thus the reliability and validity of the collection of any data pertinent to human trafficking were of the utmost importance. Field research as compared to surveys, according to Babbie (2001), maintains knowledge validity. The principal aim of this research study was to produce relevant knowledge in terms of the actions of the SAPS and NGOs against human trafficking, as well as those of other support agencies such as policymakers. In this context, knowledge (data) validity was vital.

It must be noted that the qualitative approach was not adopted because it is superior to the quantitative approach, but because of the belief that the former approach would elicit a more vivid understanding of the phenomenon. Thus people's personal experiences, needs and attitudes formed the foundation of the data that were collected. The study thus explored the meaning that the participants as unique individuals attached to their respective organisations' (SAPS and NGOs) fight against human trafficking. Furthermore, the utilisation of the above approach painted an unambiguous picture of the efforts by the SAPS and NGOs in responding to human trafficking. The qualitative approach was therefore impactful in the discovery of the personal ideas of SAPS officials and NGOs workers in response to human trafficking.

4.4 Study Location

This study was conducted among selected SAPS and NGO representatives in secure and safe venues in Durban, KZN province in South Africa. Interviews were conducted at SAPS Provincial headquarters in KZN and SAPS Organised Crime Unit office at Victoria Embakment office. The study was also conducted in the other two locations, NGOs situated in DPA (Open Door Crisis Care Centre and Umngeni Community Empowerment Centre). Physical addresses of the offices are not revealed to maintain privacy.

Figure 4. 1: Durban suburbs: Illustrating the area of responsibility of the SAPS Organised Crime Unit and NGOs involved in the study



Source: *Google Maps* (2018)

The province of KZN is second to Gauteng in terms of population estimation with a total population of approximately 11.1 million (19, 6% of the South African population) (Statistic South Africa, 2017). KZN is rated as one of the provinces with the highest unemployment rates at 23.9% (Statistic South Africa, 2017). As indicated earlier, the possibility that socioeconomic problems have a major impact on the perpetuation of human trafficking exists, and because unemployment is one of the most destructive socioeconomic issues, it may be argued that KZN is primarily exposed to the threat of human trafficking and its escalation. SAPS report 2014/2015 shows that the sexual offence rate, which is also closely linked to human trafficking, decreased by a small margin from 2014 to 2015, but that it was still high in 2015 (SAPS, 2015).

4.5 Target Population

The target population comprises the entire collection of respondents that meet the criteria of a group under study (Burns & Grove, 1997). The target population in this study comprised a large body of SAPS officials that conducted investigations into all forms of human trafficking and all the personnel of the NGOs who worked to assist the victims of any form of human trafficking and who participated in human trafficking awareness campaigns in the DPA, KZN.

4.5.1 Inclusion criteria

According to Rees (1997, in Samkange, 2009), inclusion criteria are the features that potential respondents have that make them ideal for inclusion as respondents in a study.

For practical purposes, a sample was selected from the two organisation involved in the study. Thus investigators of human trafficking who had investigated this crime and who had worked in the organised crime unit for 13 to 15 years. Moreover, NGO personnel who had worked on cases involving victims of human trafficking were selected.

4.5.2 Exclusion criteria

Exclusion criteria are those features that may be revealed by the participants that could hinder the successful outcome of a study by affecting the results of the study (Talbot, 1995, in Samkange, 2009). Thus participants who worked in the Organised Crime Unit but who had investigating crimes unrelated to human trafficking and who had worked there for less than a year were excluded. Also, NGO personnel who had not worked on cases of human trafficking and who had worked there for less than a year were not included in the study sample.

4.6 Sample and Sampling Procedures

To collect meaningful and deep data, a sample comprises a part of a population comprising people who possess the characteristics needed for the study and who represent the entire population (Samkange, 2009). Punch (2014) stresses that it is impossible to direct a [qualitative] study to the whole population.

The study thus focused on the responses of SAPS officers and NGO personnel who had engaged in human trafficking issues in the DPA. The sample was drawn from the total number of 10 participants, SAPS officials (five participants) and two NGOs (two from one and three from the other NGO) situated in the DPA with the intention of involving workers who engaged with offenders and victims of human trafficking on a regular basis. As this was a qualitative study, a non-probability sampling approach was used to fulfil the assumptions of purposive sampling. Qualitative sampling may differ from quantitative sampling in terms of the size of the sample because in qualitative studies a smaller sample is used to explore a phenomenon in-depth and discover more reliable information (Gentles, Charles, Ploeg & McKibbin, 2015). In a similar vein, a sample is representative of a specific population where certain characteristics

in the representative sample may be examined to understand the entire population (Groves, Fowler, Couper, Lepkowski, Singer & Tourangeau, 2009). Black (1993) argues that the selected sample should be an accurate reflection of the whole population. Thus care was taken to ensure that the selected sample from both agencies perfectly represented their entire populations to ensure that solid knowledge was discovered from the two targeted organisations.

4.6.1 Purposive sampling

Purposive sampling was utilised in the selection of the representatives of the population of the study. Purposive sampling is considered one of the significant types of non-probability sampling (Maluleke & Mokwena, 2017). Moreover, choosing a study sample entails looking at the knowledge that a population has and addresses the study's motive (Babbie, 2001). Hence, the sample of this research study was purposefully selected to obtain relevant and useful knowledge based on the views and experiences of the participants and linking these with the objectives of the study. The selected SAPS officials (human trafficking investigators) and NGO personnel understood the topic very well and amply demonstrated their knowledge on the topic as they had all acquired rich experiences in working with human trafficking victims and perpetrators. The purposive sample allows for the deliberate selection of participants with a particular focus on their expertise (Tongco, 2007).

4.6.2 Snowball sampling

Snowball sampling means reaching out to the identified role-players who then refer the researcher to other members of the population for recruitment (Bachman & Schutt, 2014; Geldenhuys, 2017). Due to the sensitive nature of the topic under investigation, identifying and recruiting sufficient NGO participants was a challenge at first. Therefore, snowball sampling was employed to select NGOs and their representative participants. SAPS officials in the human trafficking unit recommended the two NGOs because it was deemed that their staff would understand the intricacies of human trafficking as these SAPS officials had closely worked with them in the past. These staff members used snowball sampling to identify more members who could be recruited as participants in the study. De Vos, Stydom, Fouché and Delport (2011) recommends the use of snowball sampling in research that involves a sample that is difficult to access.

4.6.3 Recruitment strategy

The strategy used to recruit the participants is by the coordinator of the SAPS Organised Crime Unit and coordinators of other two NGOs. After the gatekeeper's letters were obtained, the researcher had to gain access to participants through these coordinators. Their participation was treated as voluntary as possible to avoid any ethical biases in conducting the interviews.

4.7 Data Collection method and instrument

The qualitative approach is inquiring in nature (Denzin & Lincoln, 2008). According to Burns and Grove (1997), the information that is gathered to address the aim and objectives of a study should be collected systematically.

In eliciting the data from the selected participants, it was of cardinal importance that the inquiry would not disrupt the day-to-day activities of the population under study, and this study noted and abided by this requirement. Creswell (1998) opines that a qualitative approach involves conducting the study with participants in a place that does not interfere with the actions of the participants. Therefore, this study was conducted without interrupting the duties of the SAPS NGO participants.

4.7.1 In-depth, one-on-one interviews

Interviewing is a significant data collection tool, especially when people are involved in the process. In this regard, Kumar (2014) contends that interviewing is often used to collect information from people; thus it is a conversation between persons that usually takes place after entering an agreement. For this study, the interview questions were compiled in a semi-structured interview schedule (Annexure A) to direct the questions and to allow for probing (Kumar, 2014).

A semi-structured interview is viewed by Kumar (2011) as a form of interaction that takes place between the researcher and the research participant. Kumar (2014) argues that involving primary sources for collecting data is a significant element in qualitative research. In a similar vein, Blumberg, Cooper and Schindler (2005) state that a semi-structured interview needs to be flexible and allow the researcher to probe deeper into the personal experiences of the participants. As the study was built on the participants' personal experiences, this type of interview was vital in promoting flexibility. The researcher was thus able to inquire deeply into

the attitudes of the investigators and NGO workers dealing with human trafficking and to elicit their personal opinions.

This interviewing type enabled the researcher to engage with the participants from a list of possible and relevant themes, which provided the researcher with options to explore during the motion of the interviews (Welman, Kruger & Mitchell, 2005).

There are always factors that hinder data gathering, such as the derailing of the interview if the researcher fails to keep the interview focused. To guard against this, the researcher memorised the questions to guide the information-collection process according to the objectives of the study.

Language barriers were not seen as a challenge in the study, as the researcher did not compel participants whose mother tongue was not English to respond in this language. Thus the majority of the interviews were conducted in IsiZulu, with later translations into English. Supporting this process, May (2011) emphasises the importance of considering the race, language and age of participants when conducting interviews.

4.7.2 Secondary sources (documentary study)

Secondary data comprise of a variety of collection sources such as books, articles, website and sources published by the government (Ajayi, 2017). Variety of secondary data utilised in this study ranging from Acts (government publications), books of legislation and many other kinds of literature on human trafficking (including literature on trafficking in DPA). The utilisation of secondary data helped in illuminating the problem in a bigger picture and revealed the current state of the legislation. In this regard, Hox & Boeijs (2005) state that when secondary data is utilised the researcher is able to understand the variety of characteristics of the phenomenon.

4.7.3 Difficulties experienced in the data collection process: limitations and challenges⁹

4.7.3.1 Reluctance to disclose sensitive information

One limitation was that, due to the sensitive nature of the topic and ongoing investigations of a covert nature by the SAPS, some participants did not want to disclose much information. This

⁹ The study valued the quality of the data, therefore, the researcher was careful of maintaining the validity and reliability in the data regardless of obstacles experienced.

means that gaps may still exist in the data, thus resulting in fragmented or limited knowledge. The study that was conducted by Weller and Kinder-Kurlanda (2015) experienced a similar limitation, as they were restricted to access specific information which limited the data that they were able to collect. However, this limitation was overcome to a certain degree as the authentic position of the researcher as a student conducting a research study could be established. Eventually, the full participation of the participants who initially seemed reluctant to be questioned was elicited, although the researcher had to respect the clandestine nature of some operations and was prevented from probing further where appropriate.

4.7.3.2 Refusal to be audio-taped

Some participants did not allow the researcher to record their interviews, and thus copious notes had to be taken verbatim during these interviews. This suggests some limitation of the data collected as the researcher does not have shorthand skills, and this process may have compromised data collection to a certain extent. The researcher also had to be as watchful as possible to be able to discern important verbal and non-verbal indicators (Maree, 2007).

4.7.3.3 Postposing interviews

An aspect that was a challenge rather than a limitation was that some participants delayed the data gathering process by postponing their interviews. This extended the data gathering process to a great extent. The researcher had to be patient with them to avoid interfering with their agencies' duties.

4.7.3.4 Other limitations that impacted the study

- The small scale of the study means that the findings may not be generalised to the larger population.
- The fact that the voices of victims of human trafficking were not included affected the depth of the data that were collected. However, this was beyond the scope of the study, and this point is addressed as a recommendation for future studies.

4.8 Method of Data Analysis

Thematic analysis is the process of identifying themes in the gathered data (Alhojailan, 2012). This study adopted a thematic analysis approach through which the gathered information was analysed. According to Fraenkel and Wallen (1993:293, in Geldenhuys, 2017), the collected

data should be precisely analysed and adequately explained. Data analysis assists in converting the data into a response to the research questions, and this is a process that includes a variety of strategies that maintain the coherence in the design of the analysis of the gathered information (Terre Blanche, Durrheim & Painter, 2006). By employing this process in the current study, recurring opinions or experiences were automatically discovered, coded and recorded. According to Caudle (2004), the analysis in a qualitative approach implies understanding significant information which has been accumulated from conducting interviews, or from sources such as observations and documents that assist the researcher in presenting the results. The researcher had to make sense of the gathered data with reference to the research questions and the objectives of the study, and it was important to discover any matches or links. The recorded data were interpreted by classifying the themes, coding them in order to make them easy to be classified and grouped. In the final process, the identified ideas that were reappearing were recorded, and the note was taken on the experiences and attitudes in the responses that were linked with the gist of the study. The following steps have been followed in analysing the data (Brawn & Clark, 2006:96):

4.8.1 Transcription

- Data was transcribed to an appropriate level of detail, and the transcripts were checked against the tapes for accuracy.

4.8.2 Coding

- Each data item was given equal attention to the coding process.
- Themes have not been generated from a few vivid examples but instead, the coding process has been thorough, inclusive and comprehensive.
- All relevant extracts for all themes have been collated
- Themes have been checked against each other and back to the original dataset.
- Themes are internally coherent, consistent, and distinctive.

4.8.3 Analysis

- Data have been analysed- interpreted, made sense of- rather than just paraphrased or described.
- Analysis and the match each other- the extracts illustrate the analytic claims.
- Analysis tells a convincing and well- organised story about the data and topic.
- A good balance between analytic narrative and illustrative extracts was provided.

4.8.4 Overall

- Enough time has been allocated to complete all phases adequately, without rushing a phase or giving it a light once-over.

4.8.5 Written report

- The assumptions about, and specific approach to, thematic analysis are clearly explicated.
- There is a good fit between what the study claimed, and what is shown to have been done- i.e. described method and reported analysis are consistent.
- The language and concepts used in the report are consistent with the epistemological position of the analysis.
- The researcher was positioned as active in the research process; themes did not just emerge

4.9 Methods to Ensure Trustworthiness in the Data

The study was conducted in a manner that generated valid results. Thus, if any other related study is conducted, that study can produce similar results. Studies with reliable and valid findings play a massive role in ensuring the *confirmability, credibility, dependability and transferability* of such studies.

4.9.1 Confirmability

Confirmability alludes to the researcher's capacity to substantiate that the data represent the opinions and responses of the research participants and not the subjective opinions of the researcher (Cope, 2014; Polit & Beck, 2008). Thus an explicit discussion based on the participants' responses informed the conclusions, and the responses of the participants are presented verbatim, which serves as evidence that the data collected are confirmable. As part of maintaining the confirmability of the findings, the interviews were audio-recorded and transcribed verbatim before any data were analysed and coded. This process eliminated any subjectivity in the data presentation and maintained reliability and objectivity in the drawing of the conclusions.

4.9.2 Credibility

Credibility refers to the reality of the findings and the manner in which the researcher has presented the collected data (Polit & Beck, 2012; Cope, 2014). Credibility was addressed in the study when the researcher is congruent and confirm the findings (Cope, 2014). By spending some quality time with the participants and deeply understanding their experiences, the researcher was able to meet the credibility requirement. The researcher also later approached the participants and asked them to check the data against their original comments. In their study report, Thomas and Magilvy (2011:152) define credibility as "the component which allows others to know and understand the participants' experience[s] through interpretation".

In ensuring credibility, the following processes were followed:

4.9.2.1 Prolonged engagement with the subject matter and persistent observation

The researcher built rapport with the participants and noticed their non-verbal communications (Brink, 2006 in Beyers, 2013). After the interviews, the researcher returned to the natural setting of the participants to verify the data and to allow the participants time to ask some questions if they needed to.

4.9.2.2 Triangulation

Triangulation is the utilisation of many sources to solicit the conclusions about the reality pertaining to the phenomenon (Brink, 2006). To address this element, the researcher verified and linked data that had been obtained from the literature review, field notes, observations of non-verbal signals, and the actual interviews.

4.9.2.3 Peer reviewing

This part was integral to ensuring the credibility in the study. The researcher thus worked closely with his supervisor and other independent coders several times. This assisted in reviewing the analyses and constantly checking the findings.

4.9.3 Dependability

According to Elo, Kääriäinen, Kanste, Pölkki, Utriainen and Kyngäs (2014), it is necessary to disclose relevant characteristics of the participants so that the transferred findings to another setting could be easily evaluated. Cope (2014:89) stresses that dependability refers to “the steadiness of the data over comparable conditions”. One could confidently say that this study adhered to the principle of dependability simply because the collected data were consistent and every step of the study was clearly recorded. To ensure the dependability of the study, continuous data reviewing was also done by the researcher, his supervisor and an independent coder.

4.9.4 Transferability

Transferability alludes to the extent to which the findings of qualitative research can be transferred to another context with different participants, and it is what might as well be called generalizability (Bitsch, 2005; Anney, 2014). In terms of the current study, one could argue that transferrable data were collected as the results could be applied to the interpretation of a variety of experiences and they could be utilised in studying in explaining many issues pertaining to the topic under investigation (Cope, 2014). The findings could be applicable in another setting because the researcher had to collect as much information as he could, and all the findings were precisely explained.

However, the findings may not be generalised to the entire SAPS or NGO population, as the scope of the study was delimited to the DPA and only two NGOs operating in this area. Moreover, a relatively small sample of respondents was targeted.

4.9.5 Scientific validity

Any research study is considered scientifically valid provided that it has the intention to produce reliable data concerning the phenomenon being studied (Freedman, 1987). This qualitative study strove to produce reliable data, which was accomplished. Furthermore, subjectivity/biasness in one's research directly puts scientific validity in peril. Biases, according to Furberg and Soliman (2008), negatively affects the pivotal parts of the study from the beginning to the reporting part of the research. To maintain scientific validity, the study utilised significant theories and addressed components of the research as directed in the generating phases pertinent to the study.

4.10 Ethical Considerations

Ethical consideration is one of the crucial parts of this study because it holds the importance of conducting the research ethically; making sure that it is directed ethically. Welman, Kruger and Mitchell (2005) state that ethical considerations are significant in three phases of research: during the recruitment phase, intervention phase and interpretation of the results. Khan (2014) finds it more significant in qualitative than in quantitative researcher in that the qualitative approach mostly interferes with the lives of research participants.

The sensitive nature of the topic required that all ethical considerations be rigorously adhered to in every facet of the study. Thus, before commencing the fieldwork phase, the gatekeepers' permission had to be obtained. Authorisation to conduct the study among police officials was granted by the SAPS National Research Division office as well as the gatekeepers of the two targeted NGOs (Annexure D, E and F). All protocols were followed to obtain full approval by the Humanities and Social Sciences Research Ethics Committee (HSSREC) to conduct the study (B). The SAPS National Instruction of 2006, which provides guidelines to external researchers who research within the organisation, was adhered to in all respects. The researcher was cautious not to infringe on the University of KwaZulu-Natal's (UKZN's) research ethics, SAPS research policy, and the policies of the two NGOs. The research participants were consistently treated in a manner that guarded against the violation of their constitutional rights. According to Flick (2009), no researcher should violate ethical codes, and the reviewing of the

proposal by an ethics committee is significant to maintain the ethical soundness which focuses on the scientific standard of the research and respect for the human rights of those taking part in the study.

This study was carefully conducted to maintain privacy and confidentiality. The Organised Crime unit is based on investigations pertinent to human trafficking and related cases in the KZN province, particularly in DPA. Moreover, the two NGOs which were part of the study are responsible for accommodating the victims of human trafficking for physical, emotional and psychological care and to conduct human trafficking campaigns.

The SAPS coordinator referred the researcher to investigators who could be recruited. However, the consent of the participants needed to be acquired and their confidentiality and safety needed to be secured. In terms of the NGOs, the researcher had to obtain permission from the managers of the NGOs before reaching the participants.

Informed consent is an obligation of trust and is the cornerstone of any research that involves human subjects (Mandal & Parija, 2014). Informed consent involves informing the research participant about the nature of the study, conceivable choices, and the potential dangers and advantages of the intervention (Mandal & Parija, 2014). In this study, the participants were a primary source of data, and the researcher only conducted the interviews after the participants had given the authorisation to be incorporated in the study. Before giving their full consent, all phases of the research process and its intention were cleared up and the participants maintained trust in the process.

All the participants who voluntarily agreed to participate in the study were given an informed consent form to sign. The researcher have ensured participants at the outset that their participation was voluntary and that they could withdraw from the study at any time should they feel uncomfortable.

Before conducting the interviews, the participants were asked for permission to record the conversations. Some of the participants did not want to be recorded for privacy reasons, and the researcher had to respect that decision. In these instances, meticulous notes were recorded in the interviews.

The interviews were also conducted in safe and secure venues where the participants felt comfortable and where no interruptions disturbed the interviews.

One other ethical code that remains the cornerstone of trust and confidentiality in the data collection encounter is the incontrovertible proof that the information is stored in a safe place. In this respect, Pickard (2013) argues that the data must be preserved in safe storage for the reusability of the collected data. Therefore, the rights of the participants were safeguarded throughout the data collection process and even beyond, as all the raw data and transcriptions will be safely stored for a period of five years, after which they will be destroyed. Individuals who have access to these data are the supervisor and the researcher.

4.11 Summary

The methodology chapter endeavoured to explicate the processes of data collection by illuminating the research design and research methods that were utilised. The compilation of the sample and the sampling method, methods of data analysis and ethical considerations were also discussed.

Because the attitude and personal experiences of the research participants were of cardinal importance, the qualitative research design was the most appropriate approach to utilise. As the nature of the study was explorative, thus the design was highly suitable. It steered the process of data collection towards the focal point which was to obtain valid and transferable knowledge of the topic under investigation. Moreover, by utilising a thematic analysis process, all the relevant data were coded and could be presented in this report systematically. A brief discussion of the limitations of the study and where difficulties were encountered was also presented. The chapter was concluded by referring to the methods that had been employed to ensure trustworthiness. The ethical considerations that were adhered to in order to ensure that the rights of the participants were safeguarded were explicated.

The next chapter presents the data from which the findings of the study flowed. The thematic process that was employed in analysing the data informs the structure of this chapter.

CHAPTER FIVE

DATA PRESENTATION AND THE INTERPRETATION OF THE FINDINGS

“Human trafficking is trade in people. We are faced with an enormous challenge, and one that will require time, effort, dedication, and financial investments.”

- Mr Richard Ots, Chief of Mission, IOM, South Africa (2016)

5.1 Introduction

The principal aim of conducting the study was to explore the views of SAPS and NGO representative regarding human trafficking in the DPA. This study tried to transcend mere exploration by producing valid and reliable interventions that could be utilised to curb and ultimately eradicate the scourge of human trafficking. Furthermore, this study endeavoured to yield results that would be informative not only to the SAPS as the targeted institution but also to all the relevant organisations that combat and respond to human trafficking. Among the consequential results, the importance of developing interventions against this perennial menace has become the must. There is a variety of institutions and organisations that work vis-à-vis combating human trafficking, but this study argues that the establishment of places of safety is a priority when SAPS officials have discovered a vulnerable victim of human trafficking. Because the first thing first, the safety of the victim is of cardinal importance before the initiation of the investigation of any kind.

As stated earlier participation of ten (10) participants were elicited for this study: five (5) special human trafficking officers from the SAPS who had been working for the organisation in the human trafficking section for quite some time, and five (5) employees from NGOs. The results that were obtained are presented in this chapter.

To avoid any harm to the participants, they are not referred to by name, but by a code that was developed for this report. The data were procured from two agencies, namely the SAPS and two NGOs, and the participants are thus represented as PO (Police Official) followed by a sequential number (e.g., PO-1) and an NGO person (e.g., NGO P1).

Table 5.1: Years of experience of the participants

Research participant	Work experience
PO 1	Between 13 and 15 years
PO 2	Between 12 and 14 years
PO 3	Between 12 and 14 years
PO 4	Between 13 and 15 years
PO 5	Between 13 and 15 years
NGO P1	Not specified *
NGO P2	Not specified*
NGO P3	Not specified *
NGO P4	Not specified *
NGO P5	Not specified *

Source: Author

**Not specified means that the data are available but are not recorded here at the participants' request.*

The participants are listed above to illuminate the inclusion criteria for someone to participate in the study. This requirement applied to ensure that concrete and reliable data were obtained. Thus the years' experience of the participants and the time they had spent serving the community in the organisation they were working for were recorded. The years' experience of the SAPS participants is presented to reveal the reliability of the collected data. However, NGO workers' years' experience is not presented as they were not comfortable with sharing information about this fact.

5.2 Presentation of the data pertaining to the interview questions

The responses that were obtained from the participants are presented verbatim in italics. A tape recorder was used, but in some instances, the participants did not consent to the use of the recorder and their comments were recorded in writing. It is reiterated that the responses are offered verbatim, in an unedited format, in the interest of authenticity. The reader should also note that TWO interview schedules with similar but differently worded questions had been prepared; one for the SAPS and for the NGOs. Noteworthy, findings were verified with international findings because human trafficking is a transnational crime.

The themes that emerged from the responses to the questions that are presented below are discussed in a subsequent section.

5.2.1 Questions 7 and 16

“What is your understanding about human trafficking in the DPA?” **and** “What is your understanding about human trafficking in the DPA?”

The responses to these questions revealed a need for action. Similar views were expressed by the two groups of participants, with most of the SAPS officials viewing the problem of human trafficking from a national/provincial rather than a local (DPA) perspective:

“Human trafficking is really a menace that desires special attention and healthy partnership between the SAPS and the society in city, especially trafficking for prostitution. As there is a harbour and airport problem, which is continual and disturbing. And it is a pity that citizens are still not taking the problem serious, they seem believing that the problem is happening outside their zone. This is noticed on the little attendance of the people when there are campaigns. The forms of trafficking such as labour and prostitution are prevalent in the province.” (PO-1)

“Human trafficking is still a huge concern in the province and in the whole country. The country is still grappling the problem but it is still continual disturbing because the incidents of the crime are still happening month by month. That alone reveals the extent and the problem of the crime. There is still the problem of the missing people monthly and that could be the activities of human trafficking that deprive the people of their human rights. Altogether, the

human trafficking is still huge and problematic, this is extremely caused and perpetuated by weak borders and the airports.” (PO-2)

“Looking at previous and current cases you can conclude that human trafficking in the city and province is problematic and needs attention of all the relevant systems. SAPS has done some arrests that reveals the extent of this crime. The arrests involved apprehension of traffickers in different brothels and factories. Prominent forms of trafficking in the province are trafficking for sexual exploitation and trafficking for labour.” (PO-3)

“Human trafficking is prevalent in the province, in the country, in the continent and in the world and the prevalent one here is the one for prostitution. There is no better place as far as human trafficking is concerned, most of the countries are suffering especially the developing countries because they lacking the means to deal with the scourge. In the province of Kwa-Zulu Natal the problem is high that is the reason why the task unit was established to try and positively deal with this crime. It is important to note that almost all forms of the crime are here, people are trafficked for labour reasons, sexual exploitation, domestic servitude and organ removal. It’s either they are forced to work in the country or transported abroad, and the weak borders play part in the problem.” (PO-4)

“It is growing especially in big city such as Durban because there is the port. People are abducted or forced to the different forms of human trafficking such as labour, prostitution and some other people find themselves the victims of human trafficking for organ removal. It is better that the government passed Acts to respond to this crime code. Hence, we have organised crime, human trafficking section for courts to deal with it effectively”. (PO-5)

The nature and extent of human trafficking are problematic in Durban, and negligence seems to be fuelling the negativity as far as awareness of the human trafficking threat is concerned. In this respect, personnel from the NGOs had this to say:

“Human trafficking is there and it is growing further, especially for prostitution, but people are not aware of this, even the media is not reporting all incidents of human trafficking which affects the awareness towards the phenomenon of trafficking.” (NGO P1)

“We admit victims on a monthly basis; that means the problem is devastating. Human trafficking is growing, and if you compare the current situation and the previous one, you would realise the extent of human trafficking.” (NGO P2)

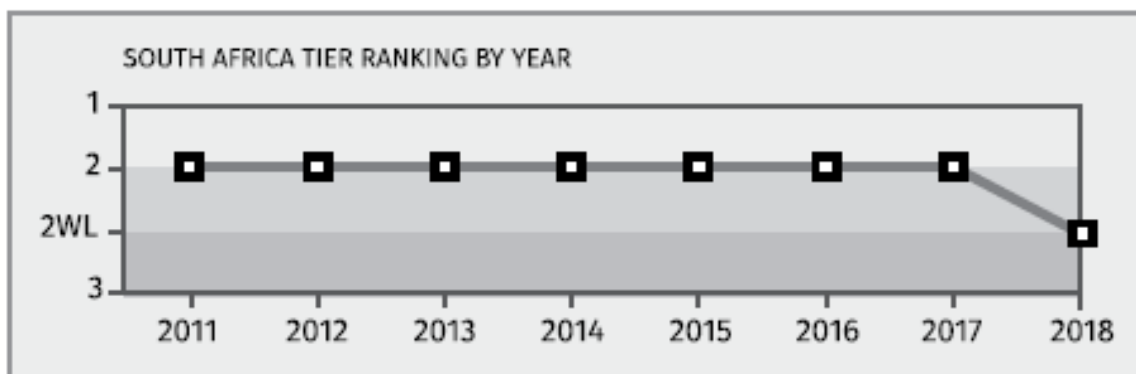
“Although one can say there is effort on the problem of human trafficking but the problem is still there, particularly, trafficking for sexual exploitation and labour.” (NGO P3)

“Trafficking is a problem because people are not aware of it. They put their lives in danger due to unemployment, they are desperately wanting to utilise any chance that prevails, so in that way it is growing.” (NGO P4)

“The problem grows time by time and a lot still needs to be done to successfully reduce the current state of the phenomenon.” (NGO P5)

The findings show that human trafficking persists SAPS officials continuously uncover crimes related to human trafficking. The above perceptions of the participants are anchored by Whittle (2017) who confirms that South Africa is considered to be an ‘ideal location’ for human trafficking. Furthermore, US Department of States (2018) reported on the failure of South Africa to adequately respond to human trafficking which, according to this study, reflects the extent of the human trafficking problem in the country.

Figure 5. 1: South Africa’s incompetence in curbing human trafficking - downgraded to tier 2



Source: US Department of States (2018)

The above figure depicts the failure of South Africa to respond successfully to human trafficking, which reflects on the extent of this scourge in South Africa. This suggests that the SAPS (and by implication, NGOs) is ineffective in exposing and combating human trafficking in the DPA, while the country as a whole is also scrambling to curb this crime. This correlates with Adepoju's finding that trafficking events operate from neighbouring states to South African cities in Gauteng and KZN, Durban included (Adepoju, 2005).

5.2.2 Questions 9 and 23

“On average, how many human trafficking cases do you respond to per month?” and “How often do you accommodate new victims of human trafficking in your organisation?”

Neither the SAPS nor the NGO participants could provide the exact number of cases they had to respond to:

“It depends on the cases discovered; it is changing. Some other cases become unprosecuted because of the insufficiency in the gathered evidence. But we normally investigate too few cases a month because the investigation needs thorough process and we cannot just arrest people without searching first, in that way we follow the process such as obtaining search warrants.” (PO-1)

“Number of cases responded to monthly changes all the time. This is caused by the reason that we must be critical in responding to them. Therefore, it is not easy just to tell on how many we respond to each month.” (PO-2)

“The number of cases is inconsistent, but the problem is that there is high problem of human trafficking and the most prevalent form is trafficking for prostitution and trafficking for labour exploitation. And it is significant to say that we respond to many cases a month. Some are given the status of missing persons.” (PO-3)

“Minimum of five cases, but the number is changing monthly so it is difficult to respond to the question because we don't have the exact number of the cases. But, the phenomenon of the human trafficking is there and fast growing.” (PO-4)

“It is hard to tell because the number of cases we respond to is always changing. Sometimes we deal with a small number of cases and in some other times we would investigate a variety of human trafficking cases.” (PO-5)

The anti-trafficking workers supported the above comments by SAPS officials:

“It depends the number of victims brought here by the SAPS. We don’t have a stable number. Sometimes we work with a small number in a year and some other times we deal with a lot.” (NGO P1)

“Maybe we accommodate five to six victims of human trafficking a year.” (NGO P2)

“It depends, because we rely on the police provision. If they give us three people a month we work with them and if they give us five victims a month we would work with that number. It really depends on that so it is not easy to provide the exact number.” (NGO P3)

“It depends on the referrals. But normally once in three months.” (NGO P4)

“Once in three months, it depends on referrals.” (NGO P5)

The report of the US Department of States (2018) refers to inconsistent and insufficient efforts by the South African government (and by implication the SAPS) in investigating and prosecuting human trafficking criminal cases in the country. In this report, it is revealed that the government has been able to prosecute only 22 cases, and only eight traffickers have been convicted (US Department of States, 2018). This report by implication also refers to an inability to identify victims and convicting traffickers. This argument correlates with the claims of the SAPS officials who referred to the changing number of investigations per month and the limited number of cases that are responded to per month. This is a disconcerting finding in the light of literature evidence that human trafficking is escalating at an alarming rate. Moreover, the slow rate of victim support by the NGOs is also a matter of concern, as it seems that the

NGOs rely exclusively on the SAPS to refer victims to them, whereas they are ignorant of the issue in the societies where they work and thus do not contribute to the identification and exposure of human trafficking incidences. The question may thus be posed: Are NGOs capacitated with the knowledge and skills to identify victims of human trafficking?

The conviction of perpetrators and the identification of the victims of trafficking on the African continent is correspondingly low, as a mere 454 perpetrators were identified in 2017 whereas as many as 24 138 victims are known to have been trafficked (US Department of States, 2018). Farrell and Pfeffer (2014) argue that the police struggle to bring perpetrators to book despite the provision of resources by the TVPA (2000) to identify trafficking. The responses above strongly suggest that both agencies need to pull up their socks in their efforts to respond to human trafficking.

5.2.3 Questions 10 and 18

“What is your take on available interventions and resources aimed at responding to human trafficking in DPA?” **and** “What is your take on current campaigns and strategies?”

The attempts by the South African government to combat human trafficking appear inadequate which suggests, *inter alia*, that the legal framework that mandates law enforcement agencies to deal with this issue may be flawed or is inadequate. Thus the legal framework may have to be reviewed in terms of the mandate given to the SAPS, prosecution and judicial bodies, as well as resource providers with the aim of strengthening their readiness to respond to the human trafficking phenomenon.

In terms of legislation, some officials saw an improvement, but their responses remained vague. However, regarding the provision of resources, the officials were unanimous in their criticisms. The responses to these questions were as follows:

“There is definitely a shortage of resources. For labour [victims] there is no male shelter and no means to help us get interpreters in cases that need an interpreter. No good facilities for victims and the state got shortage of resources. Type of vehicles is not conducive (small cars) money for goods for victims if they are hungry, shortage of stuff (nil stuff)...” (PO-1)

“Strategies we have are aimed at promoting the partnership with the society to respond very well to all the crimes that affect the country. This strategy and other strategies are very

important and are useful because they create an awareness in the communities regarding the availability of crimes including the crime of human trafficking. On the other hand, the SAPS is struggling in terms of the resources because the equipment we have is not adequate particularly to help in the investigation processes; for instance vehicles are not enough and the interpreters in cases where we have found the victim that is using the languages that are not official languages of the country.” (PO-2)

“Current interventions are doing something but it’s completely inadequate because human trafficking incidents are still exacerbating. SAPS should establish effective programs and get laws that will play the huge part in supporting investigations and arrests concerning human trafficking cases.” (PO-3)

“The government is trying to deal with the crime by providing the criminal justice system with the relevant resources. Nevertheless, a lot is still needed because traffickers are clever and acting very fast, dealing with them needs much sophistication. In terms of intervention programmes the SAPS is still behind so there is a need to develop the interventions which will create the awareness to the people because many people are not seeing the problem of human trafficking as something happening in their lives.” (PO-4)

“Government legislation as a form of intervention is helpful and the establishment of human trafficking unit within the HAWKS, it’s very effective as the response. Furthermore, municipal intervention that makes it possible for us to interact with shelters is very helpful. And, working with social workers is very helpful for the victims of trafficking and medical practitioners assist us to help victims with medication. But in terms of the resources we are struggling a little bit, I think we need to get a lot for us to be able to successfully investigate the human trafficking cases.” (PO-5)

In a similar vein, NGOs personnel has had similar sentiments over the functioning of the campaigns and interventions. Following are their responses to the question:

“The interventions we have as an NGO are trying to do something, but I could say it lacks proper support from different structures, including the society itself” (NGO P1)

“The only thing I know that we contribute with is by using the campaigns and I feel like it’s not enough because we are unable to identify the victims unless they are brought to us” (NGO P2)

“We should grow further, and our effort needs sponsorship from government and global structures as well” (NGO P3)

“Our campaigns and interventions are positively contributing to the response of human trafficking, however, we resources are dragging us down. We need to partner as NGOs and the society” (NGO P4)

“I could say interventions and campaigns are good, judging from our level of competence and demarcation but we should cover many levels including rural areas” (NGO P5)

Although the participants implied the significance of PACOTIP (South Africa, 2013) as being useful in grappling with the menace of human trafficking, they were not clear as to how this Act is utilised. This finding is corroborated by South African (2013) report which argues for the provision of the police with the necessary resources, particularly in the investigation phase. However, according to this study, if the rate of human trafficking in South Africa is compared to the rate of successful investigations, prosecutions, and convictions, it begs the question whether intervention and legislation are sufficient to respond to human trafficking. The fact that the SAPS officials could not clearly incorporate PACOTIP in their comments leaves one with the question of whether the Act is sufficient for the SAPS or not.

As for NGOs, they need to grow to the level that all local structures are reached, and their resources can deal with the issues of the victims of human trafficking.

5.2.4 Questions 11 and 19

“Is current legislation adequate to assist SAPS to respond to human trafficking in DPA?” and “How effective are your strategies in responding to human trafficking in DPA?”

Not all the participants reflected the same understanding pertaining to the above questions. Some found that it worked well for other structures in CJS but not for the SAPS:

“I personally find it adequate because with the legislation we have and the evidence we are able to gather, the trafficker is charged [convicted] with life sentence of 15 years for sexual

exploitation. A perpetrator who is charged for human trafficking, is charged for rape, perpetrator is charged for kidnapping, perpetrator is charged for abduction, perpetrator is charged for drugs, perpetrator is charged for keeping of brothel, perpetrator is charged for money laundering and perpetrator is charged for proceeds of crime but society is not part of the legislation which leaves the huge problem.” (PO-1)

“The legislation is adequate but it needs to be enforced in policing units. And there is a huge need that police in all structures are fully trained to be able to detect crimes such as human trafficking at all levels. Again, police should be completely educated on how they may apply the legislation in their level because one legislation could be applied differently by different structures making up the criminal justice system of the country.” (PO-2)

“Yes, but a lot is dealt with in structures such as prosecutions and courts so we as SAPS are left with the task to do the arrests and investigations.” (PO-3)

“I might say it is adequate, the strength is needed in the implementation phase. Police at the police station level are not educated in these legislations. They should be educated to detect human trafficking-related incidents because the incident in most cases is firstly reported to them before it reaches our offices as investigators. Again, society plays a huge role in fighting crime, in that way we need them so the legislation should create ways we could fully work with society.” (PO-4)

“Yes, it helps in two ways in dealing with perpetrators – government in response to this crime code through legislation has introduced two chapters in the Act 4&5 under POCA [the Prevention of Organized Crime Act). Chapter 4 deals with criminal aspects of this crime code e.g., when you arrest perpetrators and prosecute them. In Chapter 5 - civil once the perpetrators have been arrested and prosecuted the police are able to deal with civil aspects of the investigation which include attaching the assets as they are regarded as proceeds of crime. Thus we do not wait for the outcome of the criminal case with the help of financial investigation submit application at high court to seize your assets.” (PO-5)

Regarding the effectiveness of their strategies, the personnel from two NGOs held differing opinions:

“In spite of the whole effort from relevant structures, people are still ignoring that the phenomenon exists. We have developed a walk, people are becoming receptive, and we educate even young children. In this regard, we have gained a lot because year by year the number of the participants becomes doubled so in that way the strategy has yielded some good results, more particularly because it was developed to grapple with the crime and to see people joining in numbers.” (NGO P1)

“They are effective. One case we had involved a child who got assisted because community members had seen the suspicious situation and they get to understand incidents relate to human trafficking because we make sure we provide education.” (NGO P2)

“I will not lie; it is very hard because human trafficking is massively growing, but our strategies have done something on the part of making people cautious of human trafficking. Although, other people are not taking the matter seriously but the number of the attendance grows each year so I feel like our campaigns are doing something.” (NGO P3)

“It is hard because we are a small organisation that lacks resources. This leads to shortage of staff and resources. Nevertheless, some strategies do work and we find out about that through making the follow-up. We always urge the community to engage in campaigns but people are ignorant. I believe they have power to change the current situation of human trafficking in the world at large.” (NGO P4)

“They are making a difference, for instance in schools children know nothing about human trafficking so it helps getting to them and educating them. School children like material things that is why they easily fall prey to traffickers. Our strategies are targeting the schools and entire society. We run those programmes in halls and clinics to be able to get high numbers to attend.” (NGO P5)

The perception of most participants regarding the current legislative framework revealed comprehensive insight but lacked specificity. However, they generally agreed that limited collaboration was a problem and they agreed that all role-players should be involved through adequate legislation in combating human trafficking. This finding is anchored by Yaso (2015), who emphasises that state structures, NGOs and society should collaborate in their efforts to deal with all manner of crime.

5.2.5 Questions 12 and 24

“What are the challenges on SAPS responses to human trafficking in the DPA?” **and** “What challenges do you experience in responding to human trafficking cases in the DPA?”

The participants were vociferous in their comments pertaining to the challenges they experienced in responding to human trafficking. Most of their comments pointed to language barriers and insufficient resources as very disturbing hindrances. The complicity of police officers in human traffickers’ ability to escape arrest was a disturbing yet not entirely unexpected finding in light of information gleaned from the literature. The SAPS officials stated:

“The challenge lies in the language barrier because in most cases victims are immigrants from countries that do not use English as their first language of communication. Secondly, a shortage of shelters also impacts on the hardship to respond to the problem. The third challenge is that communication with other state agencies is not always possible. And lastly, the involvement of police officers in the crime is very disturbing because they know how we operate and they easily alert the traffickers when we are after them. This makes it hard to do the work properly.” (PO-1)

“As in any agency there is variety of challenges, and our organisation has visible challenges. The shortage of required resources is one of the challenges that affects the organisation. The absence of interpreters to assist the officers is one other challenging factor. Furthermore, the unstable relationship of the public and the organisation, this is very detrimental because communities have idea of what is happening in their places in most cases.” (PO-2)

“There are a number of challenges we encounter but the prominent ones are the language barrier, a shortage of resources, inconsistency of legislation and inconsistent rapport between SAPS and the public. If these areas could be perfectly dealt with the problem of human trafficking could be lessened to the reasonable state. And if the state could be able to maintain border control we can work well in reducing the current problem of human trafficking.” (PO-3)

“We are still in need of resources because some challenges prevent us as investigators from perform our tasks efficiently. The number one thing is the lack language interpreters. This becomes a challenge when we encounter a situation where victims are speaking a foreign language. It becomes a huge challenge because we are not provided with interpreters and we cannot work with the interpreters of the court. In some cases you are forced to arrest the victim because you do not even understand the language they are speaking. Furthermore, we are lacking some technological equipment to assist in the investigation process just like in other countries. The problem lies solely on the lack of resources, as well as the unstable relationship with other structures of other countries.” (PO-4)

“The lack of training the language barrier, and extradition problems hindrances involves extradition cities – others are economic trade, others are judicial – we could not have agreement on fighting crime. For an instance in Thailand being a sex worker is not a crime but here it is a criminal profession. The language barrier in some other cases is the problem. We sometimes get to a point where we need to deal with victims from other countries that are not using English as communication language. Therefore if we encounter such case we would need the interpreter but we do not have interpreters. Also weak borders have an effect on the rise of human trafficking, because traffickers easily flee the country while some investigations are underway.” (PO-5)

In support of the above claims by the SAPS officials, anti-trafficking workers shared similar sentiments:

“Victims themselves being so fearful, not trust anyone, they don’t disclose and they do not want to do tests. Again, the language barrier is another challenge if we encounter the situation where

we should assist the victim which is speaking the foreign language. It becomes problematic because they'd struggle to pronounce some words. And if the case needs legal mind we cannot help because we are unable to provide the victims with that." (NGO P1)

"Social workers are not cooperating well to help us getting them examined and I don't think they understand what these girls are going through and that's a challenge. Intakes are challenging because mostly victims are psychologically much damaged." (NGO P2)

"It is hard working with people who cannot trust you, because when they come here you find that they are completely confused and they cannot trust anyone, that's the first challenge. Secondly, we do not have sufficient resources to help the victims. You find that sometimes they would prefer going back to the traffickers." (NGO P3)

"The first challenge is that there is no system to help detox them, in most cases they come here addicted to drugs because they are drugged. Another challenge is that you find that the victims want to leave because they are not making money, especially victims of human trafficking for sexual exploitation, so they prefer going back. And we have a problem with the languages of the victims because some are speaking foreign languages so it becomes difficult communicating with them. Lastly, we have faced the problem of shortage of resources for a long time." (NGO P4)

"They are usually admitted to the agency only to find that they are already addicted to drugs so we can't provide them with drugs and we cannot help them detox. Another challenge is that it is not easy to refer them to rehabilitation centres as soon as possible and we do not have enough funds to send those victims to private centres. Lastly, we have the challenge in communicating with others who are using foreign languages." (NGO P5).

The responses revealed different obstacles experienced by the SAPS and NGOs in responding to the scourge of human trafficking in the DPA. Problems encountered a lack of training, a lack of partnerships among relevant structures, the language barrier, insufficient resources, a lack of trust by the victims, poor border control, lack of trust in the NGO workers by the victims,

drug problems, and the fact that female victims rather do sex work than live in poverty. In a similar vein, Clawson, Dutch and Cummings (2006) found, among others, challenges such as a lack of trust by the victims, inadequate training of officials, and language barriers as hindrances to effectively respond to human trafficking. Almost all the participants commented on the issue of language barriers. Geldenhuys (2017) also found that the language barrier was the biggest obstacle in policing human trafficking and that even NGOs were finding it challenging.

One participant referred to SAPS officials' complicity in human trafficking as a challenge to the process of responding to this crime. The report by the US Department of States (2018) also reveals that some police officials are part of criminal networks, which exacerbates the problem.

It was also discovered that these NGOs are limited in the services that they can provide for the victims, as they lack financial and legal assistance. Anchoring this finding is the OSCE (2009) that states that most NGOs are unable to render the required services, particularly legal advice, financial assistance, medical care, psychological support, and job training.

5.2.6 Questions 13 and 21

“How key is the relationship of the local SAPS and international stakeholders in responding to human trafficking in the DPA?” **and** “How effective is the organisation’s relationship with the local SAPS in the DPA?”

Partnerships among the SAPS and international agencies seem to be in place. However, a lot still needs to be done to improve the effectiveness of these partnerships and hence the implementation of strategies to bring human traffickers to book. NGOs relationship with other agencies seems to be limited to the SAPS. The SAPS officers stated:

“The relationship is good with the local SAPS and we have that relationship with many other national agencies but sometimes it becomes a problem when working in the case structures from other countries because they have their own laws that they follow when someone has committed the crime, so sometimes our way of doing things overlaps. But we normally work with structures such as Interpol, international relations, embassies, Home Affairs and the United Nations.” (PO-1)

“The partnership is stable and strong. We have been able to strengthen the relationship with organisations such as the NPA, Doctors for Life, education, the Asset for Future unit, Lifeline, and the Department of Social Development, the Department of Labour and the Department of Home Affairs.” (PO-2)

“It’s good but not all the time because it’s difficult to work with police structures outside the country. The only organisation that promotes the workability of cases that involves international syndicates is Interpol.” (PO-3)

“I can say the relationship is good because it is stabilized at the upper level where government is negotiating on behalf of the structures such as SAPS and other criminal justice structures. However, we as SAPS I think we need to create the partnership with international stakeholders [and not let] government do it on our behalf. We need the direct communication so that may are able to act fast at all times when the incident that needs the collaboration comes.” (PO-4)

“It is good. Stakeholders such as Interpol – an international police mandated by the UN – is important but I personally think we should strengthen the relationship even more. In some other cases it is hard investigating the cases outside the country because some procedures should be followed and that delaying process has a negative impact on the whole process.” (PO-5)

The NGO participants revealed that they had a good relationship with the SAPS as they rely exclusively on this organisation for referrals. The following comments were offered:

“The partnership is very good in the sense that we feel recognised. If the SAPS is willing to implement something against the human trafficking we get the invite. Most importantly, we have become part of the task team which comprises of SAPS, DSD, anti-trafficking organisations and many other agencies and we have a good working relationship [with them].” (NGO P1)

“We’ve got quite good things with SAPS, very good. We rely on them and they also rely on us, so we are important to each other. We have helped many victims of human trafficking through this partnership and we still spread the truth about human trafficking.” (NGO P2)

“It is stable because we rely on them in the whole process. When we have put a victim in our place of safety, they update us with regards to the progress of the case and they sometimes provide us with safe transport when we need to transport victims for other services.” (NGO P3)

“It is very strong. The cases we work on are transferred to us by the SAPS and there is a progressive case involving our clients. They would share the information with us to understand where the case is and how it is going. Thus, the relationship is highly effective, and we are able to assist the people because we work very well together.” (NGO P4)

“It is very effective. With our partnership we have been able to assist them with transportation when other services outside the organisation are needed and if we need affidavits they help and [they help to procure] identities. All this helps fasten the entire process of helping the victim and investigation boosts the investigation progress.” (NGO P5)

The partnership is an integral part of working to curb the scourge of human trafficking, and all the participants actively supported this principle. In the UK, Her Majesty’s Chief Inspector of Constabulary and Fire and Rescue Services [HMICFRS] (2017:10) states that policing human trafficking needs stakeholders’ healthy partnership because “failure to accomplish that partnership leads to the failure to identify societies at risk and attending to them correctly”. Mellon (2015) argues that the clarification of government-NGOs partnerships in terms of human trafficking needs attention. Again, the above finding is anchored by Geldenhuys (2017), who suggests that the partnership approach as a crucial response to human trafficking.

5.2.7 Questions 14 and 25

“What are the current reactive strategies employed by the local SAPS to respond to human trafficking in the DPA?” **and** “What are the strategies you have in motion to respond to human trafficking in the DPA?”

The participants shared their knowledge about the current strategies in motion to counter human trafficking. However, their information was varied, which suggests that they were not clear about the strategies their agencies are utilising to respond to the scourge of human trafficking and that there were not any collaborative or focused strategies to curb the problem. The SAPS officials shared the following responses:

“Reactive, operations sting (disruptive) operations/reactive investigation which is disruptive that take place immediately and proactively, intelligence driven (information gathering) long term investigations...” (PO-1)

“We have involved ourselves with the government in awareness raising to positively deal with the crime of human trafficking. The SAPS seriously needs to get a capacity crime intelligence [unit] to identify the threat, visit brothels. Also to clamp down on police corruption better and border controls.” (PO-2)

“There is a task team developed to focus on the problem, which is us. We investigate the cases of human trafficking and we receive training to increase the level of the product of the team. We also have sting operations and intelligent-driven investigations. But there is still a huge task to be done to respond to the scourge of human trafficking positively.” (PO-3)

“We do what is called sting operations which take place immediately and the long-term investigations to learn more of the crime and fight it positively.” (PO-4)

“The task team formed by involving SAPS, DSD, NPA, NGOs (shelters).” (PO-5)

Responding to this question, the NGO participants focused on strategies related to spreading the message of the threat of human trafficking and working with structures such as the SAPS and society. The NGO participants shared the following comments:

“We have a campaign which normally includes a variety of structures such as the SAPS and citizens. People are given tips on how to notice trafficking incidences and ways to avoid being victimised.” (NGO P1)

“We are part of the KZN task team which looks deeply at the consequences of human trafficking and a way forward and each year we have a huge awareness walk which is a campaign aimed at bringing awareness to the citizens that human trafficking is living and it is growing further.” (NGO P2)

“We have a big campaign which includes sketches where we have people acting about human trafficking incidents, to make people realise how human trafficking is executed and year by year it grows as attendance goes up.” (NGO P3)

“We have involved ourselves in equipping and training of ordinary men and women to be involved in counselling, support awareness campaigns to address serious social issues of crimes against our women and children. Over 5 000 men and women have been trained as lay counsellors preparing them to impact their communities on HIV/AIDS, child abuse, rape, domestic violence and human trafficking.” (NGO P4)

“We have functions which provide education to the people. We provide them with tips on how to prevent falling prey to human trafficking practices and how parents should protect their children from criminal activities.” (NGO P5)

The SAPS seemed to rely predominantly on ‘sting’ operations while the NGOs engaged in awareness campaigns to counteract human trafficking efforts. Creating awareness among the community is an essential component in the fight against human trafficking, but if this awareness is not translated into active involvement through collaborative information gathering strategies, these efforts will remain limited and therefore ineffective. Therefore, although intelligence gathering was referred to, it seems a peripheral component that should obviously be extended by involving communities in eliciting information that should be translated into intelligence operations that should, in turn, enhance any operations the SAPS engages in to curb human trafficking. Geldenhuys (2017) also suggests that the provision of education and information *to* the citizens is core in responding to human trafficking, but he fails to mention the importance of intelligence gathering by the SAPS that should flow *from* information gathering by NGOs and the community.

5.2.8 Questions 15 and 27

“What improvements can be made to enhance responses to human trafficking cases in the DPA? **And** “Do you have any other comments concerning responses to human trafficking cases in the DPA?”

These questions looked at the strategies that officials and workers could propose to help in positively responding to human trafficking, currently and in the future. The comments generally revealed the need to strengthen partnerships in responding to human trafficking, which again refers to the point made above that concerted or rigorous information gathering resulting in intelligence-driven operations will be a positive step towards curbing human trafficking:

“We as SAPS officials should work very well with communities because they are the ones who normally witness the events. So if we strengthen our partnership we can definitely find it possible to tackle the problem of human trafficking. Secondly, we really need to be intelligence driven, and we must all become active role-players as relevant structures, we need to completely involve other structures such as the Department of Social Development (DSD), the National Prosecuting Authority (NPA) as well as the Department of Home Affairs.” (PO-1)

“There is still a huge task in strengthening the relationship among all the relevant parties. Also, there is a huge responsibility to stabilize the relationship among the criminal justice parties, such as the SAPS and other organisations [such as the prosecuting authority]. Furthermore, the relationship of the SAPS and society is of paramount importance as the community is the one witnessing the problem of this scourge of human trafficking. Again, we as investigators of human trafficking should work closely with police at local stations, and our relationship should work on a daily basis.” (PO-2)

“There is a huge need to strengthen the partnership of the structures such as SAPS and other relevant structures to grapple with this scourge. It is completely not going to happen if there is not strong relationship among us as the structures of the criminal justice system, and we need to work well with other structures outside the country since human trafficking is the crime that has been a menace throughout the world for many decades and it is still problematic.” (PO-3)

“The officials should be provided with an interpreter whenever they go on investigations, as this crime involves all the countries. It is also important that the state strengthens the partnership of the organisations with international stakeholders because it is hard for us to deal with a case when the suspect has fled the country, even though Interpol has the task to deal with that, but it takes time. Furthermore, we as SAPS need to stabilise the relationship with society, especially in the places that are regarded as human trafficking zones.” (PO-4)

“Nothing can help improve the responses to human trafficking other than strengthening the partnership among relevant stakeholders even more. We need all the resources which can help us successfully investigate cases, and it is still a problem that other cases are regarded as missing cases only to find that, as time goes on, the case was a human trafficking case. This could be fuelled by the lack of communication between us and the police at local station level.” (PO-5)

The NGO workers shared similar views to those of the SAPS members when they responded to the question pertaining to mechanisms that could be applied to curb human trafficking. The following reflect their comments:

“I think there should be collective action between different departments, because victims are traumatised after the incident, so when different structures are taking part that can help the victim and the evidence regarding the case can be easily and fast collected.” (NGO P1)

“We need collective action that would include structures such as schools, residents, and report cases. People should take human trafficking programmes very important. And NGOs should not be undermined when it comes to responding to the crime because our effort is very huge. We should partner with all structures of the criminal justice system and society as well because they are very important when one wants to fight this crime, and they experience the crime.” (NGO P2)

“Involving the society is one of the important interventions. I would suggest that SAPS and the government establish the structure that would strengthen the participation of the people in community level where there would be the community forums. And there is a need of providing training regarding human trafficking to all the relevant systems including anti-trafficking organisations.” (NGO P3)

“Relevant departments should strengthen the partnership among all relevant stakeholders, such as hospitals because to detox the victims we rely on them. And we as an organisation need the sponsorship from government and many other agencies from the world.” (NGO P4)

“We as agencies fighting human trafficking need to raise awareness campaigns that can involve the whole country. We should have days when we all come together and target the whole country, and the campaign should include all the government agencies and society because people should be fully aware of human trafficking at all levels.” (NGO P5)

The findings pertaining to this question brought attention to the need for strengthening partnerships and effective collaboration even further, with emphasis on both national and international structures and, most significantly, the society.

5.3 Identified Emerging Themes

5.3.1 The level of human trafficking nationally and in the Durban Policing Area

The findings suggest that the problem of human trafficking in the DPA is complicated, especially in terms of human trafficking for sexual exploitation. The human trafficking phenomenon is perpetuated by many factors that need substantial attention. The SAPS participants’ comments revealed the covert nature of human trafficking. World organisations have rated South Africa as one of many that need to up their performance to be able to respond positively to save the plagued country. The rating scale that was presented earlier (Figure 5.1) disclosed the duty standing for both citizens and the CJS towards resolving human trafficking issues in communities.

The downgrading of South Africa from tier 1 to tier 2 on the watch list in 2018 demonstrates the country’s inadequate response to human trafficking (Msomi, 2018). Moreover, the government of South Africa is struggling to monitor and investigate cases related to all forms of trafficking such as forced child labour or the trafficking of adults for labour in the agricultural, mining, construction, and fishing spheres (US Department of States, 2017; Van der Watt, 2018).

The issue of human trafficking has been deteriorating in the past few years in Southern Africa and neighbouring regions, and UNODC found that the problem is significant in the Western,

Central and Southern regions of Africa (Makisaka, 2009). Despite the maximum attention to the issue of human trafficking by African states, minimal convictions have been recorded, including in South Africa (Kruger, 2016). In this respect, the study argues that if the convictions are minimal, human trafficking will continue to escalate in the future. Furthermore, Kruger (2016) brings to the attention the absence of official statistics on human trafficking prosecutions in South Africa. For example, a report by the US Department of State (2018) reveals that only three convictions occurred in two consecutive years (2013 and 2014), and it argues that the inability to stop human trafficking in South Africa in recent years has been perpetuated by instability in the legal measures to prosecute and bring traffickers to book.

The International Labour Organisation (ILO) has reported a disconcerting rate of human trafficking for labour exploitation, which is 80 million (41% of the population) of people from Africa. The victims are specifically children, with the highest trafficking rate in the world occurring in Africa (UNESCO, 2007). A study conducted by Ngwira (2011) also revealed that internal trafficking is the most commonly reported form of human trafficking in South Africa. Human trafficking research reports produced in this country have revealed evidence of children being trafficked from poor socio-economic areas such as rural areas and farms in the Eastern Cape and KZN to developed parts of the country, such as urban areas in the Western Cape and Gauteng (Lutya, 2012).

In a similar vein, Dewhurst (2017) stresses that, within South Africa, the victims of trafficking are generally taken from poor provinces such as the Free State, Northern Cape, and Eastern Cape to places such as Cape Town, Durban and Johannesburg. The comments of the participants attested to the fact that the situation is gradually deteriorating and that it happens covertly because there is a lack of awareness in society and among individuals about the dire nature of this threat. Both the SAPS and NGO participants considered the situation to be worsening at an alarming rate.

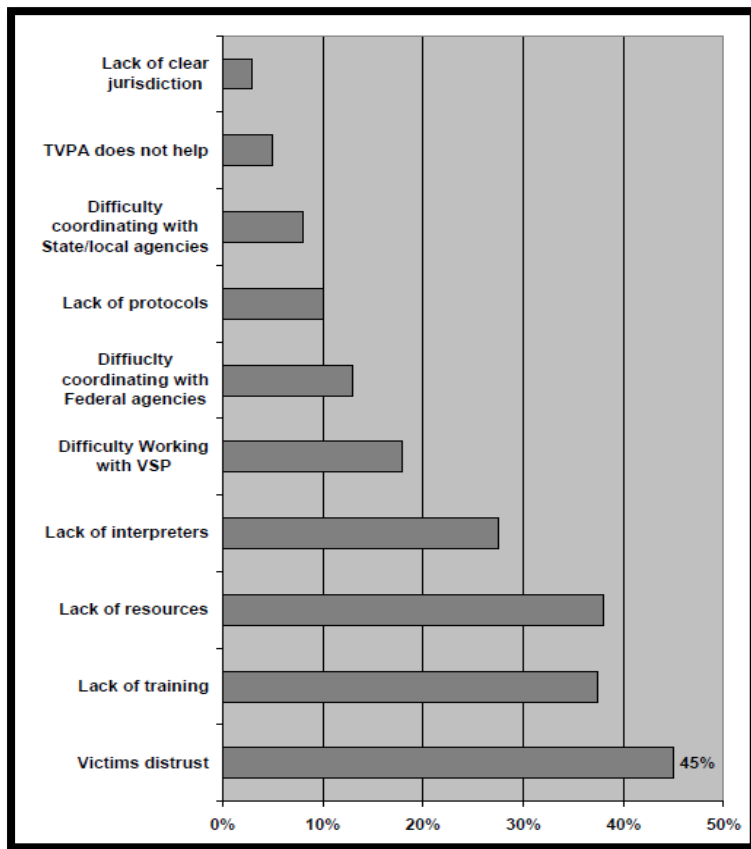
5.3.2 Challenges encountered in responding to human trafficking

The policing of human trafficking is associated with a clear understanding of the concept of trafficking in persons and what this type of crime involves. Thus police officials should be rigorously trained to enhance their understanding and skills regarding human trafficking, such as knowing that victims may experience communication problems that automatically jeopardise the process of collecting the necessary evidence to successfully prosecute cases (US Department of States, 2016; Geldenhuys, 2017).

It became clear that SAPS officials encounter critical issues in policing human trafficking and that assisting victims by NGOs is also fraught with obstacles. Such barriers have a negative effect on the response of stakeholders to human trafficking. In this regard, the language barrier seems to be a predominant issue when a victim of human trafficking is from another country. When there is a shortage of interpreters in the courts, delays occur in bringing the perpetrators to book (Van Zyle & Horne, 2009). In such cases, investigators communicate with Interpol investigators who may cause further delays (Van Zyle & Horne, 2009). Van Zyle and Horne (2009) state that other countries, through their embassies, are often forced to provide social workers to speak with the victims or suspects because it is not easy for the SAPS to do so. The lack of sufficient resources is another major challenge that contributes to the inability of the SAPS and NGOs to respond effectively to human trafficking (Van Zyle & Horne, 2009).

The participants referred vociferously to the shortage of resources as one of the challenges they encounter in responding to this crime. One participant touched on the issue of insufficient technological devices to assist the SAPS in the investigation phase. Resource deficiencies negatively impact the fight against human trafficking as knowledge insufficiency and a lack of funding limit SAPS and NGO operations to counteract human trafficking. Thus efforts to curb this crime have been limited in the study area and the rehabilitation of victims is slow (Dewhurst, 2017). For example, many female victims rather return to sex work as they at least receive some form of financial income for their activities. Preventing human trafficking needs adequate training to all relevant parties (DPA stakeholders included). Figure 5.2 illustrates the problems that perpetuate human trafficking graphically:

Figure 5. 2: Challenges and barriers that impede human trafficking investigations



Source: Clawson, Dutch and Cummings (2006)

5.3.3 Collaborative efforts to respond to human trafficking

Partnerships among all relevant structures, including society, will be a core measure that will allow the country to deal successfully with intrusive incidences of human trafficking. The findings revealed the importance of collaboration among criminal justice structures such as the police, international organisations such as Interpol, and the judiciary. Involving social structures in this collaborative fusion, such as NGOs, Clinics and rehabilitation centres and the community, is also paramount. According to the findings, partnerships do exist; however, they are unstable and fragmentary, and this affects the ability to respond effectively to human trafficking by all relevant structures. In this context, the systems theory is applicable as it states that an entire system is much better than its separate components and that each part of the system is more effective if it functions in the context of the entire system (Bernard, Paoline III

& Pare, 2005). The GST, according to Bernard et al. (2005), provides an explanation of how associated components at extraordinary degrees interact with one another in forming a system and how these inter-partnerships among the structures enhance their efficacy.

A study conducted by Allais et al. (2010) also discloses that the SAPS has a partnership with international agencies and that their collaboration results in the prosecution of some human trafficking cases. For example, the KwaZulu-Natal task-team is comprised of a variety of organisations including overseas ones that provide information and training on human trafficking. This team works closely with countries' embassies in South Africa. Furthermore, a collaboration between South Africa and the UK exists, as agencies need to curb the trafficking of humans from India and Pakistan via South Africa to the UK. This partnership, in particular, has allowed some cases to be brought to British courts where officials from South Africa testified against traffickers (Allais et al., 2010).

However, in the local context, Van Zyle and Horne (2009) discovered that there are no clear arrangements between the police and social workers who are closely associated with victims. This attests to the fact that although collaboration may exist, the structure may not have the strength to assist the country in its response to human trafficking in an enthusiastic manner.

The findings also exposed instability in the partnerships of relevant structures, which is a barrier in positively responding to human trafficking in the Durban area and the country as a whole. In this regard, Emser and Francis (2017) explicate that, for inter-governance structures to positively respond to the menace of human trafficking, the cooperation between relevant agencies and NGOs is of cardinal importance. They further emphasise that the strength of the KZN Task Team lies in the solid partnership of the relevant structures (Emser & Francis, 2017). Emser (2013) argues that collaboration among structures and organisations, at all levels, is foremost in the sharing of information with the specific end goal of taking criminal perpetrators to task (Emser, 2013).

With that said, efforts have been made to strengthen partnerships among different structures in various countries, such as the cooperation between the police and prosecutors in evidence collection (US Department of State, 2017). In this regard, the South African NPA is leading attempts by the state to deal with human trafficking positively. Thus prosecutors have been made responsible for anti-trafficking efforts, and they have been mandated with the responsibility to provide police and community training and to strengthen the network of trained officials (US Department of State, 2017).

The UNESCO (2016) report highlights the involvement of citizens at the grassroots level to curb human trafficking, urging their participation in decision making pertaining to the safety and protection of community members (UNESCO, 2016). Effective collaboration among the state, law enforcement structures and society thus need best practices that solely target societal problems (Ibid.).

5.3.4 Effectiveness and ineffectiveness of trafficking legislation

South African legislation has both advantages and disadvantages in terms of the fight against human trafficking. According to Farrell (2014), legislation may be considered ineffective concerning the prosecution of traffickers.

The case mentioned in Chapter Two pertaining to Mabuza and Ms Chauke from Mpumalanga suggests a positive contribution of the Act in responding to human trafficking, especially in terms of sexual exploitation. In particular, the Sexual Offences and Related Matters Amendment Act No. 32 of 2007 enabled the state to sentence the accused and to spread a positive message regarding the functionality of the Act (SADC Secretariat, 2017).

As much as the legislation in place is sometimes useful in bringing perpetrators to book, the findings pertaining to this theme reveal severe inadequacies in the application of the same Act. A predominant concern among the participants was the lack of understanding on the side of the police about the legal framework pertaining to human trafficking. It was evident that a lack of training impacted how SAPS members interpreted the Act and how they applied it in responding to human trafficking.

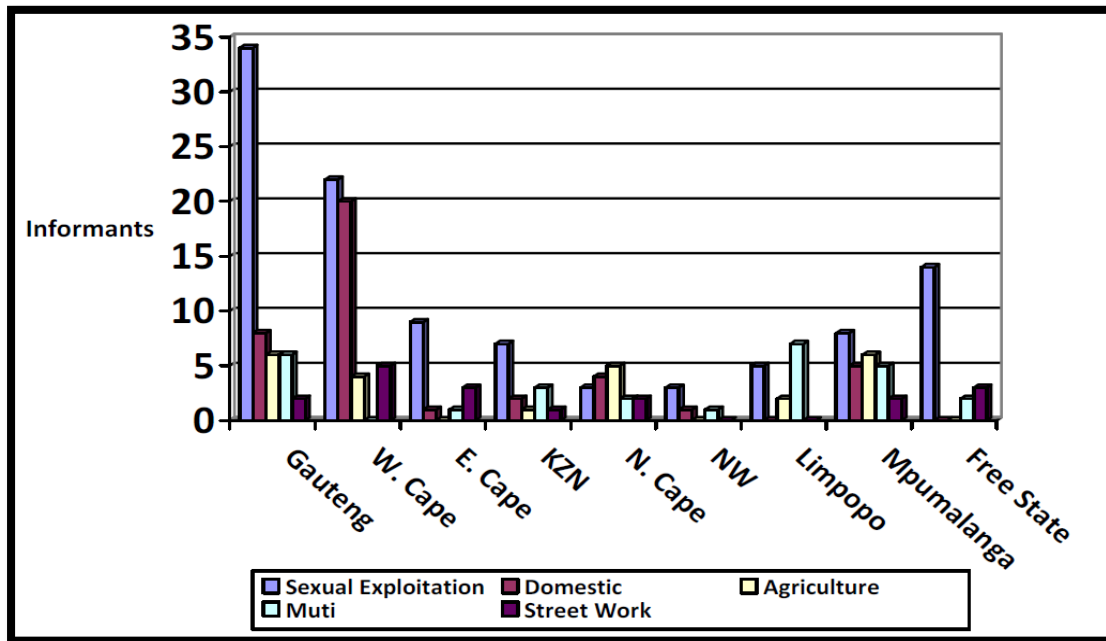
Inasmuch as the KZN HPPB is functioning well, some disadvantages impact its functionality. Emser (2013) stated that the team did an excellent job to perform its tasks, but that a variety of challenges prevented it from fulfilling its duties effectively in all regards. For example, it has been difficult to align the plan of the province with the national plan, and it has also been impossible to acquire the necessary resources and to shape the roles of the role-players clearly.

5.3.5 The role of campaigns

Campaigns have remained the intervention agencies that bring awareness to society about human trafficking, but much work still has to be done in this regard. Although the SAPS officials did not say much regarding awareness campaigns as an essential measure in responding to human trafficking, NGO participants did touch on the issue, more specifically

on their significance. All agreed that a lot still needs to be done. The participants agreed that there is a need to stabilise and consolidate campaigns to reach all citizens in DPA because numerous citizens are still unaware of the extent of human trafficking and are ignorant of how dire the threat is. Figure 5.3 below illustrates the rates of various forms of human trafficking in 2008. It is now ten years later, and this rate may have escalated.

Figure 5. 3: Rates of information regarding various forms of human trafficking per province in South Africa



Source: Bermudez (2008)

The inadequacy in trafficking awareness and the extent of denial among communities are factors that have contributed to the minimal support for programmes against human trafficking and have also led to an increase in the exploitation of people who are desperately in need of work to pursue a career for the future (Dewhurst, 2017). As was stated earlier, a lack of awareness is exacerbating the human trafficking situation in the DPA and the country as a whole. Similarly, UNESCO (2007) argues that despite concerted attention and attempts by international agencies, the South African CJS and a variety of NGOs to raise awareness and provide information on the scourge of human trafficking, the awareness level among people is still shockingly low. Many believe that human trafficking occurs on the periphery, outside their lives, despite the escalation of human trafficking nationally and internationally.

5.3.6 Contribution of technology

Empowering the criminal justice system technologically is seen as a necessity that could yield results in the fight against human trafficking. Casteel, Thakor and Johnson (2011:7) support the use of technology in the identification of victims and traffickers:

“Technology changes what is visible and what is not, altering the identification process. There are new opportunities for thinking about anonymous reporting and getting the public involved in the identification processes, particularly given that they do not have to be in physical harm, and given the issue of digital traces, there are also opportunities to engage new partners, including technology companies and financial institutions, to coordinate with law enforcement. Digital forensics and electronic evidence provide new opportunities, but also new challenges. Finally, there are countless opportunities for computer scientists interested in developing innovative identification procedures on the large data available.”

The findings confirmed that the SAPS is not well equipped technologically and this could jeopardise investigation processes. NGOs also need to up their game as far as technology is concerned, because with the technology they will be able to identify victims of human trafficking in the communities where they operate more readily rather than waiting for the SAPS to refer victims to them. For example, the use of WhatsApp groups has been suggested as a powerful tool in detecting and reporting criminal threats (Dooley, 2014). Bell (2018) also views modern technology as playing a huge role in identifying victims of human trafficking, and also in discerning possible human trafficking networks. Furthermore, the banks and other corporates must strengthen the system, thus enabling it to detect any activity related to human trafficking and to provide the world with information in order to contribute to the fight against this crime (Bell, 2018).

The use of technology has been part of the strategies used by traffickers to recruit and trick victims, but it can also be used significantly in fighting against this crime (Balick, 2018). According to Sinkevich and Dashutina (2008), law enforcement is able to utilise technology to curb trafficking. They specifically mention Interpol that uses technology to identify traffickers at an international level. Another example is the UK’s Internet Watch Foundation, which is a ‘hotline’ source that is utilised by internet users to report illegal activities online (Sinkevich & Dashutina, 2008).

The findings suggest that officials of the SAPS and NGO personnel lack innovative skills and knowledge in the use of technology to respond to human trafficking in contemporary society. Sinkevich and Dashutina (2008) submit that technology-wise officials, especially law enforcement officials, could be trained to utilise computer software to improve their skills and knowledge.

5.3.7 SAPS officers' lack of knowledge regarding human trafficking

The findings were disturbing regarding the knowledge of SAPS officials on human trafficking, particularly at local police station level. It was established that the fight against human trafficking needs stable partnerships, and thus the competence of the justice system is a necessity at all levels, particularly at police station level which is at the forefront of serving the public. Local law enforcement officers are considered the critical structure in combating human trafficking (Farrell & Pfeffer, 2014), but their skills are lacking as this does not happen.

For example, it was stated that human trafficking cases were generally categorised under the “missing person” status because of a lack of knowledge of police officials at local police stations where the cases are first reported. Farrell, McDevitt and Fahy (2008) argue that local law enforcement officers should be the most reliable source for identifying human trafficking crimes as they are working within communities. They should thus be able to notice the hidden systems of trafficking. However, the findings discovered that, in South Africa, and particularly in the DPA, this is not the case.

Local police officers struggle to understand human trafficking and to distinguish it from the missing persons' category. This seriously calls for training and the coordination of the activities of the SAPS and those organisations working with victims (Farrell, McDevitt & Fahy, 2008).

5.3.8 Tightening of border controls

The participants were aware of weakening border control and listed this as one of the problems that lead to the failure of the SAPS to respond to human trafficking positively. The finding suggests that borders are not as strictly controlled as they are supposed to be and that this leads to the escalation of the human trafficking problem. Rusev (2013) argues that easy movement across borders plays a significant role in the success of human trafficking networks and that traffickers always find ways to dodge being identified. Lee (2014) suggests that traffickers are able to utilise contemporary technology to take victims to other countries across borders

without being detected. In this regard, one questions the stability of borders and the competency of border guards and distrusts their ability to tackle crimes such as human trafficking, particularly in a technologically advanced era and in light of corrupt officials who may turn a blind eye to activities at border control points in exchange for hefty bribes.

Rusev (2013) exposes the dishonesty of the officers, pointing out that officers themselves are playing a role in the failure of border officials to apprehend human traffickers. Also, Lee (2011) views globalisation as another factor that contributes to the smooth movement of traffickers and their victims across borders. It is particularly immigrants who migrate from the south to northern countries who fall prey to traffickers. Lee (2014) thus suggests the strengthening of borders by improving security and regulating border crossings more rigorously. According to this author, it is the function of countries' governments to ensure that borders are difficult for traffickers to cross (Lee, 2014). UNODC and the Global Programme against Trafficking in Human Beings (2008) view the lack of resources, a lack of personnel, easy transportation of victims, as well as inspection inconsistencies as factors that directly contribute to the success of traffickers' networks.

If border officials fail to control the influx of illegal people and do not police human trafficking victims before they enter the country, it directly affects the work of other law enforcement officials. In this respect, the rational choice theory explains the possibility of the high rate of offending if structures such as borders are not stable and, if traffickers find the punishment weak, they offend as they compare it with the benefits that are much higher and more likely than being punished. According to Luty and Lanier (2012), the RCT proposes that perpetrators are rational thinkers who settle on the choice to carry out crime when it is clear that punishment may be avoided and that the benefits will be huge. The limited rates of prosecutions and the high profits for human traffickers thus support their decision to persist in this crime. Moreover, potential criminals may also see this opportunity and decide to enter the fray.

5.4 Summary

The findings from analysing the participants' responses allow one to deduce that the focus of human trafficking in the DPA is primarily on sexual exploitation more so than on labour exploitation. The participants predominantly mentioned encountering incidences related to trafficking for prostitution. The issue of human trafficking needs urgent attention because, based on an analysis of the findings, limited knowledge about and skills in detecting the crime

of human trafficking have resulted in limited efforts to arrest and prosecute human traffickers successfully. This argument is supported when the rates of human trafficking are compared to available CJS statistics and responding mechanisms. Both the SAPS and NGOs have invested in the fight against human trafficking, but a lot still needs to be done to send the message to these criminals that their crimes will not be tolerated and that they will pay a high price for the abuse of their victims' human rights. Looking at current attempts to curb this crime, the study suggests that agencies are responding separately to the problem. There is thus an evident lack of cooperation and collaboration, and thus most attempts to tackle human trafficking are ineffective.

The next chapter critically discusses the findings of the study in order to illuminate the problem, to highlight attempts to curb human trafficking thus far and to suggest possible future engagements to address the issue.

CHAPTER SIX

DISCUSSION OF THE FINDINGS

“There are situations where you have to force girls by using rape, abuse or torture. When she begins to fear for her life, she stops resisting and starts working.”

– South African brothel owner and human trafficker (US States Department of State, 2017)

6.1 Introduction

This chapter presents a discussion of the findings of the study. In particular, the researcher is concerned with whether the findings addressed the research questions and objectives. This discussion takes note of the themes that emerged from the collected data that were presented in a previous chapter.

6.2 Confirmation of the Study Objectives

6.2.1 To assess the participants’ views regarding the nature and extent of human trafficking in the DPA

The study addressed this objective thoroughly and elicited comprehensive understanding of the nature of human trafficking in Durban, with a lens to this phenomenon on a larger scale as well. It was clearly revealed that human trafficking is a dire threat to the security of people and that it violates their human rights. Moreover, this problem has escalated in recent years, and because it is exploitative and manipulative, the devastation it causes the victims is immeasurable. Furthermore, not only underdeveloped states are experiencing the destructive presence of this form of crime, but it is indeed a global issue that is operated within and beyond countries’ borders as an international crime.

Nevertheless, the rate of awareness of this crime among ordinary communities, from where most victims are recruited, is low and it calls for more awareness campaigns. Human trafficking is inhuman and predominantly involves the trafficking of persons – also children – for sexual and labour exploitation both within states and beyond international borders. The question was posed whether South Africa’s borders are protected as they should be according to the mandate of border officials, and the sad truth was revealed that they are not. It can be assumed that if

our borders are tightened, traffickers will weigh the costs of being detected and prosecuted in a new light and this may deter them from engaging in this crime in the future.

It was revealed that it is a matter of urgency that the SAPS and NGOs in the DPA be better equipped to respond to the problem of human trafficking. The government should take the matter seriously and provide all the relevant structures with knowledge and understanding regarding the issue of human trafficking. It has been shown that, at a lower level, police officers do not understand human trafficking and that it is not easy for them to distinguish between human trafficking and other issues such as missing persons. The findings revealed that, in the DPA, only a few responsible investigators are tasked with human trafficking investigations, while at police station level officers are thus not able to detect such cases. Investigators, therefore, need all the assistance and support they can get from the government as well as members of society. To respond effectively to human trafficking, enough experienced and trained personnel are required to collaborate in mutual efforts with all structures of the criminal justice system, relevant NGOs, and members of the public.

Moreover, as role-players in this battle, NGOs need to be supported in their efforts to manage and accommodate victims of trafficking. Human trafficking is inhuman, not only because victims are forced into prostitution and labour, but also because they are forced to take drugs to manipulate them and gaining control of their lives for profit.

6.2.2 to evaluate impediments that inhibit SAPS officers' and NGO workers' responses to human trafficking

This objective was adequately addressed. The obstacles that SAPS and NGOs face in their efforts to address human trafficking are intrusive and destructive. As this study discovered, the shortage of resources is one factor that contributes significantly to the inability of the SAPS and NGOs to respond to the problem of human trafficking effectively. Other prevailing destructive challenges are a lack of training of CJS personnel and the language barrier. These challenges are affecting investigations and are stumbling blocks in assisting victims. In this regard, the responsible agency should provide training to enhance the knowledge of relevant agencies, also in terms of the legal framework and how it should be utilised most effectively to address the human rights violations of the victims of human trafficking and also their families. Interpreters should be readily made available to the SAPS during their investigations of cases that involve either foreign traffickers or victims, and they should also assist NGOs in providing the necessary assistance to victims.

In terms of training, providing training only to officers who are tasked with human trafficking investigations is not going to help in responding to the problem. However, if all relevant structures were provided with knowledge about human trafficking, it could positively change the current situation as far as the state of human trafficking is concerned. Local police station officers should also be recognised as role-players in the fight against human trafficking as they are the first ones who receive information about the trafficking incident and/or the victim.

During the interviews, participants could hardly recall their training experiences in terms of human trafficking. Training sessions should be organised and facilitated on a monthly basis if possible, or at specific times of the year. Once a year is not enough. Furthermore, NGO workers should also receive the necessary training from the same agencies that educate SAPS officers because, from their responses, it appeared that they work together in many cases for evidence collection.

6.2.3 to identify preventative measures to guard against human trafficking

Based on the findings, it emerged that specific strategies are used to combat human trafficking. For example, SAPS officials visit brothels as ordinary citizens to observe all the action in DPA. There is a massive need that hot spots are identified and closely supervised to prevent the occurrence of human trafficking. The majority of the participants praised the awareness campaigns that the government regularly initiates and the task team that involves the SAPS and a variety of other agencies, including NGOs. However, the police participants did not elaborate on how their unit helped to prevent human trafficking.

Inasmuch as there are measures in place to address human trafficking, a lot is still needed from the government, the SAPS, the judiciary and NGOs as independent agencies to curb this problem. Members of society and related structures need to see that action is initiated and they need to be informed of the victories of these efforts. With the limited resources at the disposal of the SAPS, it is highly possible that they will continue to fail to respond to this crime, and therefore more workforce and sophisticated resources and intelligence are needed to strengthen their efforts. Again, partnerships at society, provincial and national levels should form the foundation of the battle against human trafficking. If big agencies assist, and if enough interpreters are supplied, this battle may become easier, and the enemy may be vanquished in the end. The government of the country has to help provide sufficient interpreters because a shortage in this regard does not only impact the rights of the victims but also impedes the process of evidence collection in the investigation phase.

Agencies need to be equipped technologically, as these devices could be used to detect the networking of traffickers. It appeared that the investigators who participated in this study did not entirely rely on technology in their response to human trafficking, and they admitted that this omission lessened their chances of executing immediate arrests. If a person is suspected of being engaged in human trafficking, a myriad of platforms should be used such as media sources which society has access to. Furthermore, critical checking of documents at border points, airports and harbours at DPA is vital.

6.2.4 to determine strategies to assist in the fight against human trafficking in the DPA

The participants were unanimous in their support of creating partnerships, both nationally and internationally, with related agencies as a foundational strategy in responding more effectively to human trafficking. It was strongly argued that the SAPS should not only extend its participation in the global response to human trafficking but that it should also focus on stabilising its relationship with society through the community policing strategy. It is vital that these efforts should target all forms of trafficking. This point is raised because the participants seemed to prioritise trafficking for sexual exploitation to the exclusion of all other forms of this crime, which may be one reason why human trafficking in the DPA has persisted and even escalated. For example, when a person – even children – go missing, this is categorised under the ‘missing person’ flag, and hence machinery to investigate the case under the human trafficking banner is not employed. Such cases are reported to the police at the local station level, but these officers have generally not been trained in identifying and thus raising the alarm for cases related to human trafficking. In this respect, it is of cardinal importance that police officers at all levels strategise their response to cases related to human trafficking, as only when such cases are immediately reported can the alarm be raised to set appropriate investigative strategies in motion.

Information sharing among police units and other related agencies is therefore crucial. It is undeniable that criminals’ tactics change all the time, and if partnerships among governments and national units are not healthy, then efforts to combat human trafficking become futile. Moreover, intelligence-driven operations are crucial, as random searches and sting operations usually come to nothing. New tactics that are employed by syndicates should be detected and well researched because criminals who are always a step ahead of the police commit the crime of human trafficking with impunity.

The SAPS participants' reference to their partnership with Interpol was encouraging. However, the effectiveness of this partnership may be questioned because human trafficking is escalating unabated not only in the country but in the DPA as well (see Chapter Two).

The findings suggest that NGOs' programmes and efforts should be better supported and funded than ever before. NGOs are doing a sterling job in curbing the problem of human trafficking as they work directly with the community and are thus able to spread the message of how dire this threat is. However, one can argue that their efforts are not sufficient and that their lack of resources may perpetuate the problem. Agencies should be provided with a variety of platforms such as television broadcasts and cellular phone connections (particularly WhatsApp groups) to reach all citizens. Support and safety are necessary for rescued victims to recover, as NGO participants were concerned about the drugged state that many victims are in when they are referred to them for help. Detoxification of these people is vital, but it can be costly, and most NGOs do not have the physical or financial means to assist the victims during this process. Furthermore, a shortage of personnel due to a lack of funds also negatively contributes to the failure of NGOs to help victims restore their lives. It was noted that the NGO participants did not mention any service related to the legal assistance that some victims might need. This is a matter of concern as NGOs should provide such assistance, or at least refer victims to appropriate agencies that can assist them to find legal assistance after being tortured and abused by traffickers.

6.3 Summary

This chapter summarised and discussed the main findings of the study by referencing the views and opinions of the participants and triangulating these with the problem of human trafficking in general as alluded to in the literature. It was demonstrated that the findings more than adequately addressed the objectives of the study and if heeded to, that they could inform strategies by the SAPS and NGOs in the DPA to respond to the scourge of human trafficking.

Chapter Seven concludes this study report by offering recommendations and presenting final, conclusive remarks.

CHAPTER SEVEN

CONCLUSION AND RECOMMENDATIONS

“At first, I thought he was my boyfriend. Then he convinced me to have sex with strangers to make money. He was my pimp. I was 15 years old. I was being advertised on the Internet and sold for sex to support my ‘boyfriend’.”

–Jessica, sex trafficking survivor (US Department of State, 2016)

7.1 Introduction

The final chapter serves as a summary of the study. Based on the main findings, some recommendations are offered that may assist relevant stakeholders to respond more effectively to the scourge of human trafficking. It was demonstrated that human trafficking is a global issue that is escalating at an alarming rate, and for this reason, it is critical that all role-players respond to it appropriately. The SAPS has some measures in place to tackle the menace of human trafficking as some cases have been detected and prosecuted, whereas NGOs have also done their part in responding to the problem of human trafficking, particularly by issuing warnings to the public about this threat. However, their efforts are nothing compared to the current extent of human trafficking in the DPA and in the country.

7.2 Study Summary

Judging from the findings, both the SAPS and NGO participants understood the phenomenon of human trafficking, especially the problems that it presents in the DPA. In this regard, the participants agreed that traffickers often escape the long arm of the law and that their abused victims are left destitute if nothing is done to help them. The necessity to collectively address the problem of human trafficking was thus also underscored, but the effectiveness of partnerships that were referred to – SAPS and NGOs and SPAS and Interpol – is questionable, as human trafficking continues unabated and even seems to escalate.

This suggests that these structures need to develop innovative strategies in order to be able to detect trafficking incidences and to improve the manner in which they respond to this crime which, judging from the responses of the participants, is particularly prevalent in terms of trafficking people for sexual exploitation and labour in the DPA. The findings suggest that the

problem is dire because of the rates at which people desperate for jobs are lured into the web of human trafficking. In their attempt to respond to this crime, the SAPS and NGOs in the DPA encounter a myriad of challenges, ranging from resource insufficiency to a lack of support and a lack of understanding the true nature of the forms of and reasons for human trafficking.

The function of legislation should not be ignored when the challenges associated with human trafficking are taken under the loop. The participants themselves seemed to struggle to understand related legislation, and this raises the questions of the training efficacy of SAPS officials and the effectiveness of the implementation of South Africa legislation. Holistically, current legislation by implication and fact includes all stakeholders (the CJS, NGOs and citizens) in the quest to respond to human trafficking. However, the literature raises red flags in terms of the implementation of the laws that should be utilised to arrest and prosecute human traffickers. These criminals view this legal framework as negligible and ineffective, as they are able to escalate their activities with impunity.

In this regard, two theories – the RCT and the GST – illuminated the occurrence and perpetuation of human trafficking. The latter theory emphasises the need to create solid partnerships to fight human trafficking. Thus all structures within the CJS, with the SAPS being at the forefront, as well as NGOs and communities should hold hands in the battle against human trafficking, particularly in the DPA where the problem is severe. It is also important that local police officials be better trained and equipped to address the problem at the grassroots level. The need to create structures that drive collective action in addressing the problem is thus urgent.

7.3 Conclusion

In conclusion, the study explored the views and perceptions of SAPS officials and NGO workers regarding human trafficking, with a particular focus in the DPA. Many aspects were explored to understand the impact of their various responses to this crime. It appeared that NGOs' responses are both reactive when they support victims of this crime who are referred to them by the SAPS, and proactive when they exert efforts to inform communities of the threat of human trafficking. The SAPS, however, tends to respond primarily reactively when they execute 'sting' and search operations based on information they received. They also refer victims to NGOs for safety and their availability when cases are investigated. Reference was made by the SAPS participants about the need to execute intelligence-driven operations, which

is endorsed as this will render their operations proactive rather than reactive. Human traffickers should be stopped in their tracks even before they recruit or kidnap their victims, or as soon after the event as possible. In this regard, the use of sophisticated technology and intelligence-driven operations that are given impetus by information-gathering initiatives among local communities may be a step in the right direction.

The study focused on the views of only three organisations (the SAPS and two NGOs) to address the research questions and objectives, and it is acknowledged that this small scope was a limitation to some extent. However, the representatives of all three of these agencies provided the study with the required data, although some participants were vague in their comments due to the sensitive nature of the topic under investigation. Some participants were not knowledgeable about human trafficking, yet they provided straight-forward responses even if the question was probing. As the findings revealed that the respondents believed that trafficking for sexual exploitation was the most predominant reason for this crime in Durban, and because the participants did not reveal much about labour exploitation, their knowledge about other forms of human trafficking is questionable. This raises a red flag because if other forms of trafficking are not given any attention, it means that they will not be exposed or investigated.

Overall, it was clear that the efforts of the SAPS and NGOs were mostly reactive, and it is argued that such efforts are ineffective in curbing the problem of human trafficking. Moreover, if partnerships are not strongly forged on collaborative and consultative practices that include *all* agencies – also members of society – their efforts to bring the perpetrators of human trafficking to book will remain impaired. The world as a whole has a task to approach the problem of human trafficking collectively. Furthermore, some improvements should be done to stabilise the response of all stakeholders to human trafficking in Durban, which should include periodical service provision by the provincial government and the support of the state. Unhealthy and unravelled partnerships at all levels of governance and a lack of resource have contributed to the escalation of human trafficking. Again, relevant legislation and the manner in which it is implemented should be questioned and addressed because the number of convictions is limited compared to the extent and nature of human trafficking in Durban and in South Africa at large.

7.4 Recommendations

7.4.1 Training of South African Police Service officials at all levels

It was revealed that only investigators tasked with human trafficking receive training in this regard, and not local SAPS officials. This could jeopardise the whole process of responding to the human trafficking problem, as initial contact with the victims, their families and even with the criminals occurs at local police station level. Thus these officers need at least a basic knowledge of the crime to improve the response of the SAPS as a whole. If the training is costly, then officials who are knowledgeable about human trafficking can provide in-service training on site.

An important focus in this regard will be to train police officials to distinguish between a missing person case and a potential human trafficking case.

Creating solid working partnerships between local enforcement officials and special units is also essential. This could be established by means of combined workshops and collaborative briefing and debriefing sessions on a regular basis.

7.4.2 Utilising technology

As many incidents of human trafficking are initiated on the Internet, this calls for the use of technologically advanced devices by the SAPS. Officials should be trained in and be able to use different sophisticated devices to access covert sites on the Internet in order to detect incidences resembling human trafficking. Moreover, NGO personnel need to be able to utilise technology to enable them to detect, warn, follow up and report on incidents of trafficking in their areas.

The establishment of sites (such as WhatsApp groups) that will allow the sharing of information related to human trafficking is essential. These forms of communication could expose traffickers and their collaborators and could be used to trace a victim of human trafficking within the Durban policing area and even beyond. Technology changes periodically, and it is crucial that SAPS and NGO members stay abreast of these advances all the time.

7.4.3 Budgetary provisions

Without sufficient resources, there is a dire possibility that the human trafficking problem will escalate out of control. It is therefore urgent that structures such as the SAPS and NGOs in the Durban area be provided with the necessary resources, including vehicles, technological devices, and human resources. Therefore, the government should ensure that the SAPS budget is sufficient to support these structures, whereas private enterprises should open their huge pockets to support NGOs in the invaluable work that they are doing.

The organisation should have enough transport to respond to any incident, and immediate situations and hiring of many staff members would be a solution because as things stand less than ten human trafficking investigators are working in Durban.

Manpower should also be deployed more efficiently at KZN borders, the airport and the harbour to respond immediately to incidents of cross-border, air and sea trafficking.

The state should play an integral part in assisting the SAPS in Durban to establish strategies such as campaigns, funding the ideas, and support organisations to implement the recommendations.

7.4.4 Strengthening partnerships among all stakeholders

This study suggests that without a stable partnership among all relevant agencies there is a high possibility that the response to human trafficking will continue to decline.

By actively involving community members in strategies such as information gathering and early reporting systems, and by harnessing local law enforcement officers' expertise, positive outcomes could be accomplished in Durban. If relationships between the local law enforcement agencies, NGOs and the community are strengthened, human trafficking could be addressed proactively. Moreover, local law officers work closely with many cases, including trafficking-related cases, and if the relationship is stable between them and trafficking investigators, this threat could be curbed.

7.4.5 Dissemination of information

Report writing becomes vital in this regard, as reports that are written and timeously submitted via the Internet to investigators regarding suspicious cases could be an essential strategy in locating victims of trafficking before they are securely hidden or taken across borders.

There is an urgent need to render government departments' operational efforts rotational so that information is disseminated cyclically. This should occur particularly among departments such as the Department of Home Affairs, the Department of Social Development, and the SAPS Organised Crime Unit. The circulation of information can reveal potential suspects and syndicates, and it can assist in identifying victims of trafficking.

7.4.6 Entry and exit controls

Moreover, controlling entrance into and exit out of the DPA is crucial, and all these departments should be alerted almost simultaneously of any suspicious or unlawful conduct. This can improve the manner in which international crimes are dealt with, and it can create a quick response rate among related departments. Hitherto, the only agencies that have been active in responding to human trafficking have been the SAPS (Organised Crime Unit; Human Trafficking Section) and NGOs. Thus, the full involvement of the government in establishing collaborative bodies that link *all* relevant departments and units within the CJS with all other relevant departments in the sphere of the human trafficking crime is essential.

7.4.7 Intelligence-driven police operations

It has been discovered that the current strategies utilised by the SAPS and NGOs are not enough to deal with human trafficking, especially in the context of its current status as a crime that is perpetuated and perpetrated with impunity. In places such as the DPA, illegal brothels are increasing, and people enter the area unrestrictedly for unlawful practices through the port and airport. This calls for intelligence-led policing that will involve a holistic approach to human trafficking investigations and prosecutions.

7.5 Future Research Studies

In order to augment the findings of this study and to fill the many gaps that it has exposed pertaining to the threat of human trafficking, future studies should address the following:

- Although such investigations have been conducted, more studies should be conducted in the light of technological advancement to assess the potential for illegal entry into and exiting from ports such as the Durban Harbour and the Ushaka Airport near Durban. Such investigations should focus on the potential for human trafficking in order to assist law enforcement agencies and relevant government departments to respond proactively

and efficiently to block traffickers' efforts to use these as portals for their nefarious enterprises. Such studies should be extended to include all airports and all harbours in South Africa.

- The study found that the SAPS and NGO participants focused almost exclusively on human trafficking for sexual exploitation, although this crime comprises various other reasons for human trafficking as well. Future studies should be conducted to expose the extent of these other forms of human trafficking in the DPA, as well as in various areas across the country to ensure that the more covert forms of this crime are also exposed, addressed and curbed.
- The role of the community in addressing human trafficking has been referred to consistently in this discourse. However, the voices of community members, families of human trafficking victims and even the victims themselves were not incorporated in the study. It is therefore recommended that a similar study is conducted, but that the sample be drawn from among the communities that are most affected and devastated by this crime. Their views, comments and recommendations may then be harnessed to further weave the tapestry of human trafficking in order for law enforcement agencies to unravel and finally destroy it.

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ANNEXURE A: INTERVIEW SCHEDULE GUIDE: SOUTH AFRICAN POLICE SERVICE AND NON-GOVERNMENTAL ORGANISATIONS RESPONSES TO HUMAN TRAFFICKING IN THE DPA, KWAZULU-NATAL PROVINCE



SECTION A: HISTORICAL INFORMATION

1. What rank do you hold in the South African Police Service (SAPS)?
2. How many years of experience do you have in the service?
3. How many years of experience do you have working on human trafficking cases in DPA (KZN) Province?
4. What training courses have you completed for human trafficking cases responses?

SECTION B: SOUTH AFRICAN POLICE SERVICE RESPONSE TO HUMAN TRAFFICKING CASES

5. What is the meaning of 'human trafficking'?
6. What is the role of your Unit in responding to human trafficking cases in Durban?
7. What is your understanding about human trafficking in Durban?
8. How would you describe your experiences in responding to human trafficking?
9. On average, how many human trafficking cases do you respond to per month?
10. What is your take on available interventions and resources aimed at responding to human trafficking in KZN Province?
11. Is current legislation adequate to assist SAPS to respond to human trafficking in Durban?
12. What are the challenges on SAPS responses to human trafficking in Durban?

13. How key is the relationship of the local SAPS and international stakeholders in responding to human trafficking in Durban?
14. What are the current reactive strategies employed by the local SAPS to respond to human trafficking in Durban?
15. What improvements can be made to enhance responses to human trafficking cases in Durban?

SECTION C: NON-PROFIT ORGANISATION RESPONSES TO HUMAN TRAFFICKING

16. What is your understanding about human trafficking in the DPA?
17. What is the purpose of your organisation in responding to human trafficking in Durban?
18. What is your take on current campaigns and strategies?
19. How effective are your strategies in responding to human trafficking in Durban?
20. What are the contributory factors to human trafficking cases in Durban?
21. How effective is the organisation relationship with the local SAPS in the Durban?
22. What kind of services do you provide for human trafficking victims?
23. How often do you accommodate new victims of human trafficking in your organisation?
24. What challenges do you experience in responding to human trafficking cases in Durban?
25. What are the strategies you have in motion to respond to human trafficking in DPA?
26. Are the residents of KZN Province aware of human trafficking manifestations in Durban?
27. Do you have any other comments concerning responses to human trafficking cases in Durban?

THANK YOU FOR YOUR PARTICIPATION

ANNEXURE B: UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE PROVISIONAL APPROVAL LETTER



27 October 2017

Mr Sphamandla Lindani Nkosi (217078820)
School of Applied Human Sciences – Criminology
Howard College Campus

Dear Mr Nkosi,

Protocol reference number: HSS/1789/017M

Project title: An exploratory study on the response of South African Police Services (SAPS) to human trafficking in In Durban Policing Area (DPA)

Provisional Approval - Expedited Application

I wish to inform you that your application received on 18 September 2017 in connection with the above, has been granted provisional approval, subject to:

1. Gatekeeper permission letter(s) required.

Kindly submit your response to Dr Sheneka Singh (Chair), 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 Sheneka Singh (Chair)

/ms

cc Supervisor: Ms Vuyelwa Maweni
cc Academic Leader Research: Dr Jean Steyn
cc School Administrator: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

Dr Sheneka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X51001, Durban 4000

Telephone: +27 (0) 31 261-2887/8360/4667 Facsimile: +27 (0) 31 261-4808 Email: s.hss@ukzn.ac.za / hr@ukzn.ac.za / ethics@ukzn.ac.za

Website: www.ukzn.ac.za



Partnering Campuses:  Edgewood  Howard College  Medical School  Pietermaritzburg  Westville

ANNEXURE C: UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE FULL APPROVAL LETTER



16 November 2018

Mr Sphamandla Lindani Nkosi 217078820
School of Applied Human Sciences
Howard College Campus

Dear Mr Nkosi

Protocol reference number: HSS/1789/017M

Project title: An exploratory study on responses of South African Police Service and Non-Governmental Organisations to human trafficking in Durban Policing Area.

Full approval – Application for amendment

Your application dated 15 November 2018 in connection with the above has been reviewed and the protocol has now been granted full approval.

1. **Change in title** from- An exploratory study on the response of South African Police Service to human trafficking in Durban Policing Area. To - An exploratory study on responses of South African Police Service and Non-Governmental Organisations to human trafficking in Durban Policing Area.
2. **Change to study**

Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study must be reviewed and approved through an 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 school/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.

Best wishes for the successful completion of your research protocol.

Yours faithfully

Humanities & Social Sciences Research Ethics Committee
Professor Shenuka Singh (Chair)/Dr Shamila Naidoo (Deputy Chair)
Westville Campus, Govan Mbeki Building
Postal Address: Private Bag X5-1001, Durban 4000

Telephone: +27 (0) 31 200 3587/4350/4557 Facsimile: +27 (0) 31 280 4800 Email: sr@hss@ukzn.ac.za / shamila@ukzn.ac.za / mchunza@ukzn.ac.za
Website: www.ukzn.ac.za



Founding Campuses:  Edgewood  Howard College  Medical School  Pietermaritzburg  Westville

ANNEXURE D: SOUTH AFRICAN POLICE SERVICE PROVISIONAL AND FULL APPROVAL (GATEKEEPER'S LETTER)

SUID-AFRIKAANSE POLISIEDIENS  **SOUTH AFRICAN POLICE SERVICE**

Privaatsak/Private Bag X 94

Verwysing/Reference:	3/34/2
Navrae/Enquiries:	Lt Col Joubert Intern Thenga
Telefoon/Telephone:	(012) 393 3118

**DIVISION: RESEARCH
SOUTH AFRICAN POLICE SERVICE
PRETORIA
0001**

- A. The National Head
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION**
- B. The Provincial Commissioner
KWAZULU-NATAL**
- C. The Divisional Commissioner
DETECTIVE SERVICE**

PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATORY STUDY ON RESPONSE OF SOUTH AFRICAN POLICE SERVICES (SAPS) TO HUMAN TRAFFICKING IN DURBAN POLICING AREA (DPA): MASTERS DEGREE: UNIVERSITY OF KWAZULU-NATAL: RESEARCHER: SL NKOSI

- A-C**
1. The above subject matter refers.
 2. The researcher, Mr SL Nkosi, is conducting a study with the aim to *investigate the issue of human trafficking in Durban and how the South African Police Service (SAPS) respond to the problem.*
 3. The researcher is requesting permission to interview 25 members of the Organised Crime Unit in Durban.
 4. The proposal was perused according to National Instruction 1 of 2006. This office recommends that permission be granted for the research study, subject to the final approval and further arrangements by the offices of the National Head: Directorate for Priority Crime Investigation, the Provincial Commissioner: KwaZulu-Natal and the Divisional Commissioner: Detective Service
 5. We hereby request the final approval by your office if you concur with our recommendation. Your office is also at liberty to set terms and conditions to the researcher to ensure that compliance standards are adhered to during the research process and that research has impact to the organisation.

PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATORY STUDY ON RESPONSE OF SOUTH AFRICAN POLICE SERVICES (SAPS) TO HUMAN TRAFFICKING IN DURBAN POLICING AREA (DPA): MASTERS DEGREE: UNIVERSITY OF KWAZULU-NATAL: RESEARCHER: SL NKOSI

6. If approval granted by your office, this office will obtain a signed undertaking from researcher prior to the commencement of the research which will include your terms and conditions if there are any and the following:
 - 6.1. The research will be conducted at his/her exclusive cost.
 - 6.2. The researcher will conduct the research without the disruption of the duties of members of the Service and where it is necessary for the research goals, research procedures or research instruments to disrupt the duties of a member, prior arrangements must be made with the commander of such member.
 - 6.3. The researcher should bear in mind that participation in the interviews must be on a voluntary basis.
 - 6.4. The information will at all times be treated as strictly confidential.
 - 6.5. The researcher will provide an annotated copy of the research work to the Service.
7. If approval granted by your office, for smooth coordination of research process between your office and the researcher, the following information is kindly requested to be forwarded to our office:
 - **Contact person:** Rank, Initials and Surname.
 - **Contact details:** Office telephone number and email address.
8. A copy of the approval (if granted) and signed undertaking as per paragraph 6 supra to be provided to this office within 21 days after receipt of this letter.
9. Your cooperation will be highly appreciated.


**LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: RESEARCH
DR BM ZULU**

DATE: 2018/01/19



Private Bag Private Bag X94	Pretoria 0001	Faks No. Fax No.	(012) 393 2128
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Your reference/My verwysing:

My reference/My verwysing: **3/34/2**

THE DIVISIONAL COMMISSIONER, RESEARCH
SOUTH AFRICAN POLICE SERVICE
PRETORIA
0001

Enquiries/Navrae: **Lt Col Joubert**
AC Thonga
Tel: **(012) 393 3110**
Email: **JoubertG@saps.gov.za**

Mr SI Nkosi
UNIVERSITY OF KWAZULU

RE: PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATORY STUDY ON RESPONSE OF SOUTH AFRICAN POLICE SERVICES (SAPS) TO HUMAN TRAFFICKING IN DURBAN POLICING AREA (DPA): MASTERS DEGREE: UNIVERSITY OF KWAZULU-NATAL: RESEARCHER: SL NKOSI

The above subject matter refers.

You are hereby granted approval for your research study on the above mentioned topic in terms of National Instruction 1 of 2006.

Further arrangements regarding the research study may be made with the following offices:

The National Head: Directorate for Priority Crime Investigation:

- **Contact Person:** Maj Gen Zikhali
- **Contact Details:** (031) 325 6069
- **Email Address:** ZikhaliJ@saps.gov.za

The Provincial Commissioner: KwaZulu-Natal:

- **Contact Person:** Col Van der Linde
- **Contact Details:** (031) 325 4841/082 496 1142
- **Email Address:** VanderLinde@saps.gov.za

Kindly adhere to paragraph 6 of our Attached letter signed on the **2018-01-19** with the same above reference number.


LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: RESEARCH
DR BM ZULU

DATE: 2018/06/26

1

**ANNEXURE E: UMNGENI COMMUNITY EMPOWERMENT CENTRE
GATEKEEPER'S LETTER**



**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
1st Place SAPS Nkomo
East 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

02 July 2018

Gatekeepers Letter

This is to confirm that, Umgeni Community Empowerment Centre is allowing Sphamandla Lindani Nkosi to conduct research on matters relating to Human Trafficking and Harmful Traditional Practices at our organisation.

The title of the research study is:

An Exploratory Study on the Response of SAPS to Human Trafficking in Durban Policing Area.

Regards:

Thami Ntimbane (Project Manager: Anti Human Trafficking Campaign)

**UMNGENI COMMUNITY
EMPOWERMENT CENTRE**
Tel: 031 224 7951 Cell: 073 114 8969
Email: uccc@vebmail.co.za
Email: gloria@uccc.org.za

ANNEXURE F: OPEN DOOR CRISIS CARE CENTRE GATEKEEPER'S LETTER



Fund Raising Number NGO 005-920

7 Windsor Road, Pinetown 3610
KwaZulu-Natal, South Africa
P O Box 1605, Pinetown, 3600
Tel No. 031 7082979
Fax No. 031 7092488
thor@opendoor.org.za

the

14 November 2016

TO WHOM IT MAY CONCERN

This serves to confirm that:

The Open Door Crisis Care Centre has granted Sphamandla Lindani Nkosi an approval to conduct the research with us on matters related to human trafficking and responses.

Yours faithfully

A handwritten signature in black ink, appearing to read "Cheryl Manfron", written over a horizontal line.

Cheryl Manfron
Human Resources Manager

ANNEXURE G: INFORMED CONSENT FORM



Dear participant

INFORMED CONSENT LETTER

Title: An exploratory study on responding to human trafficking in Durban policing area.

Principal Researcher and Contact Information

Initials and Surname: S.LNkosi

Cell no: 079 278 4972

Email: lindaninkosi1992@gmail.com

Purpose of the study:

I am a master's student at the University of KwaZulu-Natal in Criminology; I am conducting research for my master's dissertation on the title "An exploratory study on responses of South African Police Service and Non-Governmental Organisations to human trafficking in Durban Policing Area". I would like to know if you would be interested in taking part in the project. The main purpose of the project is to explore in-depth understanding on the perception and experiences of SAPS officials and NGOs employees on responding to human trafficking, and the entire response of these organisations to human trafficking in Durban Policing Area

Procedures:

Participants will be asked to take part to the face-to-face individual interviews to maintain confidentiality and privacy. Participants will respond to questions based on the title. **Take note of the following:**

Confidentiality:

The information that you share will be confidential and will be treated as such all the time. The name of the participant will not be mentioned instead you will be called participants. The information that could lead to you being traced back will be treated strictly confidential. The data collected is important for the dissertation but still, it will be stored in a safe place where no one will be allowed to get to, and after 5 years the data will be destroyed.

Note about Voluntary Nature of Participation, duration of the interview and Statement about Compensation:

Your participation in the project is voluntary, this means you may refuse to participate or withdraw your participation at any time during the interview. You will not be forced to continue with the interview if you decide to withdraw, and no one will blame you. The duration of the interview will be about 40 to 55 minutes but you will not be forced to reach this time if you decide not to. The research is only for academic purposes.

Willingness to be interviewed

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:

Equipment	Willing	Not willing
Audio equipment		

Information about this study:

You are allowed to ask questions to the researcher by phone call or email. The contact details of the researcher listed on top of the letter. Every conversation with the researcher is strictly confidential. If there are any queries about our encounter you would like to discuss with my supervisor you are more than welcome to do so. Please contact researcher's supervisor Miss Maweni on 031 260 3846, email address: Maweniv@ukzn.ac.za and University HSSREC, Ms PhumeleleXimba: 031 260 3587, email address: email: ximbap@ukzn.ac.za

Thank for taking part in this project.

DECLARATION

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

I understand that I have the freedom to withdraw from the project at any time, should I so wish.

SIGNATURE OF PARTICIPANT

DATE

.....

.....