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The Role of Discursive Power and Non-Governmental  
Organisations in Counter-human trafficking in South Africa

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## DECLARATION

I, Alandra Presley Naidoo (214583231) declare the work submitted for this research is my own, independent work. The work has also not been submitted by me before for any other degree or for any other purpose.

I hereby also declare that this dissertation has not been plagiarised and all sources used during this research have been referenced.

Date: \_\_\_\_\_

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*Aluta Continua!*

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## ABSTRACT

The international debate on human trafficking dates back to the 1980s and 1990s when human trafficking was not envisioned outside of the perimeter of prostitution within international law and was sparked by the feminist protests against gender-based violence. Human trafficking is still regarded as a rapidly growing social phenomenon within the current globalised world. Trafficking of persons refers to the recruitment, transportation, harbouring or receipt of persons through the use of coercion or force for the purpose of exploitation. Therefore, political actors, civil society which incorporates counter-human trafficking non-governmental organizations have emerged within the human rights debate, advocating different views and interests. Non-governmental organisations (NGOs) are increasingly active internationally in organising initiatives around raising awareness in the interests of the most vulnerable groups as well as challenging public policy and legal frameworks. Due to NGOs maintaining different agendas, there is a battle for power positions within their own frameworks as to what constitutes to human rights violations.

In terms of the use and misuse of power, particularly discursive and political power, previous research highlighted that states often use typical depictions of the crime in impoverished and developing areas to raise awareness. These intentions often carry a political aim and/or interest blurring the roles of counter-human trafficking NGOs. However, there is still insufficient research on the different roles these NGOs actually play in counter-human trafficking within the South African context.

It is therefore on this basis that the following dissertation discusses the role counter-human trafficking NGOs play in combatting human trafficking in South Africa. The dissertation further assesses factors which impact the role of these NGOs. Lastly, the dissertation investigates the role of discursive power on human trafficking and counter-human trafficking NGOs in South Africa. The research is guided through a qualitative empirical research design and a conceptual framework of power. NGOs play a significant role in assisting the South African government with combatting human trafficking despite the many challenges they face which adversely impacts their efficacy. Their experiential knowledge should be leveraged more effectively by government role-players, and their critical voices should not be silenced in the fight against trafficking in persons.

## Abbreviations and Acronyms used in this Research

BHRRC - Business and Human Rights Resource Centre

CBD - Central Business District

DSD - Department of Social Development

NPF - National Policy Framework

GLO TIP Report - Global Report on Trafficking in Persons

HIV/AIDS - Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome

IOM - International Organisation for Migration

NGO - Non-Governmental Organisation

NFN - National Freedom Network

NPA - National Prosecuting Authority

OSCE - Organisation for Security and Co-operation in Europe

PACOTIP - Prevention and Combatting of Trafficking in Persons Act

SA - South Africa

SADC - Southern African Development Community

SAPS - South African Police Services

TIP Act - Trafficking in Persons Act

UCEC - Umgeni Community Empowerment Centre

UN - United Nations

UNHCR- United Nations High Commissioner for Refugees

UNICEF- United Nations International Children's Emergency Fund

UNODC - United Nations Office on Drugs and Crime

US TIP Report - United States Trafficking in Persons Act

VOT - Victims of Trafficking

WWII - World War II

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# Chapter 1

## The Role of Power and Non-Governmental Organisations in Counter-human trafficking in South Africa.

### 1.1 Introduction and Background:

For the purpose of the study, human trafficking is an international problem and refers to the profitable exploitation of a person/s by means of fraud, force and/or even different means of coercion (UNODC: 2015). According to Rahman (2014), globalisation has exacerbated the demand for victims, while the modes of human trafficking remain varied and often regionally defined. As such, Valarmathi and Ramesh (2017:1) explain that this is why every country around the globe, irrespective of political regime, history or socio-economic structure is affected by human trafficking. Hence, Emser (2013: 360) says, “the conceptualisation and situation of human trafficking as a human rights problem may be attributed to the entrenchment of human rights as a matter of international relations.” However, in the past, victims of human trafficking as a human rights violation, have been ignored while bringing in a huge sum of capital through the illegal business practices under which it functions. Additionally, Rahman (2014) reiterated that human trafficking is not a new or foreign concept and has been around for many years. According to Blacker (2009:30) slavery did not end in the nineteenth century, it simply re-emerged as a much broader practice arranged as an international system of the trade of human beings. This is now commonly known as modern-day slavery or human trafficking.

Human trafficking has gained much momentum in South Africa over the past 10 years (Emser 2013, and Olujuwon 2008 cited in Van der Watt 2018) strong relationship between poverty and violence and the inherent profiteering and exploitative nature of human trafficking. Barner, Okech and Camp (2014:151) agree with other scholars that the attempt to control another person through violence or the threat of violence, forms the fundamental element of trafficking.

Globally, human trafficking, according to IOM (2015) is ranked third in terms of criminal activities, closely behind ammunition networks and drugs, in creating capital for organized crime. In transnational crime profits, however, it features as “the second largest criminal industry in the world, reaping over \$32 billion in the trade of human beings” (UNICEF, 2018). The trafficking of humans is denoted as a continuous exploitative experience inflicted against

an individual or individuals: for example, the sexual exploitation of persons through prostitution (UNODC, 2018). This is why Charnysh, Lloyd and Simmons (2014:324) view human trafficking as a crime which violates the right to work under conducive conditions, the right to earn a salary, the right to human security and inevitably the right to life.

Due to the rapid growth and emergence of human trafficking within the international arena, many NGOs have emerged in an attempt to combat human trafficking. These organisations have emerged locally, with the likes of the Red-Light Domino Foundation as well as internationally, with the Human Rights Watch and Amnesty International (Soirila, 2011:24). However, previous research as seen by Lovu (2015:12) has highlighted that despite the presence of these counter-human trafficking NGOs in South Africa, their effectiveness is diluted. This, according to Lovu (2015:13), is especially seen in the past decade due to the lack of consistency and continuity of effective implementation and improvement of policies to combat human trafficking.

Other factors like resource scarcity, the lack of political will and the misuse of power within the South African government, the uneven enforcement of anti-trafficking laws and the challenge of identifying victims, has limited the efficiency of the initiatives by the counter-human trafficking NGOs (Lovu, 2015:15).

Power, according to Tzvetkova (2002:63), has many definitions and has different meanings across different contexts, much like the concept of human trafficking itself. However, for the purpose of the study, power refers to the ability to mobilise information, energy and resources and to employ force in order for a preferred goal to be achieved (Omisor, 2014:164).

In terms of the use and misuse of power, particularly political power, Soirila (2011:43) claims that “the motivations of many states to fight trafficking are questionable at best”. The use of stereotypical depictions of the crime, like a young girl strapped to a bed (Soirila, 2011), conveys a particular political agenda, aim and interest with it. For example, Soirila (2011) suggests that the Clinton Administration’s initiative against money laundering and human trafficking was viewed as an attempt to maintain the United States political interests, thereby weakening international laws against human trafficking. As a result, Soirila (2011:45) explained through the previous example that the misuse of political power dilutes the effectiveness of anti-trafficking attempts by operating in a manner that best conserves political

power instead of prioritising the needs of its people. “Some states, aided and abetted by civil society groups, continue to manipulate the global momentum against trafficking to wage their own wars against perceived social harms such as prostitution and illegal migration” (Gallagher, 2008:830-831, quoted in Soirila 2011:43).

Zaloznaya (2012:345) explains that there is limited data available on the causes of human trafficking in South Africa, which impacts on the role of NGOs in counter-human trafficking initiatives. Additionally, Zaloznaya (2012:345) explains that the understanding of human trafficking amongst these NGOs is blurred and that it is often confused with the concept of prostitution. Lovu (2015:17) explained that this confusion is due to the United Nations Protocol to prevent, suppress and punish trafficking in human beings, especially women and children (also referred to as the Palermo Protocol<sup>1</sup>) not clearly identifying and defining sex trafficking. Therefore, the understanding of prostitution, sex slavery and voluntary sex work is subject to debate. This is because ideological agendas and biases skew research findings and narratives on the crime, thus, creating a dichotomy between abolitionists and preservationists (those who favour the decriminalisation of sex work). As such, Emser (2013:119) says that a biased sub-narrative has emerged out of abolitionists and some Christian based organisations due to the religious implications around the practices of prostitution and pornography. This leads to a conflation of prostitution and sex trafficking. However, not all organisations are regarded as abolitionist as some have advocated for the rights of sex workers and the decriminalisation of prostitution. This ideological tension poses a danger to objective empirical research, and has at times resulted in findings being skewed.

In light of the aforementioned argument, this research provides an analysis of the underlying role of power and NGOs as counter-human trafficking initiatives in South Africa. Further, focus will be put on social, political, economic and personal constituencies. The study thus investigates what role NGOs have in combatting human trafficking in South Africa. The study also aims at assessing factors which affect the efficacy of NGOs. Additionally, the research assesses the impact political power has on the role of NGOs in South Africa and how NGOs themselves, exert power. Additionally, the impact of power in terms of religion, culture, economics and as a means of control over victims of human trafficking will also be covered in the study. This is so that the research can build on the literature of human trafficking, in South

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<sup>1</sup> The Palermo Protocol was adopted in Palermo, Italy in November 2000 (EUROPA:n.d).

Africa and raise awareness on it. This will contribute toward combatting human trafficking nationally as well as providing common patterns that may be useful in the international arena. The research will also provide information for the education of the discourse. The analysis will remain neutral throughout the study, especially when looking at the impact of political power on NGOs. The basis of the research is focused on NGOs and will therefore not cover much of other counter-human trafficking initiatives in South Africa. This is not to say that other counter-human trafficking initiatives do not exist or will be completely ignored throughout the study.

## 1.2 Research problems and objectives

### 1.2.1 Statement of the problem

Human trafficking is on the increase in South Africa (Kamler 2012:6; van der Watt 2018:45). The heinous crime is not a new phenomenon to South Africa and can be traced back to the deep and dense structural inequality in the country's past and present state, inevitably exploiting millions of humans. In response to the increase in reported cases of human trafficking, there has been an increase in counter-human trafficking initiatives by civil society and NGOs in particular. However, as with every organisation, the work of NGOs has been criticised and misunderstood to have a 'profit driven' and 'money-making' agenda, therefore, existing as unaccountable groups of society. This is because they were initially understood to be voluntary organisations which only operated within their free time for 'idealistic' purposes (Martens, 2002:279). This perception, according to Martens (2002:279) has improved gradually over time so that in recent years, NGOs have been regarded as professionalized groups/organisations which can operate with permanent staff, in a permanent office, with a constitution and mandate. Furthermore, NGOs are now seen as potentially powerful non-state actors offering and gaining a variety of skills like fund raising techniques and data sharing mechanisms. As such, Dar (2014:2) agrees with the gradual change on the status of NGOs and explain that NGOs play an integral part in international relations as they advocate a variety of causes like government accountability to human rights issues. Thus, carrying political weight within the international relations arena. According to Dar (2014:2), "the kinds of pressure NGOs are exerting possibly place governments under an obligation to fulfil her promises and indeed persuade them to change policies." This study therefore seeks to investigate the role of NGOs in counter-human trafficking in South Africa. Additionally, the study seeks to identify the factors which may impact the efficacy of the NGOs, both in a positive and negative way. Furthermore, it seeks to

understand the concept and the role of discursive power on human trafficking as well as on NGOs (operating within the field of human trafficking).

### 1.2.2 Research questions:

1. What are the roles of NGOs in counter-human trafficking in South Africa?
2. What factors impact the efficacy of NGOs when it comes to counter-human trafficking in South Africa?
3. How does discursive power (or lack thereof) impact counter-human trafficking in South Africa?

### 1.2.3 Objectives:

- To examine what role NGOs play in counter-human trafficking in South Africa;
- To investigate what factors influence or impact the role of counter-human trafficking NGOs; and
- To assess the role of discursive power on human trafficking and counter-human trafficking in South Africa.

The objective for this research is primarily based on thoroughly understanding the concept of human trafficking. It also aims to determine the role of NGOs in counter-human trafficking in South Africa. Once the roles played by counter-human trafficking NGOs has been identified, the objective of the study will focus on learning about the factors that impact the efficacy of these NGOs. Lastly the objective of the research is to assess the role of discursive power within human trafficking and on the role of these counter-human trafficking initiatives through NGOs.

However, before starting the research and the analysis of the role of these counter-human trafficking NGOs, it is important to firstly understand what NGOs are, to know the different types of NGOs that exist and where these non-state actors fit nationally and globally.

## Non-governmental Organisations

Non-governmental organisations, as a term, was coined by the United Nations just after World War II (Martens, 2002:271). The term non-governmental organisation, according to Valarmathi and Ramesh (2017:3), describes independent:

“exogenous or indigenous voluntary private non-profit organisations that are engaged in relief, rehabilitation and development programmes using finance raised from voluntary, private sources, and the donor agencies and managing themselves autonomously at local, national and or international levels.”

NGOs originate from the private sphere and are therefore considered to be independent societal actors as they usually do not include representatives or members of the government and they are not profit driven. Over the past few decades, Limoncelli (2016:317) notes that NGOs have become prevalent organisations (neither government nor market-based) worldwide in addressing a variety of social issues and injustices, including human trafficking. Even though their prevalence has increased lately, the involvement of NGOs in combatting human trafficking can be traced all the way back in history to 142 years ago. Ahmed and Potter (2006:14) also indicated that: “NGOs have formed coalitions across borders to tackle global issues, and they often do this independent of governments.” Limoncelli (2016:317) further explained that these efforts were created to robustly address the spread of human trafficking in the aftermath of WWII. Researchers like Dar (2014:3) explain that as the NGOs started to emerge and address societal ills like human rights violations, so did social sciences dive deeper in understanding the exact role of these actors within society and their networks.

However, Tortajada (2016:267) also identifies the importance of NGO networks and their contribution to combatting human trafficking by explaining that it is vital to research the current gap on how NGOs network and operate as they form part of state sanctioned efforts to counter human trafficking. Notwithstanding that Van der Watt (2018:52) cites Farrel et al. (2014:139) in his argument on the current gap of knowledge which exists in terms of arriving at a complete understanding of the nature of human trafficking as well as which anti-human trafficking approaches are the most effective. Therefore, there is a major lack of empirical research on these anti-trafficking NGOs in terms of their role, their activities or even the geographic distribution they find themselves existing and operating within, especially in the South-African context. However, before the next chapter it is essential to gain an understanding of the different types of NGOs.

## Types of NGOs

According to Lewis (2009: 1), “non-governmental organizations (NGOs) are now recognised as key third sector actors on the landscapes of development, human rights, humanitarian action, environment, and many other areas of public action.” As such, that the most influential non-governmental organisations that existed during the 18<sup>th</sup> and 19<sup>th</sup> centuries were the many anti-slavery ones that were, “established in the Atlantic world in the decades following the formation of the Pennsylvania Society for the Relief of Free Negroes Unlawfully Held in Bondage in 1775” (Davies, 2013). These NGOs were not just influential in international negotiations but also played an active role in influencing legislation like the British Slave Trade Act of 1807 (ibid). Thereafter, many other NGOs began to emerge (Lewis, 2009; Kim 2011). NGOs are classified based on its main purpose, geographical location and level of organisation. As a result, Willetts (2001), cited in Kim (2011:12), explains that based on the project coverage there are local, provincial, national, regional and global NGOs. This means that organisations that exist within the local category are community based and focus on a smaller area whereas national NGOs direct their focus on an entire nation. International NGOs, on the other hand, also known as global or regional NGOs focus on more than one country (Kim, 2011:12). The activities and relationship between the NGO and government varies based on the type of NGO. This determines how much of power the NGO holds in terms of influence and decision making.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) was signed in 2000 and ratified on February 20, 2004, in South Africa. This Protocol describes the role of NGOs which attempt to address human trafficking, and includes a section on victim support: Article 6 (3) of the Palermo Protocol provides that

“Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.”

This section goes on further to indicate what victim support should entail: appropriate housing, counselling and rehabilitation services, medical and psychosocial services and reintegration services like educational and educational training. This support should be offered by both the South African government and counter-human trafficking NGOs.



The ultimate aim of this study is thus to provide a greater understanding and improve the literature on the role of counter-human trafficking NGOs so that better partnerships between civil society and government can be forged in order to efficiently reduce and eradicate human trafficking in South Africa. Additionally, the role and efficiency of NGOs may be enhanced through the advancement in knowledge on the discourse. As a result, the aim is to also analyze factors which impact the efficacy of the counter-human trafficking NGOs. Furthermore, the research aims to understand the role discursive power plays in all of this and in the combatting of human trafficking. The next chapter will provide an in-depth analysis and review of the relevant literature by other scholars and researchers on the topic.

### 1.3 Structure of the Dissertation

The research questions and objectives will be analysed and answered through a total of six chapters as introduced in the following section:

Chapter one discusses the introduction of the research topic along with the intended objectives of the study and the research questions that will guide the process. This chapter also gives a brief explanation as to what contribution the research is set to have and frames the research by identifying and defining the concept of NGOs with some reference to the literature.

Chapter two goes on to discuss the literature that has been reviewed in order to provide a rationale for the study. This section also addresses looks at the key debates and contentions in the literature previous research on counter-human trafficking initiatives in South Africa and globally, thematically. Thereafter, situates this research contribution within it.

Chapter three then serves to locate the conceptual framework within discursive power, in order to demonstrate the relevance of its main themes and principles to the investigation on the role of human trafficking in South Africa. This conceptual context will also be examined for the factors which impact its efficacy. The chapter will focus on the effect of discursive power, or the lack of it, on the elements of this study. This will be done with the aim of defining the contribution made by the theory on the findings of this research so that power itself can be understood, as it is deemed to be a very complex concept. Additionally, the chapter provides the chosen research methodology with a substantiated argument as to its tenets and why it is appropriate for achieving the stated objectives of the study. Finally, the limitations of the study due to the selected research design will also be explained.

Chapter four presents the findings of the research by reporting the results and describing them in depth through the conceptual framework. Findings from the literature available and the findings from the interviews will be clearly outlined, refined and analyzed. Thereafter the qualitative research responses will be clearly identified and discussed in this chapter. Furthermore, graphs will be used to illustrate and justify the statements and responses from the respondents. The data will be presented in the order of the research questions.

Chapter five provides an analysis of the data attained from the research undertaken. The chapter aims to explain how the research objectives have been attained through analyses drawn from the conceptual framework defined in the previous chapter. An in-depth analysis of all the research findings will be given in order to fully address the research questions and reach the aim of the research.

The Conclusion provides a detailed account of what can be concluded from the overall research project as well as final remarks on the results obtained, the contribution made by the conceptual framework. Suggestions and recommendations will also be attempted for future researchers and further research within the same research field.

## Chapter 2

### Literature Review

#### Introduction

Human trafficking is an age-old practice, which has been classified under an umbrella of other categories like slavery, forced marriage, kidnapping and prostitution (Richter 2010:2). This is a major cause for concern as human trafficking affects every part of the world excluding no race, gender, social or economic status. However, as Merilainen and Vos (2015:18) have noted, human trafficking only made it onto the international agenda as a cause for concern, between the 1980s and 1990s, thus indicating that human trafficking discourse started to emerge during feminist protests for the protection of women. This had been at a time when international law regarded forced prostitution as the only form of human trafficking. Lewis (2009) explains that attempts were made to address issues of human rights violations and societal ills affecting communities. Therefore, Hahn (2010:10) and Skillen and Brussels (2016:4) indicate that there have been many attempts by state and non-state actors in addressing this human rights violation debate and are trying to address trafficking of persons, globally. Hahn (2010: 220) indicated that NGOs became important influential actors within international relations “since the world conferences within the framework of the United Nations. Hoff and McGauran (2015:11) further highlighted that non-governmental and non-profit organisations began to grow as an attempt towards addressing and enhancing the understanding of human trafficking. These counter-human trafficking NGOs maintained common roles of bringing justice for the victims, providing rehabilitation and shelter for the victims and raising awareness on human trafficking and increasing the influence globally (Hoff and McGauran, 2015:11). Furthermore, NGOs “serve as gatekeepers between trafficked persons and researchers” (Emser 2013: 151). However, much like all actors in international relations, Kamler (2016:34) states that the role of these NGOs was criticised for their individual lack of power, due to the “unlikely alliances” that they had formed, causing them to be regarded as overzealous and profit driven for power. As such, this chapter will examine and analyse the literature dealing with the concept of human trafficking and the role of NGOs dealing with trafficking in persons within the South African context. Moreover, it will assess the factors that impact the efficacy of these counter-human trafficking NGOs. Finally, it will look at the role of discursive power on human trafficking and NGOs in South Africa and globally.

## 2.1 Problematizing human trafficking

The phenomenon of human trafficking “is as old as societies are” and exists as a form of modern-day slavery (Bales 2000 cited in Jahic and Finckenauer n.d: 25). Defining and understanding human trafficking, according to Iroanya (2014:33), is not as basic as it may seem. As a consequence, Witherspoon (2014) explains that: “international awareness and concern is debilitated by an inability to differentiate between voluntary and involuntary attributes of human trafficking.”

However, in 1999, meetings within the international community began to draft the Palermo Protocol. As the international treaty on human trafficking, the Palermo Protocol called on states globally to take the necessary measures to protect victims and vulnerable groups in society who are susceptible to the crime, as well as to suppress, prosecute, protect vulnerable groups of people and victims and to prevent the trafficking in persons. The Palermo Protocol (2003) defines human trafficking as “the recruitment, transport, transfer, harbouring or receipt of a person through threat or use of force or other forms of coercion, abduction, fraud or deception for the purpose of exploitation.” Similarly, Skillen and Brussels (2016:2) defines the elements of human trafficking as the transportation of a victim (often but not every single time), the extraction of a forced service through coercion or fraud for the purpose of exploitation.

The Palermo Protocol definition has therefore been the most widely accepted definition on human trafficking. However, other researchers have also put forward their own understanding and conceptualisation of the crime. According to UNESCO (2014), human trafficking is a violation against human rights as a result of a poor policy implementation and an inefficient framework toward protecting human security. Through the exploitation, coercion and human rights violations, it is evident that human trafficking undermines not only state security but also individual human security, globally (Merilainen and Vos, 2015:18.). Peulić (2017:70) explains that human security is threatened by human trafficking through its exploitative nature which causes physical and/or psychological trauma, coercing victims into (often) illegal activity. Additionally, Peulić (2017:73) explains “the primary interest of collectivity is the very existence of the fundamental policy entity, sources and material development and human value.” Therefore, when this is stripped away, society is “infected”, causing disorder in a sovereign state, thus threatening its security through exploitation. Furthermore, Witherspoon (2014) explains, “in essence, it is an *additional aspect* of State security measures, not an overarching priority. As states focus on protecting their borders, they are forced to mitigate

illegal immigration.” Grundell (2015) also agrees that human trafficking threatens state security through regular and irregular migration with the explanation that: “the power of this discursive separation ultimately serves to protect nation-states from those who are considered unwanted, and to justify a state’s use of force to accomplish that goal.”

Nabo (2013:32) further explained that exploitation in human trafficking occurs through different forms, this could be through forced migration for sweatshop and agricultural employment, mail order brides, sexual exploitation, child soldiering and or forced labour. While Nabo (2013:32) highlights that human trafficking occurs through different forms, Skillen and Brussels (2016:2) provided examples for a better understanding of the different forms. Skillen and Brussels (2016:2) made reference to the domestic servitude within states like the United Kingdom and the United States, New Zealand’s forced employment of Thai fishermen as well as the trafficking of minor boys from India and Pakistan to be camel jockeys in the Middle Eastern regions as examples of forced labour.

Goliath (2016) highlights that South Africa is referred to as a destination, origin and transit country of trafficked children, men and women even from the outset of their ratification of the Palermo Protocol. Pascoal (2017:80) added that there is an alarming number of gaps within the literature (especially a lack in qualitative studies) in terms of understanding human trafficking as a phenomenon. Emser (2013:12) and Pascoal (2017:80) further explained that these gaps are due to most of the studies being focused on regions where the sex industry and human trafficking is most visible like Asia and Europe. Emser (2013:13) explains that these gaps impact negatively on the development of counter-human trafficking policies and therefore leads to “the dearth of studies on human trafficking in the African region, and more specifically South Africa”.

Based on statistics from the 2018 United States Trafficking in Persons Report (TIP Report 2018), 399 human trafficking victims were identified in South Africa. The US TIP Report (2018) for South Africa, further indicates that 305 (76%) of these victims were used for forced labour, 66 (17%) of the victims were sex trafficked and 19 (7%) of the victims were used for domestic servitude. These statistics highlight that most of the trafficking was done with the intention for forced labour and not sex trafficking as most perceive.

Based on reports by the International Organisation for Migration (IOM:2003), most of the human trafficking that transpires is a result of immense levels of economic injustice as well as

socio-political histories alongside cultural practices and the high demand for trafficked humans. As such, the HSRC Report (2010) explained that there are push and pull factors (a concept borrowed from the migration theory in relation to the laws of supply and demand), which increases the supply and demand for human trafficking and dictates the movement of people. Push factors, as indicated by HSRC Report (2010), causes individuals to get entrapped in the trafficking web by seeking for better opportunities for financial gain or in search of a better life or dire reason for migration. While pull factors, are the factors which draw traffickers and criminal activity toward the country. For example, Kerr (2014) uses persistent unemployment and poverty as examples of push factors and constant conflict and economic inequality as pull factors, in South Africa. According to UNODC (2016), individuals sometimes look for drastic means of survival as a result of the push and pull factors and put themselves at risk to being trafficked. In addition, human trafficking globally affects people of any gender, ethnicity, race or age (Usman 2014). Merilainen and Vos (2015:5) note that often it is lucrative job opportunities as well as political and economic factors, which push victims within the Global South (developing states), toward the Global North (developed western states/power blocs).

Furthermore, porous borders, high levels of organized crimes within a state, undocumented migration, as well as high levels of corruption amongst immigration organisations are factors which maintains fertile environments for the recruitment and transportation of trafficked victims (Emser, 2013:4; Merilainen & Vos, 2015:17; Van der Watt, 2018:81). The US TIP Report (2018) further adds that within the South African context corruption and collusion by the SAPS (South African Police Service) as well as public officials are key concerns for human trafficking. Van der Watt (2018:135) gave an example of how a criminal offence in relation to human trafficking was not taken up with the relevant authority due to the “alleged experience of corruption by the SAPS”.

In addition, UNODC (2016) shows that manipulative tactics are used by traffickers such as: deception, threat, debt bondage and violence in order for the trafficked to be forced into commercial sex or services and or other forms of labour unwillingly, stripping the victim of all power. According to Kerr (2014), traffickers have the power to use manipulative tactics based on the societal issues and socio-economic issues which feed into the crime. For example, ‘pimps’ may target more economically depressed areas with higher unemployment rates and social dysfunction (Kerr 2014). This suggests that socio-economic factors of states need to be

considered in attempt to counteract trafficking in persons through combatting issues like domestic violence, intergenerational poverty and migration. These societal issues push victims toward traffickers in search of better living and prosperity while traffickers' use it as means of pulling victims on false premises.

Richter (2010:10) shows that finding resources for human trafficked victims in South Africa is a difficult task. Van der Watt and Van der Westhuizen (2017) suggests that counter-human trafficking initiatives within South Africa should therefore offer services like legal support, health care, appropriate housing or shelter as well as basic necessities like food and clothing. Internationally, there is an abundance of existing research regarding human trafficking, and the role of counter-human trafficking NGOs in other countries like Vietnam (Gan et.al, 2014). However, while there is literature within the South African context which does include the role of counter-trafficking NGOs by researchers like Pascoal (2017:80) and Emser and Francis (2017), there is still a gap in the literature on the particular topic of study in South Africa. Laczko (2002:76) and Van der Watt and Van der Westhuizen (2017) highlighted that this gap exists, because there is a current hype about quantifying the results, often ignoring the qualitative research studies on human trafficking.

Therefore, there is a requirement for statistics from quantitative studies, however, Van der Watt and Van der Westhuizen (2017) adds that understanding the details of the crime and detailed factors involved in and against the crime, may start to break down the complexity of the crime and therefore the statistics of victims will begin to reduce. There still is a major gap in the literature when looking at the role of discursive power and non-governmental organisations in counter-human trafficking (Lackzo 2002, and Van der Watt 2018). As a result, an in-depth understanding of the concept of human trafficking needs to be in place to avoid the crime being confused with other human rights violations so that effective legislation can be implemented.

## 2.2 Conceptual Issues of Human Trafficking

Desyllas (2007:60) explains that human trafficking has been globally defined by Western assumptions and ethnocentric lens. Most often, concepts like sexual exploitation of women, modern day slavery and illegal migration are used interchangeably by scholars to explain human trafficking. Thus making it important to differentiate trafficking of persons with other crimes. Emser (2013:88) adds that these assumptions are a product of political and ideological

perspectives which therefore skews the manner in which the phenomenon is viewed and addressed.

Additionally, human trafficking, according to Emser (2013:13) is a fractured discourse due to inconsistent definitions of its phenomenon as a result “of competing interests and perspectives represented on the international political arena” and the lack of a verifiable database. Limoncelli (2016:317) goes on to explain that increased efforts have been made by non-state actors like IGOs and NGOs toward research on the discourse. However, even though these efforts have grown within the last two decades, Limoncelli (2016:316) explains that the particular role and responses by the non-state actors remain under-examined. Therefore, Limocelli (2016:326) suggests that the study of “anti-trafficking efforts is nascent” however, more insight is being gained by focusing on the work done by NGOs. Furthermore, studies produced by NGOs run the risk of not being grounded in evidence or observe proper ethical considerations. In addition, this has created a discourse founded on often unverifiable statistics, sensationalism and a lack of peer-reviewed works, which has meant that for many years that claims were often difficult to verify. This has improved as human trafficking has increasingly become an area of academic study, and governments have also invested in attempting to understand the depth and breadth of the problem.

Obtaining reliable or verifiable data on the magnitude of human trafficking is difficult (Emser, 2013; Nabo, 2013; Quirk and Richter, 2015). Nabo (2013:32) further added that although statistics are presented by NGOs, governments and international agencies, it is still incomparable due to the different agendas carried out by the different role players. Furthermore, (Emser (2013:30), and Molo Songololo (2000) cited in Skosana and Wilkinson ,2017) explain that the statistics are manipulated by the different role players, for example, governments tend to manipulate statistics of the heinous crime to not look so rife so their international and political relations are not weakened.

There are major gaps that exist in the practical understanding of the concept of human trafficking and theoretical knowledge in prior research on the topic, this continues to deeply limit the discourse of human trafficking (Lobasz (2009:319), and Bruckert and Colette, 2002). This, according to Skillen and Brussels (2016:9), is particularly due to the transnational nature and complexity of the crime making it difficult to address at a state level or intergovernmental level. This limits the understanding of the causes of human trafficking at large and often leads to a series of confluations. Wilson (2013:92) adds that based on the narrative conveyed by



counter-human trafficking NGOs, the understanding of the crime is factually incorrect. Cases of kidnapping are often conflated with human trafficking, as is consensual prostitution with sex trafficking. As such, based on the skewed narrative, there is a gap in understanding of who the victims are and what types of human trafficking exist, thus slowing down the preventative role of combatting of the crime played by NGOs.

According to Tshelane and Swain (2017) while there is a link between prostitution and sex trafficking, however, it is not the same thing. Not all sex workers are victims of trafficking even though victims of trafficking may be used as sex workers. There needs to be a thorough understanding of the two concepts in order for human trafficking to be addressed adequately by governments and other counter-human trafficking initiatives (Skillen & Brussels 2016; Tshelane & Swain 2017). Skillen and Brussels (2016:8) highlighted that human trafficking is often equated to sex trafficking, ignoring the other types of human trafficking. Van der Watt (2018:9) notes that within the South African context, labour trafficking is often left out in terms of documenting and reporting the crime. In addition, Skillen and Brussels (2016:8) explains that the heinous crime of human trafficking is often regarded as a crime not prevalent or in other words exempt from the South African society. As a result, much more awareness needs to be raised and more light shed on the enormity of the crime as the lack of understanding of the concept provides fertile ground for more victims to be susceptible to human trafficking (Van der Watt, 2018).

Such common misconceptions begin with the gap in knowledge and narratives that exist in the South African human trafficking discourse (Baker, 2015:5; Emser, 2013:178; Van der Watt, 2018:288). However, despite the influence of narratives on the work of anti-trafficking, NGOs also influence narratives within the discourse. Emser (2013:178) also outlines that the narrative on human trafficking and misconceptions of victim profiles from non-state actors like NGOs can negatively influence the way in which the South African discourse and legislation is developed. This can create unnecessary fear and hype within communities. Such narratives also may lead to the emergence of so-called 'fly-by-night' organisations.

Similarly, as observed by Friman and Reich (2005), governments and NGOs make more reference to sexual exploitation when discussing issues of human trafficking. As a result, other forms of trafficking like labour trafficking, organ trafficking and child camel jockeys have been traditionally ignored globally (Limoncelli, 2016:322). This is problematic as more attention is paid and narrated to sexual exploitation of females, when looking at the root causes, trends and

counter-human trafficking initiatives. Friman and Reich (2005) indicate that the public, government, political leaders, feminists and NGOs pay sexual trafficking more attention because its implications are more appealing, and it is also easier to identify as compared to other forms of human trafficking like organ harvesting and sweatshop employees. This is because the exploitation, violation and abuse of women's rights are taken more seriously than that of men.

Fick (2008 cited in Van der Watt 2018), explain that through the power of gender roles within the South African society, men find it much more difficult to open up or discuss issues of violation, exploitation and/or any crimes, especially if they have been committed by females. For example, Emser (2013:100) says that men are regarded as "strong, powerful beings". Furthermore, Ellemers (2018: 278) indicates that if these types of gender stereotypes are disconfirmed, the person tends to be "devalued" in society as they are not regarded an accurate representation of their gender group due to stereotypical expectations. Therefore, if the narrative is skewed by excluding victims (particularly the trafficking of male victims), it makes reporting the crime a difficult task. In this case, it is therefore perceived by many that women and girls are the only victims of sexual trafficking and these perceptions are saturated by ideological tensions among preservationist<sup>2</sup> and approaches of human trafficking and prostitution in South Africa (Van der Watt, 2018:6). However, this does not mean that implementing agencies are necessarily sensitised to the needs of victims in the sex industry. There are documented reports of victims of sex trafficking being treated like criminals (engaging in prostitution) and a public nuisance and thus ending up back within the cycle of abuse, tearing any hope of justice away (US TIP Report 2018; Van der Watt 2018). Statistics from US TIP Report (2018) women, men and children are victims of sex trafficking. Similarly, Emser and Francis (2017) said that the NGOs maintain a gendered language within the context of human trafficking for the same reason, especially in the way the counter-human trafficking initiatives are shaped and the manner in which awareness is raised. To further add, Grundell (2015) explain:

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<sup>2</sup> Preservationists, as Van der Watt (2018:92) explains, is a philosophical approach used in understanding prostitution and sex work. Van der Watt (2018:92) cites Bonthuys (2012:13), Fick (2006:17) and Gould (2006:21) to define preservationists as those who advocate sex work as a legitimate form of employment and holding the premise that women's rights will be observed and protected if prostitution is decriminalised.

“In using gendered and racialised notions of ‘victims ’and ‘criminals’, current anti-trafficking discourses locate responsibility in the unscrupulous practices of certain individuals, or in terrible cultural and economic conditions originating most commonly outside of the West.”

Moreover, Van der Watt (2015), further added that human trafficking is oxygenated through the trade of sex and drugs within South Africa as well as the misunderstanding of human trafficking, which is often understood under different terms, like discussed in the aforementioned paragraph. These terms make reference to include assault, domestic violence, kidnapping, abduction, civil and labour disputes. Therefore, awareness needs to be raised on the conceptual understanding of human trafficking to effectively influence a reliable narrative on the crime. UNESCO (2012:20) therefore also notes that upcoming research on human trafficking needs to pay close attention to the forced labour sector as well as direct concern toward men and boys as well. Similarly, Kamler (2012:23) and Emser (2013:20) also highlight the same gap in the narrative of human trafficking of which young boys and men are not being considered or narrated as important. Much like how, Emser (2013:7), explains that even though there is a plethora of research available on human trafficking itself, the literature still largely neglects how actors involved in combatting human trafficking have influenced discursive narrative locally and internationally. Emser (2013:13), UNESCO (2012:17) and Van der Watt (2015), all emphasize that South Africa lacks statistical data in terms of human trafficking, especially on a national level. As a result, there is limited understanding of the crime and finding adequate prevention strategies based on these ‘guesstimates’ has proven difficult (Van der Watt, 2015).

### 2.3 Implementation and compliance

Globally, many countries have committed toward enacting human trafficking legislation nationally, so as to address modern day slavery (Richter, 2010:12). Germany, the United States of America and other western countries maintain extensive counter-human trafficking legislation in place (Richter, 2010:12). Furthermore, Skillen and Brussels (2016:4) states that international bodies like Interpol, international law enforcement and other state governments, celebrities, NGOs, IGOs like UNODC and ILO are working against the crime. Skillen and Brussels (2016:4) explains further that even though other actors and bodies have joined together toward combatting human trafficking, the most common of all are the NGOs.

In Africa, however, UNESCO (2012:7) highlighted that the area of effective implementation of legislation still remains slow and vague with the exhibition of neglect and apathy of the

subject. While South Africa signed the Palermo Protocol in 2000, a protracted process ensued in harmonising domestic legislation. Comprehensive, holistic legislation in the form of the Prevention and Combating of Trafficking in Persons Act 7 of 2013 only came into operation in 2015.

However, in the meantime, the Tsireledzani Programme was formulated by the South African government during this interim phase as an attempt to combat human trafficking. The European Commission funded the programme and it involved civil society actors, government departments and international organisations while being headed by the National Prosecuting Authority (Emser, 2013:205). As a result, Emser and Francis (2017:195) indicated that the adoption of the Tsireledzani programme in 2009 provided a blueprint for counter-human trafficking initiatives as it was formed to ensure national compliance with the Palermo Protocol.

Additionally, in 2013, the first comprehensive legislation on human trafficking in South Africa was signed by former President Jacob Zuma. This legislation is the Prevention and Combatting of Trafficking in Persons Act (PACOTIP) and despite being signed in 2013, its legislation only came into effect in 2015 (Goitom, 2016). The PACOTIP Act, provides a broad definition on what constitutes human trafficking and “criminalises various acts that constitute or relate to trafficking in persons and imposes harsh penalties for violators” (Goitom, 2016). Additionally, the Act also ensures that adequate support and services are provided for foreign victims of trafficking in South Africa, all of which are in compliance with the obligation of the Palermo Protocol.

However, even though research by UNESCO (2012) mentioned that counter-human trafficking policies and framework within South Africa were adequate, Emser and Francis (2017:192) and Goitom (2016), disagree with this, explaining that while South Africa has operational legislation, it lacked a national policy framework against human trafficking. Goitom (2016) goes on to further explain that the anti-trafficking laws in South Africa were “fragmented and limited in scope” before the implementation of the PACOTIP in 2015.

The National Policy Framework was only drafted and tabled in 2019, demonstrating a protracted process in implementing and holding relevant role-players accountable. Furthermore, the NPF aims at ensuring that South Africa complies with all obligations under the Palermo Protocol. A number of authors contend that a lack of communication between

leadership on national and provisional levels, lack of resources and corruption amongst law enforcement personnel has resulted in policies and legislation not operating at its optimum (Emser and Francis, 2017:192; Van der Watt, 2018:386; and United States Trafficking in Persons Report, 2018).

Such issues have resulted in the downgrading of South Africa in term of the US compliance mechanism, the US TIP Report. According to the annual US TIP Report (2018), South Africa maintained a Tier 2 ranking in 2004. It was then downgraded to the Tier 2 watch list from 2005 to 2008 and then progressed back to Tier 2 from 2009 until 2017. However, despite the rapid growth of human trafficking and the attempt to combat human trafficking, the US TIP report (2018) downgraded South Africa from tier 2 to tier 2-watch list, highlighting that the crime is intensifying. This downgrade according to the US TIP Report (2018) was as a result of the lack of efforts and allocated funding by the South African government toward counter human trafficking after two consecutive years. Furthermore, the US TIP Report (2018) highlights that the counter-human trafficking NGOs also reported the lack of training amongst the officials and role players in dealing with the prevention of human trafficking as well as the protection of victims, within the South African context. The reluctant efforts of stamping out corruption in attempt to address human trafficking also make up part of the reason for the downgrade.

In response to the downgrade and to the presence of human trafficking, along with other factors associated with human trafficking such as prostitution, drugs, and many other criminal and illegal activities, South Africans have aired their anger and frustration. Van der Watt (2018:6) uses the incidents from Krugersdorp, Rosettenville, Rustenburg and Mamelodi to illustrate current times when South Africans turned to public violence to demonstrate their feelings of anger about the downgrade for human life within the society. Thus, demanding strong and effective initiatives in South Africa to address and combat human trafficking.

#### 2.4 Some insights into counter-human trafficking initiatives in South Africa

The first counter-human trafficking initiatives that South Africa has been a part of can be traced back to August 1996, at the First World Congress against the Commercial Sexual Exploitation of Children (CSEC). Following that, in 2001, Archbishop Desmond Tutu along with Graça Machel represented South Africa in the Terres des Hommes International Campaign against Child Trafficking. Accordingly, as documented in UNODC (2014), these counter-human trafficking initiatives were able to highlight some of the causes of human trafficking.

Limoncelli (2016:317) indicates that number of non-state actors, particularly NGOs have multiplied globally over recent years in attempt to address human trafficking. Emser and Francis (2017:190) also note that there have been plenty of responses by non-state and state actors to human trafficking as it is regarded as one of the most critical social problems facing 21<sup>st</sup> century. However, despite numerous counter-human trafficking initiatives, the globe is still grappling with the high rate of human trafficking world-wide.

For example, in 2003, the Human Trafficking Desk was established and formed part of the Organised Crime Unit within the South African Police Services (Goitom, 2016). The aim of the desk was to provide training to those working within the field of investigating human trafficking cases as well as coordinating initiatives to address human trafficking in South Africa while also analyzing and reporting on the effectiveness of these attempt say the Organised Crime Unit.

Emser and Francis (2017:190) further discuss that, special task teams have been set up as another attempt to address human trafficking as the responsibility to prevent and combat human trafficking has been devolved onto them. Among the first task teams, as indicated by Emser and Francis (2017:191), was the KwaZulu-Natal Human Trafficking, Harmful Traditional Practices, Prostitution, Pornography and Brothels Task Team which was formed in 2008. Furthermore, Emser and Francis (2017: 192) indicated that the task teams were extremely helpful and “formed the backbone of the South African counter-trafficking system.”

The national and provincial task teams, according to Emser and Francis (2017:191), were deemed successful in terms of emulating the '4P model', namely prevention, prosecution, protection and partnership, to combat human trafficking in South Africa. For example, Emser and Francis (2017:196) outline that: “one of the core functions of the KZN task team is to prevent cases of human trafficking through education, training of key government role players and awareness-raising. This is achieved through primary level prevention strategies.” This, however, did not stop further attempts aimed at combatting human trafficking.

Hamman (2011:13) discusses Tzireledzani which was established in 2009, as the programme in South Africa which was aimed at addressing and combatting human trafficking through prevention and protection strategies. Emser (2013:7) further indicated that the programme was enacted to comply with the legal and international obligations of the Palermo Protocol, which was headed by the National Prosecuting Authority.

Soon after, as explained earlier in this chapter, the PACOTIP that was implemented in 2015 made attempts to formulate counter-trafficking initiatives like victim support. For example, Goitom (2016) indicated that the Act made provisions that: “adult victims of trafficking are entitled to access various programs offered by accredited organizations, including counselling programs and programs aimed at reintegration of victims to their families and communities.” These accredited organizations that Goitom (2016) refers are understood to be the NGOs which work alongside the government to combat human trafficking. This has been indicated by Emser and Francis (2017: 198) for example, the researchers explain: “support services have been devolved to NGOs which provide shelter accommodation and psycho-social services (rehabilitation and reintegration programmes). Therefore, the contribution by counter-human trafficking NGOs represent informal governance structures within the South African context, while the government continues to develop initiatives which operate within the legal obligations of the Palermo Protocol.

The South African government has been involved in bilateral and multilateral attempts within the international relations arena to address and combat human trafficking. Despite the presence of these counter-human trafficking initiatives in South Africa, their effectiveness is still left open for discussion (Emser, 2013:28). This has been seen particularly in the past decade due to the lack of consistency and continuity of effective implementation and improvement of policies to combat human trafficking. Additionally, UNODC (2016) discuss that prosecutors and law enforcement officials as well as other actors like NGOs, lack the required training or skills to utilize the counter-human trafficking policies. Other factors like resource scarcity and lack of political will by the South African government, uneven enforcement of anti-trafficking laws and the challenge of identifying victims, has limited the efficiency of such initiatives (Emser 2013; Emser & Francis, 2017; UNESCO, 2012:3). Therefore, Emser (2013:7) explains that there is an active involvement by counter-human trafficking NGOs and their power within South African governmental structures is reflected by their composition within both provincial and national task teams.

## 2.5 Power, Human Trafficking and NGOs

NGOs, as discussed in chapter 1 can be understood as independent entities representing specific interest groups like children, women, migrant workers or victims of trafficking, which operate with the core movements of ‘self-organisation’. In other words, they have the ability to

mobilise communities for the purpose of advancing their interests through various programs like the protection and advocacy of trafficked victims' rights, through awareness raising programmes. This, therefore, expands on their roles to address democratisation, social justice, human rights as well as labour and education rights. Dar (2014:1) therefore explains that the contribution of NGOs in the democratization process helps improve the way justice is served on both a national and international level-demonstrating the impact of NGOs. Hahn (2010:7) further notes that there is a correlation between the impact of power and NGOs. According to Dahl (1961) cited in Shodhganga (n.d.), power within a community is exercised by some individuals while others are denied the ability to do what they want to do. Dahl (1961) further adds that resources only carry potential power but cannot be equated to the power within the decision-making framework. In other words, resources are an important determinant of power but only potential power and not determinant of the complete degree of power.

Bluemel (2005) cited in Hahn (2010:8) further states that the role of NGOs in counter-human trafficking is always painted to be of good values, morals and being a representation of the trafficked/vulnerable population. Therefore, Sikkink et al. (2005) cited in Hahn (2010) argues that by being a representation to these groups of people, they "bring into international institutions perspectives from people affected by international policies and projects, but normally excluded from global or national policy making." Contrary to this argument, Fernandez-Aballi (2016:363) discussed that based on the literature available on NGOs, results skew toward them being regarded as unaccountable actors, existing with questionable legitimacy. Similarly, recent work by Wilson (2013:90) on the analysis of NGOs and the role of government on human trafficking, discusses that power plays a major role. He defines power to be one of the driving forces of human trafficking. For example, traffickers use economic power as a tactic to attract victims by falsely promising them better life opportunities.

Despite the many attempts to combat human trafficking by anti-human trafficking NGOs, Kamler (2012:3) notes that these NGOs are still viewed in a negative light and are facing a 'crisis of identity', restricting the advancement of anti-trafficking policies. Kamler (2012:5) elaborates that this crisis of identity is due the lack of trust in the narrative given by the NGOs based on the negative associations carried by them. Kamler (2012:2) uses the example of the narrative of the role of NGOs and their image being skewed toward reinforcing themselves as an NGO. These narratives are used to explain the great work and successive cases they have been involved in. Their involvement was sometimes not existent but publicised for greater



attention and status from government and civilians. Kamler (2012:4) further highlighted that factors such as the power and influence by the West power blocs are what impacts such narratives. Barner, Okech and Camp (2014:148) explain this through claiming that social and economic inequalities within the world create a system where those with power take advantage of those without power.

The skewed narrative therefore produces unequal power relations between Western and non-Western NGOs (Kamler, 2012:14). Kamler's (2012) research focuses on the narrative provided by counter-human trafficking NGOs in Thailand based on their interaction and cultural values. This gives relevance for such a study to be undertaken within the South African context. This research explains the role such NGOs play and therefore why their role is disputed by many researchers.

However, Hahn (2010:8) attests to an imbalance found across NGOs as a result of the fight for power within and among the organisations. This struggle, according to Hahn (2010:8), stems from the NGOs not being government funded, thus needing to be self-funded which is posed as being problematic. This may in turn lead to the fabrication of stories and cases emerging to gain greater 'publicity' and support from other stakeholders for financial aid. Additionally, the conflict inevitably has a ripple effect, creating a negative tone and image toward counter-human trafficking NGOs. For example, Moore (2015) gives a detailed account of how NGOs within the United States now face trust issues by the public due to the many incidents of false claims about involvement in trafficking cases just for funding. Amongst the many examples, Moore (2015) speaks about:

Rescue Children from Human Trafficking Foundation in California, was discovered in July 2014 to be headed by Lady Katerine Nastopka, formerly known as Lady Catarina Toumei, a con artist who claimed to be a member of the Guggenheim family and European royalty before she was forced to defend to a San Diego news crew that her organization had helped two girls escape trafficking.

Thus highlighting that some NGOs are facing issues of transparency, while abusing their power for personal and monetary gain as illustrated in the aforementioned example. Even though Hahn (2010:8) and Lister (n.d) attempt to draw the relationship between power and NGOs with relation to counter-human trafficking, it has been left out by many researchers. This therefore poses a major gap in the literature and as a result made the collection of data for this research difficult.

For example, the preventative role of counter-human trafficking NGOs through awareness-raising has been disputed in the literature as Sharapov, Hoff and Gerasimov (2019) explain that awareness-raising and provision of information is a major tool in the arsenal of prevention strategies of human trafficking. However, even though potential victims could be aware or educated on human trafficking and its human rights violations, they may lack the ability through external forces like power, to act accordingly to get out of the cycle.

Valarmathi and Ramesh (2017:3) also discuss the role of NGOs in combatting human trafficking. Using India as a case study, Valarmathi and Ramesh (2017:3) explained that the primary role of these types of NGOs are to provide programmes and take relative measures in providing service to uplift and protect vulnerable groups of society against human rights violations. The programme or service needs to provide rehabilitation to in the physical, mental and emotional recovery from trauma.

This is particularly important to break the vicious circle of abuse. According to Valarmathi and Ramesh (2017:4), often women who have been trafficked have been damaged emotionally and physically to an extent in which they return to perpetrators as a means of escaping victimization, thereby putting a further number of victims through the crime. Therefore, the role of counter human trafficking NGOs is extended to rehabilitating, rescuing, protecting, and assisting with legal proceedings for human trafficked victims and possible victims.

Moreover, counter-human trafficking NGOs have adopted a variety of methods in attempt to combat human trafficking. These roles can be understood under preventative, protective, assisting in prosecution and partnerships. The roles of these NGOs are somewhat similar to each other but may slightly differ based on the type of NGO it is and also based on the availability of its resources. As such, Fernandez-Aballi (2016:365) states that it is important to analyse structures within contexts in order to adequately complex realities. These structures include power, culture and dialogic.

In an IOM report (2014) on the constituency of human trafficking, the power of cultural practices was highlighted — particularly allowing women and young girls to be forced into marriage or sexual servitude.

Additionally, Msuya (2017: 2) discusses the power of cultural practices, structures and traditional misconceptions on the African continent to be one of the underlying root causes of human trafficking. Msuya (2017:1) further explains that these harmful practices that push

women into ritual servitude form grounds that perpetuate human trafficking. As such, women are more susceptible and vulnerable to human trafficking on the continent of Africa.

Girls as young as 12 years of age can be forced into marriage through the practice of “ukuthwala” (Msuya 2017; Zani 2010). This tradition, according to UNESCO (2012:10) is still practiced in Southern Africa, in remote areas like in certain villages in the Western and Eastern Cape. UNESCO (2012:10) claims that, as a result, this cultural practice leaves girls vulnerable to sex trafficking and forced labour by their ‘grooms’.

Even though UNESCO (2012:11) and Van der Watt (2017:165) discuss the power of cultural practices like ‘ukuthwala’, these are not necessarily the only root cause of trafficking in South Africa. Other harmful traditional practices like ‘juju’ are included in the research by Van der Watt but not, however, in the UNESCO (2012). Msuya (2017:17) also covers ‘juju’ in her research as the cultural rituals of using human body parts and organs as a pull factor toward the crime. This ritual, however, is not as gender-based like ‘ukuthwala’ is and is an example of how boys and men also become possible victims of the crime of trafficking. ‘Juju’ incorporates rituals where victims are coerced into taking oaths that enslave victims to their traffickers and the spirit world (Msuya 2017:17). Juju is used on both males and females as a control device. The oath swearing ritual of ‘juju’ is used by some West African syndicates to control women who have been lured into the sex trade through false job promises and travel opportunities (Msuya, 2017:17). The victims are also held in debt bondage as result. Additionally, the practice of ‘juju’ makes victims more compliant and makes it difficult to implement adequate prevention and protection strategies.

While considering the power of culture on human trafficking and its impact on counter-human trafficking initiatives in South Africa, researchers also looked at the power of hegemonic narratives on human trafficking. For example, Grundell (2015) outlines: “all hegemonic narratives understand trafficking to be an epiphenomenon of irregular migration, in opposition to legally approved modes of migration.” The Global Report on Trafficking in Persons (2016:1) stipulated that urban migration numbers have intensified by a large factor, similar to what was witnessed during World War II. As such, the report further noted that through an increase in displacements and migration, many women, men and young children are vulnerable to exploitation through traffickers and smugglers. Therefore, there needs to be a greater response within international relations to address human trafficking. Furthermore, Grundell (2015) indicates that this is problematic because migration has legal and illegal elements to it, for

example, a victim can migrate legally through illegal activities like bribes. Therefore, the narrative provided by hegemonic actors are important.

In addition, Kamler (2012:2) and Wilson (2013:90) also discuss the power of narrative with regard to the coverage of human trafficking in a global and local sense. Kamler (2012:2) discusses the way in which human trafficking is narrated through NGOs. She highlights that NGOs do not narrate an accurate and neutral narrative – instead the narrative is skewed toward women and sex trafficking rather than human trafficking as a whole. This, according to Kamler (2012:7), is because of the power of culture and narrative, which has directed society's understanding of human trafficking. This understanding is centred on the stereotype of women being regarded as “second class citizen status” in most African countries, stripping females of any form of power within society (Msuya, 2017:4).

Similarly, Fernandez-Aballi (2016:364) highlighted that the advocacy and characterization of NGOs are based on how discursive power is either used or abused within their practice. Firstly, as Emser (2013:149) identified that the voices of victims as being lost within the discourse. This is because the brutal reality and stories of the trafficked are told as stereotypical portrayals of victimisation through third parties like NGOs. To expand on this, Van der Watt (2018:8) refers to the ideological tensions that exists between preservationists and abolitionists in attempt to understand the phenomenon of human trafficking and to also counter act human trafficking in South Africa. Van der Watt (2018:6) further explains that preservationists advocate the decriminalization of sex trade and diminish estimations on the crime. Whereas the abolitionists will exaggerate and sensationalize the crime, causing more chaos and panic on the crime. As a result, evidence and cases within the NGOs are understood and utilised based on their ideological perspective and anticipated outcome (Van der Watt, 2018:7). Thus, forming part of the discursive power maintained by some of the NGOs based on their perspective in terms of abolitionists versus preservationists, which will be examined in terms of their contribution toward narratives. This resultantly impacts the way in which human trafficking in South Africa is understood, who are understood to be the victims, who are the target or vulnerable groups of the crime and what can be done about the crime. Once this is established, understanding the roles of counter-human trafficking NGOs and the factors which impact their role, becomes a lot easier.

Skillen and Brussels (2016:5) also discusses the role of NGOs dealing with human trafficking in persons. Tzvetkova (2002:60) as well as Skillen and Brussels (2016:5) also discuss the

reason for examining the role of counter-human trafficking NGOs in terms of their importance and unlike other research within the literature. Skillen and Brussels (2016) does not criticise or discuss the negative connotations carried by NGOs. Additionally, this research will discuss these negative connotations and conclude if they were an accurate representation of these non-state actors or not. However, Skillen and Brussels (2016:5) further explains that as recipients of public aid and funding, counter-human trafficking NGOs are highly capable of addressing human trafficking related issues that are often regarded as limitations of state governments. This is possible, because of the international flexible operations of their organisations compared to government agencies and departments within the government. Despite the capacity and potential of counter-human trafficking NGOs, Skillen and Brussels (2016:6) explained that, “NGOs are not part of sovereign power systems, and do not have the powers associated with national law enforcement.” This is therefore the reason Van der Watt (2018:12) explained that there needs to be an advancement and efficient elevation in the South African criminal justice system for human trafficking to be tackled adequately. This also indicates that law enforcement is not the role of anti-trafficking NGOs.

Emser and Francis (2017:194) also explain that the role of these counter-human trafficking NGOs is to identify and fill up the gaps within the literature produced by counter-human trafficking practitioners through advocacy and networking. Brosowki (2018:3) however, explained, that these counter-human trafficking organisations put most of their efforts in raising awareness on the crime, however, they provide valuable contributions toward finding adaptive solutions and developing constructive policies and therefore should not be removed from the process of countering human trafficking. Holding such effective partnerships also highlights the expertise, competence and knowledge possessed by counter-human trafficking NGOs. This therefore makes the sharing of knowledge easier and also assists in generating finer details on the crime. However, Emser (2013:10) says that even though such partnerships enable information sharing and helps to improve political power within South Africa, they do not eliminate tensions of co-operation and co-ordination on a transnational level. The role of discursive power and NGOs in counter-human trafficking is aimed at being attained through this research so that there could be more stringent prevention strategies, advanced protection, better forms of legislation, additional resources in aid of victims and a resulting drop in the human trafficking rate. Merilainen and Vos (2015:19) note that power positions are competed for by NGOs in an attempt to advocate their own framework in dealing with the most salient human rights violation practice in the current period.

According to Barner, Okech and Camp (2014:154) social inequality, economic insecurity and poverty are the main challenges that prevent counter-human trafficking NGOs from achieving success in efficiently combatting human trafficking. This is because these social problems are directly linked toward the level of social welfare, services provision and delay in implementing relevant policies.

Lastly, OSCE (2018:11) identified NGOs as critical role players who channel their work through service provisions, policy make engagements, advocacy efforts and networking arrangements toward combatting human trafficking. As such, these NGOs require assistance by the state in addressing and alleviating much of the daily challenges they encounter. As a result, the following research will rectify the one-sided focus of power in culture only and try and cover the role of power on a much broader scale with a greater focus on political and discursive power.

## 2.7 Conclusion

Human trafficking is a crucial issue affecting South Africa and the globe. Even though there is research being done to understand the magnitude of trafficking, the literature illustrates the inaccuracy of these statistics because there are insufficient attempts being made in protecting victims against human trafficking. Additionally, the protection of victims of trafficking and vulnerable groups of society, has been recognised as a major role being played by counter-human trafficking NGOs in South Africa. The role of protection is expanded on by entering into partnerships with corporates in getting victims a suitable job and reintegrating them into society.

NGOs are not new to global politics but have recently received an increase in attention by academic researchers in respect to being regarded as significant players in international affairs. However, despite the increase of literature and attention on them, their roles as non-state actors still remain very unclear. As Kamler (2016:34) expressed that NGOs cannot end human trafficking on their own. Instead, they will have to use their discursive power toward challenging the people who hold power.

In the next chapter, the conceptual framework is used to guide this research. The conceptual framework will be discussed in detail while highlighting its applicability as well as its limitations. Furthermore, the following chapter goes on to discuss the methodology and research design used for the collection and analysis of data for the study.

## Chapter 3

### Conceptual Framework and Methodology

Human trafficking is a politicised and complex global phenomenon that involves exploitative experiences (Emser and Francis, 2017:190). South Africa and other states continue to grapple with the crime due to the lack of implementation and establishment of structures in combatting the crime. Kruger and Van der Watt (2017:71) further add that cheap and forced labour in the mining industry or through the ‘power’ of culture by means of forced marriages for example through ‘ukuthwala’ - fuels the crime. Further discussed by Kruger and Van der Watt (2017:73) there has been various other reasons for the crime like sexual exploitation and the increase of sex tourism in the three major cities in South Africa, namely; Durban, Johannesburg and Cape Town. Voodoo rituals and traditional practices have also been recognised as contributory factors to the increase of human trafficking within the country. NGOs and the role of discursive power on human trafficking in South Africa. This chapter will therefore be divided into two sections. The first aims to discuss the conceptual framework chosen for this dissertation, namely discursive power. This section will further explain the applicability of the concept in terms of how it is interwoven with the aims and objectives of the study. In addition to the conceptual framework, this chapter will also reveal the limitations of the study associated with the selected concept of discursive power but will also include the general limitations of the study. The chapter will further go on to discuss the methodology and research design methods selected for the study based on the conceptual framework that is being used in order for the data to be collected and analysed in a professionally academic manner.

According to Haynes (2004:247), many counter-human trafficking initiatives (by state and non-state actors) emerged both globally and within South Africa in attempt to combat the crime. As noted by Allais (2013:12), these initiatives were advocated by different states through three different models, the first model identified was of restoration and rehabilitation for the trafficked victims with an emphasis on the human rights approach following the emphasis on prosecution of human traffickers and relevant actors. The identification has been extended by combining the first two models mentioned to form 4P model: prevention, prosecution, protection and partnership. The 4P model is traditionally used in counter human trafficking governance in South Africa (Emser and Francis, 2017:206). As such, counter-

human trafficking NGOs also attempt to employ this strategy to form part of their role and this will be discussed in detail in chapter 4.

However, many other researchers from previous studies on the subject of human trafficking and NGOs like that of Ahmed and Seshu (2012), focus on international relations theories and Western studies rather than grounded research and conceptually guided frameworks in order to have an in-depth understanding of the crime and responses to combatting it. Meshelemiah and Lynch (2019) explain that there is an exhaustive list of international relations theories which can be applied to topics like human rights violations and human trafficking in order to develop policy and reasonable interventions toward combatting the crime. However, these theories are often prescriptive in nature and there is no particular general theory that can be utilized for the analysis (Emser, 2013:7). International relations theories tend to be state-centric and securitise migration and trafficking. Additionally, Kruger and Van der Watt (2017:71) citing Ikeora (2016:10) explain that even though there has been research in the field, there is still more to learn and unpack as traffickers continue to find means to exploit people. Therefore, using power as the conceptual framework will allow the analysis of the data to be something different compared to the use of a theory.

Additionally, Gajic-Veljanoski and Steward (2007:339), state that human trafficking is a complex issue and therefore can be researched from different aspects. Therefore, as a helpful conceptual tool for transnational problems like human trafficking, discursive power is appropriate since the role of NGOs in relation to the state is anatomized and is competitive in nature. Furthermore, utilising a conceptual framework provides an instrumental approach to complicated issues by being theoretically neutral and eliminating the misuse and misunderstanding of the concept (Guzzini, 2005:500).

However, Lister (n.d.:2) explains that the advancement in the interest of NGOs and human trafficking need to be guided and analysed through developing conceptual frameworks. Thus, enabling the ability to analyse the role of individuals and social, political and historical aspects which could assist in counter human trafficking in South Africa or could even prevent the combatting of the crime in South Africa. Furthermore, Pascoal (2017:8 citing Siegal 2015) explains that using theories which are dominated by feminists and mainly focuses on sex trafficking in order to support their ideological positions neglect the multifaceted dimensions of human trafficking.



Moreover, what was drawn from previous research like Emser (2013:37) and Meshelemiah and Lynch (2019) is that the complexity of human trafficking and the counter-human trafficking initiatives have too often been theorised through rigid lenses. Therefore, the following research utilises discursive power as a conceptual framework and tool to gain a more fluid, in-depth understanding of the complex phenomenon, making it easier to understand the role counter-human trafficking NGOs and discursive power play within the South African context. This will be unpacked further in the following section of this chapter.

### 3.1 Conceptual Framework

Guzzini (2005:500) explains that utilising a conceptual framework during research avoids misunderstanding of the prevailing concept and the incoherent usage of concepts by providing a descriptive and neutral meaning of the concept and issue. As a result, discursive was adopted as the conceptual framework for this study. Furthermore, the study of social sciences adopted a greater interest in power since the end of World War II. Since then, there has been a variety of views on what power is and how it can be understood. Power, according to Tzvetkova (2002), has many definitions and has different meanings across different contexts, much like the concept of human trafficking itself. However, for the purpose of the study, discursive power refers to the ability to mobilise information, energy and resources and to employ activities of influence in order for a preferred goal to be achieved (Omisor, 2014:164). According to Barnett and Duvall (2005:1) the concept of power has been central to the study within the international relations domain. This is because power itself is an everyday phenomenon that has been socialised due to the state-centric struggles for change and authority within states and societies which is set during revolutions and peak political transformations (Gaventa, 2003.). Haugaard (2011:2) therefore explains that the system of understanding that the sovereign exercises power over their subjects are premised far back to the world view of Hobbes. Thomas Hobbes and Machiavelli are regarded as classics on the theme of power. Thus, making discursive power an important conceptual framework in unpacking and understanding the topic in research as human trafficking is within the ambit of international relations.

According to Sadan (n.d.:34) the premise of Hobbes' causal thinking of power, is that all actors that make up the political community which include but are not limited to; society, community and state, function as unit in which power stems from. This power will therefore be the basis of all relationships within and among the state and relevant actors.

Gould (2008:49), discusses that fundamentally humans will make choices and decisions with the expected outcome of the most benefit to themselves in relation to others, thus highlighting human behaviour and action on a cost benefit basis with relation to power. Similarly, the relationship between human trafficking, counter-human trafficking NGOs and power can be understood as a symbiotic one. This is so, as explained by Lister (n.d.:5) because human trafficking is an organised crime which means the traffickers operate in syndicates and strong networks and NGOs are groups of people operating with the same goal, however, with the intention of protecting victims. As such, these relations are behavioural, meaning the actions of one is directly linked to the effect on other and therefore need to be analysed through power dynamics. Furthermore, the encapsulation of power, is understood as the result of social relations which has an effect on the way in which different actors shape their circumstances and fate (Barnett and Duvall 2005:2).

As a result, this study makes use of discursive power as the conceptual tool for this study. The concept of power has previously been used by researchers like Barnett and Duvall (2005:45) as well as Fernandez-Aballi (2016:363), who contributed that conceptualising power is central to understanding international issues like human trafficking as well as other international relations issues, thus making it appropriate to use for this study.

Social order is not always attained through state-centric power struggles and also forms part of Foucault's approach to power<sup>3</sup>. Due to the unequal power relations within society, Foucault (1991) explains that the understanding of social institutions, subjectivity, language, culture and power need to be examined in order for social institutions (like NGOs) to be examined. Therefore, highlighting that power itself is a form of conformity and social discipline. Haque (2002:417) explains further that this is important because there are continuous factors that are both internal and external that impact the reconfiguration of power between the state and NGOs. Omisore (2014:164) expounds that political interactions govern life within NGOs, highlighting that survival of the organisation is based on a political act, despite the fact that NGOs operate independently. As a result, the aim of these types of organisations is to obtain

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<sup>3</sup> Power Cube (n.d) cites Gaventa (2003) to explain that Foucault's approach to power is a positive, necessary, productive need in society and not just a repressive, negative coercive thing which makes us do something that we would not instinctively do.

and retain power of symbolic resources through control and different tactical measures, leading to an unequal balance of power (Haugaard, 2011:17).

Utilising discursive power as a conceptual tool and epistemological approach provides thus a platform from which the research can be conducted so that the objectives of the research can be attained. It allows the researcher to analyse the role of discursive power within human trafficking as well as its impact on the role of counter-human trafficking NGOs globally and within the South African context. In other words, the study of discursive power is important because it shifts attention away from sovereign and episodic power<sup>4</sup> and uses discursive power to look at administrative systems and social disciplines. The concept of power guides the study due to the contradictory and competing nature within NGOs and the crime of human trafficking itself as highlighted by Pinkus (1996) cited in Kamler (2012) and Omisore (2014:168).

Omisore (2014:170) further explains that power can manifest itself through various means like coercion which refers to the threat of sanctions or the application of punishment. The power of coercion may be used against or within anti-human trafficking NGOs but also by traffickers toward victims or law enforcers. Omisore (2014:170) also explained the use of power in legitimacy, referent power, rewards, expertise and political information. Power in legitimacy, can be understood as the tantamount of authority (Omisore, 2014:170). Additionally, referent power is understood to be more interpersonal than power in legitimacy. This is because this use of power is most often seen by leaders of charisma that are accorded through the reference of others. Furthermore, the use of rewards in power is used to enhance the outcomes or when the holder of power withholds something desirable. However, power used in expertise is when experts gain a status of accuracy because of their knowledge system. Therefore, their actions are not questioned. Lastly, Omisore (2014:170), added that the use of power in political information as certain actors within political sphere and government have access to information within organisations and within the government that are used for political motives or are used to their discretion.

Moreover, because NGOs are considered as advocates of affected or vulnerable populations in society, they do not pursue national interests. As a result, they are globally considered as a form of legitimised power (Iroanya, 2014:38). However, Allan and Hadden (2017:605) explain

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<sup>4</sup> Episodic power, according to Haugaard (2008:38) is explained by Hobbes in his conflictual circuit, highlighting that the exercise of power relevant to actor A and actor B form part of the “most visible and easily accessible circuit of power.”

that NGOs lack power when it comes to formal decision making. They have, however, influenced the outcomes of state policy and legislation due to the nature of advocacy through their campaigns. This is discussed in detail in chapters 4 and 5.

Therefore, among the many counter-human trafficking initiatives, the role of NGOs was researched because NGOs challenge conventional power (Hernandez and Rudolph, 2015:120). This power is challenged at a national and an international level, therefore, making NGOs, constructive role players within a state and at tackling the crime. Partnerships form an integral role.

Lister (n.d.) suggests that in order to gain a holistic understanding of partnerships, it is vital to understand the power dynamics within these relationships. Firstly, considering the nature of human trafficking, which is an organized crime involving syndicates, we are able to identify the first type of partnership, existing between traffickers. The second partnership to be addressed is the one held between the state and counter-human trafficking NGOs. As such, the most often quoted definition of power is that of Max Weber which defines power as the ability of one actor making another actor do something they would not ordinarily do, without the use of resistance. This definition, according to Haugaard (2011:2) is what has as the definition of power and the power paradigm used by Dahl. The only difference being that the discussion of power according to Dahl is found within the community while Weber indicates that it is found in the structures of organisations and communities. Lister (n.d.:21) citing Dahl (1957:53) defines a 4-power paradigm framework to understand and analyse the role of power on these relationships within the community:

The first element (as Lukes (1974), cited in Lister (n.d) has defined) makes reference to the *base of power*. This refers to their dependence on the sources among these partnerships. For example, in this context NGOs are financially dependent on the government and private organisations for their activities and campaigns they run. However, according to Rosenau (1998), cited in Martens (2002:280), NGOs should not exist in a place of being dependent on financial aid and/or assistance or even moral support from the government. Rosenau (1998), however, clarifies the point that it is not suggested that government should not make any contributions at all, but the NGOs should be able to exist independently without the assistance from the state. Therefore, financial assistance should be provided only in a limited sense. In addition, Martens (2002:281) explains that NGOs do not function with the aim of taking-over power from the government so that they are regarded as non-political groups. As such, they

depend on funding from sponsors and donors and are independent only to the extent allowed by this context.

The second element highlighted by Dahl (1957:53) is the *means of power*. This element refers to the way in which these entities, or in other words these counter human trafficking NGOs, make actual use of their resources. When looking at this context we are able to see how counter-human trafficking NGOs can manipulate their collection of data to improve their success and also their impact on policy development and change of legislation. Furthermore, Emser and Francis (2017:191) explain that due to the hierarchal patterns of power and decision making within government, the combatting of human trafficking in South Africa lags behind.

Dahl's third element that has been cited by Lister (n.d.:22) is the *scope of power* which is understood in how subject *A* can influence subject *B*. Within the context of the study we can use this element to identify the influence counter-human trafficking NGOs have in terms of combatting human trafficking in South Africa as well as their partnership and networking with government to effectively influence and formulate the developments of legislation and policy.

Dahl's final element is the *amount of power* which refers to *A* using its means of power to increase the likelihood of making *B* perform a certain action (Lister, n.d.:25). For this study, the element will be used to gauge the amounts of power exerted by the different role players and their relationships as well as the power exerted on victims of the crime. This would also be applicable in assessing the role of culture within the human trafficking discourse as we see that culture and cultural practices leave certain groups of people like women and children, susceptible to the crime. Furthermore, analysing the amount of power NGOs possess in combatting human trafficking will form part of an effective gauge in understanding the overall power NGOs have within the South African contexts.

However, despite the applicability and usefulness of the conceptualisation of power for this study, like all theories and concepts, it has some shortfalls and limitations. These include negative results being achieved when the concept consists of incomplete knowledge or when the researcher may encounter any misunderstanding of the data; this is because there's an unguided approach within the concept. This is particularly so, as the concept of power has no definite or exact definition (Barnett & Duvall, 2011:49), like addressed earlier in the chapter, power has so many definitions by different thinkers and philosophers. Using power as the

conceptual framework, however, still provides a platform for a qualitative research design and a guideline for the analysis of the collected data.

### 3.2 Methodology

A qualitative research design was used for the study as it is based and guided by discursive power as the conceptual framework so that the research objectives are substantially met. Qualitative research utilises a research design with the implication of gaining direct understanding of human experiences as they are 'felt,' 'undergone' or lived (Nabo 2013:73 citing Sherman and Webb n.d.). This is relevant to the qualitative research paradigm as discussed by Fouche and Schurink (2011:308) cited in Van der Watt (2018:111) with the explanation that researchers who make use of a qualitative research design are concerned about the understanding of the research problem rather than the explanation of it. This therefore helps in addressing the research aim of understanding the role of discursive power and counter-human trafficking NGOs in South Africa.

Additionally, like Blacker (2009:93) discussed, using a qualitative study enhances the comprehension of a difficult phenomenon such as human trafficking due to its transnational nature and it provides an understanding of human behaviour and the reasons behind their behaviour. As a result, using the qualitative research method to guide the desktop analysis as well as the interviews<sup>5</sup> for this study, contributes toward a greater understanding and awareness within the human trafficking research field.

Furthermore, semi-structured interview questions allow for qualitative data to be collected as it contains open-ended and close ended questions which requires the respondents to explain and discuss their responses (B2B International, 2015). These semi-structured interview questions were administered through qualitative face-to-face and telephonic interviews as well as a desktop study was employed for this research. Based on the nature and objective of the study, an extensive desktop literature study was undertaken in addition to the structured interviews with semi-structured interview questions so that the issue of human trafficking could be extensively conceptualized with a deep understanding of the impact of discursive power. Which also then allowed validity of responses when analysed against existing literature.

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<sup>5</sup> Easwaramoorthy and Zarinpoush (2006) discuss interviews to be the collection or gathering of data through conversation.

Therefore, making use of both primary and secondary data. Crossman (2019) describes primary data to be data that has been collected by the researcher for the specific study while secondary data refers to data that has been collected and published by other researchers. As a result, the following research is exploratory in nature. An exploratory research study, “is the process of investigating a problem that has not been studied or thoroughly investigated in the past” (FormPlus, 2019). Exploratory research often does not lead to conclusive results but is used to gain better insight and familiarity into an existing phenomenon and the results of the research is used to find other issues related to the researched topic.

*Sample population:*

The interviews were administered to anti-human trafficking NGOs in order to understand the role of these organisations. The NGOs were selected and recruited randomly from the National Freedom Network and were from different cities and parts of South Africa. The National Freedom Network exists as the gate keeper for this study as it operates as the only National Network of role players and stakeholders that is South African specific, in addressing human trafficking. The National Freedom network represents 51 anti-human trafficking organisations and offer many services, projects and initiatives to help raise awareness on human trafficking. As such the Network exists as an umbrella body with vetted NGOs affiliated to it in order to share information, exchange resources and formulate professional relationships within the field.

*Sample size:*

Van der Watt (2019:122) emphasizes that it is not feasible to conduct a study of the entire population due to limitations like time, costs and accessibility. As such, the research sample needs to be a representation of the relevant units in order for data to be generate. Therefore, a total of ten (10) participants were recruited for the study. However, there were only nine (9) successful responses. Due to the initial lack of responses from the participants that were recruited from the National Freedom Network (who also served as the official gatekeeper for this study), a snowball sampling method was employed to recruit a few other respondents due to the initial selected respondents showing no interest. Snowball sampling, as explained by Naderifar et al. (2017:2), is a method of collecting data in which the researcher usually draws out a few samples through simple random sampling then asks the respondents if they know of participant relevant to the topic of study. Naderifar et al. (2017) also explains that snowball

sampling method enables better communication between the researcher and respondent as they may be acquaintances with the initial samples that have referred them. This method was therefore appropriate for the study as some of the initial recruited participants who did not want to participate gave reasoning of them being extremely busy with other activities related to human trafficking awareness and one (1) other explained that the NGO was interviewed too many times with no assistance from researchers once the interviews or studies were complete. Moreover, to avoid biases, the responses were not limited to any specific type of counter human trafficking NGO, nor any specific location.

#### *Data Collection:*

Data collection, according to Kabir (2016:202) refers to the process of gathering and collecting information in a systematic manner which assists the researcher to test hypotheses, evaluate relevant outcomes and answer research questions. As such, all respondents who participated in this research was provided anonymity and confidentiality of their responses due to the ethical considerations of research. According to Bryman and Bell (2007) the following ten points represent the most important principles related to ethical considerations in dissertations:

1. “Research participants should not be subjected to harm in any ways whatsoever.
2. Respect for the dignity of research participants should be prioritised.
3. Full consent should be obtained from the participants prior to the study.
4. The protection of the privacy of research participants has to be ensured.
5. Adequate level of confidentiality of the research data should be ensured.
6. Anonymity of individuals and organisations participating in the research has to be ensured.
7. Any deception or exaggeration about the aims and objectives of the research must be avoided.
8. Affiliations in any forms, sources of funding, as well as any possible conflicts of interests have to be declared.
9. Any type of communication in relation to the research should be done with honesty and transparency.
10. Any type of misleading information, as well as representation of primary data findings in a biased way must be avoided.”

Based on the aforementioned principles of ethical considerations, the respondents therefore, could not be mentioned by their actual name as NGOs. The responses were not a representation of the person/s who were interviewed but rather a response and representation of the organisation that the respondent was from. Therefore, they were coded from A-I and were referred to as “Respondent A or B, etc.” A table indicating the Respondent against the type of NGO and method of interviewing has been provided in Addendum 2. This is to gain a better



understanding on the type of NGO and their role in counter-human trafficking in South Africa, yet their profiles still remain anonymous.

Respondents were further advised that their participation was completely voluntary, and they could skip any questions or stop participating in the interview at any given time. All of this was clearly stated on an informed consent document that was signed by every participant before the interviews took place, in alignment with the principles of ethical considerations which were discussed earlier in this chapter. The data collected through the interviews was used to enhance the data from the literature and was organised through thematic analysis. The interview questions were semi-structured and required personal and organisational experience narratives through face-to-face and telephonic or emailed responses.

Three face-to-face interviews took place with some NGOs within the Durban area, based on the availability of the participants; four telephonic interviews and two questionnaires were undertaken for those NGOs situated in other towns and provinces or those who were unavailable to accommodate or schedule a face-to-face interview. In addition to the first interview, a follow-up interview was scheduled as the data collected was insufficient for a detailed analysis to be drawn. All participants then responded to the follow-up questions via email.

For the telephonic and face-to-face interviews, the questions were administered to the respondents and notes were being taken down and two recording devices being used with the permission of the respondent, however, this was also disclosed in the informed consent that was signed by all the respondents. Furthermore, all emailed responses were backed up in the researcher's email account and on a storage cloud before being analyzed.

#### *Data Analysis Process:*

For this study, the research instruments utilised for the analysis were any valid documentation that contributed effectively toward the study through means of a thematic analysis as well as qualitative interviews. This study made use of thematic analysis as a systematic means to analyze the collected data so that the research questions and objectives for the study could be reached.

Nowell et al. (2017 cited Braun and Clark 2006) and King (2004) advocate that thematic analysis enables the researcher to understand the different perspectives of the data that is collected, revealing unexpected insights and drawing similarities and differences in the data.

Thematic analysis, as described by Herzog, Handke and Hitters (2019:304), is a type of qualitative analytical research, which uses methods of interpretation to describe and identify explicit and implicit ideas relative to the respective study. Nowell et al. (2017) further explain that thematic analysis allows for a detailed and rich but also complex account of data due to its flexible approach that can be used across many fields of study through its theoretical freedom. As a result, patterns within the data collected, relevant to the research questions and objectives were reported.

Thematic analysis, according to Creswell (2008:15) allows for the gathering of primary data from the responses of the qualitative interviews and secondary sources like documents, newspaper articles, books and journals. UNODC (2012) also advises that the source from which the data is being collected, in this case textual data like, policy documents, journals, books and dissertations, the researcher reads and analyses the selected sources well enough in order for there to be a clear understanding and 'feel' of it and not a merely the 'gist' of it. The data must then be assessed and coded across themes like period differences or the policies and legal frameworks under the ruling of different presidents as well as different factors of power like religion, culture and economic power.

Broadly speaking then, this study used data from various different publications and research, internationally like intergovernmental organisations such as the UNODC and GLO TIP reports. Within the focus of South Africa, the study also considered data from existing legislation and policy framework on the phenomenon, like the TIP Act as well as reports from experts within the field, research and publications from and within South Africa. The analysis of such documents will also improve on the validity of the research.

Caufield (2019) explained that the step after the data collection would be the need for the researcher to familiarize themselves with the data. To start, the researcher first coded the responses to provide confidentiality to the responses and then replayed all recordings and printed all the responses to sort out the collected data. This therefore included transcribing the audio from the interviews, writing down important notes from the interviews and printing the data collected during the desktop analysis in order to get an overview of all the data that was collected.

Once the data collected was understood, the researcher then collated, colour-coded and highlighted the most important information to form themes that pertain to the research objectives. The same process was used for the raw data and the secondary data. According to Aronson (1994 cited in Nowell et al., 2017), themes are created by fragments or components of experiences or ideas together to form meaning that would otherwise be meaningless if looked at alone. Caufield (2019) explains that the step of coding data into themes makes the analysis of the data easier to understand and report on.

The researcher then used the coded broad data into more specific themes, explained further in this paragraph. The relevant themes selected for analysing the data was based upon the research aims and objectives in search of relevant answers to the research and interview questions mentioned. Therefore, for this study, the main theme throughout the dissertation looked at the role counter-human trafficking NGOs had to play within South Africa. The following broad themes were coded and analysed:

- Anti-human trafficking role players: NGOs
- Types of anti-human trafficking activities
- Legal and policy framework: Prevention and Protection
- Efficacy of anti-human trafficking NGOs: funding, partnerships, social factors
- Influence of anti-human trafficking NGOs
- Power: Discursive

Furthermore, for a more specific approach, some of the data was analysed in subthemes so that the patterns within the data could be presented in a clearer manner. Therefore, the theme looking at policies and legal framework had the subtheme of prevention of trafficking in persons, due to the patterns that was found while coding the data. Additionally, the theme looking at the factors impacting the efficacy of the counter-trafficking NGOs further analysed the data under subthemes of funding, partnerships and social factors. General themes and patterns from the data collected were also discussed in the data analysis chapter.

Once these themes were identified, the researcher used them as headings and sub-headings to analyze the data under these themes while justifying it with secondary desktop data and literature to validate the findings with existing data. This appears in the data findings chapter

in this dissertation. Finally, after the completion of all of the steps and the final analysis, the data was concluded and the write up report in response to research questions and objectives are responded to is provided in the data findings chapter of this dissertation.

### 3.4 Validity of the Research Method

Van der Watt (2018:149) explains that in order to assess the accuracy of the data collected, validation of the data needs to take place. Thus, according to Patton (2002:117), thematic analysis and qualitative interviews produces accuracy and intricacy of the topic, however, the data requires a deep and extensive understanding by the researcher. This is because the researcher is given the opportunity of drawing links and patterns between various variables and concepts. To ensure reliability and validity of data collected, the data was triangulated<sup>6</sup> from different sources over different contexts, countries and organisations. With regard to the responses from the interviews, thereafter, it was cross examined against existing secondary data.

However, just like with any other research methods, Patton (2002:119), discussed that thematic analysis also comes with some limitations. This is based on the method's flexibility in terms which enables a broad spectrum of analytic options. Patton further reaffirmed that this may be a benefit however at the same time, a limitation. This is due to the broad spectrum of analytical options making the development of a particular guide for analysis a difficult task. This therefore leaves the researcher in a risk of paralysis when choosing the data that will be focused on throughout the study.

Additionally, Patton (2002:119) explained that if the thematic analysis is not anchored within the selected theoretical or conceptual framework in which the analytical claims are made, it limits the interpretative beyond mere description.

### 3.5 The Limitations of the Study

Limitations and strengths exist in all research. This is because the research is done through different methods with different perspectives and during different periods of time. The following research is therefore, limited in its methodology. Shaw (2001:10), argued that these

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<sup>6</sup> According to Marshall and Rossman (2011:252) triangulation of data refers to using more than one source of data in order to make a particular point and compare data to ensure data accuracy throughout the research.

limitations are based on the complexity of the human trafficking phenomenon, more reliable data will be attained through the use of a vigorous quantitative study. Goliath et.al (2015) further adds that there is lots of research exploring the descriptive nature of human trafficking and excluding the quantitative nature, thus limiting the study. This limitation, therefore, also exists within this research because of selecting a qualitative research design. Due to the poor response rate to participate in the research, a small sample size was used, however, the small sample size was also due to time and financial constraints of the study as a result, data collected was only from a small portion of counter-human trafficking NGOs in South Africa. Therefore, the findings from the data cannot be generalised but does give insight into the respective fields. Following the limitations caused by a small sample size, the response rate to the interviews were weak. Therefore, a larger scale research with the same research aims will effectively contribute toward improving the gap in literature on the role of discursive power and counter-human trafficking NGOs, while this research sheds light on the way forward in understanding the roles and work done by them. Furthermore, all the interviews were not conducted through the same means, as discussed in section 3.3, some were face-to-face while others were telephonic and emailed responses. As a result, what had been picked up was that the face-to-face interviews were much more in-depth and detailed while the telephonic and emailed responses were short and brief, and thus could not be ascribed the same weighting.

In conclusion to this chapter, NGOs maintain different agendas, there is a battle for power positions within their own frameworks on what constitutes to human rights violations - leaving their roles and effectiveness in reasonable doubt. Furthermore, it is becoming more evident that the power within counter-human trafficking NGOs are significantly increasing in relation to the government. Therefore, in terms of the misuse of power, particularly discursive and political power, previous research highlighted that states often use typical depictions of the crime in impoverished and developing areas to raise awareness. This power is also misused within governments and culture and sometimes even media. These intentions are often created with political aim or ideological composition by the government, blurring out the roles of non-state counter-human trafficking actors within the government (Schönhöfer, 2016). Therefore, Schönhöfer (2016) emphasizes that this form of power should not be overlooked as it plays a great role in policy development as well. As a result, this research is guided through a qualitative empirical research design and a conceptual framework of power. Participants were recruited through principles of simple random sampling from the National Freedom Network. Data collection methods are a combination of qualitative face-to-face interviews, telephonic

interviews and questionnaires for respondents not easily accessible. Collected data will be analysed through thematic analysis to gain a detailed understanding of the participants within their social world contexts and experiences.

In the next chapter, the data findings on human trafficking and NGOs will be analysed and discussed. It will also provide a detailed analysis of the role counter-human trafficking NGOs play within South Africa, the role discursive power plays in human trafficking and counter-human trafficking and how discursive power and NGOs counteract (or add to) human trafficking.

## Chapter 4

### Data Findings

Even though the phenomenon has been widely studied, there is still a lack of reliable data which would enable an in-depth analysis of the impact, scale and character of human-trafficking in the Southern African region, specifically in the context of counter-human trafficking efforts. This crisis can be linked to the role of power or lack thereof, in and between these NGOs. Counter-human trafficking initiatives, particularly by NGOs, are primarily prevention based, but also provide protection, assistance and rehabilitation to vulnerable groups and those who have been trafficked (IOM: 2004). However, these attempts by counter-human trafficking NGOs to effectively combat the crime, have been scrutinised globally. However, Smillie (1994) cited in Lister (n.d.:2) explains that the work by counter-human trafficking NGOs is viewed in a negative light in relation to what their appropriate roles should be. According to Brown (1990) cited in Lister (n.d.:2) their appropriate role should be directed toward capacity building activities and bridge building initiatives which focus on closing the gap between the different constituencies in order to be regarded effective. As a result, this chapter discusses the findings of the data in attempt to draw an understanding and analysis of the role of discursive power and NGOs in counter human trafficking in South Africa. The chapter also discusses the factors that impacts the efficacy of these NGOs.

South Africa is also a part of the Palermo Protocol<sup>7</sup> in which Article 6(3) gives the measures put into place by counter-human trafficking NGOs-to support victims, wherever possible. The term ‘wherever possible’ references the skills and expertise required to provide victim assistance, the ability to be trusted by the victims and to meet their needs. Consequently, it is vital to evaluate the role of these NGOs in order to enhance and complete our knowledge.

With regard to building trust with the victims of trafficking, OSCE (2018:49), asserts that NGOs and lawyers should advocate non-punishment provisions and strive to ensure that victims of trafficking do not encounter further penalties for their involvement in unlawful

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<sup>7</sup> According to UNODC (2016), the objective of the act is on maintaining policy and development strategies in combatting human trafficking like through section 42 which compels each member and parliament to report any suspicious behavior or leading information. Additionally, the act makes a provision for national policy frameworks toward achieving cooperation from subregional and trans regional networks and relations

activities, or for not having appropriate documentation, insofar as they have been compelled to do so due to the nature of human trafficking. This is much like how it is identified in Article 9 (1) of the Palermo Protocol.

#### 4.1. Role of NGOs in counter human trafficking in South Africa

Since the ratification of the Palermo Protocol, South Africa created the Trafficking in Persons Act (TIP Act) and has now more recently developed the National Policy Framework (NPF), in order to address the delineated roles amongst the different stakeholders in combatting and addressing the prevailing phenomenon. These stakeholders include but are not limited to: Provincial Task Teams, Rapid Response Teams, NGOs and civil society, traditional healers and academics. This ensures that government structures and civil society actors like NGOs are guided in their anti-human trafficking attempts as well as their responses and statutory responsibilities (PACOTIP NPF, 2019:10). This was therefore implemented with full participation, co-operation and co-ordination between the relevant stakeholders.

The National Policy Framework (2019) identifies the role of NGOs that are focused on combatting human trafficking in South Africa to be that of:

- Creating anti-human trafficking co-ordination structures which include effective partnerships for a uniformed response.
- Reducing vulnerability of victims through educational programmes and awareness raising.
- Furthermore, providing protection and assistance to VOT.
- Assisting with social inclusion, repatriation and legal assistance.

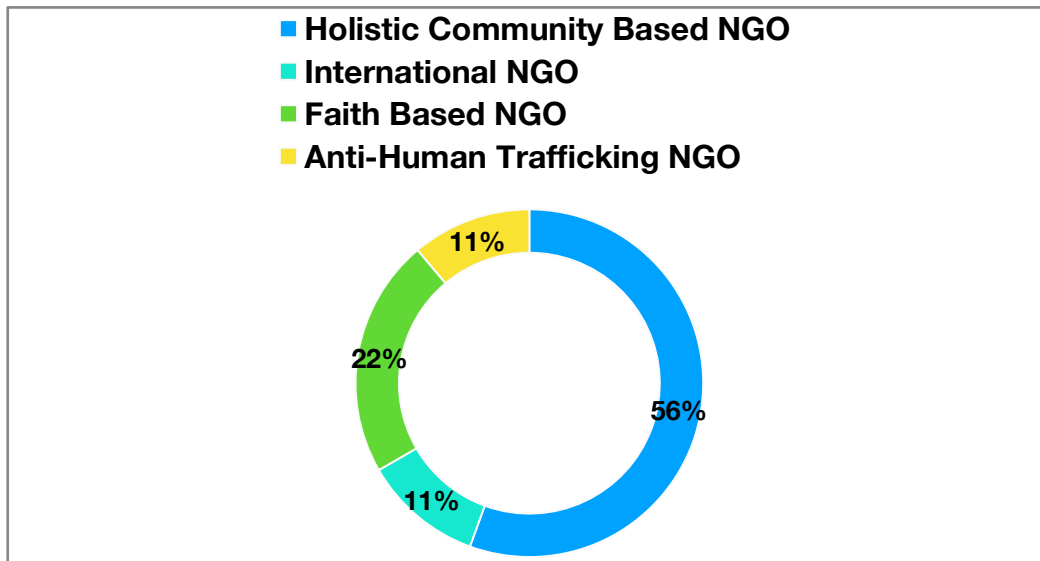
However, all these roles that have been indicated are not be carried out solely by NGOs, as they need to be carried through a partnership with the South African government and relevant government departments.

The interview questions for this research were set out to first analyse the type of counter-human trafficking NGO that was being interviewed before looking at their role. This was to draw a relation (if any), between the type of NGO and the role they play in counter-human trafficking in South Africa. Based on the responses, fifty-six percent of the respondents were holistic, community-based NGOs addressing a variety of social problems and incorporates human trafficking within its structures. A further twenty-five percent of the respondents were faith-



based NGOs addressing human trafficking. Furthermore, there was an eleven percent representation from international NGOs and a further eleven percent as an anti-human trafficking (specific) non-governmental organisation. This data is presented as Graph 1.

Graph 1: Donut graph representing the types of counter-human trafficking NGOs that responded and participated in the study.



After analysing the type of anti-human trafficking NGOs that responded, it was deduced that despite their geographical, financial and cultural and religious differences, the services they offered, were very much alike and corresponded with the type of NGO they were. In other words, only 11% of the sample population focused solely on human trafficking and victims of trafficking while the holistic-community based NGOs (making up 56% of the sample population) and faith-based NGOs (22% of the sample population) focused on a wide range of social problems like victims of domestic violence and victims of substance abuse. A final 11% of the sample population was made up by international NGOs, which also offers a variety of assistance toward addressing social inequalities globally. This aspect will be discussed further in detail later on in the chapter.

Furthermore, during the interviews, the respondents were questioned on how long they have been operating within the anti-trafficking field. None of the respondents have been operating within the field for less than 3 years while most have been in operation for 6-12 years. Respondent D indicated that their organisation has been involved in anti-trafficking attempts

as far back as 1885 in an operation rescuing British girls who were sold as sex slaves, however, only started work in South Africa in 2008. The duration of the existence of the NGOs were not monitored as a controlled variable. However, the duration of the existence of the NGOs contribute toward their establishment, experience and contribution toward the human trafficking discourse. The longer the existence the greater influence and involvement the NGOs will have in terms of policy development and the construction of a fractured discourse, which essentially impacts their role (Ahmed and Potter, 2006:15).

## 4.2 The Role of Prevention and Protection

Counter-human trafficking NGOs maintain a role of motivating and providing services to vulnerable groups of people in society in order for these groups of people to be mentally and physically fit to stand against different forms of exploitation (Valarmathi and Ramesh, 2017:4). This motive guides the role of counter-human trafficking NGOs and is carried through raising awareness and advocating against the crime is the key prevention method used amongst them.

Thirty-three percent of the respondents explained their role to be focused primarily on raising awareness of the crime. In this aspect, the modus operandi of traffickers, signs to look out for as well as the measures to take to try and escape are explained to the public, especially schools by these NGOs.

All the NGOs that participated in this study used some form of internet or social media engagement to raise awareness on human trafficking and the services they offered. While embarking on this research, the National Freedom Network held a weekly competition with an educational purpose. Every Monday a snap quiz would be posted and people had five days to respond to the quiz to win informative books on the subject of human trafficking, such as ‘Shielding Relatives’ by Adriaan Jordon. Such an activity also demonstrates how NGOs can and do use different platforms such as, already mentioned, schools and social media, to raise awareness on human trafficking. This initiative is such an innovative method of raising awareness and education to the general public.

In terms of education in schools, eleven percent of the respondents said their primary role was to educate schools (especially scholars) because their biggest target audience were minors and in particular unaccompanied minors (whom easily fits the trafficking profile) and also because they believe that knowledge is power (discussed in detail in Chapter 5). Therefore, young people need to be well informed and motivated to avoid becoming victims or identify human

trafficking environments or situations. The very same preventative technique is used within the local communities of Bangladesh to promote the rights of women and children (Jahan, 2011:56). As such, Respondent H of this research therefore explained that: “we have various activities in place in order for us to maintain our roles.”

Much like respondent A explained, Emser (2013:269) also mentioned in her research that the national departments should be included in raising awareness, as well as playing an active role in shaping the discourse.. Doing such would not only assist and save resources invested by the NGO (which is already a challenge) and it could go toward educating or informing vulnerable populations, particularly in rural areas, that are unable to easily access this information.

Tzvetkova (2002:66) and Jahan (2011) indicate that an important outcome of the awareness raising programmes by NGOs in schools, dismantles gender stereotypes as well advocates against child abuse. Forming a part of child protection initiatives, this assists children in standing up against all forms of exploitation and inequality within society as well as educating them that both boys and girls can fall victim to the crime. These activities therefore aim to break the common misconception that only females are victims of human trafficking. As per UNODC GLOTIP Report (2018) an almost equal amounts of boy and girl victims of human trafficking was reported. These services therefore add to the role of the NGOs of not only addressing human trafficking and the vulnerability of boys and girls but also the protection of children’s rights as a whole.

Other preventative activities include “live theatre productions for education purposes” like Respondent A mentioned, and media campaigns to reach a large amount of people. Respondent F indicated “we use one of the local radio stations as a platform to raise awareness.” Respondent F further added that making use of the radio programme is used as a means of communication and a platform to raise awareness is perceived to be an effective means of reaching a large group of people over a short space of time.

At the same time, while conducting this research, a public awareness-raising walk was held by the Umgeni Community Empowerment Centre (which functions as a holistic community-based NGO). The NGO plays a role in not only involving local community members in standing against the crime but also educated the public through demonstrations and talks of the different types of human trafficking, protection techniques as well as what prevention tactics.

The event was hosted on 06 October 2018 (See the invitation as Figure 1):

**Figure 1**

Personal Invitation from the UCEC for their anti-human trafficking awareness event held in 2018.



This particular event, as seen on the invitation in Figure 1, is held annually and was held for the fifth consecutive time at the time this research. The event was held within the city of Durban and drew a large crowd of esteemed guests like well-known DJ David Gueselli as well as a well-known, survivor of human trafficking, Grizelda Grootboom. Grootboom was given the opportunity of openly sharing the way in which she was recruited, what transpired during the entire traumatic trafficking experience and then added how she escaped and survived the crime, as well as her long journey to rehabilitation and reintegration. The sharing of such lived experience by a survivor raised awareness in the audience about the reality of how gruesome and exploitative the crime is and as an anti-human trafficking activist, Grizelda Grootboom provided a cautionary note advising all those in attendance to about the exploitative nature of pornography and how some victims are used in these productions. She urged the public to stay safe and for families and communities to protect each other. The eThekweni municipality and the National Prosecuting Authority and Hawks also attended and interacted with the public at the event. However, Respondent E still felt that: “the event lacked cooperation, partnership and sufficient support by other NGOs and role players within government structures.” It suggests that despite official representation by government departments tasked with combating this, and other NGOs involved in the field, there is remains an issue of ineffective coordination and cooperation, particularly in the form of support, to adequately address this crime. This point was expanded on by Respondent E who mentioned that there is a perceived lack of cooperation

or support by some government departments like Safer Cities and Department of Social Development, because they send members on a voluntary basis to these events without adequate supervision. As a result, many officials do not attend the events (because they are not financially compensated for it), limiting the support and highlighting the power of capital drive. Attendance at these events is thus seen as being sporadic, thus posing a major challenge.

According to Emser (2013:181) a lack of buy-in by those tasked to prevent and combat the crime represents a missed opportunity to effectively utilise the current policy in combatting human trafficking in South Africa. Despite the perceived lack of cooperation and attendance by some government departments, there was a great presence and attendance by SAPS and Durban Metro Police Members.

Jahan (2011) further added that anti-trafficking NGOs have well planned initiatives and activities to combat human trafficking by raising awareness and educating the public, but their execution rate of these activities are low. Emser and Francis (2017:6) explain that the execution of some activities is often unsuccessful due to the lack of funding and support and are then discontinued. Emser and Francis (2017:8) added that these preventative initiatives, like explained by Jahan (2011), by the NGOs, are extremely useful in creating awareness and stimulating debates on the exploitative nature and risks of human trafficking. However, the effectiveness is weakened due to financial limitations. This is due to the lack of sovereign power by such an initiative to address the root cause of the crime, which exists deep within the political and social structures of society Emser and Francis (2017:196). Therefore, while the preventative strategies spark debates and conversations around human trafficking, it is not regarded as an effective tool in combatting the crime.

Skillen and Brussels (2016:6) explain that NGOs in general and in this case, counter-human trafficking NGOs, do not maintain sovereign power. Therefore, these organisations lack sufficient power associated with national law enforcement and addressing the root causes of human trafficking within the state. As a result, anti-trafficking initiatives by NGOs face great limitations.

Other anti-human trafficking NGOs like respondent B, which is a faith-based NGO, offers services in prevention of human trafficking through outreach programmes. These outreach programmes include, but are not limited to, street ministry and prayer meetings in areas regarded as havens for such crimes like the Durban CBD. Street ministry by this respondent

involves the sharing of the Christian faith and providing motivation and courage through biblical principles to vulnerable groups and women at risk. This service of familiarising the organisation about the complexity of sex work, also provides grounds for the NGO to rescue victims off the streets. This service by the NGO provides a nuanced approach, which builds trust by offering non-judgmental assistance and counselling (VOA News 2018). Schloenhardt and Hunt-Walsh (2012:52) cautioned such an approach and explains that using religion as the basis of assisting victims may push them away if they do not agree with the religion (cultural or religious differences) or even sometimes due to their trauma, do not believe in God. However, the writers explain that this should not prevent the NGOs from providing services to victims, but should be more mindful of this.

Counter-human trafficking NGOs offer a variety services in terms of prevention and protection of victims as discussed in the previous paragraphs in this chapter. Other organisations also work very closely with first line responders such as those at ‘hot spots’ to ports of entry and exit. As such, their roles are extended toward providing victim protection. Tzvetkova (2002:64) as well Valarmathi and Ramesh (2017:7) explain that the first degree of protection is the requirement for law enforcement to protect and get involved, once the victim is identified. Some of these NGOs establish themselves in so called ‘hot spots’. For example, Respondent C said, “we have three (3) airport interventions in operation and we are working on our fourth one.”

The NGO (Respondent C) operates within the airport to try and identify victims before they reach the stage of exploitation and sometimes before the stage of being transferred or transported as well as to monitor transits within these ports. The staff members are trained to identify victims of human trafficking and they work closely with the Department of Home Affairs (identity purposes), police officials and law enforcers like Hawks to gain information as well as share information. Thereafter, some NGOs like Respondent C provide legal assistance and administrative support to assist victims with their documentation as well as providing support to deal with police and immigration officials. According to Jahan (2011), NGOs in Bangladesh also assist victims with language barriers with legal assistance through vocational and language training to prevent the dilution of the case in terms of getting adequate and precise information from and to the victim as well as to ensure the rights of the victim are observed at all times.

However, in South Africa, Respondent C did acknowledge that they (as NGOs) sometimes fall short in assisting international victims because of language and cultural barriers. This is more so because recruiting translators is a costly effort. For example, if there is a Spanish speaking victim that has been rescued here in South Africa the translation becomes a problem because Spanish is not a national or widely spoken language in South Africa. As a result, effectively communicating with the victims and gaining information from the victim becomes an issue, leaving holes in the case and collection of evidence. This may have a knock-on effect in terms of providing the victim access to justice.

Furthermore, Tzvetkova (2002:64) adds that NGOs also assist with representing the victims with testifying against their traffickers in court and temporary accommodation. This type of support encourages the victims and sometimes brings a sense of belonging because once trafficked, all communication with family members, loved ones and friends are cut and not much support is provided in this aspect.

As per the NPF (2019) protection of victims of trafficking entails the provision of sufficient housing and safety like multipurpose shelters as well as rehabilitation and reintegration programs and services. The Department of Social Development is responsible for this, and coordinates the provision of victim services by accredited NGOs. Respondents of the interviews as well as Jahan (2011) and Nabo (2013:104) note that some NGOs like Respondent D provide a shelter or temporary place of safety for the survivors of human trafficking. This service plays a role in protecting victims from experiencing a relapse and also from being afraid of being trapped within the cycle again. Pandey et al. (2018:) further add that victims go through proper rehabilitation and a sufficient amount of rehabilitation to prevent further trauma. Reintegration on the other hand, enables victims to adequately and gradually adjust back into family and society, however, this process is often jeopardized by family members due to the stigma of the crime (Pandey et al., 2018:453).

For example, there are currently two multipurpose shelters run by Respondent D in South Africa. One of these multipurpose shelters is in Cape Town which provides assistance to victims of trafficking as well as to victims of domestic violence and are targeted toward assisting men and children. Respondent E also provides a place of safety however, it is only for female victims of human trafficking. Respondent E keeps the victims in the shelter until they are psychologically ready for release. Respondent E explained during the interview that: “due to the lack of financial assistance we are unfortunately unable to house male victims, so

we therefore have to refer them to a partnering NGO like the Open Door Crisis Care Centre to assist us and the victim/s". This suggests that a lack of resources, particularly in terms of financial assistance, to provide services to victims of trafficking is a common theme. In addition, there appears to be a barrier to male victims being provided with such services. This is a point of concern as increasingly more victims of forced labour are being detected in South Africa – many of who are male.

The very issue and limitation have been explained by Emser and Francis (2017:200) who state that there were no suitable facilities to house male victims of labour trafficking in Durban. This was observed in 2013 by Emser yet were being repeated during the interview for this study which was six (6) years later, suggesting that there have not been many changes or noticeable improvement in financial assistance or addressing shelters specific to the needs of victims of human trafficking, especially men.

The lack of finances also prevents Respondent B from having a victim shelter even though this NGO assists with rehabilitation and restoration of victims. However, according to the Respondent B they are strategizing to accumulate funds to open a shelter in the near future. This suggests that the government devolves the responsibility in terms of responsibility onto non-state actors.

OSCE (2018:12) and Van der Watt (2018:166) advised that states should recognise the value added by counter-human trafficking organisations as well as the impact complementarity co-operations with these NGOs bring in order to effectively address human trafficking. This is because there is a perceived burden being placed on the NGOs combatting human trafficking but not an equitable amount of support and resources provided by the Department of Social Development.

Furthermore, a few NGOs like Respondent B, Respondent E, as well as Respondent F and Respondent G, provide psychological assistance and counselling. These NGOs bring in qualified psychologists to assess and assist victims with the emotional and psychological trauma they faced and continue to face during their rehabilitation and reintegration. Additionally, this sort of assistance also aims at preventing the cycle of abuse from grappling the minds of the victims. These counselling services offered also include sessions on HIV and drug abuse to better equip and reintegrate vulnerable groups and survivors into society.



During this stage, NGOs also try and offer further services to rehabilitate the survivors of human trafficking and ‘reintegrate them into society,’ as a few of the respondents explained. Rehabilitation services include career assistance, life skills development, detox programmes, personality tests, educational programmes and financial assistance (Respondents B, D and I). Gan et.al (2014:84) explain that this type of assistance is more comprehensive and effective. This is further accomplished through projects by NGOs partnering with the corporate sector. This type of relationship that is maintained between counter-human trafficking NGOs and the corporate sector can be understood under the term that OSCE (2018:14) explain as ‘corporatization’. This is when counter-human trafficking NGOs firstly engage with the business sector as a form of fund raising or financial assistance thereafter, as an opportunity to raise awareness on human trafficking. Moreover, the counter-human trafficking NGOs exploit the opportunity to train businesses about the financial, reputational and legal risks that are involved in having exploitative supply chains, which forms part of a type of human trafficking. Thus, creating a culture which protects the right of workers and playing an active role in the prevention of gender-based violence. The counter-human trafficking NGOs sometimes ask the businesses to also assist the victims with getting a qualification or job (Respondent B). This, therefore, empowers victims economically and socially. Among a few anti-human trafficking NGOs who do this, from the interviews that were conducted Respondent B formed part of such an initiative. The role of the NGOs, therefore, is to reintegrate the victims of the exploitative crime into society and bring a sense of self-love and self-worth. However, states need to cooperate with counter-human trafficking organisations in order for them to have successful outreach programmes that provides information to those in vulnerable sectors such as that of agriculture, garment and restaurants industries, construction and domestic servants. These sectors often offer low wage and exploitative conditions, therefore, providing access to justice, knowledge and assistance to potential trafficking situations is vital.

Respondent B also provides financial guidance to the female victims by enabling them to create wooden heart earrings of their own and selling these earrings to not only raise funds for the organisation but to also build confidence among these victims. Therefore, through this, the role of anti-trafficking NGOs is geared toward employment and training opportunities and generating their own income.

As indicated in the analysis presented earlier in the chapter, NGOs provide key support in trying to combat human trafficking while the government, as a sovereign entity, do not appear

to support these efforts to a great extent with financially. However, this does not prevent the NGOs from trying to pursue their roles in offering other services like maintaining referral systems with rapid response teams on the ground.

Prosecution, according to Respondent C, lies solely in the power of law enforcement. However, Valarmathi and Ramesh (2017:7) emphasises that NGOs play a significant role in supporting law enforcement with this. This assistance is through the support these NGOs provide through effective and efficient reporting (for example reporting suspicious activity) which is then investigated by the law enforcement sector like, SAPS, Interpol and the Hawks.

Or as explained by Respondent C: “as soon as a case of human trafficking has been identified, law enforcement is notified immediately for rapid response and for the protection of the victim as well as to proceed with the legalities of it.”

However, based on the data collected from the interviews, it can be deduced that there is a lack of anti-human trafficking NGOs in South Africa that direct their efforts toward playing a supportive role in identifying cases of human trafficking through many interventions at entry and exit points. However, Respondent B emphasized that even though they adopted a holistic approach in assisting victims with prevention and protection, they are not actively situated at ‘hot spots’ and thus are unable to assist law enforcement in identifying victims or vulnerable groups of people. However, they do form part of a point of referral (like Respondent I) to victims if the need arises. NGOs can play a valuable role in assisting law enforcement agencies by being in the field and providing evidence and information on suspected trafficking activities. For example, Emser (2013:182) explains that this can be done by notifying law enforcement about victim profiles and the manner in which the human traffickers are constantly changing and adapting their modus operandi. Rather, most of the counter-human trafficking NGOs focus on psychosocial services, multi-purpose shelters and rehabilitation programmes and awareness raising activities that victims and survivors require which are basically support and assistance to protect victims.

Despite the unequal balance of the types of anti-trafficking NGOs that exists in terms of the legal assistance NGOs and the NGOs providing psychosocial and protection assistance, it still enables the NGOs to rely and count on each other to assist each other and have a strong referral network to effectively combat human trafficking through cooperation and partnership.

As such, by assisting each other, all the respondents said their role is to be a point of referral for those in need and in exploitative environments. However, Respondent G said that the NGO no longer served as a referral point for victims after a ‘pimp’<sup>8</sup> found out where some rescued victims were and thereafter threatened workers at the NGO and ransacked the place. This example supports Brosowski’s (2018:3) statement that counter-human trafficking NGOs are not prepared to take the risk in rescuing victims due to the high element of danger involved. Brosowski (2018:3) further adds that this fear has a more detrimental effect on the victims than on the actual people assisting with combatting the crime. Unfortunately, this risk is something NGOs providing protection and rehabilitation services for victims need to be willing to take on. Effective strategies and safety protocols need to be put in place to minimise the risk of the location of these shelters being found out by traffickers (Skillen, 2016:7). However, Respondent G continued to say that: “despite the attack we experienced, we will continue to work in our greatest capacity to assist with combatting trafficking through the sharing of knowledge and contributing toward research, data and statistics.”

#### 4.3 Collection of Data and Reports on Human-Trafficking

According to Horne (2011: 26) cited in Van der Watt (2018:92), “the collection of reliable data in South Africa is clearly problematic.” As such, a data base reflecting national-level data is required and needs to come into existence as soon as possible. Limoncelli (2016:317) highlights that there has been a massive global reach and rapid growth of IGOs that have researched, funded and developed anti-trafficking initiatives. Godziak and Bump (2009) however, illustrate that most of the literature (35%) on human trafficking is from intergovernmental organisations. Shortly behind, NGOs make up 30% of the reporting and Emser (2013:39) indicates that, “these reports are mainly compiled for advocacy and awareness purposes (but are also often used to further specific political and ideological agendas).” Furthermore, in comparison only 23% of the reports are from the United Nations and the last 7% of the reports are from the US TIP Report (Emser, 2013:39). Therefore, it can be deduced that effective reporting by NGOs enables more accurate statistics to be accumulated and a much more reliable data base on the crime can be formed.

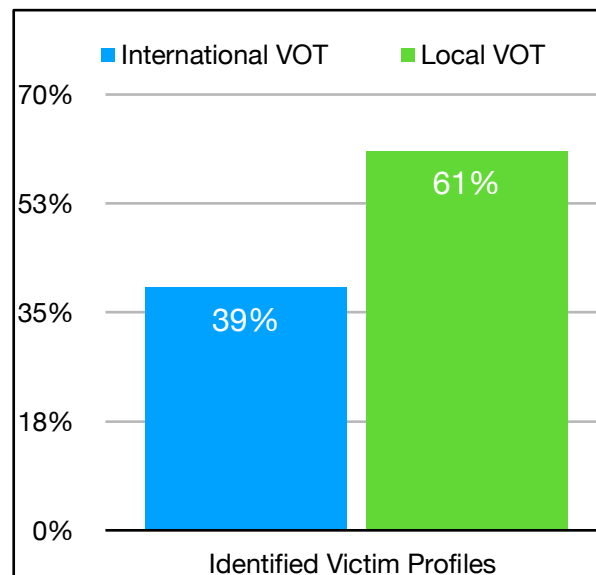
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<sup>8</sup> According to [dictionary.com](https://www.dictionary.com), a pimp is a noun which refers to “a man who controls prostitutes and arranges clients for them, taking a percentage of their earnings in return.”

Sixty-seven percent of the respondents highlighted that the most common victims of the crime, based on their interaction and work, are women and children. Davy (2014:3) further included that counter-human trafficking NGOs maintain power through the consistent contribution to literature on the crime. She further adds that this is done through the sharing and collection of statistics of the types of trafficking and number of victims they have come across.

Eleven percent (11%) of respondents explained that the most common victims they have come into contact with are young, desperate job seekers (no gender specified) while respondent C said that; “there is an equal mix between male and female victims.” These victim profile identifications occur to be slightly different according to the statistics available from UNODC TIP Report (2018). The most commonly identified victims according to the UNODC TIP Report (2018) were women, men and boys while girls featured at a very low percentage. Moreover, 61% of the respondents only came across local victims of trafficking while thirty-nine 39% of the respondents encountered international victims but could not comment on direct the split between the two profiles. This is presented in Graph 2:

Graph 2: Bar-graph illustrating the difference between national and international victims of trafficking that were identified by the respondents of the interviews.



These statistics are in fact aligned to the statistics from UNODC TIP Report (2018) which reveals that 77% of victims of trafficking that were detected were from South Africa (local victims of trafficking). Even though, as identified by most of the respondents that they

encountered more national victims of trafficking, Barner, Okech and Camp (2014:152) dispute such and repeated statistics already given by Respondent C as they explain “South Africa is a regional hub for international human trafficking, receiving most victims from Eastern Europe, Thailand and China.” Respondent B on the other hand, said, “the victims we came across were mostly from countries like Thailand, Ethiopia, Ghana and Eastern Europe.” Despite the information shared by the NGOs on victim profiles, the US TIP Report (2018) indicates that 24% of victims identified in South Africa were due to intraregional trafficking, which makes up a significant number of international victims of trafficking.

As such, respondent C added that with their work in the airports, most rescued victims were identified as international victims of trafficking while respondent F was unable to comment on the international split, they explained most of their victims were intra-provincial victims.

While the respondents reported on the victims they came across, they were also able to comment on the most common type of human trafficking experienced within South Africa. All of the respondents explained that sex trafficking and cheap labour were the most common forms of human trafficking they have come across. While fake job advertising, monetary deals and online pornography and sexual grooming were amongst the most common ways of recruiting victims for the crime. Respondent E made an example of a fake soccer deal that was taken by a few males from Lesotho but was thereafter made to work in exploitative factory conditions in Durban. The example from Respondent E is regarded as the most common reported type of human trafficking (63% of the cases) in Southern Africa which is forced labour while sex trafficking only makes up 31% of the reported cases (UNODC TIP Report, 2018).

If these NGOs are therefore able to give out or share such information, they are able to create a narrative of the crime, which is then understood by others and can be used to advance knowledge and prevention strategies. Furthermore, it gives government structures a better understanding of who are primarily being affected by the crime which would then assist which efficient policy development against the crime. The disparity amongst the data shared does leave much to consider if all the cases are being reported to the police and relevant members of authority or being recorded by them. However, these details may not be able to be generalised due to the nature of human trafficking, but it does assist government and other state actors like the NPA with policies and legal frameworks, which are evidence based. This therefore has an impact in terms of power by identifying and reporting trends of human trafficking, modus operandi and victim profiles.

## 4.4 Policies and Legal Framework

### 4.4.1 Prevention of Trafficking in Persons

As with article 9(1) - (5) of the Palermo Protocol, preventative measures need to be in place to combat trafficking of persons as well as measures to protect victims of trafficking. The UN materials contain a more precise indication of what measures should be included. However, this is along the lines of identifying victims as well as promoting products and services that utilized forced labour and maintain exploitative conditions like garments from sweatshops.

Furthermore, Schloenhardt and Hunt-Walshe (2012) identified similarities between Articles (9) and 6(3) in terms of what the appropriate executions and roles are for NGOs. Cooperation between government and civil society is encouraged in both. NGOs should be effective partners wherever they have the appropriate expertise, skills, trust and measures (which should be funded by the government).

The South African government has been rolling out the implementation of the Trafficking in Persons Act 7 of 2013 (TIP Act), over the past few years. Respondent B and C stated that their role in the development of the TIP Act could have been greater, however, they did contribute toward its formation through capacity building and partnerships with major role players like the National Freedom Network, KZN HHPPB Task Team and the National Prosecuting Authority. While Respondent H and Respondent I participated in the compilations of policies and frameworks many years ago, Respondent D lobbied for the TIP Act a few years back and trained alongside the government in the implementation of the Act for its success. For example, Respondent H and D explained that their contribution was done through consistent partnerships and strategic planning meetings with the National Prosecuting Authority. Respondent D is also a part of the South African Inter-sectorial Committee for Trafficking in Persons (NICTIP) which is the coordination committee for human trafficking in South Africa and a fundamental national body overseeing national policies and frameworks. Analysis of the data indicates that NGOs play a much greater role than they mention and can exert power in shaping not only human trafficking narratives, but official responses to the crime.

For instance, Respondent H explained that their role as a counter-human trafficking NGO is to equip those within the field of anti-human trafficking by being a point of connection, a channel for communication and a network of collaboration which allows effective networking. However, the respondent further states that this is not always possible due to a number of

factors impacting the efficacy of their attempts and efforts to reduce and combat the crime of human trafficking like the lack of consistent funding and transparent, honest partnerships. This will be discussed in detail in the following paragraphs.

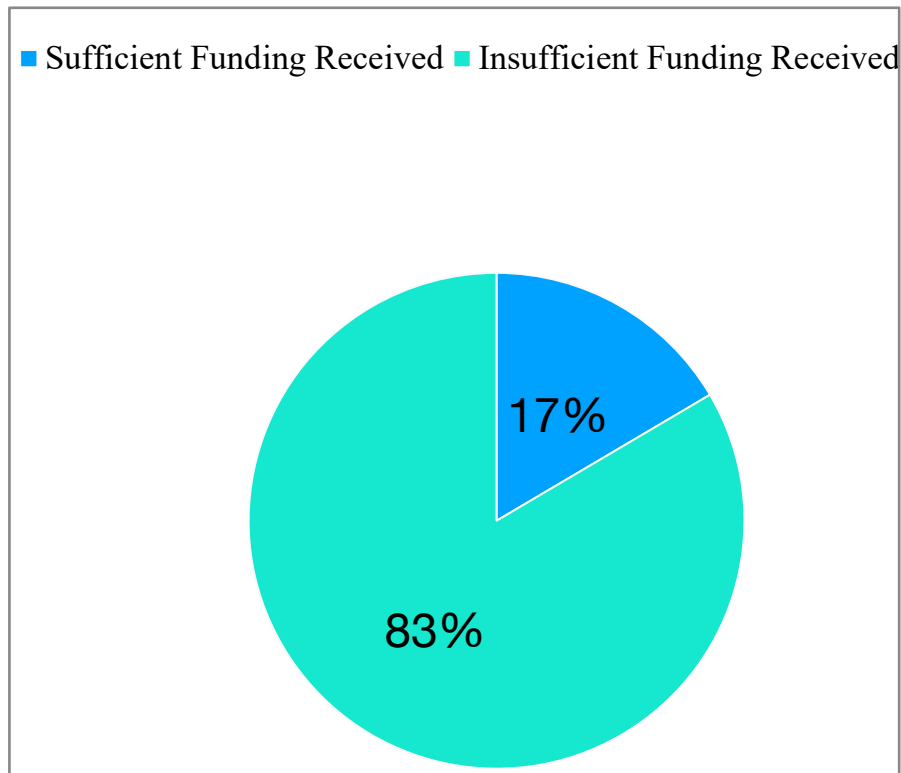
#### 4.5 Factors impacting the efficacy of these NGOs:

After an extensive analysis of the data collected, factors that impact the efficacy of the counter-human trafficking NGOs, were highlighted. There were a variety of factors that were picked up, some had a negative impact while the other factors had a positive impact. However, the biggest factor acting against them is funding and finances.

##### 4.5.1 Funding and other resources:

In terms of finance, according to Valarmathi and Ramesh (2017:2), the functioning of NGOs happens through self-financing through fundraising, sponsors and donations from corporate businesses and friends while others function through international funding. All participating counter-human trafficking NGOs have highlighted that they can do a lot more with more available funds and the lack of funding has been demonstrated as the largest challenge these NGOs encounter. Graph 3 provides a pie chart of the statistics of NGOs who were interviewed and said they received sufficient funding versus those that did not.

Graph 3: Pie chart representing the percentage (%) of interviewed counter-human trafficking NGOs said that they received sufficient or insufficient funding for their operations.



While the international counter-human trafficking NGO (Respondent C), stated that they have a funding team in their host country (United States of America) which hosts fund raising events for the organisation as well receive donations from the church and other individuals. Smaller counter-human trafficking NGOs like Respondent I along with others, have to fundraise on an ad-hoc basis due to the difficulty experienced when competing for funding with international NGOs. Other local counter-human trafficking NGOs, like Respondent B, stated that they have a coffee shop on the church premises, run by volunteers, with all profits going directly toward the organisational operations. The respondents further added that they raise funds through making their own jewelry and selling it to corporates to raise awareness and generate some funds. However, the respondent also added that some corporates and individuals have monthly debit orders coming into the organisations' account, which is also how Respondent G and E receive funding. On the other hand, Respondent D, explains that the funding for their organisation is and has always been sponsored by the Swedish Territory while Respondent A is dependent on prayer and some donations from schools that can afford to raise funds for their programs. As such, indicated on Graph 3, only 17% of the respondents indicated that they have received sufficient funding for their operation but could do substantially more work within the field if they had more funds at their disposal. On the other hand, 83% of the respondents



indicated that the funding that receive is not sufficient and therefore limits and restricts their efficacy and work in the field.

What has not been mentioned by any of the respondents is the financial assistance and funding provided by the Department of Social Development for shelters and safe houses. However, while researching how this funding takes place, it was rather interesting to see that human trafficking did not appear on the national government website (Department of Social Development, 2019) as an official and separate problem that the state is addressing specifically. Instead, human trafficking was subsumed under the issue of gender-based violence. It is immediately evident that this is problematic because human trafficking is not merely gender-based violence. Furthermore, the website gives an overview of its work and responsibilities, through its funding of 102 shelters for victims of domestic violence and substance abuse. While Emser (2013:187) indicated that across the country, only 15 of the multipurpose shelters had been approved for victims of trafficking and the only shelter aimed specifically for victims of trafficking was run by S-Cape.

The problem of only having multipurpose shelters in South Africa is also not without controversy and numerous challenges (Gallagher and Pearson 2010:73). Among the challenges discussed by Gallagher and Pearson (2010:77), while these shelters often provide much needed psycho-social services to victims of human trafficking, for some the experience has been likened to mimic their trafficking experiences. , due to restrictions placed on survivors. This has implications for where human trafficking fits and how the crime is perceived in terms of attempts made by the SA government to address the problem and how the problem has been transferred onto civil society. However, this issue will be discussed in much greater detail within Chapter 5 of this dissertation.

Despite the many attempts to raise funds, and the generosity of sponsors and donations received, eighty percent of respondents stated that funding is insufficient and ultimately affects their roles as NGOs as it limits their power to combat human trafficking in South Africa. The power of counter-human trafficking NGOs is thus limited due to financial constraints. Although they receive funding that goes toward their projects, finances are also needed for running costs such as overheads (like salaries), management, maintenance and marketing (Kim, 2011:13). All the respondents answered that they received no funding or financial assistance from the South African government for their activities.

However, Barner, Okech and Camp (2014:155) state that, unlike South Africa, countries like the Netherlands, Italy and France have policies in place to support and ensure that counter-human trafficking NGOs will be funded by the government. This funding by the government of the mentioned states are for most of the anti-trafficking attempts and are therefore, not limited to funding for shelters only, like seen in South Africa. Barner et al. (2014:155) explain further that this is because victims of human trafficking are more likely to be in contact with NGOs than law enforcement; the government in those countries therefore have policies to ensure that the government funds anti-human trafficking initiatives like that of La Strada International. This is done through subsidising their work of intensive case management and advocacy programmes against the crime. This financial assistance enhances the role of the NGOs by providing some financial security for successful operations ending the trade of persons.

Respondents B and E further added that the lack of funding or financial security prevents them from taking their programmes to other areas, particularly rural and remote areas within South Africa. In addition, the GLO TIP Report (2016:1) points out that the rural-urban migration has intensified by a large factor, similar to the movement that was witnessed during World War II. As such, the report as a result many women, men and young children are vulnerable to exploitation through traffickers and smugglers. This, therefore, as agreed by the respondents, excludes certain groups of people from gaining knowledge about the crime and how the escape the entrapment of such. This is therefore also an oversight by the government by not prioritising their attempts to reach these vulnerable populations and facilitate safe migration practices.

Another theme that arose was that of adequate funding for personnel. Their role as counter-human trafficking NGOs is limited by their inability to employ enough staff or even employ any staff at all. For instance, Respondent F said they have no employed staff, they function entirely on a voluntary basis. As Respondent B said, “people invest their services, time and energy in assisting but do not like to not be financially compensated. I cannot blame them for feeling that way as we are all human.” This therefore limits the efficacy of the NGO due to the loss of manpower as the most vital resource that is needed. Other respondents, like Respondent H explains that after expenses of running the organisation, there is only enough finances to employ one staff member as a domestic helper, impacting their operations negatively.

Furthermore, lack of funding limits NGOs from expanding their infrastructure to improve and better their services or even offer a wider variety of services and facilities. Therefore, the lack

of infrastructure as a resource, limits the number of people they can reach out to and assist which impacts their role because their organisation is not growing as exponentially as the number of people they are assisting. Emser (2013:232) also explains that with the lack of facilities to house victims, weakens the support of sex trafficked victims'-reintegration process which leaves them vulnerable to returning to the life of prostitution. As Emser (2013:243) explains further the lack of sufficient facilities leaves a major gap in effectively combatting the crime in South Africa. Emser (2013:243) adds that this issue needs to be addressed and prioritised by the Department of Social Development for the protection of trafficked victims. This is an important factor because victims have already faced so much trauma and the lack inability to provide them with adequate protection could potentially cause more trauma or even re-victimisation.

However, Respondent I explained that, "we do have funds available to make ends meet, however, the funds do not accommodate for us to expand our projects within schools or enhance the investigation of human traffickers and victim identification." It also prevents them from training more people and therefore can only afford to employ and operate with eight employed staff members and five unpaid interns. The lack of training, according to Respondent H, is therefore experienced by all when it comes to attending seminars, conferences and training that are not within the locus of the organization. This would incur costs like flight tickets, accommodation and meals, which would be possible for those who could fund themselves out of their own pockets but would limit other NGOs.

While respondent A explained that the funding is also sufficient but only enables two staff to be employed while a few volunteers offer their assistance, they added that only the "grace of God" allows them to continue operating. Although these respondents were able to say their current funding is sufficient, the others disputed this statement.

Another aspect on how funding limits the efficiency of the counter-human trafficking NGOs was highlighted by Respondent E, who suggested that the lack of enough funding being allocated in terms of salaries to the South African Police Services and other law enforcing officials, provides a platform for bribes to be accepted by these officials. Thus, corruption was highlighted as another theme relating to resource scarcity and funding. As such, many victims remain in the sick cycle of the crime while the traffickers and other offenders also continue in society while exploiting many others. This, therefore, sets back the work of the NGOs.

Respondent E added however that even though financial constraints may have limited their operation, it caused the organization to rely on building stronger partnerships with other actors to “combat human trafficking together.” The interviewees explained that through their attempts to partner government directly with engaging on different counter-human trafficking initiatives, they were always turned away due to the lack of funding or the lack of budgeting to address human trafficking. The respondents further noted that there is no other attempt or campaigns to address human trafficking in South Africa, outside of criminal justice and awareness raising. This is worsened by poor communication and collaboration amongst the different departments within the South African government (Emsler 2013, and Smout 2019) and is “yet another area where the states are over promising and underdelivering” (Smout 2019). This lack of effort within South Africa leaves its people susceptible and vulnerable to the crime.

#### 4.5.2 Partnerships

Article 10 (2) of the Palermo Protocol deals with ‘Training and Cooperating with Law Enforcement and Government Officials’. As the principal international treaty, this section of the Protocol highlights that the state should ensure and provide training immigration officials, law enforcement and all others assisting with the combatting of human trafficking. This training should therefore be aimed at protecting human rights while taking into consideration. As such, indicating that governments and NGOs should maintain strong, fruitful partnerships. Therefore, the National Policy Framework (2019: 18) in relation to this article of the Palermo Protocol, states that their strategic goal in alignment with the aforementioned regulation is to; “sensitise judicial officers to the specificities of the crime of trafficking in persons and to promote a shared understanding of the crime among judicial officers and prosecutors.”

Schloenhardt and Hunt-Walsh (2012) further explains that this article of the Palermo Protocol can be interpreted that co-operation between states and NGOs can take place through actively involving these NGOs in training as well as through the content of training like through information exchange to work together as well as the trafficking networks do.

Jahan (2011:63) and Merilainen and Vos (2015:33), also add that the partnership among counter-human trafficking organizations, as well as other state and non-state actors, is essential in effectively tackling the crime. This enables the sharing of knowledge as well as provides a platform to display power in order to influence policy creation and development (Tortajada,

2016: 272). Furthermore, as discussed in the previous paragraphs, power is a very important analytical tool when looking at partnerships. Therefore, Lister (n.d.:12) concludes that there are good working relations amongst the organizations but often their accountability, genuineness in sharing skills and reliability are questioned.

However, according to most respondents, the partnership between different NGOs are sometimes healthy but most often end up in a space of unhealthy competition for public attention, like explained by Lister (n.d.:12). This sort of competition mounts because of power and control for public recognition, sponsors and donations, therefore, alters the success and positive outcomes of their anti-trafficking initiatives (Merilainen and Vos, 2015:33 and Lister, n.d.:3). All of the respondents emphasized the very same sentiments that there is unhealthy competition that arises amongst the NGOs and this is due to the issue of funding (the lack of and the desire for more resources).

According to Respondent D, F and G the primary aim of their NGOs was to work alongside church-based organizations and build strong enough relations with them so that that could work on formulating development projects to efficiently combat human trafficking. Respondent F however explains that to their demise, “there were problems experienced with these partners due to the lack of vision and capability, therefore slowing down the progress rate.”

Respondent C further explained that the level of trust, transparency and accountability in working with other NGOs, who are directly involved in combatting the crime as well as others like human rights protection NGOs, are absent. The respondent made the example of such which was witnessed first-hand, where an NGO claimed false involvement in a successful case for financial incentives and public recognition. Such a case explains why Tortajada (2016) believes the services of the NGOs are not always of ‘good society’ which is why their legitimacy, effectiveness and accountability may be questioned. Respondent B, however, explained that most often the anti-human trafficking NGOs maintain healthy relations because they share the same vision by some NGOs are just there for information but no implementation.

Therefore, maintaining unhealthy partnerships through false representation and false claims tends to impact the role of these NGOs because there is no trust, giving more power to the traffickers in their organized crime. However, on the other hand, despite the fact that the interviewed NGOs explained their disappointment at the negative impact of partnering with other NGOs, they did also highlight the positive side to this.

The positive side to these partnerships can be seen when some of the NGOs as explained by Respondent A “allow symbiotic interaction in order for us to feed off each other through networking which not only provides support to these organizations but also to the victims.” Maintaining positive relations was also mentioned by Respondent F who added that partnering with NGOs like Child Welfare South Africa enables the advancement of knowledge on the protection and vulnerabilities of children and women. Respondent A further added that partnering with state actors like the provincial task teams allows them to share knowledge and information amongst each other. Respondent C also claimed that partnering with the KZN HHPPB task team allows them to go for training and keep up to date with the causes, trends and counter-human trafficking initiatives, this also includes being familiar with the development of national legislation and policy frameworks in relation to the crime.

Other interviewees also mentioned the active cooperation and successful collaboration between civil society and other departments of government like the Department of Social Development, Safer Cities and the National Prosecuting Authority in which facilitates the combatting of the crime.

#### 4.5.3 Social Factors

The respondents had mixed responses on the impact of social inequality factors. Respondent A, explains, that it has been previously assumed that the socio-economic status was amongst the root causes of human trafficking in South Africa. This assumption was formed on the basis that; ‘poor’ people are more vulnerable to human trafficking because they searched for better opportunities outside of their impoverished background and lacked knowledge on the danger. However, the respondent further added that it is more evident that this assumption is no longer correct because education on human trafficking has really been advocated and stressed amongst all groups of people and human trafficking still also affects people within the suburbs and not so ‘impoverished’ backgrounds.

Respondent A further mentioned, “I would like to be educated about the social factors within our locality to look out for and find means of addressing these factors. This includes factors like religion and its exploitative practices, culture and class.” A similar view was maintained by Respondent H, who explained that social factors within the NGO was not identified and consequently does not impact its role.

However, thirty-three percent of the respondents explained that drug and substance abuse is very rife within the location of their NGOs and is a result of social inequality that they find themselves in, therefore negatively impacting the efficacy of their role. This negative knock on effect is explained to be because “we end up having to deal with assisting a lot of these victims before they reach the stage of human trafficking, to rescue those from trafficking due to the abuse of narcotics, which uses up resources and time” (Respondent A). This, according to their responses, cuts them short from assisting victims due to the wastage of time and resources (already claimed to be scarce) which impacts the efficacy of their roles.

Furthermore, as explained by Respondent I, drug dependencies make people more vulnerable to social ills and crimes like human trafficking, and may even lead to a cycle of violence, relapse, mental instability or victimization (Barner, Okech and Camp, 2016:149). To further illustrate this point, Van der Watt (2018:5) says: “the prominence of drugs and addiction is used as control methods over persons in prostitution, and the role of poverty and vulnerability as predisposing factors that play into the hands of traffickers.” Among all the responses, Respondent B states that the need for a sense of community and belonging is a social factor within its locality that impacts its role. This is due to things like dysfunctional, broken families and child headed households which leaves more people vulnerable to the crime in search of a better life.

Merilainen and Vos (2015:18) further adds that: “in order to target this problem, the broader socio-economic contexts needs to be taken into account.” Therefore, suggesting that an inadequate response to address the socio-economic causes of human trafficking, prevents the effective combatting of the crime because the volume of human trafficking is directly linked to the level of organized crime networks and illegal, corrupt immigration organizations. Additionally, the socio-economic contexts have an impact on state resources, therefore, the lack of funding and resources often have a knock-on effect on sectors like SAPS and the Department of Home Affairs.

Additionally, there is abuse by government officials like law enforcement (Skillen and Brussels, 2016:6) heading directly into corruption. Emser (2013:53) and Van der Watt (2018) indicates that SAPS members often bribe sex workers to have sex with them in exchange of not being arrested or criminally charged for the sex work they are providing. Scared and afraid of not knowing how much worse the situation can get, foreigners, according to Emser (2013:366) “chose to use smugglers or traffickers to enter the country illegally.” Therefore,

these victims often fall further into the trafficking cycle due to the lack of legal documentation and their involuntary participation in illegal activities (Msuya, 2017: 29). Furthermore, this abuse of power by officials and traffickers leaves victims lacking power and therefore, does not cooperate with law enforcers to avoid the retaliation, intrusive questions or the expansion of trauma (Schloenhardt and Hunt-Walshe, 2012:16). As a result, the success, efficacy and role of their organizations are left under scrutiny, ignoring the fact that they lack power to address all the social and economic issues within its surroundings.

#### 4.6 The Role of Discursive Power on Counter Human Trafficking in SA

Human trafficking, according to Kruger and Oosthuizen (2011:287) is an organized crime which violates human rights. According to Dahre (2010) cited in Merileinen and Vos (2015:16), the human rights discourse is about political power, influence and force. As a result, the research on combatting human trafficking needs to be viewed in a political and social manner. As a result, in order to adequately understand the different systems that act within the heinous crime, the partnerships counter acting human trafficking as well as the actors within the crime needs to be observed. Lister (n.d.:4) therefore explains that power and power dynamics is a useful tool and framework to analyze partnership. Lister (n.d.:6) further adds that power is maintained through culturally patterned and socially constructed behaviour of groups and not just through relationships between people (see also Kamler, 2012). As an example of this, respondent A highlights that cultural practices play a major role in slowing down the process of countering human trafficking and is also linked to human exploitation and ill treatment. This is particularly so when considering the power culture has on a humans' beliefs and mind-sets. For example, culture highlights stereotyped gender roles and the way in which males and female ought to act and react, additionally, it clouds one's mind-set — making them believe that exploitative behaviour is acceptable and is a practice of culture. Furthermore, Merilainen and Vos (2015:20) explain that culture can provide an environment for child labour and other forms of exploitation and ill treatment. This can evidently be seen through the distorted cultural practice of 'ukuthwala'.<sup>9</sup>

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<sup>9</sup> Nabo (2013:22) explains 'ukuthwala' as a cultural practice amongst the isiZulu and isiXhosa where young girls are regarded commodities, abducted and forced into marriages with a groom in young adolescence or even older in exchange for money or cattle.



However, 'ukuthwala', prostitution and genital mutilation are amongst many other examples that provide grounds for the gendered narrative of human trafficking. This causes NGOs to maintain a gendered narrative when discussing the crime and therefore controls the power in which human trafficking is understood. Emser and Francis (2017:8) explain that due to NGOs having the agenda of abolishing prostitution they emphasize victims of human trafficking to be 'girls'. However, based on the statistics available, Emser and Francis (2017:8) highlighted that girls are not the only victims of human trafficking and due to the power of the narrative, other victims of trafficking like illegal migrants are not identified as victims. This explains why Respondent E outlined that their NGO does not accommodate male victims of trafficking, "when we were starting up, we knew females to be the victims of trafficking especially victims of sex trafficking thus accommodated them." The respondent further explained that through experience, this causes insecurity amongst the victims when they have to be transferred because of the fear and trauma caused by their past and this has led to the NGOs losing their victims to the streets. This therefore depicts the issue around multi-purpose shelters and the dire need to ensure all counselling and assistance is on a non-judgmental, thorough, professional and reliable basis to ensure fewer victims abscond from care.

According to UNODC (2018) there is a national crisis of collecting official statistics on human trafficking. This is due to the complex nature of the crime and of reporting therefore, the data and statistics tend to be biased and not representative of the entirety of the crime. Hence, losing victims also affects effective data collection on the crime which resultantly affects how serious the crime is depicted and the amount of assistance that is provided in combatting human trafficking in South Africa. Furthermore, when a victim absconds, the case may not have been reported, posing a threat to adequate data collection and analysis of the crime by civil society, researchers, government at large, global statistics. This, therefore, can be analyzed as a role NGOs play through developing and collecting a sufficient data base on human trafficking.

The combatting of human trafficking in South Africa is not just done by the government but also by non-state actors like FBOs and NGOs with a desire to address the crime. Much like culture, Schoenhardt and Hunt-Walshe (n.d.:87), Potrafke (2012:2) as well as Emser (2013:83), identified the power and role of religion in combatting human trafficking. This is particularly seen in the Christian and Islamic faith-based organizations.

The desire of the NGO to do "God's work" may be seen as patronising and as an attempt to convert victims rather than assist the victims from their dark space. For example, some counter-

human trafficking Faith Based NGOs in South Africa, explain that their aim is to spiritually develop and uplift vulnerable groups and victims. Schloenhardt and Hunt-Walshe (2012:88) notes that this kind of spiritual approach may make it difficult in providing assistance and is ill suited to those victims who are not of the Christian faith. Similarly, Limoncelli (2016:9) also notes that the role of religious anti-human trafficking initiatives is ambiguous as they are often accused of trying to proselytize victims. Potrafke (2012:3) also explains that Islamic doctrine may not completely protect women from being regarded as objects of trafficking. As such, beliefs on sexual exploitation and human trafficking are not always narrated through an objective lens, but are instead influenced by religious views that may be biased. Thus, problematic in the way the discourse may be illustrated, understood and conceptualised therefore could ignoring other aspects of the crime and 'victimising' victims further through pre-conceived ideas.

Along the lines of NGOs and power, respondents explained that they (as counter-human trafficking NGOs) lack power to completely counter act human trafficking in South Africa. This is due to their lack of power to effectively address socio-economic injustices and root causes of human trafficking. However, like Lister (n.d.:10) explains, these organizations exert structural influence as well as operational influence through their activities with regard to the processes and procedures in their ethos as a counter-human trafficking initiative. This type of influence, as highlighted by Respondent B is through the consistent attempts to work with state actors in order to adequately advocate against human right's violations. A strong, efficient partnership between counter-human trafficking NGOs and government need to be formed.

Indeed, the partnership between NGOs and government could be a consultative mechanism in addressing human trafficking in South Africa in terms of influencing the policy and legal framework. Respondent B adds that through the sharing of knowledge about what the NGOs are witnessing, efficient policies can be developed. However, due to the lack of funding by the government to assist these organizations and the lack of power within the NGOs to efficiently address or reduce the crime, the efficacy of such a partnership and collaboration is diluted.

Furthermore, the respondents explained that they are unaware of any attempts by the government (actor which possesses the greatest amount sovereign power in South Africa) in addressing the socio-economic factors and/or other root causes and trends of human trafficking. All of the participants discussed that they are only aware of the government's involvement in combatting human trafficking through having law enforcement like the South African Police

Services and other counter-human trafficking initiatives like the provincial task teams and having the prevention of human trafficking on their agenda with some governmental departments like the Department of Social Development. However, due to the scale of the crime in South Africa and the amount of legitimate power (sovereignty) the state has, these initiatives are nowhere close to being sufficient in effectively combatting human trafficking.

However, Skillen and Brussels (2016:6) indicates that NGOs also lack power in terms of law enforcement as well as lacks sovereign power within national government systems. This illustrates how power is exercised, influences and dominates the discourse of human trafficking and hinders effective means of combatting human trafficking. To add to this, Skillen and Brussels (2016:6) goes on to explain that NGOs play a major role in combatting human trafficking but face many obstacles and a major lack of support. Macarchuk (2018:5) reiterates this by explaining that due to state power, the state has authority to hinder or stop any NGO or civil society from taking action. The respondents further added to this arguing by explaining that the TIP Act is an excellent legal framework, however, it has not cascaded to the frontline responders like border control officials and South African Police Services.

#### 4.7. Overall role of discursive power

All respondents were asked what their NGO would do differently if power was in their hands. Most of the responses claimed that they will create a structure within government that is accountable in addressing the social injustices and the root causes of human trafficking that continue to cripple the country. According to Respondent C, making this change will strengthen the relationship between counter-human trafficking NGOs and government and therefore builds a stronger joint force in combatting human trafficking. Respondent B also added that pornography would be criminalised, exploitive cultural practices could be challenged, and good exit strategies provided through the assistance of a strong justice system. Lastly, the faith-based NGOs stated that they would add the teaching of social problems like human trafficking in the religious teachings that must reach everyone from children to the senior elders within the church structure.

Kruger (2010:106) highlighted poverty is identified as one of the root causes of human trafficking. Kerr (2014) carefully highlighted that poverty has been challenged as root cause however, it has been identified as an element of heightening victim vulnerability. To escape poverty, people look for opportunities to get out of their financial crisis and make something

successful with their lives. Barner, Okech and Camp (2014:155) also adds that the lack of attempt to address the socio-economic factors causing human trafficking therefore means that the social inequality within the state and violation of human rights are condemned. This shows the urgency for the need of governments globally to use their power for stronger and better border control, migration policies to combat human trafficking (Tortajada, 2016:271).

#### 4.8 Conclusion

Therefore, anti-human trafficking NGOs play a role in partnership with police and law enforcement as well as through abiding by the national legal framework in investigating, identifying, and rescuing human trafficking victims. In addition, these organizations play a significant role in raising public awareness of the crime through presentations, hosting fun initiatives like colouring books and awareness walks and talks which form the key role in prevention. Furthermore, it has been analyzed that the anti-human trafficking NGOs also protect possible victims as well as survivors and further assist with the prosecution of the traffickers. However, like any organization, including the national government, these counter-human trafficking NGOs, experience a wide range of factors and pressures that tamper with their efficacy. These challenges include lack of sufficient funding, resources, infrastructure as well as language barriers and the lack of power to exist independently. Furthermore, respondents raised the lack of support by the national government, the slow development of human trafficking policies and the difficulty of reaching vulnerable groups and entire human trafficking syndicates are difficult. However, on the bright side, the NGOs are bringing positivity through their roles in combatting crime through constant training like victim identification, research, education and awareness programmes and networking. Furthermore, the extensive research of the role of discursive power and NGOs in combatting human trafficking promotes the sharing of knowledge as well as identifies the inefficiencies among these NGOs. In addition to the abuse of power, the lack of power has also allowed down the process of combatting human trafficking. If the inefficiencies are adequately addressed, there is a possibility for a stronger collaboration and partnership in combatting human trafficking not only on an organisational or governmental level but also at an intergovernmental one.

## Chapter 5

### Data Analysis

From the 1990s onwards, NGOs were involved in developing and implementing international norms and laws, globally. This has been done by human rights NGOs through collecting information on the issue at hand and thereafter formulating proposals relevant for government to start implementing as laws and policies. Martens (2002:273) explicates that through informal lobbying and constructive discussions with correct committees, NGOs influence government representatives. Jahan (2011:3) further notes that through the non-stop efforts of addressing human trafficking through awareness raising and advocacy amongst many other roles, counter-human trafficking NGOs have pioneered in exposing the underground crime of human trafficking, globally. Shah (n.d.:44) adds that the multiple attempts to address human trafficking have been essential in providing victim protection services like multi-purpose shelters and safe homes as well as formulating and developing legislation and policies. Al-Khayon et al. (2012) further claims, counter-human trafficking NGOs are essential actors in three pivotal ways, namely by educating citizenry, breaking power chains that traffickers maintain (physical, economical and psychological), this role is played through assisting law enforcement with the prosecution process and protecting victims. Despite all these attempts by counter-human trafficking NGOs and the research done on counter-human trafficking NGOs, their role in combatting the crime still remains unclear. As such, this chapter aims to analyze the data collected through the qualitative research interviews which were centered and conceptually guided around the role of discursive power and counter-human trafficking NGOs in South Africa. The data has been analyzed through thematic analysis.

According to the interview responses and literature that had been reviewed for this study, despite the type of NGOs they were, the main role of international and local counter-human trafficking NGOs, is to educate citizenry and improve the understanding of the crime within all public spaces by raising awareness of what human trafficking is, what the different types of human trafficking are and the most common ways traffickers recruit victims (*modus operandi*). Furthermore, the respondents like Respondent D said that their aim is not just to address human trafficking in South Africa but also “to empower people to be self-sustained and to raise social awareness, to form a high level of prevention against exploitation.”

Globally, awareness raising is accepted as the main role of the counter-human trafficking NGOs. This notion is also supported by the Working Group of the National Roundtable and Jahan (2011:27) along with many other researchers within the field.

Locally, Emser and Francis (2017) also identified the main role of counter-human trafficking NGOs to be awareness raising and information sharing along with an enhanced role through offering other services like multi-purpose shelters for the protection of victims, as well as the acknowledgment of the counter-human trafficking NGOs as valuable non-state actors which are driving the prevention of human trafficking and improving knowledge on the heinous crime. Additionally, the respondents explained that they use various platforms to raise awareness based on the target audience. For example, Respondent C said, “we raise awareness through social media advocacy, school presentations and corporate awareness programmes.”

Furthermore, most of the interview respondents identified ‘knowledge as power’<sup>10</sup> by focusing and directing their role primarily on prevention strategies through providing knowledge to people, especially vulnerable groups of people within our society. Gan et.al (2014:33) also agree that as a result of educating the vulnerable groups within society, the number of people experiencing the crime will begin to decrease. Barner, Okech and Camp (2014:152) further adds that sabotage is used by traffickers in order to keep the industry of the commodity and illegal, illicit trade of human beings, hidden. As such, many victims may not consider themselves victims of human trafficking due to the nature of their entrapment. A typical example can be drawn from an impoverished family in a developing nation that are lured into sacrificing a child with the promise of an income, to better the standard of living for the whole family (Barner, Okech and Camp, 2014:152). This therefore highlights that human trafficking is not just the gruesome sensationalised stories of girls being abducted from dark places with tape over their mouths, instead, it can also transpire through an agreement between the trafficker and the victims’ families.

However, more than just having civil society having knowledge about human trafficking, it is also a dire need for departments of the government like DSD, Department of Health,

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<sup>10</sup> ‘Knowledge is power’ is a common proverb used to explain that the more knowledge someone possesses, the greater physical strength they will have to avoid or overcome situations and also not much can be done without power ([dictionary.com:2019](https://www.dictionary.com)). According to Sharapov, Hoff and Gerasimov (2019) the quote has linkage to Francis Bacon who was a philosopher in the sixteenth century, referring to the transformative power that exists in knowledge.

Department of Home Affairs and the Department of Education as well as law enforcement and counter-human trafficking NGOs to be as informed about the crime, victim profiles, traffickers' techniques and signs and suspicious activity related to human trafficking as they are in the field. Moreover, effective identification of victims of trafficking are essential in order for victims to be identified and given the appropriate protection and support that they require. Successful identification of victims and suspicious behaviour will assist in preventing human trafficking as well as protecting the victim like seen in Figure 3.

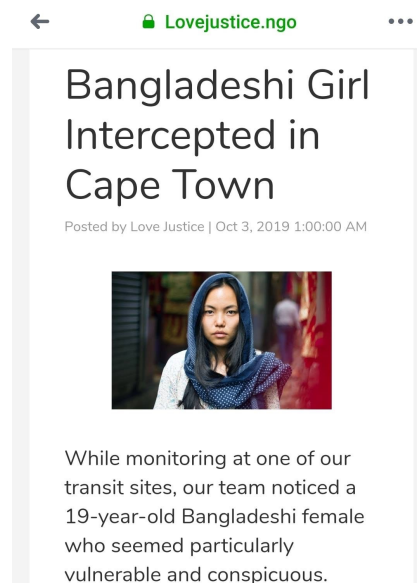


Figure 2: Successful rescue of a victim of human trafficking in South Africa by Love Justice International

Source: National Freedom Network Facebook page.  
(<https://www.facebook.com/NationalFreedomNetwork/?epa>)

Figure 2 is a recent example of how being educated about the crime and knowing the signs of human trafficking can lead to a successful operation and rescue. The international counter-human trafficking NGO, LoveJustice was at one of their transit sites when the 19-year-old Bangladeshi was seen looking rather conspicuous and vulnerable. Thereafter, after some conversation between the team and young female, the NGO had come to discover that the female was under the impression that she was in Cape Town to see her husband in a nearby town. After analyzing the letter written by the female's husband, the NGO deduced that there were many red flags and that the letter was written by someone other than her husband.

Furthermore, the girl was not in possession of a cell phone, spoke very little English and held on to a list of emergency number. As such, the monitors felt that the female had been deceived about her reason for travel. Therefore, to avoid her from becoming a victim of trafficking, the monitors assisted her in returning home safely.

This therefore makes education a necessity in understanding and being aware of the different forms the crime can occur through, also indicating that knowledge is liberating as it exists as a strong anti-human trafficking means through prevention.

It follows that this preventative role, based on the analysis of the interview responses, is executed through various awareness raising programmes like fun walks (example attached as Figure 3), school educational programmes that educate and share information on; what signs to look out for and avoid, social media posts on platforms like Facebook depicting the cycle of human trafficking through animated pictures and videos from real victims of the crime and researchers within the field as well as outreach and community mobilisation programmes and events. These anti-human trafficking awareness programmes also cover how to escape the clutches and traffickers and important numbers to remember in case of emergency or even if any suspicious activity has been seen like; 10111 (the SAPS Nationwide Emergency Response in South Africa) and 0800222777 (the South African National Human Trafficking Resource Line).

This is another example of preventative methods and awareness raising and fund-raising techniques used by counter-human trafficking NGOs. However, the difference is that the one in Figure 1 was a local NGO with participants from Durban whereas the one in Figure 3 is held by an international NGO, therefore, received more support for the initiative with a larger audience, reaching more people as different countries join in as a global preventative initiative.



Figure 3: Pamphlet for an anti-human trafficking awareness raising and educative initiative held by an international counter-human trafficking NGO, A21.



Source: National Freedom Network Facebook

Page <https://www.facebook.com/NationalFreedomNetwork/?epa=>

This preventative method played by the counter-human trafficking NGOs is not only done in South Africa but has also been endorsed by other counter-human trafficking NGOs in other countries, such as, Serbia. For example, UNODC (n.d) makes reference to ASTRA, a counter-human trafficking NGO in Serbia distributed relevant material and leaflets locally about human trafficking and their telephone hotline during a human trafficking awareness campaign during a fun walk similar to the one depicted in Figure 3.

As is seen in Figure 3, the aim of the fun walk was to raise public awareness about human trafficking through reminding people to stand up against the crime with the use of placards, as well as informing people about the SA National Human Trafficking Resource Line as well as the services that are being offered. Naidoo (2019) goes on to highlight that from 2016 until October 2019, one hundred and five (105) victims were assisted by calling the SA National Human Trafficking Resource Line. This is not the total number of calls that were received but the number of victims or potential victims that received assistance by contacting or having other people report to the resource line.

According to SA Trafficking Hotline (2019), the SA National Human Trafficking Resource Line is run by NGOs which work with data capturing as all lodged calls are captured and assessed through Salesforce, which is a software tool used to retrieve captured data through a click of a button and analyze trends from the phone calls. Furthermore, they exist as a referral network which refers the caller or victim to the relevant service in the province in which the complaint is made.

Additionally, the [gov.za](http://gov.za) website advocates for the utilisation of the 10111 number and the SA National Human Trafficking Resource Line. A worrying trend that was analyzed by Smout (2019) is that the South African government has not substantially done enough in terms of shelters for victims of trafficking. Smout (2019) said that the first problem is that:

“As part of our country’s legal response the government is supposed to designate certain shelters as suitable for victims of trafficking before a victim of trafficking can be accommodated there. Yet, even the definition of a shelter in the trafficking national policy framework is vague and overly broad.”

Smout (2019) therefore explains that due to the ambiguity of the definition of a shelter and the regulatory fuss, there still is not sufficient shelters for victims of trafficking, therefore, the Department of Social Development is dependent on counter-human trafficking NGOs in terms of service delivery. This was also analyzed through the study as more awareness is made about the reporting line managed by civil society compared to that offered from other government structures (excluding the SAPS Call Centre) like that of DSD. This therefore presents that civil society or rather NGOs are valuable resources and plays a vital role in interface through referrals. Schloenhardt and Hunt-Walsh (2012:85) reinforced that referral systems between counter-human trafficking NGOs and the government encourages a multi-dimensional response with regard to addressing the crime. This is vital because human trafficking violates human rights in different ways thus leaving victims with complex and various needs based on the type of psychological, emotional, or physical abuse that they experienced, thereby placing NGOs at the frontline of prevention and protection strategies.

OSCE (2018:19) explain that the co-operation, partnership and networking between civil society and state actors are necessary due to the complex, ever-changing characteristics of human trafficking. Therefore, maintaining strong partnerships which shares knowledge of information on the discourse will get more people actively engaging with the discourse. Furthermore, due to their experience and interaction with victims themselves, counter-human trafficking NGOs are able to form part of the strategic litigation process, in formulating policies

and legislation that is most responsive and relatable to the realities of the crime. As such, OSCE (2018:40) indicates that this is part of how NGOs play their role in policy development as well as their role in being a part of the democratic process within the state. Their role does not only improve the transparency across actors but also improves their contribution to the decision-making process. Therefore, even though NGOs lack direct decision-making power, they still maintain power in influencing decisions on a governmental level.

Counter-human trafficking NGOs also need to promote policies and raise awareness within the health care sector. According to OSCE (2018:56) this sector is often forgotten about in terms of networking and partnering to avoid human trafficking for the intention of organ removal. Mbugua (2019) reiterated that organ harvesting is often forgotten as a form of human trafficking and is greatly underreported. Therefore, medical staff should be aware of suspicious activity within their surroundings as well as advocating against organ harvesting.

According to the interview responses and Lister (n.d.:12), another role of counter-human trafficking NGOs (and the strongest agreed point), is to work alongside and network with other NGOs like those addressing drug addiction, the abuse against women and children as well as the government (and the structures within it such as the Department of Social Development and Department of Home Affairs), churches and other religious places of worship, faith based organizations and civil society.

Skillen and Brussels (2016:7) further adds that these relationships are important in order to formulate and implement means and strategies of positively combatting human trafficking through effective partnerships and networking. Tzvetkova (2002:65) explains further that that these types of NGOs also participate in valuable lobbying to get the attention from government on raising human trafficking issues, providing awareness and advocating the urgency to address the heinous crime.

This partnership amongst the counter-human trafficking NGOs, does not only take place through formal board room meetings with other role players like the provincial human trafficking task teams, but also through prayer meetings amongst various participating churches and religious based organizations who are against the crime. There was another type of partnership and networking that surfaced during the data analysis which is essential, and this is the partnerships counter-human trafficking NGOs maintain with surrounding corporates and businesses.

According to Davies and Davies (2008) and Rahman (2014), recent research has acknowledged that human trafficking is intimately linked to the international global economy and to the global supply chains. Rahman (2014) further noted, that the victims who are intertwined within the global supply chain have mostly been ignored by researchers. This vacuum in knowledge is despite the huge sum of capital generated through the exploitation of labour by legal and illicit businesses and practices.

Skillen and Brussels (2016:4) explained that the lack of knowledge as mentioned in the previous paragraph, happens because businesses lack supply control chains and therefore many victims of human trafficking can be inaccessible and trapped within the system, making rescuing and countering human trafficking a greater mission. However, Respondent A and B for example, explained that they maintained relations with corporates for financial assistance but what this partnership also did was improve the role of the counter-human trafficking NGOs through their awareness programmes which would then assist businesses and ensuring the supply chains within their businesses are not exploiting and trafficking victims for profits. Mitchell (2019) highlighted that awareness raising has been taking place lately within the supply chains of the construction sector to ensure that no form of exploitation, enslavement or human trafficking takes place. According to the Business and Human Rights Resource Centre (2017:4) mandatory transparency need to exist so that every company publicly discloses what measures they are taking to ensure that measures are being taken to address modern day slavery within supply chains. As such, much partnership and support are provided by corporates to effectively address and play their role in countering human trafficking. Furthermore, the partnership and networking enables the sharing of information and data which is essentially for generating a fuller picture of the crime.

Furthermore, adding to the role of these non-state organizations through networking and partnerships, respondents H and F said that they operate as a “point of referral”. Moreover, NGOs are considered to be partners in national referral mechanisms. This referral network as explained by OSCE (2018:44) is a specific co-operation of agreement that delineate the different roles and responsibilities of all actors involved in the identification of victims, assistance of victims, referral of victims, protection of victims and prosecution of suspects.

There are therefore two types of referrals that take place. The first type of referral amongst the counter-human trafficking NGOs take place like illustrated in Figures 4, 5 and 6. This is when the counter-human trafficking NGOs (which in this case is the SA Human Trafficking

Resource Line) are called first to assist and rescue the victim, ; law enforcement is contacted and the case (if successful in the raid or extraction of a victim) is dealt with by law enforcement and the NPA. Thereafter, law enforcement contacts the most suitable counter-human trafficking NGO and refers the victim. The second sort of referral occurs when an anti-human trafficking NGO has a victim but is unable to assist victims or in a particular case due to their limited services and resources, they will refer the victim or case to one of the other organizations within their network to take over and assist with the case at hand to ensure protection of victims.

Figure 4 (top), Figure 5 (bottom left) and Figure 6 (bottom right).

This is the first type of referral that takes place and each step is explained:



Even though the referral process exists with the intention of gaining the most effective sort of assistance (as illustrated in Figure 4,5 and 6), the referral process itself, can be detrimental to victims. This is also explained by Skweyiya (n.d.) in the National Policy Guideline for Victim Empowerment. Skweyiya (n.d.) and Hamman (2011:58) highlight that if the victims of abusive crimes like those of human trafficking, do not receive adequate or suitable support, this enables a breeding ground of contempt for human rights. This is then seen to be protective toward the perpetrator. This occurs because victims experience a series of negative impact caused by the trauma which not only occurred directly by the perpetrator but every time the experience is

retold. Therefore, being 'referred' from one counter-human trafficking NGO to another or even from one counsellor to another, becomes stressful and traumatic for the victim which has the potential of forcing the victim back into the vicious cycle as a means of coping (Skweyiya, n.d.). As a result, it is important to treat the victims with the most suitable and appropriate assistance and avoid much moving around of the victim. This would also mean that more actors need to be adequately trained in assisting victims of human trafficking as well as having strong partnerships which enable the successful referral of victims (in a worst-case scenario).

Valarmathi and Ramesh (2017:4) agreed that the partnerships amongst NGOs are vital as it will expose statistics to society and encourage research within the field. However, despite these attempts, the organizations experienced external pressures like financial strain, lack of capacity building and social problems within the country which made it difficult for them to demonstrate their roles adequately. This, therefore, limits the power counter-human trafficking NGOs have in effectively carrying out their roles in combatting human trafficking. As a result, it leaves the government as the only actors of sovereign power to effectively address human trafficking in South Africa.

In terms of protection of victims, some anti-human trafficking NGOs play a role in providing multipurpose shelters or houses of safety on a temporary basis. These organizations include other services like psycho-social assistance, rehabilitative and restorative programmes as well as medical care (Al Khayon et al. 2012; Emser 2013). Furthermore, the respondents explained that counselling and psychological support formed a strong part of the protective role as counter-human trafficking NGOs. Tzvetkova (2002:63) explains that is provided on a non-biased and non-judgmental, supportive basis to assist victims, especially women, with post-traumatic stress, depression and other issues that may affect their psyche. This role is enhanced by some other counter-human trafficking NGOs as discussed in the previous chapter, by offering counselling and support for drug addiction and HIV/AIDS due to the nature of the crime. These services are most often done by professional and qualified psychologists and counsellors who volunteer their time.

However, according to IOM South Africa (2018) this role of protection and rehabilitation is very sensitive especially when it comes to the type of counselling and psychological assistance being offered to adult and child victims. It is vital to ensure that the victims do not lose any more trust during this process and be re-trafficked. This is particularly so because of the trauma and exploitation victims experience during their trafficked process and the trust that is broken

by those who have sold the victims like through exploitative cultural practices or through fake job opportunities. These recruitment processes breaks trust and in order to effectively protect and assist these victims the assistance provided needs to be reliable. Additionally, Emser and Francis (2017:192) also identified the corruption by some law enforcement further breaks the trust and prevents victims from speaking up because they accept 'taxes' from sex workers. South Africa IOM (2018) therefore explains that the pre-trafficking factors must be taken into consideration before providing psychosocial assistance especially when children and adults come from violent or abusive backgrounds. The consideration of pre-trafficking factors of victims will guide the assistance provided in terms of protective measures moving forward as well as understanding the challenges the victim has faced.

As such, all the NGOs offering this service within their preventative and protective roles must ensure they are aware and continue to be aware of push and pull factors leading to human trafficking in South Africa. However, counter-human trafficking NGOs find themselves lacking decision making power and sovereign power due to being independent societal actors which are subjected to the state (Kim, 2011:25). This therefore means that NGOs do not maintain any legal autonomy outside of the control directly from the state. Therefore, Lister (n.d.:13) cites Pfeffer (1997) to indicate that there is a required amount of work that needs to be invested by counter-human trafficking in order to understand the power processes within the affected individuals. This is because power is recognised as a structural phenomenon, therefore, by examining the relationship between the push and pull factors leading to human trafficking, the gap in assisting victims will become smaller.

Some victims of human trafficking ran away from help or even fell back into the abusive cycle of the crime due to the limitations the counter-human trafficking NGOs faced in terms of the lack of training to assist VOT, urgent help and detox programmes for the victims (Emser, 2013:244). Therefore, Clawson et al. (n.d:11) states that the role of these counter-human trafficking NGOs needs to be developed so that there is no social exclusion of any trafficked victims because the effects of trauma are devastating and persistent. However, this seems to have developed in terms of research and knowledge to an extent, as many of the respondents from the research explained that their counter-human trafficking NGOs started to include drug awareness and detox programmes into their rehabilitation programmes which were being offered to the trafficked victims that had been rescued and were receiving assistance. However, based on the interviews that were conducted, 98 percent of the respondents explained that they

did not have sufficient resources for safe houses and shelters (especially shelters dealing specifically with victims of human trafficking instead of multi-purpose shelters). These resources were identified firstly as the lack of money/funding and then the lack of human resource.

Emser and Francis (2017:198) explain that based on the TIP Act, protection of victims are a large responsibility of the Department of Social Development. However, Emser and Francis (2017:198) elaborated that the responsibility of protection has been devolved by the DSD and passed on to NGOs with multipurpose shelters. Furthermore, as Tzvetkova (2002:62) and Emser and Francis (2017:198) explain that most of these shelters are multipurpose shelters, meaning that they also help victims of other social ills that affect society like domestic violence and drug addiction. Moreover, Emser and Francis (2017:201) discuss that the experiences and needs of the other victims in the multipurpose and the victims of human trafficking differ, therefore making it problematic to cohabit. As a result, victim empowerment and assistance is slowed down, making it easier for victims if trafficking to relapse either with the substance abuse or returning to exploitative environments due to the impact of their traumatic experiences which give them trust in receiving assistance.

In saying there is a lack of these types of shelters, Emser and Francis (2017:200) further claim that there is no shelter in Kwazulu-Natal that is specific to assisting and protecting victims of human trafficking. Due to the limitation of space within these NGOs providing housing, victims of trafficking were referred to non-accredited shelters which not only did not meet their clinical requirements but also placing them at risk in terms of their safety and secondary victimization. Tzvetkova (2002:65) also added that no long-term or full-time accommodation is provided to the victims because of the lack of sufficient funding. As a result, based on the interview responses; while there has been development in knowledge to an extent with regard to addressing what Emser (2013:243) spoke about in terms of the social exclusion of victims, much more work is required. As evident by Emser and Francis (2017:202) short term accommodation like that mentioned by Tzvetkova (2002:67) is not always successful in assisting victims of trafficking because sometimes the victims may need more than the stipulated period for therapy and psychological assistance that they require.

Moreover, it is vital for victims of human trafficking to be placed in specific safe houses that provides protection and services that do not reflect any of their trafficking experiences or trauma already experienced (Emser 2013; Smout 2019). Schloenhardt and Hunt-Walsh



(2012:84) add that the victim centred approach which provides assistance in helping them gain their confidence in life back and providing recovery services that are required immediately will build trust. When this trust is built, it builds the willingness of victims to trust and engage with the criminal justice system to assist with the details of the trafficker. It is important to be cognisant to the psychological impact human trafficking has on a person when the victim experienced the trafficking to have complete control over them and when are put in these shelters they begin to experience another type of control and if not managed correctly, can cause more psychological trauma and damage and will lead to the cycle of abuse. Receiving the most appropriate and suitable psychological assistance is of highest importance as Visser (2018) described that many victims returned to the cycle of trafficking due to their minds being enslaved. However, Respondent C says that it is difficult to ensure a qualified psychologist is always available to volunteer their time and services to assist our victims. This is due to the financial strain of us paying them and them ‘working’ for free. This is therefore a factor impacting the efficacy of the NGOs in dealing with the rehabilitation and reintegration of the victims of trafficking.

Furthermore, Skillen and Brussels (2016:8) as well as the participants explained that the lack of sufficient funding affects the number of staff being employed as well as negatively impacting the efficacy of their role through limitations of resources or lack thereof. For example, Respondent E explained that;

“we work in a very tiny space while having eight community projects running within the same space at the same time. This therefore limits the amount of work we do on countering human trafficking. Additionally, the lack of funding has also slowed down our process of moving to larger space and building a safe house for male victims.”

The respondent also added that they have only one vehicle to run around and do their campaigns and awareness projects with. Therefore, only allowing one programme to take place at a time like only one school talk at a time and also if the vehicle breaks down, all activities are on hold

However, Respondent B says they will continue to fight against the crime despite the lack of resources and adequate support by civil society and government. Furthermore, despite being undermined and doubted they will try through every possible means to influence government structures to “fight the same fight together.”

According to Macarchuk (2018:4) and VOA News (2018), NGOs are often regarded as pressure groups because of the influential power they have on dealing with world issues. VOA News (2018) further adds that these non-state actors lack decision making power due to the states being sovereign, however, they are influential in developing national and international policies on behalf of collective interests.

As such, some of the respondents explained that they had no influence or direct impact on developing the Trafficking in Persons Act (TIP Act) in South Africa while other respondents like Respondent B, C, D and H discussed that they have sat through extensive meetings with the National Prosecuting Authority in assisting with the development and the compilation of the TIP Act. According to Respondent B:

“... we have also advocated for non-punishment provisions and work as to ensure that victims of trafficking do not encounter further penalties for their involvement in unlawful activities, or for not having appropriate documentation like those who are illegal migrants, to the extent they have been compelled to do so due to the nature of human trafficking.”

The impact counter-human trafficking NGOs have on policy formulation is considered by Skillen and Brussels (2016) when he explains that counter-human trafficking NGOs are important for drafting policies because they are able to identify and highlight the problem, provide evidence for their claims and then formulates solutions that should be considered by the government and used toward the protection of victims and prosecution of perpetrators. Furthermore, the mere sharing of information in terms of the victim profiles that have been seen by the counter-human trafficking NGOs and what types of trafficking the organizations are coming into contact with, will help with compiling an effective data base and legislation. This will occur while assisting the government on developing existing anti-trafficking strategies and developing new ones (Martens, 2002). Merilainen and Vos (2015:19) add that: “when multiple actors take part in the debate, differences of opinion can create blockages between the actors during the debate and decision-making process, turning the discussion into political power play.” Thus, explaining that even though the counter-human trafficking NGOs lack direct decision-making power, the mere gathering of participating in the decision-making process and debate, turns the gathering into an effective political power play. This therefore means that NGOs do in fact have indirect power - due to their contribution to the discourse and control of power in order to control the information that is selected towards policy development.

Through such, we are able to deduce that the role of counter-human trafficking NGOs are not limited to victim services but also toward developing policy frameworks to legally protect its citizenry. This is important when looking at the role counter-human trafficking NGOs have in the development of global solutions, norms and policies to address human trafficking. According to Skillen and Brussels (2016), the sharing of information with government and departments within the government, lobbying and campaigning, influences the development of governmental policies.

To further add to the role of power, Lister (2013:12) demonstrates that the North establishes NGOs addressing social problems in developing countries to exercise political power, control and dominance. Therefore, the aim of such an organization is used more for means of manipulation and political self-gain rather than the sole purpose of combatting human trafficking. This removes power from the NGO within the recipient country while giving power to the host country. As such, South Africa, located in the global South, is a developing nation and also grapples with this as Respondent C explained. Respondent C, as an international NGO, based in the North as the host country, said: “we appreciate the financial assistance for our programmes however at times we feel like we are indebted to the developed nation due to the assistance they provide. This therefore strips away our power and gives them the upper hand.” A similar argument was made by Emser (2013:59) who cites Soderland (2005) as she explains that “the United States is also using its status as a superpower and major donor nation.”

However, there are still many other forms of discursive power which assist as well as enhances the work of the counter human trafficking NGOs like the power of media. The media also play a significant role in slowing down effective initiatives aimed at combatting human trafficking (Merilainen and Vos, 2015:17). To explain this, Merilainen and Vos (2015:20) says, “for example, victim narrative videos have proven that social media can create opportunities to disseminate information on important social issues that rarely get attention through midstream media.” However, Pescinski (2015) and Skillen & Brussels (2016:7) explain that western and developed nations draw much attention through media and communications on human trafficking for sex trade and therefore, sensationalises the depiction of woman as the only victims of the crime as well as conflating human trafficking with that of prostitution. The singular narrative forms a generalised profile of victims and therefore prevents the acknowledgement of other victim profiles of human trafficking and excludes the socio-economic causes of the crime, leaving a ground for susceptibility. Pescinski (2015) and

Merilainen and Vos (2015:17) however also explain that this affects the way anti-trafficking policies are drafted and designed due to the power of framers<sup>11</sup> and setters held by NGOs and political entities.

Real life narratives impact civil society by illustrating that human trafficking is beyond the lucrative sex industry which breaks through geographical borders, gender and racial lines- devastating and breaking human being emotionally and physically. This therefore increases the urgency by both, the government and civil society to act and be proactive in bringing the crime rate and victims affected by human trafficking down. Narratives and how stories are told is a mode of discursive power which helps to prioritize an issue/s (Gan et al. , 2014:202). The ways of knowing is naturalised by the way stories are told in terms of their language, tropes, descriptions and narrations. This therefore sets the basis on how the issue is addressed and what type of attention it gets. Merilainen and Vos (2015:20) further explains that the debate on human trafficking may be transferred to a parliamentary/state context if the general public is informed about the crime through social media narratives which is controlled by NGOs.

In addition, many of the anti-human trafficking NGOs included real life stories about individuals who have fell victim to human trafficking with the intention of making the educational process more relatable and real to all citizens. These stories are historical stories that have now been used as examples of human trafficking and for awareness purposes, like the stories and lived experiences of Sarah Baartman<sup>12</sup>, Elanie Kruger<sup>13</sup> and Grizelda Grootboom<sup>14</sup>. The sharing of these stories does not only raise awareness on what happens in the life of a human trafficked victim but also demonstrates how working together in combatting

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<sup>11</sup> According to Merilainen and Vos (2015:17), framing is a classical tool used for agenda setting and to influence views as well as to interact with other actors on social problems.

<sup>12</sup> According to Kentake (2017), Sara Baartman was the first black female victim of human trafficking that has been known. She was a South African Khoi-san woman known for her large buttocks who was first kept as a domestic servant and was then lured to Europe after being promised a portion of riches. Gordon-Chipembere (n.d.) was cited in Kentake (2017) who explained that the case of Sara Saartjie Baartman became the narrative to illustrate suffering and exploitation that was faced by black womanhood. Sadly, Sara Baartman passed away at the young age of 26, however, her story is still one told globally.

<sup>13</sup> Kruger (2016) explain her traumatic experience of being a victim of human trafficking. Kruger grew up in an alcoholic family with abusive parents. She was the youngest of three children and at the age of 16 her mother committed suicide and Kruger became an alcoholic. Kruger was then sold as a sex slave in Bloemfontein, South Africa. After being held captive in a local brothel in Bloemfontein for 8 months, Kruger was able to successfully escape and live on the streets for a short while before going back to her father and improving and rehabilitating herself after being a victim of human trafficking.

<sup>14</sup> Coloured Kleuring (2018) explains Grizelda Grootboom as the remarkable survivor of being gang raped at the tender age of 9 and being a sex slave at the age of 18. Grizelda remained as a sex slave until the age of 26, admitted herself into rehab, revisited the trauma she faced and wrote a book and now stands as an anti-human trafficking activist in attempt to end the trade of women (Coloured Kleuring, 2018). Grizelda is indeed another survivor of human trafficking that we can learn a lot from through her perseverance and power every day to advocate for the rights of anyone trapped in the vicious cycle.

human trafficking through the sharing of knowledge through networking, grabs more attention and publicity which may facilitate the development of global solutions. This is also an indication of the power of narratives.

Schoelenhardt and Hunt-Walshe (n.d.:19) also add that this misinterpretation of human trafficking profiles and stories portrayed by the narrative of the media, impacts the number of NGOs dealing with sex trafficking and female victims. Therefore, media does play an important role in raising awareness of human trafficking, however, alters its effectiveness in efficiently combatting the crime through its ambiguity of a singular narrative.

At the same time Merilainen and Vos (2015:20) explain that the power of narrative through media and communication should not be undermined especially during the global technological age and social media age because it can allow for the distribution of helpful information. For example, sparking a debate about human trafficking or what it constitutes of and posting it on social media, could potentially lead the topic in the direction if being discussed within a parliamentary context. Therefore, it is important to understand how different actors discuss human trafficking and through what criteria they exercise their power because often it is in order to pursue own interests instead of the development of solutions on a global scale.

### 5.1 The Role of Power by NGOs

As the research was centred around the role of discursive power and counter-human trafficking NGOs, the respondents were asked what would be different or what changes will take place if the power was in their hands.

The responses from the interviewees about how much different things would be if they had power at their disposal, were different to each other. Most respondents explained that the government lacks accountable structures in addressing human trafficking in South Africa and does not show the willingness to address the crime through government structures and funding. This was mostly highlighted through the lack of budgeting and funding in addressing human trafficking as well as finding anti-human trafficking events and activities. Smout (2019) explains that many of the NGOs are dependent upon DSD for funding despite the “regulatory fuss” about these shelters, yet the funding is insufficient. Furthermore, the type of support they provide needs to improve in order for them to successively and effectively play their role in combatting human trafficking in South Africa.

Emser and Francis (2017:193) also identified the lack of support received by the provincial task team as another factor impacting the efficacy of counter-human trafficking attempts by the national government. Although a few respondents did highlight that they would strengthen the relationship between the government and NGOs, others focused their response on more awareness but raising the awareness to those in rural, out of the city areas. While Respondent E explained that; “we would address the root causes of human trafficking in South Africa which would minimize the supply of cheap, exploitative labour and the demand for it.” Merilainen and Vos (2014:18) also agree that the socioeconomic context and causes need to be taken into consideration in order for human trafficking to be targeted. The respondent added that this would include things like addressing poverty and unemployment in South Africa as well as paying law enforcement better so that they maintain better attitudes and therefore maximize their authority rather than taking bribes. Agbu (2003) cited in Merilainen and Vos (2014:18) supports that the high volume of human trafficking is linked to the corruption within the state.

As respondent F explains,

“the first thing we as an NGO would do is be the president of South Africa to address the many factors that leaves the country vulnerable to human trafficking because root causes that lie deep within the epidermis of the socioeconomic state of the country, needs to be addressed.”

Also addressing the factors leaving society vulnerable to the crime such as the high unemployment rate in South Africa. Respondent B emphatically explained that if things were different and sovereign power was in their hands, they would criminalise pornography and exploitative cultural practices are strong factors. Respondent B admitted that this would be a difficult task considering the red tape around criminalising cultural practices but will however engage in activities with the government like lobbying and campaigning. The respondent also added that in their attempt to criminalise exploitative cultural practices while in possession of the highest power, they would make a consensual decision on what amounts to or is considered as exploitative cultural practices. Thereafter, legislation will be drafted and passed as white paper.

Similar action was taken by the Human Rights and Protection Section to criminalise exploitative cultural practices by ethnic groups in Liberia. These exploitative practices were carried out in the name of ‘culture’ or ‘tradition’ but were deemed as a violation of international human rights (UNMIL:2015). Furthermore, the United Kingdom was recognised as the first

country to ban pornography sites online but had to drop the ban due to the technical issues that stemmed from it as well as the lack of proficiency in communicating the implementation with the European Union (Johnson, 2019). These two examples are an indication that the responses from the counter-human trafficking NGOs were not new as they have been thought of and tried out but are not always deemed successful in the implementation aspect.

They further added the implementation of human trafficking teachings amongst church-and/or faith-based organizations. Finally, Respondent A explained that if power was in their hands, they would improve the education and awareness of human trafficking, crime and being a criminal as well as exploitative behaviour within schools. This is of absolute importance as explained because the respondent highlighted that the future victim or trafficker could be amongst the children if the reality of such are not thoroughly explained to them.

An interesting conclusion based on the analysis of the data collected through the interviews as well as the literature review is that everyone is raising awareness on how to not fall victim to the crime and how to escape being a victim but nobody is teaching us or raising awareness on what help or how to get help and which channels to take if one happens to be a trafficker in order to exit the industry. This would be an important factor as sometimes after being a trafficker and exploiting many people of different races, ages and gender-, as a suspect, one may want to exit the cycle but not know how to do such or what help is offered. Furthermore, the fear of being judged and not receiving adequate help in such a case is highly possible. This also indicates how humans may contain so much of power yet lack power at the same time.

## 5.2 CONCLUSION

In conclusion, counter-human trafficking NGOs in South Africa have played a vital role toward influencing legislation on the crime as well as providing victim services in terms of prevention and protection services. These services include but are not limited to identifying victims, using a faith-based approach in assisting victims, hosting events to raise awareness and providing psycho-social assistance. Focusing on the analysis of the responses from the interview helped validate some of the key points and findings on the role of counter-human trafficking NGOs which appeared in the report by OSCE (2018). Amongst the key points, what had been highlighted was that the role of counter-human trafficking NGOs should not be downplayed to be understood as mere private entity-service providers. Instead, NGOs should be regarded as defenders of human rights violations who provide constructive criticism that is crucial for

progress and the democratic process. Prosecution of traffickers is in the power and responsibility of law enforcement; however, it can be effectively supplemented by the help of counter-human trafficking NGOs. Many counter-human trafficking NGOs like Respondent C therefore work hand in hand with police and law enforcement by intervening in transit areas in order to bring human trafficking to an all-time halt while maintaining strong networks. Counter-human trafficking NGOs therefore need to strengthen their efforts and utilize the discursive power they have in their hands to effectively combat human trafficking in South Africa. Funding, however, was the overarching factor affecting the efficacy of the role of these NGOs, based on the data that was collected. The literature and respondents also indicated that socio-economic factors negatively impact the prevention activities of the counter-human trafficking NGOs. This was due to the socio-economic factors leaves vulnerable people within society susceptible to falling into the manipulative tactics used by traffickers like the false promise for financial freedom, stripping them, off all their power. Furthermore, the anti-trafficking NGOs feel that if they had more power within their hands, there would be more accountable structures in place to effectively address the crime with a budget sufficient enough to address the grass root causes of the crime as well as to fund NGOs so that they can help end the trade of human beings in South Africa. Additionally, NGOs contribute toward the narratives formed around human trafficking based on their reporting structures. As such the way the crime is understood, the most common forms of human trafficking and the causes of human trafficking are narrated through them. Moreover, the narrative assists as it tends to break gender biases and stereotypes on the crime. Lastly, the respondents suggested that the only possible way forward is through adopting a transparent, multi-faceted, multi-levelled, collaborative approach from state and non-state actors.



## 6. Conclusion

After an intense research study, the data was collected through an extensive desk top analysis and qualitative, exploratory interviews. The interviews took place face-to-face, telephonically and via email. A thematic analysis of the data was guided by the concept of discursive power and concluded that through collaboration with the South African government and also through existing independently, counter-human trafficking NGOs have taken the initiative to attempt combatting the crime in South Africa. While law enforcement and other legal authorities experience staff shortages, poor knowledge on the crime and the lack of experience with adequately dealing with the crime and victims, NGOs play a valuable role of assisting with raising awareness on the crime, rescuing, rehabilitating, reintegrating and bringing justice to victims. As a result, despite the lack of infrastructural and human resources, funding and both financial and emotional support (of which adversely affects the efficacy of NGOs), anti-human trafficking NGOs have still effectively contributed toward combatting human trafficking in South Africa. These NGOs are also regarded as the drivers of awareness raising programs. However, due to internal politics within and amongst the counter-human trafficking NGOs as well as within the different governmental sectors, and the fight and abuse of power and positions, the role of NGOs have been under scrutiny with their contributions, thus forming part of the factors which are impacting their efficacy.

Furthermore, as discussed in chapter 4 the type of counter-human trafficking NGOs determines the relationship that is held between them and the government/s (Kim 2011). This can be deduced from the interviews as well, as the international counter-human trafficking NGOs explained that they have greater financial power to not only improve and fund their own services but also in terms of receiving emotional support from more people due to support from not only South Africa but also from their host country. This is particularly so because there is more people assisting the NGOs and also the currency differences works in favour of those in South Africa. For example, when the international counter-human trafficking NGO is being funded from the United States, a few US dollars are not just a few South African Rands.

Much like governments, counter-human trafficking NGOs face limitations in addressing human trafficking. They encounter an overarching issue of financial strain, the inability to effectively stop human trafficking on their own, the lack of support, language barriers and

exploitative cultural issues. After this research it is evident to see that counter-human trafficking has its strong and weak points just like most actors within a state. However, more extensive research is needed on their role in countering human trafficking, as this would provide information to help reduce the inefficiencies within these organizations as well as promote the sharing of knowledge.

Additionally, there have been many attempts of counter human trafficking initiatives in South Africa and proactive and practical measures by the South African government. Some initiatives are directly within the country like the development of legislation and national task teams while some have been endorsed through international initiatives like the UN Palermo Protocol. However, despite these counter human trafficking initiatives in South Africa, Emser and Francis (2017:191), emphasized that it is still inadequate in terms of policies and legislation for South Africa to effectively address human trafficking. This, according to Emser and Francis (2017:191) is because the country is faced with an issue of lack of resources like money, additionally, the initiatives are found to be understaffed, under qualified and lacking sufficiently trained law enforcement personnel. Furthermore, Emser and Francis (2017:191) emphasized that there is a significant lack of policies and adequate legislation aimed toward the alleviation of the core push and pull factors of human trafficking in South Africa. Therefore, even though there are a lot of attempts by both state and non-state actors to effectively advocate their own interests and agenda which inevitably causes tensions between them, there is still a continuity of efforts amongst them.

As a result of the unequal balance and power and responsibility, the relationship and co-operation between counter-human trafficking NGOs has become a very strained and tense. In fact, most government departments, as demonstrated in the interviews, are not playing their critical role in addressing human trafficking at its grass root level. This, therefore, devolves greater responsibility to civil society and NGOs to compensate this lack, over and above the challenges they themselves face.

Lastly, the *base of power* for the effective operation and efforts by NGOs are attained through effective partnerships with the government and civil society due to their dependence on resources such as funding, infrastructure and training for efficient contributions toward counteracting human trafficking. Additionally, the *means of power* by the NGOs are attained through their sharing of information and assisting the departments of government and law enforcement through victim identification, national task teams through collaborative

partnerships while using their resources and utilizing their skills to raise awareness on the crime and assist with the reintegration and rehabilitation of victims. Counter-human trafficking NGOs maintain indirect power which is used to influence public opinion but awareness raising which can be located within the third element of power which has been indicated as the *scope of power* by Dahl. Furthermore, NGOs use their small *amount of power* to create a narrative on the discourse and forge partnerships to influence national policy and legal frameworks within the field. Despite the efforts and initiatives to represent those in exploitative conditions which violates their basic human rights, they are still subjected to the power by the South African government due to the sovereignty that the state holds, thus being unable to overthrow that authority and power. Therefore, even though internationally NGOs were regarded to be idealistic actors with the intention of making profits and publicity, it is evident that they have helped shape international relations by their contribution to the discourse. Thus, playing an integral part in assisting governments and states with effectively combating the crime.

### 6.1 Recommendations from the research:

Counter-human trafficking NGOs need to take on effective evaluations with efficient sharing of information in order to secure funding from reliable resources. In doing so, more people would want to know where their money is going and would continue supporting such.

Due to human trafficking being a multi-layered, complex crime, much more training needs to be done with counter-human trafficking NGOs, law enforcement, social development and other relevant stakeholders involved in countering human trafficking so that all are working off the same page. Additionally, resources need to be dedicated by the government to ensure this training has been undertaken.

Counter-human trafficking NGOs should always maintain good and healthy partnerships with all role players and stake holders that contribute toward combatting human trafficking in South Africa as these NGOs cannot address the crime on their own.

As an effective means of bridging the gap between vulnerable groups of people, victims of trafficking and support structures are through the use of communication structures. In other words, other non-state actors and NGOs need to be aware of the support and protection that is available so that they can distribute this information through their networks of communication. As these actors deal with vulnerable groups in society like sex workers, irregular migrant workers and unaccompanied minors. Therefore, these groups that have first-hand interaction

with marginalised groups of people and can inform them about policies that protect and violate their rights. This makes it easier for victims to identify themselves as victims or identify others as victims within their immediate environments.

Counter-human trafficking NGOs also need to promote policies and raise awareness within the health care sector. According to OSCE (2018:56) this sector is often forgotten about in terms of networking and partnering to avoid human trafficking for the intention of organ removal. Mbugua (2019) reiterated that organ harvesting is often forgotten as a form of human trafficking and is greatly underreported. Therefore, medical staff should be aware of suspicious activity within their surroundings as victims of trafficking may also be brought into the medical space for treatment of diseases and injuries. Therefore, NGOs should work closely with the Department of Health and the training that the department has rolled out.

Legal aid and legal assistance is vital to ensure that all victims have access to justice and are protected against the possibility of secondary victimization. Even though, the NPA offers access to justice for victims of trafficking, very few NGOs offer it. Therefore, more NGOs should offer this service and the South African government should also get involved in this regard.

Finally, according to OSCE (2018:49) NGOs and lawyers should advocate non-punishment provisions and work as to ensure that victims of trafficking do not encounter further penalties for their involvement in unlawful activities, or for not having appropriate documentation like those who are illegal migrants, to the extent they have been compelled to do so due to the nature of human trafficking.

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## Appendices

### Appendix A – Interview questions for all Respondents

#### **Interview Questions:**

Name of Respondent:

Position of the respondent in the NGO:

#### **Role of the NGO:**

1. What type of NGO are you?
2. What is your role as a NGO?
3. What is the ethos of the NGO?
4. How long has the NGO been involved in anti-trafficking activities?
5. What services do you offer in relation to human trafficking (e.g. awareness-raising, psycho-social support, etc.)?
6. What activities are in place for you to maintain your role as a counter-trafficking initiative?
7. Where does your activation and awareness campaigns take place? Would you say that this reaches your target audience
8. Would you say any of your roles or activities are hampered through any government policy? If so, please elaborate.
9. How are your activities funded? Is this funding sufficient for you to fulfil your role?
10. Are other personnel from within the locality and other sectors, incorporated in your prevention programs? Like Department of Social Development or Safer Cities etc.
11. Approximately how many staff are employed? Is this enough or does it impact your role?
12. You mentioned that you are involved with other actors and sectors in your programmes, has this impacted the way in which the NGO deals with human trafficking?
13. Do NGOs within the human trafficking sector maintain healthy relations with each other or does it come to a place of competition? Could you please provide me with examples.

#### **Social Factors:**

1. How rife is human trafficking within this locality and SA?
2. What types of human trafficking does your organization come across?
3. What would you say is the biggest cause for the human trafficking in South Africa?
4. Who are the most common victims?
5. In your experience, what is the split between domestic and international victims; male and female?
6. Would you say social factors within the locality of the NGO impact its role? Please explain why.
7. Does your NGO focus more on trafficking for sexual exploitation, forced labour, child trafficking or a combination thereof? Please could you explain your answer.

#### **Policies and Legal Frameworks:**

1. Government has been rolling out the implementation of the Trafficking in Persons Act, over the past few years. How, if at all, has the implementation of this Act affected how your NGO allocates its resources?
2. Is the NGO aware of the national policy and legal framework about human trafficking in terms of laws, preventions and policies? If you are, do you obey the legal framework in terms of how the organisation is run?
3. What role has your organization played in any of this?
4. What is your NGOs roles and responsibilities in terms of the law/policy or any governmental organization you may be affiliated to?
5. Which areas of the national policy does you NGO focus its advocacy on?
6. Does your NGO use any government platforms or forums to conduct its advocacy?
7. What aspects of the current anti-policy trafficking do you feel can be better implemented by the South African government?
8. Other than policy formation, would you say there is any other collaboration or partnership between NGOs and national government?

9. Are you aware of any government campaigns to address human trafficking beyond awareness or criminal justice (e.g. addressing socio-economic root causes?)
10. Do you work on any projects or programs with the government? Please could you provide me with examples. Have you noticed an impact on the number of victims identified or assisted?
11. If power was in your hands as the NGO to address human trafficking, what would be different?

## Appendix B: Table of Respondents

	<b>Type of NGO</b>	<b>Type of interview conducted</b>
<b>Respondent A</b>	Community based , holistic NGO	Emailed response
<b>Respondent B</b>	International NGO	Face-to-face
<b>Respondent C</b>	Community based, holistic NGO	Telephonic
<b>Respondent D</b>	Community based , holistic NGO	Emailed response
<b>Respondent E</b>	Community based , holistic NGO	Face-to-face
<b>Respondent F</b>	Faith based	Telephonic
<b>Respondent G</b>	Faith based	Emailed response
<b>Respondent H</b>	Anti-trafficking NGO	Emailed response
<b>Respondent I</b>	Community based , holistic NGO	Face-to-face

## Appendix C: TurnitIn Report

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### MASTERS FINAL

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ORIGINALITY REPORT

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<b>6%</b>	<b>0%</b>	<b>2%</b>	<b>5%</b>
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

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PRIMARY SOURCES

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<b>1</b>	<b>Submitted to University of KwaZulu-Natal</b> Student Paper	<b>5%</b>
<b>2</b>	<b>"The Palgrave International Handbook of Human Trafficking", Springer Science and Business Media LLC, 2020</b> Publication	<b>1%</b>

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## Appendix D: Ethical Clearance Report:



05 October 2018

**Ms Alandra Presley Naidoo (214583231)**  
School of Social Sciences  
Howard College Campus

Dear Ms Naidoo,

**Protocol reference number: HSS/1625/018M**

**Project title:** The role of Discursive Power and Non-Governmental Organisations in Counter Human Trafficking in South Africa

### **Approval Notification – Expedited Application**

In response to your application received 17 September 2018, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

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

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

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

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

Yours faithfully

.....  
**Professor Shenuka Singh (Chair)**

/ms

Cc Supervisor: Dr Monique Emser  
Cc Academic Leader Research: Professor Maheshvari Naidu  
Cc School Administrator: Ms Nonhlanhla Radebe

---

**Humanities & Social Sciences Research Ethics Committee**

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