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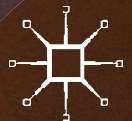
# **HUMAN TRAFFICKING AND SECURITY IN SOUTHERN AFRICA**

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**The South African and Mozambican Experience**

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**Richard Obinna Iroanya**



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Richard Obinna Iroanya

# Human Trafficking and Security in Southern Africa

The South African and Mozambican Experience

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*To my children*

*Chigozirim, Onyinyechi, Chisom and Chioma*

*I trust they and their generation will grow up in a more secure world  
without human traffickers*

## PREFACE

In July 2017 it was widely reported that a twenty-seven-year-old South African woman had been rescued from a Malaysian sex trafficking syndicate. According to the South African Police, the woman, with nine others, was lured to Kuala Lumpur by an Internet advert for a beauty pageant, which, when they arrived in the city, they learnt had been cancelled. They were then held hostage in their hotel rooms, while their captors finalized their next move. However, swift rescue operations by the Malaysian security forces ensured the safe return of the lady to Johannesburg.

The implication of this kind of news is that the phenomenon of human trafficking is real in South Africa and beyond, and that anyone can become a victim. Human trafficking in this context is a unique crime, which is generally regarded to be different from illegal migration and other types of cross-border activities and contraventions.

The propensity of traffickers at all levels to deceive, subjugate, exploit and dehumanise victims should motivate us to do more to protect our women and children from this crime against humanity. Therefore it is not enough to enact global, regional and national legislation against human trafficking: there is a need to ensure the provision of sufficient resources to effectively implement the laws that exist and to address different factors which facilitate human trafficking as articulated in this book. Among these are civil wars, globalization, poverty, the Internet, sex tourism, corruption and inadequate political will. These challenges need to be addressed if we are to combat human trafficking. Since the turn of the century, increase in this activity show the deficiencies in the predominantly criminal prosecution approach that is currently being adopted in the fight against this global phenomenon.

In terms of the author's pedigree, I have known Richard Iroanya since 2004 when he joined the Research Directorate of the Africa Institute of South Africa (AISA), now part of the Human Sciences Research Council (HSRC). He has always demonstrated deep interest in studying social problems. I was therefore not surprised when he embarked on a mission to closely scrutinise the phenomenon of human trafficking and to produce a must-read book on the subject.

In *Human Trafficking and Security in Southern Africa: The South Africa and Mozambican Experience*, Richard Iroanya presents a more layered and evenly balanced analysis of human trafficking. He has gone beyond providing national case studies or tying the study to gender or security, and addresses both aspects at the same time. Two country case studies are presented to demonstrate what is commonly identified as destination (receiving trafficked humans) and source (supplying trafficked humans). The complexity of these identifications are convincingly explained to enhance our understanding that although a country can be predominantly described as a source or destination, the layers of domestic, regional and international human trafficking operations show most countries are partly destination, source and transit nations. Using these two case studies, Iroanya is able to provide valuable insight into their relationship as source and destination countries and their co-dependent nature in supplying human labour for a range of purposes, including but not necessarily limited to sexual exploitation, forced labour, slavery and human organ supply for both medical and ritual purposes. He then provides analysis of current policies and legislation relating to human trafficking to demonstrate the necessity for securitising the phenomenon. Rarely (especially in Africa) is human trafficking considered a national security issue, but Iroanya sufficiently problematises human trafficking as both national and human security threat. He not only analyses the problem of human trafficking but also provides the reader with reflections and recommendations on the significance of human trafficking as a security threat and the necessary steps to combat it—from sufficient funding of police efforts to prohibit trafficking and coordinated efforts to stop the organised criminality that is linked to human trafficking.

This book is timely because, as Iroanya notes, 'the problem of human trafficking is endemic and its implications are extensive, especially for human and national security of states. It is also timely because many countries, especially South Africa and Mozambique, have started implementing national anti-trafficking legislation which demonstrates the reality and

unique nature of the crime. Some data presented in the book are based on the number of people arrested, prosecuted and convicted in accordance with national anti-trafficking legislation. The book complements other works on human trafficking while emphasising an aspect of the problem (national and human security) that is less known and discussed.

This book is a significant contribution to the knowledge and understanding of human trafficking as a global phenomenon. Within the Southern African region, policymakers, law enforcement agents and non-governmental organizations will find this book useful as they try to deepen their knowledge and understanding of the problem with a view to crafting enduring solutions. As a well-researched and seminal book on human trafficking, its discussion and analyses of issues relating to governance, policy, legislation, migration, gender and labour will resonate with social scientists, political scientists, human rights and gender activists as well as legal and African studies scholars. *Human Trafficking and Security in Southern Africa: The South African and Mozambican Experience* will stimulate our imagination, involve our emotions and hopefully inspire us to do more to combat human trafficking in sub-Saharan Africa. I highly recommend this book.

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Afriwealth Graduate Institute  
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and Commonwealth Institute Visiting Fellow

Adewale Banjo

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## ABBREVIATIONS

AU	African Union
BCOCC	Border Control Operational Coordinating Committee
CCHS	Canadian Consortium on Human Security
CEPR	Centre for Economic Policy Research
CHS	Commission on Human Security
CIS	Commonwealth of Independent States
CPI	Corruption Perceptions Index
CSAE	Study of African Economies
CSEC	Congress against Commercial Sexual Exploitation of Children
DHA	Department of Home Affairs
DRC	Democratic Republic of Congo
EU	European Union
Europol	European Police
FBI	Federal Bureau of Investigation
GDP	Gross Domestic Product
HDI	Human Development Index
HDR	Human Development Report
HRL	Human Rights League
HSRC	Human Science Research Council
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
NCACA	National Campaign Against Child Abuse
NGO	Non-Governmental Organisations
NPA	National Prosecuting Authority

OSCE	Organization for Security and Co-operation in Europe
SABC	South African Broadcasting Corporation
SADC	Southern Africa Development Community
SALRC	South African Law Reform Commission
SAMSA	South Africa Maritime Safety Authority
SANDF	South African National Defence Force
SAP	Structural Adjustment Programme
SAPS	South Africa Police Service
SMME	Small Medium and Micro Enterprises
TI	Transparency International
TVPA	Victims of Trafficking and Violence Protection Act of 2000 (US)
UAE	United Arab Emirates
UNDP	United Nations Development Programme
UNICEF	United Nations International Children Education Fund
UNODC	United Nations Office on Drugs and Crime
UNPF	United Nations Population Fund
USSR	Union of Soviet Socialist Republic
WGCF	Working Group on Contemporary Forms of Slavery
WHR	World Human Rights

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## Introduction

The crime of human trafficking is real. The existence of international, regional and national anti-trafficking legislation and successful prosecutions in several countries proves the reality of the crime, especially in the Southern African context. Yet the extent of human trafficking occurrence globally and on the Southern African continent specifically remains largely unknown. Different organisations, such as the United Nations Office on Drugs and Crime (UNODC), have been collecting data on the patterns and trends of human trafficking from official, national criminal justice sources since 2003. Based on the UNODC's 2016 report, a total of 63,251 human trafficking victims were detected in 106 countries and territories between 2012 and 2014. Adult women and girls comprised some 70% of the total number of detected victims. With specific reference to Africa, the most recent estimate by the International Labour Organisation (ILO) claims that 3.7 million Africans may be victims of human trafficking (ILO 2014). However, estimated numbers do not always match with actual available statistics based on the number of reported cases, arrests and convictions of offenders and rescued victims in the region. Statistics provided by the US State Department in its 2017 Trafficking in Persons (TIP) report, shows that 1251 alleged human traffickers were prosecuted in Africa in 2017. Of this number, 1119 people were convicted of human trafficking offences. Additionally, about 18,296 human trafficking victims of African origin were identified globally (US State Department 2017).

In the Southern Africa Development Community (SADC) region, about 989 human trafficking cases were reported, investigated and prosecuted between 2008 and 2015. This figure is derived from SADC's 2016 baseline report on trafficking in people in the region. The data provided by SADC could be much higher as data for Angola, Botswana, Democratic Republic of Congo, Seychelles, Zambia and Zimbabwe were not included in the report for different reasons, including the newness of anti-trafficking legislation. Contradictions, exist, however, when the SADC report is examined in the light of the US State Department's yearly TIP report. The latter for 2017 shows that about 1020 human trafficking cases were reported in the SADC region between 2015 and 2017.

Discrepancies existing in the number of human trafficking cases that are reported by different agencies emanate from the fact that the concept of trafficking is often used to describe different criminal activities such as sexual violence and smuggling, but this may not always be the case. While some consider human trafficking to be a part of smuggling, others equate it with kidnap. Although it does appear that people kidnapping, trafficking and smuggling are sometimes used synonymously in the literature, they can be conceptually differentiated (SADC 2016; Frankel 2016; Kempadoo 2000; IOM 2003). Distinction between the terms are made using four criteria, namely, consent, exploitation, transnationality and source of profit. While smuggled people in most cases consent to being smuggled into another country, trafficked victims in most cases do not consent to being trafficked. Exploitation of trafficking victims continues even after arrival at their destinations, while the exploitation of those who are smuggled in most cases ends with the arrival of victims at their destinations. While people trafficking and smuggling are mostly transnational in nature, trafficking may in some cases, be entirely domestic. People smugglers profit mainly from transportation of their victims to their destinations, while human traffickers profit from continuous exploitation of their victims in their destination countries.

Kidnapping is described as the forceful procurement of people for financial, sexual and other exploitations. Unlike trafficking and smuggling, which in some cases may involve the consent of victims, those who are kidnapped are held against their will. Kidnappers profit from demanding ransom from the state, organisations or relatives of their victims. In many cases victims are released after the payment of ransom. However, there are extreme cases in which victims are killed even after a ransom has been paid. Kidnapping is mainly domestic, but can also be international. Importantly

too, kidnapping may be politically motivated, being used, for example, as part of a broader strategy of terror by a non-state actor that is engaged in political contestation with a legitimate government to obtain concessions from the state. In this case, kidnapping may not necessarily involve financial gain (Iroanya 2014; Wilkinson 2000, 13).

Globally, human trafficking is not a completely new phenomenon. It has an extensive history and arguably may be traced back to the time when slavery was more prevalent. Earlier discourses on human trafficking associated it mainly with women (white women), children and prostitution (Barry 1995): the term ‘white slavery’ was widely used to describe ‘the procurement, by force, deceit, or drugs, of a white woman or girl against her will, for prostitution’ (Doezema 2000; Grittner 1990). Though the emphasis was placed on white women, this does not imply the absence of trafficking of white men for sexual exploitation or for forced labour. Neither does it imply the absence of trafficking of men and women of other races for sexual exploitation or for other purposes during those times. Africans, for example, experienced the Arab and the transatlantic slave trades, which bore all characteristics of human trafficking. Those who equate human trafficking with slavery can therefore go beyond the white slavery period in establishing the historical roots of the crime. In Southern Africa, the history of human trafficking dates back to slavery and colonial times, as will be shown in this book.

Different manifestations of the phenomenon of human trafficking are identifiable from research reports and publications by international institutions, governments, researchers and non-governmental organisations (NGOs). Based on several sources, human trafficking in Southern Africa takes the following identifiable forms (SADC 2016; Martens 2003, 1):

- child trafficking for farm and domestic labour exploitation across countries;
- trafficking of women and men for sexual exploitation within the region, particularly in South Africa;
- trafficking of women to outside the region for sexual exploitation; and
- trafficking of women from outside Africa to Southern Africa for sexual exploitation.

The increase in different forms of human trafficking in Southern Africa has been attributed to several push and pull factors. One of these is the history of political instability in the region, as well as globalisation, poor

economic development and the existence of local and international trafficking syndicates. Despite the existence of human trafficking in Southern Africa since slavery and colonial times, trafficking is not often viewed as a security issue by the region's states. The most plausible explanation could be that policymakers do not explicitly consider human trafficking to pose an 'existential threat' (Buzan et al. 1998, 21) to the states, governments, territories and societies in the region. Such reasoning is narrow, state-centric and reductionist because it tends to ignore the expansion of the security sphere and fails to properly situate people as the foundation of states. This partially explains the reluctance of some countries to fully prioritise the combating of human trafficking. It may be acknowledged, though, that certain national and international policy measures are in place to combat human trafficking. These view the phenomenon more as a socio-political rather than a security issue. Human trafficking is not always seen as part of organised crime and hence a threat to national security, although it is often linked to other forms of smuggling. As Buzan et al. point out, politicisation of a problem makes it 'part of public policy, requiring government decision, and resource allocation, or more rarely, some other form of communal governance' (Buzan et al. 1998). However, politicisation does not securitise a public policy issue. This would mean defining the issue as 'an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure'. The state approach to the phenomenon of human trafficking in Southern Africa weakens the policy measures that are in place to address the problem as well as other forms of trafficking, for example drugs and illegal weapons.

Human trafficking as a global phenomenon has various dimensions. While all aspects of the problem are considered important, the security dimension is the specific focus of this book. Studying this requires the formulation of relevant questions, the main ones being about the extent of human trafficking and whether it constitutes a security issue in Southern Africa as a whole and in South Africa and Mozambique specifically. Addressing these questions is important because trafficking is mostly presented in Southern Africa as a socio-economic and political problem, rather than a security issue, with attention mainly being focused on its exploitative nature and its impact on human rights and dignity. This book also has another objective, specifically to address how and to what extent human trafficking is linked to organised crime in South Africa and Mozambique. While it is known that organised crime syndicates are involved in human trafficking in these countries, the question raised here allows us to look at

the extent to which this is the case and how their involvement impacts on human as well as national security. The perception of policymakers regarding any social problem determines its prioritization; therefore it is important to address the extent to which policymakers' perception of human trafficking in South Africa and Mozambique impacts on attempts to combat the problem. Addressing this will help us to explore how human trafficking is understood in the three-level securitisation spectrum of South Africa and Mozambique, 'from non-politicised through politicised to securitised' (Buzan et al. 1998).

An unprecedented increase in human trafficking within the Southern African region became noticeable from 1989. However, this does not suggest that human trafficking in Africa and Southern African began at this time. Some scholars have attributed the increase to the collapse of the Soviet Union and the economic and political consequences this had for countries such as Mozambique (Iroanya 2014; Martens et al. 2003). The choice of South Africa and Mozambique as reference points in this book is informed by their globally recognised statuses as 'destination' and 'source' countries in the human trafficking business (SADC 2017; US State Department 2017); South Africa the former and Mozambique the latter. Mozambique adopted specific legislation to combat human trafficking in 2008, while South Africa's specific human trafficking law was adopted in 2013, coming into effect on 9 August 2015. South Africa also adopted the Immigration Regulations 2014, which are specifically aimed at combating child trafficking. This legislation, among other requirements, requires parents and guardians travelling with children to have in their possession unabridged birth certificates of their children. Several other pieces of legislation that are relevant at regional and national levels are closely examined in this book.

Systematic study into human trafficking is fraught with obstacles that present methodological limitations and difficulties, as several scholars have shown (SADC 2016; Human Sciences Research Council (HSRC) 2010). First, human trafficking is shrouded in secrecy. This means that both victims of trafficking and trafficking agents are often suspicious about inquiries into traffickers' processes and activities. As such, these groups have been described as a 'hidden population', individuals whose number and boundaries are unknown (Frankel 2016; Guri and Brunovskis 2005). Besides the clandestine nature of human trafficking, there are also problems that arise from different conceptualisations of human trafficking—leading to disagreements about the identification of victims, as well as a lack of consistent methods for gathering quantitative data (SADC 2016). As a

result of a lack of systematised data-gathering methods, overestimation and underestimation characterise human trafficking studies, surveys and research reports. The consequences of using estimates that may not be based on sound methodologies is that misinformation can negatively impact on policy interventions. Secondly, discourses on trafficking are sometimes emotional because they tend to portray those who are targeted by traffickers as ‘total victims’ who have fallen prey to inhumane traffickers. But as Bruckert and Parents correctly point out, the depiction of trafficked people as total victims is too ‘simplistic and gives the victims no voice to explain the meaning of their actions and greatly reduces the scope of the problem of trafficking in humans’ (Bruckert and Parents 2002). Studies in sociology have also shown that in many cases victims play an active role in their victimisation (Lutya 2012). Thirdly, as noted earlier, theories and analytical frameworks that guide research into human trafficking are inconsistent and at times not well suited for many of the issues and complications surrounding the subject. These obstacles make it difficult to maintain systematic data. Limited empirical data is available, and the prospect of adopting an approach that uses mainly quantitative data is therefore unlikely.

Against this background, ‘soft’ data or information is considered most suitable for a study of this nature. This relates mainly to expressed opinions, perceptions and views that concern the subject (Creswell 2012). The adoption of this approach here is justified for several reasons. First, it allows for a holistic exploration of the phenomenon of human trafficking and a detailed understanding of it. Secondly, the approach allows for an extensive literature review on the subject and the provision of a rationale for studying the phenomenon. Thirdly, the approach allows for a broad formulation of the problem, reflecting its diverse national, regional and global manifestations. Fourthly, text analysis and the interpretation of findings are possible. South Africa and Mozambique are chosen for study because they meet the criteria for ‘exemplary case studies’ (Yin 2009). Human trafficking in these countries attracts global, regional and national attention, and theoretical assumptions about the trade can be tested by examining empirical experiences of the phenomenon. Moreover, information relating to the questions that are addressed can be collected from two specific sources.

Studying the security dimensions of human trafficking requires a conceptualisation of security beyond the traditional state-centric understanding. The approach followed here is in line with the arguments of Buzan

(1991), Buzan et al. (1998) and Kaldor (2007). These authors conceive security as encompassing state, society and individual. By adopting this expanded meaning of security, a link is provided between human trafficking and the primary purpose of the state, which is the protection of lives and territory and the provision of collective goods within territorial boundaries. State functions of protection and provision of common goods are not limited to the domestic or national arenas, but are also extendable internationally. Thus, through a complex network of interdependence, states extend these functions beyond their national territories usually through the ratification and implementation of international protocols, conventions, agreements and laws. Specifically, international pressure is placed on countries regarded as sources and destinations of human trafficking to adopt legislation and other measures that will counter trafficking. This is against the background that trafficked people are not always able to access the domestic state protection and international protection provided by different legal frameworks. Consequently, trafficking victims are exposed to insecurity that not only threatens their survival and human dignity, but further impoverishes and exposes them to deadly diseases (Steen et al. 2015). This further justifies the situating of human trafficking within the broader perspective of security and the primary role of the state, and the exploration of the link between human trafficking and other forms of organised crime such as the drug trade. Again, it calls for an assessment of different policy responses aimed at preventing, suppressing and punishing human traffickers at global, regional and national levels. The realisation of these objectives also requires the examination of trends and patterns of human trafficking, its sources and the destinations of those who are trafficked, as well as the conditions under which victims live. Human trafficking is discussed in the South African and Mozambican contexts alongside the extent of the threat that trafficking poses to other states in the region. For example, a serious threat is posed by the involvement of organised crime syndicates, because law enforcement agencies such as the police and the judiciary are often targeted by these groups. Human trafficking is also linked to other forms of trafficking, such as narcotic drugs and illegal weapons (Gastrow 2001).

In this regard, each chapter in this book addresses a different aspect of human trafficking. In the first and second chapters, concepts such as trafficking and security are discussed and analysed. This entails an examination of national and state security and the link with human security, and explains how these are affected by human trafficking. Other types of

cross-border movements such as illegal migration and smuggling are also addressed, and are distinguished from trafficking. The differences between domestic, regional and international human trafficking are also highlighted and discussed, while different perspectives on the subject demonstrate the relevance of studies such as this. In Chap. 3 several sources are drawn on to provide a global overview of human trafficking. This is not a chronological account of global human trafficking activities but an examination of the conditions, patterns, trends, and causes of human trafficking globally. The situation in Africa and Southern Africa is specifically addressed to form a background for subsequent country case studies. In Chap. 4, attention is focused on cases of human trafficking in South Africa. As mentioned earlier, this country is primarily regarded as a trafficking destination or receiving country, even though to some extent it also serves as a source and transit route. Trafficking victims, from Mozambique especially, are transported across borders to South Africa, where they are subjected to different forms of exploitation. The chapter specifically focuses on the patterns, trends and methods of trafficking as well as the conditions that make South Africa a trafficking destination. Human trafficking in Mozambique is focused on in Chap. 5. Mozambique is largely a source as well as a transit route for human trafficking, with victims being recruited from major cities in the country and transported to South Africa and to Europe. Trafficking agents from other countries also use Mozambican cities as transit routes into South Africa and to Europe. The methods of recruitment and transportation as well as the conditions which facilitate the use of Mozambique as a source and transit point for human trafficking are discussed and analysed. The need to combat human trafficking and protect victims has become urgent, so Chap. 6 examines policy responses to the problem in global, regional and national contexts, assessing existing legislation and policies at global, regional and national levels. In this context, international protocols (such as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) are examined. Regionally, documents such as the SADC Protocol on Gender and Development are analysed, together with the national legislation of South Africa and Mozambique that applies to this area. In Chap. 7 the extent to which human trafficking constitutes a national and human security issue in contemporary times is examined. An overview of securitisation identifies its current status in South Africa and Mozambique. Considering the urgent need and search for ways of preventing and combating human trafficking in Africa in general and southern Africa specifically, this chapter also highlights and discusses some broad policy recommendations.

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## Perspectives on Human Trafficking

Studies of human trafficking are growing as the phenomenon increases globally. Scholarly works on the problem can be grouped into four categories. In the first category are works that focus mainly on origin and victims of human trafficking. Explored in these studies are, among other things, the plights of victims and the conditions that make them vulnerable to trafficking, as well as the impact of trafficking on victims' human dignity and rights. In the second category are works that focus on those criminals who are involved in the illicit activity. These studies explore the profile of traffickers, methods of recruitment from victims' countries of origin and different forms of exploitation at final destinations. The third category includes works that deal mainly with legislation designed to combat the activities of human traffickers. The fourth category deals with theoretical aspects of the phenomenon. In practice, however, these studies overlap—they can deal with two or more categories.

### *Historicity, Victimisation and Causality*

The phenomenon of human trafficking, its conceptualisation and causal factors have been the concern of governments, scholars and affected communities. Barry (1995, 198) posits that human trafficking is not as recent as it seems; that its history is extensive and may be traced back to the nineteenth century, when it was mainly associated with white women (hence the name white slavery) and children who were forced into prostitution. Although insightful, Barry's account is reductive and biased against most

racess and regions of the world. His focus on white women and sexual exploitation tends to suggest the non-existence of the trafficking of people of other races and of men, as well as trafficking for labour exploitation during this period. If human trafficking has similar characteristics to slavery, it may be safe to assume that the crime is as old as mankind and has been experienced in diverse ways and times by people across continents. Feingold (2005) supports this, maintaining that the trade in human beings is as old as the laws of demand and supply. In the African context, human trafficking may be traced to the medieval period, or around the ninth century. This period was characterised by, among other social problems, the Arab slave trade across the Sahara desert and the Indian Ocean. Although much smaller in scope and scale than the transatlantic slave trade between the sixteenth and nineteenth centuries, the Arab slave trade had a serious impact on African societies, and of course pre-dated 'white slavery'. However, what is correct in Barry's account of the historicity of trafficking is the fact that little attention has been paid to the problem by governments, scholars and institutions historically. Feingold and other scholars also acknowledge this, noting that the only thing new about human trafficking is the volume of the trade and the fact that until recently little has been done to combat it.

The prevalent situation has changed as the increase in human trafficking has attracted the attention of governments, institutions and scholars. Thus, in their review of scholarly literature on human trafficking and organised crime, Bruckert and Parent note that questions regarding the trade in or trafficking of human beings began to be raised during the latter part of the 1980s, but did not enter the academic mainstream until the 1990s. They further maintain that it was only during the latter part of the 1990s that publications on the issue began to emerge, mainly in the form of research reports and media coverage (Bruckert and Parents 2002). While Bruckert and Parent have Canada as their point of reference, their findings are nevertheless relevant for other regions. Stressing the global nature of human trafficking, Shelley (2010) examines the different forms, causes and business models of human trafficking. Specifically, her study highlights and discusses 'the operations of the trafficking business and the nature of the traffickers themselves'. Using a historical and comparative approach, she argues that 'there is more than one business model of human trafficking' and that 'there are enormous variations in human trafficking in different regions of the world'. On the basis of her findings, Shelley draws the conclusion that 'human trafficking will grow in the twenty-first century

as a result of economic and demographic inequalities in the world, the rise of conflicts, and possibly global climate change'. As insightful as this study is, its primary focus on the commercial side of human trafficking leaves little room for discussion of its security implications. The author does point out, however, that the only reason human trafficking continues to rise globally is that governments do not view the problem as a serious threat, such as other forms of trafficking including narcotics (Shelley 2010).

Several of the studies on human trafficking have a regional focus and tend to concentrate on certain aspects of the problem such as forced labour and sexual exploitation of victims, particularly women. Nicola (2005) describes the Asian region as the hub of trafficking in people, particularly for the purpose of sexual exploitation: according to the author, the largest number of children and women trafficked are within or from Asia. Drawing instances from Africa, South America, North America, Eastern and Central Europe, Nicola argues that human trafficking is multifaceted in nature, and is not only a national and international issue but also essentially a regional issue. Feingold agrees that trafficking is endemic in the Asian region and posits that the literature on human trafficking is dominated by works which focus on the sexual exploitation of women and girls. Although he describes human trafficking as a 'vile and heinous violation of human rights', he contends that labour and not sexual trafficking may be the most prevalent form of trafficking in the Asian region. On the basis of this, the author questions the statistics on 'end use' in trafficking activities and contends that sexual exploitation is over-represented in available statistics. To buttress his argument, Feingold states that men are mostly excluded from trafficking statistics in countries such as Thailand. What may be derived from these scholarly arguments is that women, men and children are all susceptible to human trafficking. Therefore, focusing attention solely on women and sexual trafficking will undermine efforts to combat the human trafficking problem.

Extant studies on human trafficking in Africa is dominated by research reports compiled by international organisations, often in collaboration with NGOs. Different aspects of the problem such as its operational definitions, types and forms as well as trafficking routes have been studied. In Southern Africa, for example, the problem of human trafficking is discussed as modern slavery in the literature and closely associated with women and prostitution. Thus, the International Organization for Migration (IOM) as well as SADC (2016), UNODC (2010) and the Human Science Research Council (HSRC) (2010) argues that 'despite immense profit trafficking

for sexual exploitation generates for criminal syndicates, and the lawlessness, social and political disarray to which they contribute, this contemporary slave trade in women and children has yet to be addressed adequately in Southern Africa' (IOM 2003a, 3). The link between human trafficking and organised crime as a causal factor is further corroborated by the United Nations Convention against Transnational Organised Crime of 2000 (Palermo Convention). In the Sixth Session of the Conference of the Parties to United Nations Office on Drugs and Crime (UNODC) in October 2012, it was reported that 'Traffickers in human beings make an estimated \$32 billion annually in an illicit market that affects millions of victims worldwide every year' (UNODC 2012).

Still on the subject of human trafficking in Africa, Adepoju (2005) in his review of the phenomenon in sub-Saharan Africa appears to recognise a conceptual distinction between smuggling and trafficking in human beings. Thus, he points out that 'recent years have witnessed a gradual increase in the smuggling of migrants and trafficking in human beings, to and from Africa as well as within the continent' (Adepoju 2005). Apart from making a statement that indicates a distinction, Adepoju does not provide further conceptual differentiation between the two terms. Rather, he goes on to posit that 'the exploitative nature of the treatment of the victims of trafficking often amounts to new forms of slavery'. He also describes the trends, types and forms of recruitment, and transportation of trafficking victims. Certain countries in Southern Africa such as Mozambique are described as 'supply states', while South Africa is a typical example of a 'destination state' within the continent. Among European nations mentioned as destination states outside Africa are the Netherlands, Italy, France, Spain, the UK and Switzerland (Nshimbi and Moyo 2016; Frankel 2016).

From the works reviewed so far, there seems to be confusion regarding the boundary between human trafficking, slavery and prostitution on the one hand and smuggling, kidnapping and illegal migration on the other. In this regard, Bruckert and Parent conclude that 'analysts agree that there is no consensual definition of trafficking in human beings'. However, they accept the definition of human trafficking by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), as well as the definition by Wijers and Lin (1997). A closer examination of these two definitions shows that human trafficking is nearly equated with sexual and labour exploitation of women. Laczko (2005, 5, 16) attributes the lack of clear distinction between human trafficking and related concepts to the multifaceted nature

of the problem. He further notes that one challenging aspect of research into the phenomenon that is noticeable in the literature is the equating of trafficking with related trades such as slavery.

Some scholars do not see the need to differentiate human trafficking from other cross-border activities such as human smuggling. Human trafficking is described in different ways arguably to suit the purpose of authors' inquiries and mainly to influence policymaking in their directions. The application of inter-related terms such as 'slavery', 'smuggling' and 'illegal migration' interchangeably with human trafficking has implications for data collection related to the problem, as Nicola (2005), Nshimbi and Moyo (2016), SADC (2016) and Frankel (2016) have shown. In this regard, Nshimbi and Moyo (2016) have examined existing international, regional and national anti-trafficking legislation in the SADC region. Besides providing internationally accepted definitions of human trafficking and human smuggling in their study, the authors do not clearly distinguish human trafficking from human smuggling. They are also explicitly biased towards human smuggling, which they consider a more visible social problem with clearer historical antecedents than human trafficking. The authors are particularly concerned that research on human trafficking in the SADC region is based on anecdotal data from secondary sources, and they regard findings from studies related to the subject to be largely inconclusive. Therefore, rather than focusing attention on combating human trafficking, the amount of which is unknown, they submit that SADC member countries should consider implementing effective regional legislation related to migration as a way of addressing the causes of human smuggling and transnational human trafficking. Open borders, they opine, can preclude illegal migration and human trafficking. This proposition is particularly problematic. Free movement/open borders may prevent illegal border crossing on one hand, but will facilitate human trafficking on the other. The authors' recommendations tend to suggest that the causes of human smuggling and human trafficking are the same, especially in the context of SADC. This is not necessarily accurate, because human traffickers and smugglers are differently motivated. Evidence gleaned from the literature shows that human traffickers are principally motivated by the continued exploitation and control of their victims, while human smugglers are motivated by immediate financial gain for illegal border-crossing services that are provided to clients over a defined period.

While human smuggling victims generally consent to be smuggled into another country, human trafficking victims in many cases do not consent

to being trafficked and can travel legally to their destinations. Perhaps as a result of their bias towards smuggling, the authors fail to notice the contradictions in their discussion. For example, they suggest that human trafficking should not be taken seriously because data are anecdotal and its prevalence in the SADC region unknown. However, they equally say that ‘the extent of current migration in the region is unknown as accurate data on the levels of human mobility, particularly undocumented migration, is difficult to formulate. The lack of accurate migration data highlights the difficulties the region faces in addressing the smuggling of migrants and transnational human trafficking.’ What this implies is that research on both human trafficking and human smuggling is based on anecdotal data collected from secondary sources. On this basis, it is questionable why the authors call for the prioritisation of human smuggling over human trafficking even after they admit that ‘the absence of statistics does not preclude the reality of human trafficking and may reveal a serious gap in efforts to deal with the issue across southern Africa’.

### *Legislative Context*

Studies on efforts to combat human trafficking at the global, regional and national levels are increasing. The majority of the works mainly deal with the major strengths and weaknesses of the Palermo Protocol. In this regard, Truong and Angeles (2005) examine the Palermo Protocol and reach the conclusion that it is the most important international attempt aimed at combating human trafficking nationally, regionally and globally (Truong and Angeles 2005, 17). This conclusion appears to be based on the criminalisation of all forms of trafficking as well as the methods of recruitment referred to in the Protocol. Although international legislation criminalising human trafficking provides a broad definition of the problem, some scholars such as Lee (2011, 20) argue that it presents difficulties with respect to policymaking. Similarly, Milivojevic and Segrave (2012, 233, 257) posit that the international instrument has not provided specific guidelines for the identification of victims of human trafficking.

The identified weaknesses of the Palermo Protocol tend to be present in regional and national legislation because these were based on the international protocol. Several authors have also expressed concern over the lack of a precise definition of the term ‘exploitation’ in the protocol (Lee 2011, 20; Nshimbi and Moyo 2016). In this regard, Mollema (2013, 228) posits that human trafficking legislation should ‘contain provisions that may

result in inconsistent standards being applied in a region'. She argues that the reason for the inconsistent application of standards is that 'some instruments focus more on certain issues, areas, persons or criminal acts than others'. Mollema specifically posits that 'some treaties contain provisions only on certain themes such as criminal justice, human rights or migration, while others may deal with only children or women'. The conclusion that can be drawn from Mollema's argument and the submissions of others is that the selective application of provisions for trafficking legislation in different countries hinders preventive efforts. Arguments such as these prompted Nshimbi and Moyo's (2016) examination of the effectiveness of existing legislative frameworks in preventing and combating human trafficking and the protection of victims in the context of porous borders and an extensive history of cross-border activities in the southern African region. They consider existing legislation to be generally ineffective owing to imprecise definitions of the three main components of the Palermo Protocol—prevention, protection and prosecution—replicated in African regional and national legislation. Their conclusions may be too early, since this legislation is still in the early stages of implementation. Besides, the authors gloss over SADC's regional study (2016) of human trafficking, which indicates that about 989 human trafficking cases were reported, investigated and prosecuted between 2008 and 2016. The majority of the cases were successfully prosecuted under newly enacted anti-trafficking legislation. In South Africa in particular, police sources indicate that 176 human trafficking victims were recorded between 2016 and 2017. A significant number of these victims (117) were from Malawi, while twenty-seven came from South Africa (domestic trafficking) and seventeen others were from Swaziland, Mozambique, Thailand, Zimbabwe and the Democratic Republic of the Congo (DRC). These arrests are being made under South Africa's anti-trafficking legislation. SADC's (2016) report also indicates that countries in the region are beginning to gather reliable data on human trafficking based on the number of arrests, reported cases and successful prosecutions. Other organisations such as the IOM are also playing a crucial role in gathering reliable data on human trafficking that may be reliably used for quantitative and comparative studies.

#### *Paucity of Trafficking Data*

Despite differences in approach, perspective and conclusions of human trafficking studies, both older and more recent studies highlight and discuss the scarcity of reliable data as being a major challenge (Frankel 2016;

Nshimbi and Moyo (2016); SADC (2016); African Centre for Migration and Society (ACMS) (2014); Allais (2013); HSRC (2010); IOM (2003a). There are therefore no generally accepted official data on human trafficking, with different figures being used by researchers. As Frankel (2016) notes, 'there is nonetheless, dissensus, about the prevalence of human trafficking as befits an underground criminal activity resistant to macro-statistical analysis ... the arithmetic depends on whom one consults' (Frankel 2016: 1). Similarly, Nshimbi and Moyo (2016) note that 'concerns about research on human trafficking in the SADC region are based on the anecdotal nature of the information gathered and the fact that it is not based on primary research but rather on data gathered from secondary sources'. They further claim that 'the scale and magnitude of human trafficking in the countries of the SADC is difficult to measure most especially as there is a complete lack of official statistics on the phenomenon'. The problematic nature of trafficking data has also made the African Centre for Migration and Society (ACMS) question HSRC's 2010 study on human trafficking. ACMS (2014) argues that the HSRC's study is flawed because its methodology is problematic and assumptive. As a result, the study could not quantify phenomena in the SADC region which could have painted a clearer picture of the extent of the problem. The ACMS therefore concludes that the HSRC's study lacked originality (ACMS 2014) and provided little evidence to support claims that human trafficking is an extensive problem in the SADC region (ACMS 2014). It should be pointed out however, that the ACMS's analyses and conclusions are heavily influenced by Gould and Fick's 2008 study which focused on sex trafficking in Cape Town. The study, which found only eight cases of human trafficking for sexual exploitation, is regarded by the ACMS as the 'most methodologically sound research on human trafficking in South Africa'. Furthermore, ACSM's conclusions about HSRC's study were also influenced by Gould, Richter and Palmery (2010). Although the paucity of human trafficking data is well documented, it cannot be used to deny the reality or seriousness of the problem, especially in the SADC region. Contrary to the submissions of scholars such as Nshimbi and Moyo (2016) and the ACSM (2014), governments and institutions in the SADC region are beginning to gather official data based on the number of reported cases and people assisted, with arrests and successful prosecutions being based on specific anti-trafficking legislation (SADC 2016). The difficulties in gathering official data in the past were most probably due to a lack of trafficking legislation and little attention by SADC governments.

*Theoretical Issues*

Among several issues relating to human trafficking found in the literature is the challenge of how to theorise the phenomenon, especially within the African context. Thus, several works describe the main issues involved in human trafficking, rather than providing a reliable conceptual framework that could guide empirical research and data collection on the issue. For example, in the 2003a IOM report on the trafficking of women and children for sexual exploitation, researchers mainly deal with issues such as traffickers' operations, victims' conditions, recruitment methods and trafficking routes (IOM 2003a, 8). Some of the works also deal with the consequences of human trafficking and migration in general. In this regard, Handmaker and Parsley (2000) examine the issues of migration, refugees and racism and their attendant consequences for South Africa. They argue that the country's legacy of racial segregation has a direct impact on its migration and refugee policy implementation as well as on the growth of xenophobia directed at migrants, both legal and illegal. Trafficked people are often grouped with illegal migrants, and are exposed to the dangers of xenophobia.

Truong (2006, 34) makes a contribution to the conceptualisation of human trafficking in Africa. In her studies she tries to explain the phenomenon from economic, political and socio-cultural perspectives. First, she attempts to show how failures of economic programmes such as the structural adjustment programmes (SAPs) of the World Bank and the International Monetary Fund (IMF), undemocratic governance and culturally based gender discriminations contribute to an increase in poverty in sub-Saharan Africa. Secondly, she argues that the failure of state institutions to perform basic functions exacerbates the problem of poverty and provides stronger motives for migration and trafficking. Trafficking agents sustain their operations by exploiting fear and their victims' deplorable conditions. They are helped by the process of globalisation and the working of legal systems in different trafficking destinations. Truong also explores ways in which policies that are geared to countering human trafficking may be improved. However, one noticeable shortcoming of her work is the framing of human trafficking as more of a social and human rights problem than a security issue.

Truong's description of the plight of trafficked women and children evokes our emotions and presents trafficked people as 'total victims'. This image of an innocent 'total victim' is too simplistic, however, and deprives

trafficked people of the voice to explain their actions, as Bruckert and Parents (2002) observe. The question of agency is also discussed by Britton and Dean (2014) as well as Nshimbi and Moyo (2016), who argue that existing anti-human trafficking legislation, globally, regionally and nationally, 'can lead to migrant women who sell sex being viewed as victims of human trafficking with little recognition of their agency in deciding to sell sex'. Equally, Feingold (2005) does not support the idea of 'innocent total victims', because although some trafficking victims are literally kidnapped, most leave their homes voluntarily and become trafficked on their journey.

While the arguments of these scholars may be factual to an extent, it is necessary to point out that the majority of trafficking victims are deceived, coerced or forced into the situation. Those who are adults and willingly accept sex work either domestically or internationally do not qualify as human trafficking victims, and they are not a significant part of the whole.

Kempado (2000) supports Truong's assertions regarding the impact of globalisation on human trafficking in developing countries. He argues that global capitalist restructuring has impacted negatively on national economies, with increased poverty and uprooted rural dwellers and low-income earners. Consequently, a decrease in social programmes means that people, especially women, are vulnerable to trafficking. Chitupila (2009, 37) reaches a similar conclusion when she links the increase in human trafficking to high mortality rates caused by HIV/AIDS. She argues that the disease has led to 'a loss of the professional generation and millions of children have lost their parents'. She notes that 'ailing parents are unable to support their children financially or emotionally and family poverty is heightened by lack of income, high cost of medical care and eventually funerals'. Chitupila sustains the argument that children who find themselves in situations such as these are often socially isolated and vulnerable to trafficking. The effects of economic hardship occasioned by social changes in African societies are incontestable. Studies of human trafficking in other regions of the world confirm these findings (Allais 2013).

From the field of criminology, Van der Hoven and Maree (2005, 55, 73) discuss key theoretical attributes relevant to contact crime victimisation. Of relevance to this study are attributes of the theory such as 'victim vulnerability', 'victim precipitation', 'susceptibility', 'opportunity', 'attractiveness' and 'impunity'. Victim vulnerability relates to the chance of someone becoming the victim of crime owing to the person's personal characteristics and behaviour as well as that person's interaction with criminals. Victim precipitation describes an individual's actions or words that

are conveyed in ways that tend to encourage or precipitate an offender's behaviour. Susceptibility refers to an individual's exploitable traits, behaviour and personal circumstances that make him or her vulnerable to victimisation. Opportunity and attractiveness refer to a person's exposure to criminals at a particular time or the possession of attractive valuables that criminals cannot resist. For example, the absence of parents from home may expose their young children to the risk of human trafficking, as traffickers may be tempted to take advantage of the situation. Criminals may also act with impunity because victims do not have access to the law. This is usually the case when victims are illegally residing and working in a country or engaged in illegal activities there (Van der Hoven and Maree (2005)). These theoretical assumptions are insightful when it comes to understanding the factors that facilitate human trafficking, and they relate to more than adolescent behaviour. Global, regional and national anti-human trafficking legislation guides against taking advantage of positions of vulnerability.

Lutya (2012, 87, 116) applies the same theoretical assumptions as Van der Hoven and Maree (2005) to study the trafficking of young women and girls for sexual exploitation in South Africa. She argues that 'many young South African women and girls spend a significant amount of free time in entertainment establishments that sell liquor (shebeens, nightclubs and bars), abusing intoxicating substances such as drugs and alcohol, engaging in risky sexual behaviour, as well as participating in criminal activities'. On the basis of this, Lutya concludes that 'these lifestyles place them within close proximity to human traffickers'. In another study, she (2010, 91, 110) argues that human trafficking victims encourage or cause their victimisation by seeking help or assistance from strangers. The offer of assistance appears genuine and harmless to the potential victims because they are unaware of the harmful consequences, which are often well hidden. The reasons why victims ask for and receive assistance vary, but they are largely based on poor socio-economic conditions. Thus, unemployment, poverty, domestic violence and stigmatisation may force trafficking victims to seek help or assistance from strangers. While it may not be wrong to ask for assistance from strangers, Lutya argues that human traffickers exploit the victims' lack of adequate knowledge about human trafficking. This conclusion to some extent relates to the arguments of Bruckert and Parents (2002), Feingold (2005) and Nshimbi and Moyo (2016), that trafficking victims may not necessarily be 'total victims', as generally portrayed in the literature.

*Security Issues*

There is largely no separation between human trafficking and organised crime in the literature, especially from the perspective of the Palermo Convention. The international legislation considers organised crime to be 'a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit'. Accordingly, Brock et al. (2000) in their study seem to conclude that even law enforcement agencies and the media associate human trafficking with the sexual exploitation of women and organised crime (Brock et al. 2000, 84, 89). The link between human trafficking and organised crime is also supported by Stoecker (2000), Shelley (2010) and Iroanya (2014), who all strongly argue that human trafficking is an integral part of organised crime. Similarly, Salt (2000) offers three possible suggestions in support of this strong association of human trafficking with organised crime. First, he argues that in many cases different nationalities are found among the same group of trafficked people brought into a country by a criminal syndicate. Secondly, he points out that travelling entails good logistics which only organised crime can provide. Thirdly, money is needed to process documents relating to trafficked people. This assertion is corroborated by Caldwell et al. (1999), who claim in their study that the Russian Mafia is involved in the trafficking of women from Russia and former Soviet territories to other parts of the world. Similar claims are also made in respect of organised criminal groups operating in South Africa and Mozambique by the HSRC (2010) and the SADC (2016).

Questions regarding people trafficking for the purpose of harvesting human organs have also recently occupied the minds of scholars. Schepers-Hughes (2001 and 2002) focused on the broader goal of ethics and social justice concerns with respect to organ harvesting and distribution globally. Among several observations, she notes that 'the demand for organs in one area stimulates the market for brokers and organs sellers in other nations'. This accurate statement has serious implications for human trafficking for the purpose of organ exploitation in Africa. In this regard Allain (2011) discussed the involvement of organised criminal groups in people trafficking for the removal of organs, noting that the charges to which Netcare Kwa-Zulu (Pty) Limited pleaded guilty in 2010 were laid under the South African Human Tissue Act 1983 and the Prevention of Organised Crime

Act 1998. The case shows, however, that human trafficking for the purpose of organ transplant may be widespread in South Africa.

In linking human trafficking to organised crime, illegal migration and security, Burgess (2008) describes human trafficking as involving the ‘movement of men, women, and children from one place to another and placing them in conditions of forced labour’ (Burgess 2008, 72, 73). He lists domestic labour, sweatshops, factory or restaurant work and forced prostitution as current forms of human trafficking, further arguing that human trafficking deprives victims of state-based systems of social welfare and protection (both physical and emotional), human rights and dignity, and negatively impacts on their health and global governance. Furthermore, he posits that human trafficking impacts on public health in general as well as on global security through its links with illegal migration, ‘networks of international crime, money laundry, weapons and drug trafficking’. Kruger (2010) agrees with this finding as well as with those of the IOM by stating that human trafficking has ‘a dangerous consequence’ for countries. According to the IOM, this is that trafficking ‘brings with it a greater presence of criminal organisations which can lead to problems of national security; violations of national legislation; and a decline in public confidence in the government’ (IOM 2007; Kruger 2010, 123). These works touch on the core focus of this book, namely the security dimension of human trafficking.

It may be observed that human trafficking is closely associated with organised crime, prostitution and forced labour, yet there is no generally accepted conceptual framework to guide research and empirical studies about the issue. The security dimension of human trafficking is also sparsely dealt with in the literature. Many of the works examined present the issue mainly as a socio-political problem that requires attention by governments. Others tend to highlight and discuss its international political significance by emphasising its cross-border forms and the involvement of organised criminal groups in the illicit trade. These facts challenge this study to demonstrate the regional and national security implications of human trafficking. The lack of contributions in the area of theory building on the subject has also been linked to a lack of adequate quantitative data on the issue, particularly in Southern Africa. As SADC (2016), Frankel (2016) and Nshimbi and Moyo (2016) note, data based on the number of convictions, number of complaints launched, number of victims assisted and medical data about trafficked victims are often difficult to gather. This viewpoint is shared by the IOM and other research organisations. On the

possible explanation of the lack of adequate data on trafficking, the argument of Adepaju (2005) remains relevant: ‘many people do not yet see trafficking as a serious crime’. Importantly too, although countries in the African region, especially SADC, have enacted appropriate legal frameworks that makes trafficking a punishable offence, the implementation of this legislation remains challenging.

## HUMAN TRAFFICKING WITHIN THE SECURITY DISCOURSE

Human trafficking has always been one of the global socio-economic and security challenges for mankind, but it has received insufficient attention in the past. The phenomenon is not exclusive to any country or region. Consequently, an increasing number of human trafficking cases in recent times has attracted widespread attention from governments, regional and global bodies as well as academic researchers and NGOs. Despite this, not all forms of human trafficking and their implications for states have been sufficiently examined (Picarelli 2007, 26). Among the various aspects yet to be sufficiently examined is the link between trafficking and the crime–security nexus. Therefore, considerable gaps and limitations exist in our knowledge and understanding of whether human trafficking constitutes an existential threat to the state, individual, society, region and the international system, or whether it forms a ‘normal’ law and order issue. This incomplete understanding may be related to different factors which include, but are not necessarily limited to, the equating of human trafficking with terms such as slavery, smuggling, and kidnapping as well as the subjective meaning of security. While human trafficking, slavery and smuggling share certain observable similarities, which tends to blur lines of separation and results in some analysts equating them, it has also been observed that human trafficking is often confused with kidnapping or abduction. The main difference between trafficking and abduction is in the method of exploitation, as previously discussed (Wilkinson 2000, 13).

While human trafficking, slavery, smuggling and kidnapping may be linked to some extent, it is sometimes difficult to establish the connection between human trafficking and security. This is even more so when security is defined purely from a traditional Cold War perspective, in which military threats are regarded as the only major (existential) national security threat to the state. However, a post-Cold War perspective indicates that states can be objectively threatened from a variety of sources other than the military. In this regard, human trafficking linked to organised crime has serious

security implications for individuals and the state alike. At an individual level, trafficking affects the human dignity, safety and health of victims (Truong 2003, 185, 201). At state level, human trafficking undermines state capabilities by corrupting state security institutions such as the police and the judiciary as well as senior government officials (Gastrow 2001).

It is necessary to provide conceptual clarifications regarding human trafficking and to distinguish it from other cross-border activities such as smuggling or illegal migration, as well as slavery. This distinction is necessary as it will enhance existing knowledge and understanding of human trafficking, present a more focused study and aid the collection and analysis of information for legislative and policy formulation purposes. An analysis such as this invariably entails an examination of the specific definitions of these terms as found in international instruments relating to them, as well as their specific features as found in the literature. Identifying the link between trafficking and security entails an examination of the concept of security in all its ramifications, from classic, contemporary and Third World perspectives, as well as providing the criteria for labelling social issues as security threats.

### THE CONCEPT OF HUMAN TRAFFICKING

Providing an acceptable definition of human trafficking is not as easy as it seems. Since the last century, several attempts have been made to provide a generally accepted definition. Rijken traces the origin of such attempts to 1904 with the adoption of the International Agreement for the Suppression of White Slave Traffic of 1904 (Rijken 2003, 54). While this international instrument did not address all forms of trafficking as presently understood, Rijken's assertion is correct to the extent that it addressed several issues related to human trafficking. The difficulty encountered in attempting to define human trafficking has prompted scholars such as Gould to conclude that it is 'a slippery concept, something that is hard to pin down and come to grips with' (Gould 2006, 19, 25). This 'slippery' nature of human trafficking stems from its involvement in a range of different activities that are social, political, economic, and criminal in nature. According to the US State Department, human trafficking involves different forms of exploitation, such as sexual and labour exploitation as well as trafficking in body organs, child trafficking, forced marriage and adoption, begging, conscription and other criminal activities (Kruger 2010, 40). In support of this assertion, Laczko and Gramegna (2003, 179, 194) conclude that:

Trafficking in persons is used as an umbrella term to cover a range of actions and outcomes ... trafficking can be used to entail several phases—recruitment, transportation (which could cross several borders), and control in the place of destination. Different groups, agents or individuals may be involved in different phases of the process, and can organise recruitment, transportation and control in different ways...

### *Conceptualising Human Trafficking*

Prior to the Palermo Protocol there was no generally accepted definition of human trafficking. Such terms as ‘trafficking in persons’ (US State Department 2017; SADC 2016; HSRC 2010), ‘human trade’ (Meese et al. 1998), ‘human smuggling’ (Aronowitz 2001, 163, 195), ‘modern day slavery’ (Williams 1999, 145, 170) and kidnapping were all used synonymously with human trafficking.

Bales (2000, 461), for example, equates human trafficking with slavery, defining it as ‘the complete control of a person for economic exploitation by violence or the threat of violence’. He argues that as a new form of slavery, human trafficking is characterised by temporary ownership, low purchase cost, high profit, debt bondage and forced labour. Burgess (2008, 60, 66) on his part sees human trafficking as an act that ‘involves moving men, women and children from one place to another and placing them in conditions of forced labour. Among current practices are domestic labour, agricultural labour, sweatshop, factory or restaurant work and forced prostitution’. To Hughes (2001, 9, 15), human trafficking is the same as sexual exploitation. Accordingly, human trafficking involves ‘moving people within and across local or national borders for the explicit purpose of sexual exploitation. This movement may be as a result of force, coercion, manipulation, deception, abuse of authority, initial consent, family pressure, past and present family and community violence or economic deprivation.’ In these three definitions, an emphasis is placed on the exploitation and control of victims as well as the movement of people within and across national borders (Iroanya 2014).

In the context of movement across national borders, some institutions describe human trafficking as part of the challenge of the global migration process, with specific reference to human rights violations. For example, the IOM defined human trafficking thus (Pearson 2002, 14):

A migrant is illicitly engaged (recruited, kidnapped, sold, etc.) and/or moved, either within national or across international borders; [and] intermediaries (traffickers) during any part of this process obtain economic or other profit by means of deception, coercion, and/or other forms of exploitation under conditions that violate the fundamental rights of migrants.

This definition acknowledges human trafficking as part of the problem of global migration. It also confirms national and international dimensions of human trafficking, the involvement of agents or traffickers in the process, and the exploitative and rights violation tendencies of the problem (Iroanya 2014). Although not explicitly stated, the definition also appears to suggest that human trafficking is carried out through illegal means only. Nevertheless, empirical evidence supports the claim that legal means may also be used to perpetuate human trafficking (Haynes 2004, 221, 272). Similarly, although human trafficking may have certain features of migration, it is different from migration. The difference lies in the fact that migration, whether legally or illegally embarked upon, is consciously and purposefully done, whereas victims of trafficking are in most cases unaware that they are being trafficked (Iroanya 2014).

The exploitative and violent nature of human trafficking appears to compel the United Nations Population Fund (UNPF) to view human trafficking as modern day slavery (UNPF 2012). The USA also equates human trafficking with slavery and sexual exploitation. In its legislation, namely the Victims of Trafficking and Violence Protection Act of 2000 (the TVPA), human trafficking is defined as:

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

Iroanya (2014) observes that the US definition of human trafficking captures different methods and phases involved in the trafficking process. Thus the use of force, fraud or coercion as means of recruitment and exploitation are important features. By highlighting commercial sex, the definition seems to acknowledge that children and women may be the most targeted group. Equally highlighted are different practices that are similar to slavery, such as 'involuntary servitude', 'debt bondage' and 'peonage'.

The definition provided by the TVPA is similar to that provided in the Palermo Protocol. In the latter, human trafficking is elaborately defined as follows:

- (a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) ‘Child’ shall mean any person under eighteen years of age.

The above definition is comprehensive in that it covers a wide range of issues involved in human trafficking. It also tends to agree with other definitions of certain aspects of trafficking such as child trafficking. For example, the Palermo Protocol agrees with the TVPA that a child is any person under the age of eighteen. They also agree that the term trafficking applies whether a child was voluntarily or involuntarily trafficked. Other aspects of the Protocol which are in agreement with the US legislation include the phases of trafficking, such as recruitment, transportation, harbouring and receiving of victims. There is also a general agreement that human trafficking is a criminal act, coercive and exploitative in nature and involving human rights violations. The lack of a precise definition of ‘the exploitation of the prostitution of others’ leaves room for different interpretations. For example, it can be argued that though women are mostly the focus of discussions about prostitution; men can also be trafficked and sexually exploited; thus the Palermo Protocol appears to protect both sexes (Iroanya 2014).

Generally, human trafficking is a socio-economic, political and security phenomenon associated with the movement of people within and across national borders either legally or illegally, and which has forced labour, sexual exploitation, human rights violations and insecurity as some of its consequences (Iroanya 2014). From the literature, six approaches to its conceptualisation may be observed. First, it is equated with slavery. Second, human trafficking is described as part of transnational organised crime. Third, it is seen as part of the global migration challenge. Fourth, it is conceptualised as a human rights violation problem. Fifth, it is synonymous with prostitution. Sixth, it is the negative aspect of globalisation (Lee 2011, 20).

Since there are no radical differences between the definitions of human trafficking provided by scholars and those provided by official documents; this study adopts the definition of human trafficking provided by the Palermo Protocol as it is comprehensive and widely accepted (Iroanya 2014). The essence of the protocol is to prevent and combat human trafficking in all its ramifications and to suppress and punish human traffickers, and by so doing protect vulnerable groups in society, especially women and children. The Palermo Protocol also supplements the Palermo Convention.

### *Typologies of Human Trafficking*

Human trafficking is both domestic (national) and international in nature, though dominant discourses on the subject tend to centre on its international aspects. The classification is based on whether human trafficking is happening within the borders of one country (domestic) or involves the crossing of international borders (transnational).

#### *Domestic Trafficking*

Domestic trafficking is the term used to describe human trafficking which takes place within the national geographic territory of a country; for example, the trafficking of people from rural to urban areas in South Africa. In most cases children are the victims; and in South Africa a link exists between child labour and the trafficking of children. The most vulnerable people in domestic trafficking are those, especially children, from impoverished rural areas. Usually they are promised work and better living conditions in the cities (Shelley 2010), but as the HSRC (2010) and Koen and Van Vuuren-Smythe (2002) note, the conditions of employment are often similar to slavery, sexual violence and debt bondage. Bermudez has also observed that well-organised employment agencies engage in domestic child labour and trafficking (Bermudez 2008).

*International Trafficking*

The planning, recruitment, transportation, harbouring and receiving of trafficking victims often spans different countries and involves different nationalities. Human trafficking has widespread effects not only in its source and destination countries, but also across a region and the world in general. Against this background, human trafficking can be regarded as a transnational crime (Rijken 2003). Examples are the trafficking of people from Mozambique to South Africa or to other parts of the world, such as Europe and North America.

Human trafficking, in its domestic and international forms, exhibits the same characteristics. These distinguish human trafficking from other cross border activities, such as smuggling. The exercise of control over victims, for example, is an important feature.

## THE MAIN FEATURES OF HUMAN TRAFFICKING

Certain distinguishing features of human trafficking can be gleaned from the definition of the concept in the Palermo Protocol and from scholarly discourses on the subject. Common features can be observed in domestic and international trafficking. The exercise of control over victims has been identified as an important distinguishing characteristic; therefore, categorising an activity as human trafficking requires identification of how control over victims is exercised (Iroanya 2014; Stuurman 2004).

There are different types of control to which trafficking victims are subjected. Defeis (2003) notes that human trafficking involves 'actions in which offenders gain control of victims by coercive or deceptive means or by exploiting relationships' (Defeis 2003, 485, 491). This is corroborated by other scholars, who maintain that control over victims is central to their exploitation by traffickers even after arrival at their destinations (Shelley 2007, 148). Control over victims is also what separates human trafficking from other related cross-border crimes such as smuggling.

This exercise of control is reinforced by the use of violence and coercion. Human trafficking cases involve physical assault, intimidation and abuse, imprisonment and threats of blackmail and violence to victims and their families (Iroanya 2014). These coercive means instil fear in victims, compelling them to obey and submit to the whims and caprices of their traffickers. Other coercive methods include the confiscation of victims' travel documents, especially if they travelled legally to trafficking destinations. This renders them illegal and vulnerable to exploitation; consequently victims are

unable to access state protection (Iroanya 2014; Haynes 2004). Iroanya further notes that a complementary method to travel document confiscation is the separating of victims from the local population. They are kept in secure locations and only allowed limited access to public places. In this regard Kruger (2010, 153) notes that even when victims are allowed to leave their places of entrapment, they are often accompanied by escorts who monitor their movement and the people they interact with. When it appears that a particular location is no longer safe, victims are relocated. This prevents victims from becoming familiar with the local population and therefore minimises the risk of escape. Zimmerman et al. (2006, 10) also support this assertion by reporting that traffickers maintain control over women by creating an atmosphere of fear and insecurity. The essence of all these strategies is to perpetuate control and the exploitation of victims.

Apart from physical restrictions, the UNODC and the United Nations Global Initiative to Fight Trafficking (UNGIFT 2009) have also documented that trafficking victims are often prevented from communicating with their families. Limited interaction with the outside world minimises the risk of exposure, arrest and prosecution by local law enforcement agents and also increases the vulnerability of victims to all forms of exploitation. Furthermore, physical isolation may also be accompanied by what has been described as 'cultural or social isolation'. This double sense of isolation is made possible by the confiscation of victims' travel documents; lack of language skills, especially of their destination countries; and loss of social networks together with ignorance of the culture and laws of the destination countries (Iroanya 2014).

Control over trafficking victims is further ensured through debt bondage, which is common to both domestic and international human trafficking. This important aspect of control is strongly emphasised in the Palermo Protocol as well as in the TVPA. Traffickers impose debt on victims and force them to repay it through a variety of working conditions that are similar to slavery. Therefore, forced labour is an integral part of the control mechanism employed by traffickers to perpetuate the exploitation of victims. Often trafficking victims are physically abused, live and work in unhygienic conditions, and are consequently in poor health (Eleanor et al. 2013, 473, 480). Many are addicted to hard drugs, possibly as a means of coping with their conditions. Drug use may also be forced on victims by traffickers. On the basis of this, Kruger (2010) posits that traffickers administer drugs to their victims to form addiction, so that they will then depend on the traffickers who are providing the drugs. In the longer term,

drug dependency becomes an effective means of control and perpetuates the exploitation of victims (Iroanya 2014).

From the foregoing, it can be seen that though human trafficking can be domestic and international in nature, its main distinguishing feature is control over victims, and this can be achieved through various means such as threats of violence, isolation, debt bondage and drug addiction. Human trafficking can be distinguished from related concepts such as slavery and smuggling.

### *Human Trafficking and Slavery*

Empirically, separating human trafficking and slavery is difficult. According to the Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (also referred to as the 1926 Slavery Convention), slavery is defined as:

[t]he status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. Slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

The definition of slavery provided here shows that certain aspects of human trafficking were addressed through an international instrument; these include the use of force and the deprivation of freedom. Furthermore, the Convention on Abolition of Slavery, the Slave Trade and Institution and Practices Similar to Slavery of 1956, which supplements the 1926 Slavery Convention, broadened the definition of slavery by criminalising debt bondage, serfdom, servile marriage and child labour. These criminalised features of slavery are also integral characteristics of human trafficking as currently defined, and on the basis of this, some scholars and institutions equate slavery with human trafficking. In fact, in 1998, the Working Group on Contemporary Forms of Slavery (WGCFS) recommended that transnational trafficking of women for sexual exploitation should be considered as a contemporary form of slavery.

The empirical similarities between slavery and human trafficking notwithstanding, the two terms can be conceptually separated. It is suggested

that slavery can be differentiated from human trafficking in five key areas, namely exercise of ownership rights, legal personality, immutable social status, intention of the perpetrators and methods of operation.

#### *Exercise of Ownership Rights*

Socio-economically, the ownership and commodification of slaves were legally supported. Thus, slavery is different from human trafficking in the way that ownership and control are exercised. In slavery, it was legal for slave owners to exercise ownership rights over their slaves. The rights of ownership included ‘the right to possess the property, the right to manage the property by deciding when, where, how and by whom the owned property is used’ (Kruger 2010, 171; UNDOC and UNGIFT 2009). Others included the right to income derived from owned property and the right to dispose of, or pass on, the interest in the property to others by, for example, selling it. In human trafficking, traffickers do not exercise legal ownership rights over their victims. They exercise illegal coercive control over them through means such as debt bondage and forced labour.

It has been suggested that the non-inclusion of ownership as a requirement in the Palermo Protocol was sensible, because its inclusion would have narrowed the definition, with the consequence that many players in trafficking rings would have gone unpunished (Kruger 2010). It may further be noted that ‘while the trafficker often exercises control over the victim, other agents in the trafficking ring, such as the recruiter, the transporter and the kingpin, usually do not exercise ownership powers over the trafficked person’. Proving the difference between human trafficking and slavery in reality is difficult, given the fact that acts which were legally committed under slavery are illegally carried out in human trafficking. As such, authors do not agree about distinguishing slavery from human trafficking on the basis of the exercise of ownership rights. Some criminal law experts argue that there are existing international instruments relating to slavery under which human trafficking could be prosecuted.

#### *Legal Personality*

Human trafficking is also considered different from slavery on the basis of the social and legal personality of victims. It is posited that in slavery slaves were not considered as equal rational human beings entitled to certain rights by law, but as objects or commodities of trade for their owners. It is against this background that Smith (2007, 222), arguing from a legal perspective, maintains that slavery is ‘essentially a narrow concept entailing

the total eradication of the legal personality of the individual concerned'. In human trafficking, victims are regarded as legal persons. Many have argued, though, that the conditions in which trafficking victims live deprive them of their legal personalities through disorientation and an inability to make decisions on their own (Nowak 2005). Similarly, it is argued that the redefinition of a problem does not necessarily provide a solution to that problem. For the purposes of conceptual clarification, however, it is safe to posit that slavery and human trafficking are separated on the issue of the socio-legal personality of victims, based on the definition of human trafficking in the Palermo Protocol which retains the legal personality of trafficking victims (Kruger 2010).

#### *Immutable Social Status*

Further differentiation between slavery and human trafficking can also be made on the basis of the social status of the victims at birth. It is a truism that the social status of slavery is inheritable at birth. Differently stated, someone can be born into slavery. While slavery lasted, the subservient social status of slaves was legally unchallengeable (Haysom 2002, 177). It may be noted that, despite similar conditions to slavery under which trafficking victims live, their social status is not immutable. This is affirmed by the Palermo Protocol.

#### *Intentions of Traffickers and Slave Dealers*

The intentions of traffickers are substantially different from those of slave owners. This can be ascertained from the definitions of both social phenomena as contained in international instruments relating to them. Both slavery and human trafficking have the common objective of exploitation. However, slave owners exploit people through their enslavement whereas human traffickers exploit people not only through their labour, but also through their prostitution and in some cases by using their bodily organs.

#### *Methods of Operation*

Human trafficking is different from slavery because of the methods used. In slavery, slaves were considered as valuable articles of trade by their owners, who regarded not only the services of slaves as profitable but also the slaves themselves and their unborn children. However, in human trafficking, traffickers are only interested in profiting from the services of their victims (Picarelli 2007, 176). It is these that are considered profitable, rather than the victims as human beings. It is for this reason that whenever a victim becomes incapacitated by disease or drug use and can no longer

render services profitably, he or she is disposed of or left destitute. Morawska (2007, 100) clarifies this point further by noting that slave masters bought and kept slaves for themselves, in many cases for their entire life span. However, human traffickers, recruit, transport and sell victims to make a profit. Whenever victims become a burden to the traffickers, they dispose of them. Furthermore, trafficking involves several different players in the recruitment, transportation, harbouring and receiving processes, whereas slavery only involved dealers and buyers. Shelley has also pointed out that human traffickers use threats against and intimidation of both victims and their families in order to perpetrate their exploitation. Thus it is argued that the ability to threaten and intimidate ‘both the victim and the family at home differentiates contemporary trafficking from the slave trade of earlier centuries’ (Shelley 2007, 148).

Despite the conceptual differences between human trafficking and slavery, it is reiterated that the two phenomena are very difficult to separate empirically. The argument of those who regard human trafficking as contemporary slavery cannot therefore be completely negated. Bales (2000, 462) has succinctly argued that human trafficking, as a new form of slavery, is not marked by legal ownership or permanent enslavement of one human being by another but by temporary ownership, low purchase cost, high profit, debt bondage and forced labour. In 1998, as previously mentioned, the WGCFS recommended that transnational human trafficking involving women and children for sexual exploitation should be considered a contemporary form of slavery.

However, this study, as previously stated, will follow the definition of human trafficking provided in the Palermo Protocol, which does not explicitly regard human trafficking as slavery. In addition to this, it should be noted that human trafficking and smuggling can also be conceptually distinguished, even though smuggling is another concept that is often synonymously used with human trafficking.

### *Human Trafficking and Human Smuggling*

Human trafficking is different from human or migrant smuggling, the similarities between the two concepts notwithstanding. Both trafficking and smuggling are criminalised globally and involve the movement of victims from one location to another within or across international boundaries. Conceptually, distinctions between the two terms can easily be made. Empirically, however, this is more difficult. One of the reasons for this is that similar processes are involved in both concepts, and that the tendency

exists for a process to start as smuggling but end in trafficking (Frankel 2016; Nshimbi and Moyo 2016; Salt 2001). The main differences may be highlighted and discussed:

### *Conceptual Differentiation*

The articulation of different definitions for these two phenomena in the international instruments relating to them is the first indication that, though related, the two terms differ. In previous sections, the definition of human trafficking has been examined, so it is therefore imperative to examine a definition of smuggling in order to identify its distinctive features. According to the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol) of 2000, human smuggling is defined as follows: “Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”

An important part of this definition is its emphasis on the international nature of human smuggling. From the definition, it is seen to be mainly concerned with illegal migration into a country without the intention of continuous exploitation. In human trafficking, exploitation continues in the destination countries. This is the factor that tends to separate smuggling from human trafficking. Graycar (1999) argues that smuggling is mainly concerned with the way in which a migrant enters a country, with the help of third parties, while trafficking is complicated because it deals not only with how a person enters a country, but also the person’s working conditions in that country. In the Smuggling Protocol strong emphasis is laid on ‘illegal entry’, defined as ‘crossing borders without complying with the necessary requirements for legal entry into the receiving State’. In contrast, many trafficking victims comply with the necessary requirements for legal entry into their destination countries. Traffickers provide them with the necessary documentation, which is subsequently taken from them on arrival. Implicit also in the definition used by the Smuggling Protocol is the recognition of smuggled people’s consent.

### *Motivation of Migrant Smugglers*

In accordance with the definition of human trafficking considered in the previous sections, human traffickers are motivated by the exploitation of their victims. According to the Palermo Protocol victim exploitation implies at a minimum ‘the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or

practices similar to slavery, servitude or the removal of organs'. Whereas there is no limit to the extent of exploitation of a trafficking victim, the motivation of a human smuggler is to make profit from assisting people to enter another country illegally. Therefore, the smuggler and the smuggled appear to benefit mutually from the smuggling act (Salt 2001).

#### *Methods of Operation*

Unlike human trafficking, human smuggling does not necessarily involve the use of force, deceptive and coercive methods. Smuggled people are not deceived into participating. Salt (2001), however, cautions that while smuggling is primarily concerned with illegal entry into a country, human rights abuses of those who are smuggled cannot be completely ruled out. He reasons that 'smuggling is a risky activity and migrants often undergo very hazardous journeys which sometimes result in tragedies occurring'. While Salt's observation is correct, it is also important to point out that cases in which human smuggling turns into human trafficking may be regarded as exceptional.

#### *Consent*

From the literature, it is reasonably clear that one of the issues that separates human smuggling from human trafficking is the consent of the participants to be smuggled. While in human trafficking, force, deception or both may be used to obtain the consent of victims, smuggled people can be regarded as willing accomplices. The absence of deception or the use of force in human smuggling implies that those who are smuggled consent to it. In this context, they may be fully or partially aware of the kind of conditions they are likely to face in their destination country. In this regard, smuggled people cannot be regarded as victims but 'rather as clients involved in an illegal business deal' (Kruger 2010, 160). Viewed from this perspective, it is contended that a kind of 'business relationship exists between the smuggler as a service provider and a client, because the smuggler delivers a service for a fee to the smuggled'. In this case there is no deception, but voluntary agreement on the part of a person to be smuggled illegally into another country. For human trafficking, in contrast, the relationship is that of a perpetrator and a victim.

#### *Control of Victims*

Human trafficking is also different from human smuggling on the basis of control over victims. While in human smuggling the relationship between a smuggler and a smuggled person ends on arrival at the destination country,

the relationship between a trafficker and a victim continues even after arrival in the destination country. Traffickers continue to control and exploit their victims in destination countries through isolation, restriction of movement and the imposition of debt bondage, forced labour and prostitution.

#### *Nature of Human Trafficking*

As noted earlier, human trafficking is both domestic and international in nature. In domestic trafficking victims do not cross international borders but are moved from rural areas to urban areas or from one urban area to another within the same country. The conditions under which they live are not different from those trafficked to other countries. Human smuggling involves illegal crossing of international boundaries (it is transnational in nature). Similarly, international human trafficking may be carried out through legal means. It has been observed that many victims of human trafficking legally travelled to their destination countries having obtained the necessary travel documents from their countries of origin, and obtained entry visas to their destination countries. On the basis of this, Salt (2001) argues that human trafficking is associated with organised crime. He points out that travelling entails good logistics and money to process documents, and only organised criminal groups can provide these for victims. With this strategy in place victims are deceived into believing the promises made by their traffickers. In human or migrant smuggling, the victims do not travel legally. However, it is acknowledged that organised criminal groups may equally be involved in human smuggling (Makarenko 2009, 27).

#### *Source of Profit*

A further distinction between the two socio-security phenomena can also be made on the basis of how profits are made. Human traffickers make their profit through continuous exploitation of the labour or prostitution of their victims; human smugglers make a profit by charging exorbitant fees for helping smuggled people cross international borders illegally. It is in light of this that Haynes also noted that smugglers make one-off profits, whereas traffickers see their victims, as 'highly profitable, reusable, and expendable commodities' (Haynes 2004). The commodification of people is what separates human trafficking from human smuggling.

From the foregoing, it can be seen that human trafficking is conceptually different from slavery, human smuggling and kidnapping. Empirically, however, it may be acknowledged that human trafficking and human

smuggling overlap and in some cases may have similar consequences. Both phenomena involve human right abuses. Smuggling can also turn into kidnapping and human trafficking in cases where illegal immigrants are unable to pay for the services of smugglers and are detained until they have done so. Furthermore, organised crime syndicates may also be involved in both activities. The involvement of organised crime in human trafficking is of security significance and as such deserves to be examined further. Although domestic trafficking is not included in what follows, it is important to note that organised crime may also be involved in domestic trafficking.

### THE CONCEPT OF ORGANISED CRIME

Transnational crimes cross international borders. Two forms are identifiable, on the basis of organisation, sophistication, scale of operation and people involved. The first type is 'transnational organised crime' (Rijken 2003). This is perpetrated by organised criminal groups such as the Chinese Triads and the Russian Mafia. The second is 'unorganised' transnational crime committed by individuals who do not belong to any organised criminal group. International human trafficking involving organised criminal groups constitutes transnational organised crime. International human trafficking without the involvement of an organised criminal group is transnational crime. The Palermo Protocol is specifically concerned with transnational or international human trafficking perpetrated by organised criminal organisations.

#### *Defining Transnational Organised Crime*

The international instrument which deals with transnational organised crime is the Palermo Convention of 2000. This neither contains a precise definition of transnational organised crime, nor a list of crimes that constitute it. What it does provide, however, are certain criteria that must be met before an offence can be regarded as transnational organised crime:

- it is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state;
- it is committed in one state but involves an organised group that engages in activities in more than one state; or
- it is committed in one state but has substantial effects in another state.

Since transnational organised crimes are perpetrated by organised criminal groups, the Palermo Convention defines an organised criminal group as:

- a group of three or more people that was not randomly formed;
- existing for a period of time;
- acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration;
- in order to obtain, directly or indirectly, a financial or other material benefit.

From the characteristics of a transnational organised crime and an organised criminal group, it is clear that the major characteristic of an organised criminal group is a profit motive. Criminal groups establish links across borders and are able to co-operate despite social, cultural, linguistic and geographical differences. Linguistic and geographical differences may be overcome if the same ethnic group with links in different countries is involved. Consequently, based on the characterisation of transnational organised crime and organised criminal groups, the different forms of transnational organised crime may be considered.

### *The Nature of Transnational Organised Crime*

According to the UNODC (2013), transnational organised crimes include, but are not limited to, drug trafficking, illegal weapons trafficking, and fake goods as well as migrant and wildlife smuggling. Transnational organised crime is continually changing as new forms of crime emerge.

#### *Drug Trafficking*

Drug trafficking is commonly regarded as the most profitable transnational organised crime. According to the UNODC World Drugs Report of 2012, it continues to be the most lucrative form of business for criminals, with an estimated annual value of \$320 billion. A breakdown of this figure shows that cocaine and opiates were respectively worth \$85 billion and \$68 billion in 2012. Apart from the illegal trade in drugs, there is also an illegal trade in pharmaceutical products. It is reported that criminals traffic fraudulent pharmaceutical products from Asia, in particular to South-East Asia and Africa, to the value of \$1.6 billion annually.

*Illegal Weapons Trafficking*

Illegal weapons trafficking is another major form of transnational organised crime. In the Southern African context, it is considered to be one of the causes of the high crime rate in countries such as South Africa and Mozambique. It is also observed that a strong correlation exists between homicide rates and illegal weapons trafficking in some regions of the world.

*Illegal Trafficking in Natural Resources*

This includes, but is not limited to, the trafficking of illegal gold and diamonds, as well as oil bunkering and logging. The illegal trade in diamonds, for example, led to the establishment of the Kimberly Process Certification Scheme (KPCS) in 2003. Its main objective is to prevent so-called conflict or blood diamonds from entering the international diamond market.

*Cybercrime*

This is an emerging form of transnational organised crime. Although no physical borders are crossed, criminal groups are able to co-ordinate their activities electronically. In the age of information communications technology (ICT), the use of telephone, mobile phones and the Internet is indispensable. Through the Internet, criminals gain access to bank data and individuals' private information, especially their identities and their credit card details. It is estimated that cybercrime generates about \$1 billion annually. These media are also used to perpetuate other forms of organised crime, such as human trafficking.

*Human Trafficking*

This is the form of organised crime that is the focus of this study. Although authentic figures do not exist regarding its monetary value, it is estimated that human trafficking generates billions of dollars annually and the number of its victims is also estimated to be in the millions. Wheaton et al. have suggested that human trafficking involves a low risk with a high profit potential, and it may be more lucrative than the drug trade (Wheaton et al. 2010, 114; Shelley 2010). As a form of domestic and international organised crime, human trafficking has several implications for the political and socio-economic development of states as well as for human and state security. Several reasons have been suggested for the steady global increase of this phenomenon. The next section will examine its major causes.

## CAUSES OF HUMAN TRAFFICKING

The root causes are political, economic, socio-cultural and technological in nature. Although they are many and may vary from region to region, and indeed from country to country, there are factors that have been observed to be present in many regions and countries where human trafficking is widespread. The root causes have been discussed in the context of push and pull factors (HSRC 2010; UNESCO 2006; Anti-Slavery International 2003; IOM 2003a). Push factors are internal problems such as poverty, unequal development, conflicts, natural disasters, dysfunctional families and social and gender discrimination, which tend to force people to leave their countries. Pull factors are external, and include global demand for cheap labour, improved communications systems, improved transport networks by air, land and sea, and expanding global tourism. While push factors intensify vulnerability to trafficking, pull factors facilitate the demand for trafficked victims in destination countries. The different causes are subsequently examined in three clusters, namely socio-cultural, politico-economic and globalisation.

### *Socio-Cultural Factors*

Poverty has been identified as a major push factor facilitating human trafficking globally. It entails the lack of meaningful employment opportunities, poor living conditions and a lack of employable skills. The situation is made worse by the absence of an effective social welfare system to mitigate the effects of poverty, especially for the most vulnerable groups in society. This is particularly true in many African and Third World countries. Human traffickers exploit these vulnerable conditions by promising victims higher incomes and better living conditions in foreign countries (Aronowitz 2009, 12). Poverty may in some cases force vulnerable families to allow their children to live away from home, especially with relatives in urban areas where the chances of finding good jobs are greater. Neglect by their relatives and harsh economic conditions in cities may make the children vulnerable to human trafficking. In extreme cases, poverty can force parents to sell their children to human traffickers in order to free themselves from debt bondage (UNESCO 2006; Shifman and Franzblau 2001, 17). Similarly, poverty also places adults, especially women, in conditions where they may be forced to engage in sex for money, food and shelter (Lutya 2012).

High rates of illiteracy, especially in developing countries, also make people vulnerable to human trafficking, as they are unable to fully understand developments in other parts of the world or the dangers of trafficking. Although there have been exceptional cases in which well-educated people have been found among trafficking victims (Lee 2011; Shelley 2010), illiteracy is seen to contribute immensely to human trafficking.

The family as a social unit contributes to human trafficking in several ways. Families in which physical, emotional and sexual abusive prevail are usually not conducive to raising children. One of the consequences of such a family setting is that children often escape from it in search of freedom and survival on the streets. This renders children vulnerable to human traffickers. Similarly, family breakdown as a result of divorce and remarriage, death or disease such as HIV/AIDS results in tensions in family relationships. The remaining members of the family may be forced to move out or send their children away to work in order to help support the family. Families can also become homeless as a result of family breakdown, and parents may be unable to properly care for and protect their children, thus exposing them to the dangers of human trafficking (Anti-Slavery International 2003).

Gender discrimination as a socio-cultural issue equally causes human trafficking. Owing to culturally induced discrimination against women in some situations, they are often denied a voice and a right to protection against violence (UNESCO 2006). This limits their access to education, employment and property rights, resulting in a low income earning capacity and forced early marriage. Situations such as this place young women in a vulnerable position (Truong 2006, 36). Truong is also of the view that a lack of female empowerment owing to culturally based gender discrimination contributes to an increase in poverty in sub-Saharan Africa, and that this explains why victims of human trafficking are mainly women and children.

### *Politico-Economic Factors*

Rapid political and economic transitions have immediate effects on a society and population. Moving from communism to capitalism, for example, causes dramatic structural changes in political, economic and social systems on which the livelihood of people depends (Sundin 2004, 12). In a globalising world, this may entail the easing of protective measures in the economy, thus allowing for the entrance of foreign competitors, privatisation, deregulation of the economy and the creation of highly technical jobs, which require advanced skills. These structural changes marginalise subsistence

agriculture and result in mass unemployment as people may in general lack the requisite skills for new jobs. People are therefore forced to migrate (in-migration) to other places, especially urban areas, in search of new opportunities (Sundin 2004, 12). Forced in-migration weakens family affinities and marriages, which function as networks for mutual protection. This situation renders children and adults vulnerable to both domestic and transnational human trafficking.

Political instability, civil unrest, ethnic marginalisation and internal armed conflict significantly facilitate human trafficking. Internal armed conflict, for example, causes the displacement of people and refugee crises, both internally and in neighbouring states. Deplorable situations such as this increase the chance that people will become vulnerable to exploitation by traffickers. Women and children are usually the worst affected by displacement, as evidence from places such as Darfur in Sudan shows.

The absence of adequate laws to combat human trafficking equally facilitates the phenomenon. Even in countries where legal instruments exist, human traffickers carry out their activities with relative impunity if these laws are ineffectively implemented. This is also the case when corruption exists. It is reported that corrupt law enforcement officials in both source and destination countries facilitate human trafficking operations by accepting bribes from traffickers. Furthermore, the failure of state institutions such as the judiciary to perform basic functions not only exacerbates the problem of crime, but most importantly provides a stronger motivation for people to migrate at all costs. Human trafficking agents therefore sustain their operations by exploiting the fears and the deplorable conditions of their victims.

In Truong's (2006) view, the steady increase in human trafficking globally, regionally and nationally is partially attributable to the failures of economic programmes such as the structural SAPs of the World Bank and the IMF in Africa during the 1980s and 1990s. The failure of SAPs to stimulate economic growth and development led to an increase in unemployment and poor social infrastructure. Kempado also notes that global capitalist restructuring impacts negatively on national economies; increases poverty and uproots rural dwellers and low-income earners in developing countries. Consequently, decreases in social programmes in relation to high expectations make people, especially women, vulnerable to trafficking (Kempado 2000, 18; 2016).

Economically too, the risks involved in human trafficking are low, but accruable profit from the activity is high. Therefore, the activity is on the increase because of the financial gains that traffickers derive from it. It is

also reported that the financial expenses traffickers incur in the form of securing travelling documents, transportation, food, clothing and shelter for victims, are recovered several times over through exorbitant fees and victims' indebtedness, forced labour and prostitution (McCabe 2008, 12).

### *Globalisation*

Globalisation is synonymous with the interconnectedness and interdependence of people and countries. It is a process that has been made possible through changes in state and institutional policies as well as the easing of border controls to facilitate the flow of goods and services, people and ideas. Although globalisation is portrayed as positive for economic development, it also creates and facilitates several problems. In this regard, Berdal and Serrano (2002) observe that the dark side of globalisation is the growth of transnational crime, of which human trafficking is just one example. They argue that 'as transaction costs have fallen, there are ever greater opportunities for illicit traders to operate in an unrestricted fashion across borders ... nowhere is this more true than in the coercive or deceitful movement of human beings across borders for purposes of exploiting them economically' (Berdal and Serrano 2002, 13, 36).

The global increase in human trafficking is also connected to the high demand for migrant workers in destination countries coupled with the existence of recruitment agencies and people who are willing to facilitate jobs and travel. As McCabe notes, globalisation creates market demand for cheap and low-skilled labour in sectors such as domestic service, home care, sex work, labour-intensive manufacturing and agriculture. The existence of opportunities in these sectors provides motivation for traffickers to actively recruit victims to work under exploitative conditions. Moreover, these sectors are difficult for state authorities to monitor. Desperation, coupled with the expression of a desire and willingness to work abroad and in the aforementioned sectors, renders people vulnerable to the exploitation of human traffickers.

From the foregoing, it can be seen that human trafficking is caused by a combination of several factors, which are political, economic and social in nature. It has also persisted because of its clandestine nature. Though mainly considered as a socio-economic problem, it has significant security implications for the state, individual, society, region and even the international system. Thus, in the subsequent sections, attempts will be made to examine the concept of security, its nature and its link to human trafficking.

## THE CONCEPT OF SECURITY

Generally, security is a very broad concept. It is based on the existence of two inherent characteristics, namely ‘vulnerability and threat’, which are ‘objectively definable social facts’ (Buzan 1991a, 36; Liotta 2002, 473, 488). Threats are identifiable, immediate, clearly visible and commonly acknowledged dangers to a state or society that require a quick response. Vulnerabilities are ‘potential risks that do not offer a clear policy response’. However, ‘vulnerabilities left unchecked over time can become threats’. Buzan (1991a) equally agrees that security simply implies protection from threats or against danger.

Scholars do not agree on a common definition of the concept of security. This disagreement centres on the sources of threats and referent objects of security. In view of this, different approaches have emerged in the search for a common definition. Among these are the classic (traditional or Cold War) and more contemporary (post-Cold War) approaches. There is also the suggestion that Western circumstances and conceptions of security may be different to Third World views.

### *The Classic View of Security*

The classic or traditional view of security was prevalent during the Cold War era and is orientated towards external and more specifically military threats (Hough 2003, 188). Security is viewed both objectively and subjectively. Objective security means the absence of threats to vital values, while subjective security implies the absence of fear that such values will be attacked (Wolf 1962, 150). Therefore, survival of the state in the face of external aggression is a central theme in the traditional view of security. Against this background, Bellamy contends that ‘security itself is a relative freedom from war, coupled with a relatively high expectation that defeat will not be a consequence of any war that should occur’ (Bellamy 1981, 102). In the same light, Lippman maintains that ‘a nation is secure to the extent to which it is not in danger of having to sacrifice core values if it wishes to avoid war, and is able, if challenged, to maintain them by victory in such a war’. In support of Bellamy and Lippman’s assertions, Luciani (1989, 151), sees security as ‘the ability to withstand aggression from abroad’.

These definitions of security are state-centric and narrow in their emphasis on external threats to the state, these primarily being military threats. However, states can face existential threats from internal as well as

external sources. Thus Ayooob recognises the internal aspects of threats to the state when he argues that ‘security-insecurity is defined in relation to vulnerabilities—both internal and external- that threaten or have the potential to bring down or weaken state structures, both territorial and institutional governing regimes’ (Ayooob 1995, 9). The internal and external vulnerabilities seem to be what Ullman (1983, 133) calls the ‘sequence of events’. In his view, ‘a threat to national security is an action or sequence of events that (1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, or (2) threatens significantly to narrow the range of policy choices available to the government of a state or to private, non-governmental entities (persons, groups, corporations) within the state’. Ullman seems to equate state (national) security with individual and societal security, and he argues that when a state is secured the citizens are also secured or protected. Kolodziej (2005, 25) recognises not only the state as the main referent object of security, but also offensive and defensive strategies for its protection as well as diplomatic strategies for creating co-operation. Buzan (1991a) also seems to suggest that security has different meanings for strong (Western countries) and weak states (Third World countries). While strong states are more concerned about external threats to security, weak states are more concerned about internal threats (Buzan 1991a, 112, 116).

### *The Contemporary View of Security*

The definitions of security considered so far tend to marginalise the individual as the referent object of security. Therefore, more contemporary approaches to viewing security see the individual and society as important referent objects as well. This is a radical shift away from the state-centric view of security during the Cold War. Vigorous arguments have been raised to counter the classic views which emphasise the sources of threats to security to be external and military in nature and the state as the primary referent object of security. Booth (1991), for example, places the individual and not the state at the centre of security, and seems to de-emphasise the application of force for the purposes of achieving political order. He equates individual freedom with security. In Booth’s view, therefore, ‘security and emancipation are two sides of the same coin. Emancipation, not power or order produces true security...’ (Booth 1991, 319).

Buzan’s (1991a, 432, 433) conceptualisation of security also challenges the state-centric view of security by broadening the concept:

Security is taken to be about the pursuit of freedom from threat and the ability of states and societies to maintain their independent identity and their functional integrity against forces of change, which they see as hostile. The bottom line of security is survival, but it also reasonably includes a substantial range of concerns about the conditions of existence...

In the contemporary understanding of security, the importance of states and their need to survive in an anarchic international system are recognised. However, the classic view of security which treats it as a 'derivative power' of the state is less emphasised. It is further clear that there are different referent objects or levels of security, namely the state, the individual, society, region and the international system.

Experience from the Third World equally shows that existential threats to security can come from internal as well as external sources. The present understanding of security includes individual freedom, peace and well-being as well as the protection of fundamental human rights, equality of access to state resources and participation in governance, and basic necessities of life including good health. The emphasis on the individual as the referent object of security rather than the state has led to the evolution of a sub-concept called human security. Security in its broadened sense also includes political, economic, social and environmental issues and is no longer restricted to largely military threats. These threats will be discussed in more detail later in the chapter.

### *Security in the Context of the Third World*

Security concerns differ among states. In the context of Third World (weak) states, as previously noted, the primary sources of threat are domestic (internal) rather than external in origin. On the one hand, national or state security is threatened by internal forces such as insurgent groups; on the other, the state itself is often a source of insecurity to its citizens through, for example, its security policies. Several other reasons account for the domestic nature of Third World security concerns. One of these is the absence of a single nation in most Third World states (Job 1992, 12). This implies that they are mostly composed of multiple ethnic groups that fiercely compete for scarce political and economic resources. The absence of a single nation in many Third World states means the presence of strong allegiances to primordial identities, ethnic disharmony, violence and insecurity. The lack of popular legitimacy for regimes that are in power in most

Third World states is another reason why threats to security are mainly domestic. In many cases, the regimes come to power through fraudulent elections, and in some cases through military coups. Reference has also been made to the fact that the regimes mainly represent the interests of elites or the predominant ethnic groups, rather than of all. Thus the exclusionary nature of the regimes results in violent opposition.

A weak institutional capacity to maintain peace and order is also one of the reasons why Third World security is primarily domestic in origin. Owing to inadequate resources, many Third World states are unable to maintain effective governance throughout their geographical spaces. Insufficient resources also account for the poor maintenance of law and order and high crime rates in these states. Insurgent groups fighting to realise certain political objectives often take advantage of these weaknesses to create conditions of insecurity. Similarly, regimes in many Third World states are oppressive. This may be a way of compensating for their weaknesses, or may arise out of a fear of losing political power and the need to protect the interests of certain elites. In this regard, the state becomes a source of insecurity to its citizens rather than a source of protection. Hough posits that within the context of the Third World there is often no distinction between national security, state security and regime security (Hough 1991).

Ayoub (1995) also makes a substantial contribution in differentiating Third World national security from that of strong advanced industrialised states. He agrees with Buzan (1991a) that advanced industrialised (strong) states are more external than internal in their security orientations. This is because they have achieved higher degrees of social cohesion and nationhood, and have effective and efficient governance systems, strong state institutions and an adequate resource capacity to maintain law and order. Therefore, internally these states are secured. Major threats to their security are perceived for this reason to emanate from outside their borders. The external security orientation of advanced industrialised states is also premised on global security alliances which have been created with other states. On the basis of this, the security of their allies also becomes the concern of industrialised states. If allies are militarily attacked, for example, strong industrialised states will be obliged to defend them in honour of alliance commitments. Similarly, the maintenance of global security is of primary concern to advanced industrialised states as a result of global economic interconnectedness. Additionally, advanced industrialised states are also more concerned about the security of the global system because they have the capability to externally project power.

### *The Concept of Human Security*

Rothschild observes that from Roman times until the French Revolution security was a condition commonly assumed to relate to individuals (Rothschild 1995, 53, 98). He argues further that it was only after 1815 that security came to be understood as relating to the state. Against this background, Glasius (2008), sees the current emphasis of security on human life and dignity as a reorientation back to the original meaning of the concept. Human security as a concept is closely related to the societal security that is discussed by Buzan (1991a). However, it differs from societal security because it does not lay emphasis on identity (fundamental values) and national interest but on ‘human life and dignity’ (Watson 2011). In distinguishing between societal security and human security, Watson argues that ‘While state and societal security discourses also concern human life, they serve to prioritise the state or society as the means of protecting human life and dignity, whereas the discourse of humanitarian security attempts to prioritise human life over the interests of states and or societies.’ Definitions of the human security concept by its proponents and critics are based on the referent object of security that requires protection from danger. The nature of human security, its approaches and dimensions are examined in subsequent sections.

### *The Nature of Human Security*

Human security was given serious consideration in the 1994 Human Development Report (HDR) of the United Nations Development Programme (UNDP), and as such can be regarded as part of the debate about security studies and its focus on the state and national interest (Paris 2001, 87, 102). The HDR noted that:

The concept of security, has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust ... Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives

With this background, the meaning and scope of security expanded to include human and community protection. This means that two complementary approaches to the conceptualisation of human security have also emerged. In the first approach, human security means safety from such

chronic threats as hunger, disease and repression. In the second approach, human security means “protection from sudden and hurtful disruptions in the patterns of daily life—whether in homes, in jobs or in communities”.

### *Approaches to Human Security*

The two main aspects to human security are conceptualised as ‘freedom from fear’ and ‘freedom from want’. Freedom from fear is a narrow view of the concept and mainly seeks the protection of individuals from vulnerabilities to threats of violence both within and outside the state. This approach recognises that violent threats are interrelated with poverty, weak state capacity and social inequalities. Thus its policy implications manifest in the form of humanitarian interventions, conflict prevention and peace-building efforts (Owen 2004). The Canadian state represents this narrow interpretation of human security. Accordingly, it interprets human security as ‘freedom from pervasive threats to people’s rights, safety or lives’ (Axworthy 1997, 183, 196). Furthermore, the Canadian Consortium on Human Security (CCHS) maintains that Canada’s interpretation of human security is about protecting individuals from repression and violence by despotic governments as well as from terrorism by state and non-state actors, civil wars, genocides and gross human rights violations.

Freedom from want is a much broader concept of human security. This approach claims to be holistic in its search for the realisation of human security. It seeks to protect individuals from hunger, disease and natural disasters such as flood, earthquake, typhoon, drought and famine. The logic behind the argument of this human security approach is that issues that threaten human existence are interlinked and mutually reinforcing: widespread poverty, hunger and disease can lead to political violence, domestic insurgency and even terrorism. Natural disasters such as floods and earthquakes have the capacity to cause more havoc for people than fratricidal wars, terrorism and genocide. Japan represents a broader approach to human security. To the Japanese state, human security is a term that: ‘comprehensively covers all the measures that threaten human survival, daily life, and dignity, for example, environmental degradation, violations of human rights, transnational organised crime, illicit drugs, refugees, poverty, anti-personnel landmines and ... infectious diseases such as AIDS and strengthens efforts to confront these threats’ (Japan: Ministry of Foreign Affairs 1999).

Different approaches to human security imply variations in its definition. Thomas, for example, sees human security as a service aimed at

providing ‘basic material needs’ and the realisation of ‘human dignity’, including ‘emancipation from oppressive power structures—be they global, national or local in origin and scope’ (Thomas 1999, 3). Bedeski posits that human security is concerned with ‘the totality of knowledge, technology, institutions and activities that protect, defend and preserve the biological existence of human life; and the processes which protect and perfect collective peace and prosperity to enhance human freedom’ (Bedeski 2000).

The most widely quoted definition of human security is the one provided by the UNDP’s 1994 HDR: ‘Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life—whether in homes, in jobs or in communities.’ This definition was further developed by the Commission on Human Security (CHS) in 2003. According to this, human security can be regarded as an attempt

to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms—freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.

The definitions of human security by the UNDP’s HDR and the CHS are regarded as broad. They have also been criticised by several scholars, such as Krause (1998, 298, 333), who argue that human security lacks precision. Paris (2001), in particular, argues that ‘the scope of this definition is vast: virtually any kind of unexpected or irregular discomfort could conceivably constitute a threat to one’s human security’. Reed and Tehranian (1999) equally note that, as currently defined, human security ‘is too broad and vague a concept to be meaningful for policymakers, as it has come to entail such a wide range of different threats on one hand, while prescribing a diverse and sometimes incompatible set of policy solutions to resolve them on the other’. All levels of security can be threatened from a variety of sources as previously stated. With this in mind, it is important to examine the main sources of threats.

### *Sources of Threats to Security*

Threats to the state, individuals, society, regions and the international system can originate from various sources and can be direct (objective) or indirect (perceived). Direct or objective threats are those that identify specific targets and are explicit. Such threats have a clear focus and identifiable sources. Indirect threats are usually vague, unclear and ambiguous. The target objects and motivations are hidden and uncertain. Threats to security can emanate from political, military, economic, societal and environmental sources. These different sources of threats are interlinked and mutually reinforcing, and are briefly examined here.

#### *Military Threats*

Buzan's security analysis regards military threats as the most dangerous to the state, people, region and the international system (Buzan 1991a; Buzan et al. 1998; Hough 2005) With respect to states, military threats leading to full-scale war and resulting in defeat render a state susceptible to numerous changes in its political organisation and alteration of territorial boundaries. It can also result in pillage, rape and genocide. It is against this background that states are motivated to accord protection against military threats the highest priority in their national security planning.

Direct military threats manifest in the form of harassment of fishing boats, incessant military raids, territorial occupation, invasion, military blockade, assault and bombardment of cities, military installations and citizens (Buzan 1991a). Indirect military threats come in the form of attacks on a state's external interests such as foreign allies, investments, shipping lanes and other strategic trading routes or geographic territories. It is also important to note that arms trafficking can equally pose military threats to states. In this regard, Burgess (2008, 64, 65) argues that small arms are the weapon of choice in most internal conflicts as well as for terrorist organisations.

#### *Political Threats*

Political threats are ambiguous. Threats of this nature are often aimed at the organisational stability of the state. For a state actor, the main objective could be to forcefully remove unfriendly governments or to force a state to abandon a particular policy position. The purpose could also be to take advantage of an internal political crisis in the target state by supporting secessionist groups, and thereby 'disrupting the political fabric of the

state so as to weaken it prior to military attack' (Buzan 1991a). Therefore, attempts to cause ethno-cultural divisions within a target state by another state constitute a good example of a political threat and are intentional and well focused. The structure of the international system can also be a source of political threats (Buzan et al. 1998).

A more bellicose and powerful state may seek to remove another state's government or to cause internal political disorder. Such threats, however, can emanate from ideological differences within the state which tend to divide rather than unite its citizens, as well as domestic law-making and state enforcement processes. Discriminatory legislation targeting a particular group or region can threaten the state's internal cohesion. The style of leadership also determines a state's stability and progress. Dictatorial leadership may result in opposition and armed struggle to redress perceived injustice. Political threats can also emanate from the region as a result of external security policies of other states. There is, however, a distinction between intentional political threats and "those that arise structurally from the impact of foreign alternatives on the legitimacy of states". Political violence which involves the use of terror strategies such as bombing, shootings and hijackings to force concessions from the state or its agents by non-state actors are other examples of political threats. They impact on individual freedom and security and the capacity of the state to protect its citizens.

### *Economic Threats*

Economic threats are hard to identify because 'the normal condition of actors in a market economy is one of risk, aggressive competition and uncertainty' (Buzan 1991a). Economic threats can manifest in the form of vulnerability to global financial crises, which can lead to the collapse of a state's financial institutions. This in turn can result in major social problems such as unemployment, crime and destitution. Vulnerability to activities or events which negatively impact on trade, such as price manipulations, also constitute an economic threat. Such activities include illegal mining. The sources of threats interact and are interlinked. The analysis of economic threats and the military strength of a state is for instance largely dependent on its economic strength.

### *Societal Threats*

Societal threats are activities that adversely affect a state's harmony, identity or fundamental make-up and stability. These are features such as values, traditions, customs, language, religion and ethnicity. Societal threats

are difficult to distinguish from political threats because issues that might be considered political are also societal. The most noticeable societal threat is an attack on common national identity. This is most potent in weak multi-ethnic states with differing ideologies, cultural identities and political organisations. Violent ethnic hostilities and endemic suspicion often arise among these groups when there seem to exist dual or multiple identities within the same state. It is argued that allegiance in such societies is pledged to primordial groups before the state. Patriotism in such states is therefore weakened, and mobilisation for national assignments such as military assignments is difficult to carry out.

Other sources of societal threats come in the form of the interplay of ideas and communication through which foreign languages and cultures penetrate and attempt to erode existing cultures and corrupt the local language. It is suggested that high unemployment rates and the attendant consequences of crime, poor social infrastructure and endemic poverty can also be exploited by external political actors to cause social disruptions in a target state. Thus states attempt to foster, preserve and promote common national identity and language as part of their national security agenda in line with their military, economic and political strengths.

### *Environmental Threats*

The environment has long been recognised as a source of threat to state and human security. Mathews (1989), for example, posits that national security policies have to integrate concerns about environmental risks. Environmental threats can emanate from activities such as chemical and nuclear pollution, and a state's inability to regulate industrial activities and innovation. Environmental threats impact on individual, national and regional levels of security. Burgess, for example, indicates that environmental resources such as water can be a simple and finite object of political action leading to war between states, especially when its flow is shared by different countries.

In addition to the five sectors of security discussed, issues such as migration, energy, transnational organised crime and health have also been considered as forming non-military threats to security.

## CRITERIA FOR IDENTIFYING SECURITY THREATS

With the expansion of the meaning of security and the recognition of non-military sources of threats, it has become difficult to identify and separate actual existential threats to the state, individuals, societies, regions and the

international system. This is mainly because certain social issues that have security implications may be in fact normal challenges of governance such as the maintenance of law and order (Buzan 1991a). In order to avoid making every social phenomenon into a security issue and to prevent the abuse of power by political leaders, certain criteria for security threats have been developed. These criteria or thresholds vary from state to state. In some states the thresholds are set low and in others they are set high. Buzan (1991a) warns against both extremes, because when thresholds are too low the state risks labelling every social problem a security issue, and when the thresholds are too high the state risks overlooking social problems that merit identification as existential security threats. Thus the setting of security thresholds for determining existential security threats requires careful threat assessment or analysis.

As a guide to objective or accurate threat assessment, several suggestions have been made. Some have suggested that the nature of the threats in question and their intensity are of primary importance in threat assessment. For an issue to become an existential or national security threat, its intensity must be determined by the specificity of its identity, its proximity in space and time, the likelihood of its occurrence, the depth of its consequences and its relative importance based on historical evidence (Buzan 1991a). If either one of the aforementioned factors is lacking, or the issue is very distant in space and time, there is no existential threat. Therefore a prevalent social issue may be regarded as a normal challenge to the governance or maintenance of law and order in a society. Hough agrees with Buzan in stating that if a given social condition or situation leads to extreme violence, unacceptable conflict or state instability, or has a clear potential to do so, it could possibly be viewed as a national security threat. The criteria for identifying and separating existential threats from normal law and order threats are therefore intensity, extent and consequences of a given condition or situation. Despite this, it must be stated that it is ultimately governments that decide what should be viewed as a national security threat and what should not. Hence, such declarations are not always objective (Buzan et al. 1998).

The UN has also set certain criteria for identifying security threats to a state, individual, society, region and the international system. In its 2004 report, the UN Panel on Threats, Challenges and Change stated that 'any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system is a threat to international security'. The report further identifies six clusters of threats which the 'world must be concerned [with] now and in the decades

ahead'. These are economic and social threats, including poverty, infectious disease and environmental degradation; interstate conflict; internal conflict, including civil war, genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organised crime. It is evident that the identified threats are a combination of military and non-military threats to security.

For any social phenomenon to become a security issue, it must have identifiable characteristics. First, the social issue must have a referent object (Buzan et al. 1998, 51). This refers to a specific thing or object whose existence or survival is being threatened by a prevailing problem. For external military threats, for example, the specific referent object is the state and its territorial integrity. But for non-military or non-traditional threats, the referent objects may be human life, traditional value systems or identities. It is important to point out, though, that a social problem that threatens human life and dignity as well as the identity of a society by extension also threatens the state, especially if it is linked to organised crime.

Second, based on the securitisation theory, a social issue becomes a security issue if it is declared to be such by state authorities or securitising actors (Wæver 1998, 1999). Therefore, the term security has political connotations. By declaring that the existence of a specific referent object is threatened, a securitising actor asserts a right to use extraordinary measures to ensure the survival of the referent object. Among these measures is the moving of the issue out of the domain of normal politics into the realm of emergency politics, where it can be dealt with quickly and without the usual procedure of policymaking. Based on this theory, security is a subjective term or a social construct because its meaning is dependent on what a securitising actor wants to do with it. Hough supports this assertion by noting that if people, be they government ministers or private individuals, perceive an issue that threatens their lives in some way and respond politically to this, then that issue should be deemed to be a security issue (Hough 2004). The criteria suggested by the UN, as well as the others discussed, are used as a basis for the assessment of human trafficking as a security issue.

## CONCLUSION

Considering the absence of a single theory capable of comprehensively explaining human trafficking, syntheses of theories dealing with globalisation, population migration, socio-political and economic instability in developing countries and those that relate to security of states are considered

relevant to study the phenomenon. The works of scholars such as Buzan et al. (1998) on national and human security are essential as are those of Kempado (2000), and Salt and Stein (1997, 467, 494). Salt and Stein present human trafficking as a form of trading activity, which makes their approach suitable for analysis of the problem in terms of 'migration, public order, organised crime or immoral conduct' (Bruckert and Parents 2002). These aspects of human trafficking have a direct bearing on security.

Conceptual issues concerning human trafficking have been discussed and analysed in this chapter. Generally, human trafficking is described as a socio-economic, political and security phenomenon associated with the movement of people within and across national borders, either legally or illegally. Its main causes are many but include poverty, ineffective laws, corruption, political and economic changes, internal conflict and attractive conditions in destination countries. The phenomenon is linked to organised crime and has labour, sexual exploitation, human rights violations and insecurity as some of its major consequences. Human trafficking shares certain characteristics with human smuggling, and both are also linked to organised crime. However, the two concepts are different based on the exercise of control over victims, as well as consent and unlimited exploitation. Similarly, human trafficking and slavery may be difficult to distinguish in practice, but conceptually the two terms are different on the basis of how ownership rights are exercised over victims, the legal personality of victims, the immutable social status of victims and the intentions and methods of operation.

Furthermore, human trafficking linked to organised crime has serious security implications. Therefore, the concept of security has been examined in its classic or traditional sense as well as in its contemporary and Third World perspectives. In the classic perspective of security, survival of the state in the face of external aggression is a central theme, while in the contemporary view the security of the individual and society is also of primary importance. The reference to society and individual security has entailed an examination of the concept of human security, its nature and dimensions as well as the various sources of threats to security in its holistic sense. The analysis of the various sources of threats has equally entailed an examination of the criteria for identifying existential security threats, since every social problem cannot be considered a national security issue. Based on the UN criteria as well as those identified by different scholars, factors such as the nature, intensity, nearness in time and space, probability of occurrence and consequences of threats amplified by historical evidence and political pronouncement are considered as determinants of existential threats.

Therefore, it is important to posit that human trafficking is a security issue because of the concept of human security and to some extent by the application of securitisation theory. Human trafficking undermines state capabilities when linked to organised crime and pressure on states to act against it. Whatever undermines state capabilities also has the potential to affect the region and the international system. Therefore, existential threats to states, at all levels of security, can come from internal as well as external sources. In this regard, it is necessary to address the extent, patterns and trends of human trafficking globally and the situation in Africa and Southern Africa specifically as a background to subsequent country case studies.

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## Overview of Human Trafficking as a Global Phenomenon

### INTRODUCTION

The continued prevalence of human trafficking remains of major concern to all regions of the world. Although the exact number of victims globally is not known, estimates by several institutions and government agencies are in the millions. While these estimates have to be treated with caution, the scope of the trafficking of women has led several scholars to treat human trafficking and sexual exploitation as synonymous (UNODC 2012). Though trafficking for sexual purposes may be the most observable pattern of human trafficking globally, it is certainly not the only manifestation of the problem. However, the limited knowledge of the subject may be attributed to several reasons. First, there seems to be limited information about regional differences in human trafficking. Second, other forms of the problem, such as forced labour, forced marriage and human organ trafficking, may be under-researched. Third, there seems also to be under-reporting of incidences of other forms of human trafficking, or their erroneous identification as part of other social problems.

Despite human trafficking being prevalent globally, there are variations in methods, forms and strategies among different regions and sub-regions. In some places certain patterns such as sexual exploitation are prevalent, while in others labour exploitation, especially of children, organ trafficking and debt bondage, are common. While there are also some similarities between the conditions or factors that facilitate human trafficking globally,

certain conditions are peculiar to certain regions. Asia and the Pacific has the highest number of victims, even though the numbers for Africa have been growing significantly since 2005 (US Department of State 2017; Shelley 2010).

In view of this, the chapter provides a global overview of human trafficking, including Africa—serving as a background for the specific Southern African case studies contained in subsequent chapters. It entails an examination of the conditions, patterns, extent and causes of human trafficking as related to different regions and sub-regions of the world. It focuses on regions and countries that are either important sources or destinations of human trafficking. Such an overview is necessary as it demonstrates the complexity, scope and dimensions of human trafficking as well as an understanding of its link to individual, national, regional and global security.

### THE GLOBAL EXTENT OF HUMAN TRAFFICKING

The routes through which men, women and children are moved from one place to another and placed under conditions of exploitation are generally referred to as human trafficking flows. These movements tend to be from poorer areas to richer or more prosperous areas. Technically, they are defined as connections recognised on the basis of documented incidents of people trafficking, connecting the place of origin of the victims with their destinations. There are about 460 distinct trafficking flows (UK Serious Organised Crime Agency 2006). An analysis shows that victims are trafficked both within their regions and out of their regions. For example, African victims are trafficked within Africa as well as to other parts of the world. Asian victims are found in different Asian countries as well as elsewhere the world. Caribbean victims are trafficked within their region and in different European, American, Middle Eastern and Asian countries. Many trafficking victims of Eastern European origin have been found in Western Europe, the Caribbean, Asia, North and South America as well as Africa and the Middle East. Victims from Eurasia are trafficked within that region and in other European sub-regions, as well as the Middle East, South America, Africa and Asia. Victims from South America are found in Western Europe, Asia, Africa and different American sub-regions; and the same applies to trafficking victims from the Middle East (US Department of State 2007).

From the foregoing, it is clear that human trafficking does not flow in a single direction. This could be a result of the multifaceted nature of the

problem. Many routes are used, and may change as law enforcement improves and different forms of trafficking are brought to light (Aronowitz 2009, 101). Furthermore, it may be erroneous to identify a country or region as ‘source only’ or ‘destination only’. This is because places that are mainly identified as sources of trafficking may equally serve as transit or destination places, depending on exploitable opportunities that are available and the traffickers’ strategies. This may explain why educated victims from relatively richer nations may be found in relatively poorer nations. Russian, Eastern European and Chinese victims, for example, may be found in African countries, even though those regions are more advanced and economically better developed than Africa.

There are conflicting estimates regarding the worldwide number of human trafficking victims. Efforts to provide an accurate count arguably started in the late 1990s, when the problem became more noticeable. In 1997 the US Department of State estimated that about 700,000 people, mainly women and children, were trafficked annually across international borders. The trade was said to be generating billions of dollars for traffickers (Alison and Liana 2013, 7). Similarly, the Federal Bureau of Investigation (FBI), another US agency, also estimated that transnational trafficking could amount to between 600,000 and 800,000 people per year. However, when the number of internal or domestic trafficking victims is added to this number, it was suggested that about 2–4 million people were trafficked globally each year (US Department of State 2010).

In this regard, the ILO estimates that about 20.9 million people may have become victims of forced labour (ILO 2012). By forced labour, the ILO means work that is underpinned by all forms of exploitation. Since human trafficking is defined mainly by exploitation through force and coercive control, and not necessarily by movement from one place to another, some countries such as the USA have taken the ILO’s estimate to represent the number of trafficked persons globally (US Department of State 2012). What informs the US adoption of this figure as pertaining solely to human trafficking, which it refers to as “modern day slavery”, is the assumption that 55% of forced labour victims are women and girls, and 98% of the cases are sex trafficking victims. This report appears to be corroborated by the UNODC *Global Report on Trafficking in Persons* of 2016 (UNODC 2016). According to this, 63,251 victims were detected in 106 countries and territories between 2012 and 2014. Adult women and girls comprised some 70% of the total.

The UNODC also acknowledged that while the number of trafficked women and young girls appears to be decreasing, the number of trafficked

men appears to be rising. These male victims are trafficked in order to be exploited for labour. The report also shows that ‘Children remain the second most commonly detected group of victims of trafficking globally after women, ranging from 25 to 30 per cent of the total over the 2012–2014 period.’ It added that at least 136 different nationalities were trafficked and detected in 118 different countries between 2012 and 2014. According to IOM data, the principal sources of human trafficking globally are Moldova, Romanian, Mali, Ukraine, Belarus, Bulgaria, Uzbekistan, Colombia and the Kyrgyz Republic. The UNODC data complement this source list by adding Albania, China, Lithuania, Nigeria, the Russian Federation and Thailand. Similarly, Belgium, Germany, Greece, Israel, Italy, Japan, the Netherlands, Thailand, Turkey and the USA have also been identified as destination countries. For a better understanding of the global human trafficking phenomenon, regions will be separately discussed in terms of movements or sources (origin), destinations of trafficking, patterns of trafficking and facilitating conditions.

## HUMAN TRAFFICKING IN ASIA AND THE PACIFIC REGION

Nicola (2005) describes Asia as the hub of human trafficking, particularly for the purpose of sexual exploitation. The largest number of children and women are trafficked within or are from Asia. Shelley agrees with this view, adding that besides trafficking for sexual exploitation, three-quarters of the world’s victims of forced labour are also from the Asian region (Shelley 2010, 141). The views of these scholars are corroborated by human trafficking reports by the UNODC, governments and global institutions. The UNODC (2012), for example, reported that in 2012, more than 10,000 cases of human trafficking were recorded in South Asia, East Asia and the Pacific.

Several studies have also shown that within the Asian region there are sub-regional differences in terms of the magnitude of the problem as well as between the victims of and markets for exploitation. For the purpose of analysis, therefore, the Asian region is divided into different sub-regions: North-East and Southern Asia. Southern Asia comprises South-East and South-Central Asia.

### *Southern Asia*

In total, twenty countries are situated in Southern Asia. The South-East Asian sub-region comprises eleven countries: Brunei, Cambodia, East Timor, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore,

Thailand and Vietnam. Among the Asian sub-regions, the South-East is regarded as the one that is most affected by human trafficking. The South-Central sub-region consists of nine countries: Afghanistan, Bangladesh, Bhutan, India, the Islamic Republic of Iran, Maldives, Nepal, Pakistan and Sri Lanka. As previously stated, all forms of human trafficking exist in Southern Asia. Intra-regional and domestic trafficking occur more frequently than interregional trafficking, even though there are victims from this region trafficked as far away as Israel, Japan, Turkey and the USA. For example, it is estimated that 50,000 victims, mainly women and children, are trafficked to the USA every year, while the region also serves as a destination for victims from the former Soviet states (Aronowitz 2009).

Within the area, the main sources of human trafficking are India, Pakistan, Thailand, Bangladesh, Cambodia, Laos, Myanmar, Nepal, the Philippines and Vietnam. Trafficking for the purposes of sexual exploitation is the most common form here. This is confirmed by several reports, by institutions such as the IOM, which claim that the preponderance of women and children trafficked for sexual exploitation globally come from Southern Asia (Masud Ali 2005; Aronowitz 2009). In Bangladesh, for example, women and children are trafficked to countries such as Thailand, mainly for sexual exploitation. India and Pakistan are major destination countries, and also transit countries for victims from Bangladesh to Middle Eastern countries. Thailand also serves as a destination, transit and source country. Children from different countries in the sub-region are trafficked to Thailand, and there are victims from Cambodia, Laos, Vietnam and Myanmar who are being sexually exploited in Thai brothels. As a source country, Thai victims are trafficked to Japan for commercial sex exploitation, and in terms of transit, victims from other countries pass through Thailand to Japan (Shelley 2010).

Forced labour, camel jockeying, domestic servitude, sale of human organs, adoption and forced marriage are other forms of human trafficking prevalent in Southern Asia. Children, especially boys from countries such as Vietnam, the Philippines and Myanmar, are sold for adoption in Thailand and China, and many of them are also forced to work in brothels, factories and homes, or on fishing boats. Bangladeshi children, especially boys, are trafficked to the Middle East mainly for the purpose of camel jockeying and bonded labour, while the women end up in domestic servitude (Masud Ali 2005). The United Nations Children's Fund (UNICEF) reports that child trafficking is common here. Girls are also recruited in various countries of the region to be exploited as domestic servants and mail-order brides, while the boys are trafficked to work in the agricultural

plantations and industrial sectors as well as in restaurants. Vietnamese women are also trafficked to Taiwan to be married to Taiwanese men. The existence of child prostitution in the sub-region attracts sex tourism from Europe and America, the IOM reporting this as long ago as 1997. The IOM has also reported that organ trafficking is increasing in the poorest countries, such as Cambodia, Indonesia, Laos, Myanmar, the Philippines and Vietnam (IOM 1997).

### *North-East Asia*

This sub-region is arguably the wealthiest in Asia. It comprises the People's Republic of China (including Hong Kong and Macau), Japan, Mongolia, North Korea, South Korea and Taiwan. Like other Asian sub-regions, it is plagued by internal (domestic), interregional and external (international) trafficking, with countries serving as sources, transit zones and destinations. Internal trafficking is common in countries such as China, South Korea and Japan. The main reason is sexual exploitation, but human organ trafficking also occurs. The IOM reports that there has been a consistent increase in this, for example with trafficking of the organs of condemned Chinese prisoners (IOM 2007).

Despite its rapid development, China's wealth does not seem to reflect in the living standards of the vast majority of its citizens. It is therefore seriously affected by internal and international trafficking of its men, women and children for the purposes of labour and sexual exploitation as well as for human organ sales. The main sources for internal trafficking are the poor provinces of Anhui, Henan, Hunan, Sichua, Yunnan and Guizhou. From these places victims are trafficked to more wealthy provinces along the east coast of China. Although the exact number of victims in China is not known, it is believed that between 10,000 and 20,000 people are trafficked within the country every year (ILO-IPEC 2007). Women from poor rural areas are sold as wives to unmarried men in more prosperous areas, and kidnapped children are reported to be sold illegally to childless couples elsewhere in the country (US Department of State 2008).

Japan is mainly a destination country for victims trafficked from countries such as China, South Korea, Thailand and the Philippines as well as from South American countries. The majority of the women trafficked to the country work in the sex industry. Shelley (2010) has noted that they are exploited in Japan's hostess bars, strip clubs and sex shops, and via mail-order and escort services. Besides the exploiting of trafficked women

from China, South Korea, countries in South-East Asia and Eastern European countries, Japan is also plagued by internal trafficking of women and girls for the purpose of sexual exploitation.

Despite being a relatively wealthy country, South Korea still traffics women both internally and internationally (Lee 2002). It is a transit, source and destination country. Victims of sexual exploitation are trafficked from Russia, Uzbekistan, Kazakhstan, China, the Philippines, Thailand and other countries in the South-East Asian sub-region. Many of them, according to reports, work in brothels located near the country's US military bases (Lee 2011, 328, 330). As a source country, South Korean victims are trafficked into Japan, the USA and Canada for sexual and labour exploitation. It is also a transit country for Chinese women, who are trafficked to the USA by air as well as by ship. North Korea is obviously the poorest country in the North-East region, and women are trafficked for sexual exploitation as well as forced marriage and labour in China.

### *Conditions Facilitating Human Trafficking in the Asian Region*

It is obvious that human trafficking is a huge global problem with social, economic, political and security dimensions. The Asian region, according to several sources, is the worst affected by the problem, despite efforts to combat it. Its persistence can be attributed to several reasons: historical facts, including the transition from an authoritarian communist system to a liberal democratic system in countries such as Cambodia, geographical factors, customs and tradition, endemic poverty, long years of conflict, corruption and the lack of a political will to change. All these may help to explain why Asia is regarded as the hub of global human trafficking. These factors are briefly examined in the subsequent sections.

#### *Historical Precedents*

History plays two important roles in the study of any social phenomenon. First, historical knowledge assists in the understanding of the nature and current trends of a given social problem. Secondly, it helps to anticipate future trends regarding the problem. On the basis of this, it is argued that certain historical conditions and practices exist in Asia that facilitate human trafficking. For example, bonded labour (also called debt bondage) has an extensive history. Although it was officially outlawed in countries such as India in 1976, it is still in existence unofficially (Masud Ali 2005), being well entrenched in the socio-economic practice of several Asian nations.

Bonded labour is characterised by a long-term or indefinite unequal relationship between an employer and a debtor-labourer. The inability of a debtor to repay his debt means that it is passed on to his family members. Therefore, present and future generations may be forced into servitude or slavery-like conditions owing to a debt inherited from their ancestors. This relationship is reinforced by a culture based on the caste (class) system and on coercion in many sectors such as the agricultural, silk, mining, match production and brick kiln industries. Under the caste system, lower castes perform hard physical labour with little or no compensation, and this reinforces their poverty and vulnerability.

The colonialism experienced by almost all Asian countries also created certain conditions which continue to facilitate human trafficking. For example, in the nineteenth century a significant number of Asians were sent as indentured workers to different parts of the world, such as Africa, the Caribbean, West Indies and the USA (Shelley 2010). In this regard, it may be perceived that trade in human beings is not new to Asian countries such as China, but has been common since the second half of the nineteenth century. At this time unskilled Chinese workers (coolies) were sent from Southern China to other parts of the world as indentured servants. Japanese women were also trafficked from poor rural communities to domestic brothels, as well as to the sex industries of Borneo, China and other Asian locales in the nineteenth and early twentieth century. The extensive involvement of organised crime in Asian human trafficking also has deep historical roots, dating back hundreds of years. Shelley (2010, 146) explains that 'Japanese organised crime was always associated with water-ports and spas. They provided women for visitors to spas and facilitated their shipment abroad through the ports where they oversaw the flow of goods.'

As a result of the historical and cultural roots of practices such as bonded labour, forced marriage and trafficking into prostitution in many Asian countries, it is not shameful to be a victim of human trafficking or to be a trafficker in the Asian context. This helps to perpetuate human trafficking in the region.

### *Cultural Practices*

Traditional cultural practices which facilitate human trafficking in Asia include the Deuki system, which has the semblance of adoption and betrothal in the Western sense. It is commonly practised in countries such as Nepal. Wealthy families without daughters buy young daughters from impoverished rural families and present them to temples as their own.

By custom and tradition the girls are forbidden from marrying, and are often end up as kept wives or commercial sex workers. This practice may have its merits socio-culturally, but it increases the vulnerability of girls to trafficking. As a result of severe economic hardship, it has been reported that thousands of girls are endowed as Deuki in Nepal (Masud Ali 2005).

The patriarchal nature of Asian societies also facilitates human trafficking (Samarasinghe 2003, 91, 105). In these societies, male children are preferred to female children for socio-cultural and economic reasons. Therefore, boys have more access to social facilities such as education, training and family inheritance than girls. This situation not only disempowers women in general but also impoverishes them, rendering them vulnerable to human trafficking. The situation is compounded by the harsh economic situation in many parts of Asia. Additionally, the region is also beset by ethnic discrimination, especially against the low-caste communities. Although in general both men and women are discriminated against, it has been observed that women are the most affected.

#### *Geographical Reasons*

Some scholars have also attributed the problem of human trafficking in Asia to the region's geographical suitability. It has several border connections or areas that legally do not fall under any state jurisdiction or administrative control (Lintner 2004), an example being the so-called Golden Triangle region that connects Cambodia, Laos, Myanmar, China and Thailand: from this region people are trafficked into northern Thailand. Similarly, between Cambodia and Thailand there lies a 'no man's land' where there is an absence of law enforcement. These uncontrolled border areas and the entertainment industry that exists in and around them facilitate human trafficking. Where legal borders exist, the lack of adequate border control in several parts of Asia also facilitates human trafficking. This is often as a result of regional agreements between countries. For example, there is no immigration control or documentation procedure for Nepalese who travel or migrate to India as a result of the India–Nepal agreement reached in 1950. Under such conditions it is difficult to maintain records, or to monitor and prevent human trafficking flows between the two countries (Samarasinghe 2009, 12).

#### *Political Reasons*

Different Asian countries have also experienced bitter armed conflicts, which have resulted not only in death and destruction, but also in massive displacement and impoverishment of very large populations. Impoverishment

caused by armed conflict renders affected populations vulnerable to human trafficking, which helps to explain why it is endemic in countries such as Vietnam and Cambodia as well as in Sri Lanka. These Asian countries have experienced prolonged civil wars, and Vietnam and Cambodia are also transiting from communism to liberal democracy. Conflict facilitates human trafficking, especially for sexual purposes, in two other significant ways. First, it facilitates international trafficking of victims from countries at war to other parts of the world. Secondly, it encourages internal trafficking, especially to brothels around areas occupied by the military, especially if peace-keeping forces are deployed to these countries. The absence of law and order means that victims may be abducted and forced to work for little or no compensation. Thus it has been argued that the presence of peace-keeping forces in conflict areas does not protect victims of human trafficking, especially women; rather, it presents an opportunity for human traffickers to make a profit by setting up brothels near military camps and exploiting vulnerable women from those areas as well as other places.

It has also been observed that the lack of political will to deal with the problem of human trafficking on the part of the leadership of many Asian countries also contributes to its prevalence in the region. This may be attributed to economic, political and social factors. Economically, migrant remittances remain a reliable source of development funding for many countries in Asia, Africa, Europe and South America. According to a World Bank report, four Asian countries are among the top ten recipients of migrant remittances in the world: India is the highest recipient, China is second, the Philippines is fourth and Bangladesh is seventh (Sanket and Ani 2010). These countries are also severely plagued by human trafficking. The importance of migrant remittances, coupled with an authoritarian leadership that is more interested in keeping political power than improving the welfare of the people, facilitates human trafficking. In contrast, in democratic Asian countries such as Japan, the problem persists because of the ‘enduring cultural norms such as the entitlement to sex by Japanese “salary men” and unwillingness to recognise the extent of the problem and intimidation by the *yakuza*’ (Shelley 2010, 145).

The lack of commitment to individual and minority rights is also a contributing factor to the persistence of the problem in Asia. In India, for example, lower castes are the worst affected group because their basic rights are often not protected. Minority groups such as Koreans residing in countries such as Japan are also deprived of citizenship rights by state authorities, despite long years of residence. In Thailand, the Hill tribes in

the northern parts of the country are also denied basic rights, thus rendering them vulnerable to trafficking. In many Asian countries corruption is also very high, examples being the Philippines, Cambodia, Bangladesh and Pakistan. It is reported that people in positions of authority in these countries, and others, are helping to supply and run brothels. In Cambodia, for example, the police and military personnel are said to be deeply involved in the protection of brothels and human trafficking (Holmes 2009, 95). According to the World Human Rights Organisation (WHR) and UNICEF (2006), one-third of prostitutes in Cambodia are less than eighteen years old and are mainly from Vietnam.

### *Globalisation*

Globalisation has also been blamed for the increase in human trafficking activities in the Asian region. This entails increasing access to transport, media and financial transactions. While its benefits are not in doubt, it has also led to the loss of traditional sources of income and rural employment, forcing the poor and unskilled to migrate in order to survive. Globalisation also entails competition among Asian countries for access to foreign investment. This in turn drives the cost of labour further down, encouraging some employers to use illegal practices, such as bonded labour, to access cheaper sources.

The existence of certain kinds of visas, such as for tourism and entertainment, and easy procedures to access them facilitate human trafficking. Traffickers take advantage of this to bring women in from other countries. In describing the trafficking of women from South-Eastern Asia in Japan, Shelley points out that women often enter on entertainment visas that are not available to ordinary categories of foreign workers. With these visas they are able to work for a variety of establishments, such as bars, snack bars and escort services, as well as health clubs and restaurants that serve as covers for brothels. Migration policies frequently exclude the unskilled, particularly women, from legal migration, thereby forcing them to seek alternative livelihood options through illegal means. This renders them vulnerable to human trafficking.

## HUMAN TRAFFICKING IN EUROPE

Europe, particularly the European Union (EU) countries, has faced the problem of human trafficking since the 1980s (Wylie and McRedmond 2010, 1, 16). This is demonstrated by the passing of the Resolution on

Prostitution and Trafficking in Persons in 1989 by the European Parliament. By the early 1990s, it became apparent to the EU countries that this intractable problem was posing serious socio-cultural, economic, political and security challenges to every state and could only be combated through concerted efforts. Thus, in 1993, the European Parliament passed the Resolution on International Co-operation against Trafficking in Persons in order to mobilise and co-ordinate regional efforts to combat and prevent the problem. Human trafficking was also attributed to the collapse of the Soviet Union, which marked the end of the Cold War and the bipolar World Order.

By the beginning of the new millennium, human trafficking in Europe had increased and become more complex. The EU responded by adopting different legal instruments to combat the intractable problem. These included the Council Framework Decision On Combating Trafficking in Human Beings (Council Framework Decision 2002) and the Council Directive On The Residence Permit Issued to Third-Country Nationals Who Are Victims of Trafficking in Human Beings or Who Have Been the Subject of An Action to Facilitate Illegal Immigration, Who Co-operate with the Competent Authorities (Council Directive 2004). This was followed by the Council Framework Decision on Preventing and Combating Trafficking proposed by the EU Commission in 2004.

While these efforts were carried out within the EU context, a broader regional attempt to combat human trafficking in Europe was advanced by the Organisation for Security and Co-operation in Europe (OSCE) in the late 1990s. OSCE (1999) acknowledged the post-Cold War meaning of security, which recognises non-military threats to national security and the acceptance that human beings as well as states should be regarded as objects of security.

### *The Extent of Trafficking in Europe*

The number of human trafficking victims in Europe continues to rise, according to the European Police Organisation (EUROPOL). Thus Europe, particularly the Western sub-region, is generally regarded as the world's most important human trafficking destination. Europe is specifically noted for trafficking for the purpose of sexual exploitation. Increasingly, though, trafficking for other purposes such as labour exploitation and forced begging are becoming noticeable. A pattern similar to other parts of the world is apparent. Globally, human trafficking flows are from

poverty-stricken and conflict-prone areas to more affluent and politically stable areas. With regard to Europe, therefore, it has been observed that trafficking is mainly from Eastern Europe and the former Soviet territories to Western Europe. Several sources indicate that the majority of human trafficking victims in Europe come from the Russian Federation and Ukraine as well as from the Central and South-Eastern European countries of Bulgaria, Moldova and Romania. In addition, trafficking also originates in developing countries in Asia, Africa and South America and ends in the EU, with victims from the Far East, mainly China; West Africa (especially Nigeria) and Latin America (particularly Brazil and Colombia). The main destination countries have been identified as Austria, Belgium, France, Germany, Italy, Spain, the Netherlands and the United Kingdom. Victims are trafficked through several major routes.

While the reasons for trafficking within and into the European region are varied, it is suggested that the existence of several trafficking routes as well as the affluence and stability of the region could be the main contributing factors. The United Kingdom's Threat Assessment of Serious Organised Crime indicates that there are six human trafficking 'nexus points' or broad routes into and within the European region. These are: (1) from Russia (nexus point: Moscow) through the Baltic states to the Czech Republic and Poland; (2) from Ukraine (nexus point: Kiev) to Poland, the Czech Republic, Hungary, Slovakia and Slovenia; (3) from Turkey (nexus point: Istanbul) to the Balkans (Belgrade and Sarajevo are nexus points) and on to either Greece or Italy (nexus point: Rome); (4) from Turkey to northern Cyprus, then on to the EU through Romania and Bulgaria, (5) from Libya (nexus point: Tripoli) to Greece or Italy, or from Somalia through the Suez Canal to Greece or Italy; and (6) from West Africa to Spain.

The exact number of victims trafficked within and into the European region is not known. However, a number of estimates exist for various sub-regions. Aronowitz (2009, 88, 89) observes that the estimates range from 5000 to 15,000 victims trafficked into Western Europe to 100,000 victims in Central Europe and about 100,000 or more in Eastern Europe. There are also estimates that claim 'a few thousand up to 100,000 in Central Europe; from tens of thousands to more than 100,000 in eastern Europe, and from tens of thousands to 200,000 in the Balkans and Eastern Mediterranean'. It is also claimed that about 500,000 women and children are trafficked into Western Europe every year from different areas. This is explained as follows: '200,000 women and children from Eastern

Europe; 120,000 from and through the Balkans; and 80,000 from the Commonwealth of Independent States.’ According to UNGIFT’s 2009 estimate, however, far fewer are trafficked into Europe every year (UNGIFT 2009).

Within the European region, human trafficking flows are mainly from Eastern Europe to Western Europe and from South-Eastern Europe to the Scandinavian countries (Northern Europe). Intra- and international trafficking occurs in all the sub-regions of Europe. Central Europe, consisting of the Czech Republic, Hungary, Poland, Slovakia and Slovenia, and South-Eastern Europe, consisting of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania and Serbia, are generally regarded as the main sources of European human trafficking (Muus 2001; Aronowitz 2009). In addition to serving as trafficking sources, countries in the two sub-regions also serve as transit countries for victims trafficked from the former Soviet territories as well as for African, Asian, South American and Caribbean victims trafficked into Belgium, Germany, Greece, Italy and Netherlands. The Southern European countries of Andorra, Italy, Malta, Portugal, San Marino and Spain are also major transit and destination areas for victims mainly from the Balkans, South America and West Africa. In the Scandinavian region, Denmark, Norway and Sweden are major destinations for victims from the Baltic countries, such as Estonia, Latvia and Lithuania, as well as victims from different parts of Russia.

For the purpose of analysis, therefore, the European region is divided into five sub-regions: Northern, Southern, South-Eastern or the Balkans, Central, and Western Europe.

### *Northern Europe*

Northern Europe comprises the Scandinavian or Nordic countries and the Baltic States. The Scandinavian countries are Denmark, Finland, Norway and Sweden, while the Baltic States are Estonia, Latvia and Lithuania. Within this sub-region, there is internal as well as international trafficking. The most common form is the sexual exploitation of women. It is reported that this originates in the Baltic states and ends in the Nordic countries. Trafficking victims from Latvia and Lithuania are reported to be trafficked largely to Denmark, Germany and Sweden, while victims from Russia and Estonia are trafficked mainly to Finland, Norway and Western Europe (Europol 2007). As previously noted, the Baltic States are not only source countries, but also transit and destination areas, especially for people

trafficked from Russia, Ukraine and other former Soviet states as well as victims from Asia and South America. Trafficking for sexual exploitation in the Baltic States is unique in the sense that it involves a significant number of underage girls. According to UNICEF about 20–50% of commercial sex workers in Lithuania are believed to be minors, some as young as ten and eleven years old (UNICEF 2006).

#### *The Balkans (South-Eastern Europe)*

The Balkans is regarded as a major source of human trafficking in Europe. Like other sub-regions, the main trend is sexual exploitation of women. However, the trafficking of men for labour exploitation is also becoming increasingly noticeable (Wylie and McRedmond 2010, 7). Among the countries found in this region are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia and the Autonomous Region of Kosovo. There are three noticeable patterns to human trafficking here. The first is internal trafficking mainly of women for the purposes of sexual exploitation. In Estonia girls from Russian-speaking parts are trafficked to other parts, such as Tallinn, for commercial sex exploitation. Internal trafficking also happens in Latvia, as a result of an increased demand for sexual services (Kalikov 2002). The second is the international trafficking of victims from the sub-region to destinations in Western Europe and other parts of the world. The third involves the use of the sub-region as a transit area for victims trafficked from Moldova, Russia, Ukraine and former Soviet territories.

Human trafficking victims from different countries in this sub-region have been found in significant numbers in countries such as Greece, Turkey and Italy. Albanians, for reasons of geographical proximity, are trafficked predominantly to Italy. Available records show that the majority of human trafficking victims in Europe come from this sub-region. According to the IOM, of the 4072 human trafficking victims assisted between January 2000 and June 2003, 70% were from here. The largest groups were Albanians (43%), Moldavians (22%), Romanians (15%), Bulgarians (7%), Ukrainians (6%) and Kosovars (5%) (Lehti and Kauko 2007, 123, 145).

#### *Central Europe*

It has been noted that countries in this sub-region mainly serve as transit and destination places. Major trafficking routes to Western Europe for victims from Asia and Russia pass through these countries. For example, it is observed that the northern human trafficking route passes through

Russia, the Baltic States and Poland. The southern route passes through Ukraine, the Balkans and the Czech and Slovak Republics. Among the countries in Central Europe are the Czech Republic, Hungary, Poland, Slovenia and Slovakia. The strategic geographical location of these countries, in close proximity to Western European countries, makes them an important transit area for trafficked victims from Eastern Europe, Russia and the Ukraine into Western Europe. While women are the most vulnerable group to human trafficking and sexual exploitation is the most common form of trafficking in this region, labour exploitation is also present. In this regard, the Czech Republic has been identified as a destination country for women and men trafficked from Belarus, China, Moldova, Ukraine and Vietnam for labour exploitation. In Romania, women are trafficked internally and internationally for the purpose of sexual exploitation (US Department of State 2008). Apart from serving as a transit region, Central Europe is also a destination region for women trafficked into commercial sex exploitation from South-Eastern Europe and former Soviet states. Human trafficking victims from Central Europe are trafficked for sexual exploitation in Western European countries such as Austria, Belgium, Germany and the Netherlands.

### *Southern Europe*

The Southern European sub-region is primarily a destination region. It consists of Andorra, Greece, Italy, Malta, Portugal, San Marino and Spain. Victims from Africa, Asia, the Caribbean, Russia, South America and Eastern Europe are found here. Like other European sub-regions, the most common form of human trafficking is sexual exploitation. Italy is the most popular receiving country for women trafficked from West Africa, especially from Nigeria, as well as from Albania, Romania and Bulgaria. Apart from trafficking for sexual purposes, Italy is also known as a destination for labour exploitation. It has been observed that the use of trafficking victims from China and other Asian countries as well as from Africa and South America helps to keep Italian agricultural firms globally competitive. Romanian minors are also trafficked into Italy and forced into sexual exploitation and begging. Spain and Portugal are other important destinations for human trafficking victims, both for sexual exploitation and labour in the agricultural sector. In Portugal, for example, trafficking victims, especially men, are exploited in the construction sector while women are forced into prostitution (US Department of State 2008). While different nationalities can be found in Spain and Portugal, these

countries are popular for victims from South America, especially Brazil, Colombia and the Dominican Republic. This may be for historical, cultural and linguistic reasons. It is also reported that in Greece most Romanian children are trafficked for forced labour, forced begging and petty crime, although some are also trafficked for sexual exploitation.

### *Western Europe*

Western European countries are mainly destination and transit countries for human trafficking victims from other regions of the world. The region's economic and political stability coupled with a well-developed sex industry makes it the most important destination for sexual and labour exploitation. Western Europe comprises countries such as Austria, Belgium, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Switzerland and the UK. Trafficking victims found in this region are trafficked from Central and South-Eastern Europe, Russia and the Baltic countries of Estonia, Latvia and Lithuania as well as from South America, Africa and Asia.

Several reports show that Austria is both a destination and transit country for victims trafficked from Eastern Europe and the Balkans as well as victims from Africa, especially Nigeria (US Department of State 2007). Austria is also the destination for human trafficking victims from the Dominican Republic. In addition to trafficking for sexual exploitation, Austria is noted for labour exploitation as well. Many Albanian, Bulgarian, Romanian, Nigerian and Chinese victims, especially women, are to be found in Belgium, where they are exploited in the sex industry. Victims of labour trafficking, especially Chinese and Brazilian men, are mainly found in the bars, construction business, restaurants and factories. Forced begging is also a common form of human trafficking in Belgium, especially among Romanian children. In France, women are trafficked for forced labour and commercial sex exploitation. Most of the trafficking victims come from Albania, Bulgaria, China and Romania, as well as from Cameroon, Nigeria and Sierra Leone. It is reported that in recent times the number of trafficking victims from Eastern Europe and the Balkans may be declining, while the number for victims from Africa appears to be increasing. African victims are exploited in domestic servitude, and in some cases by diplomats from Africa.

Internal human trafficking has also been reported in Germany (Aronowitz 2009, 92). This involves German nationals and other nationals such as Bulgarians, Romanians and Czechs as well as Poles, Russians, Hungarians, Africans and South Americans. The Netherlands is an important source and destination, as well as a transit country. Victims are mainly women who are

sexually exploited, but, there are also a considerable number of men exploited in restaurants and in the Dutch agricultural sector. Dutch nationals form the largest number of these, followed by Nigerians, Bulgarians, Romanians and Chinese. It must be noted that although Belgium, France and the Netherlands are destination countries, they equally serve as transit countries for victims trafficked to the UK (US Department of State 2007). The UK is mainly a destination country and most trafficking victims in the UK come from Eastern Europe, the Baltic States and the Balkans as well as from Asia, especially China, Malaysia and Thailand. Significant numbers of victims from Africa, especially Nigeria and Ghana, have also been identified. While sexual exploitation is the most common form of human trafficking, domestic servitude and other forms of forced labour in the agriculture, construction, food processing and restaurants are also reported. In addition, the UK is also noted for trafficking related to illicit activities such as petty thefts and drug trafficking.

### *Factors Facilitating Human Trafficking in Europe*

Europe has been identified as the most important destination for human trafficking globally. This is because not only is it a destination region, but also a source and transit region. While Eastern Europe, South-Eastern Europe, the Balkans and the Baltic States are major transit regions and sources of human trafficking, the Western and Southern sub-regions of Europe are mainly destination countries. Certain factors facilitate human trafficking in Europe: among these are historical conditions, forces of globalisation, socio-economic and political stability, and regional agreements. They are briefly examined here.

#### *Historical Precedents*

As previously indicated, historical factors play an important role in the prevalence of human trafficking in different parts of the world. The European continent is no exception. Europe's relations with the outside world, especially the developing countries of Africa, Asia and South America, are characterised by two main epochs, namely slavery and colonialism. These two epochs left legacies that still impact on European societies and facilitate human trafficking in different ways. For example, former colonial powers in Europe such as England, France, Portugal and the Netherlands participated in the transatlantic slave trade (Shelley 2010, 208). European slave traders made huge profits from exploitative labour and other forms of inhuman

treatment of their victims in the mines and agriculture. The tendency to make huge profits in a competitive environment is one reason why entrepreneurs seek cost-cutting measures, especially through cheap or exploitative labour, both legally and often illegally. This explains why the abolition of slavery in European colonies saw the introduction of bonded labour or indentured servitude during colonial times. In the English colonies, starting in the 1830s, individuals were often brought from the Asian continent to supplement labour shortages occasioned by the abolition of the slave trade. Indentured servitude helped sustain production and the expansion or maintenance of profit of colonial enterprises. Human trafficking for labour and sexual exploitation has many if not all of the trappings of slavery and indentured servitude.

Apart from transatlantic slavery, which involved mainly Africans, Europe has also experienced another kind of slavery: white slavery. This term was widely used to describe ‘the procurement, by force, deceit, or drugs, of a white woman or girl against her will, for prostitution’ (Grittner 1990, 23, 50). It involved the trafficking of white women from Western and Eastern Europe into prostitution in North America and South America. This trade began at the end of the nineteenth century and lasted until the 1930s (Morawska 2007, 94, 94). Earlier discourses on human trafficking associated it mainly with women, children and prostitution. Although men are also trafficked, most victims are women. Therefore, it may be asserted that human trafficking is the offshoot of white slavery.

### *Globalisation*

Colonialism established travelling or migration patterns that have endured to this day and appear to be reinforced by the forces of globalisation. For example, citizens of former European colonies travel or migrate mainly to the European countries that colonised them (Shelley 2010, 175). Citizens of former British colonies in Africa, for example, travel mainly to the UK for work and study purposes, and the same applies to citizens of former French colonies. Over the years migrants have built up a good knowledge of European countries and also established strong immigrant communities. Their knowledge of destination societies and the co-operation of their communities facilitate human trafficking. This can take place through harbouring of the victims and assistance in the procurement of legal documents for them. Once these documents have been obtained, it is difficult for law enforcement agents to identify trafficking victims. The exploitation of knowledge about European societies is also enhanced by the use of the

Internet for recruitment and by the continued existence of historical conditions such as a shortage of labour in the agricultural, construction, service, manufacturing and domestic service sectors in wealthy European countries. These sectors require few or no skills and are not the preferred areas for EU citizens who are looking for employment. The desire to migrate is also helped by greater 'freedom of movement and travel, low cost international transport and global communication links, combined with previously unavailable opportunities to work overseas and self-confidence' (Aronowitz 2009, 11).

### *Stability of Western Europe*

The desire to migrate at all costs in order to escape poverty or conflict in source countries and to gain employment in Europe are among other factors that facilitate human trafficking. This is also supported by the socio-political and economic stability of Europe, especially the EU. Therefore, people fleeing conflict and ethnic cleansing in countries such as Kosovo, Albania, Tajikistan, Sri Lanka, Colombia, Iran, Iraqi, Somalia, Rwanda and Burundi flee to EU countries in the hope of obtaining refugee status. People from relatively stable but poor countries, desperate to escape poverty at home, also come to EU countries to apply for asylum. This desire to migrate is reinforced by narratives of irregular migrants who return home from Europe with tales of success. In their narratives, the actual situation in Europe, especially in EU countries is misrepresented, distorted or one sided, with the difficulties encountered in finding job, shelter and residential permit often not being voiced. The one-sided story of good fortunes in Europe is believed, therefore, and tends to motivate vulnerable individuals to migrate. Human traffickers capitalise on the personal circumstances of their victims in order to recruit and exploit them.

### *The Schengen Agreement*

Politically, there are certain regional agreements which also facilitate human trafficking in Western Europe. One such is the Schengen Agreement, which has led to the removal of internal border controls between member countries. This helps traffickers move their victims more easily without being detected. The expansion of the EU has also led to the inclusion of countries that are major sources of human trafficking, such as the Baltic States. It has also brought Western Europe's borders closer to other major sources of human trafficking outside the area, such as the Russian Federation, Ukraine, Belarus, Turkey, Moldova and the Western Balkans.

Against this background, it is necessary to highlight and discuss human trafficking in the successor states of the Union of Soviet Socialist Republics (USSR).

## HUMAN TRAFFICKING IN THE SUCCESSOR STATES OF THE USSR

The successor states of the former USSR are sometimes collectively referred to as the Commonwealth of Independent States (CIS). Among the countries in this region most affected by human trafficking are the Russian Federation, Moldova, Belarus and Ukraine. Russian men and women, for example, are trafficked internally for sexual and labour exploitation. Russia also has the largest number of victims in the region, mainly originating from the poorer regions of Russia, Ukraine, Moldova and other parts of the CIS. Migrants, the disabled and the unemployed as well as orphaned children are the worst affected by human trafficking. These socially vulnerable groups are exploited in the official labour market as well as in the underground or informal economy. Labour exploitation occurs mainly in the illegal manufacturing of drugs as well as their distribution and in the underground production of counterfeit goods (Galina and Elena 2009, 114, 139).

It is estimated that there are about 100,000 sex workers in Moscow. Child trafficking is also common in Russia, with children from Moldova and Ukraine being trafficked into Moscow or St Petersburg and forced into begging and prostitution. Russia is both a source, transit and destination country. As a transit nation, nationals of other states such as Belarus, Moldova, Ukraine, Kyrgyzstan, Tajikistan and Uzbekistan pass through Russia into Western Europe, where they are exploited in the sex industry.

While trafficking for the purpose of sexual exploitation is common in this region, several reports seem to indicate that trafficking for labour exploitation may be more endemic than sexual exploitation. Women are mainly trafficked into domestic servitude and sexual exploitation while men are forced to work in the construction and agricultural sectors. This affects young men of diverse nationalities, with it being reported that Tajik men may be the group worst affected, exploited both by Russian employers and Tajik traffickers. Victims are controlled through confiscation of their travel documents; provision of accommodation, often in adverse conditions, and inadequate feeding. The men are paid little or no wages. Collaboration between the traffickers, employers and the police ensures that perpetrators are not arrested and prosecuted for violating Russian

labour laws. Organ trafficking has also been reported in the region. Victims are recruited by organised crime groups and trafficked outside the region, where their organs are removed and sold to wealthy clients.

### *Sub-Regional Variation*

The Eurasian sub-region of the CIS is territorially vast. It extends from the borders of China and Korea to the Baltic Sea and the boundaries of Western Europe. As a result of its close proximity to Asia, victims from Russia's far eastern areas and Siberia are reported to be trafficked to Asian countries such as Japan, South Korea and China where there exists a high demand for women from countries of the region, especially Russia, Ukraine, Moldova and Belarus. In South Korea, these women are forced to work in the sex industry, where they serve not only South Korean patrons, but also American servicemen stationed in US military bases. Victims from the CIS who are trafficked to Japan are sexually exploited in the entertainment industry. Finding jobs in other sectors of the economy is often not easy, as these women enter the country on entertainment visas and are subsequently exploited by the Japanese yakuza (Japanese organised crime group).

The western part of the CIS is close to Western Europe. While women from the Far Eastern parts are trafficked to Asia, it has been reported that women from Western Russia, Ukraine and Moldova are trafficked into Western Europe, the Balkans and Turkey. The CIS also shares borders with the Scandinavian countries (Northern Europe). As a result, trafficking victims from the northern parts of Russia, Moldova and Ukraine are mainly trafficked to Finland, Sweden, Norway and Denmark. Similarly, Turkey serves as a destination and transit route for CIS victims from the southern parts of Russia, Ukraine, Moldova and other members of the CIS. Victims from this region are also trafficked to the Middle East, including Israel, the United Arab Emirates (UAE) and Egypt. In addition, victims from the CIS are trafficked to North and South America through countries such as Armenia, Azerbaijan and Georgia (IOM 2008).

### *Factors Facilitating Human Trafficking in the CIS Region*

The CIS region is not only a source or transit region but also a destination for victims trafficked into sexual and labour exploitation. While the eastern part of the region serves as a route to Asia, the northern part of the region serves as transit area to the Scandinavian countries. The western and

southern areas of the CIS are mainly transit areas to Western Europe, Turkey and the Middle East. Certain factors facilitate human trafficking in the CIS. Among these are historical conditions, socio-economic and political change, regional agreements and conflict. These factors are briefly examined.

### *Historical Conditions*

The trade in human beings is not new to the CIS area. Nationals of Russia, Belarus, Ukraine, Moldova and Georgia are of Slavic origin. During the Roman times until the Middle Ages in Europe, the Slavs were sold as slaves in Europe. Besides their European slavery experience, the Slavs, especially from Russia, also experienced Mongolian slavery after the Mongolian conquest of Russia in the thirteenth century (Shelley 2010, 176). Unlike the transatlantic slave trade, which was officially abolished, it has been observed that slavery was not officially abolished in Russia but was rather replaced by another form of servitude called serfdom, which lasted until the rule of Alexander II in 1861. Although slavery and serfdom may no longer exist in the CIS, it is argued that conditions akin to slavery or serfdom still exist in the form of sexual and labour exploitation of human trafficking victims. Another historical condition that continues to influence human trafficking in the CIS is the phenomenon of white slavery, previously mentioned, which started in the 1880s and lasted until the 1930s. This involved the trafficking of women especially from the Baltic States, Ukraine, Russia and Moldova to North and South America. On the basis of this, it is argued that the legacy of slavery and serfdom shapes present-day human trafficking in Russia and other countries that are formerly part of the USSR. Thus, while in the past parents were involved in the sale of their children into slavery, human traffickers have taken over that function.

### *Regional Agreements*

As pointed out earlier, labour trafficking seems more or as endemic as sexual exploitation in the CIS region. Among these countries, Russia is the worst affected by human trafficking for labour exploitation purposes. It has been observed that most labour trafficking victims here come from the successor states of the USSR with which Russia maintains a visa-free agreement. Those exploited are mostly from Uzbekistan, Tajikistan and Kyrgyzstan (Galina and Elena 2009, 131–132). Although there are positive objectives for visa-free entry agreements, the unintended consequence of them has been human trafficking. Besides aiding intra-regional trafficking, visa-free agreements

facilitate human trafficking in another sense. For example, they have led to the influx of people from successor states of the USSR into Russia, resulting in discriminatory practices against these migrants—such as denial of residential and work permits and an inability to access Russian social safety nets. This renders these migrants, especially migrants with families, illegal and vulnerable to labour and sexual exploitation by human traffickers.

### *Armed Conflict*

The increase in human trafficking in the successor states of the USSR is also attributed to the political conflicts which ravaged the region following the demise of the Soviet state. These include those between Armenia and Azerbaijan, Russia and Georgia, Russia and Chechnya, and the civil war in Moldova. Other conflicts in the region include those in Kyrgyzstan, Uzbekistan and Tajikistan. The displacement and impoverishment that this causes renders the affected population vulnerable to human trafficking. This helps to explain why human trafficking victims for labour exploitation in Russia are mainly from countries such as Uzbekistan, Kyrgyzstan and Tajikistan.

### *Geographical Factors*

The CIS is a vast region, sharing borders with Asia, Europe, the Middle East and North America. The porosity of these borders facilitates human trafficking to other regions of the world (Salt and Stein 1997, 474, 475). It also determines the destinations of trafficking victims. For example, victims from eastern areas are mainly trafficked to Asia because of its geographical proximity, while those in the southern parts are mainly trafficked to Turkey and other countries in the Middle East. It has been shown that the large territorial expanse of the former USSR and the Balkans is a major transit region for traffickers and smugglers from Asia to Western Europe. Three main smuggling and trafficking routes passing through the CIS area and Bulgaria have been identified. In the northern parts of the CIS, it is observed that a trafficking route goes through Russia and the Baltic States, and then Poland. In the southern part of the area, trafficking and smuggling routes pass through Ukraine, the Balkans, and the Czech and Slovak Republics. The third route goes through Bulgaria, Romania and the Balkans. The porosity of the borders is further compounded by the fact that forests form a large part of them. Furthermore, recourse to illegal border crossing and reliance on criminal syndicates may also be blamed on strict rules surrounding visas for countries such as Germany.

*Political and Social Factors*

While human trafficking is endemic in the CIS, governments in these states have not mustered sufficient political will to combat it. Sufficient resources have not been allocated to counter human trafficking and there has been poor implementation of laws against it. With regard to Russia, this lack of political will may stem from the fact that most human trafficking victims for labour exploitation are not Russian nationals.

Poor implementation of laws against human trafficking is also linked to widespread corruption in the CIS. For example, it has been reported that ‘after the ouster of President Akayev of Kyrgyzstan, his wife was found to have derived significant profit from her role as a facilitator of labour trafficking’ (Shelley 2010, 197). High-level involvement in human trafficking among the police, customs and immigration services is not limited to Kyrgyzstan, the same applying to countries such as Ukraine. As a result of corruption, which in some cases involves prosecutors and judges, adequate investigation, prosecution and conviction of human traffickers is rare. The ease with which human traffickers and victims obtain visas to travel to their destinations has also prompted the argument that some foreign officials at the embassies may also be corrupt. This potential involvement no doubt undermines counter-trafficking efforts.

Apart from corruption, which has a negative impact on the justice system, there is also an absence of witness protection programmes for victims of human trafficking and their families. This facilitates human trafficking because it makes it difficult for victims to testify against traffickers for fear of reprisals. Therefore, it is difficult for law enforcement agents to collect evidence against transnational trafficking networks. Poor co-operation between countries in terms of the investigation of human trafficking across national borders, as well as poor funding of human trafficking units in the agencies, are also factors that make it difficult for law enforcement agencies to combat human trafficking in this region.

*Collapse of the Soviet Union*

As previously noted, rapid political and economic transitions have immediate effects on society and on states. Thus the politico-economic transition from communism to a liberal economic system in the former Soviet states caused dramatic structural changes in the social systems on which the livelihood of citizens from this area depended. The changes experienced by these countries included the opening up of the protective borders of their economies, which allowed for the entrance of foreign competitors.

This was mainly done through privatisation of public enterprises and the deregulation of economies. These structural changes marginalised subsistence agriculture and created losers and winners among the citizens. The losers were mainly those who were rendered unemployed and unemployable by the social changes, lacking the requisite skills for new jobs. Winners were those who were able to purchase public enterprises and become wealthy overnight.

Women in particular have been singled out as the greatest losers thanks to the social changes that occurred in this region between the late 1980s and early 1990s. As a social group they were seriously impoverished as social protection for families, guaranteed employment, child subsidies and support systems drastically declined following the collapse of communism (Igor and Riordan 1993, 6). With the collapse of the social safety net, serious social problems such as domestic violence, alcoholism, child abuse and crime arose. Alcoholism has been blamed for serious family crises in Russia and is responsible for domestic violence and the consequent disintegration of families, thereby increasing the risk of children, especially young girls, becoming vulnerable to human trafficking (Shelley 1995, 244, 256).

The link between the collapse of communism and human trafficking is evident from the fact that human trafficking proliferated in the late 1980s and early 1990s in the CIS area as well as in Eastern Europe. By the late 1980s, it became obvious that communism was heading towards collapse. The socio-economic system eventually collapsed in 1991 following the dissolution of the USSR. Simultaneously, the region began to witness the rise of organised crime and endemic corruption. Criminal groups took advantage of the crisis to engage in human trafficking for sexual and labour exploitation.

The impoverishment of women was further compounded by the privatisation process in post-Soviet states. Most women could not acquire valuable assets because this process in Russia and other countries of the former Soviet Union favoured managers of state properties. Similarly, while the privatisation of the voucher system was intended to favour women, the process was riddled with fraud. Besides, communism did not allow for the development of private entrepreneurship and skills, and the concomitant lack of entrepreneurial skills and the difficulty in establishing small businesses without government support compounded families' problems and further rendered women and children vulnerable to human trafficking. Where entrepreneurial skills did exist, small businesses that lacked government support were forced to cut costs in order to survive hostile business environments, owing

to ineffectual economic policies. Reducing costs, especially labour costs, often results in the hiring and exploitation of human trafficking victims (Tyuryukanova 2006).

## HUMAN TRAFFICKING IN THE AMERICAS

The Americas comprises North America and Latin America. For the purpose of this study North America consists of several countries, the USA, Canada and Mexico. Latin America comprises of three main sub-regions, namely Central America, South America and the Caribbean.

Human trafficking in the Americas assumes various forms. North America is a destination as well as a transit region. The sub-regions of Latin America are noted as source, transit and destination regions. The different forms of human trafficking found here include trafficking for sexual exploitation, labour exploitation, organ trafficking and domestic servitude.

### *Latin America*

This region experiences human trafficking for the purposes of sexual, labour and human organ exploitation; it is mainly a source region. Victims are trafficked both within the region and outside it, the main destinations being the USA, Japan and Europe. The pattern is the same as in other regions of the world where human trafficking occurs: trafficking victims are sourced mainly from poor countries within the region and trafficked to relatively wealthy ones, such as Argentina and Brazil. Estimates regarding the number of trafficking victims in Latin America vary, but the ILO's figure is about 1.8 million people (ILO 2012). A substantial number of these victims are believed to have been trafficked.

While human trafficking for labour exploitation is a major problem in this region, there is also the problem of child trafficking for different purposes. Rebel groups in countries such as Colombia, El Salvador, Ecuador, Honduras, Paraguay, Guatemala, Mexico and Peru traffic children who are recruited as child soldiers. Criminal groups involved in drug trafficking use children, many of whom are forcefully recruited and used in gang violence and forced begging (Sullivan 2008, 174). While women are trafficked especially into sexual exploitation and domestic servitude in the cities, men are trafficked and exploited in the construction, mining and agricultural sectors. As mentioned previously, sexual exploitation of women and their domestic servitude in Latin America occur in Argentina, Brazil, El Salvador,

Guatemala, Guyana, Jamaica, Mexico and Paraguay. Apart from sexual trafficking, domestic servitude and labour trafficking, organ trafficking for non-ritual purposes has also been identified in Latin America. Organ traffickers, especially those with medical purposes, have exploited victims in Brazil, Argentina and Mexico (UNODC 2009).

### *Central America*

According to several reports, the level of human trafficking in Central America is alarming. Among the countries that constitute this region are Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The most common form of human trafficking that occurs here is sexual exploitation, and it is mainly intra-regional in nature. However, it has also been reported that women from this region are trafficked to countries such as the USA, Europe and Israel as well as Japan (Aronowitz 2009, 94). Although there may be several trafficking routes in this region, the US government has reported that the border between Mexico and Guatemala and a number of other border crossings are the main trafficking points into North America, and the USA in particular. Trafficking victims who cannot make it to the USA are forced into sexual exploitation in Mexico. Therefore, Mexico is the transit and destination country for victims trafficked from Central America to the USA. Along the borders of Central America, there is a growing sex tourism industry into which children are trafficked (US Department of State 2007). It is on the basis of this that the NGO Casa Alianza estimated that around 2000 girls are being sexually exploited in San Jose, Costa Rica. Although Costa Rica is a predominantly source country, it has also been reported as a destination country for women trafficked from Eastern Europe and Thailand as well as those trafficked from Colombia, the Dominican Republic and the Philippines. Trafficking for the purpose of domestic servitude is also a common problem in Central America, especially in countries such as the Dominican Republic, El Salvador, Guatemala and Nicaragua.

### *South America*

As in other sub-regions of the Americas, internal and international human trafficking occurs here. The countries most affected are Brazil, Colombia, Surinam, Uruguay and Venezuela. This sub-region is predominantly a source region and its victims are mainly women trafficked to the USA, Germany, the Netherlands, Portugal and Spain, where they are sexually exploited. There are varying estimates regarding the number of victims, but it has been suggested that about 45,000 Colombians and 75,000

Brazilian women work in the sex industry in Europe. Many of them are victims of human trafficking. In addition to the USA and Europe, South American victims are also trafficked to Asia, especially Japan; about 1700 trafficking victims from Brazil, Colombia, and Peru have been trafficked to that country.

Brazil is said to account for about 15% of sex trafficking victims within South America. Domestic or internal trafficking is as serious as international trafficking in the country. A significant number of victims are trafficked from poor rural areas, particularly the country's northern parts, while many are recruited from city slums and trafficked to wealthy urban areas such as São Paulo. Internal trafficking is also common in Colombia where victims, especially women and children, are trafficked from rural areas to cities. This involves the sexual exploitation of children and women. Colombia is also identified as a major source country in the region from where young women are trafficked and sexually exploited in Brazil, Argentina, the Caribbean, the USA, Western Europe, East Asia and the Middle East (US Department of State 2008).

Labour exploitation in South America is as serious as sexual exploitation. It has been estimated that about 25,000 Brazilian victims, especially men, are trafficked internally for this purpose in the Brazilian agricultural sector. Labour exploitation in the mining and timber industries has also been reported in Peru, with about 33,000 victims from different Latin American countries exploited in the Peruvian Amazonian region (ILO 2005).

Brazil is also plagued by child prostitution. About half a million children are reported to be sex workers there, the majority believed to have been trafficked and forced to work as prostitutes, then sold to gold mines in the Amazon. It has also been established that child prostitution is linked to sex tourism in Brazil as well as in other South American countries. This is mainly because 'more than half of the 241 trafficking routes in 20 states of Brazil lead to international destinations' (Aronowitz 2009, 96).

Trafficking for the purposes of the illegal adoption of children has also been noticed in South America, especially countries such as Bolivia and Guatemala—where the police have been reporting children's disappearance without trace. Similarly, Colombian authorities have been concerned with the kidnapping of children for different forms of human trafficking.

### *The Caribbean*

The Caribbean is mainly a source region for human trafficking in the Americas, and different forms of human trafficking such as sexual exploitation, labour exploitation and domestic servitude are found in

the region. Victims from Caribbean countries are trafficked to different countries in the Americas as well as to Europe and Asia. In Caribbean countries such as Haiti, internal human trafficking occurs mainly for domestic servitude and sexual exploitation. Thus, about 173,000 children in the country are believed to be victims of domestic servitude. Externally, Haitian trafficking victims are trafficked to Europe, especially Western Europe, where they are sexually exploited. They are also to be found in the USA, Brazil and other Latin American countries. The Dominican Republic is another human trafficking hub in the Caribbean, and according to some reports about 50,000 Dominican human trafficking victims are exploited in the sex industries in Europe (Pan American Health Organisation 2013). Besides this, the Caribbean region also suffers from labour exploitation of its citizens. Haitian victims of labour exploitation, for example, are trafficked and exploited in the sugarcane fields of the Dominican Republic.

### *North America*

As in other parts of the world, human trafficking is a serious problem in North America, particularly in the USA and Mexico. North America, however, serves mainly as a destination, especially for countries such as the USA and Canada. In the USA, for example, trafficking victims are exploited both in rural areas and urban centres. The main forms are trafficking for the purpose of commercial sexual exploitation, as well as domestic servitude and labour exploitation. There have also been reports about young children who are kidnapped and sold for adoption in the USA (Ribando 2007).

Internal or domestic trafficking of children for sexual exploitation is a growing problem in the USA. Although the exact number of victims is not known, it has been reported that ‘between 244,000 and 325,000 American children and youth are at risk each year of becoming victims of sexual exploitation including as victims of commercial sexual exploitation (child pornography, juvenile prostitution, and trafficking in children for sexual purposes)’ (Bales and Soodalter 2009, 90). This estimate is consistent with others which claim that the number of US citizens trafficked internally is between 100,000 and 300,000 (Estes and Weiner 2002).

Foreign trafficking victims, especially women from Africa, Asia, Eastern Europe and Latin America as well as US citizens, are exploited in the commercial sex industry as well as in domestic servitude. Trafficking in North America, particularly in the USA, not only involves women; men are also

trafficked and exploited in restaurants and on farms, and also in other service-related industries. It has been noticed that an increasing number of young men, possibly trafficked, are being forced into the commercial sex industry as well (Christopher 2012).

It is further suggested that the majority of foreign victims of trafficking originate from Russia, Ukraine, the Czech Republic, Malaysia, the Philippines and Thailand (McMahon 1999). However, based on official reports of the US Department of Justice, between 2001 and 2011 the US government issued 3181 certification letters to victims of human trafficking, and the top ten countries from which they came were the Philippines, Mexico, Thailand, India, Honduras, Indonesia, Guatemala, El Salvador, the Republic of South Korea and Peru (US Department of Justice 2011).

As pointed out previously, Mexico is a source, transit and destination country. Mexican nationals are mainly trafficked to the USA, while nationals of other South and Central American countries transit through Mexico on their way to the USA. When the traffickers are unable to traffic their victims into the USA, they force them into commercial sexual exploitation in Mexico (Shelley 2009, 291).

Canada, like the USA, is also mainly a destination country in North America. According to several reports, the USA–Canada border appears to be the major entry point for criminal networks involved in sex trafficking (Rayman 2001). Most victims who are trafficked into Canada are children and women from Asia, specifically from countries such as South Korea, Thailand, Cambodia, Malaysia and Vietnam. There are also many Eastern European victims from countries such as Romania, Hungary and the members of the CIS as well as from Latin America and the Caribbean, Africa and the Middle East. Different parts of Canada are noted for having a special attraction for traffickers from particular regions. Thus Asian victims are reportedly exploited in Vancouver and Western Canada while Latin American and Eastern European victims are trafficked mainly to Toronto and Eastern Canada. Similarly, Toronto and Vancouver are becoming hubs for trafficked people from the Czech Republic, Slovakia, Hungary, Romania and the countries of South America. Women from these countries are brought to Toronto and exploited in the sex industry. Canadian women are also trafficked within the country and exploited likewise. The Canadians considered most vulnerable to internal human trafficking are aboriginal girls and women living in poverty (Fournier 2008).

### *Causes of Human Trafficking in the Americas*

Human trafficking in the Americas can be attributed to several factors. While similar factors may be responsible for the phenomenon in Central and South America as well as the Caribbean, these do not apply to North America, with the exception of Mexico. For instance, poverty, geographical proximity and porous borders, as well as armed conflicts, organised criminal groups and corruption are considered to be contributory factors to human trafficking in Central and South America, but these factors do not necessarily apply to the USA and Canada. Nevertheless, certain factors have been identified which apply to almost all the countries in the Americas, such as historical conditions, family breakups and homelessness. With specific reference to the USA and Canada, the existence of certain categories of visas, employment prospects in a well-developed economy and large immigrant communities may be peculiar factors that encourage people to enter these countries. Desperation renders them vulnerable to the manipulations of human traffickers.

#### *Historical Patterns*

There are certain historical conditions that have had a serious social impact on several countries in Latin America and North America and continue to facilitate human trafficking. In the USA, for example, slavery lasted until 1808 and indentured servitude was prohibited in 1865. Slavery has therefore had a major impact on the US socio-political and economic system. According to the US census of 1860, there were about 4 million slaves of African descent in the USA. It has also been noted that ‘indentured servants provided at least 50 percent of all white immigrants to the American colonies between 1633 and 1776 as well as roughly 75 percent of Virginia settlers in the 17th century’ (Shelley 2010, 236).

Before 1888, when slavery was abolished in Brazil, about 4 million blacks, representing 40% of the global slave trade, were brought to Brazil (Lana 2005). Slavery still exists in Brazil in different forms, with labour authorities in Brazil annually identifying a large number of enslaved labourers who are working in agriculture and the mines as well as engaging in other forms of hard physical labour (UNODC 2009).

Besides slavery, the Americas also witnessed a very long period of indentured servitude. Between 1831 and 1920, more than 300,000 Chinese, 59,000 Africans and 525,000 Indians were brought to South America and the Caribbean as indentured servants (Northrup 1995, 156, 157).

Apart from slavery and indentured servitude, the Americas also experienced white slavery, as previously stated. This trade in human beings led to the sexual trafficking of women from Europe to the USA, a trade that had the trappings of human trafficking as presently defined. The agents involved in it were mainly criminal groups or networks of human traffickers. In Latin America the problem of white slavery persisted for a long time. Through this illicit trade, women from Eastern Europe, Jewish and Slavic, were trafficked from Poland and other Eastern European countries to be exploited in Argentina, Brazil and Uruguay. The prominent criminal group involved in the trade was the ZwiMigdal organisation, which had tentacles in both the USA and in the southern part of South America.

The link between historical conditions and the current socio-economic and political situation in Latin American countries such as Brazil was established by the former Brazilian President Luiz Inácio Lula da Silva. According to him, the historical condition of enslavement of the black population brought from Africa channelled wealth to a powerful elite, and created in Brazilian society and elsewhere in Latin America a ‘social abyss’, which still characterises the nation. This secular inequality hampers development, and concentrates wealth and opportunities in the same hands. Therefore, the poor in Brazil remain the most vulnerable group in terms of all forms of human trafficking.

### *Socio-Economic Factors*

Although some scholars have argued that identifying poverty as a cause of human trafficking is too simplistic, it has nevertheless been clear that children’s vulnerability to human trafficking predominantly results from poverty, broken families and drug addiction at home (Shelley 2010, 274). It is as a result of poverty that many children live on the streets of Brazilian cities such as Rio de Janeiro and São Paulo. The same applies to, for instance, the USA, Mexico, Argentina, Venezuela and Colombia. Adult victims are also forced to migrate in order to escape poverty in Latin American source countries.

Therefore, the desire to migrate and to gain employment in the USA and Canada, and thereby to improve living standards, facilitates human trafficking into the USA and Canada from Eastern Europe, Asia and Latin America as well as Africa. This is also supported by the socio-political and economic stability of the USA and Canada. People from relatively stable but poor countries, who are desperate to escape poverty at home, also apply for asylum in the USA and Canada.

The family as a social institution helps to ensure social stability. Therefore family instability in the form of divorce or breakup, separation or domestic violence correlates with several social problems such as child abuse and abandonment, homelessness and child delinquency. Family breakups are common in the USA and most countries in Latin America. This has in turn resulted in the problem of street children or so-called ‘runaways’ in the USA, as well as in several Latin American countries, where numerous children live in the streets of crowded cities with little or no parental control. It is argued that homeless children are the most vulnerable group to domestic human trafficking by ‘peeps’ (traffickers) in the USA and elsewhere in the Americas. This is because in the absence of parental care and support children can be more readily forced into begging and petty crime, into domestic servitude or even into commercial sexual exploitation by human trafficking agents.

#### *Political Instability and Armed Conflict*

Large-scale armed conflicts such as civil wars facilitate human trafficking, as previously noted. The same can also be said of small-scale violence caused by urban gangsters. The existence of criminal gangs that engage in armed conflicts in urban cities, especially in countries such as Brazil, Colombia and Mexico, equally enhances human trafficking. For instance, this social problem causes children to be recruited as gangsters and exposed to violence at a tender age, preparing them for a violent lifestyle in adulthood. It has been reported that children in Brazil, particularly street children and those living in slums, are trafficked into armed groups that engage in urban violence. Similarly, children who were forced into conflicts in El Salvador in the 1980s and 1990s were responsible for the formation of the violent international criminal gang known as MS-13, which engages in different forms of trafficking in Latin America.

## HUMAN TRAFFICKING IN AFRICA

Africa is one of the poorest regions in the world, and this seems to explain why human trafficking is endemic there. Human trafficking assumes various forms, all of which became more visible in the 1980s and 1990s when an increasing number of African victims were trafficked to different countries in Western Europe (SADC 2016; Truong 2006). Africa comprises Central, Eastern, Western, Northern and Southern sub-regions.

### *Sub-Regional Differences*

There are sub-regional variations in human trafficking in Africa. Several reports point to the West and Central African sub-regions as the worst affected, and they are source as well as destination sub-regions. While Northern Africa is an origin and transit area, Southern Africa, particularly South Africa, is predominantly a destination sub-region. In all the African sub-regions, internal trafficking of children as well as international trafficking occurs. Child trafficking for various types of exploitation is common. Among the various types of exploitation to which victims are exposed are commercial sex, domestic servitude and armed conflict. Other sectors are service industries, such as bars and restaurants, as well as unsafe work in factories, mines, agriculture and fishing, and on construction sites. Children are also trafficked into begging, and those trafficked into sexual exploitation may be resold more than once (ILO 2002, 29).

Most trafficking victims in Africa are trafficked internally as well as internationally; a substantial number are also trafficked globally. For example, African women and children have been reportedly trafficked to Europe, as well as to the Middle East and to Southeast Asia. Africa is also a destination region for trafficking victims from other regions of the world such as Asia, Europe and Russia. For example, women and girls have been trafficked from Thailand to South Africa for commercial sexual exploitation. In some cases, Africa also serves as a transit region. Reports show that victims are trafficked from Asia to Europe through countries in Northern Africa (Innocenti Research Centre/UNICEF 2003).

#### *West and Central Africa*

West and Central Africa are generally regarded as the hub of human trafficking in Africa. Countries in West Africa are the Republic of Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea-Bissau, Guinea, Liberia, Mali, Mauritania, Niger, Nigeria, Togo, Senegal and Sierra Leone. The Central African sub-region consists of Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo (DRC), Equatorial Guinea and Gabon. Estimates of the number of trafficking victims in West and Central Africa vary considerably. However, reports indicate that between 200,000 and 300,000 (ILO 2012) children are trafficked annually in these two sub-regions of Africa. Countries such as Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Guinea, Mali, Niger, Nigeria and Togo are the most affected. Mali in particular serves as a transit country for victims

trafficked from different countries in West and Central Africa to North Africa on their way to Europe. Many of these victims who are unable to cross over to Europe become stranded in Algeria and Morocco. Nigeria is both a source and destination country, the latter for victims trafficked from countries such as Benin, Togo, Senegal, Sierra Leone, Burkina Faso, Mali and Gambia.

There are three distinct patterns of human trafficking flows identifiable in these sub-regions. The first is internal (domestic) human trafficking from rural areas to urban areas in all the countries of West and Central Africa (Adepoju 2005, 7, 79). The second is international trafficking, which involves the trafficking of victims from one country to another. In both internal and international trafficking flows children are most often the victims. Several reports show that they are trafficked for all kinds of exploitation, but mainly for labour, sexual and military purposes. Thus, boys from these two sub-regions are trafficked predominantly for labour exploitation on coffee or cocoa plantations as well as in the mining and fishing industries; girls are mostly trafficked for domestic servitude as well as to market vendors. Furthermore, as a result of civil wars and other forms of armed rebellion in West and Central Africa in recent times, reports have also emerged which confirm that children are also being trafficked for the purpose of fighting or to be sexually exploited by soldiers. Many children are also trafficked here for the purpose of street begging. Although predominantly children are trafficked interregionally, there have also been cases in which they have been trafficked to other regions of the world such as Europe and the Middle East for different forms of exploitation.

The third flow in West and Central Africa is the trafficking of adult women for exploitation in domestic servitude and prostitution. Women from Cameroon, the DRC, Gabon, Ghana, Guinea, Liberia and Nigeria, for example, are trafficked to different European countries, especially Belgium, Italy, the Netherlands, the UK, Germany and France. Other women, especially Ethiopians, are trafficked to the Middle East for domestic servitude and sexual exploitation.

### *North and East Africa*

The North African countries of Algeria, Egypt, Libya, Morocco and Tunisia, as well as Sudan, are mainly transit countries for human trafficking victims from sub-Saharan African countries on their way to Europe. Trafficking victims of North African origin are also believed to be trafficked to Europe and the Middle East for sexual and labour exploitation while cases of domestic servitude have been reported in Sudan. The East African

countries of Kenya, Uganda, Tanzania, Ethiopia and South Sudan are also affected by human trafficking. The main trafficking patterns in East Africa are internal and international. Thus, countries such as Kenya, Tanzania and Uganda experience a serious problem of internal trafficking from rural to urban areas (Innocenti Research Centre/UNICEF 2003). It has been suggested that this pattern is on the increase as a result of urbanisation and the concentration of labour-intensive industries in certain parts of the countries. In the case of Uganda, however, the ongoing conflict between the government and the Lord's Resistance Army (LRA) appears to account for the increase in the abduction of children and their recruitment into the rebel army. Reports indicate that the majority of internal trafficking victims come from rural areas and poor slum communities in urban centres. Apart from trafficking for sexual exploitation, there is also trafficking for labour exploitation, particularly in the agricultural, mining and tourist sectors of East African countries. It is noted that because their economies depend strongly on tourism, the sex industry here is also apparently growing (US Department of State 2006). Victims from Kenya, Tanzania, Uganda and Ethiopia are also trafficked to various countries in Western Europe.

Adepoju has aptly observed that the East African countries of Kenya and Tanzania serve as transit routes for Ethiopian women trafficked to Europe and the Middle East as well as Somalis trafficked to South Africa. Kenya in particular has been identified as a transit country for Chinese women trafficked for sexual exploitation, as well as Bangladeshis trafficked for forced labour.

### *Southern Africa*

Southern Africa comprises Angola, Botswana, Lesotho, Malawi, Namibia, Mozambique, South Africa, Swaziland and Zimbabwe. Trafficking for the purposes of domestic servitude, and labour and sexual exploitation has been documented in Southern Africa. It is a source, transit and destination sub-region. While countries such as South Africa are largely regarded as destination countries, others such as Mozambique, Malawi, Swaziland and Lesotho are mainly source countries. Although cases of international trafficking exist in the sub-region, attention is mostly focused on domestic or internal human trafficking ahead of international trafficking. According to the IOM, trafficking in Southern Africa assumes several forms. There exists child trafficking for farm and domestic labour exploitation across countries, as well as trafficking of women and men for sexual exploitation

within the region, particularly in South Africa. Other patterns include the international trafficking of women from the sub-region to other parts of the world for sexual exploitation, and the trafficking of women from other parts of the world such as Asia to Southern Africa. Some of these will be discussed in greater detail in subsequent case studies.

### *Causes of Human Trafficking in Africa*

Africa has been identified as a source, transit and important destination for human trafficking. While the Western and Central African sub-regions are major sources of human trafficking, the Southern and Eastern sub-regions of Africa also serve as source, transit and destination countries. Numerous factors facilitate human trafficking here. Some of these factors are historical conditions, forces of globalisation, socio-economic and political instability, and regional agreements. It is important to note that while various combinations of these factors will determine the pattern of a particular flow, their relative influence is likely to shift from place to place and from time to time.

### *Historical Conditions*

Several historical sources show that the trade in human beings is not new to Africa. As already stated when discussing conditions facilitating human trafficking in other regions of the world, Africa was at the centre of both the Arab trans-Saharan and the transatlantic slave trades. Millions of Africans were enslaved in the Americas, Caribbean and the Middle East. There were several reasons for these trades. One was fratricidal wars between African societies in pre-colonial times: warring parties sold their captives to Arab and European slave dealers as a way of humiliating the enemy and profiting from his loss. The causes of those fratricidal wars were never resolved but were suppressed under colonialism. Therefore, the end of colonialism coupled with the challenge of nation-building in post-colonial Africa appears to have resurrected suppressed pre-colonial ethnic rivalries in the form of irredentist movements and their consequences. As some have argued, historical traditions are key determinants of contemporary trafficking. While in the past warring factions sold their captives to slave traders, currently rebel leaders traffic captured women and children for sexual and other forms of exploitation.

In order to understand the current trafficking of Ethiopian women to the Middle East and the Gulf states, it is important to understand similar

patterns that existed in the past. Even after the abolition of the slave trade, the illegal slave trade continued in the Red Sea region during the early twentieth century. Presently, along the same routes, the trade of domestic servants between Ethiopia, the UAE and Saudi Arabia involving victims from impoverished homes still occurs. This trade has led to the trafficking of many Ethiopian women: in 2003, it was reported that an estimated 20,000–25,000 of them were in domestic servitude in Lebanon, and most of them were human trafficking victims (Elaine 2003). The situation has not changed. Ethiopian women are still being trafficked and exploited in the Middle East (US State Department 2016).

With respect to the increase in human trafficking in West Africa, it is also argued that there is a similarity to the pre-colonial slave trade along the west coast of Africa. Many slaves were sold and shipped to the Americas and the Caribbean from West Africa, explaining why human trafficking is more prominent in West Africa than in the continent's other sub-regions. This is not to suggest that slavery or enslavement is innate in the peoples of West Africa, but demonstrates that slavery created certain patterns of social relations which became entrenched in particular societies, and appears to be reproduced and sustained over time by social conditions such as poverty, poor governance and uneven development.

In the context of the Southern African region, it is imperative to note that movements across national boundaries for the purposes of work, trade or escape from armed conflicts is not a new phenomenon. Therefore, cross-border movements into and out of South Africa dates from the seventeenth century (1652) when the first Dutch colonisers settled in the Cape Colony. Records show that the first slaves brought into South Africa arrived there on 28 March 1658 (Mountain, 2005). Many of the slaves were imported from West Africa (Ghana), the East Indies, Madagascar, East Africa and Southern Africa, for example Mozambique (Mountain, 2005). With colonisation and slavery came legislation designed to control movement within the Colony: pass laws introduced by the Dutch and British in the eighteenth and nineteenth centuries were meant to control the movement of slaves and to protect the economy. With the end of slavery and the subsequent discovery of diamonds and gold, a shift from a slave-based to precious mineral-based economy resulted, necessitating the enactment of new pass laws in the nineteenth century specifically to ensure a steady supply of cheap labour for the mines. In 1952, however, the pass book was replaced, and a more draconian form of pass laws mandating all African males above the age of sixteen had to carry a 'reference book'.

This document contained personal information and employment history. Pass laws restricted movement and employment opportunities especially for African men, who equally devised means of violating the laws in ways which had implications for human trafficking. In this regard, Van Onselen (1984) recounts the early years of Johannesburg from the perspective of the biography of a notorious criminal, Nongoloza Mathebula (1867–1948). Van Onselen (1984) notes that Mathebula and his gang kidnapped women, girls and boys from neighbouring towns and smuggled them to mining areas, where they were secluded and forced into prostitution. This practice was largely responsible for the outbreak of sexually transmitted diseases among prostitutes and mine workers around this period Van Onselen (1984). The legacy of this still thrives, and partly explains the increase in domestic trafficking in South Africa.

With respect to labour migration, it is important to point out that South Africa has historically been a region of unequal labour relations between settler colonisers and migrant workers. Large-scale labour migration from the neighbouring countries of Mozambique, Botswana, Lesotho, Malawi, Swaziland, Angola, Zambia and Tanzania to the diamond fields in the Northern Cape dates back to the 1860s and preceded migration to the gold mines in the former Transvaal (Witwatersrand), which occurred in the 1880s (Nshimbi and Moyo 2016; Nshimbi and Fioramonti 2014; Wentzel and Tlabela 2006; Harington et al. 2004).

Harington et al. (2004) show that contemporary labour practices in the South African mining industry follow historical patterns in which cheap migrant miners were temporarily contracted, segregated and quartered in specific areas according to their ethnicities and nationalities. Mozambique in particular has historically been a major source of cheap labour for South Africa. In this regard, the Witwatersrand Labour Organisation (WNLA) was granted the sole right to recruit cheap labour in the Provinces of Mozambique in the 1900s. Thus, about two-thirds of recruited migrant labourers in South Africa during this period came from Mozambique while the Transvaal was the second largest with 18% and the Cape the third largest with 5% (Harington et al. 2004). Even with the introduction of co-operative recruiting following the formation of the Native Recruiting Corporation (NRC) in 1912, Mozambique remained the major source of cheap labour for South Africa (Harington et al. 2004). Nshimbi and Fioramonti (2014) also confirm that ‘from the late 1800s, Mozambicans, seasonally worked on the farms in the Cape Colony’.

History therefore plays a significant role in explaining the increase in trafficking of Mozambican men and women into South Africa. Boaventura et al. (2006) notes a common practice in which Mozambican workers officially employed in South African mines and farms were required by law to allow 60% of their remuneration to be deposited directly into the Bank of Mozambique in Maputo. Miners and their families received these remittances in the Mozambican currency, with no interest. It is therefore not surprising that in Mozambique the belief that employment exists in South Africa is widespread, and that human traffickers capitalise on it to recruit trafficking victims. Children from rural areas are deceived into believing that educational opportunities exist for them in South Africa. Women are deceived into believing that employment opportunities exist for them in the domestic and farm sectors of the economy, while men are deceived into believing that employment exists for them in the mining sector.

Mozambican traffickers operating between South African cities and Maputo actively recruit women working in the informal sector, in local markets and trading. Women are specifically recruited for sale to brothels in the Gauteng and KwaZulu-Natal provinces in South Africa. Men are recruited to work as miners, but many end up working illegally (Sowetan 2012): cases of illegal mining, known as zama-zama are common in South Africa. In 2012 it was reported that, ‘unemployed young men from neighbouring countries are lured into South Africa by well organised criminal syndicates to illegally dig gold under dangerous conditions’ (Sowetan 2012). The syndicates specifically target young men from Lesotho, Swaziland, Zimbabwe and Mozambique.

### *Socio-Cultural Practices*

Certain cultural practices have been identified as among the factors facilitating human trafficking, especially in the African context. For example, the problem of gender discrimination is common in several African societies where patriarchy prevails. This system allocates different positions and functions in society to men, women, boys and girls on the basis of gender. Accordingly, this tends to negatively affect their social status, rights and access to resources (Truong and Angeles 2005). For example, in several rural African societies women and girls are restricted to the home while men and boys are entitled to work and attend school. Therefore, it is not surprising that in many parts of Africa gender inequality and cultural factors prevent girls from having access to education. and this together with a lack of inheritance rights reduces women’s chances of employment in the

formal sector. The majority of African women therefore end up working informally, where little or no skills are required and where the chances of exploitation are high (Delpont et al. 2007).

Another way in which women are rendered vulnerable to human trafficking in Africa is through the traditional way of educating children to be independent. In some cases children are placed at the homes of relatives who are wealthy in order to learn life skills; to pay off their parents' debts or to prepare for marriage. While this practice has its merits, it often exposes children to abuse at the hands of their custodians. Many of these children end up being exploited in domestic servitude as well as in the commercial, agricultural and mining sectors (ILO 2001).

### *Geographical Patterns*

One important factor facilitating human trafficking in Africa is geographical proximity. This is further facilitated by the absence of natural physical barriers such as seas and mountains between countries, which can pose daunting challenges to human traffickers. Different means of transportation also facilitate human trafficking. For example, human traffickers make use of minibuses or large trucks to transport their victims. This is also the case across countries in Southern Africa, where young women are trafficked by taxi from Mozambique to South Africa. The same pattern has been observed in the East African country of Tanzania, where truck drivers are used to transport women and children across borders.

### *Monitoring and Border Control*

As in other regions of the world, porous borders are also responsible for the increase in human trafficking in Africa. This is more pronounced here owing to the limited human and material resources that are available to adequately protect large border areas. Therefore, human traffickers as a precautionary measure choose routes where they will encounter fewer or no border patrols. Border porosity may also be a result of corruption among law enforcement officers in African states. Certain individuals who operate around border areas are often known to immigration officials, and are allowed to move freely across borders. In the process they assist human traffickers in smuggling individuals illegally into countries. While this may be clandestinely done, there are also cases in which individuals are moved across borders with the connivance of corrupt officials. It has also been observed that in areas where border control is effective, human traffickers

divert their route through a neighbouring country. Where the target country can be accessed by water, speedboats are used to bypass border control (Innocenti Research Centre/UNICEF).

### *Political Factors*

Armed conflict within the African region is also a major facilitator of human trafficking. The African region has experienced large-scale protracted wars in recent times in countries such as Liberia, Sierra Leone, the DRC, Rwanda and South Sudan. The displacement and impoverishment caused by armed conflict render the affected population vulnerable to human trafficking. This explains why cases of sexual exploitation of girls by rebel soldiers as well as by UN Peacekeeping forces in Liberia, the DRC and Sierra Leone were reported to have been widespread by 2003.

Although several African countries have enacted human trafficking laws, these often remain ineffective or poorly implemented as a result of limited human and material resources. In other countries, there is still a lack of legislation that specifically addresses the human trafficking problem. Another related factor is the lack of criminalisation of human trafficking in most transit countries and the inability to distinguish between trafficking victims and smuggled people. This may be connected to poor regional co-operation between African countries. To this may be added the lack of political will to adequately address the problem.

## GLOBAL PATTERNS AND SECURITY IMPLICATIONS

Table 3.1 summarises the global patterns of human trafficking. The various trends are identified and the main causes of human trafficking globally are highlighted. The similarity of patterns and causes can be seen across different regions of the world.

By using regional analysis to provide a global overview of human trafficking, the similarity of patterns across regions becomes clear, as do the security consequences of the global phenomenon. On the basis of the contemporary view of security, human trafficking has political, economic, social and environmental implications. Human trafficking for sexual and labour exploitation undermines individual freedom, peace and well-being as well as access to state protection and resources, fundamental human rights, participation in governance and the basic necessities of life, including good health. Therefore, besides placing victims outside state protection,

**Table 3.1** Global trafficking pattern

<i>Region</i>	<i>Trafficking pattern</i>	<i>Causes of trafficking</i>
Africa	Internal, intra-regional and international trafficking of women, children for: sex, labour, especially child labour trafficking, domestic servitude and forced marriage	Transatlantic slavery, corruption, geographical proximity, cultural practices, poor border control and monitoring, political conflicts, civil wars, lack of adequate resources, lack of trafficking laws or proper implementation of existing ones and organised crime
Americas	Internal, intra-regional and international trafficking women, children and men for sexual and labour exploitation, human organ trafficking, begging, domestic servitude, illegal adoption and forced marriage	Historical precedents of transatlantic and white slavery, indentured servitude, political instability and armed conflict, family breakdown, organised crime, absence/poor implementation of laws, porous borders, especially in Latin America, political stability in the USA and Canada, the Internet and prospects of employment
Asia and the Pacific	Internal, intra-regional and international trafficking for sexual and labour exploitation, camel jockeying, domestic servitude, human organ trafficking, forced marriage and illegal adoption	Indentured servitude, cultural practices, geographical proximity, political transition, conflicts, lack of political will, globalisation, political agreements and official corruption and organised crime
Europe	Internal, intra-regional and international trafficking for, sex, labour, domestic servitude, child trafficking for begging and petty crimes	Schengen Agreement, political stability, globalisation, white slavery, poor implementation of laws, economic prosperity of EU countries, geographical proximity to the CIS, expansion of the EU and organised crime
The CIS	Internal, intra-regional and international trafficking of women, children and men for: sex, labour, human organ trafficking and domestic servitude	White slavery, collapse of the Soviet Union, regional agreements, armed conflicts, geographical proximity, lack of political will, poor implementation of anti-trafficking laws, corruption, poor interregional cooperation and impoverishment of women

Source: Author's compilation

human trafficking equally exposes them to the risks of infectious diseases, physical abuse and death. This deprivation of the fundamental human rights of victims leads Jonsson to observe that human trafficking creates a new form of 'authoritarianism' in which criminal groups rather than states exercise authoritarian powers over victims (Jonsson 2009, 10, 24).

Furthermore, human trafficking linked to organised crime undermines state capabilities by corrupting state security institutions such as the police and the judiciary as well as senior government officials. Again, trafficking for the purpose of child soldiers contributes to prolong armed conflicts; disrupts social order and undermines state sovereignty and territorial integrity. In this regard, human trafficking has a direct impact on national and state security as well as international security.

The security implications of human trafficking will be examined in detail in the concluding chapter of this book.

## CONCLUSION

This chapter has provided a global overview of human trafficking. This has entailed an examination of the conditions, patterns, extent and causes of human trafficking as they relate to different regions and sub-regions of the world. While human trafficking is found in all the regions, some appear to more prone to the phenomenon than others. The analysis and discussion of human trafficking on a regional basis has demonstrated the complexity, scope and dimensions of the phenomenon. Asia has been identified as the region most affected by human trafficking owing to the significant numbers of internally trafficked Asian victims within different Asian countries, as well as intra-regional and international trafficking. The Eurasia region, Africa, the Americas and Europe are also significantly affected by human trafficking. Similar patterns of human trafficking can be found in all regions of the world. Sexual trafficking of women is the most common everywhere, while trafficking for labour purposes is more pronounced in Asia, Eurasia and South America. Increasingly, however, labour exploitation is becoming noticeable in Europe too. Other forms of trafficking such as domestic servitude, human organ trafficking, begging and child soldiers are most common in Asia, South America and Africa.

Human trafficking does not flow in one direction only because of several reasons; these include the multifaceted nature of the problem. Again, trafficking routes are many, and they change as law enforcement improves and new forms of trafficking are discovered. Furthermore, it is incorrect to uniquely identify a country or region as a source only or destination only country or region. This is because they can be used as source, transit and destination places depending on the exploitable opportunities identified by traffickers. This may explain why educated victims from relatively richer nations may be found in relatively poorer nations of the world.

Several conditions facilitate human trafficking in different regions of the world. These range from historical conditions to geographic and socio-economic conditions, and to political and cultural factors. The next chapter will focus on human trafficking in South Africa as one of the specific case studies, examining specific patterns and methods of trafficking as well as the conditions that make South Africa a human trafficking destination.

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## Human Trafficking: The South African Experience

### INTRODUCTION

This chapter examines human trafficking in the South African context. It is acknowledged that South Africa is a source, transit as well as destination for human trafficking in Africa (UNICEF 2003). This confirms the assumption previously made that no country can be uniquely identified as a ‘source’, ‘transit’ or ‘destination’ in the human trafficking industry. Therefore the ‘source’ and ‘transit’ dimensions of this phenomenon in the South African context are highlighted and discussed here to give a holistic understanding of the problem. The different patterns which manifest through domestic and international trafficking found in the country are also examined. With regard to international human trafficking, different dimensions are identified. These include intra-regional trafficking, with victims trafficked from elsewhere in the African continent into South Africa, and trafficking of victims from outside Africa. Human traffickers also use South Africa as a transit route to other countries, especially in Europe. To some extent, South African nationals are also trafficked internationally.

While trafficking for sexual exploitation is common in South Africa, trafficking for labour exploitation and for human body parts are other noticeable trends (UNESCO 2006; IOM 2003). Global, geographic, political, socio-cultural and economic factors are cited as facilitators. While some of these conditions specifically aid domestic trafficking, others are relevant for international trade; however, there are overlapping instances.

Specific attention is focused here on the conditions that make South Africa a human trafficking destination. In this regard, section “[Patterns of Human Trafficking](#)” examines patterns of human trafficking in the country, while section “[Human Trafficking Trends](#)” discusses trends in the phenomenon. The various conditions that facilitate domestic and international human trafficking are discussed in section “[Conditions Facilitating Human Trafficking](#)”.

## PATTERNS OF HUMAN TRAFFICKING

Human trafficking is endemic in South Africa (BBC 2000). Although the exact number of people trafficked within, into or from the country is not known, a number of estimates point to the seriousness of the problem. In 2003 the IOM estimated that at least 1000 Mozambican women are trafficked to South Africa every year and that most of these victims work in the sex industry or as sex slaves for workers in mining areas of the Gauteng Province (Martens et al. 2003). In 2012 the IOM rescued and assisted thirteen human trafficking victims in South Africa (IOM 2012). A lack of knowledge concerning the exact number of trafficking victims in the country may be attributed to the clandestine nature of the trade, which makes it difficult to gather information. For example, not much is known about the trafficking of men for sexual, labour and other forms of exploitation, since attention appears to be focused on women and children as the most vulnerable groups (South African Law Reform Commission 2006).

Human trafficking in South Africa manifests in various forms. Internal or domestic trafficking of South African women and children for sexual exploitation is frequently reported, as are cases of international trafficking (Bermudez 2008). This refers to interregional trafficking involving nationals of Southern African countries trafficked into South Africa, mainly for sexual exploitation, as well as nationals of countries from other sub-regions of Africa, Asia, Europe and South America. This trend has been apparent since the 1990s (Irish 2005). While sex trafficking is the most common form of trafficking in the country, trafficking for labour exploitation, domestic servitude, begging, forced marriage and human organ sales has also been reported.

### *Domestic Human Trafficking*

As previously stated, domestic or internal human trafficking refers to trafficking which takes place within a country. It is arguably the most prevalent type in South Africa (Molo Songololo 2000, 24). The most vulnerable groups in the South African context are women and children from

impoverished rural areas and farms in the Eastern Cape, KwaZulu-Natal and Limpopo provinces, who have been found to be trafficked to wealthy areas in the Western Cape and Gauteng (Molo Songololo 2005, 20). Usually they are promised work and better living conditions in these cities, but as Koen and Van Vuuren note, the conditions of their employment are often similar to slavery, with sexual violence and debt bondage being prevalent (Koen and Van Vuuren-Smythe 2002). The problem of domestic trafficking of children has also been focused upon by UNICEF and UNODC in their 2003 and 2007 reports respectively, in which it was noted that young South African girls were trafficked not only from impoverished rural areas to wealthy urban areas, but also between major cities to work as prostitutes.

These findings accentuate the seriousness of domestic trafficking in South Africa, and they are corroborated by research by the HSRC which was carried out in 2010 (HSRC 2010). In the report (henceforth referred to as *Tsireledzani*), provincial hotspots or major domestic human trafficking flows and destinations were identified. These are Pretoria and Johannesburg (Gauteng), Rustenburg (North West) and Bloemfontein (Free State). Other major trafficking routes and destinations include Durban and harbour (KwaZulu-Natal), Cape Town and harbour (Western Cape), Port Elizabeth and surroundings (Eastern Cape), Musina (Limpopo) and Barberton (Mpumalanga).

It has also been observed that similar methods or strategies for recruiting their victims are used by human traffickers engaged in internal or domestic trafficking and those involved in transnational or international trafficking. These include deception, kidnapping and the transportation of victims to unfamiliar locations, where their vulnerabilities are intensified. These methods are complemented by the drugging of victims, with the intention of making them drug dependent and vulnerable to prostitution (Lutya 2012). While private individuals may be involved in domestic trafficking, the involvement of organised criminal groups has also been documented. In this regard, Van der Watt claims that Nigerian criminal syndicates are involved in trafficking children from city centre to city centre throughout the country (Van der Watt 2009). It has also been noted that employment agencies use agents who operate in rural areas to recruit both adults and children through false promises of work as shop assistants, office workers or domestic workers. The real situation becomes clear to the victims on arrival in a city, when they discover that they have been deceived and are effectively in debt bondage to their employers. They have to work for at least two years to repay this debt (Koen and Van Vuuren-Smythe 2002).

### *Interregional and International Trafficking*

South Africa is regarded as a human trafficking hub in Southern Africa as a result of reported cases of women, children and men being trafficked into the country from different parts of the world (UNICEF 2007). International trafficking in the country has three identifiable dimensions. The first is interregional trafficking, which involves victims from countries in the Southern African region as well as those from further afield within the continent. Second, there is international trafficking into South Africa, involving nationals of countries from outside Africa, especially from Asia, Europe and South America. Third, South African nationals are trafficked from the country, and South Africa is also a transit point for the trafficking of non-South African nationals to other parts of the world (US Department of State 2012).

#### *Interregional Trafficking*

As previously mentioned, the exact number of people trafficked into South Africa is not known for several reasons, including overestimation, reliance on and reproduction of old estimates, as well as the clandestine nature of the phenomenon. In this regard, Martens et al. (2003, 23) estimate that between 850 and 1100 women and children are trafficked into South Africa every year. Similarly, there are about 1000 Mozambican victims annually. Hosken (2004) also claims that upwards of 600,000 people are trafficked annually into South Africa from countries such as Mozambique, Zimbabwe, Malawi, Swaziland and Lesotho. Victims from Angola, Cameroon, the DRC, Kenya, Nigeria, Rwanda and Somalia have also been documented. Although women appear to be the most victimised in the South African context, there are also reports that indicate the trafficking of men. In 2012 the rescue of forty-seven Ethiopian 'slaves' by the South Africa Police Service (SAPS) 'who were to be sold into slavery by a human trafficking syndicate in Limpopo' was reported (Omar 2012). Similarly, more than fifty Malagasy male victims of forced labour who were aboard a Chinese fishing boat in South Africa's territorial waters were rescued in the same year (US Department of State 2013). Refugees from various African countries who now reside in South Africa are also reported to be engaged in the trafficking of close female relatives to their new home.

Human trafficking victims brought into South Africa arrive at different entry points. The most prominent of these are the land borders with neighbouring countries. In the *Tsireledzani* report, it is noted that trafficking

victims are brought in through the Lebombo/Komatipoort border with Mozambique, as well as the Swaziland border areas. It is specifically stated that taxi drivers regularly transport people through the Komati Valley and Lebombo Mountains to circumvent border controls, while Zimbabwean and Malawian victims are trafficked through the Messina border. The South Africa–Lesotho border at Maseru is also identified as a major trafficking entry point, while the Barberton area in Mpumalanga is used by illegal miners to traffic women and children from Swaziland into South Africa. The destinations vary, but include cities such as Johannesburg and Cape Town as well as farms within the Mpumalanga Province.

### *International Trafficking*

Apart from being a destination point for interregional trafficking, South Africa is also identified as an international destination. Victims from countries such as Thailand, Philippines, India, China, Bulgaria, Romania, Russia and the Ukraine have all been documented in South Africa. In 1998, for example, the dead bodies of women who were believed to be of Thai origin were found on a railway track by the SAPS. Investigations into the incident revealed that they were trafficked into the country by an organised crime group, with false promises of jobs in exclusive restaurants and possible marriage to wealthy South African patrons. However, upon arrival they were secluded, their travelling documents were confiscated and heavy debts were imposed on them by their traffickers. An attempt to escape and to expose their traffickers possibly led to their murder.

Martens et al. (2003) estimate that 1000 Thai women are trafficked into South Africa every year. They further note that these women are usually deceived into believing that they are going to earn high wages working in restaurants in South Africa. However, on arrival the women are secluded and later auctioned off at restaurants for between R15,000 and R25,000, then forced to work as prostitutes to repay outrageous debts, being the expenses incurred by their traffickers in bringing them to South Africa. The findings of Martens et al., are corroborated by a report in *The Nation*, an online Thai newspaper. This describes the arrest of a twenty-one-year-old transvestite at Chatuchak shopping mall in Bangkok for allegedly conspiring with at least four others to lure a woman into prostitution with the promise of a well-paid Thai massage job in South Africa. However, on arrival in South Africa the woman was detained in a Johannesburg hotel basement and forced into prostitution. When she escaped she was rescued by the South African police and helped to return to Thailand. She confirmed that

ten other women were being held by the criminal gang in South Africa, and an investigation revealed that the alleged trafficker had contacts in South Africa and Thailand (*The Nation* 2013).

This Thai report also confirms the *Tsireledzani* report that Thai victims are often trafficked to South Africa by Thai nationals, who were themselves previously trafficked to South Africa but now have their own brothels in the country (HSRC 2010, 14). It also indicates the involvement of large organised crime networks, such as the Russian Mafia and Bulgarian syndicates, as well as the Chinese triads and individual South Africans who are involved in the human trafficking industry. The methods they employ in recruiting Thai victims, as well as victims from other countries outside Africa, include, but are not limited to, the placement of adverts in newspapers and other media outlets.

#### *International Human Trafficking*

While there is no evidence of large-scale trafficking of South African nationals to other parts of the world, the IOM has documented eight cases between January 2004 and January 2008 (HSRC 2010, 17). Four South African victims returned from the Republic of Ireland (trafficked for labour exploitation); one person returned from Zimbabwe (trafficked for forced marriage); two returned from Israel (trafficked for labour exploitation); and one victim returned from Switzerland (trafficked for labour exploitation). There are also cases of South African women being trafficked to Macau specifically for sexual exploitation, by South African and Chinese nationals who have links to organised crime networks. Possible cases of South African girls being trafficked from South Africa for sexual exploitation or as mail-order brides, as well as children being trafficked for illegal adoption, have been described, but they have not been substantiated. In 2012, the authorities in Brazil identified South African human trafficking victims, in addition to four South African women who were forced to serve as drug mules to Bangladesh or Thailand through Brazil (US Department of State 2013).

#### *South Africa as a Transit Country*

As previously mentioned, South Africa is not only a source and destination country, but also a transit country. In this regard, Barnes-September et al., point out that its use as a transit point between developing countries and developed countries has arisen because it has direct flights and shipping routes to many countries (Barnes-September 2000, 43). The authors also

state that South Africa is used as a transit point because syndicates exploit the fact that it is not a major immigrant producing country. Therefore, travellers from South Africa are not subjected to rigorous screenings at points of entry in other countries. The South African Law Reform Commission (SALRC) also confirms that South Africa is used as a transit point to destinations mainly in Europe (South African Law Reform Commission 2004). Findings by the HSRC also show that although there is insufficient data to 'provide a comprehensive portrait' of the use of South Africa as a transit point, the problem nevertheless exists, and victims are trafficked mainly to Thailand. Documented cases show that Malawian women and children are trafficked through South Africa to European countries such as the Netherlands, Germany, Belgium and Italy. This is supported by reports by Molo Songololo, a South African children's rights organisation, which claims that children from the Southern African region as well as East African countries are trafficked through South Africa to destinations in Asia, especially Bangkok in Thailand (Molo Songololo 2000, 43). Furthermore, reports indicated in 2013 that human trafficking victims from Asian, South American, Eastern European and African countries are either exploited in South Africa or 'taken onward to Europe for forced prostitution'.

Human trafficking trends in South Africa differ. While many victims, especially women, are trafficked for commercial sexual exploitation, some are trafficked for labour as well as for human organ exploitation. In the sections that follow, the various motives and purposes are examined in more detail.

## HUMAN TRAFFICKING TRENDS

Several activities fall under the heading of human trafficking according to the definition used by the Palermo Protocol. Some of these are recruitment, transportation, transfer, harbouring and receiving of people. These activities do not necessarily constitute human trafficking, except when they involve the use of threat, coercion, abduction, fraud, abuse and deception for the sole purpose of sexual and economic exploitation. Therefore, domestic and international human trafficking in South Africa are carried out for several exploitative purposes, which include, but are not necessarily limited to, sexual exploitation, labour exploitation, begging, domestic servitude, forced marriage and the removal of human organs for transplants and ritual purposes. Three of the most visible and documented trends in the country are examined in the sections that follow.

### *Sex Trafficking*

Human trafficking for the purpose of sexual exploitation is the most common trafficking trend in the world according to the UNODC's 2009 report. Although there is no specific definition of sex trafficking in the Palermo Protocol, it connotes involuntary sexual acts or rape and issues such as pornography. In this regard, Jordan reasons that it is 'the participation by a person in prostitution, sexual servitude, or production of pornographic materials as a result of being subjected to a threat, coercion, and abduction, abuse of authority, debt bondage or fraud' (Jordan 2002). Similarly, Hughes claims that sex trafficking involves 'all practices by which a person achieves sexual gratification or financial gain through the abuse or exploitation of a woman or child by abrogating her human right to dignity, equality, autonomy, and physical and mental well-being' (Hughes 2000).

While the trafficking of men for sexual exploitation occurs, it is rarely focused upon, and the majority of sex trafficking cases generally and in South Africa specifically involve women and children. Molo Songololo (2005) confirms this by asserting that girls are the primary targets of human traffickers, even though boys have also been identified as potential victims. Koen and Van Vuuren-Smythe (2002) adds that the preferred age of girls who are targeted ranges from four to seventeen years. In 2004 the SAPS conducted a series of raids which led to the exposure of human trafficking syndicates and the rescuing of a number of victims. Police sources claimed that some of the rescued victims were as young as ten and had been missing for nearly two years. (Van der Watt 2009). While some of the victims were reportedly sold by their parents to traffickers, others were allegedly kidnapped. The victims were said to have been rotated between South Africa's major cities, especially Johannesburg, Cape Town, Bloemfontein and Durban, by the Nigerian syndicates that were holding them (Van der Watt 2009). Drugs were reportedly used to control the victims and make them dependent on their traffickers.

The problem of sex trafficking in South Africa has also been reported by the US Department of Labour. In its 2009 report, the agency found that trafficked girls in the country were targeted specifically for commercial sexual exploitation (US Department of Labour 2009). Martens et al. reported in 2003 that girls from Lesotho had been trafficked into South Africa for prostitution or commercial sexual exploitation. The authors reported that many of Lesotho's border towns were sources of child prostitution as well as of organised child trafficking to Bloemfontein in South

Africa. As mentioned previously, women from refugee-producing countries such as the DRC who are trafficked to South Africa often end up as commercial sex workers, a fate shared by women and children who are trafficked from Mozambique to Gauteng and KwaZulu-Natal and girls who are trafficked from Swaziland to South Africa (Delport et al. 2007). Cases in which Chinese and Thai women have been trafficked to South Africa for the purpose of sexual exploitation have also been reported, as has the trafficking of women and girls from Eastern Europe to South Africa by people with links to organised crime syndicates.

### *Labour Trafficking*

Labour trafficking is generally regarded as the second most common worldwide trend of human trafficking. As with sex trafficking, it is not specifically defined in the Palermo Protocol. However, based on the Forced Labour Convention of 1930, it is defined as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ (ILO 2005). Different kinds of labour trafficking exist, namely agriculture/farm labour, factory work, domestic servitude, construction, restaurant service, entertainment/modelling and peddling. The central concern in the ILO definition is not necessarily the type of work being performed by the trafficked person, but the relationship that exists between the worker and his or her employer. Illegal migrant workers are considered to be particularly vulnerable to coercive recruitment and employment practices in all countries of the world. In addition, human trafficking victims are classified as illegal migrants in many countries.

It has been reported that a considerable number of men from countries such as Pakistan, India and China are trafficked to South Africa for purposes of labour exploitation, as well as for domestic servitude, drug trafficking and hard labour in the agricultural, mining and construction sectors (South African Law Reform Commission 2004). Delport et al. (2007) estimate that about 30,000 South African children work as prostitutes and as many as 247,000 may be in other exploitative situations. While it is acknowledged that some prostitution cases may be voluntary, many relate to human trafficking. The majority of the children who are exploited are reported to live in poor areas of the Eastern Cape, Mpumalanga, KwaZulu-Natal and the Limpopo Provinces, which are often targeted by human traffickers.

The US Department of Labour also found that in addition to the trafficking of girls for commercial sexual exploitation, young boys are also

trafficked within South Africa for labour exploitation in street hawking and farm work. This is supported by reports that organised crime syndicates operated by foreign nationals use local South Africans to recruit boys from rural regions of the Western and Northern Cape Provinces as street vendors in Cape Town. Bermudez notes the recruitment of men and boys to work on farms under false promises of good pay and suitable accommodation. Boys who are not in school or are on school holidays are reportedly the most frequently targeted group. In 2012, the IOM identified potential victims of forced labour from Cambodia aboard fishing vessels in South Africa's territorial waters.

### *Human Organ Trafficking*

Human trafficking for the purpose of human organ exploitation is insufficiently researched in South Africa. The reason for this may be that it is perhaps the most secretive and most lucrative of all forms of human trafficking. In view of this, there is no information about the exact number of victims, although there is evidence that it involves an organised syndicate (Allain 2011; HSRC 2010; Fellows 2008; Scheper-Hughes 2001, 2002; Rohter 2004). Human organ trafficking in the South African context in particular and Africa in general occurs for two identifiable purposes: medical purposes, especially organ transplants, and for ritual purposes in certain voodoo religious practices that are common in some parts of Africa. The South African Law Reform Commission (SALRC 2006) notes that the reason for an increase in human organ trafficking may be connected to unsuccessful attempts to reproduce human body parts despite advances in medical sciences. This is compounded by an increased demand for organ transplants across the world while there is a limited supply and when ethical questions are being raised regarding the trade in human organs, as well as the enforcement of strict government regulations relating to transplants. Therefore, criminal syndicates have taken advantage of the situation to lure poor and vulnerable people into illegally donating their organs, such as livers and kidneys, to recipients they do not know (SALRC 2006). With respect to South African citizens, the SALRC further notes that there is no documented evidence relating to their trafficking for the purpose of human organ exploitation. However, in 2004 in KwaZulu-Natal Province, the SAPS arrested an Israeli man who had links to an international syndicate that traded in human organs and operated between Israel, Brazil and South Africa (Rohter 2004). The conclusion of the case

The State v Netcare Kwa-Zulu (Pty) Limited in November 2010 confirmed the existence of human trafficking for the removal of body organs in South Africa in particular and the Southern African region in general. In this case, Netcare Kwa-Zulu (Pty) Limited entered into a plea bargain under the authority of the South African National Director of Public Prosecution, pleading guilty to 102 charges for allowing its ‘employees and facilities to be used to conduct ... illegal kidney transplant operations’ (The State v Netcare Kwa-Zulu (Proprietary) Limited, Case No 41/1804/2010, 8 November 2010). The summons charge sheet shows that transplanted kidneys originally came from Israeli citizens, but Brazilians and Romanians were later recruited as their kidneys were obtainable at a much lower cost. Ilan Perry, an Israeli, was the main agent in the trafficking ring. The recipients were charged a fee of between US\$100,000 and US\$120,000, while the suppliers of kidneys were paid US\$20,000, though the Romanians and Brazilians received on average just US\$6000 (The State v Netcare Limited; Allain 2011).

Rituals play a vital role in some traditional African communities. Organ removal for ritual purposes has been reported in South Africa and neighbouring states (Fellows 2008; Scheper-Hughes 2001, 2002). The Human Rights League (HRL) in Mozambique revealed in its 2008 report that human organ trafficking was taking place between South Africa and Mozambique. It is also contended that frequent cases of human mutilation take place both in South Africa and Mozambique, aimed at forcibly removing body parts from children and adults (Fellows 2008, 7). These mutilations often result in the death or physical incapacitation of the victims. Human body parts trafficked in South Africa and Mozambique are mainly sold to spiritual leaders, or *Sangomas* as they are known in the local language. This is taking place because of the erroneous belief in both countries among some traditional religious worshippers that traditional medicines prepared with human body parts are more effective (HSRC 2010; Fellows 2008).

## CONDITIONS FACILITATING HUMAN TRAFFICKING

Domestic human trafficking may be more prevalent in South Africa than international trafficking. Against this background, the conditions that facilitate these two types of trafficking are separately examined. Although a link may exist between the two, certain conditions that facilitate domestic trafficking may not necessarily facilitate international trafficking. For instance, the existence of poverty in South Africa, at least in the rural areas,

is commonly cited as a major cause of domestic trafficking. However, it cannot always be argued convincingly to be the main cause of international trafficking of South African citizens to other parts of the world. This is because the number of documented cases of South Africans being trafficked from the country is insignificant when compared with the number of other nationals who are trafficked into South Africa. A possible explanation of this is that despite the presence of poverty in the country, the lower socio-economic groups in South Africa still consider their country to be better than others.

### *Conditions Facilitating Domestic Human Trafficking*

Domestic human trafficking is, as previously noted, the most prevalent form of human trafficking in the South African context. Women and girls as well as boys are trafficked from impoverished rural areas to wealthy urban areas for different purposes, but predominantly for sexual exploitation and forced labour. The main factors that facilitate domestic human trafficking in South Africa are complex yet mutually interlinked. Different reasons for its prevalence have been suggested, among them being historical conditions, the socio-economic situation, personal behavioural patterns, weak legislation and cultural practices. Some of these are discussed below.

#### *Historical Reasons*

As noted elsewhere, historical precedents are often important determinants of current social problems. Domestic human trafficking is not a new phenomenon in South Africa, given the instances of rape, kidnapping, abduction, seclusion and forced prostitution that can be found in the country's history. Based on this, in his account of the early years of Johannesburg and the activities of the notorious criminal Nongoloza Mathebula (1867–1948), Van Onselen (1984) consciously or unconsciously traced the origin of domestic human trafficking in South Africa to the nineteenth century. Similarly, in his study of the rise of youth gangs in Soweto, Mokwena (1991) demonstrated that domestic human trafficking has an extensive history in South Africa. In his narrative, criminal gangs such as 'jack-rollers' kidnapped and abducted women whom they considered 'superior' to them in terms of physical beauty and their ambitious pursuit of educational goals. These victims were restricted and secluded in private homes, then repeatedly raped and assaulted (Mokwena 1991). The historical pattern of sexual victimisation can still be observed in many South African cities, with male gang

members kidnapping young girls, giving them ‘*Tik*’ (methamphetamine), with the aim of turning them into drug addicts, and eventually forcing them into prostitution (Naidoo 2008).

Relating these historical criminal activities to today’s problem of domestic human trafficking, Lutya argues that although ‘these practices were not considered human trafficking at the time ... such practices are now classified as trafficking for sexual exploitation under the Criminal Law (*Sexual Offences and Related Matters Act* (Act 32 of 2007), as amended’. The redefinition of trafficking for sexual exploitation was made possible after South Africa’s assent to various UN legal instruments such as the Palermo Protocol. Consequently, under South Africa’s new legislation such activities are now prosecutable as human trafficking offences.

### *Socio-economic Conditions*

The South African economy is the most diversified and developed in Africa. Yet the benefits of this relatively large economy are not enjoyed by all South Africans. This is obvious from the statistics that relate to the unemployment rate, as well as labour analyses provided by development economists. For example, unemployment appears to have increased rapidly since the democratic transition, from 13% in 1993 (Hirsch 2005) to 25.6% in 2013. According to Statistics South Africa’s (Stats SA) Quarterly Labour Force Survey in 2017, nearly 10 million South Africans are unemployed, and the country’s unemployment rate is continuing to rise steadily. During the first and second quarters of 2017, the South African unemployment rate increased to 27.7%, the highest rate reported since 2003. This trend is likely to continue into the foreseeable future. In the same period (first and second quarters of 2017), the South African labour force increased by 433,000,000 people. It is clearly indicated that the South African economy is not growing at the rate required to create more employment. Unemployment is mainly prevalent among the young and unskilled social groups, in which women and children are in the majority and the most vulnerable to human trafficking. Thus, in its 2009 report the Children’s Institute noted that about 75% of Black children; 43% of Coloured children; and 4.9% of White children live in households generating an income of below R350.00 a month. About 67% of these children are female and 69% are between the ages of twelve and seventeen. Additionally, 38% of South African children are said to live in households with an unemployed adult (Children’s Institute 2009).

Some have argued that the employment or unemployment of parents may not necessarily translate to the avoidance or non-avoidance of victimisation by human traffickers (Lutya 2013). Yet it is also true that unemployment increases vulnerability and provides a strong motivation to migrate at all costs to big cities in search of work. Human traffickers exploit this vulnerability. The inability to provide for the basic needs of children as a result of the unemployment situation, as well as the time spent by unemployed parents searching for jobs, renders their children vulnerable to human trafficking. Similarly, unsupervised children may develop certain behavioural patterns that expose them to the risk of trafficking.

#### *Personal Lifestyles of South African Youths*

It has been observed that the growing culture of materialism and immediate gratification among South African adolescent children may also be contributing to the prevalence of domestic human trafficking. Instant gratification takes the form of ownership of expensive mobile phones, brand-labelled clothes and socialising in nightclubs, which exposes them to the dangers of trafficking. It is observed that adolescent South African girls who visit nightclubs consume large quantities of alcohol, take hard drugs and engage in risky sexual behaviour. Many South African girls, especially from poor families, have also been reported to engage in sex with older men as a means of survival (Leclerc-Madlala 2003). Lutya (2012) advances this argument by suggesting that the older male companions of girls who are engaged in survival sex may persuade them under the influence of alcohol and drugs to perform sex work in order to generate more money. These men may also eventually move the girls to unfamiliar locations, seclude and restrict them, and force them into permanent commercial sex work.

Another causal factor underlying domestic human trafficking that relates to the personal lifestyle of many South African adolescent children is their involvement in criminal gang activities. Govender observes that it is a social reality in South Africa that girls between the ages of thirteen and eighteen are voluntarily involved in gang activities, and consequently some of them are also drug traffickers (Govender 2008). Besides drug trafficking, Parker reiterates the earlier observation that young South African women are also used in recruiting other girls into human trafficking syndicates for commercial sex work (Parker 2008). A recourse to gangsterism among girls can, among other factors, be connected to family disintegration or collapse.

### *Family Disintegration*

The family is an important social institution in every society and performs functions that are vital to societal survival. For example, it is within the family context that societies are reproduced, children nurtured into adulthood and socialised into different societal roles. When families disintegrate at alarming rates, therefore, great concern is caused to governments and negative consequences for societies result, especially with regard to the proper socialisation of children. In South Africa, the rate of family disintegration is high, despite government efforts to strengthen and support the institution (RSA Department of Social Development 2001). Several explanations have been offered for this. One is the recourse to violence in resolving social issues, which appears deeply entrenched in the traditional norms and values of most South African communities (Hargreaves et al. 2006). Consequently, domestic violence and eventual family disintegration through separation and divorce are widespread in the country. Documented cases show that as many as 197,284 cases of domestic violence occurred in South Africa between 2009 and 2010, especially in the Gauteng, Western Cape, Eastern Cape and KwaZulu-Natal provinces.

Family disintegration as a result of domestic violence has serious implications for the social order and stability, and has been implicated in the high prevalence of rape and other crimes against women and children in South Africa. Reports show that in 2008 about 1200 children were raped in Gauteng (Mashaba 2009). Similarly, Mathews, et al. found that an average of four women are killed daily in South Africa by their close partners. While 50% of the women are killed by co-habiting partners, about 30% are killed by their boyfriends and around 18.4% are killed by their husbands (Mathews et al. 2004).

As a result of domestic violence and consequent family disintegration, children are left without proper care in the hands of single parents, and many of them are abandoned or left to fend for themselves. A current estimate of the number of street or homeless children in South Africa does not exist. However, an over-recycled 1998 estimate put the number at 10,000 homeless children, with Cape Town having about 2000. As Van der Watt has also noted, unsupervised street children are the most vulnerable to human trafficking for sexual and labour exploitation (Van der Watt 2009). This becomes obvious against the background that sex with children is a growing phenomenon in South Africa, and the visibility of street children and their need for love, care and protection make them vulnerable to human traffickers.

*Socio-Cultural Practices*

Among the socio-cultural practices are the acceptance of child brides and child placement as well as the patriarchal nature of South African society. This latter, as in many other African countries, manifests itself in the form of gender discrimination against women: male children are often favoured above female children both for socio-cultural and economic reasons. Boys have greater access to social facilities such as education, training, and family inheritance than girls. This situation not only disempowers women in general, but also deprives them and renders them vulnerable to human trafficking. This situation is compounded by harsh economic realities in different parts of the country (Truong and Angeles 2005).

A traditional practice highlighted by the HSRC as contributing to the spread of HIV/AIDS in South Africa, as well as having a direct impact on the problem of human trafficking, is the kidnapping and abduction of girls as part of traditional marriage negotiations. These practices, known as *ukuthwala intombi* in the local language, are common among communities in the Eastern Cape Province. The HSRC report indicates that the practice is carried out with or without the consent of the girls' parents. However, parents who consent accept traditional bride payment for their daughters from the suitors in the form of money (about R500), or alternatively a sheep, goat or calf (Oliphant 2009). Kidnapping, abduction, seclusion and forced marriage fall directly under the definition of human trafficking for sexual exploitation as contained in the Palermo Protocol. The danger is that human traffickers may exploit this practice to obtain women from impoverished rural areas and traffic them to cities, where they are forced to become prostitutes.

Another related cultural practice that may be rendering women and children vulnerable to domestic human trafficking in South Africa is the traditional way in which children are educated to become independent. In some cases children are placed in the homes of wealthy relatives in order to learn life skills, to pay off their parents' debts (debt bondage) or to prepare for marriage. While this practice has merits, it often exposes children to abuse at the hands of their custodians. Many of them end up being exploited in domestic servitude as well as in the commercial sex industry and the agricultural and mining sectors (ILO 2001). Although not all children placed under the care of their relatives are exploited, the possibility exists that children living in cities with little parental control and guidance will engage in practices such as dating older men for material benefits. This common feature of city life has become acceptable in

South Africa as a means by which unemployed women and girls can earn income. The danger is that these girls will be exposed and vulnerable to domestic human trafficking.

#### *Absence of Parental Supervision and Monitoring*

It is becoming increasingly difficult for working South African parents to balance the time they spend at work with their time at home with their children. Work exerts a great deal of pressure on parents, and leaves them with little or no time for their families. This problem has a negative impact on children in two ways. First, the possibility exists that uncontrolled and unguided children of working-class parents will develop anti-social or deviant behaviour conducive to exploitation by human traffickers. Second, attempts by working parents to exercise excessive control over their children in the little time they spend with them often result in children running away from home, and thereby becoming vulnerable to human trafficking. Furthermore, it has been observed that in South Africa financial challenges result in stress and frustration that parents often take out on their ill-disciplined children (Dawes et al. 2005, 1, 30). This tends to worsen the problem of disobedience, and in some cases provokes escape from home and consequent exposure to the dangers of human trafficking.

#### *Child-Headed Households*

The problem of HIV/AIDS and its impact on family stability has also been mentioned as a possible contributory factor to domestic human trafficking. It is a fact that a number of households in South Africa are headed by teenage children owing to the death of their parents from HIV/Aids-related diseases and an absence of support from close relatives. Lack of parental support is therefore forcing many of these children into early marriages and depriving them of chances for educational and economic advancement. Their vulnerable position exposes them to rape, coercion, kidnap, abduction or deceptive recruitment by human traffickers.

The factors highlighted and discussed here are not offered as an exhaustive list. There may be others not yet discovered which equally contribute to domestic human trafficking in South Africa.

#### *Conditions Facilitating International Trafficking*

Within the Southern African sub-region, South Africa is a human trafficking destination. Human trafficking victims from different parts of Africa, as well as from Eastern Europe, Asia and South America, have been found

in the country. To a certain extent, it is also a transit country; however, more international trafficking into the country is recorded than trafficking from it. Considering the assumption made that international trafficking flows from developing countries to developed countries, questions have been raised about why South Africa has been chosen as a destination by human traffickers. A number of answers have been proffered based on the push and pull factors that have been identified by scholars such as Delpont et al. (2007). They are mainly pull factors, including but not necessarily limited to historical conditions, geographical proximity, corruption, absence of effective laws, a well-developed sex industry and the forces of demand and supply, as well as the involvement of organised crime.

### *Historical Reasons*

International human trafficking has an extensive history in South Africa, and there is recorded evidence of slavery, prostitution and indentured servitude. Slavery, which several scholars, especially of the American tradition, equate with today's human trafficking, was introduced in South Africa in 1652 after the first Dutch colonisers settled in the Cape Colony (Mountain 2005). As in all countries where slavery was practised, a demand for cheap labour was the driving force behind its introduction (Mollema 2013, 378). Between 1726 and 1834, about 36,169 slaves were brought into South Africa from the Asian countries of Indonesia, Java, Ceylon, India, the East Indies, Mauritius and Malaysia to work as domestic servants as well as in the mines (Molo Songololo 2005). While the majority of the men worked in the mines and the agricultural sector, most of the women were domestic workers, while some were involved in prostitution, especially the freed women.

Historical evidence also suggests that the Zulu nation and others may have actively pursued the kidnapping and enslavement of captives during the period of general upheavals that is often referred to as the *difaqane* or *Mfecane* (crushing and hammering), which took place under Shaka's rule between 1815 and 1835. In this regard, Cobbing (1988, 487, 519) argues that the widespread disturbances of the period were not necessarily caused by Shaka's military campaigns, as commonly found in the literature, but by European settlers and traders who contracted local leaders to capture slaves who were later sold in Delagoa Bay (now Maputo in Mozambique).

The most cited case of human trafficking in South African history occurred in 1810, following the recruitment, with promises of economic prosperity and educational advancement, of Saartje Baartman from the Cape Colony to England and France, where she was abused and sexually

exploited by her traffickers. Martens et al. (2003) note that the promises made to her by her traffickers were never fulfilled, and similar to today's cases of human trafficking she was extensively exploited as an object of exhibition until she died in France. While this example represents international trafficking from South Africa, another historical example represents international trafficking into South Africa of young women for sexual exploitation. In this case, a Russian girl (Fanny Kohler of Odessa) was trafficked to South Africa by her sister and her husband, and was forced into prostitution. Owing perhaps to the circumstances of the time, not many cases like this were recorded. However, the cited examples indicate that human trafficking occurred during the colonial period in South Africa. Slavery is therefore the precursor of human trafficking, not only in Africa but also elsewhere. While an extensive demand for cheap labour resulted in the introduction of slavery, an increased demand for sex necessitated the trafficking of European women into involuntary prostitution in the Cape Colony. A similar situation exists today in South Africa: an increasing demand for sex with children and young women as well as a demand for cheap labour in different sectors of the South African economy are contributory factors to human trafficking into the country.

#### *Economic and Political Stability*

The South African economy, as previously mentioned, is the most developed and diversified on the African continent. Although presently the economy seems to be growing at a slower rate than the economies of some African countries, it nevertheless remains competitive (Vollgraff 2013). The strength of the economy lies in its natural resources and the existence of a well-developed financial and legal system. Furthermore, there is a well-developed telecommunications system, the energy and transport sectors are extensive and the vibrant stock exchange is classified amongst the top twenty in the world. The country's health system and infrastructure support an efficient distribution of goods and services to major urban centres throughout the entire Southern African region. In addition, South Africa has remained a relatively peaceful and stable multiparty democracy since the end of apartheid. Elections are regularly conducted, and orderly and peaceful transitions of power have been witnessed. The existence of the rule of law and a respect for fundamental human rights, to some extent, are also positive attributes. These mean that South Africa is a point of relative stability in a region that is plagued by political conflicts, wars, hunger and starvation, economic stagnation and disease. These and other factors render South Africa attractive as a human trafficking destination.

*Presence of Immigrant Communities*

Partially because of its relative political and economic stability, South Africa continues to attract migrants from different parts of Africa, despite reports that indicate its economy is not growing at the needed rate to absorb a growing workforce. A brief overview of the increasing trend of migration into the country is necessary in order to understand the challenge it poses as the authorities attempt to combat human trafficking. Reports indicate that about 1.2 million undocumented migrants were in South Africa in 1990 (Consultancy Africa Intelligence 2013). The estimated number almost doubled in 1991 to 2 million. By 1992, about 2.5 million undocumented migrants were living in the country according to some estimates, and in 1993, the estimated number went up to 3 million, then 5 million in 2011. In the South African context, illegal immigrants include holders of visitor visas who have overstayed and those who have crossed into the country illegally. Based on reports by Statistics South Africa, about 5.7% of the South African population was foreign born in 2012, comprising both legal and illegal migrants (RSA Statistics South Africa 2012). While some of these people are refugees from conflict-stricken countries, the majority are irregular migrants (Crush 2005). Reports have also indicated that many of them are victims of human trafficking who may have been deceived about the actual socio-economic situation in South Africa and the nature of employment promised to them.

The findings of studies by the Centre for Economic Policy Research (CEPR) and the Centre for the Study of African Economies (CSAE) reveal that migrants have a positive impact on South Africa's economy because a large number join the small, medium and micro-enterprises (SMME) sector, which includes clothing and retail shops, salons, nightclubs, restaurants and music shops. However, these sectors are also those in which human trafficking victims are largely exploited. In Johannesburg, trafficked victims, especially women and children, hawk wares in the streets or work in hairdressing salons, restaurants and nightclubs based on an agreement with the owners of these establishments (Masonganye 2010). While some of the traffickers fulfil their part of the agreement, many do not. They often invent excuses to perpetually keep their victims in bondage, and withhold their travel documents and temporary resident permits. This confirms assumptions that human trafficking victims are deceived about the type of work they will be doing in destination countries (RSA South African Law Reform Commission 2006).

For the men among them, especially Ethiopians who are largely involved in the clothing business, the agreement is for the trafficker, in addition to providing travel documents (for those who travel legally) or paying human smugglers, also to rent a shop and supply goods to the victims up to a certain amount. The victims will only own the business after paying back the expenses that were incurred in bringing them into South Africa as well as those spent in housing them. This usually amounts to hundreds of thousands of Rand, which is difficult or impossible to pay back, thus keeping these victims in perpetual servitude (Salsawi 2013).

The large presence of migrants facilitates human trafficking in South Africa in different ways. For example, over the years migrants have built up a good knowledge about the country and have established communities. Their knowledge of South African society coupled with the co-operation of their communities facilitates human trafficking through the harbouring of victims and assistance in the procurement of legal documents, the possession of which makes it difficult for law enforcement agents to identify trafficking victims.

#### *Geographical Causes*

It was once argued that economic considerations caused people to migrate from one location to another, but that as distances increase migration tends to decrease (Mathias and McCabe 2010, 25). Regarding international human trafficking into South Africa, economic considerations are undoubtedly the main reasons. However, geographical proximity and long porous borders provide additional reasons to cross into the country. South Africa shares borders with six countries, namely Botswana (1840 km), Lesotho (909 km), Mozambique (491 km), Namibia (967 km), Swaziland (430 km) and Zimbabwe (225 km). Each neighbouring country has a number of points of entry: Botswana has sixteen, of which four are commercial; Lesotho has eighteen, of which five are commercial; Mozambique has three, all of which are commercial; Namibia has six, of which two are commercial; Swaziland has eleven, of which five are commercial; and Zimbabwe has two, one of which is commercial. There are also illegal or unofficial routes used for smuggling. Most South African land borders are largely unpatrolled for a variety of reasons, including insufficient personnel and equipment. Human traffickers and their victims can therefore cross the borders relatively undetected. However, when they are detected, it is not uncommon for corrupt border officials to accept bribes and allow illegal migrants and human traffickers as well as their victims to cross into

the country. Owing to geographical proximity, most of the migrants residing in South Africa legally and illegally are from the Southern African countries of Zambia, Zimbabwe, Swaziland, Mozambique, Malawi, Lesotho and Angola (HSRC 2010, 29).

Globalisation appears to have rendered obsolete the theory mentioned above that migration decreases when distance increases. In this regard, the O.R. Tambo Airport in Johannesburg is reported to be the main entry point for human trafficking victims from outside the African continent. Some victims enter South Africa legally through the assistance of corrupt airport officials, as a case reported in 2010 indicates. A Thai woman was arrested in Rustenburg for trafficking mainly Thai women into South Africa. She allegedly promised girls from Bangkok work in a Thai massage parlour, but then forced them into prostitution in her brothel in Rustenburg. Further investigations showed that she entered South Africa with fake travelling documents, but continued to travel regularly between Thailand and South Africa because of her connections in the Department of Home Affairs (DHA), the police and the aviation industry. Her victims used specific lanes at airports in Thailand and at O.R. Tambo Airport.

Reports have also indicated that the South African seashore is vulnerable to criminal activities. Following the arrest of drug smugglers in Knysna in June 2013, it has been revealed that criminals anchor large ships offshore, out of reach of the South African Maritime Safety Authority (SAMSA), the Fisheries Department and the SAPS, and then send small boats or rubber dinghies ashore at night, smuggling human beings or arms (Ollis 2013).

### *Regional Commitments*

Since the end of apartheid and its subsequent readmission into the comity of nations, South Africa has signed and ratified international and regional agreements, conventions, declarations and protocols relating to trade, human rights and the free movement of people. While these protocols and declarations are vital in harmonising national policies and providing the legal framework for regional co-operation and integration, they also have unintended consequences. In 2005, for example, South Africa signed the Protocol on the Facilitation of Movement of Persons in SADC. Specifically, the objective of this was the progressive elimination of obstacles to the movement of people in the SADC region. This includes the facilitation of visa-free entry for ninety days as well as the possible granting of permanent or temporary residence permission to SADC citizens who were intending to practise their professions in other member states (Madakufamba 2005).

Subsequently, a number of bilateral agreements relating to visa-free entry were concluded among Southern African states (Southern African Research and Documentation Centre 2005).

However, this visa-free period is often abused by those who enter countries such as South Africa and then fail to leave. Human traffickers exploit this provision of the protocol in order to traffic victims into South Africa and sexually exploit them. Taxi and truck drivers are extensively used to bring victims in. Organised criminal groups also exploit this provision by trafficking both humans and drugs into South Africa (US Department of State 2013).

#### *Poor Implementation of Laws on Prostitution*

Although South Africa has legal instruments in place to address social problems that facilitate human trafficking for purposes such as prostitution, the implementation of laws to counter these problems has not been effective in recent years. For example, the Sexual Offences Act (Act 23 of 1957) criminalises prostitution and the running of a brothel, as well as the earning of income from prostitution, but the law is not effectively implemented in South Africa (O'Connell and Sanchez 1996). When the SAPS raid brothels in South Africa and arrest suspected sex workers, the suspects are seldom prosecuted. Although in 2013 the South African government finally adopted specific human trafficking legislation, it remains to be seen how the new legislation will be effectively implemented.

An increasing demand for young women and girls in the sex industry is also caused by several South African economic development projects, which have led to an increase in the number of unaccompanied male workers who seek sexual experiences in areas where few recreation and entertainment facilities exist. This confirms the basic law of economics that when demand increases supply is also likely to increase, something that is often used to explain the global phenomenon of human trafficking. Advertisements for exotic dancers and sex workers regularly found in South African newspapers indicate there is an increased demand for them. Although not all exotic dancers are prostitutes, evidence from other countries indicates that trafficking victims often work as exotic dancers.

#### *The Rise of Sex Tourism*

Tourism is reported to be South Africa's third largest foreign exchange earner and job creator (The City Press 2013). In 2012, about 9,188,368 tourists visited South Africa, an increase of 10% from the 8,339,354

tourists in 2011. Furthermore, the direct contribution of tourism to South Africa's gross domestic product (GDP) went up by five percent to R84.3 billion in 2011, and direct employment in the sector as a percentage of overall employment in the country went up from 4.3% to 4.5% between 2010 and 2011.

Sex tourism is also a growing phenomenon, and it has a direct bearing on human trafficking in South Africa. Sex tourism has been defined as 'trips organised from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination' (World Tourism Organisation 1995). The UN condemns sex tourism in all its ramifications because it has serious implications for the health, social and cultural norms and values of both tourists' home countries and destination countries. Again, this form of tourism exploits gender, age and social and economic inequalities in sex tourism destinations, as reported cases show. For example, in September 2005 a German businessman Werner Braun was arrested in the Helderberg district in Cape Town after the investigative television programme *Special Assignment* exposed him for sexually abusing girls as young as eleven (Van Schalkwyk 2007).

In order to sustain the South African tourism industry, the country has made provision for tourism and entertainment visas. Tourist visas are the easiest to access of all categories. While this is intended to boost the country's economy and create employment, the existence of tourist visas may also be having the unintended consequence of facilitating international human trafficking into South Africa. Shelley carefully observed in her global assessment of human trafficking that many traffickers take advantage of the existence of such visas to traffic women and children into other countries. It is further pointed out that women often enter on entertainment visas not available to ordinary categories of foreign workers. With these visas they are able to work in a variety of establishments ranging from bars and snack bars to escort services, as well as health clubs and restaurants that serve as covers for brothels (Shelley 2010, 153).

The rise of sex tourism and male prostitution increases the demand side of human trafficking in the South African context. Human traffickers exploit these opportunities, and therefore in combination with other factors South Africa is regarded as a human trafficking destination in the African region.

### *The Involvement of Organised Crime*

The involvement of organised criminal groups is also responsible for the increase in human trafficking, especially in the South African context. Several reports indicate that large organised criminal organisations with links to many countries operate within the borders of South Africa and are directly involved in human trafficking, and this was confirmed in 2004 when the SAPS in KwaZulu-Natal Province arrested an Israeli man with links to an international syndicate that traded in human organs and operated between Israel, Brazil and South Africa. Police investigation revealed that the syndicate had carried out over 200 illegal kidney transplants between 2001 and 2002 in different South African hospitals, in Durban, Cape Town and Johannesburg. While recipients were mainly Israelis, the donors were from Eastern Europe and Brazil .

Cases of Chinese and Thai women being trafficked into South Africa have all been documented. While some of the criminal syndicates involved are large, well structured and well connected, others are loosely connected, less structured and exist for a short time only. Human traffickers among diaspora communities who traffic their family members into prostitution are in the latter group. As pointed out earlier, organised criminal groups engage in all forms of human trafficking into South Africa. Among these are trafficking for prostitution, pornography, domestic servitude, forced labour, begging, other criminal activities such as drug trafficking, and trafficking for the removal of human body parts. Their victims include young girls and boys who are forced to traffic or smuggle drugs and carry out criminal activities.

### *Continued Existence of Historical Conditions*

The continued existence of historical conditions such as a shortage of labour in the agricultural/farming, mining and domestic service sectors in South Africa, in which many unskilled migrants work, is also a facilitating factor because it reinforces the desire to migrate to South Africa at all costs. This is reinforced by narratives of irregular migrants who return home from South Africa with tales of success. In their narratives, the actual situation in the country is misrepresented, distorted or one sided, with the difficulties encountered in finding work, accommodation and a residential/work permit often not being revealed. A picture of South African good fortune is therefore believed, and motivates vulnerable individuals to migrate to the country at all cost. Human traffickers capitalise on the personal circumstances of their victims in order to recruit and exploit them (Aronowitz 2009, 1).

*Insufficient Political Will*

An important factor that has led to an increase in human trafficking globally is insufficient political will on the part of governments to combat the phenomenon. In this regard, political will connotes not only the recognition of the seriousness of a problem and the introduction of comprehensive legislation to address it, but also the allocation of adequate material, human and financial resources. With regard to South Africa, it has been observed that although the country has steadily increased its efforts to prevent human trafficking, it has not provided specific funding for this purpose—with the government continuing to rely on existing budgets for stakeholder departments and foreign donors. For example, the role of protecting human trafficking victims is largely left to NGOs operating in the country, yet the government does not provide sufficient funding to these organisations.

While the causes of international human trafficking discussed above are by no means exhaustive, they nevertheless represent the major drivers behind human trafficking into South Africa. These conditions render women and children exposed and vulnerable to traffickers.

## CONCLUSION

Human trafficking in the South African context has been examined in this chapter as one of the book's country case studies. South Africa is predominantly identified as a destination country in the global and regional human trafficking industry. This notwithstanding, it is also a source country as well as a transit route. This confirms previous assumptions that no country can be identified as source, transit or destination only in the human trafficking context.

Against this background, sexual exploitation, labour exploitation and human body parts have been specifically identified as major human trafficking trends in South Africa in relation to women, men, girls and boys. This is the case in the context of both domestic and international trafficking. Reference has also been made to trafficking for, among other reasons, the purposes of begging and illegal adoption. Reasons for and causes of domestic and international human trafficking have been highlighted and examined. Accordingly, historical conditions relating to the internal trafficking of women and children, personal lifestyles, child-headed households, cultural practices, poverty, lack of parental supervision and family disintegration have been identified as factors facilitating domestic human trafficking. Among the factors identified as facilitating international

trafficking into South Africa are the historical conditions relating to the introduction of slavery and indentured servitude into the country, as well as South Africa's geographical proximity and relative political and economic stability. Other factors include the previous lack of specific legislation, the rise in tourism, especially sex tourism, the involvement of organised criminal syndicates and regional commitments.

It may be concluded that the South African case study reflects the complexity of human trafficking as a global phenomenon. As a destination country, South Africa shares similar characteristics with other destination countries in the human trafficking industry. Similarly, although the factors that facilitate domestic trafficking may not necessarily facilitate international trafficking, in some cases overlaps exist. Patterns and trends in domestic and international human trafficking also have security implications for South Africa. Thus, the violation of national borders, the involvement of organised crime, corrupt border officials, the denial of freedom of movement and the use of physical violence against victims by traffickers are all issues that have implications for individual security as well as South African national security.

The next chapter will specifically focus on human trafficking in Mozambique. Mozambique is predominantly regarded as a human trafficking source. Conditions which facilitate the trafficking of Mozambican citizens to other countries, such as South Africa, will also be discussed and analysed.

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## Human Trafficking: The Mozambican Experience

### INTRODUCTION

Several sources indicate that Mozambique is predominantly a source country in the human trafficking industry. This notwithstanding, it is also used as a transit route as well as a destination point to a certain extent (Mathias and McCabe 2010, 27). The choice of a country as a source, transit or destination for human trafficking is largely dependent on the strategic intentions of human traffickers and the availability of exploitable opportunities. For a holistic understanding of the trafficking phenomenon in the Mozambican context, it is imperative to examine its source and transit dimensions as well as its various patterns.

Specific attention is focused here on the conditions that make Mozambique a human trafficking source. In the sections that follow, the various patterns of human trafficking in the country as well as the trends of the phenomenon are examined. Various patterns of human trafficking are discussed in the second section of the chapter, while the third section focuses on the phenomenon's trends. The various conditions that facilitate domestic and international human trafficking in Mozambique are discussed in the fourth section, while the fifth section concludes the discussions. This provides a comprehensive analysis and helps to broaden our understanding of the human trafficking phenomenon in Mozambique.

## PATTERNS OF HUMAN TRAFFICKING

As a predominantly source country, human trafficking in Mozambique is mainly international. This refers to intra-regional trafficking involving nationals of other African countries who are trafficked into or through Mozambique as a destination point or on a transit route to South Africa and other parts of the world. It also refers to the trafficking of victims from outside the African continent into or through Mozambique. Internal or domestic trafficking of Mozambican women and children for sexual exploitation is reported as well (US Department of State 2013). While sex trafficking is the most common form of human trafficking in the country, trafficking for labour exploitation, domestic servitude, begging, forced marriage and human organ sales are also noticeable trends.

### *Domestic Trafficking*

Although it is noted that human trafficking in the Mozambican context is predominantly international in nature, domestic or internal trafficking also occurs to a significant degree but is rarely focused on. Several reasons can be offered for this. Generally, it is assumed that human trafficking flows from poorer areas to richer or more prosperous areas (UNODC 2012). Therefore, as a relatively poor country in close proximity to a relatively rich country, human trafficking mainly flows from Mozambique to South Africa. Similarly, less profitability because of poverty and a less developed sex industry in the country are other possible reasons why human trafficking is more international than domestic. Internal trafficking in Mozambique is therefore more of a means to an end than an end in itself: it is a temporary strategy for eventual trafficking into South Africa and other countries.

Two types of domestic trafficking in Mozambique are identifiable from the literature. The first relates to trafficking from rural areas to urban areas (rural–urban trafficking). In this, children, especially girls, are trafficked in order to be exploited in the sex and commercial industries or sold to international human traffickers. Two cases reported in 2008 indicate that this may be the most prevalent form of domestic trafficking in the country. Mozambican police intercepted four trucks transporting alleged trafficking victims. One of the trucks was transporting about forty children believed to be trafficking victims from northern Mozambique to Maputo. Another truck was intercepted at Beira, and was found to be transporting about fifty-three alleged victims of human trafficking of mixed nationality (Irin News 2008). In the second type of domestic trafficking, rural–rural

trafficking, children, especially boys, are exploited in the agricultural sector. In this regard, the US State Department reported that in the rural areas of Mozambique forced child labour is common in agriculture and commercial activities (US Department of State 2009).

As in other countries, different methods are used to recruit domestic trafficking victims in Mozambique. In some cases family members consent to victims, particularly children, being trafficked to places outside their home towns or villages. In many cases, victims are recruited with false promises of work or education in major Mozambican cities such as Maputo. Kidnapping as well as seclusion are other methods that are equally employed. The most common trends in domestic trafficking are sexual exploitation, labour exploitation, domestic servitude and human body organ sales. Sexual exploitation is common in border towns adjacent to countries such as Swaziland and South Africa. Therefore, it is common to find young Mozambican girls working as prostitutes in bars, brothels, nightclubs and restaurants in Maputo, Nampula, Beira, Chimoio and Nacala (Bonaventura et al. 2006) While some of the sex workers may be working voluntarily, many of them are considered to be human trafficking victims.

### *International Trafficking*

Mozambique is mainly a human trafficking source in Southern Africa. Reported cases show a preponderance of Mozambican nationals being trafficked to other countries such as South Africa (UNICEF 2007). As in other countries, international human trafficking in Mozambique has three identifiable dimensions. The first is intra-regional trafficking into the country, which involves victims from countries in the Southern African region as well as those from elsewhere in Africa. The second dimension is international trafficking into Mozambique, involving nationals of countries from outside Africa, especially from Asia. The third dimension relates to the trafficking of Mozambican nationals from their home country as well as the use of Mozambique as a transit route for trafficking into South Africa and other parts of the world (US Department of State 2012). Although cases of trafficked foreign nationals working as sex workers in Mozambique exist, human traffickers mainly use Mozambique as a gateway to South Africa.

### *Interregional Trafficking*

While some estimates show a certain number of people trafficked from Mozambique into South Africa, there is no clear record of the number who are trafficked into Mozambique from Southern Africa as well as from

other parts of the African continent. Lack of research into this aspect of the phenomenon as well as poor data gathering may be the reasons for this. Reports, however, indicate that the number of people trafficked into and through the country may be huge. This is indicated by the increase in the number of Zimbabwean women working as prostitutes in Mozambican cities such as Chimoio (Perschler-Desai 2001). While acknowledging that some of the sex workers may be working voluntarily, the possibility of many being human trafficking victims exists. Human traffickers take advantage of vulnerable conditions and the existence of opportunities such as a large presence of tourists and the demand for sex, and these can be found in Mozambique. Apart from Zimbabwean nationals, reports have also shown that Somalian trafficking syndicates operating in Mozambique traffic humans, drugs and arms into Mozambique. Children trafficked into Mozambique by these syndicates are eventually moved into South Africa, where they are exploited in the more lucrative South African commercial sex industry.

Evidence also shows that Zambian, Malawian and other African nationals are trafficked into or through Mozambique. Thus, in 2003, Zambian immigration authorities issued a warrant of arrest for a group of Ethiopian and Congolese nationals suspected of trafficking youngsters of a variety of African nationalities, including Zambians, abroad (Xinhua General News Service 2003). Additional reports from the Zambian authorities also indicate that Zambian trafficking victims between the ages of eighteen and twenty-five were allegedly trafficked through the Mpulungu harbour in the country's Northern Province to Mozambique. From there they were sent to different countries. Deception and false promises of works abroad were reported to have been used in recruiting them. Reports by the US State Department also show that 'women and girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude' (US Department of State 2011). In 2006, it was reported that Mozambican children as young as eight years old were being trafficked daily through the Kruger National Park or the Swaziland border and sold to South African nationals for between US\$30 and US\$50 per child (Bonaventura et al. 2006).

### *International Human Trafficking*

International human trafficking from Mozambique has a long history. Its contemporary form, however, became apparent in the 1990s, when the country was widely reported as being the hub of the trade in human

beings in Southern Africa (*Weekly Mail* 1990). Nationals of the then war-torn country were traded in a manner reminiscent of the transatlantic slave trade. In 2003, women and children trafficked from Mozambique into South Africa were reportedly subjected to labour exploitation, domestic servitude, forced marriage and commercial sexual exploitation (Martens et al. 2003). The human traffickers were reported to come from Johannesburg, Soweto, Daveyton, Thembisa, Thokoza and other townships near Vereeniging to buy victims in Mozambican border towns. The exact number of victims is not known, but a number of estimates point to the seriousness of the problem. For example, the IOM estimated in 2003 that at least 1000 Mozambican women were trafficked into South Africa every year and that most of the victims worked in the sex industry or as sex slaves for workers in the mining areas of the Gauteng Province. Other reports claim that about forty Mozambican women and girls are trafficked monthly across Mozambican borders and sold for US\$1000 in South Africa. Internally, too, women and girls are purchased for as little as US\$2s (Swails 2012). Although not all Mozambican women found in South Africa are victims of human trafficking, the fact that most of them work in the sex industry or as sex slaves for workers in mining areas across South Africa accentuates the claim that the majority of them may be victims of human trafficking.

In 2006 the South African Broadcasting Corporation (SABC) reported the arrest of six men in Maputo who were attempting to traffic about forty-three people from Maputo into Witbank in South Africa (South African Broadcasting Corporation 2006). A police investigation with the assistance of some of the victims showed the involvement of an organised criminal syndicate. It also confirmed reports that victims are lured mainly from rural areas in Mozambique with the promise of employment in South Africa. In 2007, the arrest of a bus driver attempting to traffic twenty-four undocumented Mozambicans into South Africa was reported. This was followed by the arrest of a Mozambican woman in Pretoria for keeping and forcing three Mozambican girls aged sixteen in a brothel. Investigations revealed that the girls were deceived with the promise of education and good jobs in South Africa (US Department of State 2008).

Mozambican cities, such as Nampula in the northern part of the country and Maputo, are reported to be the main centres of recruitment and transportation of trafficking victims into South Africa. The routes used include the border at Ressano Garcia and Ponta de Ouro. From Ressano Garcia women are taken to Gauteng Province, while from Ponta de Ouro

they are taken either to Gauteng Province or to Durban or Pietermaritzburg in the KwaZulu-Natal Province. Cases of trafficking on these routes continue. For example, in February 2013, a sixty-year-old South African businessman and a twenty-two-year-old Mozambican woman appeared before the Graskop Regional Court in Mpumalanga for the alleged trafficking of five young girls from Mozambique to South Africa between 2009 and 2011 (South African Broadcasting Corporation 2013). Similarly, in April 2013, a Mozambican woman was indicted in a Nelspruit Regional Court in Mpumalanga for the abduction and trafficking of children from Mozambique to South Africa (Tereasa 2013). These two cases confirm reports by the IOM that Mozambican women working with Mozambican or South African men often recruit the Mozambican trafficking victims.

#### *Mozambique as a Transit Route*

Mozambique is described not only as a human trafficking source, but also as a transit route. Besides the trafficking of Mozambican nationals, cases of trafficking of Cameroonian, Ugandan, Kenyan, Congolese and Ethiopian nationals through Mozambique to South Africa have also been reported. Several agents and methods are used, and agents involved in the business include national and international organised crime groups. For example, reports show that refugees from African countries such as the DRC are involved in trafficking Congolese and other nationals from the DRC using Mozambique as a transit country. Documented cases also show that Mozambique is used as a transit country for Somalian victims, who are trafficked by boat to Nacala in northern Mozambique. From this port city, the victims are trafficked into South Africa through other routes. In 2009, Mozambican police intercepted two trucks in the Tete Province near Malawi carrying 317 suspected trafficking victims and irregular migrants, with many of them believed to be heading for South Africa (Hübschle 2010, 75).

There is also international trafficking through Mozambique that involves nationals from countries outside the African continent. As previously pointed out, women from Russia, Eastern Europe, Thailand, China and Taiwan are trafficked through the country to South Africa (Adepoju 2005, 77, 79). Reports show that Thai women trafficked through Mozambique are subjected to various forms of exploitation, such as forced sex work, long working hours and debt bondage. The methods of control employed by their traffickers include seclusion, physical and verbal abuse, and intimidation of both the victims and family members in Thailand. The working

conditions of the victims are described as poor and unhygienic. The victims are usually of low socio-economic status, poorly educated and seldom speak English. All these factors amplify victims' vulnerability in source, transit and destination countries.

Evidence also shows that Pakistani trafficking syndicates, in collaboration with corrupt Mozambican immigration officials at the country's international airport, traffic victims through Mozambique into South Africa (Hübschle 2010, 76). In 2010, the Mozambican police reported the discovery of a human trafficking syndicate that trafficked between thirty and forty African, Asian and Eastern European women and girls each month through Mozambique to South Africa. The Chinese women trafficked by this group arrived in Mozambique on container ships and were later sold for US\$1000 each (US Department of State 2011).

As in other countries, different trends can be discovered in Mozambique. These include sex trafficking, labour trafficking, begging, domestic servitude and human body organ trafficking.

## HUMAN TRAFFICKING TRENDS

Human trafficking in the Mozambican context is complex for several reasons. Differentiating between domestic trafficking and international trafficking in practical terms is difficult. This is because domestic trafficking often becomes international when victims are sold and cross international borders. Human trafficking in the country is also specialised. While some trafficking agents target mainly children between the ages of three and twelve from rural areas, in the provinces of Gaza, Inhambane, Maputo, and Nampula, others specialise in trafficking young women.

As in other countries, domestic and international human trafficking in Mozambique are carried out for several exploitative reasons. These include, but are not limited to, sexual exploitation, labour exploitation, begging, domestic servitude, forced marriage and removal of human organs for transplants and ritual purposes. Three of the most visible and documented trends in Mozambique are examined in the following sections.

### *Sex Trafficking*

The primary purpose of human trafficking in Mozambique as in other countries is the sexual exploitation of women and girls. This is not to suggest that men and boys are not sexually exploited in Mozambique (and cases of sexual

exploitation of boys are often reported, such as the 2010 arrest of two Turkish nationals for sexually assaulting about seventeen Mozambican boys in Maputo), but it indicates that women and children are the most vulnerable. Documented cases show that sexual assaults of trafficking victims, especially women and children, occur in transit homes along Mozambique's borders with South Africa and Swaziland. Nationals of other African countries such as Zimbabwe and Malawi, as well as those from Asia and Eastern Europe, who are trafficked into Mozambique as their final destination or as a transit route to South Africa, are also forced into temporary commercial sex work there.

As previously stated, the majority of Mozambican victims of human trafficking are sexually exploited in South Africa. Nevertheless, documented cases also show that trafficking victims from the country are equally exploited in a number of European countries, such as Portugal. In this regard, Bonaventura et al. (2006) report the trafficking of Mozambican women and young girls to Portugal and South Africa, where they are forced to work in the sex industries of both countries. Furthermore, in 2012, Mozambican police reported the interception of a Mozambican woman and two alleged young girls by Zambian authorities. This was possible thanks to regional co-operation between countries, and further investigation into the case revealed that the young Mozambican girls were on their way to Europe to work as prostitutes.

Women who are trafficked from Mozambique for sexual exploitation in countries such as South Africa fall into two categories (Indian Ocean 2004). In the first group are women who are already sex workers in different Mozambican cities such as Maputo, and want to move to other countries where they can earn more money. In the second group are those whose labour is exploited in bars, escorts services and restaurants. Although they work in these places, many of them may be subjected to sexual exploitation. As Shelley succinctly observed, evidence from other countries shows that bars, escort services, restaurants and massage parlours are often covers for sex workers (Shelley 2010, 141).

### *Labour Trafficking*

Labour trafficking is as common as sex trafficking in Mozambique. Several reports show that internally trafficked people are exploited in the agricultural and mining sectors in three northern provinces of the country, namely Niassa, Nampula and Cabo Delgado (Goredema 2013). Illegal mining

operations in these regions attract migrants from other parts of Africa and possibly contribute to international human trafficking into and through the country. Mozambican children are often trafficked from rural areas to urban areas where they are exploited in domestic servitude, prostitution and as vendors of petty goods. Reports indicate that children are often trafficked with the connivance of family members. While some of the victims are internally exploited, most of them, especially boys, cross to South Africa, where they are exploited in the agricultural and mining sectors.

Against this background, it was estimated that in the year 2000 about 20,000 trafficked children were working as labourers in South Africa, and many of them were Mozambican (Molo Songololo 2000). Besides children, Mozambican men are also recruited and trafficked to work as miners in South Africa. In effect, many of them end up working illegally (Sowetan 2012): cases of illegal mining, known as *zama-zama*, are frequently reported in South Africa. In 2012, for example, it was reported that organised criminal syndicates had lured young Mozambican nationals and others from Lesotho, Swaziland and Zimbabwe to work in illegal mines in South Africa.

Martens et al. (2003), have also shown that Mozambican victims of labour trafficking in countries such as South Africa often ‘go for many months without pay before their “employers” have them arrested and deported as illegal immigrants’. This is supported by the US State Department, which claims that the failure of trafficking victims to comply with the working conditions created by traffickers often results in police arrest and deportation (US Department of State 2012). Therefore, labour trafficking is determined not by the nature of work done by victims, but by the nature (usually unequal) of the relationship that exists between the victim and his or her employer. Illegal Mozambican workers in South Africa are considered especially vulnerable to coercive recruitment and employment practices in the country.

Apart from trafficking to South Africa, Mozambican nationals are also trafficked to and exploited in other neighbouring countries. For example, it is reported that Mozambican boys in Swaziland are forced to wash cars, herd livestock and hawk goods in the streets (US Department of State 2011). Many of these boys are considered human trafficking victims for the purposes of labour exploitation. This is because of the nature of the relationship between them and their employers. While Mozambicans are trafficked into South Africa for the purposes of labour exploitation, there are also reports indicating that Zimbabwean, Malawian and other nationals who voluntarily migrate to Mozambique are consequently lured into sex trafficking or domestic servitude.

### *Human Organ Trafficking*

Human organ trafficking is not a completely new phenomenon in Mozambique (Fellows 2008; Bonaventura et al. 2006, 23; Attorney-General's Report 2004). What may be considered new is its current high prevalence. Ritual killing, which is associated with human organ trafficking, occurs in many parts of Mozambique and possibly pre-dates Portuguese colonialism. Schepper-Hughes has shown that incidences of ritual killings have been documented in Mozambique and other Southern African countries since the nineteenth century (Scheper-Hughes 2001). Consequently, the HRL in Mozambique contends that there are frequent cases of human mutilation happening in that country and in South Africa, aimed at forcibly removing body parts from children and adults (Fellows 2008). Several documented cases show that these mutilations often result in death or physical incapacitation.

In 2006, for example, fifty-two children who went missing in Nampula made national headlines in Mozambique (Bonaventura et al. 2006, 23). The children were later found to have been killed, and when some of their corpses were discovered, certain body organs were reportedly missing. Suspects arrested by Mozambican authorities in connection with the incident included 'a Danish woman, a South African citizen and other unidentified Europeans' (Bonaventura et al. 2006, 23). Cases such as this, involving foreign nationals, indicate that international criminal syndicates are involved in the illegal business of organ harvesting for medical purposes in Mozambique. It also contradicts the general belief that reported killings in the country are related to traditional rituals.

In another incident three Mozambican nationals were arrested in the city of Chimoio for kidnapping, killing and removing the genitals of a nine-year-old boy and offering them for sale at the price of US\$7833 (Attorney-General's Report 2004). In the same period, Mozambican police arrested two street hawkers for attempting to sell two children aged thirteen and sixteen years for US\$2333 to a traditional healer who intended to use them in traditional healing activities, which could possibly include using specific organs (Fellows 2008, 33).

Further reports indicate that human body parts trafficked from Mozambique to South Africa are mainly sold to spiritual leaders, or *Sangomas* as they are known (Fellows 2008, 33). The unhygienic storage of the human organs that are trafficked from Mozambique to South Africa

clearly indicate that they are not used for medical but for ritual purposes. It is therefore contended that certain traditional beliefs contribute to human organ trafficking from Mozambique to South Africa. Based on some cultural and religious beliefs in Southern Africa, certain body parts such as the genitalia, heart, eyes and skull are used in traditional medicine or *muti* (Human Sciences Research Council 2010). Traditional medicines prepared with human body parts are believed to be potent enough to cure various diseases such as HIV/AIDS, as well as male and female infertility. Furthermore, such medicines are believed to have the power to increase influence and wealth. Financial reward, the nature of the business and endemic poverty in Mozambique appear to be the driving forces behind the increase in this illegal business. This is supported by findings that ritual killings occur more frequently during times of political and economic crises (Labuschagne 2004).

Human organ trafficking in Mozambique is unique, because vulnerable people are not persuaded or deceived into selling their body parts as in other countries, but are killed and mutilated on purpose (Geis 2008; The Guardian 2017). Globally too, the rise in human organ trafficking is linked to unsuccessful attempts at reproducing human body parts, as well as an increase in the number of people requiring organ transplants in the presence of limited supply, ethical considerations and strict government regulations. Furthermore, human organ harvesting or transplantation are seen as lucrative businesses, and there are now means of storing, preserving and moving organs, especially kidneys, from one region of the world to another. The availability of high-quality private medical facilities where, for example, dialysis and transplantation can be done is also seen as one of the reasons for the global increase in this illegal business (Rohter 2004).

In Mozambique, there is a high degree of dependency on traditional healers among rural dwellers for solutions to medical problems owing to limited access to medical facilities, high rates of illiteracy and poverty. But traditional religious practices differ from one region to another: not all involve rituals using human body parts. Within these diverse traditional religious practices there are also secretive cults whose memberships are exclusive, and they engage in rituals that may include the use of human body parts. Thus, what is often regarded as traditional African religious practices may in reality be cult practices.

In addition to sex, labour and human organ trafficking, cases of domestic servitude, forced marriage and begging are also prevalent in Mozambique.

## CONDITIONS FACILITATING HUMAN TRAFFICKING

Unlike South Africa, evidence shows that human trafficking in Mozambique is more externally oriented than internal or domestic. In practice however, it is difficult to differentiate between domestic and international human trafficking in the Mozambican context. The reason, as previously noted, is that domestic trafficking ends up as international trafficking when victims are eventually moved to South Africa. Again, factors that facilitate domestic trafficking can also facilitate international trafficking. Conditions that facilitate domestic trafficking in the Mozambican context will therefore be examined.

### *Internal Human Trafficking*

Domestic human trafficking in Mozambique is rarely focused on because trafficking activities are predominantly externally oriented. As previously stated, women and girls as well as boys are trafficked from impoverished rural areas to wealthy urban areas for different purposes, but predominantly for sexual exploitation and forced labour. The main factors that facilitate this trade are complex yet mutually interlinked and can hardly be distinguished from those that cause international trafficking. Different reasons for the prevalence of domestic or internal human trafficking in Mozambique have been suggested. Among those often cited are historical conditions relating to its history of violent political conflict, the socio-economic situation, personal behavioural patterns, weak legislation and cultural practices.

### *Historical Circumstances*

Among the historical events that have impacted strongly on Mozambican politics, economy and society is its sixteen-year civil war (Chitupila 2009). Evidence from different parts of the world where human trafficking is endemic shows that political instability, civil unrest, ethnic marginalisation and internal armed conflict significantly facilitate it. Internal armed conflict, for example, causes the internal displacement of people and a refugee crisis both internally and in neighbouring states. Situations such as these increase the chances of people becoming vulnerable to exploitation by human traffickers. Thus, the high prevalence of human trafficking in Mozambique has been linked to the country's civil war. This contributed in many ways to rendering the country and its people poor and vulnerable.

For example, it did not only result in death on a large scale, but it also led to the destruction of the country's socio-economic infrastructure, education, agricultural, industrial and commercial sectors as well as the displacement of its population (Ines 2009). According to a UNDP report, between 1 million and 5 million Mozambicans fled the country to neighbouring countries during the civil war, mainly to Zimbabwe, Swaziland, Malawi, Tanzania, Zambia and South Africa (UNDP 1998). Furthermore, between 4 million and 5 million Mozambicans were internally displaced because of the war and natural disasters.

The civil war created conditions that have continued to impact on Mozambican society. For example, human trafficking was widely reported during the war, and several illegal routes across the country's borders were also created at this time. These routes continue to facilitate cross-border crimes such as drug, arms and human trafficking (Schroeder and Lamb 2006).

### *Poverty*

Mozambique is regarded as one of the poorest countries in the world (International Fund for Agricultural Development 2013). The widespread poverty that exists has been described as the most important factor underlying migration away from home by its nationals. Major indicators of poverty include the lack of government capacity to provide necessary or basic amenities for the vast majority of its population. A significant portion of the population is believed to live in abject poverty, and the educational level is also very low, with a significant percentage of the population able neither to read nor write. Life expectancy is below forty-five. Poverty is seen as the result of several years of struggle for independence, civil war and a series of natural disasters, as well as SAPs. Although since the end of the civil war the country has experienced impressive economic growth and development, the majority of its people still live in abject poverty. According to a national household survey conducted in 2008–2009, about 54% of the population lives in poverty, down from 70% in 1997. While this figure is positive, it must be stated that data used in this survey was mainly obtained from urban areas and as such may not be an accurate reflection of the country's socio-economic condition, as over 70% of poor households live in rural areas. The inaccessibility of many rural communities means that many households were probably not taken into account by the survey. Again it is also claimed that the majority of Mozambican rural dwellers still live on less than US\$2 a day and cannot access basic social facilities such as good roads,

safe drinkable water, good schools and hospitals. This points to the fact that poverty is concentrated mainly in the rural areas of Mozambique.

The main occupations of rural dwellers in this country are farming and fishing, practised on a subsistence scale with little or no surplus for sale in order to buy other commodities. Poor-quality agricultural produce, as noted elsewhere in this chapter, is mainly down to a lack of adequate technologies and government support for farmers. Other factors contributing to rural poverty are a lack of access to distant produce markets, the use of traditional farming systems and low yield seed varieties, famine and drought (Warner et al. 2008). Besides farming, rural dwellers also depend on traditional fishing to make a living. In the event of natural disasters, such as flooding, these fishermen are also severely affected.

Land is the main factor of production in Mozambique. This is especially the case in the rural areas, where the main occupation for the vast majority of the population is farming. However, land is not equally accessed by all. Traditionally, women are disadvantaged with respect to access to land ownership and property rights: it is more difficult for women whose husbands are dead to access land for agricultural and other uses, as a woman's access to land is dependent upon her relationship with her husband's family or her maternal uncles. Despite Mozambique's Land Law of 1997 as amended by the Land Reform Law of 2000, which grants women equal rights to men with regard to land ownership and use, it has been observed that women are still disadvantaged in rural land ownership since only about 5–10% of the land is in their control (Ministry of Agriculture and Fisheries 2000).

Limited access to land ownership also means limited access to funds that are necessary to engage in other economic activities. It therefore appears that the Land Reform Law of 1997 as amended applies mainly in urban areas, where informed and educated women with access to legal services can be found in relatively large numbers. In the rural areas, as already stated, a woman's access to land is still determined by her maternal uncles, especially in the northern parts of the country, or by her husband's family in the southern parts of the country. Therefore, the impoverishment of women, especially in the rural areas, is largely related to poor access to land for farming and other economic purposes. This causes women and their children to be susceptible to different kinds of dangers, and may explain why victims of domestic and international human trafficking in Mozambique are mostly women and children from rural areas.

From the foregoing, it can be seen that rural dwellers have limited means of survival, and the most affected groups are women and children. Poverty

causes serious deprivation and renders the affected population vulnerable to human trafficking. Poverty and the desire to get out of poverty force many Mozambican families to give their children to people who promise to find employment for them and to improve their living conditions.

### *Child Labour and Migration*

Adepoju (2005) has observed that within the African context child labour is considered essential to family survival. This is also true in Mozambique, where child labour is not prohibited but regarded as normal. In the context of widespread poverty, disability, disease and the death of adult family members, this practice is becoming more pronounced. Children who find themselves in conditions such as these are forced by circumstances to work in order to contribute to the survival of their families. In many cases, families that are involved in petty trading require their children to work, especially in the informal sectors, in order to supplement family income. In some reports, it is claimed that parents sell their children to job agents in exchange for money. This practice may be attributed to the inability of parents to provide for the basic needs of their families owing to deteriorating economic conditions. Human traffickers take advantage of the hardship and anxiety of families in need. In 2002, the ILO reported that the increase in human trafficking was most probably due to the desire of teenagers to escape from poverty and unemployment caused by worsening socio-economic conditions (ILO 2002).

The civil war in Mozambique contributed to a perpetuation of the practice of child labour in different ways. For instance, the death of adult members of many families left child survivors to take care of themselves. The government did not do much to prevent this in accordance with international conventions that relate to child labour. Human traffickers take advantage of the existence of child labour in Mozambique in order to recruit children, especially from rural areas, in order to take them to urban areas as well as outside the country, where they are exploited sexually and in domestic labour and other forms of servitude.

A related phenomenon that is also an effect of the civil war is child migration. Statistics South Africa has reported that it is not uncommon for Mozambican children to migrate to other places both within and outside their country in search of work (Statistics South Africa 2001, 34). The willingness of children to accept job offers from relatively unknown people, coupled with the willingness to relocate at any time, renders them vulnerable to human trafficking.

The need to contribute to family earnings also determines how families in Mozambique allocate resources to their children. Based on traditional beliefs and practices, boys are considered more important and beneficial to the family than girls. Therefore, the education of boys is considered more important than the education of girls. The consequence of this is a low literacy rate among women in Mozambique. Lack of education also means the absence of skills needed for independent survival in a fast-changing society and susceptibility to all forms of criminal manipulation. Specifically, uninformed people are more likely to fall prey to human traffickers than those who are better informed.

It is not surprising therefore that the majority of human trafficking victims in Mozambique are women and girls. Lack of information or a low level of education among women are linked to this. The UNDP has also noted that despite increased attention given to the problem of human trafficking by international organisations and governments, including the Mozambique government, the level of awareness in the population remains low (UNODC 2007); and where awareness exists, there is a poor understanding of the modus operandi of human trafficking agents. In this regard, the UNDP further reports that although some Mozambicans are aware of human trafficking and other cross-border crimes, the naïve belief that this cannot happen to them appears to be prevalent among the population. This accounts for why young women accept job offers from neighbours and people who are relatively unknown to them, and then relocate with them.

Veil further notes that children, especially those who are unable to attend school, are engaged in domestic work in order to acquire skills for survival as well as to contribute to family earnings (Veil 2003). Therefore, the practice of placing children in the care of relatively wealthy families is widespread in Mozambique. It has been observed that although children, especially girls, are intentionally placed in the care of foster families to learn or acquire skills that would enable them to live independently, this rarely turns out to be the case because of the exploitative nature of the work they do in their foster homes (Lutya 2012).

#### *Female- and Child-Headed Households*

Human trafficking in Mozambique may also be on the increase because many families are headed by women and children. This has become a common feature of the country since the civil war. It was estimated in 2006 that 27% of Mozambican households were headed by women (Bonaventura et al. 2006, 36). While the death of husbands and male

members of many families during the war may explain the presence of female-headed households, the death of adult family members from HIV/AIDS explains the presence of child-headed households. The main problem relating to female-headed households in the context of Mozambique is gender discrimination, as previously noted (Truong 2006).

A woman may be unable to provide for the basic needs of her family not because she is physically or intellectually incapable of doing so, but as a result of traditional practices that place her in a disadvantaged position. For example, her inability to access state resources such as land and financial support is mainly a result of cultural and traditional practices in many parts of the country. The problem is compounded when the woman lacks skills necessary for work outside traditional occupations owing to a lack of basic education. Low skill levels among women and female children explains why they mainly work in the informal sectors. Lack of employment opportunities as well as the poor income from petty trading and hawking means that some women and young girls engage in part-time sex work for survival. This further exposes them to exploitation by human traffickers. It has been reported that human traffickers in Mozambique recruit two groups of women: those who are already exposed to sex work, whom they sell to brothels in South Africa, and those who have no experience of sex work.

The problem of child-headed households is caused by several factors. In 1997, it was estimated that about 250,000 children were displaced during the Mozambican civil war (Ines 2009). Another 15,000 were separated from their families, and about 7% aged below fifteen were without either parent. The historical legacy of the war is further compounded by the high prevalence of incurable diseases such as HIV/AIDS. In this regard, it was estimated in 2006 that about 470,000 children in Mozambique were AIDS orphans, and the number of children orphaned as a result of this disease continues to increase. In 2013, UNICEF reported that there were 1.8 million orphaned and vulnerable children in Mozambique, of whom 600,000 were orphaned by HIV/AIDS (UNICEF 2013).

Presently an estimated 11% of the Mozambican population aged fifteen to fifty-nine is infected with HIV/AIDS. The high prevalence of this and other diseases renders many households in the country vulnerable, especially those in poor rural areas. Most importantly, the disease is affecting the most productive population groups and has continued to drain state and family resources in the form of medical bills and care. When adult family members are affected by the disease and can no longer work, the children are either sent to live with relatives or abandoned to their fate.

The death of either or both parents has serious implications for children. For instance, they may be prevented from gaining education and acquiring relevant skills. The problems of children whose parents are dead are further compounded by the collapse of traditional support structures or social capital. As has been noted, situations such as this compel children to become involved in crime, begging and prostitution, and consequently become vulnerable to human trafficking.

Unemployment is high in Mozambique among the young and uneducated. Women who are uneducated and lack the requisite skills needed in the labour market are therefore doubly disadvantaged when looking for work. As in many developing countries, they are mainly prepared to function as home-makers. In this respect, the most important lessons they require appear to be those that concern childbearing and childcare, and being good and responsible housewives. That there are limited chances for good employment places Mozambican women in a vulnerable situation. Women, particularly teenage girls who live in rural areas, are subjected to domestic servitude, early marriage to older men or hard labour on farms. Women who live in the cities are often exploited in the informal sectors or lured into prostitution by human traffickers.

### *Cultural Practices and Beliefs*

Certain cultural practices and beliefs subject women to a vicious cycle of poverty and vulnerability to human trafficking. Although gender equality exists constitutionally in the country, and certain cultural practices that place women in positions of inferiority have been outlawed, women are still not equal to men in reality. Among these cultural practices is the early marriage and sexualisation of girls, which deprives them of educational and other opportunities. In rural areas it is common for girls to be given in marriage as soon as they are considered adults, usually after going through the initiation rites of *Unyago*. This usually takes place on or around their eleventh birthday and is part of an early sexualisation that involves the insertion of eggs into their reproductive organs. Early childbearing is therefore a common feature of Mozambican society. According to reports, about 42.9% of teenage girls between the ages of fifteen and nineteen have already had at least one child (Bonaventura et al. 2006, 40).

Levirate, or *Kupita Kufa* in the native language, is a cultural practice common in most parts of Mozambique in which a widow is required by tradition to marry her late husband's brother or another close relative in order to gain acceptance in the family and inheritance for her children.

Refusal to comply with this may result in disinheritance for her children and her expulsion from the family. A related cultural practice, which subjugates women to men's control as well as facilitating human trafficking, is *lobola*. This allows a man to choose his wife's younger sister to replace her when he no longer wants her or is not pleased with her conduct. There may be some benefits from these cultural practices, but they also have detrimental effects on women and Mozambican society. For example, an increase in the prevalence of certain diseases such as HIV/AIDS has been attributed to them, and women who refuse to abide by certain cultural codes may be forced to leave the country in search of better living conditions. This means they may fall prey to human traffickers.

Established patterns of seasonal labour migration, in which families, friends, relations or village members move to other communities, especially during planting seasons, to find employment and education for their children, have also been documented as a contributory factor for human trafficking in Mozambique (US Department of State 2009). Human traffickers exploit this migration in order to lure young girls and boys to the cities, where they are physically and sexually abused. Although parents whose children are trafficked in this way may be aware of their children's location, they are often not aware of the inhuman conditions to which they have been subjected.

As in many African countries, parents of low socio-economic status often place their children in the care of wealthier relatives. This is a traditional way in which children are taught to become independent and prepare for marriage, and it also helps poor parents pay off their debts. While this practice may have its merits, reports indicate that it often exposes children to abuse at the hands of their custodians (ILO 2001). Many end up being exploited in domestic servitude as well as in the commercial sex industry and in the agricultural and mining sectors. Although not all children placed under the care of their relatives are exploited, if they are living in a city with little parental control and guidance there is a heightened chance that they will engage in practices such as dating older men for material benefits. Many such lifestyles expose the children to the risk of human trafficking.

#### *Increased Migration among Women*

An increase in migration among Mozambican women is also contributing to their vulnerability to human trafficking. Previously, Mozambican men, especially from the southern part of the country, migrated in large numbers while the women were required by tradition to remain at home and

carry out their reproductive role as well as agricultural and domestic work (Bonaventura et al. 2006, 35). In recent times, however, this pattern appears to be changing owing to increased family responsibilities, dwindling employment opportunities at home, peer pressure and the search for profitable means of livelihood outside the country. Women's desire to migrate may also be related to family disintegration as a result of domestic violence against them. Although no accurate data exists with regard to rates of divorce and violence against women, it is reported that physical violence occurs frequently. This may be caused by several factors. Among these are a woman leaving the house without her husband's permission, refusal to have sex with him, questioning her husband's authority and burning food when cooking (Women's Network for a Better Work 2013). Social problems such as these are increasingly forcing women to migrate to other countries, and equally exposing them to the risk of human trafficking. This is particularly the case when the desire to migrate is backed up by the financial support to do so and agents who are willing to assist. As a result of domestic violence and the consequent family disintegration, children are left without proper care in the hands of single parents or abandoned and left to fend for themselves.

### *Conditions Facilitating International Trafficking from Mozambique*

In the Mozambican context, human trafficking is mainly international. This implies that more Mozambican nationals are being trafficked from the country to others than nationals from other countries are being trafficked into Mozambique. Although there are cases of Mozambican nationals being trafficked to different countries outside Africa, such as Portugal, international human trafficking in Mozambique is more intra-regional. Based on the assumption that international trafficking flows from relatively poor countries to relatively wealthy countries, South Africa has been identified as the main destination of Mozambican trafficking victims. Several reasons have been offered as to why human trafficking in Mozambique is more international than domestic, and these will be considered here.

#### *Historical Conditions*

The increase in human trafficking from Mozambique to South Africa has a long history. Mountain, for example, reports the importation of slaves from Mozambique and other countries into South Africa to work in mines

and on farms (Mountain 2005). Mollema observes that while the majority of the male slaves worked in the mines and agricultural sectors, most of the female slaves were domestic workers, with some also being involved in prostitution, especially when they were freed (Mollema 2013). Slavery may have occurred in the distant past, but it established a pattern of movement or trafficking that has endured. Similarly, and as noted in the previous chapter, the end of slavery did not bring about an end to the movement of Mozambicans to South Africa in search of employment opportunities.

Mozambique was considered as a source of labour for South Africa even during the apartheid era, especially with official recruitment for labour in mines and on farms, as Bonaventura et al. (2006) note. By law mine workers were required to allow 60% of their remuneration to be deposited directly into the Bank of Mozambique in Maputo; they and their families then received these remittances in the Mozambican currency, with no interest. This explains why there is a widespread belief in Mozambique that employment exists in South Africa. Human traffickers capitalise on this to recruit trafficking victims. Children from rural areas are deceived into believing that educational opportunities exist for them in South Africa; women are deceived into believing that employment opportunities exist for them in the domestic and farm sectors, while men are deceived into believing that employment exists for them in the mining sector.

### *The Economy*

According to the UNDP, Mozambique is among the poorest countries in the world. With a value of 0.327, Mozambique ranked 185 on the 2013 Human Development Index (HDI) (UNDP 2013). Overall, its economy is characterised by poor levels of education, high dependency rates in households, low productivity in the industrial and agricultural sectors, poor development of basic infrastructure in rural areas, resulting in the isolation of many communities owing to a lack of roads, and poor integration of the rural economy, which means the sale of agricultural surpluses is limited (Ines 2008). These characteristics are related to the damaging effects of the country's civil war and frequent natural disasters, such as drought, floods and famine. The consequences of these factors have been a shortage of skilled manpower, death, displacement of people and destruction of arable land. Other features of the country's economy are a trade deficit, with export earnings covering less than one-third of import costs, and heavy dependence on foreign credit (De Sousa 2012). Presently, Mozambique's economy is growing at a moderate rate of 7.2%, mainly

because of the discovery of coal and other minerals in exportable quantities and increased foreign investment in the mining sector. The poor state of the economy places people in a vulnerable situation, which facilitates human trafficking.

Mozambique is also heavily reliant on its transport sector, which comprises rail, road and energy infrastructure and connects the country's interior with neighbouring countries as well as Mozambican sea ports. There are four main transport corridors: the first is the Beira, which links Zimbabwe and the Beira port; the second is the Limpopo and the third is the Maputo, these two linking Mozambique and South Africa; and the fourth is the Nacala, which links the country with Malawi. Although these transport corridors support Mozambique's economic growth, they have also been linked to an increase in crimes such as human trafficking. Ines, for example, has reasoned that Mozambique's geographic situation facilitates the crossing of borders as well as human trafficking. He confirms reports that South Africa is the targeted destination for migrants and trafficking victims, because South Africa provides 'links to the rest of the world through its well-established infrastructure' (Ines 2009, 93–122).

#### *Perceived Existence of Opportunities in Destination Countries*

The existence of certain opportunities conducive to trafficking or the availability of a market for human trafficking facilitates trafficking from Mozambique to South Africa. Documented evidence shows that Mozambican traffickers who manage transit houses in Tonga and Johannesburg sell their victims in areas surrounding the mines in the West Rand and Carltonville. South African men as well as Mozambican men living in these areas patronise the traffickers. Without this patronage, the business of human trafficking from Mozambique to South Africa could not continue for long. Similarly, the willingness of farm owners in South Africa to employ trafficked Mozambican nationals and pay them little or no wages continues to fuel human trafficking between the two countries. Relating to cheap and illegal labour from Mozambique may also be related to the high cost of labour and strict labour laws in South Africa (Stelzner and Sonnenbergs 2009). Other attractive conditions include, but are not necessarily limited to, the vibrant sex industry in South Africa.

#### *Corruption among Public Officials*

Gastrow and Mosse claim that the death of former Mozambican leader Samora Machel in 1986 saw the disappearance of principled leadership in Mozambique. In their view, major institutions such as the army became

corrupt, while crime increased and leading figures in the governing Frelimo party became linked to corruption and drug traffickers (Gastrow and Mosse 2002). The level of corruption in the country is high by international standards. According to Transparency International (TI) in its 2013 Corruption Perceptions Index (CPI), Mozambique is ranked 119 out of 177 countries and territories surveyed with a score of 31 (Transparency International 2013). In the TI scoring system countries are ranked according to where they fall on a scale of 0–100, where zero means ‘highly corrupt’ and 100 means ‘very clean’. Mozambique’s ranking has remained relatively unchanged for many years, which strongly suggests that corruption is not abating, despite promises by the ruling party to counter it. Lloyd has observed in this regard that ‘effective legislative and administrative safeguards to prevent, detect, and punish corruption of public officials are weak’ (Lloyd 2011).

Furthermore, the Mozambican judiciary has also opposed aspects of anti-corruption legislation. For example, several presidential decrees aimed at countering corruption have been declared unconstitutional by the courts. Corruption among public officers has been described as a major facilitator of different forms of trafficking and other cross-border crimes (Gastrow and Mosse 2002). There are several notable causes of corruption in the country. These include, but are not necessarily limited to, poor salaries for public officials and institutional weakness. Public officers in various government establishments such as the police, who are determined to fight criminals, are often discouraged because they lack the political power to counter existing links between criminals and top government officials and politicians. It has been reported that Mozambican women are trafficked by taxis across the border into South Africa because of corruption among law enforcement and judicial officials in Mozambique (Irin News 2004).

#### *Low Risk and High Profits*

It has been observed that it is easier to move human beings than drugs or weapons across national borders. While drugs and weapons may be discovered and confiscated by law enforcement agents, it is difficult to identify victims of human trafficking at points of entry. Similarly, while other articles of trade such as drugs are perishable, with no reusable value, human beings can be re trafficked and reused. Human trafficking is also dynamic, adapting to changing circumstances (McCabe 2008, 14). These features make it a low risk venture with high profit margins.

As previously mentioned, human trafficking is by nature clandestine and risky, especially for the victims. As a result, it is a difficult socio-economic

and security phenomenon to investigate. Several scholars have observed that human traffickers appear to be succeeding because their victims are often afraid of exposing them to law enforcement authorities whether in source, transit or destination countries. The brutality to which victims are subjected, and the threats of retaliation against their families should they escape, fail to follow orders or report traffickers to the police, help to keep them in check. Threats against victims are amplified if traffickers are from the same communities as their victims (Shelley 2007, 148). Apart from the fear of retaliation, victims are also prevented from exposing traffickers because of their mistrust of law enforcement authorities. Similarly, human trafficking for sexual exploitation brings about social stigmatisation for victims. Exposing human traffickers also means revealing a life of prostitution, which many traditional societies such as that of Mozambique disapprove of. In order not to be stigmatised or socially ostracised, many Mozambican victims refuse to co-operate with the police in prosecuting human traffickers. It has also been pointed out that most victims of human trafficking in Mozambique are poor, uneducated and as such ignorant of their rights (Kruger 2010, 148). Convinced that victims are usually not empowered and predisposed to exposing them, traffickers are able to carry out their activities with impunity.

The low risk nature of human trafficking favourably affects its profitability as a crime venture. As previously mentioned, human trafficking has been globally described as a multi-billion-dollar crime. Based on various estimates, the phenomenon is seen as among the most profitable ventures in the world, similar to drug trafficking. This is also true in the Mozambican context; and trafficked Mozambican girls can be sold for about US\$1000 in South Africa (Swails 2012).

### *Geographical Proximity*

The geographical location of Mozambique is also a contributory factor to human trafficking. The country has a coastline of about 2470 kilometres and land boundaries of about 4571 kilometres. It shares borders with countries such as South Africa, Swaziland, Malawi, Zambia, Zimbabwe and Tanzania. Human trafficking from Mozambique to South Africa is the most commonly reported route in Southern Africa. This may be due to two main reasons: first, it is the most visible in terms of number of victims trafficked annually; and second, there are three entry points used to move victims from Mozambique into South Africa. Certain individuals who operate around these border areas are often known to immigration officials and are allowed to move freely across borders (De Sas Kropiwnicki and IOM 2010).

It has been reported that small-scale trafficking networks that operate with taxis smuggle illegal migrants and trafficking victims across Mozambique's borders with South Africa and Swaziland. Transit houses have also been established in border towns with South Africa to facilitate human trafficking. Furthermore, nationals of countries such as Zambia, Malawi, Tanzania and Ethiopia are trafficked through Mozambique to South Africa (US Department of State 2010). A significant part of Mozambique's border with other countries, such as South Africa, is largely porous and unpatrolled, for reasons that include insufficient personnel and equipment. Human traffickers and their victims can therefore cross these borders relatively undetected. Even if they are detected, corrupt border officials often accept bribes and allow human traffickers and their victims to cross into South Africa (South African Law Reform Commission 2006).

Geographical proximity is complemented by regional agreements between countries in the Southern African region. For example, Mozambique and South Africa have a visa free agreement for visitors staying for a limited period, which encourages the easy movement of people across their borders (Southern African Research and Documentation Centre 2005). Although agreements relating to freedom of movement across international borders have huge socio-political and economic benefits, they nevertheless have unintended consequences. Human traffickers exploit the shortcomings of these agreements to move Mozambican victims into South Africa, where they are subjected to labour and sexual exploitation as well as domestic servitude.

### *Organised Crime Involvement*

The operation of organised criminal syndicates in Mozambique has been closely studied by researchers, and the impact of organised crime on the country's economic, social and political development forms a significant part of the security discourse in Southern Africa. It has been noted that while there are organised criminal groups with a national focus, it is those with an international focus that are more threatening to Mozambique's socio-economic and political system. This is partly because their criminal activities are diverse, extending to countries such as Portugal, Pakistan and South Africa (US Department of State 2013), and their membership is multinational. Reports have shown that organised international criminal groups operating in Mozambique are associated with drug and illegal weapons trafficking, money laundering, motor vehicle theft and the obstruction of justice, as well as human trafficking (Goredema 2013, 150).

The involvement of organised criminal groups in Mozambican human trafficking has also been confirmed by the US State Department. The agency claims that Mozambican syndicates are typically informal (US Department of State 2013); however, they qualify as organised criminal groups because of their methods of operation as well as their membership, which cuts across the national boundaries of Mozambique and South Africa. The US report confirms the involvement of large and well-organised Chinese and Nigerian trafficking criminal groups in Mozambique, and it is alleged that criminal syndicates of South Asian origin that move undocumented South Asian migrants throughout Africa also transport trafficking victims through Mozambique. Human trafficking syndicates operating in the country appear to involve not only South Asian nationals, but companies as well. Reports indicate that these companies 'pay the initial travel costs of illegal Bangladeshi and Pakistani migrants who they later maintain in bonded labour' (US Department of State 2013).

#### *Poor Enforcement of Human Trafficking Law*

As previously noted, the phenomenon of human trafficking became noticeable in Mozambique in the 1990s and was regarded as a consequence of the civil war. By the early 2000s, the problem had become widespread and consequently attracted international attention. Studies at the beginning of the new millennium claimed that about 1000 Mozambican nationals were being trafficked annually across the borders with South Africa. Despite this, the government did not ratify the Palermo Protocol until 2006. This late ratification constituted an impediment to the early development of comprehensive legislation and policy interventions to combat the phenomenon. Late ratification of international legal instruments may also be regarded as an initial denial of the existence of the problem by the country's leadership. Evidence-based reports on the prevalence of the problem finally forced the government to adopt comprehensive human trafficking legislation in 2008 (US Department of State 2009).

However, the implementation of the law has so far remained ineffective, which may be attributed to limited human and material resources. Consequently, in 2010, the country was classified as a Tier 2 country in the US State Department annual report on global people trafficking. While the prosecutorial or preventive dimensions of anti-trafficking legislation were fairly implemented, it was noted that the government had shown little progress in implementing the legislation's protective, preventive and rehabilitative aspects. Mozambique's classification as a Tier 2 country remained unchanged in the US State Department's trafficking report of 2013. This indicates that little progress has been made.

*Lack of Sufficient Political Will*

Ineffective implementation of human trafficking legislation may be related to a lack of sufficient political will on the part of the Mozambican leadership. Although a willingness to combat the problem has been demonstrated by the adoption of specific and comprehensive legislation, this has not been matched by adequate practical measures, such as allocation of adequate human, financial and material resources.

Thus, despite the adoption of comprehensive human trafficking legislation in 2008, the Mozambican government only finalised its national action plan to guide anti-trafficking measures in 2012. As a result of this absence of a national action plan from 2008 to 2012, as well as the unavailability of sufficient resources, the government relied heavily on the assistance of international organisations such as the IOM and several NGOs. This assistance is most visible in the provision of shelters for victims, counselling, food and rehabilitation. Further indications of insufficient political will include the long absence of ‘formalised procedures for identifying potential victims of trafficking and referring them to organisations providing protective services’ (US Department of State 2010). With the adoption of a national plan of action in 2012, there may be changes in the future.

## CONCLUSION

Human trafficking in the Mozambican context has been examined in this chapter as one of the book’s country case studies. The country is predominantly considered to be a human trafficking source in the global and regional human trafficking industry. To a certain extent, Mozambique is also a destination country as well as a transit route. This further confirms previous assumptions that no country can be considered as source, transit or destination only country.

The trafficking of women, men, girls and boys for sexual exploitation, labour exploitation and human body parts have been specifically identified as major human trafficking trends in Mozambique. These trends have both domestic and international dimensions. Certain conditions identified as facilitators of domestic and international human trafficking have also been examined: for domestic trafficking these are historical conditions relating to the civil war, female- and child-headed households, cultural practices, poverty and family disintegration; for international trafficking from Mozambique to South Africa they are historical conditions relating to the introduction of slavery and the use of Mozambique as a source of migrant labour for South Africa. Mozambique’s geographical proximity to South Africa, corruption

among public officials, insufficient political will and the poor implementation of anti-trafficking legislation are contributory factors as well. The identified factors are compounded by the late ratification of international protocols relating to human trafficking and the late development of national anti-trafficking legislation, the involvement of organised criminal syndicates and regional commitments.

The Mozambican case study reflects the complexity of human trafficking as a global phenomenon. As a predominantly source country, Mozambique shares similar characteristics with other source countries. Evidence shows that factors which facilitate domestic trafficking also facilitate international trafficking; therefore, poverty facilitates both. Patterns and trends in domestic and international human trafficking also have serious security implications for the country. In this regard, the violation of national borders, the involvement of organised crime, corruption of public officials, the denial of freedom of movement and the use of physical violence against victims by traffickers are all issues that have implications for individual as well as national security.

In the next chapter, the main global and African measures to counter human trafficking are examined. In this context, international protocols such as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, are examined. In the African context, instruments such as the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, are discussed. Similarly, the SADC Protocol on Gender and Development, and The 10 Year Southern African Development Community Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (2009–2019) are analysed. This is followed by a discussion and analysis of policies and measures in South Africa and Mozambique to address the problem of human trafficking.

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## Policy Responses to Human Trafficking in Mozambique and South Africa

### INTRODUCTION

The high prevalence of human trafficking in recent times has necessitated efforts at global, regional and national levels to combat the phenomenon. The adoption of several legal instruments and other counter-measures in this regard indicates an acknowledgement of its negative impact on countries' political, economic and social structures as well as their national security. At the global level, a number of legal instruments have been adopted under the auspices of the UN to harmonise, co-ordinate and make more effective the efforts to combat the phenomenon. This chapter specifically examines existing conventions, legislation and policies to counter human trafficking at the global level and at selected regional and national levels. In this context, international protocols such as the UN Convention against Transnational Organised Crime (the Palermo Convention) of 2000 and its supplementary protocols, especially the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, are discussed. In the African context, instruments such as the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, are also discussed. Similarly, the SADC Protocol on Gender and Development and the 10 Year Southern African Development Community Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and

Children (2009–2019) are analysed. This is followed by a discussion and analysis of policies and measures in South Africa and Mozambique to address human trafficking. A comprehensive evaluation of the effectiveness of these measures is outside the purview of this study; the specific aim of this chapter is to show the extent to which these measures address the security implications of the phenomenon.

## GLOBAL INITIATIVES TO PREVENT HUMAN TRAFFICKING

Efforts to combat human trafficking in all its ramifications started more than a century ago. Rijken has traced the origin of global attempts to 1904 with the adoption of the International Agreement for the Suppression of White Slave Traffic (Rijken 2003, 54). Although this international instrument did not address all forms of trafficking as presently understood, Rijken's assertion is valid to the extent that the international legal instrument addressed several issues which are related to human trafficking as currently defined. Besides the 1904 Agreement there were also the Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications of 1923 as amended by the Protocol of 12 November 1947 and the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949.

The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention on the Elimination of All Forms of Discrimination against Women of 1979, as well as the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment of 1984, are other equally important international legal instruments that were designed to combat human trafficking and related crimes. These all provide strong historical support for the Palermo Protocol of 2000. In support of this assertion, the UNODC has argued that an international legal framework concerning human trafficking is not contained in a single document such as the Palermo Protocol. Rather, the protocol forms 'part of a continuum of instruments that deal with trafficking and related activities, in particular slavery' (UNODC 2004a, 339, 340). Consequently, countries are advised to carefully examine existing customary international law and other related instruments when developing comprehensive national anti-human trafficking legislation. Despite the acknowledgement of the importance of previous international legal instruments to this study, only the Palermo Protocol and related regional and national measures dealing specifically or indirectly with human trafficking are considered relevant to this study.

**Table 6.1** Overview of main global instruments to counter human trafficking

<i>Title</i>	<i>Main objectives</i>	<i>Entry into force</i>
International Agreement for the Suppression of White Slave Traffic 1904	To protect against the criminal trafficking known as the 'White Slave Trade'	18 July 1905
Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications of 1923	To criminalise production, possession, importation, exportation, trade, advertisement or display of 'obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects'	7 August 1924
Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949	To prohibit human trafficking for sexual exploitation or prostitution	25 July 1951
The Supplementary Convention on the Abolition of Slavery; the Slave Trade and Institutions and Practices Similar to Slavery of 1956	The abolition of slavery, the slave trade and institutions and practices similar to slavery	30 April 1957
Convention on the Elimination of All Forms of Discrimination Against Women of 1979	To prevent all forms of discrimination against women, to achieve human rights for women and equality with men	3 September 1981
Convention against Torture and Other Cruel, Inhuman and Degrading Treatment of 1984	To make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world	26 June 1987
The UN Convention against Transnational Organized Crime of 2000	To counter transnational organised crime	29 September 2003
The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000	To prevent human trafficking especially of women and children. To protect and assist the victims of people trafficking with full respect for their human rights	25 December 2003

Source: Author's compilation

However, it is not possible to examine the Palermo Protocol without reference to the Palermo Convention. This latter is also directly related to the global, regional, human and national security dimensions of human trafficking, which is the focus of this study (Table 6.1).

*The UN Convention against Transnational Organised  
Crime of 2000 (Palermo Convention)*

The Palermo Convention was adopted in 2000 in acknowledgement of the real and potential danger posed by transnational organised crime and criminals to global, regional and national security. Specifically, the legal instrument is designed to encourage co-operation among states with the aim of successfully combating transnational organised crime (Article 1). Therefore, the convention considers the eradication of places where organised criminal activities are carried out as a prerequisite of this.

*Scope and Purpose*

Transnational crime and organised criminal group are broadly defined in the Palermo Convention (Article 2(a)). These definitions are addressed in Chap. 2 of this study. The convention covers five broad criminal activities, namely participation in an organised criminal group, corruption, money laundering, obstruction of justice and serious crime. Serious crime in this context refers to an offence covered in the convention and punishable by at least four years' imprisonment (Article 2(b)). However, for these offences to constitute transnational organised crimes, they must fulfil two important requirements: they must be transnational in nature and they must be carried out by an organised criminal group (Gallagher 2001).

Based on the definitions of transnational crime and an organised criminal group, most human trafficking cases qualify as transnational crimes. Therefore, where international human trafficking and other cross-border crimes such as human smuggling are carried out by an organised criminal group, the provisions of the convention apply, despite the existence of other specific legislation (Gallagher 2001, 975, 1004). On the basis of this, Gallagher observes that parties to the convention can also use it to address a wide range of modern criminal activities besides human trafficking and smuggling. Similarly, 'states may also become parties to the convention without having to ratify any or all of the protocols' (The Convention against Transnational Organized Crime of 2000 Article 37.3).

*State Obligations under the Convention*

One of the fundamental reasons for the adoption of the Palermo Convention is to achieve uniformity in national legislation relating to transnational organised crime, as the absence of uniformity makes communication and co-operation among countries difficult. Therefore, in furtherance of this objective, the Palermo Convention provides certain obligations that ‘state parties’ shall fulfil.

*Criminalisation*

State parties are legally required to criminalise ‘participation in an organised criminal group’ (Article 5) as well as the ‘laundering of the proceeds of crime’ (Article 6) and ‘public sector corruption’ (Article 8) in their national legislation; similarly, state parties to the convention are also required to criminalise the ‘obstruction of justice’ (Article 6(1)). Furthermore, the convention recognises the fact that individuals and groups as well as ‘legal persons’ such as companies can commit transnational organised crime such as human trafficking. Therefore, state parties are obliged under the convention to establish the liability of ‘natural’ and ‘legal persons’ in their national criminal legislation relating to cross-border crimes (Articles 5, 6 and 8). In addition to the criminalisation of certain conduct, the imposition of appropriate, strict and dissuasive measures on transnational criminals is also recommended. State parties are also required to enforce ‘effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions’ (Article 10(4)), specifically against legal persons (companies) engaging in transnational organised crime. Apart from the imposition of sanctions on offending legal persons, the convention further requires state parties to establish measures in their national legislation that will facilitate the identification, tracing, freezing or seizure of the proceeds of transnational crime and the means used in crime, with the sole aim of confiscating them (Article 12(2)).

*Communication and Judicial Co-operation*

Since communication and co-operation are necessary in order to combat transnational organised crime, the convention provides for measures to be adopted by state parties in order to improve effective law enforcement in transnational organised crime. States are therefore encouraged to improve communication by facilitating the flow and co-ordination of information relating to transnational crime between their relevant authorities

(Article 27). Furthermore, state parties are encouraged under the convention to establish measures to facilitate mutual legal assistance in investigations, prosecutions and judicial proceedings relating to transnational crimes (Article 13). It is envisaged that the existence of a mutual legal assistance framework will enable states to request legal assistance for a range of purposes. For example, this can be for the ‘taking of evidence, effecting service of judicial documents, execution of searches, identification of the proceeds of crime, and production of information and documentation’ (Article 18).

Under the convention, state parties are further encouraged to establish a number of measures to enhance effective judicial co-operation. For example, they are encouraged to establish joint investigative bodies (Article 19). States are also encouraged to reach formal agreements about the use of special investigative techniques (Article 20(2)), while agreements are also encouraged on the transfer of criminal proceedings and those who are sentenced (Article 27) as well as relating to extradition procedures for transnational crimes (Article 16). The importance of education and training for law enforcement officials is also recognised in the convention, with state parties being encouraged to strengthen their law enforcement agencies through appropriate training of officials (Article 29). The effective combating of transnational organised crime also entails states taking adequate legal and financial measures against organised criminal groups: these include assets confiscation and seizure (Article 12).

### *Victim Protection*

The Palermo Convention recognises the need to protect victims of transnational organised crime, and therefore obliges states to adopt measures in their national legislation to ensure this. It is important, however, to note that in the context of this study the obligation to protect crime victims applies to victims of international or transnational human trafficking, and not to victims of domestic or internal human trafficking (Article 3(1)(b)). This protection of victims is considered necessary because in most cases they are young and may not be psychologically strong enough to face criminals in court (Jordan 2002). State parties are obliged to ensure that victims receive compensation and restitution for crimes such as trafficking to which they are subjected (Article 25(2)). The convention obliges state parties to ensure during the legal prosecution of criminals that the views of victims are taken into account. It further recognises and obliges states

to protect witnesses to transnational crimes during prosecution (Article 24(2)(b)). This is considered necessary because criminals often threaten victims and witnesses, especially in human trafficking cases.

*Relationship between the Palermo Convention and the Palermo Protocol*

The Palermo Convention is considered an important international legal instrument that is intended to combat all forms of transnational organised crime. In this regard, the relationship between the convention and its supplementary protocols is determined by certain basic principles. First, signing and ratification of the convention entitles state parties the privilege to sign and ratify its supplementary protocols, in the context of this study the Palermo Protocol (Article 37(1)). States cannot become signatories to any of the supplementing protocols without being signatories to the convention (Article 37(2)). Secondly, provisions in the protocol must be interpreted together with the provisions of the convention (Article 37(4)). This implies that the protocol is strongly dependent on the convention, and means that any interpretation given to a provision in the convention means exactly the same in the protocol, except where otherwise stated. Thirdly, provisions of the convention apply *mutatis mutandis* to the protocol, except where there are minor amendments or the protocol provides otherwise. Fourthly, protocol offences are considered to be offences in accordance with the convention (Palermo Protocol Article 1(2)). For example, this implies that the criminalisation of trafficking in the protocol falls within the provisions of the convention when it comes to forms of international co-operation between states, such as extradition (UNODC 2008) and mutual legal assistance. Fifthly, the requirements in the convention and the protocol are by no means exhaustive but are basic standards to guide states. By implication, state parties are required to meet the obligations of the convention and the protocol, but are also allowed the discretion to adopt stricter national legislation (Palermo Convention Article 34(3)). While provisions in the convention as well as in the protocol apply specifically to international human trafficking, state parties can broaden the scope and application of their national legislation to include domestic human trafficking (HSRC 2010).

A consideration of the provisions of the Palermo Convention necessitates an examination of the provisions of its supplementary protocols, in particular the Palermo Protocol.

*The UN Protocol to Prevent, Suppress and Punish Trafficking  
in Persons, Especially Women and Children of 2000  
(Palermo Protocol)*

The Palermo Protocol is the principal legal instrument on which global, regional and national initiatives to combat human trafficking are based (Milivojevic and Segrave 2012, 233, 257). It was developed within the UN Crime Commission and adopted by the UN General Assembly in 2000; it entered into force on 25 December 2003. By February 2014, the protocol had been ratified by 159 countries including South Africa and Mozambique. For the effective combating of international human trafficking, the protocol accords importance to Prevention, Protection and Prosecution (the so-called 3Ps) (Palermo Protocol Article 4).

*Scope and Purpose of the Protocol*

The scope and application of the protocol is clearly stated. It deals broadly with human trafficking, regardless of age and gender, and applies to all forms of trafficking such as labour, domestic servitude and human organ trafficking (UNODC 2004). The protocol has two main purposes. First, it is aimed at preventing and combating human trafficking with particular attention to the protection of women and children (Palermo Protocol Article 2(a)). Women and children are specifically referred to because they are considered to be the most vulnerable to the crime, although men are also trafficked. Second, the protocol aims to promote and facilitate co-operation among state parties in order to realise its objectives (Article 2(b)(c)). State parties are obliged to adopt national legislation as well as other counter-measures necessary to combat international human trafficking (Article 5).

*Key State Parties Obligations in the Protocol*

State parties to the Palermo Protocol are required to comply with certain obligations necessary for preventing, suppressing, punishing and combating human trafficking. Among the wide range of measures required is the criminalisation of all forms of human trafficking and prosecution of the traffickers.

**Criminalisation**

The Palermo Protocol has been described as ‘comprising of a strong law enforcement tool, although with comparatively weak language on human rights protections and victim assistance’ (HSRC 2010, 20). Jordan also

agrees with this position, stating that the protocol is principally a law enforcement instrument rather than a human rights instrument, and Kruger states that one of the protocol's main features is its focus on law enforcement (Milivojevic and Segrave 2012, 233, 257). It has been suggested that this strong focus is because the protocol was developed by the UN Crime Commission. Since criminalisation appears to be considered by the protocol to be the most effective means of combating human trafficking and related crimes, state parties are mandated to adopt national legislation that criminalises human trafficking. Marks and Clapham point out that this requirement entails the adoption of legislation by state parties that criminalises activities such as intentional people trafficking (Palermo Protocol Article 5(1), attempting to commit people trafficking, participating as an accomplice in people trafficking and organising or directing others to commit people trafficking).

The strategy of effective border control to prevent and combat human trafficking is also emphasised in the protocol. Thus, state parties to the protocol are required to introduce measures that sanction commercial carriers, 'including any transportation company or the owner or operator of any means of transport', which fail to ensure their passengers are in possession of legal or valid travel documents and permission to enter receiving countries (Article 11(1)–(4)).

### **Judicial Co-operation**

State parties to the protocol are obliged not only to criminalise human trafficking in their national legislation, but also to ensure that various state agencies engage in collaborative activities (Palermo Protocol Article 8, 13). This includes the police, the immigration department and other relevant institutions of government, especially in the area of information sharing (Article 10(1)). The exchange of information relating to victim identification (Article (1)(a)), travel documents and identification of transnational organised criminal groups focusing on human trafficking (Article 10(1)(b)(c)) is considered necessary. With reference to international co-operation between states, the provisions of the Palermo Convention also apply to the trafficking protocol *mutatis mutandis* (Article 1(2)).

### **Victim Protection and Assistance**

The Palermo Protocol makes provisions for the assistance and support of victims of international human trafficking and a recognition of the role of migration in their victimisation (Article 6(4)). However, the obligation to

assist and support victims is in relation to groups' special needs, especially if the victims are children. The assistance and support mainly relate to compensation for damage suffered by victims (Article 6(6)).

It is important to note that most of the provisions for assistance and support of victims are written in non-compulsory language and are therefore generally weak when compared with the compulsory provisions (HSRC 2010, 20). Sullivan supports this claim, stating that provisions of the protocol relating to assistance and support of victims are 'hedged with minimalism and ambiguity' (Sullivan 2003, 67, 91). Based on the language of the provisions, it can therefore be argued that state parties are not legally obliged to provide victims with legal, housing, counselling, medical and psychological assistance or employment and educational opportunities. Instead, state parties are 'encouraged' to do so in 'appropriate cases' and 'to the extent possible under domestic law' (Palermo Protocol Article 6.1). Furthermore, the protocol encourages human trafficking source countries and destination countries to adopt mechanisms that will allow trafficking victims to remain either temporarily or permanently in their countries until the determination of their cases.

### *Criticism of the Protocol*

The Palermo Protocol has been described as the most significant international attempt aimed at combating human trafficking (Truong and Angeles 2005, 17). One of its greatest achievements is the provision of a broadened and internationally accepted definition of human trafficking. There are three basic sections to the definition of human trafficking provided in the protocol. The first prohibits all forms of human trafficking, and the processes and means used to exploit victims. The second proscribes methods involved in human trafficking, such as the use of force and deception as well as the abuse of the victims' position of vulnerability (Raymond 2002, 491, 502). The third broadens the range of exploitative purposes to which victims may be subjected. As well as sexual exploitation, which is common, other forms of exploitation such as labour, domestic servitude, slavery and practices similar to slavery are also proscribed. The expansion of exploitative purposes in this definition makes it difficult for human traffickers to escape arrest and prosecution.

Although the Palermo Protocol remains the most important international legal instrument for combating human trafficking, it has been subject to criticism. For example, it has been pointed out that it does not commit to evaluating the effectiveness of its framework and the impact of policies introduced

by member states in fulfilment of its obligations (Milivojevic and Segrave 2012). This criticism has continued despite the establishment in 2006 of the Conference of the Parties to the UN Convention against Transnational Organised Crime and its Protocols (the Conference), as a body responsible for periodic assessment of the implementation of the convention. Milivojevic and Segrave argue that the Conference is quite limited in its powers and scope. With respect to human trafficking, it only assesses if member states have implemented 'the basic criminalisation and international co-operation standards and requirements' (Conference of the Parties to the UN Convention against Transnational Organised Crime 2006). It is therefore argued that the lack of a formal mechanism for evaluation limits knowledge about human trafficking and efforts to combat it to criminal justice activity.

The validity of this criticism of the protocol appears to have been acknowledged by the UN with the publication in 2009 of the International Framework for Action to Implement the Trafficking in Persons Protocol (UNODC 2010, 3). Jointly prepared by several UN agencies, this is a technical assistance measure to help member states implement the protocol. Major challenges that are highlighted include a lack of 'knowledge and research', 'capacity-building', and 'monitoring and evaluation' (UNODC 2010, 3). Several measures are proposed in order to address these identified challenges within the prevention, prosecution and protection framework of the protocol. Five pillars, namely 'prosecution', 'protection', 'prevention', 'national co-ordination and co-operation', and 'international co-ordination and co-operation', are suggested to address the challenges (UNODC 2010, 9). Despite the acknowledgement of shortcomings and proposals of ways to address them, some still argue that the framework has not put sufficient emphasis on 'the importance of evaluation mechanism into ongoing discussion of best practice' (Milivojevic and Segrave 2012, 233, 257). The measures that are recommended are the same measures that are advocated in the protocol. Thus the framework appears to be re-emphasising those measures proposed in the protocol.

The protocol has also been criticised because of the absence of guidance for identifying trafficking victims (Gallagher 2001, 994). Gallagher describes this as a fundamental weakness, which means it is difficult to identify trafficking victims and accord them access to support and assistance. Similarly, this absence of guidance tends to weaken rather than strengthen trafficking legislation. Connected to the absence of identification guidelines is the tendency to classify victims as undocumented or illegal immigrants. This results in their prosecution for offences such as illegal migration, working without proper documentation and prostitution (Kruger 2010, 261).

Furthermore, although the protocol forbids discrimination against victims on grounds of gender, age, race, religion, nationality and other classifications described in existing international instruments, it has been observed that not all possible bases are covered. It is argued that governments could still discriminate against trafficking victims who are gay, lesbian or transgender on the grounds of sexual orientation.

### INITIATIVES TO PREVENT HUMAN TRAFFICKING IN AFRICA

As previously stated, international legal instruments relating to human trafficking are specifically designed to combat international human trafficking and related transnational crimes. Against the background of the international nature of human trafficking, the Palermo Protocol obliges regions and member states to establish bilateral and multilateral cooperation in their regional groupings. This is seen to be an effective means of combating trafficking.

Regionally, therefore, a number of multilateral agreements have been concluded. For example, the Council of Europe, in order to give effect to its commitment to the Palermo Convention and its supplementary protocols, adopted the Convention on Action against Trafficking in Human Beings, which entered into force in February 2008 (EU 2008). Regarding the African continent, there is currently no single, comprehensive, legally binding instrument that relates to human trafficking. However, provisions of a number of other regional instruments and plans of action address issues relating to this subject. The relevant provisions of these instruments are analysed and discussed in Table 6.2.

#### *The Charter on Human and Peoples' Rights (The Banjul Charter)*

The Banjul Charter remains an important regional attempt to protect the fundamental human rights of African people. It was adopted in 1981 and came into effect in 1986. Although the charter is basically a human rights instrument, it contains provisions that are relevant to human trafficking in Africa (HSRC 2010, 36). The charter proscribes several human rights violations to which trafficked people are subjected. These rights include, but are not necessarily limited to, the right to equality, non-discrimination, life, liberty, integrity, privacy, dignity and freedom of movement (South African Law Reform Commission 2006). For example, the charter provides that all people have the right to respect and integrity, as well as being entitled to human dignity.

**Table 6.2** Overview of main regional instruments to counter human trafficking in Africa

<i>Title</i>	<i>Main objective</i>	<i>Date of Signing/adoption/ entry into force</i>
The Charter on Human and Peoples' Rights	To promote and protect human rights and basic freedoms on the African continent	21 October 1986
The African Charter on the Rights and Welfare of the Child	To protect against abuse, negative social and cultural practices, all forms of exploitation or sexual abuse, including commercial sexual exploitation and illegal drug use. To prevent the sale and trafficking of children, kidnapping and begging by children	1999
The African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	To ensure equality between men and women on the African continent. To eliminate every discrimination against women. To safeguard the rights of the woman and the child	25 November 2005
The African Union Solemn Declaration on Gender Equality in Africa	To implement the principle of gender equality and gender mainstreaming in Africa	Adopted in July 2004
The African Youth Charter	To strengthen, reinforce and consolidate efforts to empower young people through meaningful youth participation and equal partnership in driving Africa's development agenda	8 August 2009
Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children	To reaffirm international instruments on people trafficking. To provide specific measures and recommendations to counter trafficking in human beings in general and African women and children in particular	Adopted in November 2006
The Southern African Development Community Protocol on Gender and Development	To provide for the empowerment of women. To eliminate discrimination and achieve gender equality by encouraging and harmonising the development and implementation of gender responsive legislation, policies, programmes and projects	Adopted in 2008
The 10 Year Southern African Development Community Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children	To consolidate attempts by member countries to eliminate all forms of human trafficking in the region. To monitor and promote co-operation, and the provision of support to member states towards combating human trafficking in the Southern African region	Adopted in 2009

Source: Author's compilation

This entitlement to human dignity also implies the proscription of all forms of people exploitation and degradation, especially as it relates to slavery and slave trading, torture and cruel, inhuman or degrading punishment and treatment. Furthermore, the charter provides for the recognition and respect of the right to individual liberty and the security of the person. Specifically, it obliges member states to ensure the elimination of discrimination against women and to guarantee the protection of the rights of women and children as required in accordance with international declarations and conventions.

As previously stated, the Banjul Charter is a human rights instrument. However, it is relevant to the human trafficking discourse to the extent that it proscribes all forms of human rights violations to which trafficking victims are often subjected. For example, entitlement to the right to work under equitable and satisfactory conditions and on the principle of ‘equal pay for equal work’, relates directly to human trafficking for the purpose of labour exploitation. The security of the individual is also provided for. Although security is not defined in the charter, there is reference to torture, slavery, slave-like practices and punishment which cause both physical and psychological injuries. Consequently, it relates to human security as an aspect of human trafficking that is explored in this study.

*The African Charter on the Rights and Welfare  
of the Child (African Children Charter)*

This charter was adopted in 1990 and came into force in 1999, specifically in order to ensure that children are afforded special safeguards and care. The charter recognises the unique place children occupy in the African family setting. It also expresses concerns over, among other things, the impact of several social, economic, political, cultural and environmental factors on children’s physical and mental development. The charter obliges member states to prohibit the abduction, sale of or traffic in children for any purpose or in any form by any person, including parents or legal guardians in their national legislation (African Children Charter Article 29(a)).

Although the charter does not specifically deal with human trafficking, it is nevertheless relevant to that discourse. It proscribes activities such as the abduction, sale and trafficking of children, referring to trafficking without a definition of the concept—but its references may be in line with narrow definitions of trafficking that are contained in earlier international

legal instruments, such as the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. In this context the document is relevant to human trafficking as presently understood. The charter also prohibits the use of children for all forms of begging (African Children Charter Article 29(b)). This is a particular form of trafficking proscribed by the Palermo Protocol.

With reference to the labour exploitation of children, the charter goes further, obliging member states to criminalise the economic exploitation of children through various means. Children are also to be protected from performing hazardous and strenuous work which can affect their physical, mental, spiritual, moral or social development (African Children Charter 15(1)). Furthermore, member states are obliged to protect children from physical and mental harm, abuse, neglect and maltreatment. Directly related to human trafficking is the obligation to protect children from all forms of sexual exploitation (Article 27). In this regard, member states are obliged to criminalise the inducement, coercion or encouragement of children to engage in any sexual activity, the use of children in prostitution or other sexual practices and the use of children in pornographic activities, performances and material (Article 27).

*The African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*

This protocol was adopted by the 2nd Ordinary Session of the Assembly of the African Union (AU) in Maputo on 13 September 2003 and entered into force on 25 November 2005. It is a supplementary protocol to the African Charter on Human and People's Rights previously discussed, and has been described as a fundamental human rights instrument regarding the rights of women. It is based on the principle of equality between men and women in Africa and sets out to broaden the rights contained in the Banjul Charter. It specifically refers to the obligation of member states to 'eliminate every discrimination against women' and to safeguard 'the rights of the woman and the child as stipulated in international declarations and conventions' (Article 18(3)).

Although this regional legal instrument principally deals with human rights issues with particular reference to women's rights, it nevertheless also relates to the problem of human trafficking and security, since women and children are the most vulnerable to the dangers of trafficking (Article

4). In the provisions of the protocol relating to human trafficking, states are obliged to adopt measures to protect the right to life and people's integrity and security as well as the right to human dignity (Articles 3 and 4). Importantly, member states are obliged by the protocol to adopt measures to prevent all forms of violence against women (Article 4(1)(a)). With specific reference to the combating of human trafficking, the protocol obliges member states to adopt legislation that criminalises the trafficking of women. Consequently, member states are obliged to ensure that suspected traffickers are criminally prosecuted and women who are at risk or vulnerable to human trafficking are protected (Article 4(1)(g)). Furthermore, states are also emphatically required to use the resources at their disposal, such as financial resources, to ensure the implementation and monitoring of measures to prevent and eliminate violence against women (Article 4(1)(i)). Reference to security in the protocol may not relate to national security in the state context but to human security, which also forms part of this study.

*The African Union Solemn Declaration on Gender  
Equality in Africa*

The Solemn Declaration on Gender Equality in Africa was adopted by the AU in 2004 in reaffirmation of its commitment to the principle of gender equality as provided in the Constitutive Act of the AU, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and existing instruments relating to human and women's rights. Although the declaration is largely seen as a human rights document, it also deals with issues relating to human trafficking, especially of women and girls.

With respect to the criminalisation of human trafficking, AU member states committed themselves under this declaration to launching a campaign for the systematic proscription of the recruitment of child soldiers and abuse of girls as wives and sex slaves in violation of their rights as protected in the African Charter on Rights of the Child. African countries also agreed to campaign against gender-based violence as well as the trafficking of women and girls, thereby further committing to reinforcing national legislation aimed at protecting women at the national level as well as ending the 'impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour'.

This declaration is relevant to a discussion on human trafficking, even though it did not specifically define trafficking. Since several AU members ratified the Palermo Protocol, its definition of trafficking is probably what is implied in the AU declaration. Similarly, most of the activities prohibited in the declaration, such as violence against women and abuse of girls as wives and sex slaves, are aspects of human trafficking that are criminalised in the Palermo Protocol. In addition, the recruitment of child soldiers prohibited in the declaration falls under human trafficking for military purposes.

### *The African Youth Charter*

The African Youth Charter was introduced based on the conviction that 'Africa's greatest resource is its youthful population and that through their active and full participation; Africans can surmount the difficulties that lie ahead' (The African Youth Charter: The Preamble). The African Youth Charter was adopted by the AU in 2006 and came into force on 8 August 2009. Specifically, it is both a political as well as a legal instrument that serves as a strategic framework for AU member states to help them achieve youth empowerment and development. The charter reiterates the AU's commitment to the rights of youth as enshrined in existing instruments such as the African Charter on Human and People's Rights (Article 1, 9). However, it lays strong emphasis on areas relating to youth education and skills development (Article 13) and also empowerment through employment and sustainable livelihood (Article 15). Other areas that are emphasised include youth leadership and participation (Article 11), health and welfare (Article 16), peace and security (Article 17), environmental protection (Article 19) and cultural and moral values (Article 20).

Although the youth charter is generally a human rights document aimed at empowering African youth, it is also relevant to the human trafficking discourse. Concerning trafficking, the charter obliges state parties to 'enact and enforce legislation that protect[s] girls and young women from all forms of violence, genital mutilation, incest, rape, sexual abuse, sexual exploitation, trafficking, prostitution and pornography' (Article 23(1)). Specific reference is made to the protection of girls and young women against trafficking, because they are the most vulnerable group. This does not imply, though, that young men are not protected from trafficking under the charter.

*Ouagadougou Action Plan to Combat Trafficking  
in Human Beings, Especially Women and Children*

The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (Ouagadougou Action Plan) was adopted by the Ministerial Conference on Migration and Development in Tripoli, Libya, in November 2006. It is a joint international framework for action between Europe and Africa for the prevention, suppression and punishment of trafficking in human beings. It gives effect to the Palermo Convention and its supplementary protocols, particularly with reference to calls for the establishment of bilateral and multilateral international co-operation and co-ordination in the campaign against human trafficking. Therefore, it is a framework ‘determined to deal, through effective co-operation, with aspects of the problem of trafficking in human beings, especially women and children’.

The Ouagadougou Action Plan emphasises several of the basic standards provided in the Palermo Protocol, and requires parties to ratify and implement the Palermo Convention and the Palermo Protocol. This basically entails the adoption of national legislation criminalising human trafficking. Member states are encouraged to adopt measures that are geared towards preventing and raising awareness about human trafficking. These include education and training, provision of employment and sustainable means of livelihood, birth registration, mobilisation of NGOs and the collection and exchange of information (Part I).

With respect to victim protection and assistance, the action plan enjoins member states to adopt measures based on ‘international human rights instruments, including those relating to the rights of the child and of women, forced labour, child labour and trafficking in human beings’ (Part III). Member states are also to ensure that victims are provided with information on legal proceedings and to guarantee the ‘safety and security of victims and witnesses at all stages of legal proceedings’, especially in cases involving children.

The action plan calls on member states to ensure that suspected traffickers are effectively prosecuted through their national anti-trafficking legislation in order to serve as a warning to would-be traffickers. This legislation needs to equally establish the liability of ‘legal persons’ as well as the confiscation of instruments and the proceeds of trafficking crimes. It must be noted that the Ouagadougou Action Plan is a political document

and not a legally binding instrument. However, it represents, in the absence of a single comprehensive legal instrument, the best effort at the African regional level to combat human trafficking.

### EFFORTS TO PREVENT HUMAN TRAFFICKING IN SOUTHERN AFRICA

Efforts to combat human trafficking in Southern Africa have been led by the SADC. This regional body has adopted a legal instrument as well as a plan of action aimed at countering human trafficking. The provisions of these documents are briefly considered.

#### *The Southern African Development Community Protocol on Gender and Development*

The SADC Protocol on Gender and Development was adopted in 2008 and gives effect to the 1997 SADC Declaration on Gender and Development as well as other international legal instruments relating to women's rights. Basically, the protocol deals with gender-based violence against women and obliges member states to address such violence. It sets a time frame for member states to achieve this objective: by 2015, member states are expected to have criminalised all forms of violence against women and to have enshrined gender equality in their constitutions.

With specific reference to human trafficking, the SADC Protocol provides a clear definition along the lines of the Palermo Protocol (Article 1(2)). Under this protocol, member states are required to adopt specific legislation aimed at preventing human trafficking and provide holistic assistance to victims of sexual offences, reintegrating them into society (Article 20(5)(a)). Member states are also obliged to establish measures that will help law enforcement agencies to eliminate national, regional and international human trafficking networks (Article 20(5)(b)). The protocol envisages that this can be achieved through the harmonisation and consolidation of the means of collecting and reporting data by member states, and their ensuring of effective monitoring mechanisms (Article 20(5)(c)). Member states to the protocol are also obliged to enter into bilateral and multilateral agreements that can facilitate information sharing and co-ordination of joint actions against human trafficking in countries of origin, transit and destination. Furthermore, the SADC Protocol requires member states to engage in capacity building through the training of law enforcement

officials and a sustained campaign to create awareness, informing the public about the dangers of human trafficking and the methods used by criminals (Article 20(5)(d)(e)).

The SADC Protocol is an ambitious document that sets benchmarks and time frames for achieving its objectives. Generally, it is a human rights document. Its description of human trafficking within the context of human rights violations, especially the sexual violation of women, underscores the perception of SADC member states regarding the phenomenon. In this regard, it is argued that human trafficking is not perceived as a broader security issue in the SADC sub-region by leaders of its member states.

*The 10 Year Southern African Development Community Strategic  
Plan of Action on Combating Trafficking in Persons,  
Especially Women and Children*

The SADC 10 Year Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (SADC Plan of Action) was adopted in 2009, specifically as a policy framework that sets out to consolidate attempts by member countries to eliminate all forms of human trafficking in the region. Its other aims and objectives include the monitoring and promoting of co-operation and the provision of support to member states with respect to the combating of human trafficking in Southern Africa. The SADC Plan of Action sets out strategic priorities to be achieved by member states over a period of ten years with respect to the combating of human trafficking. Included in the strategic priorities is the ratification, domestication and implementation of the Palermo Convention and its supplementary protocols, specifically the Palermo Protocol. Similarly, the ratification, domestication and implementation of the SADC Protocol on Gender and Development are also stated as strategic priorities. The SADC Plan of Action also commits to monitoring, reporting and evaluating of the implementation of the treaties relating to human trafficking at sub-regional and national levels.

SOUTH AFRICAN AND MOZAMBIKAN EFFORTS  
TO COMBAT HUMAN TRAFFICKING

From analyses of the South African and Mozambican case studies in previous chapters, it may be seen that what is contested about human trafficking between the two countries is the extent of the crime rather than

**Table 6.3** Overview of main national instruments to counter human trafficking in South Africa and Mozambique

<i>Title</i>	<i>Main objectives</i>	<i>Entry into force</i>
<b>South Africa</b>		
The Children's Act	To protect the rights of children as provided for in the South African Constitution. To combat trafficking in children	2005
Criminal Law (Sexual Offences and Related Matters)	To criminalise sexual abuse or exploitation. To criminalise conduct constituting people trafficking for sexual exploitation	16 December 2007
The Prevention and Combating of Trafficking in Persons Act	To give effect to the Palermo Protocol. To combat all forms of human trafficking	Signed 6 August 2013
<b>Mozambique</b>		
Law on Preventing and Combating the Traffic in People	To give effect to the Palermo Protocol. To combat all forms of human trafficking	April 2008

Source: Author's compilation

its reality. Trafficking between the two countries follows historical patterns and involves agents of Mozambican origin who traffic women and children directly into South Africa with the cooperation and collaboration of their South African counterparts. Geographical proximity as well as the presence of exploitable opportunities and good infrastructure encourage the involvement of organised criminal syndicates from other countries, who use Mozambican cities and towns as transit routes into South Africa and as a gateway to Europe. Among several South African cities where trafficking victims from Mozambique are exchanged for money are Johannesburg, Soweto, Daveyton, Thembisa, Thokoza and other townships near Vereeniging and other Mozambican border towns (HSRC 2010). These victims are subjected to labour exploitation, domestic servitude, forced marriage and commercial sexual exploitation. Therefore, within the global human trafficking system, South Africa is largely described as a human trafficking destination, while Mozambique is mainly a source country.

As previously stated, the Palermo Protocol obliges its state parties to enact and implement legislation to counter human trafficking. To give effect to this obligation, several countries in Southern Africa have adopted national legislation modelled on the Palermo Protocol and have criminalised all forms of human trafficking. Mozambique adopted its comprehensive

anti-trafficking legislation in 2008, while South Africa's human trafficking Bill was tabled in Parliament in March 2010, passed into law in 2013 and became effective in 2015. Table 6.3 shows national legal instruments to counter human trafficking in South Africa and Mozambique.

### *Initiatives to Counter Human Trafficking in South Africa*

South Africa is listed as a Tier 2 country in the US annual TIP Report. Tier 2 countries are those countries that do not fully comply with the minimum standards for the elimination of human trafficking. Nevertheless, attempts by the South African government in this area are varied and based on the principles of prevention, victim support and response. Government efforts involve extensive collaboration with other governments and international organisations such as UNICEF, as well as local NGOs. They also involve the raising of public awareness as well as the prosecution of offenders under existing laws.

#### *Programmes to Combat Human Trafficking in South Africa*

In 2009, the South African government launched an extensive anti-human trafficking programme called Tsireledzani, which simply means 'protect' in the local South African language. The programme was funded by the EU and headed by the South African National Prosecuting Authority (NPA). It involved various South African government departments and international organisations as well as civil society partners. Among these are the Departments of Justice, Home Affairs, Labour and Social Development, the SAPS and the independent non-profit organisation Molo Songololo. Others are the UNODC; the IOM; and the Border Control Operational Co-ordinating Committee (BCOCC). The main objective of Tsireledzani was to ensure South Africa's full compliance with the Palermo Convention and its supplementary protocols, especially the Palermo Protocol. In this regard, the programme was aimed at developing 'comprehensive legislation that is underpinned by a victim-centred empowerment approach, taking full account of the existing Victims Charter, as well as relevant South African legislation' (HSRC 2010).

Apart from government efforts, other organisations are also involved in creating awareness regarding human trafficking in South Africa. For example, Not For Sale, a non-governmental organisation based in Cape Town, assists victims of human trafficking in Cape Town. Religious organisations such as the Salvation Army have outreach programmes aimed at creating

awareness about, and preventing human trafficking, in South Africa (The Salvation Army 2013). Similarly, in addition to providing support to the South African government, the IOM runs extensive public awareness and information campaigns with a primary focus on groups vulnerable to human trafficking. The media outlets chosen for information dissemination include film and television, print (posters, flyers and stickers) and theatre groups touring mining areas (IOM 2010). The group Molo Songololo is actively engaged in public awareness campaigns concerning child trafficking in South Africa, and has called on the government to embark on a public awareness campaign.

### *Legislation to Combat Human Trafficking in South Africa*

At previously stated, South Africa became a signatory to the Palermo Protocol in December 2000 and ratified the protocol in February 2004. With this ratification, South Africa became obliged to adopt legal instruments that specifically deal with human trafficking and to comply with other requirements of the protocol. However, until August 2013, South Africa had no specific human trafficking legislation. This notwithstanding, certain laws existed which were used to prosecute human traffickers (Kruger and Oosthuizen 2012). Among these are the Children's Act 38 of 2005 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.

### *The Children's Act*

The principle guiding the Children's Act is based on the Universal Declaration of Human Rights (1948), which provided for children's entitlement to special care and assistance. The act is also based on the rights of children as contained in the 1996 Constitution of South Africa. The Children's Act description of trafficking in relation to children mirrors the definition of human trafficking as provided in the Palermo Protocol. Thus, to a limited extent, it gives effect to this protocol. The only difference between the two definitions is the addition of 'sale and supply' of children and 'illegal adoption' to the definition in the Children's Act. This also provides working definitions of relevant concepts such as commercial sexual exploitation' and exploitation of 'custody', 'contact', 'abuse' and 'abandon'. It criminalises the abuse or deliberate neglect of a child by those with parental responsibilities as well as by others who voluntarily care for the child.

Under this Act, the consent of a child or his or her parents or guardians to trafficking or exploitation is not an excuse (Section 281(a) and 284(1), (2)(a)). The Children's Act also proscribes the "harbouring of trafficked children" as well as "the advertisement, publication or broadcasting of information relating to trafficking, including using the Internet—and Internet service operators are required to report to the police sites that advertise or broadcast information on trafficking (Section 285(1)(a), (b), (2))" Furthermore, provision is also made for the return to South Africa of children trafficked from that country to others, provided they are citizens or permanent residents. Pursuant to this, expenses incurred in providing travel documents and adult escorts (if needed) for the children to safely return to the country are fully paid for by the South African government. Immigration officials as well as police officials, social workers, medical practitioners and nurses are also empowered to refer trafficked children to designated social workers (Section 286).

In the same manner, provisions are also made for the safe return of foreign children trafficked into South Africa to their countries of origin. These trafficked foreign children are to be referred to designated social workers and placed in temporary safe care before appearing before a Children's Court. This may order that the children be assisted in applying for asylum (Section 289(1)(2)). If a competent Children's Court finds that trafficked foreign children are in need of care and protection, they are to be allowed to stay in South Africa until the expiry of the court order. Furthermore, the Act also stipulates that children trafficked into South Africa cannot be returned to their countries of origin if necessary measures have not been taken to ensure their safety (Section 289(3)).

In the case of South African children trafficked abroad, the Act states that where a court has sufficient evidence to the effect that parents, guardians or any person with parental responsibilities trafficked or allowed the trafficking of a child, the court can suspend such person's parental responsibilities and rights and place the child in temporary care (Section 287(a)(b)).

*Criminal Law (Sexual Offences and Related Matters) Amendment Act*

The Sexual Offences Act (the Amendment Act) entered into force in 2007 and has provisions relating to human trafficking that may be used to prosecute offenders until the finalisation of a comprehensive law. The Act provides a definition of human trafficking in line with the Palermo Protocol. However, it broadens the definition of human trafficking by adding terms such as 'supply', 'sale', 'disposal' and 'receiving' of a person and threat of

harm. Sexual exploitation according to the Act includes grooming or abuse of a sexual nature, whether committed inside South Africa or outside the country.

The Act equally prohibits people trafficking for sexual purposes where the trafficked person did not consent to be trafficked (Section 71(1)). It also specifies acts that constitute trafficking and provides that any person who commits these actions is liable to the crime of human trafficking for sexual purposes. Consent is also defined in the Act, as well as the conditions under which a trafficked person is coerced or forced into trafficking for sexual purposes (Section 70(2)(b)).

Furthermore, the Act provides that a trafficked person cannot stand trial for any criminal offence or migration-related offence which was committed as a direct result of being trafficked (Section 71(5)). Contrarily, commercial carriers of any means of transporting goods and people are guilty of the offence of trafficking for bringing people into or removing them from South Africa, if such people do not have documents required for lawful entry or departure. They are liable to pay for the trafficked person's care, safekeeping and return costs, which are ordered by the court upon conviction (Section 71(6)(a)(b)(c)(d)).

Apart from this law, South Africa also had recourse to prosecute instances of human trafficking (or related offences) that fall outside the provisions of the Act under general statutory or common law offences (Kruger and Oosthuizen 2012). Under these laws South Africa successfully prosecuted and convicted three people and several arrests were also made. With the passing of the Prevention and Combating of Trafficking in Persons Bill into law in 2013, cases of human trafficking in South Africa would henceforth be prosecuted under this law.

### *The Prevention and Combating of Trafficking in Persons Act*

The adoption of the anti-trafficking legislation was based on the argument of the South African Department of Justice and Constitutional Development, which reported that the Criminal Law (Sexual Offences and Related Matters) Act and the Children's Act were inadequate in combating human trafficking. Debate in the South African Parliament over the Bill centred on a lack of statistics on human trafficking; lack of clear co-ordination with respect to different roles of departments dealing with human trafficking and concern over foreigners exploiting the law to remain in the country for an extended period (Parliamentary Monitoring Group 2012).

These fears notwithstanding, the Preventing and Combating of Trafficking in Persons Bill (Anti-Trafficking Law) was signed into law on 6 August 2013. It was described as significant in the combating of human trafficking because it gave South Africa a single piece of legislation which holistically and comprehensively addresses human trafficking. Accordingly, it gives effect to South Africa's obligations concerning people trafficking in terms of international agreements (Section 3(a)). The Act provides for an offence of people trafficking and other offences associated with it as well as providing penalties that may be imposed in respect of the offences (Section 4(1)(a-j), (2)(a, b), Section 13(a-e)). Furthermore, the Act provides for measures to protect and assist victims of people trafficking as well as for co-ordinated implementation, application and administration of the Act. Other provisions include the preventing and combating of human trafficking within or across the borders of South Africa, and of matters connected to it (Section 15(1)).

The Act criminalises human trafficking in addition to criminalising offences such as debt bondage, the possession, destruction, concealment of and tampering with travel documents, and using the services of victims of trafficking, among others (Section 4(6)). Those accused and found guilty of human trafficking can be fined up to R100 million (US\$10 million) or risk life imprisonment, or both (Section 13(a)). In addition, they can be required to pay compensation to their victims (Section 13(a-e)). Unlike in previous years when existing laws such as the Sexual Offences Act and the Children's Act were used to prosecute offenders, the Anti-Trafficking Act is regarded as comprehensive and adequate. This is because it provides a legal framework for the prevention of trafficking, prosecution of traffickers and the protection of trafficking victims. It also takes into consideration the traumatic effects that victimisation can have on those who experience it. Protection and assistance to overcome traumatic and life-threatening experiences are also provided for (Section 18).

Most of the recommendations of the SALRC were taken into consideration in the passage of the legislation. For example, the SALRC had recommended that victims of trafficking should not be prosecuted (South African Law Reform Commission 2008). It also recommended that a foreign trafficked child in need of care and protection should be allowed to stay in the country. Other recommendations of the SALRC included the accreditation of organisations to provide services to trafficked adults and the empowerment of the courts to order convicted traffickers to pay appropriate compensation to victims.

As comprehensive and holistic as the Anti-Trafficking Act may appear, it does not directly address the broader security dimensions of human trafficking. Therefore, the violation of national borders, involvement of organised crime, corrupting of state officials, denial of freedom and the use of physical violence against victims are all issues that have implications for individual security as well as for South African national security. However, the fact that the Trafficking Bill was reviewed by a Parliamentary Select Committee on Security and Constitutional Development implied that the security implications of human trafficking were probably noted.

### *Initiatives to Combat Human Trafficking in Mozambique*

Mozambique is classified as a Tier 2 country by the US State Department in its annual TIP Report. As previously mentioned, Tier 2 countries are those which do not fully comply with the minimum standards for the elimination of human trafficking. Nevertheless, Mozambique has been making attempts to combat human trafficking within the context of its limited resources. Based on the obligations in the Palermo Protocol, Mozambique's efforts are based on the principles of prevention, protection and support, and prosecution. These efforts involve extensive collaboration with governments and international organisations such as UNICEF as well as local NGOs. They also include the raising of public awareness, which is a non-legal means, as well as the prosecution of offenders under the national anti-human trafficking legislation.

### *Non-Legal Efforts to Combat Human Trafficking in Mozambique*

Attempts to combat human trafficking in Mozambique pre-date the adoption of the Palermo Convention, and its supplementary protocols, particularly the Palermo Protocol. In 1996, consequent upon recommendations made at the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Sweden, Mozambique established a national programme (National Campaign against Child Abuse, NCACA) to combat the commercial exploitation of children (Boaventura et al. 2006, 43). In 2000, the campaign formally launched another campaign (the National Campaign against the Sexual Abuse of Children) specifically in border areas with South Africa, such as Ressano Garcia. These campaigns were aimed at raising awareness about the dangers of trafficking among Mozambican nationals. Since Mozambican nationals are mostly trafficked to South

Africa, the campaigns were specifically aimed at drawing the attention of the governments of both countries to the necessity of combating sexual abuse and human trafficking.

Through national campaigns, the government of Mozambique has continued to sensitise its citizens to the dangers of human trafficking and the different methods used by human traffickers to recruit victims. Four key messages have remained the same: first, the government informs its citizens that ‘child trafficking exists’; secondly, ‘children’s rights include the right of children to be free from being trafficked’, thirdly, ‘trafficking is much more than just sexual exploitation’; and fourthly, ‘child trafficking is an issue that is interlinked with others’ (Boaventura et al. 2006, 43).

Currently, the non-legal efforts of the Mozambican government include collaboration with NGOs in providing accommodation and rehabilitation services for victims of trafficking (US Department of State 2013). The introduction of agricultural schemes to prevent food insecurity in the areas most prone to human trafficking is among the other efforts. Similarly, the country’s law enforcement agencies, such as the Ministry of Justice, have also embarked on collecting data relating to human trafficking from different provinces of the country. Efforts to co-operate with governments in the region through the signing of bilateral and multilateral agreements, which among other things include the combating of human trafficking, have also increased.

In this regard, the country has signed co-operation agreements with Tanzania and Swaziland. It is also reported that Mozambique co-ordinates meetings with South African officials with the aim of combating human trafficking. In partnership with UN agencies such as UNICEF, the government is also involved in the training of law enforcement agents. For example, newly recruited police as well as border guards, customs and immigration agents, and anti-riot police are offered a two-week course that focuses on the recognition of trafficking cases, protection of victims, children’s rights and child custody law. Mozambican judges also receive training relating to trafficking at the country’s Judicial Training Academy in order to be well prepared to prosecute trafficking offenders. Non-legal efforts are complemented by the prosecution of suspected trafficking offenders under Mozambican national anti-trafficking legislation.

#### *Legislation to Combat Human Trafficking in Mozambique*

Mozambique became a signatory to the Palermo Protocol in December 2000 and ratified and acceded to the protocol in September 2006. In fulfilling the requirements of the protocol that state parties should enact and

implement national legislation criminalising human trafficking, Mozambique adopted the Law on Preventing and Combating the Traffic in People (Lei no. 6/2008) in April 2008. It became the first country to pass a law like this in Southern Africa.

The Mozambican act represents comprehensive anti-trafficking legislation, which criminalises all forms of human trafficking, domestic and international, and applies to men, women and children. Importantly, the legislation establishes the culpability of both natural and legal persons. This is in recognition of the fact that human trafficking can be committed by both. Legal persons found guilty of human trafficking are to pay indemnity, fines and court costs.

The Act provides for increased sanctions if there are aggravated circumstances, and provides a clear explanation of cases that should be treated as such. An aggravated circumstance exists where victims of trafficking are the most vulnerable groups in the society, such as children and the disabled, who cannot fend for or protect themselves, if an offence is committed by a public official, a union or an organised crime syndicate, or if victims contract diseases such as HIV/AIDS and as a result suffer from psychological trauma.

In line with the Palermo Protocol, the Act provides a broad definition of human trafficking. It criminalises the recruitment, transportation, harbouring or receiving of people for human trafficking purposes (Article 10). Furthermore, violence, deception or false promises of employment, training or study both within and outside the country are also criminalised, especially when prostitution, forced labour, slavery, involuntary servitude or servitude for debt are underlying motives. Convicted offenders are to serve between sixteen and twenty years' imprisonment. Equally criminalised in the Act are trafficking for the purposes of sexual exploitation in the form of pornography, illegal adoption and commercial sexual exploitation or prostitution (Article 11 and 12). While convicted traffickers who engage in the transport and kidnap of victims are to serve between sixteen and twenty years in jail, those who lease out or sublet their property for trafficking purposes are to serve between eight and twelve years (Article 13 and 14).

Although the Act provides for the investigation of trafficking cases by law enforcement agencies, it attaches a pre-condition to this clause: it provides that criminal investigations can only be initiated if a trafficking victim or a third party condemns and reports human traffickers to law enforcement agencies (Article 7). In essence, it is unlawful for law enforcement agencies to initiate investigation into a human trafficking case without the

consent of the victim or the participation of a party or a witness to the crime. The danger in this provision is that suspected traffickers may escape prosecution if victims are illegally residing in countries where they are being exploited. Their illegal status and fear of prosecution and deportation may prevent them from reporting their traffickers to the authorities.

The Act recognises the fact that effective combating of human trafficking cannot take place in the absence of support from every Mozambican. Citizens are therefore urged to act as the eyes and ears of the law enforcement agencies, to report suspected human trafficking cases and to provide relevant information that can lead to the arrest of traffickers or disruption of their networks. Immigration, customs, border security agents, the police and civil servants are all encouraged to report cases of human trafficking in order to enable the police to initiate criminal investigations (Article 9(1)(2)).

For the effective combating of human trafficking, the Act also criminalises all forms of advertising, publishing, printing or information dissemination that facilitate human trafficking. This includes the use of information technology or the Internet (Article 15 and 16). Other offences included in this provision are the destruction, concealment or confiscation of victims' travel documents or personal effects. The Act further provides that victims' consent cannot be taken as an excuse for the crime of trafficking (Article 18). Furthermore, Mozambican courts are authorised to order the payment of compensation to victims for damages suffered in the course of trafficking (Article 19).

A significant aspect of the legislation relates to the protection and support of victims. The Act provides for the protection of the identity of witnesses in the course of prosecutions. Similarly, special protection is also extended to victims in cases involving a minor, pregnancy and disability, as well as in cases where victims have contracted diseases such as HIV/AIDS or where victims or witnesses are living illegally in the country (Article 20(1)).

Trafficking victims are also exempted from prosecution for offences committed as a result of being trafficked. Under this legislation, they have the right to emergency accommodation, medical assistance, counselling, legal assistance or legal aid, and educational and professional training. The state is also obliged to use its resources to ensure the provision of measures that will lead to the recuperation, rehabilitation and reintegration of victims into society (Article 21(1)(2)). This is in addition to guaranteeing the right of victims to be informed of their rights under the law, such as the right to protection and legal assistance during the prosecution of traffickers (Article 22).

In recognition of the importance of regional co-operation in combating human trafficking, the Mozambican legislation provides for the establishment of bilateral and multilateral agreements with other countries. This is seen as necessary in order to facilitate the repatriation of Mozambican victims from destination countries. Therefore, the Act obliges the state to establish a centre that will provide the necessary assistance to foreign trafficking victims while they await the finalisation of the repatriation process (Article 23(1)). No foreign victims in Mozambique are to be repatriated without due process and assurances of their safety and security in their home countries (Article 23(2)).

Foreign nationals in Mozambique who agree to co-operate with the authorities in the prosecution of human traffickers are granted a temporary residence permit (Article 24). No person, under the provisions of the Act, is to be forced or compelled to testify or provide information relating to human trafficking against his or her will. In addition, those who provide information leading to the arrest of human traffickers are not to be prejudiced or persecuted on account of the information they have provided. Whoever expresses prejudice against people who provide information to the authorities regarding human trafficking will be liable to disciplinary measures, imprisonment or a fine under the Act (Article 26(1)(2)).

From the foregoing, it can be seen that the Mozambican Act is a comprehensive legal instrument that holistically addresses the problem of human trafficking. It covers all aspects of the Palermo Protocol and goes further, covering areas that are not adequately explored by the international legal instrument, such as the exemption of victims from prosecution for offences committed as a result of having been trafficked. Whereas only victims of international trafficking are protected under the Palermo Protocol, the Mozambican legislation provides for victims of both international and domestic trafficking. An evaluation of the effectiveness of this legislation in combating human trafficking is outside the scope of this study. It is sufficient to state, however, that within the ambit of the legislation human trafficking cases have been successfully prosecuted. By 2013, forty cases had been reported and thirty-three convictions had been recorded since the coming into effect of the legislation (US Department of State 2013). Mozambican authorities have also started collecting data based on the number of arrests, convictions and reported cases of human trafficking in the country, in fulfilment of their obligations in terms of several international agreements.

It must be stated, though, that even though the Mozambican Act places a strong emphasis on prosecution, it appears to address human trafficking largely from the perspective of human rights violations.

### *Comparison of South African and Mozambican Anti-Trafficking Legislation*

The South African and Mozambican legislation to counter trafficking are similar in many respects. As previously mentioned, both Acts are based on the Palermo Protocol. They proscribe human trafficking in all its ramifications and provide punishments for offences. Both laws place strong emphasis on the protection of the identities of trafficking victims, as well as witnesses to the crime of trafficking. Furthermore, under these laws rehabilitation and care of victims are guaranteed. These provisions may be regarded as attempts to address the human rights violations suffered by victims. Most importantly, both South African and Mozambican legislation hold both natural and legal persons accountable for trafficking offences (Iroanya 2014).

The similarity of both laws also rests on the criminalisation of all forms of advertising, publishing, printing or broadcasting of information encouraging human trafficking through media outlets such as the Internet. Both also condemn the destruction, concealment or confiscation of travel documents or personal belongings of trafficking victims. Similarly, in both the South African and Mozambican legislation, the victim's consent cannot be used as an excuse for the crime of trafficking. The South African and Mozambican legislation also exempts victims of trafficking from prosecution provided their crimes were committed as a result of their victimisation. The victims are expected under both laws to co-operate with or assist the police in their investigation into these crimes (Iroanya 2014).

In accordance with the Palermo Protocol, both South African and Mozambican legislation encourage international co-operation with other countries to expedite the process of repatriation of their nationals trafficked to other countries, as well as the repatriation of nationals of other countries trafficked to Mozambique and South Africa. The establishment of rehabilitation centres with medical facilities and sufficient food supply is also mandatory in the laws of both countries. The right to information and legal assistance for victims of trafficking is guaranteed by the legislation of both countries. The granting of temporary visas to victims who agree to co-operate with the police in their investigation is provided for.

Both laws stipulate that victims whose safety and security cannot be guaranteed in their home countries would not be repatriated (Iroanya 2014).

Although both the South African and Mozambican legislation give effect to the Palermo Protocol and show similarity in many respects, there are still observable differences. One major area is in the reporting of human trafficking cases. Both sets of legislation provide that cases of human trafficking be reported to the police by victims, witnesses or interested third parties. In Mozambique the police are not authorised to investigate suspected cases of trafficking without the prior reporting of such cases by victims or witnesses (Article 7); whereas in South Africa the police are authorised to forcibly enter any premises without a warrant if they reasonably suspect that the premises are being used for trafficking purposes. The use of force, which may include breaking in through doors or windows, may be carried out after the police have audibly demanded entry and informed the residents of the purpose of their operation (Section 4(a) and Section 5(a)(i)) (Iroanya 2014).

Both sets of legislation provide for the payment of compensation by convicted traffickers to their victims (Iroanya 2014). However, the Mozambican legislation leaves the determination of its nature entirely to the discretion of the courts. Similarly, with respect to terms of imprisonment, the Mozambican legislation recommends a sentence of sixteen to twenty years for trafficking acts such as transporting and kidnapping, and eight to twelve years for aiding the trade through leasing out premises to traffickers (Articles 10, 11 and 12). The South African legislation differs to the extent that it categorically states that convicted traffickers are to pay R100 million (US\$10 million) or risk life imprisonment, or both, for trafficking through force, deception or coercion as well as by abduction and forced marriage (Section 13(a)). Similarly, trafficking for the purposes of debt bondage, the tampering with, destruction or concealment of travel documents belonging to trafficking victims, and the leasing of premises to be used for trafficking all carry a fine or a sentence of fifteen years' imprisonment (Section 13(a-e)). It can be argued on the basis of this that while the Mozambican and South African legislation criminalise trafficking in all its ramifications, the South African legislation appears much stricter (Iroanya 2014).

Differences between the countries' legislation also exist in the identification of aggravating trafficking circumstances. South Africa identifies certain factors that must be taken into consideration when imposing a sentence on convicted traffickers. These include, but are not necessarily limited to, the role played by traffickers and previous convictions, the vic-

tim's addiction and condition, the length of captivity and the extent of abuse. Other factors include physical and psychological abuse, involvement of organised crime, involvement of children, the victim's mental state and physical disability. Although the South African legislation makes provision for the addition of other factors during prosecution, the provisions of the law are similar to those of the Mozambican legislation to the extent that they both identify the involvement of organised crime, the involvement of the guardian, physical and psychological abuse, children and the mental state and disability of victims as aggravating circumstances (Iroanya 2014). However, Mozambique goes further, and also stipulates that aggravated circumstances exist when public officials take advantage of people's vulnerability in order to traffic them. This is significant because in countries such as the USA cases of human trafficking involving diplomats have been reported (Cockroft 2014). In this regard Mozambique's legislation is broader than South Africa's.

Differences can also be observed between the laws' provisions relating to the reporting of trafficking cases to the police (Iroanya 2014). The Mozambican legislation does not seem to oblige or compel victims and witnesses to provide information to the authorities regarding human trafficking. To this extent, it differs from the South African legislation, which expressly states that, 'despite any law, policy or code of conduct prohibiting the disclosure of personal information, any person who knows or ought reasonably to have known or suspected that a child is a victim of trafficking must immediately report that knowledge or suspicion to a police official for investigation' (Section 18(1)(a)). This provision applies to both individuals and organisations and has a compelling force. The wording appears to indicate that witnesses who knowingly refuse to report cases of trafficking risk being prosecuted themselves.

Another major difference between the South African and Mozambican legislation is in the provision of extra-territorial jurisdiction. South Africa provides that a South African court has jurisdiction in respect of acts of trafficking committed outside the country which would have constituted an offence if they had been committed in the country (Section 12(1) (a-f)). According to the law, the act remains an offence even though the laws of the country where it was committed do not criminalise it. For this provision to apply, the law states that the suspect must be a South African citizen or an ordinary resident and that the offence must be committed against a South African citizen or permanent resident. Other conditions include the presence of the suspect in the country or its territorial waters,

on board its ships or vessels, on an off-shore installation or fixed platform, or on an aircraft registered or required to be registered in South Africa. There must be no application for the suspect to be extradited to another country and he or she must be a juridical person or a partnership registered in terms of any law in South Africa. The Mozambican legislation does not have a provision relating to extra-territorial jurisdiction, although it does refer to other penal codes that may be used to prosecute human trafficking (Iroanya 2014).

## CONCLUSION

In this chapter, existing policies and legislation to address the crime of human trafficking at the global level and in Africa have been examined, as well as the measures specifically adopted by the South African and Mozambican governments. At the global level, the Palermo Convention, and its supplementary protocols, specifically the Palermo Protocol, have been examined. The Palermo Protocol is the main instrument on which regional and national legislation regarding the combating of human trafficking are based. Its major principles are prevention, protection and support of victims and prosecution of criminals. Its definition of human trafficking is universally accepted and applied. However, it has been criticised for not committing to evaluating the effectiveness of its framework and the impact of policies introduced by member states in fulfilment of their obligations. It has also been criticised for a lack of modalities for identifying and distinguishing human trafficking victims from illegal migrants. Hence, human trafficking victims are often prosecuted for illegal migration in several destination countries.

In the African context, a single and comprehensive instrument on human trafficking does not exist. However, the AU has persistently encouraged its member states to ratify the Palermo Convention and its supplementary protocols: this absence does not imply a lack of interest in the subject. Therefore, several instruments that in part deal with issues relating to human trafficking have been examined. These include the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children. Similarly, in Southern Africa, the SADC Protocol on Gender and Development, and The 10 Year Southern African Development Community Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and

Children (2009–2019) have also been analysed. The SADC Protocol deals specifically with human trafficking, and has been described as an ambitious instrument which set benchmarks and time frames for the realisation of its stated objectives. Nationally, the anti-trafficking policies and legislation of South Africa and Mozambique indicate their willingness to combat human trafficking and accept the obligations stipulated in international instruments relating to human trafficking.

Generally, existing initiatives to counter human trafficking place a strong emphasis on prosecution and most importantly address human trafficking from the perspective of human rights violations. The security implications of national border violations, organised crime involvement, corruption, physical violence towards the individual and national security are not explicitly spelt out in the national legislation examined. However, these laws give effect to the Palermo Protocol as a supplementary protocol to the Palermo Convention, which directly links human trafficking to other transnational organised crimes such as drug trafficking and illegal weapons trafficking (Segrave 2009, 251, 260). This link accentuates the claim that human trafficking has a direct impact on individual, global, regional and national security. Transnational organised crime is among the six clusters of threat that the ‘world must be concerned with now and in the decades ahead’ (Panel on Threats, Challenges and Change 2004). Consequently, border control, prosecution and punishment of traffickers are strategies proposed to achieve the stated objectives of the Palermo Protocol. These also form part of the national security policies of both developed and developing countries. Border control, for example, is a national security issue, because border violations undermine state sovereignty (Lobasz 2009, 319, 344). It is argued, therefore, that broader national security concerns caused by trafficking and migrant smuggling implicitly underpin the adoption of a trafficking protocol, especially from the perspective of many destination countries.

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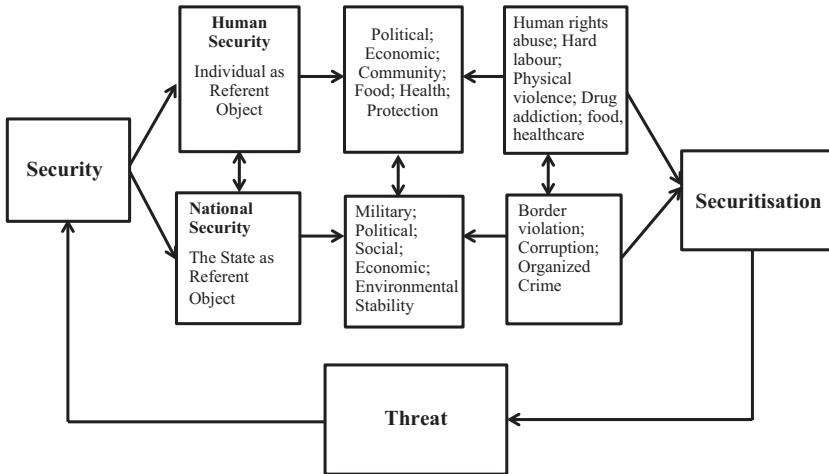
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## Conclusion: Human Trafficking as a Security Problem

The central argument of this book is that human trafficking has become a major national and human security problem of our time. The phenomenon is closely linked to organized crime and other forms of cross-border crimes, such as illegal migration, as well as to the drug trade and the trade in illegal weapons and contraband goods. The high prevalence of human trafficking in Southern Africa is attributed to several factors such as insufficient prioritization being given to the fight against trafficking and poor identification criteria, especially in South Africa and Mozambique. In Chap. 2 it was observed that the expansion of the meaning of security and the recognition of non-military sources of threats has made it difficult to identify and separate security threats to the state, individuals, societies, regions and the international system. This is mainly because certain social issues that have security implications are in fact normal challenges of governance, such as the maintenance of law and order. In order to avoid making every social phenomenon a security issue and to preclude the abuse of power by political leaders, certain criteria or thresholds for security threats have been developed.

These thresholds vary from state to state: some set the bar low while others set it high. Both these strategies have inherent advantages and disadvantages. In this regard, Buzan (1991) warns against setting the thresholds too low or too high, because when it is set too low the state risks labelling every social problem a security issue, and when the threshold is



**Fig. 7.1** Human trafficking securitisation process. Source: Author's conceptualisation

set too high the state risks overlooking social problems that merit identification as existential security threats. This implies that the setting of security thresholds requires careful threat assessment or analysis.

The argument regarding how human trafficking constitutes a threat to national and human security in South Africa and Mozambique is reflected in Fig. 7.1.

## SECURITIZATION

There are no hard and fast rules about threat assessment. However, certain guidelines have been provided. It can be seen that the nature of threats and their intensity are of primary importance (Buzan 1991). For an issue to become a national security threat, its intensity must be determined by its specific identity, its proximity in space and time, the likelihood of its occurrence, the depth of its potential consequences and its relative importance based on historical evidence (Buzan 1991). The absence of one of these factors or a greater distance in space and time implies the absence of a national security threat. Hough (2003) agrees with Buzan (1991), noting that if a given social condition or situation leads to extreme violence, unacceptable conflict or state instability, or has the clear potential to do so, it could possibly be viewed as a national security threat.

Furthermore, a social phenomenon becomes a security issue if it has an identifiable referent object (Buzan et al. 1998, 51). This refers to a specific thing whose existence or survival is threatened by a prevailing problem. Thus for traditional military threats the specific referent object is the state and its territorial integrity. For non-military threats referent objects may be human life, traditional value systems or identities. It is important to point out, however, that a social problem threatening human life and dignity as well as the identity of a society by extension also threatens the state, especially if the social problem is linked to organised crime.

The subjective views of state security actors are also important when it comes to securitizing a social phenomenon (Buzan et al. 1998). By implication, therefore, the term security is subjective and has several political connotations. The declaration of threat against the existence of a specific referent object implies the claim of the right to use extraordinary measures to ensure its survival (Buzan et al. 1998). Among these measures is the moving of the issue out of the domain of normal politics into the realm of emergency politics, where it can be dealt with quickly and without the usual procedure of policymaking. Therefore, if a people, government ministers or private individuals perceive an issue to threaten their lives in some way and respond politically to this, then that issue should be deemed to be a security issue (Hough 2003).

Furthermore, the UN criteria for identifying security threats to the state, individual, society, region and the international system are equally important. The UN noted in 2004 that ‘any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system is a threat to international security’. Six clusters of threats were subsequently identified. These are economic and social threats, including poverty, infectious disease and environmental degradation; interstate conflict; internal conflict, including civil war, genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organised crime. The discussed criteria are applied in this chapter to show the extent to which human trafficking constitutes a security threat in South Africa and Mozambique.

### THE REFERENT OBJECTS OF HUMAN TRAFFICKING

Threats refer to recognizable, immediate, clearly visible and commonly acknowledged dangers to a state or society that require a quick response (Buzan 1991, 473, 488). As previously pointed out, any security issue

must have a 'referent object' that it threatens (Buzan et al. 1998). In this context, the state and the individual are the main targets or referent objects of human trafficking. The phenomenon constitutes a national security threat to South Africa and Mozambique through its intensity or extent of occurrence; its nearness in time and space; the high probability of occurrence; and reinforcement by historical facts. Intensity in this context implies the seriousness of human trafficking in South Africa and Mozambique. Measuring the intensity of human trafficking in these countries is difficult as the exact number of people trafficked into, from or through South Africa and Mozambique is not known. Some estimates, however, attest to the seriousness of human trafficking in these countries. By 2003, it was estimated that between 850 and 1100 women and children were trafficked into South Africa every year, including about 1000 Mozambican victims (Martens et al. 2003). Based on Hosken's estimate (2004), upwards of 600,000 people were trafficked into South Africa annually from countries such as Mozambique, Zimbabwe, Malawi, Swaziland and Lesotho (Hosken 2004). These estimates continue to increase. Although their accuracy is difficult to ascertain, they nevertheless point to the seriousness of human trafficking in these countries. Since the SADC's baseline report in 2016, though incomplete, accurate data for the region have begun to emerge.

The intensity of a given social phenomenon in terms of its threat to national and individual security is further determined by the specific nature of that threat. Human trafficking involving South Africa and Mozambique specifically targets women and children, especially young girls, although men and boys are also targeted to a limited extent. Female victims are mainly sexually exploited, but forced labour, domestic servitude, human organ sales and begging are also apparent. The trafficking trade may be seen to threaten national security both internally and externally. In their reports UNICEF and the UNODC found that young South African girls are trafficked not only from impoverished rural areas to wealthy urban areas, but also between major cities to work as prostitutes (UNICEF 2003). The HSRC (2010) supported these findings in 2010 and also identified major domestic South African human trafficking flows and destinations. These were Pretoria and Johannesburg (Gauteng), Rustenburg (North West) and Bloemfontein (Free State). Other trafficking routes and destinations identified included Durban and harbour (KwaZulu-Natal), Cape Town and harbour (Western Cape), Port Elizabeth and surroundings (Eastern Cape), Musina (Limpopo) and Barberton (Mpumalanga).

In Mozambique, two types of internal or domestic trafficking were identified in the study. The first was rural–urban trafficking, in which children, especially girls, are trafficked in order to be exploited in the sex and commercial industries, as well as sold to international traffickers (US Department of State 2013). Cities such as Maputo, Nampula, Beira, Chimoio and Nacala were described as main destinations, sources and routes for this (Boaventura et al. 2006). The second type of domestic trafficking was rural–rural. The external threat made to South African and Mozambican national security by human trafficking is based on the use of these countries as transit and destination countries by human traffickers from elsewhere. Findings show that victims from Africa, Eastern Europe, Asia and South America are trafficked to South Africa, and most use Mozambique as a transit route.

With respect to nearness in space and time, the findings show that human traffickers live in the same geographical areas as their victims, and in most cases are known to them. In addition, the use of the Internet for recruitment brings traffickers closer to victims electronically, thus eliminating physical barriers. The process of globalization also shortens and eliminates barriers of time and space. These developments as well as the hidden nature of the crime increases the frequency of human trafficking, which has a direct impact on South African and Mozambican societies, resulting in depopulation, stigmatisation and xenophobic reactions.

The threat of human trafficking to South Africa and Mozambique is further amplified by historical facts. In South Africa, instances of rape, kidnapping, abduction, seclusion and forced prostitution took place during the nineteenth and twentieth centuries, while in Mozambique, the recent increase in human trafficking is related to its civil war and its historical function as a source of cheap labour for South Africa.

The vulnerability of South Africa and Mozambique to the threat of human trafficking is premised on the multifarious and clandestine nature of the phenomenon as well as the easy permeability of their national borders. Porous borders are among the major facilitators of human trafficking in both countries, with significant parts of the borders being porous and unpatrolled, for a range of reasons that include insufficient personnel and equipment. Human traffickers can therefore cross from country to country illegally and undetected. When they are caught, reports show that corrupt border officials on both sides often accept bribes and thereby allow human trafficking to continue (South African Law Reform Commission 2006). Illegal border crossing constitutes a violation of the sovereignty

and territorial integrity of a state. Thus it may be argued that national security concerns are raised whenever a border is unlawfully crossed (Rizer and Glaser 2011, 69, 94).

To a large extent, illegal border crossings constitute a national security threat because they negatively impact on the life of members of host communities. Resentment against the influx of undocumented migrants, among them trafficking victims, is often violently expressed in xenophobic attacks in countries such as South Africa. For this reason, human trafficking is considered to be a destructive crime that affects individuals and the state. As the number of people affected increases, the collective and national security of a society is increasingly negatively impacted. Gallagher (2001) has argued, with respect to the adoption of the Palermo Protocol, that 'while human rights concerns may have provided some impetus (or cover) for collective action, it is the sovereignty/security issues surrounding trafficking and migrant smuggling which are the true driving force behind such efforts'. In addition, human trafficking has the capability to cause diplomatic friction between countries.

When national security is threatened in the context of the state, human security is equally threatened, because they are intricately interlinked. Human security relates to an individual's political, economic, communal and environmental health and personal well-being. Political freedom or security relates to the exercise of fundamental human rights as enshrined in international, regional and national legal instruments. Therefore, control over human trafficking victims principally distinguishes trafficking from related cross-border crimes, being used to deny victims their natural rights such as freedom of movement, speech, association and communication (Stuurman 2004). Victims trafficked into or out of Mozambique and South Africa through deception and coercion are often secluded and auctioned off as commodities, or forced into prostitution to repay outrageous debts. Seclusion deprives victims the freedom of movement. Auctioning them as commodities dehumanises victims, and forced prostitution deprives them of their free will as capable or rational choice-making beings, contrary to the requirements of human security.

The exercise of control through force, intimidation and abuse, seclusion, threat of blackmail and violence against victims' families produces negative psychological effects on victims (Rijken 2003, 54). These coercive means instil fear and compel victims to submit to the whims and caprices of traffickers. Other coercive methods such as confiscation of travel documents, especially of victims who have travelled legally to destination

countries, render victims vulnerable to exploitation and block their access to state protection (Haynes 2004, 221, 271). Zimmerman et al. confirm that traffickers maintain control over victims by creating an atmosphere of fear and insecurity (Zimmerman et al. 2006). The UNODC further confirms that traffickers deny victims the right to communication, especially with families, through telephone or other means. Limited or no interaction with the outside world minimises the risk of exposure, arrest and prosecution of traffickers by local law enforcement agents but increases the vulnerability of victims. All forms of isolation, seclusion and control lead to loss of the social support system, increased vulnerability and a consequent reduction in individuals' quality of life.

Moreover, control over human trafficking victims ensured through forced labour and debt bondage negatively impacts on victims' economic well-being. The imposition of debt on victims and forceful demands for repayment through various working conditions similar to slavery greatly impoverish victims. In contrast, human security requires individuals to have basic economic security in the form of a steady income from productive and remunerative employment or, in the absence of these, a state-funded social support system. In essence, therefore, human trafficking denies victims access to gainful employment and a state-funded safety net. Hard labour, and poor and hazardous working conditions also characterise the situation of trafficking victims, contrary to the requirements of human security that individuals should live and work in safe and decent environments.

Human security also requires that individuals should be provided with basic protection from diseases and unhealthy lifestyles through access to basic medical services. However, findings from this study indicate that human trafficking exposes victims to the risk of contracting deadly diseases and the adoption of unhealthy lifestyles. Death is common among victims who travel long distances to their destinations. In South Africa dead bodies of Thai nationals have been found on rail tracks (Reuters 1998), while several Ethiopians have died on their way to the country as a result of exhaustion, dehydration, poor ventilation, insufficient food and a lack of access to medical facilities (Salsawi 2013). Victims also suffer from insomnia, depression and post-traumatic stress disorder as a result of poor working conditions and their positions of vulnerability. In South Africa as well as in Mozambique drug use is forced on victims to form addiction and dependence on traffickers. This puts victims' lives in danger and reduces their life expectancy. Trafficking for sexual exploitation exposes victims to

the risk of contracting sexually transmitted diseases such as HIV/AIDS as well as other communicable diseases, such as tuberculosis and scabies. Human organ trafficking results in the death or incapacitation of victims.

In addition, medical and psychosocial symptoms such as depression and post-traumatic stress that victims experience negatively impacts on them and their communities. In combination with stigmatisation, symptoms such as these prevent victims from making meaningful contributions to their communities (Jonsson 2009, 10, 24). Some victims may never return to their communities. Human trafficking therefore exposes individuals to the loss of socio-cultural relationships and values. This is contrary to human security, which requires individuals to be protected from the loss of traditional relationships and values, and also from sectarian and ethnic violence.

It is therefore argued that human trafficking constitutes a threat to national and human security in terms of the criteria for identifying threats as discussed in the conceptual framework.

## HUMAN TRAFFICKING AND TRANSNATIONAL ORGANISED CRIME

The UN noted in 2004 that a problem that leads to 'large-scale death or lessening of life chances and undermines States as the basic unit of the international system is a threat to international security'. Among the six clusters of threats identified by the UN is transnational organised crime. Human trafficking is closely linked to organised crime and to other forms of cross-border crimes such as illegal migration, as well as to the drug trade and the trade in illegal weapons and contraband goods. It forms an integral part of transnational organised crime, meeting the prescribed criteria contained in the Palermo Convention of 2000. Being committed in one state but with a substantial part of its preparation, planning, direction or control in another, human trafficking involves an organised group that engages in activities in more than one state. In addition, groups that commit human trafficking meet the criteria for organized criminal groups as specified in the legal instrument. They are often three or more people, not randomly formed but on occasion only existing for a short time, who act in concert with the aim of committing at least one punishable offence in order to obtain, directly or indirectly, financial or other material benefit.

Therefore, human trafficking constitutes a threat to individual as well as to national and international security. Organized criminal groups in Mozambique and South Africa engage in human trafficking, drug trafficking, money laundering, theft of motor vehicles, illegal weapons trafficking

and the obstruction of justice (Goredema 2013). It is also evident that organised criminal groups from Russia, Asia and Africa are involved in the trafficking of victims from Russia, Thailand, China, Pakistan, Congo, Ethiopia and other African countries into and through Mozambique to South Africa. Transnational organised criminal groups are also involved in human organ trafficking in these two countries, and cases of death and physical incapacitation as a result of mutilation for human body parts have been reported. In this regard, a former South African Minister for Safety and Security once stated, with specific reference to the Southern African region and South Africa in particular, that:

Organised crime is a problem in South Africa and in its SADC neighbours, just as it is a problem in most countries of the world. The government is well aware of the fact that the consequences could be disastrous for good governance and the economy in the absence of the political will to confront the phenomenon head-on with all the might and ruthlessness that can be summoned. It could lead to the perception, for instance, that government is weak and that its law enforcement agencies and the judiciary are incapable of standing up to the security threat posed by organised crime... (Tshwete 2001)

It is further noted that organised crime encourages corruption and creates opportunities for public officials to serve their own interests rather than those of the state, thereby undermining the state's security and integrity. Job asserts, with specific reference to African countries, that 'corruption and resource mismanagement affect internal security to the extent that these two vices undermine the ability of the nation to create the appropriate internal conditions for promoting national aspirations and satisfying the needs of the people' (Job 1992, 94). A report of the HSRC (2010) indicated that human traffickers bribe South African and Mozambican immigration, police and border officials to carry out their activities.

Corruption among public officials has a negative impact on a country's domestic and international standing and by extension on its national economy. This often occurs when organised crime undermines the national economy by creating parallel economies. This impacts on a country's stock market activity and consumer interests as illegal economic activities compete with legitimate businesses. The existence of these parallel economies discourages foreign direct investment and also affects the ability of a state to conduct legitimate businesses through its institutions. Human trafficking, in conjunction with other transnational crimes, disrupts societal stability.

## HUMAN TRAFFICKING PERCEPTION IN SOUTH AFRICA AND MOZAMBIQUE

As previously pointed out, a social phenomenon can only constitute a formal security issue if it is endorsed by 'securitising actors' of the state through the 'speech act' or official declaration. Securitising a problem is largely determined by consistent perception and definition of the problem by state officials. This determines the priority of the problem and the allocation of (potentially scarce) resources to combat it. A highly prioritised socio-political problem attracts commensurate political will and allocation of resources. In this regard, political will connotes not only a recognition of the seriousness of the problem and the introduction of comprehensive legislation to address it, but also the allocation of sufficient material, human and financial resources to combat it.

In terms of definition, human trafficking is adequately conceptualised but insufficiently prioritised by policymakers in most African countries, especially South Africa and Mozambique. The Palermo Protocol provides the legal and policy basis for global, regional and national campaigns to combat human trafficking. South Africa and Mozambique were among early signatories to this protocol and have adopted national legislation that criminalises human trafficking as mandated in it. These two countries are also signatories to African legal and policy instruments that directly or indirectly relate to human trafficking. For example, both countries are signatories to the SADC Protocol and the SADC Plan of Action, instruments that were adopted to give effect to the Palermo Protocol. On the basis of being signatories to these important global and African instruments, South Africa and Mozambique accept the conceptualisation of human trafficking that is provided in the Palermo Protocol. Therefore, it cannot be argued that an insufficient prioritisation of the fight against human trafficking in South Africa and Mozambique is because the nature of the problem is poorly understood.

While countries such as the USA have declared human trafficking a national or homeland security threat through their securitising actors (Government Accountability Office 2007), South Africa and Mozambique have not explicitly declared that this is the case. However, it does concern them. In Mozambique, illegal migration and maritime piracy are seen as national security threats by the national leadership, while in South Africa this is the case for illegal migration and organised crime. Although the leadership of both countries have failed to explicitly declare human trafficking

to be a national security threat, discussions and analyses show that the trade is embedded in conceptions of illegal migration. Furthermore, certain governmental actions point to the seriousness of human trafficking. The South African National Defence Force (SANDF) is deployed along the border with, for instance, Lesotho, Mozambique, Swaziland and Zimbabwe, to protect the country against illegal migration and cross-border crimes (Schoeman 2003). States deploy military forces as a last resort in order to counter threats to national security. Thus, even without the 'speech act', human trafficking, generally considered as part of illegal migration, is seen to be a national security issue in South Africa and Mozambique.

Furthermore, in a globalising world the state is no longer considered to be the sole provider of security (Watson 2011). In this regard, the securitisation of socio-economic and political problems with national, regional and global ramifications is no longer the exclusive prerogative of state actors. Evidence from South Africa and Mozambique indicates that states rely on NGOs to a large extent in fulfilling the obligations of 'victim protection' that are mandated in the Palermo Protocol. International organisations such as the IOM concern themselves with threats to human life and dignity that can coincide with migration, and most importantly with the phenomenon of human trafficking. Apart from state actors, therefore, non-state actors not only initiate securitisation but also implement emergency measures to reduce serious threats to human life. Practical initiatives in this direction include the establishment of rescue and rehabilitation centres for victims of human trafficking by NGOs in Mozambique and South Africa. Therefore, the IOM and other international organisations, through their pronouncements and practical actions in assisting South Africa and Mozambique to deal with human trafficking, have in the process securitised the phenomenon in these countries.

When a specific threat continues to occur, and counter-measures and a sense of urgency become institutionalised by the state, it can be argued that human trafficking constitutes a security threat. Institutionalisation of counter-measures and a sense of urgency implies the adoption of specific legislation, the creation of special agencies, increased budgetary allocation, deployment of military forces, rehabilitation and prosecution in order to address the threat. South Africa and Mozambique have both institutionalised counter-measures to combat human trafficking. They are signatories to the Palermo Protocol, have instituted national anti-trafficking legislation and have set up special units within their law enforcement services as well as national plans of action to specifically combat the problem. Although

evidence indicates that there is an insufficient provision of funds to combat trafficking in both countries, this is counter-balanced by increased collaboration with NGOs and institutions such as the IOM and the UNODC. To some extent, therefore, human trafficking is securitised in South Africa and Mozambique, but this has not been explicitly declared by the leadership of either country.

By way of conclusion, it is necessary to emphasise that the problem of human trafficking has become endemic and that its implications are extensive, especially for human and national security. Generally, it is a socio-economic, political and security phenomenon associated with the movement of people within and across national borders, either legally or illegally. Its main facilitators include poverty, ineffective laws, corruption, political and economic changes, internal conflict and attractive conditions in destination countries. The phenomenon is linked to organised crime and has forced labour, sexual exploitation, human rights violations and insecurity as some of its major consequences. As a global phenomenon it shares certain characteristics with human smuggling, both being linked to organised crime. Despite this, human trafficking is conceptually different from smuggling because traffickers exercise complete control over their victims. While human trafficking is characterised by unlimited exploitation, smuggling is characterised by limited exploitation. Historically, human trafficking is traceable to and associated with so-called white slavery. The emphasis placed on this does not imply the absence of trafficking of white men for sexual exploitation and forced labour or the absence of trafficking of men and women of other races for the same purposes.

Different manifestations of human trafficking within the Southern African region have become visible and have increased in scope and form since the 1990s. While different aspects of the problem are considered to be important, not all have received significant attention. The security dimension is one of them. In assessing the extent to which human trafficking constitutes a security issue in the Southern African context, it has to be properly conceptualized and distinguished from related concepts such as smuggling and kidnapping. The concept of security also has to be examined in its classic or traditional sense, as well as from a contemporary perspective. In the classic perspective, the survival of the state in the face of external aggression remains a central theme, while in the contemporary context, the security of individual and society is of equal importance and internal threats are accorded more attention. The reference to society and individual security entails an examination of the concept of human security,

its nature and dimensions as well as the various sources of threats to security in its holistic sense. A discussion and analysis of these entails an examination of the criteria for identifying existential threats to security, since not every social problem can be considered a national security issue. Based on the UN criteria as well as those identified by different scholars, factors such as the nature, intensity, nearness in time and space, probability of occurrence and consequences of threats amplified by historical evidence and political pronouncement are considered to be determinants of existential threats.

A global overview of human trafficking shows that the conditions, patterns, extent and causes of human trafficking as they relate to different regions and sub-regions are similar throughout the world. While human trafficking is a global issue, some regions appear to be more prone to the phenomenon than others. An analysis on a regional basis demonstrates the complexity, scope and dimensions of the phenomenon as well as its link to individual, national, regional and global security. Asia can be identified as the region most affected by human trafficking, owing to the significant number of internally trafficked Asian victims within Asian countries, as well as through intra-regional and international trafficking. The Eurasia region, Africa, the Americas and Europe are significantly affected by human trafficking, with sexual trafficking of women being the most common form across these regions; while trafficking for labour exploitation purposes is most prominent in Asia, Eurasia and South America. This latter is becoming increasingly noticeable in Europe as well. Other forms of trafficking such as domestic servitude, human organ trafficking, begging and child soldiers are most common in Asia, South America and Africa.

Human trafficking does not flow in one direction only for several reasons, which include among others the multifaceted nature of the problem. Trafficking routes are multiple, and often change as law enforcement improves and new forms of trafficking are discovered. It is therefore incorrect to identify a country or region as source only or destination only in the trafficking chain. Countries can be used as source, transit or destination depending on the exploitable opportunities identified by traffickers, as well as the strategies that they intend to use. This may explain why educated victims from relatively richer nations are found in relatively poorer nations. Conditions that facilitate human trafficking in different regions of the world range from historical conditions to geographic and socio-economic as well as political and cultural conditions.

South Africa is predominantly identified as a destination country. However, sufficient evidence exists to show that it is also a source as well as a transit country. The trafficking of women, men, girls and boys for sexual exploitation, labour exploitation and human body parts are the major trends in the country, but trafficking for begging and illegal adoption may also be observed. Importantly, reasons for and causes of domestic and international human trafficking are not always the same. Accordingly, historical conditions relating to the internal trafficking of women and children, personal lifestyles, child-headed households, cultural practices, poverty, lack of parental supervision and family disintegration are identified as factors that facilitate domestic human trafficking in South Africa. Factors identified as facilitating international trafficking into the country are the historical conditions relating to the introduction of slavery and indentured servitude, as well as South Africa's geographical proximity to other countries and its relative political and economic stability. Other factors include the previous lack of specific legislation, the increase in tourism, especially sex tourism, the involvement of organised crime syndicates and regional commitments. The South African case study reflects the complexity of human trafficking as a global phenomenon. Therefore, as primarily a destination country, South Africa shares similar characteristics with other destination countries in the human trafficking chain. Although the factors that facilitate domestic trafficking may not necessarily facilitate international trafficking, overlaps exist in many cases.

Similarly, human trafficking in the Mozambican context presents unique characteristics. The country is predominantly considered to be a human trafficking source. To a certain extent, it also serves as a destination country as well as a transit route. Trafficking of women, men, girls and boys for sexual exploitation, labour exploitation and human body parts are the major human trafficking trends in Mozambique. These have both domestic and international dimensions. Accordingly, historical conditions relating to the civil war, female and child-headed households, cultural practices, poverty and family disintegration are factors that facilitate domestic human trafficking in Mozambique. Among the factors identified as facilitating international trafficking from Mozambique to South Africa are the historical conditions that relate to the introduction of slavery and the use of Mozambique as a source of migrant labour for South Africa. Mozambique's geographical proximity to South Africa, corruption among public officials, insufficient political will and poor implementation of anti-trafficking legislation are other contributory factors. These factors are all

compounded by Mozambique's late ratification of international protocols relating to human trafficking, and the late development of national anti-trafficking legislation is equally a facilitator of human trafficking in the country.

As in the South African case, the Mozambican case study reflects the complexity of human trafficking as a global phenomenon. As a predominantly source country, Mozambique exhibits similar characteristics to other source countries. Unlike in destination countries, factors that facilitate domestic trafficking also facilitate international trafficking in a source country context. Therefore, poverty, for instance, facilitates both domestic and international human trafficking in Mozambique.

Existing policies and legislation to address human trafficking at a global level and on selected regional and national levels are many and varied. At a global level, the Palermo Protocol remains the main instrument on which regional agreements and national legislation are based. Its major principles are prevention, protection and support of victims, and prosecution of criminals. The definition of human trafficking provided in the protocol is universally accepted and applied, despite criticism of the legal instrument. This includes its lack of commitment to evaluating the effectiveness of its frameworks and the impact of policies that are introduced by member states in fulfilment of their obligations. The protocol is criticised for its lack of modalities for distinguishing human trafficking victims from illegal migrants. Consequently, human trafficking victims are regularly prosecuted for illegal migration in several destination countries.

In the African context, there is presently no single and comprehensive protocol on human trafficking, although the AU has persistently encouraged its member states to ratify the Palermo Convention and its supplementary protocols. However, the absence of a single protocol does not imply a lack of interest in combating the issue. Instruments relating to human trafficking include the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children.

Efforts at a Southern African level to combat human trafficking entails an examination and analysis of the SADC Protocol on Gender and Development and The 10 Year Southern African Development Community Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (2009–2019). The SADC Protocol deals specifically with human trafficking and has set benchmarks and time frames for the

realisation of its stated objectives. The adoption of specific legislation in this regard by South Africa and Mozambique is considered as an indication of willingness to combat human trafficking and an acceptance of the obligations stipulated in international instruments relating to human trafficking.

Human trafficking does not have the potential to cause large-scale physical destruction of lives and property in the two countries discussed, in the same way as an external or internal military threat. What is clear, however, is that human trafficking poses a threat to their political, social and economic systems. Therefore, the violation of national borders, the involvement of organised crime, the corruption of border officials, the denial of freedom of movement and the use of physical violence against victims by traffickers are all dimensions of the problem that have serious implications for individual and national security. Similarly, national security concerns underpin the adoption of the Palermo Protocol and similar agreements in Southern Africa, as well as national anti-trafficking legislation in South Africa and Mozambique.

Human trafficking will remain an ongoing issue for a long time, because the underlying causes of the phenomenon will endure, even if more emphasis than before is placed on combating the issue globally. Human trafficking affects all countries in Southern Africa and no country can effectively combat the phenomenon on its own. Considering the multi-faceted nature of the problem, its enduring causes and global dimensions, it is recommended that South Africa, Mozambique and other Southern African countries should reprioritise human trafficking on their scale of policy preferences. This will require declaring human trafficking to be a national security threat.

This would entail finding the requisite political will to deal with the phenomenon. Findings from this study indicate that one of the causes of human trafficking is the ineffective implementation of legislation that directly or indirectly deals with human trafficking, which may indicate the absence of adequate human and material resources to deal with the problem. Most importantly, though, it indicates a lack of political will. The adequate allocation of resources and support for special units dealing with human trafficking would signal a willingness to combat the phenomenon. In addition to this, it is necessary that South Africa and Mozambique should improve measures that relate to criminal prosecution, border protection, intelligence gathering and the campaign against corruption.

Considering the regional and global dimensions of human trafficking, it is also necessary that Southern African countries should establish, maintain and strengthen international counter-trafficking co-operation among themselves and international partners, as recommended in the Palermo Protocol. International co-operation would lead to the enhancement of their anti-trafficking capabilities. The effective implementation of the SADC Plan of Action should also be considered necessary, together with the expansion of initiatives such as the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) to increasingly share intelligence about human trafficking.

Finally, in addition to regulating Internet content relating to human trafficking, Southern African states should introduce poverty alleviation measures tailored towards addressing the needs of those groups that are most vulnerable to human trafficking. Where these measures are already in place, it is necessary to improve, sustain and effectively implement them: the law enforcement approach currently relied upon to combat human trafficking is not sufficient to effectively address the problem. Improving the living conditions of groups vulnerable to trafficking, as a complementary measure, would be the most enduring approach to combating this global phenomenon.

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