

UNIVERSITY OF CAPE TOWN

**STRENGTHENING THE ENFORCEMENT OF POLICY TO
COMBAT HUMAN TRAFFICKING: A NETWORK APPROACH
FOR IMPROVING COLLABORATION**

by

JAYNISHA PATEL

PTLJAY007

A dissertation submitted in partial fulfilment of the requirements for the degree of

Masters of Philosophy in Philosophy, Politics and Economics

Supervisor: Dr Vinothan Naidoo

January 2020

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

DECLARATION

I, JAYNISHA PATEL, declare that

- The research reported in this dissertation, except where otherwise indicated, and is my original research.

- This dissertation has not previously been submitted for any degree or examination at any other university.

- This dissertation does not contain any other person's data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.

- This dissertation does not contain any other person's writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, then:
 - their words have been re-written, but the general information attributed to them has been referenced
 - their exact words have been used and their writing has been placed inside quotation marks, and referenced.

- This dissertation does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source being detailed in the dissertation and in the bibliography section.

Signature: Jaynisha Patel

Date: 8 February 2020

DISCLAIMER

This document describes work undertaken as part of a programme of study at the University of Cape Town. All views and opinions expressed therein remain the sole responsibility of the author and do not necessarily represent those of the university.

ACKNOWLEDGEMENTS

Thank you to my supervisor, Dr Vinothan Naidoo, who believed in this research and whose support and guidance has been invaluable.

I would like to thank Marina Reyneke at the National Freedom Network without whom the surveys would not have been circulated as far or as widely.

Thank you to every organisation that took the time to complete the survey. Your work has been invaluable not only to this research, but to the freedom of victims whose lives have been engulfed by modern-day slavery.

Thank you to every person involved in the editing process. Your input has been constructive at each step of this research.

Finally, thank you to my family and friends who have supported, encouraged, and inspired me along the way.

TABLE OF CONTENTS

UNIVERSITY OF CAPE TOWN.....	i
DECLARATION.....	ii
DISCLAIMER.....	iv
ACKNOWLEDGEMENTS.....	v
TABLE OF CONTENTS	vi
LIST OF FIGURES	x
LIST OF TABLES.....	xi
ABSTRACT	xii
CHAPTER 1: INTRODUCTION AND OVERVIEW OF THE STUDY.....	1
INTRODUCTION.....	1
1.2 OVERVIEW OF CHAPTERS TO FOLLOW	2
CHAPTER 2: REVIEW OF RELATED LITERATURE	5
2.1 INTRODUCTION.....	5
2.2 MAIN ANTI-TRAFFICKING ACTORS	9
CHAPTER 3: REVIEWING THE POLICY AND LEGISLATIVE FRAMEWORK FOR COMBATTING HUMAN TRAFFICKING IN SOUTH AFRICA	22
3.1 THE SCOPE OF THE PROBLEM	22

3.2	CRIMINALISING HUMAN TRAFFICKING IN SOUTH AFRICA.....	25
3.3	EFFORTS TO IMPLEMENT AND ENFORCE PACOTIP.....	29
3.4	PARTNERSHIPS – NATIONAL LEVEL.....	29
3.5	PREVENTION.....	32
3.6	PROSECUTION.....	33
3.7	PROTECTION.....	37
3.8	PROSPECTS FOR COLLABORATION.....	41
CHAPTER 4: HUMAN TRAFFICKING AND POLICY		
	NETWORKS.....	44
4.1	INTRODUCTION.....	44
4.2	POLICY NETWORKS.....	44
4.3	STRUCTURES OF POLICY NETWORKS.....	45
4.4	EVALUATING OUTCOMES OF POLICY NETWORKS.....	46
4.5	MANAGEMENT OF POLICY NETWORKS.....	47
4.6	NETWORK THEORY AND HUMAN TRAFFICKING.....	48
4.7	AN EXOGENOUS THEORY TO ASSESS COUNTER-TRAFFICKING NETWORKS.....	50
4.8	APPLYING POLICY NETWORK THEORY.....	53
4.9	SOUTH AFRICA’S ANTI-HUMAN TRAFFICKING NETWORKS.....	53
CHAPTER 5: RESEARCH METHODOLOGY.....		
5.1	INTRODUCTION.....	59

5.2	RESEARCH DESIGN.....	59
5.3	METHODS OF DATA COLLECTION AND ANALYSIS	61
5.4	RESEARCH LIMITATIONS.....	62
	CHAPTER 6: DISCUSSION OF FINDINGS.....	63
6.1	INTRODUCTION.....	63
6.2	TRAFFICKING FOCUS.....	63
6.3	TYPES OF NGO ACTIVITY	65
6.4	AWARENESS.....	68
6.5	TRAINING.....	71
6.6	VICTIM IDENTIFICATION.....	74
6.7	AFTERCARE.....	76
6.8	FUNDING.....	79
6.9	GEOGRAPHIC SCOPE.....	83
6.10	OVERAL EFFECT OF THE PACOTIP ACT.....	86
6.11	MONITORING OF HUMAN TRAFFICKING.....	88
6.12	EFFECTIVENESS OF GOVERNMENT PROCESSES	89
6.13	CHALLENGES WITH THE ENFORCEMENT OF PACOTIP	89
6.14	COORDINATION AND NETWORKS.....	93
	CHAPTER 7: CONCLUSION	100
	WORKS CITED	105

APPENDIX.....	111
APPENDIX A.....	112
APPENDIX B: Survey sent to NGO respondents	113

LIST OF FIGURES

Figure 2.1 Acts-Means-Purpose Model.....	8
Figure 4.1 The Relation Degree of Common Interest and Coordination of Actors	47
Figure 6.1 NGO Trafficking Focus	64
Figure 6.2 Types of NGO Activity	66
Figure 6.3 Locations where NGO’s carry out Public Awareness.....	69
Figure 6.4 Professionals Trained by NGOs in Victim Identification	71
Figure 6.5 NGO Channels of Victim Identification	74
Figure 6.6 Preferred Organisations to Work with on Rescues	76
Figure 6.7 Demographics of Safe House Respondents	78
Figure 6.8 Main Sources of Funds for NGOs.....	80
Figure 6.9 Trafficking Focus (Local vs. Internationally Funded NGOs).....	81
Figure 6.10 NGO Activity (Locally vs. Internationally Funded NGOs).....	82
Figure 6.11 Geographic Dispersion of NGOs	84
Figure 6.12 NGO Trafficking Focus by Province	85
Figure 6.13 NGOs perceptions on State Intervention since 2015	87
Figure 6.14 Perceived Most Effective Anti-Trafficking Actors.....	94

LIST OF TABLES

Table 6.1 Challenges of Trafficking	90
Table 6.2 NGO Respondents' Experiences Working with Government Departments	96

ABSTRACT

Modern-day slavery, now termed human trafficking, is a crime that has reemerged in the modern day. It is a transnational crime through which a human's vulnerability is exploited through coercive means. In recent decades the issue has attracted policy and legislative attention from governments, however these responses have failed to effectively respond to the complex dimensions of the phenomena. Alongside state measures to reduce the crime have been networks of understudied non-governmental organisations dedicated to combatting human trafficking. As non-governmental organisations develop capacity and knowledge to combat human trafficking they have often become key stakeholders in the field. In this dissertation, I examine to what extent the efforts of NGOs are aligned with the South African Government policy and legislative agenda in dealing with human trafficking. My aim is to determine the extent of alignment and, through applying a policy network framework, what the prospects are for improved collaboration between NGOs and the state.

To determine how a collaborative network response can strengthen South Africa's enforcement of anti-trafficking policy, I have used secondary and collected new primary data. Primary data consists of data gathered through a survey of NGOs working on human trafficking in South Africa from which the scope of the reach, activities, and experiences of these stakeholders can inform prospects for collaboration – to improve enforcement of anti-trafficking measures.

Findings suggest that a network approach to improve collaboration between the state and non-state stakeholders will be most effective across activities where the state has performed poorly, and where NGOs have displayed a comparative advantage. These activities include prevention-related work such as public awareness, equipping first responders with knowledge through training on human trafficking and legislation, and victim assistance together with aftercare.

CHAPTER 1: INTRODUCTION AND OVERVIEW OF THE STUDY

INTRODUCTION

Modern day slavery, which is commonly termed *human trafficking*, is a crime that has existed for many years, becoming more prominent in recent decades as it manifests across the globe. Although prevalent historically, its apparent re-emergence in modern-day has seen governments and non-governmental bodies studying the crime, framing the problem, and slowly adopting measures to mitigate and to reduce it.

Despite progress in the formulation of policy and legislation to combat human trafficking, these measures have been varied in their effectiveness. The many weaknesses in enforcement are often attributed to poor planning and coordination among state and non-state actors. The lack of coordination has resulted in a weakened response and subpar enforcement of policy. However, Chapter 4 discusses the existing literature which identifies numerous avenues through which collaboration has enhanced enforcement to curb the crime.

Since the South African Government has criminalised human trafficking under its Prevention and Combatting of Trafficking in Persons (PACOTIP) Act 7 of 2013, it has demonstrated the intention to take a human rights, victim-centred approach, which ensures that the victim's protection is at the heart of the strategy.

Nonetheless, enforcement of the legislation has been subject to various shortcomings, which often stem from a lack of central leadership and collaboration. Working alongside the state's response (and often under the radar), is a vital network of Non-Government Organisations (NGOs) who have demonstrated a willingness to work under the PACOTIP framework to mitigate human trafficking.

However, in South Africa these NGOs have been have not yet been studied closely, notwithstanding their major contribution to counter-trafficking efforts.

For that reason, this research will answer the following question: How can enforcement of human trafficking policy and legislation be strengthened by using a network approach as a means of improving collaboration between the state and NGOs?

To answer this question, an exogenous theory to assess network performance will be applied to the country's state-led policy network and non-state network. This theoretical framework can be applied to predict how each network is expected to perform, thereby enhancing the various avenues for potential collaboration (highlighted in the existing literature). Limoncelli (2016) undertook the significant task of surveying anti-trafficking NGOs globally, providing useful insights into the scope and potential that exist in collaborating with these stakeholders. Several researchers in South Africa have contributed significantly in framing the problem, understanding the state's response, and its failures in enforcement.

Using the secondary literature, the research methodology adopted aims to build on and dig deeper into prospects for strengthening enforcement through a network approach. South African anti-trafficking NGOs have been surveyed across various facets of their work and experiences in the field, to develop a basis from which collaboration can improve enforcement of PACOTIP and national policy. The insights from the survey have been assessed so that particular areas for collaboration with the state can be presented. The suggestions made by this research are justified by the evident shortfalls highlighted by the existing literature, across enforcement of anti-trafficking measures (Van der Watt, 2018; Bello, 2018; Emser, 2017; Walker, 2015).

The findings from the survey undertaken for this research suggest that NGOs have a comparative advantage in prevention-related activities, in training of first responders, and in aftercare for rescued victims. Through formalised cooperation between the state and non-state collaborators, an inter-network response is likely to result in reduced fragmentation and more efficient and effective enforcement.

1.2 OVERVIEW OF CHAPTERS TO FOLLOW

Chapter 2 provides a global review of the scope and responses to human trafficking. Through this, it is evident that governments have often taken a prosecution-based

approach to the crime, which has further marginalised victims. Where victim-centred approaches have been adopted, enforcement has been known to fall short due to various structural (and other) challenges. Globally, NGOs have worked to equip vulnerable communities, to advocate for victims, to uncover trafficking routes, and overall to strengthen the state's response. However, NGOs in developing countries are sometimes funded by Western donors, at times at the expense of adopting ideologies that do not necessarily align with the local context. Working closer with local governments may help align NGOs to national-level policies.

Chapter 3 examines South Africa's PACOTIP Act and the level of enforcement thereof. The chapter follows the United Nations (UN) '4Ps' approach of partnerships, prevention, prosecution and protection; here, South Africa's policy response under each category is outlined, together with suggested remedies for challenges faced from the existing body of literature. This chapter further presents various shortcomings in enforcement, particularly highlighting the state's fragmented prevention work, an untrained frontline which is not fully equipped to identify or assist victims, with a disjointed, under-resourced protection arrangement. NGOs at grassroots have often filled these gaps through awareness campaigns, the training of first responders, and by operating every accredited human trafficking safe house in the country.

Chapter 4 presents a theoretical framework of policy networks through which the problem of subpar enforcement of PACOTIP can be examined. An exogenous model to understand network performance is applied to both a state-led network, and an NGO-led network, identifying the structure and expected outcomes of each network respectively.

Chapter 5 discusses the methodology used in this paper; in particular, the survey approach utilised to evaluate and examine NGOs within the existing limitations of a survey methodology.

Chapter 6 presents the findings from the survey data; counter-trafficking NGOs illustrate a comparative advantage in public awareness, education, and training of first responders. The NGO-network has a presence in every province within South Africa; however, there is a reported influence on the network from international funding

donors. The data also highlights various challenges experienced working under the PACOTIP framework such as slow processes within the state, whilst also noting positive experiences that can be used to build future relationships between the state and NGOs.

Lastly, Chapter 7 concludes by emphasising the need for the state to formalise its relationship with the NGO-network, for their strengths to be maximised and to ensure the support and successful implementation and enforcement of PACOTIP.

CHAPTER 2: REVIEW OF RELATED LITERATURE

2.1 INTRODUCTION

Human trafficking is not a new phenomenon, but rather one that has been reinvented in the modern era. Due to its complex nature it is hard to classify; it is both an international and national problem, takes on numerous forms and involves a host of multiple and diverse actors. Although human trafficking has shed its prior entanglements with the *white slave trade*, it has re-emerged in a world of growing globalisation. This phenomenon has been, and is still, an amorphous and misunderstood issue following its worldwide resurgence.

Human trafficking poses a formidable global threat due to the magnitude of the industry. According to the Global Slavery Index, there are 45.8 million humans trapped in modern-day slavery around the world, with 58% of the victims being concentrated across five countries – India, China, Pakistan, Bangladesh, and Uzbekistan (Global Slavery Index, 2016, p. 4). The United Nations (UN) claims that these victims are 51% adult female, 21% adult male, 20% child female and 8% child male (UNODC, 2016, p. 23). This modern-day manifestation of slavery may look different from its historical counterpart, yet it is more prevalent than ever.

The most common motivator for the increasing prevalence of the crime is likely that the human trafficking industry is driven by profit. Human trafficking is considered the most lucrative organised crime, ahead of trading arms and drugs (Szablewska & Kubacki, 2018). The ILO estimates that the industry generates US\$150 billion in profits annually, with Africa contributing \$13.1 billion to global profits from trafficking in people (International Labour Organisation, 2014). The prospect of increasing savings for household's further push individuals to use slave labour. The ILO concluded that households save \$8 billion annually from keeping domestic workers in forced labour conditions (International Labour Organisation, 2014). Profits and savings drive the use of slave labour, but what perpetuates its persistence is the low rate of prosecutions; as counter-trafficking legislation is implemented and more victims are identified, the low conviction rates are changing, albeit slowly (UNODC, 2016). The UN identified Africa and Asia as the two continents with the lowest victim

identification and conviction rates. When considering sub-Saharan Africa just under 0.4% of victims (out of 100 000 people) are identified and less than 0.05% of victims see their traffickers convicted (UNODC, 2016). The high reward, low risk combination fuels the incentive to participate in the crime of trafficking human beings.

How human traffickers ensnare their victims is equally important to understand. Traffickers prey on vulnerability; modern slavery engulfs the segments of a country's population left vulnerable by conflict, poor economic performance, failing social constructs and other contextual structural challenges. Trends in recruitment of forced labour reveal that prevalence is highest in sectors and industries that attract low and unskilled labour; thus, an economy with a struggling job market is likely to put low and unskilled workers at risk of being trafficked. Other factors rendering a person vulnerable are illiteracy and a lack of education (International Labour Organisation, 2014). It is evident that traffickers recruiting for other types of trafficking are no less guilty of preying on vulnerable groups, and a common theme in the recruitment of sex trafficking is the recruitment of vulnerable youth. In the USA, bus stations, malls, and parks are used as common recruiting grounds where the runaway youth are easy to identify and to lure in (Brooks, 2018). Countries left devastated by conflict (such as Moldova) have seen their young female population trafficked throughout Europe and the Middle East. The conflict left families destitute and often without breadwinners, forcing young girls to accept suspicious job opportunities seen in local newspapers and local NGOs have confirmed that many of these girls have ended up as sex slaves (Kara, 2009, p. 109).

Human trafficking is a global problem, as it affects every country; it is regularly interrelated with victims often being sourced from one country and transported to another for exploitation. The global scale of the problem requires international cooperation and backing if any positive changes are to be made.

Although the debate regarding the scope of the crime continues, there is a growing urgency for instruments to address this growing phenomenon, which violates universal human rights according to Article 4 of the Universal Declaration of Human Rights and Article 8 of the International Covenant on Civil and Political Rights (Barner, Okech, & Camp, 2014). The UN attempted to define and address the problem

as far back as 1949, with its first effort to classify and criminalise human trafficking through the adoption of the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Although this was a legal turning point in the field, it was not widely accepted, as many countries did not want to criminalise prostitution. Approximately fifty years later, the UN put forward a more robust definition of trafficking in persons, which has been widely accepted globally.

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organised Crime, was passed in 2000 and came into effect in 2003. The protocol defines human trafficking as:

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 (UNODC, 2000, p. 42).

The protocol requires countries to ‘develop social and economic initiatives to prevent, combat [and] to alleviate circumstances that make persons, especially women and children, vulnerable to trafficking such as poverty, underdevelopment and lack of equal opportunity’ (Palermo Protocol, 2000). The popular and widely used Act-Means-Purpose Model provides clearer direction for identifying someone as a victim of human trafficking and stems from this protocol. Under each heading are possible lists of actions that make up the whole, as illustrated in Figure 2.1 (UNODC, 2019).

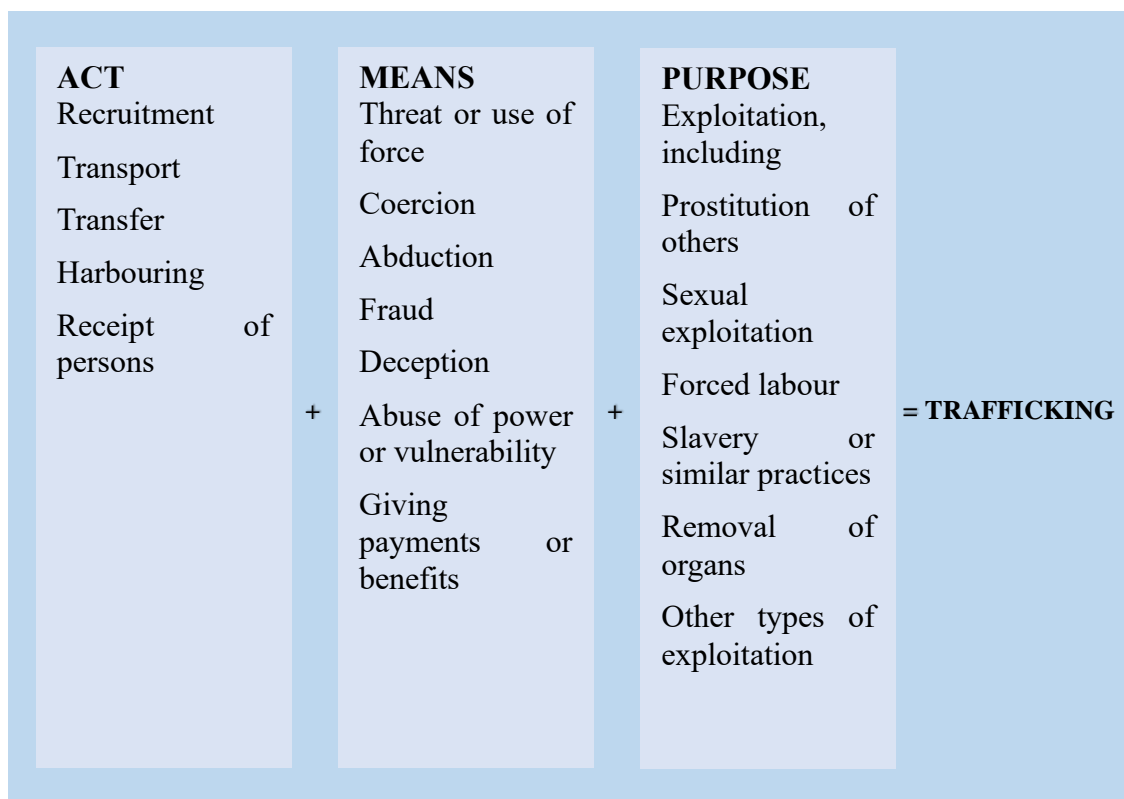


Figure 2.1 Acts-Means-Purpose Model

Source: United Nations Office on Drugs and Crime. (Available at (UNODC, 2019))

Since the instatement of the Palermo Protocol, the number of countries that have criminalised human trafficking has increased by nearly five times – from 33 countries in 2003 to 158 in 2016 (UNODC, 2016, p. 48). The Palermo Protocol has received extensive criticism, chiefly that is heavily focused on combatting organised crime rather than addressing human rights violations (Emser, 2013, p. 136). This criticism stems from underlying tension among states, which has resulted in compromises on topics related to prostitution and state obligations – with a number of governments expressing concern about how criminalising sex trafficking would affect their country’s legal prostitution industry (Emser, 2013, p. 136). Vague and non-committal language in the Palermo Protocol gives these countries flexibility when drafting legislation to criminalise sex trafficking.

A further criticism highlights the focus on organised crime. It is evident that the protocol does not address human trafficking situations where the group is not clearly organised, making its capacity to convict offenders questionably limited (de Heredia, 2008, p. 306). Framing the problem as an organised crime illustrates a fixation on illegal immigration and general threats to national security rather than the buying and selling of humans. Human trafficking as a threat to national security is one aspect of a complex chain of events. The existing body of literature asserts that focus ought to move from organised crime to the exploitation of an individual under forced circumstances. While the trafficking protocol was a step in the right direction for the anti-trafficking effort, focus is heavily weighted towards prosecution rather than victim protection – yet is not addressing other root causes of trafficking.

Kara (2009) offers an alternative interpretation to the commonly adopted act-means-purpose model introduced above. The author would have the ‘act’ and ‘means’ grouped together, and name that ‘slave trading’, separated from ‘purpose’ which he terms as ‘slavery’ (Kara, 2009, p. 6). Consequently, the act of exploitation for the purpose of slavery will be considered independently from recruitment and transportation, which can be called slave trading. Highlighting the movement of people for the purpose of slavery works to ensure that prosecution focuses more on exploitation rather than movement (Kara, 2009). As more countries move to criminalise human trafficking, their counter-trafficking efforts have focused on monitoring the movement of people opposed to interventions that are victim-centred.

2.2 MAIN ANTI-TRAFFICKING ACTORS

Governments, legislation and implementation

Governments with their various legislative and policy instruments are the most comprehensively discussed anti-trafficking actors. Following the Palermo Protocol, countries have been obliged to criminalise trafficking and consequently implement sound legislation and policy. It is crucial to examine varying efforts of enforcement by countries, through identifying which factors support or inhibit enforcement of anti-trafficking laws, and consequently widen the dialogue on effective strategies (Amahazion, 2015, p. 168). The Palermo Protocol was vital in encouraging

governments to develop legislation, but the fight against modern-day slavery requires effective enforcement with ongoing monitoring and evaluation of policy implementation.

Statistical contributions that evaluate governments as actors globally have increased in recent years. Amahazion (2015) recognised that new or strengthened laws are not adequate to address the problem, but rather, an assessment on enforcement is required. The motivation stems from the United Nations Office on Drugs and Crime (UNODC) which stated that enforcement has been ‘inconsistent and lacking’ with no explanation for these variations. The data set covered 168 countries from 2001–2011 and aimed to understand what factors contributed positively to enforcement of trafficking laws. Tested variables found to be significant were global embeddedness (measured by the number of international Non-Government Organisations that the state is a member of), treaty ratification and an improved ability to follow through on human rights concerns (measured by democratic to autocratic scoring) (Amahazion, 2015, pp. 176-177). Amahazion (2015) discovered that female representation in parliament was found to be insignificant to the enforcement of anti-trafficking measures. The author states that the individuals comprising the internal political system do not appear to impact the enforcement of anti-trafficking measures significantly (Amahazion, 2015, p. 183).

Inconsistent enforcement is a persistent global concern, and on a macro level academics have been assessing governments’ counter-trafficking efforts since 2000 (Kandathil, 2006; Leishman, 2007; Goodey, 2008; Tiapula & Millican, 2008; Amahzoin, 2015). Governments as stakeholders can be understood through a criminal- and legal-based perspective, where human trafficking is addressed as a crime rather than as a human rights violation. Although the Palermo Protocol outlines a tri-dimensional approach of ‘prevent’, ‘protect’ and ‘prosecute’, there has been a tendency for governments to focus on ‘prosecute’ on a standalone basis. This has resulted in tighter immigration policies and heightened concerns over organised crime (Kandathil, 2006, p. 90). Consequently, trafficking victims are left unprotected and conviction rates have been low. This approach leaves many causal factors such as poverty, discrimination and conflict untouched (Amahazion, 2015, p. 169). Australia is a good example of legislation and policy being ineffective as a result of prosecution-

based focus. As a destination country for trafficked persons, Australia criminalised trafficking so that the main deterrent was the punishment awaiting traffickers; victims have two choices, deportation, or to stay and assist with the conviction of their traffickers (Leishman, 2007, pp. 197-199). Victims will only receive state support for their trauma if they opt for the latter option – by making the traffickers take all of the blame for trafficking, the Australian government has ignored root causes, thus allowing them to persist in their actions (Leishman, 2007, p. 204). This approach is considered to be state-centred and regressive due to as it focuses on a crime against the state rather than a crime against a human (Goodey, 2008). By framing human trafficking as a crime against the state, it removes focus from the human rights violations endured by victims. Additionally, this reactionary approach infers a lack of initiative on poverty reduction and other causal factors, often hindering anti-trafficking measures (Dean & Britton, 2014, p. 307).

Misunderstanding, coupled with poor knowledge from within government structures has resulted in many victims remaining unidentified. A study observing vulnerable inhabitants in the United States of America (USA) found that some of the largest stakeholders working within vulnerable segments have been overlooked in the country's counter-trafficking efforts (Brooks, 2018). Findings suggested that public health workers lack knowledge on human trafficking, and in turn, have seen low identification rates of victims in rural communities (Brooks, 2018). Local law enforcement is often the first layer of government that encounters a victim; a different study in the USA found that 11 out of 12 victims are unidentified by local law enforcement, resulting in a failure to provide the correct safety services (Tiapula & Millican, 2008). Even when victims are identified, there are gaps left by mediocre policy design and poor implementation result in an absence of justice to traffickers.

Dyk (2013) notes that investigations are poorly conducted in Poland, despite there being a prosecution approach from the state and that between 2005 and 2007, 40% of human trafficking cases were dismissed because of a lack of due diligence in investigations (Dyk, 2013). This failure to carry out successful investigations occurs as a consequence of weak investigative capacity and an untrained frontline (any public

servant who may come into contact with a victim – law enforcement, social workers, healthcare professionals or others).

Many developing countries have opted for a human rights, victim-centred approach, some of which will be discussed in this section. This conceptual framework is underpinned by international human rights standards that provide a guideline with which to evaluate anti-trafficking responses. There is evidence indicating that countries are shifting towards this approach by focusing on awareness and victim assistance (Goodey, 2008), and within the UN framework this implies a shift towards prevention and protection. However, the literature presents contrasting findings where domestic policy is concerned. A study examining policy responses and domesticating international human trafficking norms in southern Africa found that norm localisation happens as anti-trafficking policies filter down from an international level to regional, and then to national level (Dean & Britton, 2014, p. 307). The agreements at the African Union (AU) and Southern African Development Community (SADC) level focus on prevention and protection while most national policies emphasise a prosecution approach (Dean & Britton, 2014, p. 307). The SADC plan largely mirrors the Palermo Protocol but does have some interesting differences – using a fuller contextual approach it focuses on very relevant regional challenges like HIV/AIDS, gender-based violence, conflict, poverty, and traditional considerations such as forced marriages and voodoo practices (SADC, 2016, pp. 7-8). This finding contends with the general belief that developing countries have adopted victim-centred legislation. Despite SADC's inclusion of the aforementioned regional challenges, countries have not adopted these considerations in their domestic policies. South Africa is the one country to include traditional leaders, only Tanzania includes armed conflict, and Mozambique and Tanzania include HIV/AIDS considerations (Dean & Britton, 2014, pp. 323-325). Countries may find it easier to adopt a prosecution-heavy focus rather than to address the underlying causes of human trafficking.

While the victim-centred approach is necessary it is not sufficient. Governments have the responsibility to produce policies that foresee challenges on implementation and build this into the policy design level. Albania assumed the human rights, victim-centred approach for its legislation; however, the country experienced various

challenges in implementation that could be attributed to a lack of foresight in accounting for implementation-related challenges. Such challenges included but are not limited to: a failure to protect marginalised communities; NGOs not consulted and thus causing an overlap in activities; and frontline professionals not trained in victim identification (Meçe, 2016, pp. 36-37).

A lack of government motivation to curb the problem is evident in the low levels of resource commitment to combat the crime. Nigeria has been identified as a source country for victims trafficked into South Africa and Europe, and faces enormous structural challenges (UNODC, 2016). Nigeria's anti-trafficking legislation was passed in 2003; it has since undergone numerous amendments, although implementation has suffered due to a lack of funding and rampant corruption. Insufficient funds have negatively affected investigations, the prosecution of traffickers, and the aftercare of victims – particularly over provisions for legal and healthcare services, and protection and placement in safe houses (Babatunde, 2014). Ethiopia faces similar implementation problems, with too few convictions due to scarce means available for investigations, a lack of resources required for educating migrant workers on their rights, and for law enforcement and other relevant government agencies to carry out capacity building (Beck, Choi, Munro-Kramer, & Lori, 2016, pp. 538-540). It is evident that implementation has not been successful when measured against the capacity building for the frontline, aftercare for rescued victims, and prevention through addressing root causes of the crime.

Non-Governmental Organisations

Gaps in anti-trafficking measures are persistent where the state focuses heavily on prosecution. Across the globe, NGOs are emerging as dominant players in prevention and victim protection, through increasing public awareness, facilitating and offering services for victims, and by advocating for countries to address causal factors of this crime. Displayed enthusiasm and ability across these activities indicate that collectively, NGOs may be well placed to assist with strengthening the enforcement and implementation of anti-trafficking measures.

The dominant non-state international actors in the anti-trafficking field are the International Office for Migration (IOM), the United Nations, the European Union and various governmental agencies and laws. International organisations and governments tend to dominate most of the anti-trafficking research and local NGOs, despite playing a major role, are less studied (Limoncelli, 2016, p. 317). This may be a consequence of academia often attributing outcomes to decisions and actions taken by the government, coupled with the fact that big IGOs are well funded and resourced, and could thus produce their own research. Additionally, local counter-trafficking NGOs often do not act in unison, making their efforts fragmented and challenging to assess. The anti-trafficking efforts of NGOs are often overshadowed as they operate separately at times and frequently lack the resources to fund their own research (Noyori-Corbett & Moxley, 2017). For these reasons, studies of anti-trafficking NGOs are sparse (Bell & Banks, 2018, p. 363).

Research on the effectiveness of human rights NGOs is a growing body of literature, most often revealing that the presence of NGOs has a positive outcome for overcoming human rights challenges. A statistical study conducted by Bell and Banks (2018) found that the presence of Women's Rights Organisations (WRO) leads to stronger anti-trafficking policies. Measuring NGO effectiveness helps understand their strengths, weaknesses and the ways in which they could maximise their impact on their focus area. However, measuring NGO success has been fragmented, with no universal definition or measure of performance and effectiveness of NGOs on human rights issues. Some widely used definitions are *influence over other actors*, *techniques used to minimise costs*, and *even effectiveness at raising funds* (Lecey, Schmitz, & Swedlund, 2011, p. 448).

Studies that look at NGO anti-trafficking efforts are insightful, although they are broad, given that they assess and evaluate all types of trafficking, and that they are not limited to the more commonly researched sex and labour trafficking (Limoncelli, 2016, p. 318). Conversely, it is narrow because it hones in on NGO efforts, often overshadowed by the actions of large IGOs and government agencies (Limoncelli, 2016, p. 318). An NGO with a single-issue focus (for example, human trafficking), could have a more powerful effect on the issue rather than a diluted effect across

various issues (Bell & Banks, 2018, p. 374). Looking at the NGOs as actors, opens up an avenue to understand trafficking flows and state policies on trafficking better (Bell & Banks, 2018, p. 364). A study done on WROs concludes that increased data collection on NGOs strategies to monitor trafficking and to lobby governments may improve understanding on the outcomes NGO presence, essentially piecing together NGO effectiveness and the role they could play alongside government and national policies (Bell & Banks, 2018, p. 374).

A study by Limoncelli (2016) looked at assessing the work of anti-trafficking NGOs globally and revealed many insightful and useful trends. A number of NGOs (1 861) were surveyed on a broad variety of topics. NGOs in sub-Sahara Africa focused predominantly on sex and labour trafficking (the highest number of labour trafficking NGOs in the world are in Africa). Sub-Sahara African NGOs reported working on less conventional types of trafficking such as forced begging and forced marriages and 30% of sub-Saharan NGOs focused on trafficked children alone (Limoncelli, 2016, p. 322). These findings suggest that women, children, and victims of labour trafficking are a priority of NGOs in the region. The types of trafficking a NGO focuses on does not necessarily reflect the most pressing or common types of trafficking in a particular area. Focus may be dictated by a number of factors such as prevalence and influence from funders, or may be based on the vested interests of those founding and managing NGOs. In addition, the author states that 43% of NGOs reported doing prevention and awareness work (Limoncelli, 2016, p. 324). The study also assessed whether NGOs are recipients of international funding, which is useful in determining to what extent their actions are shaped by the priorities of their funders.

Anti-trafficking NGOs and other non-government actors have played a role in challenging the status quo of governments' prosecution-based approaches. NGOs, advocates, and scholars consistently argue that anti-trafficking policies and programmes rely too heavily on prosecution and criminalisation (Dean & Britton, 2014, p. 314). Focusing on prevention and protection, stems from the idea that over time the crime of trafficking will be addressed by targeting the cause factors (Goodey, 2008, p. 433). NGOs are well-known advocates for this approach, demonstrating this stance through their many prevention and awareness schemes, and via the large

number of resources allocated to the restoration of victims – such as running safe houses (Amahazion, 2015, p. 169). NGO field activities are recognised in decreasing the vulnerability of women being trafficked directly (Bell & Banks, 2018, p. 366).

A study conducted on WROs and human trafficking found that the presence of these organisations in a country increases awareness, improves service delivery to victims, and places pressure on government to review and improve policies around human trafficking, specifically policies on sex trafficking (Bell & Banks, 2018). WROs and anti-trafficking NGOs also focus on providing social services for victims (Bell & Banks, 2018, p. 367). The NGO presence in source countries is usually associated with providing victim-assistance on arrival for repatriation – including meeting them at the airport, coordinating immediate treatment, and appropriate accommodation with relevant supplies (Khanyile, 2018). Through their work and their advocacy, NGOs in the field have a positive impact on shifting policies to a more victim-centred approach.

While governments focus and resources are geared towards prosecution, NGOs have been active in prevention and protection activities. Where targeted at vulnerable communities (afflicted with factors such as poverty, high unemployment, and violence), awareness campaigns can create a disruption in supply chains for trafficking syndicates. NGOs are known to hold awareness seminars, workshops and talks in vulnerable communities and in schools, including training those responsible for guiding at-risk youths (Khanyile, 2018). Lastly, the highest number of NGOs providing employment and vocational services are in Africa and Asia (Limoncelli, *What in the World Are Anti-Trafficking NGOs Doing? Findings from a Global Study*, 2016, p. 324). A global overview of counter-trafficking NGOs is an excellent first step in understanding how they could work alongside the state to enforce and implement anti-trafficking measures.

Notwithstanding that, the Albanian government provides trafficked victims with financial and legal services, victims have reported feeling unsafe, resulting in local NGOs stepping in to provide protection. Albanian state-run shelters are, however, under resourced causing an overflow of victims into NGO-run shelters (Meçe, 2016, p. 40). In the early 2000s, Canada as a destination country adopted a state-centric approach. Consequently, communities pooled together to form grassroots schemes that

were often the only support handed to illegal migrants that were victims of labour trafficking (Hanley, Oxman-Martinez, Lacroix, & Gal, 2006). Local Nigerian NGOs carry out prevention work by visiting vulnerable areas in the country to establish clubs at schools and universities that can continually educate the youth on staying safe (Babatunde, 2014, p. 76). Some of these grassroots initiatives have translated into advocacy networks and small NGOs operating in the field. In Nigeria, while embarking on a movement to protect vulnerable women and children, two investigations of trafficking in persons saw NGOs take the lead on the resettlement of victims (Khanyile, 2018). Looking at various countries reveals the same scenario of governments neglecting prevention and protection, with non-government players having to fill the gaps, albeit with limited resources and support.

In Africa, anti-trafficking NGOs illustrate how they could work alongside government in an attempt to eradicate trafficking. African leaders are showing an increasing concern in anti-trafficking strategies, partly influenced by intensive advocacy efforts from NGOs (Adepoju, 2005, p. 92). In the late 1990s, the governments of Côte d'Ivoire and Mali were pressured by NGOs, activists, and the media to sign a memorandum of understanding aimed at reducing trafficking at the respective countries' border posts (Adepoju, 2005, p. 93). This is an important illustration of how NGOs could positively influence government policy aimed at combatting human trafficking. Another role played by NGOs in Africa is to identify trends in human trafficking. This was exemplified through a local NGO in Moldova that picked up patterns in the wording of false jobs advertised in local newspapers. Phrases such as 'documents provided in ten days' were common red flags, allowing them to effectively identify which job opportunities were false, and likely to be a trap set up by false recruiters (Kara, 2009, p. 109). In 2010, a North African organ trafficking route was documented by a number of local NGOs and international organisations, resulting in the UN Monitoring Group conducting further investigations (UNODC, 2016, p. 62). In southern Africa, gaps in research and training were identified in many countries, hinting at the need for non-government stakeholders to get involved (Dean & Britton, 2014). Overall, the scope of potential for NGOs to reduce trafficking is large, but this can only be extracted through strategic partnership with government stakeholders.

NGOs that assist with rescues and restoration are often aware of trafficking trends due to the hands-on nature of their work. Effective policy cannot be based on a fragmented picture, which is often all governments have available – given the subversive nature of the crime (Noyori-Corbett & Moxley, 2017, p. 7). If properly involved, NGOs in Africa and other developing nations around the world have the potential to assist positively with policy implementation. To illustrate, an NGO working in Bangladesh, Nepal, and India concerns itself with data collection and analysis – particularly victim demographics, recruitment methods and the operations of trafficking businesses through interviews with victims and traffickers (Bell & Banks, 2018, p. 365). Some of this information is used to prosecute traffickers in the region and to understand trends to assist with resources being directed more effectively (Bell & Banks, 2018, p. 365). This information is invaluable in assisting the particular state with insight, direction for investigations and a deeper understanding of causal factors that require addressing.

The failure of the Polish government to prosecute traffickers was a shortcoming that stemmed from poor investigations. Law enforcement did not understand how to proceed with investigations, causing victims to feel less inclined to participate (Dyk, 2013). This failure, in part, was a result of law enforcement not working with a leading Polish NGO, which dispenses legal and psychological support to victims through the investigation process (Dyk, 2013). One vital role of the NGO in these situations is to offer the victim support that will enable them to provide investigators with a useful testimony (Khanyile, 2018). Failures in investigations directly reduce convictions and lessen future deterrence for traffickers.

NGOs in the anti-trafficking world have also been subject to criticism. Firstly, narratives created by NGOs are often perceived negatively. Every NGO frames human trafficking by creating a storyline or narrative that they use in their activities. NGOs based in the developing world are largely funded by the West, consequently playing a *diplomatic* role by communicating developing world problems to a western audience, described as information brokers (Kamler, 2013, pp. 73-74). This implies that some NGOs in the developing world are working within the framework of modernisation theory, with their efforts being focused on endorsing progress-orientated, *enlightenment* values of human rights (Kamler, 2013, p. 76). The author's application

of modernisation theory within the context of human trafficking NGOs, aims to highlight how NGO employees may construct narratives around trafficking that are associated with Western values concerning development.

Kamler conducted interviews with 14 anti-trafficking NGO employees – each from a different organisation in Thailand – and noticed the emergence of five dominant narratives: *Thailand is backwards*, *Thai values are non-modern, they should be grateful*, *Thailand is illegible to the West*, and *sex workers lack agency* (Kamler, 2013, p. 78). This illustrates a problem for counter-trafficking efforts whereby Western values of development applied in the developing world may overlook certain contextual factors surrounding the crime. Another dangerous NGO-driven narrative focuses on sex work; some academics and scholars argue that NGOs in Africa treat prostitution as a *new-slavery*, borne out of the remnants of the *white slave trade* (Aderinto, 1997).

Emerging in the 1980s, these narratives present prostitution in Africa as a post-colonial form of oppression following the economic and social effects (governments in massive debt, causing a spiral of economic and social hardships at a micro-level) of the World Bank and International Monetary Fund's Structural Adjustment Programmes (Babatunde, 2014, p. 64). These notions may negatively affect the perception of legal sex work in Africa. NGOs have been known to sensationalise the image of a *trapped* woman, thereby not separating sex work from sex trafficking. Narratives spurred by Western values associated with modernisation may cause NGOs to put forward sensationalised tales of morality and sexual abuse to capture media attention, funding, and government backing (Weitzer, 2014, p. 7). Kamler (2013) has suggested that to move away from these accounts, a more complex communication space needs to be established (Kamler, 2013, p. 86). There have been, and still are challenges with a universal understanding of human trafficking, from a global narrative to the government and non-government spheres.

Another criticism of anti-trafficking NGOs is that they often tend to overestimate the problem. For example, in Cambodia several NGOs have continuously asserted that from 80 000–100 000 children and women fall into sex slavery annually; however there has been no evidence to be found anywhere of this claim (Weitzer, 2014, p. 10).

NGOs are less likely to question their source of information, compounded by using bits of information that fits their narrative. There must be more accountability in spreading of unlikely data through the normalisation of good evidence-based research.

Lastly, NGOs sometimes tend to create a hype around sex trafficking, thereby leaving other types of trafficking in the background. When looking at the media – documentaries, films and news articles – there is a dominant sex trafficking focus; the same emphasis on sex trafficking is adopted by advocacy networks and NGOs (Weitzer, 2014, p. 12). This reaffirms the aforementioned quantitative finding in Limoncelli's (2016) study that 70% of surveyed NGOs focus on sex trafficking. While this may be the most common form of exploitation among women, it is not the only type; additionally, males are more often exploited for labour and other types of trafficking (UNODC, 2016). An uneven focus on sex trafficking impairs the holistic understanding of the problem as it highlights only one portion of the affected group.

Governments working with NGOs in a sustainable and well-measured way are key to curbing human trafficking. Where the state is more involved in NGO networks, it may yield enough influence through support and collaboration to offset some of the criticisms outlined in the existing literature. There are ample examples of NGOs working to fill gaps in prevention and victim protection, particularly where governments have focused heavily on prosecution of the crime. Supply and demand factors for such an elusive illicit market cannot be addressed without good collaboration between governments and the NGOs (Bell & Banks, 2018, p. 364). This collaboration ought to maximise the NGO strengths that align with national policy goals so that anti-trafficking measures can be unified, and can address the crime across all four of the areas identified by the UN's Palermo Protocol.

To conclude, it is necessary to reiterate the importance of collaboration between state and non-state actors in the fight against the heinous crime of trafficking in persons. Government actors and NGOs are both prone to shortfalls, however the literature discussed in this chapter highlights how these two actors can work alongside each other to ensure the successful implementation of counter-human trafficking policy. In the next chapter the South African anti-trafficking policy and implementation will be unpacked so that gaps in enforcement can be identified with the aim of understanding

how collaboration between these actors can maximise the impact of anti-trafficking efforts.

CHAPTER 3: REVIEWING THE POLICY AND LEGISLATIVE FRAMEWORK FOR COMBATTING HUMAN TRAFFICKING IN SOUTH AFRICA

3.1 THE SCOPE OF THE PROBLEM

The scope of the problem in combating human trafficking in South Africa and globally is significant as evidenced by the existing body of knowledge. South Africa, as a developing country, has the opportune conditions for criminal syndicates to thrive off the vulnerability of those within its borders.

South Africa is often perceived as a combination of destitution and economic opportunity relative to other countries in the region. The Global Slavery Index releases an annual estimation of the prevalence of the crime per country and reports that 155 000 humans in South Africa are living under the conditions of modern slavery (Global Slavery Index, 2018). The estimate used in the Global Slavery Index focuses on victims exploited within South Africa, excluding South African victims exploited abroad. Academics have however questioned the criteria used to determine the Global Slavery Index, which tends to change from year to year. The subversive nature of the crime makes it an ‘elusive statistical nightmare’ (Van der Watt, 2018, p. 8) – indicating that until more credible means of measuring the extent of the problem are available, there is likely to be a gap in knowledge when attempting to understand the scope of trafficking in persons within South Africa.

The annual Trafficking in Persons (TIP) Report (compiled by the United States (US) government), ranks countries according to their anti-trafficking efforts, whilst commenting on the scope of the problem, and where to improvements could be made. The TIP Report is however subject to its own bureaucratic biases – for example, there are suspicions that country rankings are linked to political motives in cases where countries are not downgraded for not meeting certain criteria; or where poorly ranked countries ought to have been sanctioned (Wooditch, 2011). Notwithstanding these criticisms, the TIP Report does provide significant insight into a country’s counter-

trafficking effort through consultations with various government and non-government stakeholders to establish what is happening on the ground (Gallagher, 2015).

The types of trafficking most common in South Africa are sex trafficking, labour trafficking and domestic servitude. The profiles of victims are increasingly uncovered, particularly where foreign victims are involved. Although the sex trafficking circuit is largely dominated by Nigerians, victims are now known to be transported to South Africa from a variety of poor African countries, including Mozambique and Lesotho (U.S Department of State, 2019). Labour trafficking is common aboard fishing vessels and farms, with an estimated 10 to 15 new victims arriving in Cape Town every month (U.S Department of State, 2019). There is more still to learn about the nature of trafficking in South Africa, but laying out the flows of victims in and around the country will help build a deeper understanding of how a coordinated network approach can be effective.

The TIP Report has listed South Africa as a source, a transit and a destination country (U.S Department of State, 2017). This indicates that victims are sourced from South Africa with the intention of being exploited locally or elsewhere, and are also being moved through South Africa as a destination country.

As a source country, international trafficking flows of South African victims are largely regional; however, a small number of people are trafficked as far as the Middle East and Europe (UNODC, 2016, p. 116). Through various forms of deception, South Africans in rural areas are often lured into the cities under false pretences and then exploited. Provinces with a lower socioeconomic status (e.g. Limpopo, Mpumalanga and the Eastern Cape), are recruitment hotbeds for traffickers whose victims are typically destined for cities such as Johannesburg, Durban, Cape Town and Bloemfontein (U.S Department of State, 2017). A common example of trafficking flows of South African victims is the sourcing of girls from rural areas to be sex trafficked into more urban areas where there is a greater demand, as detailed in a report by the National Prosecuting Agency (NPA). Criminal syndicates will for the purposes of sexual exploitation, bus victims in to events such as business parties, or to hangouts close to universities – such as, near the University of the Free State in Bloemfontein

and Nelson Mandela Metropolitan University in Port Elizabeth (National Prosecuting Authority of South Africa, 2010, p. 159).

As a transit country, it is indicated that there are channels by which individuals are moved around and through South Africa by trafficking syndicates. The porous nature of South Africa's borders makes the country an ideal transit and destination region and the transit phase often includes dangerous forms of transport and high-risk border crossings (National Prosecuting Authority of South Africa, 2010, p. 149). To illustrate, in the same NPA report shared here, interviewed respondents have described that at South African border crossings Malawian and Zimbabwean minors between the ages of 10 to 15 years are smuggled into the country for the purpose of trafficking. They are sold to trafficking syndicates who transport them to a final destination for exploitation (National Prosecuting Authority of South Africa, 2010, p. 157).

As a destination country, South Africa in turn faces a severe problem. South Africa is a well-known destination for organised smuggling operations, with these instances of smuggling often evolving into cases of human trafficking (Van der Watt, 2018, p. 8). South Africans and immigrants are lured in with false opportunities, and these often end in exploitation. Sex tourism thrives in cities such as Cape Town – and women from South Africa, Thailand, China, Russia, and Brazil have been commonly identified as victims of forced commercial sex (Global Slavery Index, 2016, p. 143). Classifying South Africa as a source, a transit, and a destination country makes human trafficking a complex phenomenon in South Africa that requires a multi-faceted solution.

Large segments of the population that are driven by the need to survive open themselves to traffickers who are ready to exploit their vulnerability and economic desperation (Khanyile, 2018). Factors such as unemployment, poverty, violence, and discrimination persist in South Africa, making large parts of the population vulnerable to traffickers (Global Slavery Index, 2016, p. 144). In addition, other causal factors include manipulation, cultural traditions, gender-based violence, and ethnic discrimination (Bello, Criminal justice response to human trafficking in Nigeria and South Africa: suggestions for better performance, 2018). A combination of these factors puts more than half of the population at risk of being trafficked. The Global

Slavery Index estimates that 53% of the population is vulnerable to modern slavery (Global Slavery Index, 2018). The persistence of various causal factors affecting large portions of society gives traffickers more power over their victims.

South Africa's persisting apartheid legacy has contributed to the country having one of the world's highest Gini coefficients¹ – 0.63 as of 2015. Significant inequality has forced large parts of the population into poverty, and similarly to the young girls in Moldova, destitute South Africans seeking employment are at risk. South Africans are desperately seeking to escape the cycle of poverty and are often romanticised by the idea of pursuing greener pastures in bigger cities (Bello, 2018). The highly unequal circumstances act as a factor that exposes vulnerable South Africans to traffickers.

A stagnant labour market and constrained and sluggish economy has continually contributed to South Africa's high unemployment rate. Unemployment remains high at 27.7% (Trading Economics, 2018). Economic desperation has the potential to force people to accept suspicious job opportunities – such as domestic work contracts that do not meet the minimum wage requirements. Recruitment for domestic servitude is not always carried out by sophisticated criminal networks, but could also be carried out by family members of the victims. (Buthelezi, 2015, p. 156). Mitigating causal factors such as unemployment and inequality is likely to enable the government directly to reduce the risk of a vulnerable South African of being trafficked.

3.2 CRIMINALISING HUMAN TRAFFICKING IN SOUTH AFRICA

In 2013, South Africa passed the Prevention and Combating of Trafficking in Persons Act (PACOTIP), which criminalised human trafficking in all of its common forms (including debt bondage and forced marriages), whilst holding the exploiters and those who purchase services from slaves accountable under criminal law (Government Gazette, 2013). Prior to the enactment of PACOTIP, there was no unified legislation to deal with the crime, as only child trafficking (under the Children's Act) and sex

¹ The Gini coefficient is a scale used to measure economic inequality within a country; it is measured on a scale between zero and one with countries being closer to one having a larger inequality problem.

trafficking (under the Sexual Offences Amendment Act) were punishable by law (Kruger & Oosthuizen, 2012). On 9 August 2015, South Africa's first counter-trafficking law (which was well received) came into effect, with stakeholders now having a firm law and guidelines under which to operate.

PACOTIP put forward a comprehensive definition of *trafficking in persons* (Buthelezi, 2015, p. 157). Such a precise definition enables stakeholders working in the field better to understand what circumstances would define a person to be considered as a victim. Defining the crime clearly should enable law enforcement to carry out investigations effectively (Buthelezi, 2015, p. 157). The Act is made up of ten chapters that cover categories such as offences, penalties, and guidelines to identify victims and procedures for protection and compensation for victims (Bello, 2018). Overall, PACOTIP is expected to provide the backbone of counter-trafficking efforts in the country.

PACOTIP was lauded as a step in the right direction and a great example of a victim-centred approach to counter-trafficking; this points to the *abuse of vulnerability* as a means of trafficking someone. This is vital in the South African context, as the definition of the term highlights the social context in which abuse of power and vulnerability takes place; moreover, that this has come up as a means of trafficking in past and present reports and investigations (Van der Watt, 2018, p. 11). Furthermore, it is considered progressive for acknowledging the socioeconomic context in which recruitment and exploitation happen (Buthelezi, 2015, p. 159).

A critical lens reveals that although PACOTIP includes concepts such as *abuse of power* and *coercion*, it does however, not set out to define it; consequently, judges are to interpret these concepts with no clear guidelines (Buthelezi, 2015, p. 160). Similar confusion may exist on the ground level with professionals such as law enforcement misunderstanding the concept itself; this has the potential to be problematic when judges and other professionals may not be trained or sufficiently equipped to understand the complexities of human trafficking in its entirety.

Human trafficking is often a transnational crime, with traffickers moving their victims across borders for exploitation. As a destination country with the second-largest

economy on the continent, South Africa sees legal and illegal immigrants cross its borders daily, with many victims unknowingly bound to be trafficked once inside the country. PACOTIP recognises the vulnerability of people who have entered the country illegally, and their need for protection from abusive power dynamics (Buthelezi, 2015, p. 160). While the law makes provisions for the safety of illegal migrants, there is a failure to protect victims who do not have the correct documentation, as it becomes extremely difficult to gain access to protection services and ultimately many victims go unidentified (Khanyile, 2018). Furthermore, protection for foreign victims after a 90 day reflection period is offered only on condition that the victim assists with the conviction of their traffickers (similar to the Australian approach). Traffickers are aware of this, leaving illegal foreigners at an even greater risk of being trafficked.

In the medium term, PACOTIP might give rise to situations not considered during the framing of this legislation. Human trafficking is complex and dynamic, as organised crime groups and traffickers are constantly employing new tactics. Words such as *means* and *purpose* could become too narrow to understand the crime (Buthelezi, 2015, p. 158). PACOTIP leaves a lot of room for flexibility in the use of phrases such as *but not limited to* (Buthelezi, 2015, p. 159). Consequently, players coming into contact with victims – such as law enforcement and judges – must continuously work together to understand trafficking trends.

The controversial debate around decriminalising sex work spills over into the classification of sex trafficking; lines become blurred when the circumstances overlap, and victims of sex trafficking appear as sex workers. Preservationists – who support the right and wellbeing of sex workers - advocate for the decriminalisation of sex work and in the process reduce the estimation of sexual exploitation. Some studies conducted by preservationists have been criticised for undercounting cases of ‘sexual exploitation for the purpose of trafficking’ (Van der Watt, 2018, p. 6). The preservationist perspective is also seen to be in contrast with the daily work of law enforcement and social workers – who come into direct contact with the realities of sex trafficking (Van der Watt, 2018, p. 6). That sex work and sex trafficking can look the same and be similar in circumstance makes PACOTIP difficult to enforce.

NGOs working in the field of sex trafficking have been responsible for propagating ideological assessments of sex trafficking. Similar to the preservationist perspective of sex trafficking, certain NGOs have been liable for creating inconsistent narratives around sex work and sex trafficking. In South Africa, the topic of sex work and sex trafficking within abolitionist circles – largely made of NGOs, who do not support legal sex work – is surrounded by tensions of what separates the two and the factors that overlap (Van der Watt, 2018, p. 6). These narratives are typically underpinned by ideological biases on the morality and legitimacy of sex work. Faith-based NGOs often believe that women are as equally trapped (although by different factors) in sex work as people forced into sex trafficking.

Existing research conducted on how sex work is perceived in South Africa criticised the manner in which some NGOs portray sex workers as victims who are trapped by circumstance, drawing on moralistic notions that sex work is immoral (Walker & Oliveira, 2015, p. 142). Such narratives could have a negative ripple effect; Van de Watt (2018) suggests that the panic and confusion created by this sensationalist narrative removes the credibility of a sound evidence-based approach to sex trafficking. This is likely perpetuated by the large overlaps that exist between sex work and sex trafficking within the South African context.

The Sex Workers Education and Advocacy Taskforce (SWEAT) is an NGO that is at the forefront of advocating for the legalisation of sex work across Africa. In contrast to the abolitionist narrative created by certain counter-trafficking NGOs, SWEAT works to uncouple sex trafficking and sex work and to clarify the fine line between the two. This consideration is imperative when implementing the law and when administering the appropriate rights and services required (Khanyile, 2018). The opinions and movement of SWEAT have gained popularity, and within the context of third-wave feminism, a lot of traction. Notwithstanding the above, the differing narrative often ignores that even those who have chosen sex work, are at risk of falling into the trap of abuse and exploitation (Khanyile, 2018). This can be a slippery slope for a vulnerable individual, with the potential to be trapped inside the treacherous gates of sex trafficking.

Various precautions must be taken by NGOs so that the narratives created around sex trafficking reflect the reality of sex trafficking in South Africa.

3.3 EFFORTS TO IMPLEMENT AND ENFORCE PACOTIP

Since PACOTIP became active in 2015, there has been inconsistent enforcement despite the presence of comprehensive legislation defining the crime and laying out mandates. This section of the chapter will discuss the enforcement of PACOTIP following the structure set out in the National Policy Framework (NPF) – partnerships, prevention, prosecution and protection; each of these will be assessed critically in enforcement efforts between 2015 and 2018. This section will also endeavour to reveal where enforcement has been subpar, while outlining possible remedies for improvement as suggested by the existing body of literature.

During May 2019, the government announced its official National Policy Framework implementing PACOTIP. The NPF sets out medium-term (three- and five-year) goals for the implementation of the Act, under the headings *Partnerships*, *Prevention*, *Protection*, and *Prosecution*. The NPF recognises that implementation requires collaboration with government stakeholders, accredited NGOs and civil society, noting that all involved stakeholders are to share information in a timely manner first considering the safety, security, and privacy of the victim (Department of Justice and Constitutional Development, 2019).

3.4 PARTNERSHIPS – NATIONAL LEVEL

3.4.1 Strengthening networks under PACOTIP, 2015–2018

The government improved its trafficking prevention efforts and continued to coordinate its anti-trafficking activities at a national level – these stakeholders meet three times during the reporting period. Provincial anti-trafficking task team in each province are responsible for the coordinated activities aimed at implementing policy established by the high commission (Department of Justice and Constitutional Development, 2019). Since the enactment of PACOTIP, these commissions (task

teams) have formed a network to allow for the better provision and coordination of services. The task teams, however, have been under-resourced; one member on the KZN team stating that since 2008, they have not received a cent from the state to facilitate their operations. Due to the ad hoc formation and functioning of these teams, there has been a large disconnect between national and provincial players (Emser & Francis, 2017, p. 195). Furthermore, there is little accountability among the provincial task teams, causing poor communication and coordination, and in some cases the complete ceasing of activities (U.S Department of State, 2019).

The institutional capacity of The South African Police Service (SAPS) is shown to hinder the formation of networks envisioned by the national policy framework. SAPS has been mandated as a key stakeholder to enforce the PACOTIP Act. A survey conducted by Bello and Olutola (2018) reveals that the enforcement of the act has been a *case of an aircraft without a pilot*. The role of SAPS is to form a link between the justice system and civil society and in this instance, SAPS serves as the frontline identifier of victims and the consequent gateway to aftercare whilst also serving as the main institution for investigations. Despite its central role to enforcement, few arrests have been made under PACOTIP (Bello & Olutola, 2018).

Human resources at the frontline have mostly been left unequipped to identify victims and investigate cases of human trafficking. National level partnerships and coordination has been absent in capacity building for the first responders as illustrated in the case of SAPS; it has been noted in the literature that many SAPS officials do not have much knowledge about the crime (Khanyile, 2018). Similarly, Bello and Olutola (2018) outline in their survey with SAPS officials in Limpopo, that law enforcement's understanding of human trafficking was shallow; consequently, directly limiting their potential to address the crime (Bello & Olutola, 2018). The credibility of SAPS comes into question with many of its employees not having been trained suitably for the task mandated to them, whilst also lacking the commitment to fight this complex crime and being infested with high levels of corruption (Bello & Olutola, 2018). Overall, SAPS' anti-trafficking mandate (as laid out in the PACOTIP Act), has been poorly integrated into its broader crime prevention mandate (Bello & Olutola, 2018). This leads to the

consideration that although SAPS forms part of the network to enforce PACOTIP, it is not self-activating in fulfilling its mandate.

It is evident that there is a lack of coordination to effectively implement PACOTIP. The absence of a coordinated response and leadership is a cause and consequence of under resourced provincial-level response (Emser & Francis, 2017). The lack of coordination amongst actors has resulted in confusion over basic knowledge on human trafficking. The capability of the frontline currently rests in a handful of skilled and committed law enforcement officials, social workers and prosecutors; alongside them is an enthusiastic civil society and NGO networks who engage with counter-trafficking on the ground (Van der Watt, 2018, p. 9). A large responsibility rests with the leading experts from each department.

Implementation of PACOTIP has fallen short in ensuring that stakeholders cooperate and carry out their respective mandates. The roles assigned to the various departments involve administrative tasks and responsibilities, of which a large share was delegated to SAPS. Bello (2018) argues that SAPS is already overburdened, resulting in a need for the establishment of a specialised institution to not only deal with trafficking cases, but also to oversee the implementation of PACOTIP (Bello, 2018). Such a unit would consist of law enforcement specially trained and knowledgeable on human trafficking and on how to proceed with investigations of such a complex crime (Bello & Olutola, 2018). This would offset the shortfalls faced at the police station level. Suggestions of this sort infer that government departments have struggled in the implementation of PACOTIP.

Comprehensive and itemised budgeting and funding for the implementation of PACOTIP by all government departments must be made clear (Van der Watt, 2018, p. 12). The NPF sets out budget allocations per goal, and the responsibility now falls on the relevant government stakeholders to implement. The efficient allocation of resources will greatly influence the levels of success achieved by the network in fulfilling their network-level goals.

3.5 PREVENTION

3.5.1 Prevention Efforts under PACOTIP, 2015–2018

There have been efforts by the South African Government to embark on awareness campaigns, as evidenced by the Department of Social Development (DSD) hosted marches in several provinces to coincide with the broader campaign of 16 Days of Activism for Gender-Based Violence (GBV) and the SAPS awareness campaign in Kwa-Zulu Natal (U.S Department of State, 2018). There have also been six awareness activities run by various government departments which have targeted students (U.S Department of State, 2019). These efforts have unfortunately been sporadic and inconsistent, with no indication of their reach and effectiveness, although they are a noteworthy attempt to increase prevention. There is little to no evidence of a coordinated effort among state stakeholders to raise awareness, deducing that there have been low levels of network coordination to ensure that prevention is impactful and meaningful.

Surveyed NGO employees in Kwa-Zulu Natal indicated that their awareness campaigns reach many at-risk persons – one such campaign is an annual five-kilometre awareness walk hosted by the NGO (Khanyile, 2018). In addition, this NGO is active in raising awareness in schools and community centres (Khanyile, 2018). A different NGO hosts an annual event called *Walk for Freedom*, where a silent awareness walk is hosted in numerous towns and cities across the country in October of every year (A21, 2019). Lastly, and NGO has partnered with the Western Cape Department of Education to introduce awareness material into the high school life orientation curriculum (U.S Department of State, 2019).

3.5.2 Prospects for Improving Enforcement of Prevention under National Policy

Until the release of the NPF, there had been no clear strategy put forward by the government to undertake meaningful prevention work, and some researchers have asserted that the government is merely formulating experimental strategies (Bello, 2018). The NPF will need to address the numerous factors that enable the crime to

exist to ensure that the counter-trafficking strategy is far more than merely a reactive response.

This indicates that there is a requirement for more emphasis on preventative measures, specifically addressing the root causes of the phenomenon (Bello, 2018). The NPF acknowledges the need to address poverty and unemployment. Addressing other cause factors such as harmful or misconstrued cultural practices and GBV should be considered part of the strategy. One suggestion to address GBV is to empower communities to respond in a consistent way to violence against women (Buthelezi, 2015, p. 162). An example of a tool that could be used to this end is the Gender-Based Violence Hotline, which operates twenty-four-hours a day and acts as a tool for women to receive assistance where necessary. Programmes of this nature are often in line with some of the deliverables that NGOs strive to implement successfully, making them key stakeholders where *on the ground* expertise and assistance is necessary. The adoption of a broader strategy to address these causes goes beyond the scope of the NPF's three-year timeline.

Awareness of human trafficking, especially to vulnerable groups, is an important aspect of PACOTIP. Buthelezi (2015) posits that this responsibility should be taken on by DSD and the Department of Education. It is suggested that the Department of Education is in a good position to introduce the topic of human trafficking and PACOTIP into the Life Orientation curriculum (Buthelezi, 2015, p. 162). Similarly, it is suggested that the Department of Justice (DOJ) of South Africa and DSD embark on a joint venture with NGOs to train, and bring awareness to teachers on human trafficking and PACOTIP (Buthelezi, 2015, p. 162).

3.6 PROSECUTION

3.6.1 Prosecution under PACOTIP, 2015–2018

Following the introduction of PACOTIP, the criminal justice system has unfortunately been slow to acquaint itself with the introduction of this new criminal law. Similar to the rest of Africa, the increased counter-trafficking effort in South Africa has not seen a significant increase in convictions (Khanyile, 2018). The failure of the criminal

justice system to bring justice to human traffickers has decreased the perceived risk of being involved in this criminal offence. Globally, the low risk and high reward nature of the business tends to fuel the criminal groups' desire to remain active in the trafficking of humans (Bello & Olutola, 2018). Van der Watt (2018, pg. 10) maintains that the 'lack of a comprehensive criminal justice response ... serve as positive feedback for global criminal networks of all kinds to invest in a South African footprint'. Further contributing to this issue is the fluid and agile nature of these networks, and the slow wheel of justice, which has not counteracted these qualities. Overall, the failure of the criminal justice response has fuelled traffickers' ambitions in South Africa.

Although victims are generally encouraged to testify they often choose not to for personal reasons, and given the lack of evidence from investigations, cases are often dismissed. With law enforcement and prosecutors encouraging victims to participate in the lengthy investigation and legal process, there is evidence of provisions made for safe, long-term care to victims from other countries (Khanyile, 2018). Most victims, however, have not experienced justice, as the prosecution of their traffickers did not lead to a conviction (Khanyile, 2018). These failures are a consequence of many factors such as poor investigating, untrained officials, corruption, and slow processes. If the NPF aims to strengthen the criminal justice system's capacity to convict traffickers and bring down their networks, it will need to address a host of hindering factors, such that evidence does not heavily rely on the testimony of the victim.

The NPF identifies corruption as a main concern but does not seem to place significant emphasis on the topic. The understanding that corruption is a major cause perpetuating human trafficking ought to put eliminating corruption at the core of the counter-trafficking strategy. Corruption and greed have both fuelled trafficking throughout Africa while undermining the state's efforts to combat the crime (Bello, 2018). Corruption undermines the implementation of PACOTIP across both police stations and border posts.

At the station level, law enforcement is notoriously known for accepting bribes. Traffickers have the means to offer SAPS officials sizeable enticements to ignore their criminal activities, to tip them off before raids, and to sell escaped victims back to

them. Consequently, international syndicates – specifically Nigerian, Chinese, and Russian networks – are known to manoeuvre in South Africa with impunity (Van der Watt, 2018, p. 7). Specific reports have surfaced of officials protecting traffickers' activities in the Free State and Vaal region (Van der Watt, 2018, p. 7). In a survey by Bello and Olutola (2018), a SAPS official stated that counter-trafficking activities are not as *effective as expected*, and went on to identify the cause of this ineffectiveness as corruption in itself (Bello & Olutola, 2018). Overall, corruption has the potential to perpetuate the trafficking of persons, whilst also undermining any efforts made by the state to eradicate and eliminate the crime.

Given that trafficking is often a transnational crime, the nature of South Africa's borders has the tendency to facilitate the movement of trafficked people. That victims are transported across the border with ease indicates that there is a strong probability of facilitation by two factors, forged documents, and corrupt officials along the border (Khanyile, 2018). A HAWKS² official described the integrity of South Africa's borders as being even more porous than a *tea strainer* (Van der Watt, 2018, p. 12), and as a result, South Africa continues to be a destination country for victims being trafficked.

Specific reports of illegal border activity reaffirm the intensity and problematic nature of corruption at the borders. As early as 2010, reports in the media detailed a Mozambican syndicate that transported women across the Lebombo border post, by what they termed *friendly policemen* (Buthelezi, 2015, p. 161). Women and children trafficked from Mozambique are usually bound for cities in the provinces of Gauteng and Kwa-Zulu Natal (Khanyile, 2018). A more recent investigation of a Mozambican syndicate discovered that men and boys were recruited in Mozambique for illegal mining in the Free State area; the report claims that approximately 50 men and boys cross the border illegally weekly (Van der Watt, 2018, p. 7). Bello and Olutola (2018) surveyed an official who stated that corruption is rife in the Department of Home

² South Africa's Directorate for Priority Crime Investigation that targets organised crime, economic crime, corruption, and other serious crime.

Affairs (DHA) – permits are often offered to illegal migrants in exchange for bribes. The respondent specifically identified the Musina border post in the Limpopo Province as a location where corrupt officials allow illegal foreigners to enter the country (Bello & Olutola, 2018). Lesotho border towns have also been reported as recruitment towns for children who are then trafficked into South Africa (Khanyile, 2018)

3.6.2 Prospects for Improving Enforcement of Prosecution under National Policy

In order to strengthen the criminal justice system, the NPF acknowledges the need for further education and training on human trafficking for relevant stakeholders. Buthelezi (2015) claims that this type of education and training should be administered to judges and to prosecutors (Buthelezi, 2015, pp. 161-162). The nature of the intended education should provide sufficient insights into the dynamics of human trafficking (Buthelezi, 2015, p. 161). Additionally, given that human trafficking disproportionately affects women and young girls, there is a need for training to take on a gender-sensitive approach where necessary (Buthelezi, 2015, p. 161). It is important that stakeholders understand the crime to enable the effective implementation of PACOTIP within the criminal justice system.

Strategies to combat the crime through deterrence – by increased risk of prosecution – begin with investigations that produce results. SAPS officers often do not have sound legal knowledge on organised crime, causing them to fall short of proper prosecution (Govender, 2015). The structure of the law enforcement institution in South Africa has seen investigators at station level become increasingly involved with investigating criminal networks, thus they should be knowledgeable about the laws relevant to these crimes (Govender, 2015). At a station level, investigations typically rely on the information made available by communities, witnesses or those directly affected. No distinction in tactic is adopted between general crimes and crimes committed by syndicates, thus where information, or evidence is not obviously available, the crime is likely to be left undetected (Govender, 2015). This implies that at a station level, the investigating officer would likely use the same tactic to investigate a mugging and a case of human trafficking.

Momentum is being gained amongst scholars, proposing that a specialised law enforcement group be put together and trained, where deeper insights into trafficking and criminal networks will be key in informing their operations (Van der Watt, 2018, p. 12). Ideally, when these trained officials come on board to enforce the mandate of law enforcement, the factors undermining the current SAPS' ineffectiveness is likely to be addressed (Bello & Olutola, 2018). This suggested coordinated response is expected to result in an increase in prosecutions and reduced trafficking incidents.

3.7 PROTECTION

3.7.1 Protection under PACOTIP, 2015-2018

PACOTIP states that when a person is exposed to a suspected trafficked person, they are to report it immediately to law enforcement for investigation (Government Gazette, 2013); however, it is at the station level where victim identification seems to unravel. A SAPS survey respondent in a study published in 2018 stated that there are 'still many lapses in their capacity to detect trafficking cases when they come in contact with it' (Bello & Olutola, 2018). Cases of trafficking often pass through stations undocumented, with some cases being opened for different, and often incorrect offences such as kidnapping, domestic violence, assault and labour disputes (Van der Watt, 2018, p. 8). Consequently, procedures to identify victims within vulnerable groups have not been implemented. For example, women and lesbian, gay, bisexual, transgender, and intersex (LQBTI) persons working in prostitution are not screened by SAPS for indicators that they may be victims of sex trafficking (Khanyile, 2018).

Victim testimonies in police stations are often inaccurate or incomplete. If victims fail to provide surface-level evidence of the means of trafficking (force, fraud or coercion), they tend to go directly into an unclassified category and will be unable to gain access to an accredited NGO-run safe house (Khanyile, 2018). Currently, victim identification is not greatly advanced and it seldom considers the behaviour displayed by traumatised victims; these victims may not necessarily be fully cognisant of their surroundings (Bello & Olutola, 2018).

In the absence of SAPS' capacity to identify victims, a twenty-four-hour NGO hotline was set up to bridge the gap between SAPS and civil society. The National Human Trafficking Hotline (NHTH) is responsible for a large portion of identified victims in South Africa (U.S Department of State, 2018). Khanyile (2018) notes the following response by a surveyed NGO regarding the helpline:

That number is 0800 222 777. It is a very effective number in the sense that one does not only call it when in trouble, or when they are being trafficked but when they have any question, suspect anything to do with human trafficking. Anyone can get in touch with ... this number anytime. It has been very effective in leading to the rescue of victims.

Scholars have discovered that a deep understanding of human trafficking is infrequently found at station level (Bello & Olutola, 2018). Bello and Olutola's (2018) survey concludes that several frontline law enforcement officials do not understand what trafficking in persons is. Not only is there a gap in the inability to investigate the crime, but there is also a gap in management of the victims once identified. Due to the lack of knowledge around the needs of victims and trauma faced as a result of trafficking, law enforcement agents have been unable to provide victims with the correct support before the involvement of social workers (Bello & Olutola, 2018).

The lack of basic knowledge by all mandated stakeholders around trafficking needs to be addressed urgently; this includes a well-trained judiciary. A prosecutor with deep insight into the nature of the crime is likely to understand why a victim would sometimes offer false information at first; an untrained prosecutor may see this hesitation to tell the truth as an obstruction to justice (Khanyile, 2018). It is crucial to the implementation of PACOTIP that law enforcement and the judiciary are well trained in the PACOTIP Act, as well as the multi-layered crime (Buthelezi, 2015, p. 161).

The NPF sets out to educate communities as part of its broader victim identification strategy. Untrained officers have been known to refrain from investigating reports of suspicious trafficking activity. However, there is no state-run reporting mechanism for civil society to report a suspected incidence of trafficking (Bello & Olutola, 2018). To

fill this gap, the NGO-run NHTH acts as a bridge between civil society and law enforcement, while also advocating for the rights of victims, often coordinating placements on behalf of them. This is useful as trafficked people may often be wary of trusting law enforcement, often afraid to present themselves to police stations and share details of their experiences (Bello & Olutola, 2018). Evidently, there is a need for NGO assistance on matters of protection.

Once a victim has been identified and safely removed from their trafficking situation, the state must begin the process of victim assistance. Following the enactment of PACOTIP, the state increased its activities to assist victims. One such example is seen through the government providing existing shelters with funding and equipping a handful of social workers to oversee restoration (Khanyile, 2018).

DSD continually accepts victims identified by law enforcement and assists in their placement at accredited shelters (Khanyile, 2018). However, government social workers have not necessarily been equipped to deal with the extent of trauma associated with victims of this nature – with a handful in each province possessing the appropriate knowledge and expertise. At the time of writing, there were only three social workers in Gauteng, able to deal with cases of human trafficking³.

The aftercare facilities currently available to trafficked persons in South Africa are non-accredited short-term shelters and longer term accredited NGO-run shelters; for victims of sex trafficking, assistance is provided at the government-run Thuthuzela Care Centres (TCCs)⁴. Victims of sex trafficking may be passing through these centres as rape victims rather than victims of sex trafficking. In 2017, the network of 53 TCCs across South Africa was reported to have assisted only five victims of sex trafficking (Khanyile, 2018).

³ Information obtained from the authors time working for the NHTH, where a comprehensive database of human trafficking approved social workers has been compiled.

⁴ The TCCs are clinics that have been set up to fully service victims of rape and sexual violence.

PACOTIP and the NPF have prioritised the protection of victims, with the Act stipulating that the provision of shelter is the responsibility of the state (Government Gazette, 2013). However, there are currently no state-managed accredited human trafficking shelters; each shelter is owned and managed by NGOs (Bello, 2018). The NGO-run shelters are autonomous in their decision-making, and while they may only accept a victim with the correct forms from law enforcement and social workers^s, each shelter operates at its own discretion. There have been reports of certain shelters refusing to house victims that are high-risk without extra security measures put in place by the state (Khanyile, 2018). Further highlighting the importance of coordination is the instance where victims were referred to non-accredited shelters which put their personal safety at risk through potential exposure of their identities (Emser & Francis, 2017, p. 200). Consequently, the structures in place since 2015 have not been prioritising support and care of victims (Khanyile, 2018), and currently there appears to be little coordination and structure in the aftercare placement system.

3.7.2 Prospects for Improving Enforcement of Protection under National Policy

The NPF recognises that various frontline professionals often come into contact with victims. A gap in knowledge exists around how to identify and treat an identified victim. Van der Watt (2018) identifies other key sectors that should be included in the victim identification strategy such as tourism, hotels, mining houses, property rental companies, transportation industry (buses, taxis, airlines), and financial institutions – common hubs that victims and traffickers regularly pass through. Having informed professionals available in these industries would likely increase the chance of identifying a victim or the activity of a trafficker.

Moving a trafficked person into a place of safety is but the first step of the restoration journey. Survivors of human trafficking are commonly found with complex trauma, suicidal tendencies, drug abuse (often developed while in the trafficking situation through force), and HIV/Aids (Van der Watt, 2018, p. 10). There must be more

^s Form 611 from SAPS and a form 3 from DSD

emphasis placed on properly funded rehabilitation centres for both male and female victims (Van der Watt, 2018, p. 10).

3.8 PROSPECTS FOR COLLABORATION

After examining the enforcement of PACOTIP thus far, as well as its various shortfalls, it is evident that an overarching prospect for improving enforcement is collaboration. Partnerships between the public sector, private sector, communities, and NGOs ought to become the backbone of South Africa's plans to address human trafficking (Van der Watt, 2018, p. 13). Respondents in Bello & Olutola's (2018) survey indicated that even if a specialised law enforcement unit is established, for it to be effective it must work with NGOs in the field (Bello & Olutola, 2018). A survey participant in Khanyile's (2018) study stated that there is a strong need for collaboration of government officials to be hands-on with counter-trafficking NGOs (Khanyile, 2018).

In contrast to what has been displayed by the government, its departments have more to gain than to lose from collaborating with NGOs. The networks formed by NGOs have so far been the most cohesive and coordinated response to the crime (Emser & Francis, 2017, p. 194). The NGO network labours to fill gaps in counter-trafficking activity; consequently, there is a vital role to be played if coordination with the state's actions can be formalised (Emser & Francis, 2017). It is likely that formalised collaboration with NGOs will be useful in national strategy formation.

Individuals within government and NGOs have worked together since the introduction of PACOTIP. The provincial-level task teams have been active for several years, and there is usually an NGO representative during discussions and negotiations in each province. In Kwa-Zulu Natal, an NGO (not part of the task team) stated that it reports suspected cases of trafficking to the task team who then handles the case from that point onwards (Khanyile, 2018). This feedback is useful in illustrating how NGOs utilise a state-led task team to ensure that cases are being appropriately seen to, and is a useful illustration of collaboration at a micro level. Rapid-response teams active in the provinces of Gauteng, Western Cape, Kwa-Zulu Natal, and Mpumalanga are comprised of both government and NGO stakeholders who generally assist with

coordinating protective services for victims (Khanyile, 2018). As the NPF is implemented, these task teams should strengthen in terms of their overall effectiveness.

The NHTH exists as a tool to work alongside government stakeholders to ensure that cases are handled correctly, and that victims' needs are seen to. The NHTH encourages civil society to take control of eradicating modern slavery through reporting trafficking *flags* in their communities (NHTH, 2018). This is aligned with one of the goals as outlined in the NPF, which is directed at educating communities and facilitating victim empowerment. The NHTH is a twenty-four-hour helpline, which often bridges gaps in knowledge to the benefit of law enforcement, proving a source for tip-offs of potential incidences of trafficking, creating a platform for those involved to follow up on investigations, informing social workers of potential victims, and coordinating placements directly with shelters (NHTH, 2018).

As untrained law enforcement officials encounter traumatised victims, they are sometimes unaware of how to approach and treat victims of trafficking. NGOs are in a position to assist law enforcement in navigating these situations in a better manner (Buthelezi, 2015, p. 163). The NHTH will provide law enforcement with information and tips on how the officer can take a victim-centred approach when communicating with the victim. Since its inception in 2016, the NHTH has assisted in the rescue and placement of more than one hundred victims of trafficking; it is an invaluable micro-level tool that continuously plays an important role in pioneering collaborations with all relevant stakeholders (in particular the SAPS and DSD).

A collaborated effort will continue to contribute to an improved understanding of the manifestation of modern slavery in South Africa, and in turn, is likely to inform various strategies in order to combat it. There is a lot of potential for the NFN and the government-formed policy network to lead the way in forming a sustainable network that is able to share resources and workload efficiently, through identifying the strengths, weaknesses, and overall capacity of each stakeholder. It is imperative that South Africa's anti-trafficking response is a systematic one. Trust and cooperation among stakeholders will be key when facing syndicates who are highly adaptive and organised.

The next chapter will unpack in greater detail how the concept of a ‘network’ can be employed to examine enhanced collaboration around human trafficking’

CHAPTER 4: HUMAN TRAFFICKING AND POLICY NETWORKS

4.1 INTRODUCTION

This chapter will discuss the role and usefulness of the concept of a policy network to investigate its potential for strengthening the enforcement of anti-trafficking efforts by state and NGO actors. The theoretical implications of these networks will be discussed in connection with countering human trafficking efforts globally; this is followed by an application to South Africa's two counter-trafficking networks – the state-formed network created to enforce PACOTIP and an NGO-lead network called the National Freedom Network.

4.2 POLICY NETWORKS

A network can be defined as three or more stakeholders that actively agree to work with each other to deliver services, address challenges, seize opportunities, share information, and lastly, acquire and access resources (Kenis & Provan, 2009). There are two main factors to a policy network, stakeholders, and links, operating on a horizontal rather than a vertical axis (Carlsson, 2000). A policy network consists of a circumscribed set of players and at least one set of policy-related affairs that connect these players (Knoke, 2016). This implies that each stakeholder enters into the network agreeing to relations with the other players (Giddens, 1984). Klijn & Koppenjan (2000) claim that these stakeholders are interdependent, and that policy can only be successful through their cooperation (Klijn & Koppenjan, 2000).

The policy network is tasked to design, and to form a structure to enable policy implementation. Five predominant types of relations identified are resource exchange, information transmission, power relations, boundary penetration, and sentimental attachments (Knoke, 2016). These elements are interdependent, and it is imperative that each of them works together in tandem, in order to improve the efficacy of the response to solving policy problems.

4.3 STRUCTURES OF POLICY NETWORKS

A policy network can be evaluated at two levels – policy development and policy implementation, and the make-up of the network appearing different with a problem solving and an implementation approach (Carlsson, 2000). Carlsson (2000) understands an implementation structure as a group of actors working together to ensure a certain policy outcome. This improves the understanding of how the concept can assist with the identification of the issues faced through implementation, and prospects for improving them.

As noted earlier, most cooperation in policy networks take place horizontally rather than vertically, creating a space where players work with each other rather than for superior players. If policy networks adopt a bureaucratic structure, they risk limiting the potential of horizontal cooperation, which in turn could affect the policy outcomes (Klijn & Koppenjan, 2000). Often, government will look to work with external stakeholders such as the private sector and NGOs (Klijn & Koppenjan, 2000).

Policy networks can be made of groups or policy communities, that can be understood as smaller groups made of government and non-government players who specialise in particular issues (Rhodes, 1990). These policy communities have the potential to give the policy network in depth knowledge and guidance, whilst providing resilience that is imperative when attempting to solve vast and complex problems.

The policy network approach makes certain assumptions about network interaction and management. Such assumptions include cooperation; rules to regulate stakeholders on factors such as behaviour and resources, that stakeholders have their own perceptions of problems and their own desired outcomes, resulting in each actor adopting their own strategy (Klijn & Koppenjan, 2000). However, the assumption is that players will cooperate and that their dependencies will lead to sustainable relations (as they rely on each other to achieve policy goals) – while creating opportunity to improve relations through incentives for cooperation (Klijn & Koppenjan, 2000). Using this model, the success of policy outcomes will depend on the extent of cooperation amongst collaborators.

4.4 EVALUATING OUTCOMES OF POLICY NETWORKS

Networks are often central to the success of the implementation process, particularly when implementation is in some way connected to the operations of the network. Thus, the successful implementation of a law, policy, or programme will require that the network overseeing such implementation will act in unison and effectively, to achieve the desired outcomes.

Collective Action

Klijn and Koppenjan's (2000) model is a broad set of assumptions based on game theory, which can likely be applied to most types of policy networks. However, certain policies such as those focused on human rights violations, may require a framework that is further tailored to the problem. A general definition of collective action is 'actions taken by members of a group to further their common interest' (Bogdanor, 1987). Since actors in a network are operating as organised entities, they are in essence collectively acting units (Carlsson, 2000). Organising to form a network assumes that the division of tasks – labour – and coordination of these tasks will accomplish the desired outcome of the policy (Carlsson, 2000).

This form of multi-actor coordination seen in policy networks can be considered a form of collective action. (Carlsson, 2000, p. 508). Often when the interests of actors differ, success will depend on high levels of coordination among actors. This framework indicates that instances of collective action require high levels of coordination in spite of diverging interests (Carlsson, 2000, p. 509).

**The Relation Degree of Common Interest and Coordination of Actors;
Different Instances of Collective Action**

		INTERESTS	
		Divergent	Common
THE EXISTENCE OF FORMAL COORDINATION	yes	A	B
	no	C	D

Figure 4.1 The Relation Degree of Common Interest and Coordination of Actors

Source: Carlsson. 2000, pg. 509

Carlsson (2000) provides several hypotheses to support the framework of collective action and policy networks, which are shaped by their context. A contextual understanding must be applied when trying to understand the emergence and functioning of the network. Policy networks will also differ depending on the definition of the problem – this reinforces that a common perception of the problem must be identified. In addition, Carlsson (2000) notes that there must be mutual understanding amongst actors, and that networks that are voluntary are more likely to contain players with higher levels of commitment. Lastly, the author claims that existence of control will define the development of the network, where activities and resources are formalised through control to facilitate coordination (Carlsson, 2000, p. 515). Together, these hypotheses provide a solid foundation with which one can attempt to understand collective action within policy networks.

4.5 MANAGEMENT OF POLICY NETWORKS

The network management approach lays out various factors responsible for the success or failure of the policy network. Using a top-down evolution criterion – where evaluation criteria centres on goal achievement – is a criterion that can account for dynamic multi-actor interactions (Klijn & Koppenjan, 2000). This approach discusses these factors on two levels – an interaction level and a network level. At the interaction level, the cooperation of actors – similar to the collective action model – asserts that actors must be aware of their mutual dependencies and are able to define common interests (Klijn & Koppenjan, 2000).

At a network level, there are four criteria for assessment – the degree to which actors hold veto power (through indispensable resources), the level of involvement with these actors, mutual rules, and the management of conflict where problems are defined and solutions fall within the scope of network rules (Klijn & Koppenjan, 2000).

4.6 NETWORK THEORY AND HUMAN TRAFFICKING

Applying network theory to a social problem such as human trafficking is relevant for several reasons. Firstly, human trafficking is an incredibly complex phenomenon that takes place across many legal and illegal industries – from those that require unskilled labour to underground networks of selling illegal sex, selling organs, and trading in human beings; there is no one particular stakeholder that can identify victims across such a broad spectrum. Secondly, human trafficking is caused by a multitude of push and pull factors such as poverty, unemployment, gender-based violence, low education levels, and harmful cultural practices, with no one stakeholder that is able address these issues. Lastly, counter-trafficking efforts should look to prioritise the rescue, safety, and restoration of victims, and that requires high levels of cooperation and coordination between investigative, judicial, and restorative players.

An example of the application of network theory on human trafficking stems from a study of counter-trafficking structures in the USA where a coordinated network facilitated improvements in anti-trafficking measures, particularly in service provision for victims. Network capacity was identified as one of five key components to counter-trafficking projects and paves the way for future counter-trafficking efforts – as there is an increasing need for organisations and service providers to interact (Wolf-Branigin, Jensen, & Smith, 2008). Results from counter-trafficking efforts revealed that players who provide anti-trafficking services would need to increase cooperation with other players who provide human services to direct service provision across the country in a better way (Wolf-Branigin, Garza, & Smith, 2010). Such a finding implies that services rendered by varying actors can be improved through boosted collaboration and it was concluded that relevant actors should build relationships to collectively understand the problem and to facilitate engagement to curb the crime (Wolf-Branigin, Garza, & Smith, 2010). This is in line with the collective action model, which emphasises that a common understanding of the problem and high levels of cooperation would make way for the success of the policy network.

In addition, it is suggested that a network approach can be developed to curb the demand for goods and services stemming from the human trafficking industry. Essentially, hubs of influence should be formed using the network theory, where these

hubs have the ability to influence people who consciously and unconsciously contribute to the demand of the industry (Wolf-Branigin, Garza, & Smith, 2010). This can be directly compared to a similar project undertaken by the U.S. Office of National Drug Control Policy's High Intensity Drug Trafficking Areas, where targeting hubs of high incidence provide useful lessons on cooperation (Wolf-Branigin, Garza, & Smith, 2010). Using a coordinated network created opportunities to share information so that high incidence areas could be mapped and targeted for intervention. This allows for strategies to be created and for resources to be directed efficiently. Overall, this paper recognises the importance of coordinated efforts to address human trafficking in the USA and notes the potential for a similar approach to be adopted in South Africa.

A different research project by Deanna (2013) looked at the potential for transnational advocacy networks to take the lead in anti-human trafficking awareness campaigns. Some relevant questions to help understand the role and effectiveness of the network approach are as follows:

- is it important that anti-trafficking NGOs organise their efforts within a network rather than operating independently
- which factors may impede or facilitate an organisations participation in transnational advocacy networks
- which are the goals and activities of transnational advocacy networks

(Deanna, 2013).

Once again, there is emphasis on the underlying criteria of common goals and cooperation. Additionally, this application accounts for exogenous factors that may affect network participation. The author finds that these advocacy networks are central to norm creation, protecting vulnerable groups, encouraging collaborative strategies, improving partnerships between industries and assembling human rights institutes (Deanna, 2013, p. 63). Together, the existence of active anti-trafficking advocacy networks has facilitated collaborative strategic response among various sectors while also increasing human rights considerations, particularly where vulnerable groups are concerned.

4.7 AN EXOGENOUS THEORY TO ASSESS COUNTER-TRAFFICKING NETWORKS

Kenis and Provan (2009) set out an exogenous theory of network performance to determine the appropriate criteria with which to assess a network's performance, based on particular characteristics of a network. The authors discuss ways to study network performance in cases where networks are in charge of one or more components of a service to be rendered. Using an exogenous theory to understand network performance allows a fairer assessment criterion, particularly where networks do not have control over all factors that affect their performance (Kenis & Provan, 2009).

To illustrate, it would be unhelpful to assess a network on efficiency when the network values unanimous decision-making (Kenis & Provan, 2009, p. 445). The authors identified three exogenous performance factors that allow for an improved understanding of network performance – the form of the network, whether it is voluntary or mandatory, and its developmental stage (Kenis & Provan, 2009). For each of these exogenous factors the goals, assessment criteria, and operations may differ among networks.

Structural Form

The existing literature indicates that the structural form of the network will determine the potential of the network to achieve various outcomes (Baker & Faulkner, 1993) and thus, the design of the network will infer the types of outcomes that are within its reach. Differing network structures have varying potential to achieve some goals over others (Kenis & Provan, 2009). This framework suggests three structural forms that most networks are likely follow.

- A shared governance structure is the simplest form of a network, it has apportioned control, and all members operate as a collective body. The absence of a central authority allows each member a voice in the decisions and activities carried out by the network, resulting in an inclusive system that can be flexible and responsive to each member's needs. Conversely, the network can be relatively inefficient compared to other network forms, with inefficiency

arising from overlapping activities, or gaps in activities (Kenis & Provan, 2009, p. 446).

- A lead organisation form is a network structure that involves one member having sufficient resources and legitimacy, thereby assuming the role as the leader. The lead organisation will oversee important decisions and coordinate the activities of the network and typically provides the administrative framework under which the network operates. Having a lead member can minimise inefficiency as a centrally organised structure is more likely to lead to efficient outcomes. Conversely, the lead member may have a vested interest in certain outcomes allowing it to use its dominance to push a specific agenda (Kenis & Provan, 2009) – this could cause resentment and dysfunction within the network. When the goals of the network do not align with goals of the members, there is the risk that members could grow disinterested in network goals (Kenis & Provan, 2009, p. 448). If this happens, members will return their focus to their own desired outcomes, resulting in inefficiency or even dysfunction.
- A network administrative form has an entirely separate body set up solely to coordinate network activities, with its complete focus being the governance of the network. While all members work together, decision-making happens through the administrative body (set up solely of individuals working together), to ensure good governance over the network. This structure will boost the network's legitimacy and efficiency and improve prospects for sustainability. Conversely, if members become heavily dependent on the governance body it could lead to the body adopting processes that could become too bureaucratic (Kenis & Provan, 2009, p. 449).

Mandatory versus Voluntary Network Formation

The second exogenous factor with which network performance can be understood is whether network membership is voluntary or mandatory. Performance criteria are expected, in part, to be different for voluntary and mandated network forms. Certain

assumptions are made for each type of network, allowing a deeper understanding of performance criteria.

Firstly, a voluntary network is when the system creation is usually the result of a bottom-up process, and professionals and organisations would band together to form a collaborative network (Kenis & Provan, 2009, p. 449). As members are typically involved in the inception of the network, it is probable that each member would be self-activating, resulting in individual members showing a willingness to find a balance between organisational interest and network interests, further contributing to the success of the whole (Kenis & Provan, 2009, p. 449). Conversely, a voluntary network will have to be more diligent in order to attain legitimacy and to ensure sustainability (Kenis & Provan, 2009, p. 450).

Secondly, a mandated network structure is one that is generally created by a government agency to meet the needs of a policy dictate (Kenis & Provan, 2009, p. 450). It is usually set up by the state to coordinate the activities of stakeholders involved in implementation and enforcement of national policy or legislation. Operational-level stakeholders are more likely to buy into a mandated network than their managerial directors (Van Raaij, 2006) and compared to a voluntary network, members are expected to be less self-activating (Kenis & Provan, 2009, p. 450). Stakeholders may prioritise other goals and interests above those mandated through the policy or network and consequently, possible poor coordination amongst members of the network.

The Developmental Stage of the Network

The developmental stage of the network will inform of its capabilities, its focus, and its potential to meet goals. Networks are expected to evolve as they move into new developmental stages (Kenis & Provan, 2009, p. 451); thus, at certain stages there are specific network goals that are more appropriate than others are.

Firstly, a newly formed (or an infant) network will have members involved with its formation and set up and utilising resources to develop the structures and processes

required (Kenis & Provan, 2009, p. 451). This is a crucial stage, affecting how the network performs as it moves into more developed life stages. A new network will be less focused on achieving outcomes, particularly where setting up is in progress and the potential for goal attainment relies on the set up (Kenis & Provan, 2009, p. 451).

Secondly, a mature network that is focused on goal attainment and outcomes is expected to operate efficiently, as it will have implemented operations that are best suited to goal attainment; this implies that the network is expected to have the capacity to fulfil its network-level goals (Kenis & Provan, 2009, p. 551).

4.8 APPLYING POLICY NETWORK THEORY

In this section, the exogenous theory of network performance is applied to the two active counter-human trafficking networks in South Africa: the state-formed policy network and the NGO-formed network, the National Freedom Network. Through this application, the expected performance of each of these networks will become clear, allowing for a deeper understanding of how they can collaborate with the aim of improving the enforcement of PACOTIP at ground level.

4.9 SOUTH AFRICA'S ANTI-HUMAN TRAFFICKING NETWORKS

State-Formed Policy Networks

Under the PACOTIP Act and the National Policy Framework, the government has set up a top-down network approach; this state-formed network will ensure that counter-trafficking is well managed so that policy goals can be realised. On a secretarial level, the National Anti-Trafficking Coordinator, appointed by the Minister will oversee the National Inter-Sectoral Committee on Trafficking in Persons. This committee will facilitate and support stakeholders in fulfilling their mandates laid out in PACOTIP (Department of Justice and Constitutional Development, 2019). It will be supported in this role on an operational level by the National Rapid Response Team and the nine Provincial Rapid Response Teams. Together, they form a state-led hierarchical network to coordinate the anti-trafficking response under PACOTIP in order to implement the National Policy Framework.

The set up and leadership of the National Inter-Sectoral Committee on Trafficking in Persons is the responsibility of the Department of Justice and Constitutional Development (DOJ&CD). It is composed of relevant government departments and stakeholders, to name a few – DSD, SAPS, DOHA, Department of Health, Department of Women, South African Revenue Services, and an NGO representative who represents civil society. Some of its responsibilities include proposing improvements to legislation, providing information to stakeholders to ensure coordination of activities, ensuring accountability, promoting communication strategies, mobilising resources, and supporting efforts to monitor and assess activities in the field (Department of Justice and Constitutional Development, 2019). Overall, the DOJ&CD will create and lead the body responsible for tracking and monitoring progress and stakeholder activity, whilst providing support and promoting coordination.

The operational level of the network – overseen by the national and provincial task teams – are made of representatives from above listed department stakeholders. The mandate requires the national task teams to coordinate the counter-trafficking response among service providers and to oversee the multi-disciplinary management of cases across victim identification, support, and prosecution (Department of Justice and Constitutional Development, 2019). Additionally, it is responsible for the efficient allocation of resources, supporting capacity building and recording case details for data purposes. The provincial task teams – operating under the national task teams – are responsible for departmental consultations, facilitating communication amongst stakeholders to ensure coordination of responsibilities, ensuring capacity building, ensuring cases are managed correctly and monitoring and reporting of overall effectiveness to the appropriate bodies (Department of Justice and Constitutional Development, 2019). This state-formed network is expected to facilitate best practice and oversee case management and stakeholder coordination.

This state-led network is theoretically expected to facilitate stakeholder cooperation and coordination, yet according to the exogenous theory of assessing networks, it is at risk of not prioritising a common network interest. One key factor to network success is common understanding of the policy problem – defining the problem and adopting the PACOTIP estimation of the crime facilitates a shared understanding of human

trafficking amongst members. As most stakeholder's form part of government entities, there is a constitutional responsibility to act in accordance to their mandate under PACOTIP, which includes cooperation with other members within the policy network.

The theory discussed in this chapter suggests that a top-down approach to network formation may hinder the potential for horizontal cooperation, particularly when working with non-state actors who do not yield any authority within the network structure.

National Freedom Network

The National Freedom Network (NFN) is the first network to have formed in the South African anti-human trafficking space, comprising NGOs in the field, and its stated vision is 'to establish and maintain a national network of role players and stake holders working together against human trafficking' (National Freedom Network, n.d.).

The NFN connects organisations in the field so that information and best practices can be shared, while allowing members to learn from each other's challenges and successes. Through building partnerships, the NFN operates in all nine provinces of the country, and has 36 publicly listed members, although not all members wish to be listed on their website (National Freedom Network). Theoretically, this network aims to employ collective action to reduce the prevalence of human trafficking in South Africa.

Since the introduction of PACOTIP in 2015, each organisation is loosely expected to adopt the definition of human trafficking set out in PACOTIP. However, individual NGOs have their own understanding of the crime – some derived from a faith-based mandate, from international leadership or donors, and others from various narratives they wish to portray. This has led to minimal uniformity over certain understandings of sex trafficking and prostitution, labour trafficking, and labour exploitation.

Although the overarching PACOTIP definition will dictate terms of victim identification on a national level, NGOs within the NFN are autonomous and can act within their own means regarding certain issues (such as the classification of victims). Thus, actors within the NFN may pursue conflicting strategies in practice. The NFN

does however, have the advantage of concentrated expertise where each actor is specialised in the field of counter-human trafficking and in most cases focuses solely on this problem. The predominant goal of reducing human trafficking is clear; nonetheless, conflicting ideology may affect the formation of other goals. Overall, the NFN is bound together under a common goal by leveraging collective action.

Expected Network Performance

Expected network performance can be discussed through an application of the exogenous theory (of network performance). This creates an understanding of where the network's strengths and shortfalls will affect PACOTIP enforcement and where it can be improved on through cooperation.

The structural form of the state-led network has features from both lead and administrative network forms. Characteristics in line with a lead organisation form are as follows: one member (DOJ&CD) is responsible for creating the body that will oversee stakeholder activities and promote its coordination under PACOTIP; this lead organisation will also be responsible for setting up the network's administration framework and a central authority may optimise efficiency and provide legitimacy.

The state-formed network is mandated rather than voluntary – it has been created for coordinating stakeholder activity to ensure implementation and enforcement of national policy. The exogenous network performance theory alludes that operational level stakeholders would be more willing to participate in the network relative to their secretarial counterparts. This would indicate that the task teams would more likely buy into the network than the National Inter-Sectoral Committee on Trafficking in Persons. Members are expected to be less self-activating than in a voluntary network, and additionally, they may prioritise other interests over the network's interests. This is probable because government departments have competing priorities. As an example, SAPS have a mandate of which PACOTIP is only a small portion; a risk exists of a significant number of resources being allocated to crimes perceived as more pressing at the station level, which may result in poor network coordination among members.

The NFN is a voluntary network. The exogenous network performance theory suggests that the NFN would be the result of a bottom-up process where professionals and organisations form a collaborative network. The formation of the NFN stems from non-government stakeholders conducting research and workshops to determine where gaps in the field are, consequently forming a strategy for moving forward and one year later the NFN was initiated (National Freedom Network, n.d.). NFN members are expected to be more self-activated relatively than those in a mandatory network are. In this case, where the NFN aims to share resources and information amongst its members, it is in the best collective interest for members to be self-activating. There is perceived value in coordinated activity; however, challenges for voluntary networks include acquiring legitimacy and sustainability (Kenis & Provan, 2009). Acquiring network legitimacy can be challenging when the networks mandate is not clearly legislated and expressed as a state-formed policy; consequently, it is more difficult to justify the networks role, particularly where members represent diverse values. The NFN gains legitimacy from its member organisations and from the core team involved in its administrative activities and it is unclear what their perceived legitimacy is when interacting with government stakeholders. Affecting its legitimacy might be its religious foundation, which in a field like human trafficking, can deter members and external stakeholders active in the counter-trafficking space who do not have similar faith-based values.

The developmental stage of the network is the final exogenous factor that can be used to understand the network. A newly formed network like one formed under PACOTIP, will be concerned with the formation, and set up of the network. The DOJ&CD was mandated with the creation of the National Inter-Sectoral Committee on Trafficking in Persons. From there, the task teams active nationally and provincially, are still finalising their processes. Consequently, the network will be less focused on goal attainment, which implies that the network formed under PACOTIP, will be unlikely to attain its goals until its processes and structures are well formed. The handful of knowledgeable and dedicated department representatives that represent task teams will have to carry the network-level interests into their departments – which may have other responsibilities. Adopting this (fairly) new mandate will require time and persistence, proving that help from non-state actors may be useful. Overall, this new state-led

network will focus on creating sustainable and efficient processes to enforce anti-trafficking measures before turning to goal attainment.

The NFN development stage falls in the spectrum between new and mature. Kenis and Provan (2009) do not provide general timeframes for different developmental stages. The NFN was founded in 2011, thus at the time of writing, it is a nine-year-old network. South Africa's PACOTIP criminalised human trafficking in 2015, which alludes to the fact that in its first four years of operation, the network was operating to curb human-rights violations that were addressed across a fragmented legislative landscape. It is likely that the processes and structures adopted at the creation of the NFN would have had to be revised following the introduction of PACOTIP.

To conclude, there appears to be significant potential for the state and non-state networks to coordinate anti-trafficking measures. Given the different stages of development and structures from the state and non-state network, there are individual incentives for each network to coordinate more closely, which can result in more effective implementation of anti-trafficking policies. Building partnerships and drawing on the expertise, knowledge, authority, and skillset of each network can facilitate attaining the goals laid out in the NPF.

CHAPTER 5: RESEARCH METHODOLOGY

5.1 INTRODUCTION

The foremost goal of this research is to present the prospects for strengthening enforcement of anti-human trafficking measures through collaboration between state and non-state actors.

The existing literature points to various prospects to this end, and with the aim of improving insight into where collaboration between government and NGOs would be most valuable, this research opted to survey the relevant NGOs using a semi-structured questionnaire. Anti-human trafficking NGOs in South Africa have been understudied with little available information on their activities, capacity, and experiences in the field. Choosing to collect primary data on this group adds a new dimension of insight into their activities and experiences; creating a basis to evaluate the prospects for improving government responses to human trafficking through enhanced collaboration with NGOs. Furthermore, the use of primary sources will contribute to reaffirming certain themes and points made in secondary sources on this topic. The survey design was conceived to generate a more complete profile of NGO responses to trafficking and to identify specific levers of collaboration.

5.2 RESEARCH DESIGN

A global study done by Limoncelli in 2016 surveyed self-identified counter-trafficking NGOs to assess their impact. This research paper adopts a similar survey method to assess the NGO impact in South Africa, taking it a step further – to looking at the prospects for NGO collaboration with the government sphere so that the prospects for strengthening enforcement of anti-trafficking measures can be identified. This method allows a better understanding of NGO trafficking focus and activities, piecing together how they can be useful and effective in the space. For example, globally there is a disproportionate NGO focus on sex and child trafficking; in South Africa, there is no precise information on what types of trafficking NGOs focus on. This survey method will be the first step in assessing these NGOs for better understanding where they can add value to curb the problem.

The approach used for this research is useful for several reasons. Most observably, it is the first attempt at collecting primary data from this group of stakeholders to inform a study of this nature. Other relevant advantages of using a semi-structured questionnaire follow: it ensures validity and reliability; it allows for a simple and practical means of reaching participants across the country; it allows for analysis to be efficient and comprehensive

The semi-structured questionnaire approach increased the comparability of the data that helped to build a broad profile of the anti-trafficking efforts, the internal challenges and operational advantages of NGOs, including the extent of variation amongst them. This created a breadth of data that could be used to gauge the prospects for strengthening a networked response to the problem by government and NGO actors through enhanced collaboration, and in response to the aims of PACOTIP.

The survey was designed to create a better understanding of the types of activities carried out by NGOs, their strengths, weaknesses, and experiences operating under PACOTIP and with government actors. The questions aimed to measure each of these, to fulfil the overall goal of this research. The survey was divided into four main sections, each with a singular focus:

- types of activities carried out by the NGO, with focus on factors impeding and facilitating each identified activity type
- types of trafficking dealt with, with focus on factors impeding and facilitating their efforts per type of trafficking
- funding – to establish how the scope and nature of an NGO’s anti-trafficking efforts is linked to obligations they may have to funders
- questions on PACOTIP and experiences working with government actors, with the aim of understanding how collaboration can be improved

The survey comprised various question types as follows: multiple choice – dichotomous, multiple and checkbox (where more than one option can be selected), Likert scale, and open-ended. Using a blend of questions reduced the likelihood of

acquiescence response bias.⁶ Where more depth was required, open-ended questions were used, where analysis was required, close-ended questions (such as multiple choice) were used, and where perceptions and attitudes were to be gauged, Likert scale-type questions were used. Overall, the survey aimed to conduct a qualitative and quantitative assessment of countering human trafficking NGO space in South Africa.

5.3 METHODS OF DATA COLLECTION AND ANALYSIS

The research began with an attempt to create a list of NGO's that counter human trafficking; however, many safe houses and NGOs do not have an online presence. With the aim of reaching as many NGOs in the field as possible, the NFN— an umbrella organisation that acts as network between NGOs in the field – was contacted and agreed to distribute the online survey to all of its members. The assistance of the NFN not only increased the legitimacy of the survey (and therefore the likelihood of NGOs participation in the survey), but it also ensured that the respondents were active in the field. The survey was circulated online to 30 organisations, with a response rate of 46% (14 respondents). Each respondent was researched to ensure that the sample size was representative of the whole. Attempts were made to interview key informants from the government; however, these were unsuccessful. Consequently, secondary data was used to inform the breadth and nature of the government's progress in the field. These secondary reports included media articles, journal articles, official government publications, reports, and lastly, responses from interviews conducted by fellow researchers in the field.

The completed surveys were loaded onto Microsoft Excel, and each respondent was given a number. Missing information in this dataset was removed per answer. Close-ended questions were prepared for quantitative analysis, whereby frequency, means, and various other descriptive statistics were calculated and tabulated. Pivot tables were used to slice the data in meaningful ways. A thematic analysis was completed on open-ended questions; this means that themes amongst answers were identified, coded, and examined. An inductive approach was used, where the answers provided the basis

⁶ A type of response bias where participants tend to agree with all questions

for the themes identified. Each identified theme was used to understand the respondent's perceptions and experiences in the field, while creating a broader picture of where the counter-trafficking space in South Africa is gaining traction and where further intervention is required.

5.4 RESEARCH LIMITATIONS

The research was limited by several factors. Respondents were only invited to participate through connections with the National Freedom Network, and if there are any active and legitimate organisations working to this end that are not connected to the network, they would have not been invited to participate. There were time constraints on survey participants – this may have resulted in fewer NGOs participating in the survey; additionally, depending on how broad the scope of the NGO activities is, the survey may have required the respondent to set aside an increased amount of time to complete the survey potentially leading to survey fatigue. In certain sections of the survey, only a handful of respondents would have been qualified to answer that particular set of questions. For example, where NGO activities were being surveyed, only one respondent indicated that they engage in providing legal services; thus this is the only NGO to have answered the questions on providing legal services; conversely, all respondents indicated activities in awareness, allowing for 14 NGO experiences on awareness to be captured. A common disadvantage of a semi-structured questionnaire is skipped or missed questions and in the few instances where this is the case, the findings will reflect a reduced number of responses for that question. The dataset is not a perfect picture of the NGO counter-trafficking space, but it is a first attempt at identifying general themes, challenges, and facilitating factors.

CHAPTER 6: DISCUSSION OF FINDINGS

6.1 INTRODUCTION

This chapter discusses and analyses the findings from the qualitative and quantitative survey data collected from various NGOs. With the aim of identifying how state and non-state collaboration can improve enforcement in the field, the NGOs were profiled by presenting descriptive statistics. These insights, along with the secondary sources used throughout this paper that have highlighted the government's efforts, will lead to a final discussion on where the prospects for collaboration are. This will be done in two ways: firstly, insights into areas highlighted by NGO respondents for potential collaboration, and secondly, through an application of the exogenous model to assess network performance (presented in Chapter 3).

6.2 TRAFFICKING FOCUS

Human trafficking is a crime that manifests in various forms. The PACOTIP defined every type of trafficking prevalent in South Africa, theoretically and indicatively placing equal importance to each type of trafficking. Nonetheless, there is a disproportionate focus on certain types of trafficking; Limoncelli (2016) notes that globally, 70% of surveyed NGOs in the field have a sex trafficking focus (Limoncelli, 2016). There is no credible evidence to suggest that sex trafficking is more prevalent, although there is general suggestion that a disproportionate focus on this type of trafficking partly stems from a sensationalised narrative of the topic (Walker & Oliveira, 2015). Labour trafficking, in many parts of the world is a more prevalent type of trafficking, and receives 48% of global NGO focus, further reflecting the unevenness of attention given to the different types of trafficking (Limoncelli, 2016).

Respondents in the current research were asked to indicate what types of human trafficking they focus on, and were given the option to select as many categories as necessary. The findings from the survey show that NGO focus in South Africa reflects the global NGO trend of a dominant on sex trafficking focus, but diverges from global NGO trends with a smaller focus on other types of lesser known forms of trafficking.

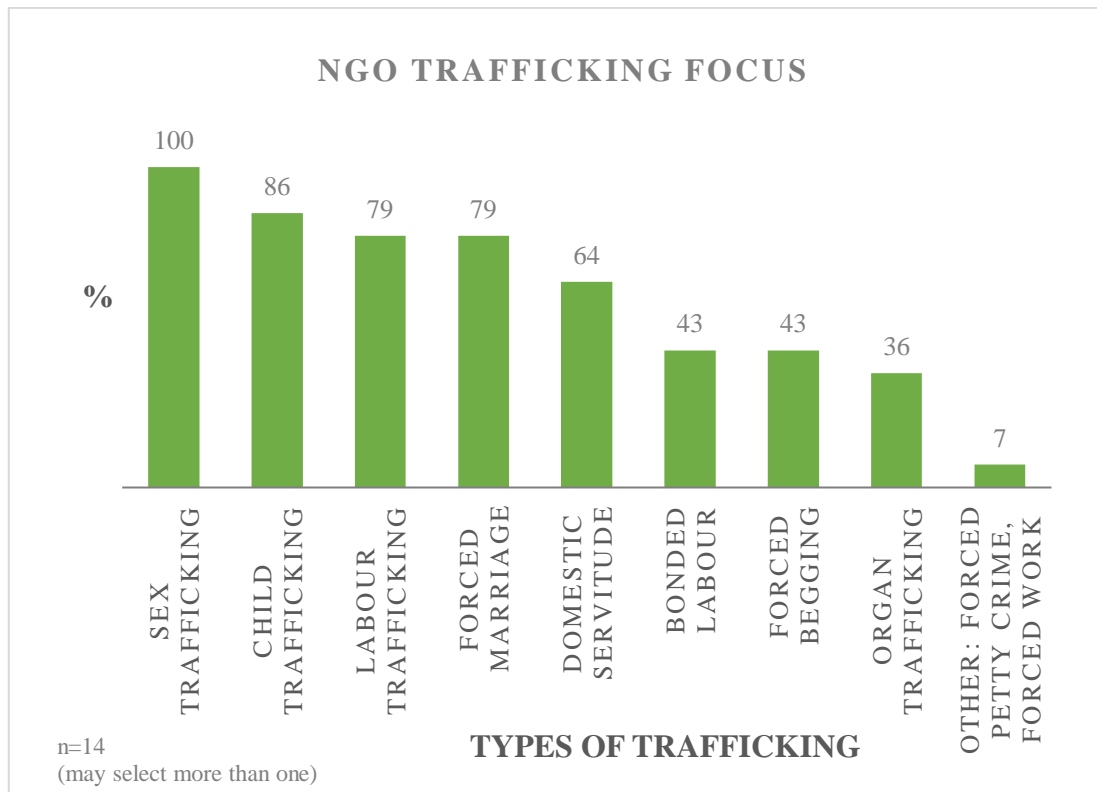


Figure 6.1 NGO Trafficking Focus

Source: Researcher compilation of survey data

Figure 6.1 clearly indicates that South Africa’s anti-human trafficking NGOs have adopted a diverse counter-trafficking mandate, with dominant focus on five types of trafficking, namely, sex trafficking, child trafficking, forced marriage, labour trafficking, and domestic servitude.

However, a diverse trafficking mandate does have a number of drawbacks. Firstly, NGOs could be too thinly spread, negatively affecting the impact of their work. Secondly, a diverse focus could lead to overlapping and inefficiencies that could be avoided through specialisation. The focus on types of trafficking may be influenced by the organisation’s donor profile, potentially tying into the *saviour narrative* of modernisation theory illustrated in the literature (particularly in Thailand), as noted in Chapter 2 (Weitzer, 2014).

Aligned with Limoncelli’s (2016) global findings, there is a clear dominance of sex trafficking focus in South Africa, as every respondent indicated working on this form

of trafficking. In addition, there is a strong focus on child trafficking, labour trafficking and forced marriages. In the South African context, given cultural factors, forced marriages are often cases of child trafficking where child brides are forced into marriage based on misconstrued cultural practices. Nevertheless, child trafficking is a growing concern across the globe as children are often forced into sex and labour work. Overall, there is a substantial focus on these three interpersonal forms of human trafficking.

NGOs reported a strong focus on child trafficking with 86% of respondents indicating that they are involved in this form of trafficking. This is followed by labour and forced marriage trafficking, with 79% of respondents indicating that South African NGOs are active in addressing both of these, followed by domestic servitude, within which 64% of respondents claim to be actively involved. In South Africa, domestic servitude is a rampant form of trafficking that takes advantage of high unemployment, a large domestic worker industry, and the useful concealment of exploitation in private residences. Similarly, to labour trafficking (and which sometimes overlaps), is bonded labour where 48% of NGOs reportedly focus.

High levels of unemployment and economic desperation often lead to people accepting false job opportunities, allowing labour traffickers to exploit their workforce quite freely. The problem of labour trafficking in South Africa is significant, and a strong NGO focus on this type of trafficking may indicate that NGOs recognise the magnitude and complexity of the problem.

Types of trafficking showing less dominant focus are organ trafficking, forced begging, and forced criminal activity. This may indicate that the lesser known types of trafficking are harder to detect or are not perceived as being worthy of the same level of attention (particularly where forced criminal activity is involved).

6.3 TYPES OF NGO ACTIVITY

Human trafficking is a crime that occurs in several stages (recruitment, transpiration, and exploitation), and anti-human trafficking measures are no different. NGOs embark on a range of activities to address various stages of human trafficking, from preventing

recruitment, to removing victims from exploitative situations and ensuring aftercare. The types of NGO activities listed in the survey used in this paper were adopted from Limoncelli's (2016) global NGO survey. Figure 6.2 depicts South African anti-trafficking NGO activity.

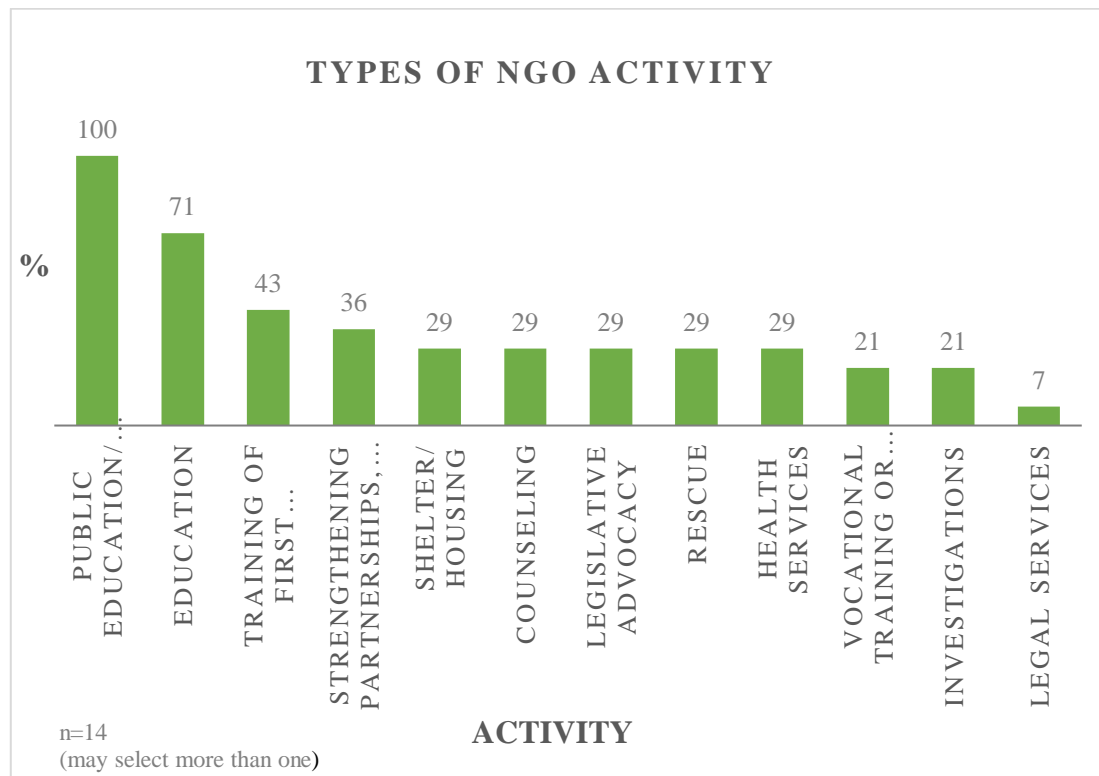


Figure 6.2 Types of NGO Activity

Source: Researcher compilation of survey data

Unsurprisingly, the biggest NGO focus is public awareness – every respondent reported to be involved in this activity. Public awareness is a once-off awareness activity at an event such as a presentation, media interview, or information booth at an event. The dominant focus on awareness indicates a strong capacity to play a role in the prevention agenda; this is important because little public evidence was found of government carrying out anti-human trafficking awareness (Chapter 2). Nevertheless, the reach of government's awareness is likely to be affected by the geographical unevenness of NGOs (discussed later in this chapter). The second most reported activity is providing educational programmes on human trafficking – further enforcing that NGOs could be considered strong in the area of prevention. Compared to once-

off public awareness, an education programme is expected to run over a longer period (with more formal content laid out). Without these two activity types, there is a fairly even spread of NGO attention across other activities.

Training of responders refers to formal training sessions given by NGOs to any relevant frontline professionals such as law enforcement or social workers. This differs from public awareness in that it is usually a formal training tailored to the particular group's scope of work, their mandate in PACOTIP and victim identification on the ground. Training is done by 43% of the respondents, highlighting NGO capacity in an activity that the existing literature has illustrated, government has seemingly struggled to carry out. Globally, Limoncelli (2016) found that 15% of NGOs are active in training; this comparison is interesting as it may imply that NGOs in South Africa have identified a gap in state-led training for first responders and have acted by getting involved in this activity. The gaps in training created by the state are evident in the existing literature, which has continuously pointed to a lack of knowledge from professionals on the frontline.

Almost a third of respondents have reported working on two restoration-related activities, specifically, providing counselling and safe housing – which is similar to Limoncelli's (2016) global finding. Given that every human-trafficking accredited safe house in South Africa is NGO run, it is expected that NGOs be heavily involved in protection-related activity. It is important to note that four survey respondents provide safe houses for victims, although there are more active safe houses in the country that opted not to participate in the survey.

Victim identification was divided into two activities – rescues and investigations – both of which have 29% of respondents indicating activity in these areas. Globally, 7% of NGOs reported working on rescues (Limoncelli, *What in the World Are Anti-Trafficking NGOs Doing? Findings from a Global Study*, 2016) – this indicates that NGOs may be responding to shortfalls in enforcement.

Activities less common among NGOs are policy advocacy, legal, and health services. The literature discussed in Chapter 2 highlighted global success that NGOs have had in policy advocacy. Possible explanations for the low levels of engagement in policy

action are that NGOs underestimate the impact of this activity, or they have been sidelined from engaging with the state (which has given very vague commitment to working with NGOs in the NPF). The results show that NGOs are only marginally involved in prosecution-related work. The lack of NGO activity in providing legal services may be reflective of a lack of skilled personal employed by NGOs who are qualified to carry out the necessary activities required. These activities are where NGOs are reported to have the least capacity.

6.4 AWARENESS

NGOs in counter-human trafficking have demonstrated a strong capacity to carry out public awareness, in contrast to the available evidence of state-led public awareness. Targeting the most vulnerable groups is the key to successful public awareness for human trafficking. NGOs have identified that access to schools, community centres, and media and government departments is likely to increase their reach into vulnerable groups. Even where Task Teams have put together awareness presentations, it is usually NGOs who conduct the awareness sessions despite not being supported with any state-led funding (Emser & Francis, 2017, p. 197). Figure 6.3 illustrates where respondents are active in administering public awareness about human trafficking.

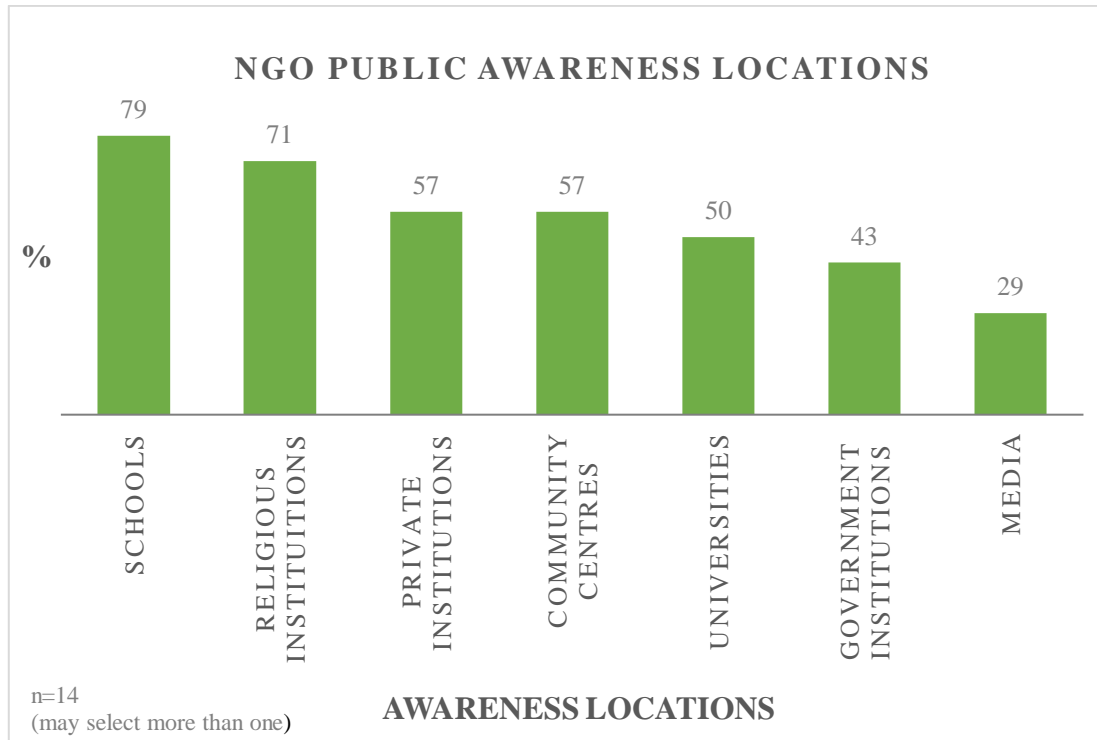


Figure 6.3 Locations where NGO’s carry out Public Awareness

Source: Researcher compilation of survey data

Targeting youth through schools and universities, community centres and frontline professionals (private and government), reflects a broad and relevant spectrum of the population reached by NGOs. Raising awareness within schools and universities as a means of targeting at-risk youth increases awareness and reduces the likelihood of these groups being lured in by traffickers. The youth are particularly at risk of being recruited through false job opportunities, making it crucial that they know to look out for red flags when considering acceptance of employment offers.

Religious institutions, particularly churches – are closely connected to South African anti-trafficking NGOs. This has a two-fold effect on public awareness; firstly, NGOs have easy access to platforms in religious organisations and secondly, using these platforms allows NGOs to reach a diverse group of people. Utilising these platforms to target at-risk groups is an indication of their ability and willingness to commit to the prevention agenda whilst also filling the prevention gap left by the state.

There is a smaller focus on raising awareness within government institutions and through the media. The reported low levels of awareness carried out within

government institutions can be offset against the relatively more common occurrence of NGOs being active in formal training sessions within state institutions (Figure 5.4). With only 29% of NGOs using media platforms, further investigation may be required to understand why. One potential explanation may be the earlier discussed trend of NGOs sometimes creating a sensationalised narrative around modern-day slavery (Weitzer, 2014) or by the discrete nature of investigations and rescues that prohibit many details being shared publicly.

Supporting the scant public evidence that is available on the government's awareness, discussed in Chapter 3, activities is that 57% of respondents indicated that they are aware of few state-led awareness initiatives. Additionally, 71% reported never to have received any awareness-related material from the government. The lack of central leadership from the state and from the NGO-led network on human trafficking awareness is damaging for three reasons. Firstly, there is no standardised awareness content, resulting in a fragmented public awareness scheme, and secondly, there is no consolidated database⁷ for stakeholders to record their awareness reach, likely resulting in overlaps, gaps in reach, and inefficient distribution of efforts between the state and the NGO-network. Third, the lack of state funding means that NGOs are forced to concentrate awareness efforts on urban centres with which they have easy access, consequently neglecting rural populations (Emser & Francis, 2017).

Although NGOs carry out their own awareness campaigns and initiatives, there is no consolidated and harmonised platform to track and monitor communities that have been reached. The skewed distribution of awareness information can also be addressed through additional funding for NGOs to administer information to rural populations. The resources deployed by counter-trafficking NGOs to raise awareness about trafficking could be used strategically by the government to fulfil its own awareness goals, to the benefit of multiple actors and society as a whole.

⁷ Since the time of writing, a member of the Western Cape task team was consulted and indicated that such a system is in the process of being developed.

6.5 TRAINING

Training is a crucial activity carried out by NGOs; given the gaps in knowledge at the frontline, training of relevant stakeholders on human trafficking and PACOTIP is the cornerstone of effective enforcement. Existing literature (Van de Watt, 2018; Bello, 2018; Khanyile, 2018) points to an ill-equipped frontline, which is unable to identify victims, handle victims appropriately, and fulfil their PACOTIP mandate. Figure 6.4 shows the groups that respondents are active in training.



Figure 6.4 Professionals Trained by NGOs in Victim Identification

Source: Researcher compilation of survey data

Respondent NGOs have prioritised the training of social workers, law enforcement, educators, and healthcare workers. These are some of the key stakeholders, partly because of their mandate in PACOTIP and partly because they are likely to encounter victims on the job.

The effective enforcement of PACOTIP relies on law enforcement's ability to identify, investigate, and rescue victims, while the backbone of aftercare rests with social workers. These two groups must be trained and equipped to recognise, and appropriately administer the correct steps to victim care. Transport is almost a certainty when a human is being trafficked, as the trafficker will need to move the victim from the point of recruitment to the point of exploitation. Training staff in the transport industry (particularly airport staff), is likely to increase the number of victims detected and intercepted. These frontline professionals are able to identify suspicious circumstances and will be equipped on how to proceed with discretion so that risk is minimised. Similarly, staff at lodgings are well placed to detect suspicious activity and potential victims.

A majority of 69% of respondents indicated that they have never received any training material from the government, although one NGO indicated that they *often* receive training material from government. Adding to this concern, is that 75% of respondents reported that prior to training sessions, law enforcement had little to no knowledge of human trafficking, particularly in the South African context. This not only confirms findings in the existing literature that points to a lack of knowledge in the field among SAPS officials, but this data also suggests that NGOs have a comparative advantage in training. Similar to awareness related activities, the vacuum where central authority ought to be has resulted in fragmented training on content and on distribution. As an example, there is no known, consolidated record, wherein police stations have received training on anti-human trafficking measures.

Another concern is that 92% of respondents indicated that the training they undertake is a once off rather than an on-going activity, which sometimes makes the initial training outdated. The lack of continuous learning is problematic in a field that is dynamic and fast paced, with additional concerns that the information could be easily forgotten by already overburdened first responders. A further challenge of once-off training is that there is no feedback loop where the trained officials can reflect on cases where they have applied their new knowledge.

Law enforcement is the central mandated role player across victim identification, investigations, and rescues. NGOs that embark on training SAPS officials at a station

level have reported numerous challenges when doing so. The most commonly listed challenges are funding/resources (where their own funds inhibit the potential to increase the number of training activities they complete), attendance, and willingness. Other challenges faced are attitudes towards training staff and a lack of perceived legitimacy over the sessions, as they are not formally endorsed by the SAPS institution. Where funding and resources are problematic, there is a possibility that NGOs prioritise spending on public awareness and education, with other activities receiving smaller budgets. That being said, potential exists for the state to subsidise activities such as training of the public servant frontline, which may offset the influence of international donors who may restrict options for NGOs to allocate resources to assist the state with its own shortfalls.

Training aftercare professionals in the management of victims and complex trauma is fundamental to the restoration journey of the victim. All respondents who are active in professional training have indicated the training of social workers and healthcare professionals, both in the private sector and public sectors. Two NGOs reported training professionals working on mental health. Research on complex trauma and methods to manage it are constantly improving, indicating that aftercare professionals do require continuous training rather than once-off exercises. There is no evidence to suggest that this is being carried out, likely resulting in safe house social workers having uneven and potentially inconsistent approaches to aftercare.

As things stand, training under PACOTIP is to be carried out by the implementing departments. However, this is not the case, and consequently NGOs have worked to fill this gap through unregulated, ad-hoc trainings. If enabled by the state through formalised collaboration, the NGO-network has the potential to coordinate training under one programme and for it to be administered evenly across the country. Such a programme would address content variations, inefficacy in distribution of training, provide continuous training with a feedback loop, and the increase perceived legitimacy of the trainings by frontline professionals.

6.6 VICTIM IDENTIFICATION

The first step in the government’s national policy for protection is to identify victims. For most victims trapped in modern slavery, detection is their only hope of freedom; for those who have escaped, trained first-responders might be their only chance at proper assistance. NGOs outlined channels through which they come to learn about potential victims, enabling them to identify actual victims and coordinate assistance, which is illustrated in Figure 6.5.

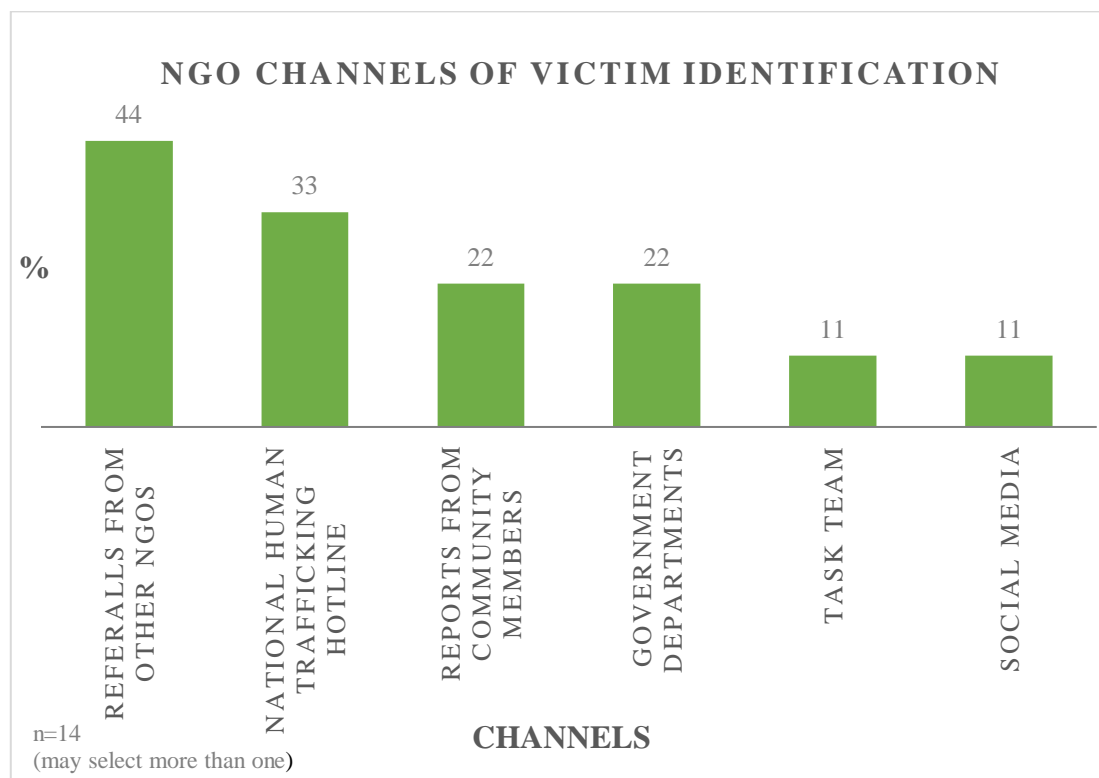


Figure 6.5 NGO Channels of Victim Identification

Source: Researcher compilation of survey data

Less than half (44%) of respondents indicated that the most common channel for victim identification is other NGOs and 33% indicated a channel for identification was through the NGO-operated national hotline. This illustrates that there is good coordination within the NGO-network, and referrals among NGOs regularly facilitate victim identification. Reports from community members reflect the importance of a bottom-up approach in tackling the crime – often the members of communities are aware of suspicious activity in their neighbourhood, and it is these communities that

must be reached with targeted awareness. This survey finding suggests that community member input could be a useful tool for detecting victims, and through coordinated awareness, their potential to increase victim identification is extensive. This ties in with the demonstrated capacity and willingness of NGOs to participate in public awareness, often at locations embedded in community networks. Government departments and task teams are also active in victim identification, and where services for victims need to be coordinated, government actors are known to use the NGO-run hotline to screen victims and to secure placements into safe houses. This suggests that community members have the ability to increase incidences of detection, and that government officials can use NGOs and the hotline for assistance on how to proceed.

In turn, when NGOs detect a victim, the first step under PACOTIP is to inform law enforcement. The NGOs role would generally be to follow up, provide guidance, and assist with aftercare arrangements. However, if the victim is being held in their trafficking situation, a rescue needs to be planned. Respondents have indicated a general distrust and dissatisfaction in having cases dealt with at a station level. Figure 6.6 illustrates respondents' slight preference to report victim identification to the HAWKS even though SAPS is the mandated stakeholder. All respondents indicated that law enforcement at station level is under-prepared to take on cases of human trafficking. Challenges faced by respondents when reporting an identified victim to law enforcement include low levels of coordination amongst mandated stakeholders, and insufficient knowledge of human trafficking and PACOTIP. In addition, 70% of respondents indicated that they are aware of situations where law enforcement has colluded with traffickers for personal gain. These factors, coupled with the earlier discussed challenges with training law enforcement, begin to explain why SAPS has been ineffective in its PACOTIP mandate.

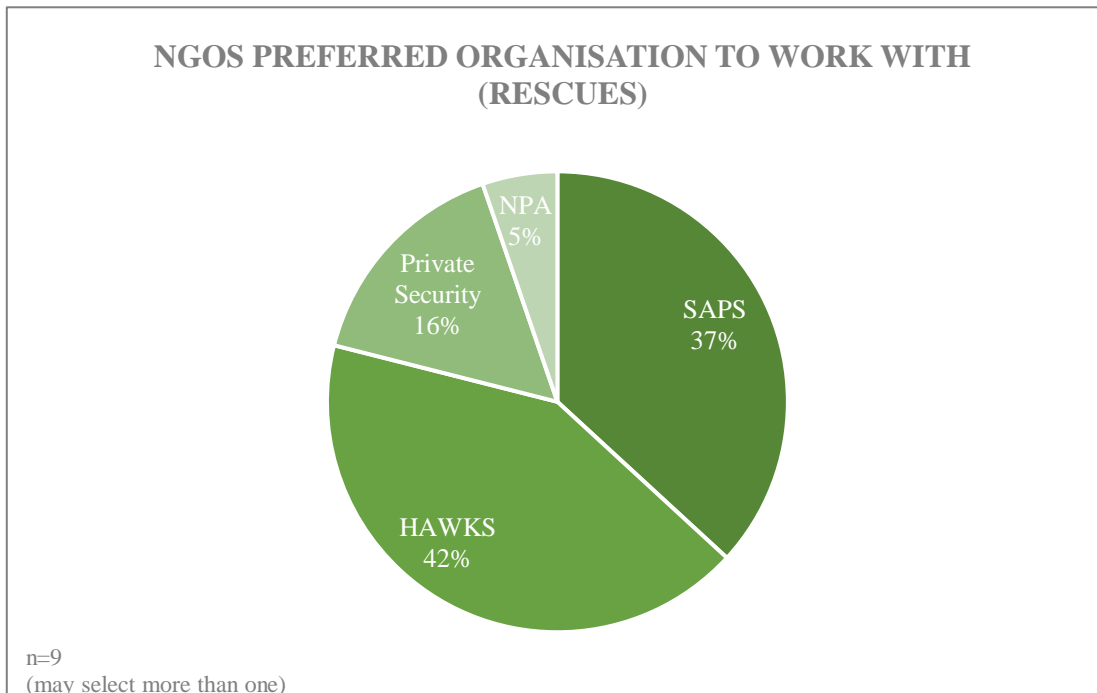


Figure 6.6 Preferred Organisations to Work with on Rescues

Source: Researcher compilation of survey data

The prospects for strengthening victim identification are twofold. Firstly, equipping communities on victim detection and the next steps; an initiative that requires a coordinated awareness response between state-led, and non-state-led actors. Secondly, improved cooperation between NGOs and law enforcement; NGOs to provide guidance and knowledge on how to improve law enforcement’s ability to carry out its mandate.

6.7 AFTERCARE

After a victim has been removed from a trafficking situation, they are often plagued with poor health, drug addictions, and injuries. NGOs play a vital role in advocating on behalf of the victim in order for them to receive the appropriate standard of aftercare.

Respondents active in providing this service reported the following challenges:

- a lack of detox facilities

- barriers to healthcare for foreign nationals
- SAPS' unwillingness to carry out mandated tasks (or being unaware of what the tasks are, e.g. accompanying victims to clinics or collecting test results)
- stigma towards victims
- negligence of victims' healthcare

These issues could result in victims not receiving the appropriate care immediately after being rescued, and they could result in dire consequences for the victim whilst adding to their trauma – and more often than not, further diminish their self-worth.

Another vital aspect of the aftercare process is counselling, which is often carried out within safe houses or by partner-NGOs and social workers. Only one respondent active in this service indicated receiving counselling assistance from government, with all the other respondents never having done so.

A lack of resources/funding, a lack of trauma-related training, and unspecified challenges related to counselling minors are trials faced by NGOs providing counselling. There is a clear weakness from NGOs and government in their capacity to provide credible and appropriate counselling aimed at addressing complex trauma.

Three survey respondents are NGO-run safe houses, leaving room for further research centred on safe houses alone; these safe houses are accredited by government to house victims of human trafficking. They may only accept victims who have been officially identified and processed by law enforcement. Safe houses are mandated to house victims based on their demographic profile. Figure 6.7 illustrates the demographics of victims accommodated by the three safe houses that participated in the survey.

From this small sample size, there is a lack of capacity to house rescued males and foreigners. This finding however, does not infer that there are more female victims; to illustrate, when a group of males are rescued from a labour trafficking situation, there have been incidences where a lack of capacity to house large groups of male victims resulted in NGOs scrambling to find safe alternative options. Thus, this finding illustrates why it has been the case that large groups of rescued males are not easily housed, and reaffirms the existing literature, which points to the need for improved

facilities for males. This concern is also highlighted by Emser and Francis (2017), who note a lack of sufficient long-term housing for male victims.

The type of assistance provided by government to the safe houses are in the form of subsidies, with one respondent (who runs a multi-purpose accredited shelter) indicating that there is only funding available to support victims of gender-based violence and not for human trafficking victims. The friction between the state and NGO-service providers is considered to emerge from the latter, who feel they are insufficiently resourced to provide adequate aftercare (Emser & Francis, 2017, p. 198).

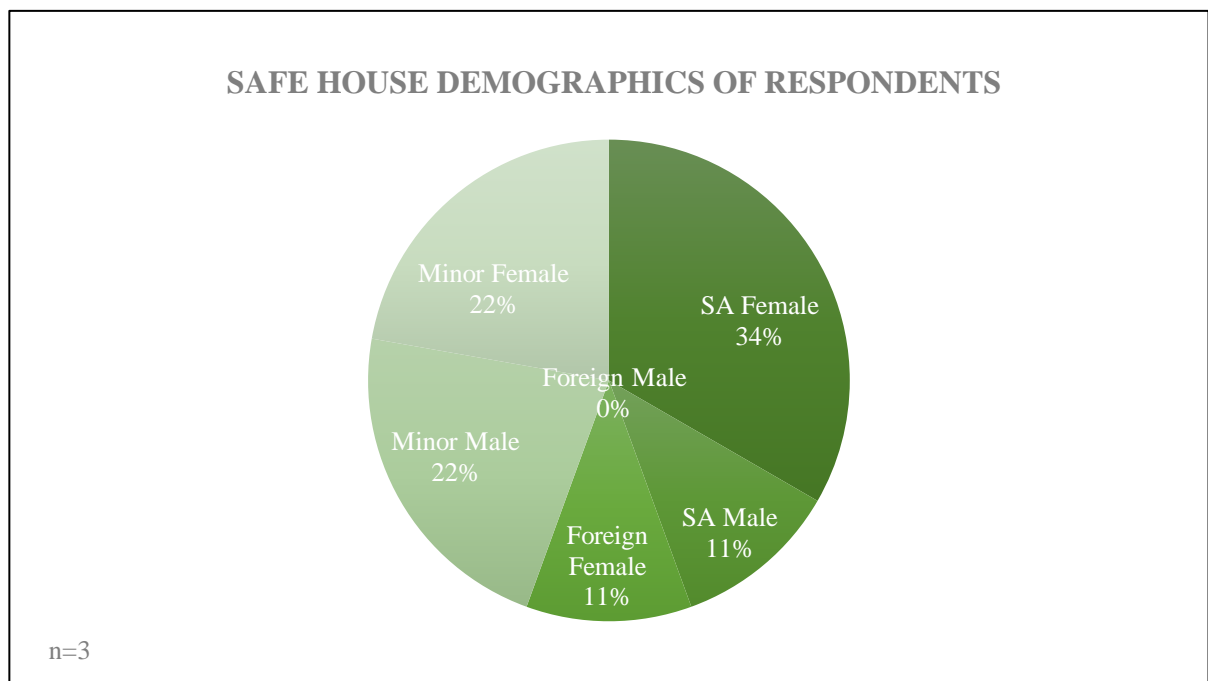


Figure 6.7 Demographics of Safe House Respondents

Source: Researcher compilation of survey data

A concern when housing female victims of sex trafficking is that they are sometimes sent to gender-based violence safe houses. Typically, the level of safety and care needed by a sex trafficking victim differs from that required for a victim of gender-based violence. Victims of sex trafficking are often also victims of gender-based violence, but carry additional trauma associated with rape, loss of agency, poor living

conditions, and long, harsh working hours. It is important that housing needs for diverse groups of victims are met and readily available and accessible.

An ideal aftercare programme will upskill a victim before repatriation. This is likely to reduce the likelihood of the victim being re-trafficked, as they will be less vulnerable than when they were initially recruited. All respondents running safe houses indicated that they have received minimal assistance from the government; assistance comes in the form of advice and counselling.

Where a victim's schooling has been interrupted, safe houses attempt to get the affected victim back into a school. The largest challenges identified by respondents is resourcing/funding (transport and other school related fees), levels of commitment from victims, and safety-related challenges. One respondent shared insight into victims' struggle to fit in at schools, given the insensitivity and lack of understanding, and education about the topic from peers. In addition, there are also barriers to education for foreign victims, which pose another challenge for affected victims.

Overall, there is a lack of capacity from NGOs to provide vocational training, upskilling, and education for victims. Where these safe houses and other NGOs are unable to facilitate upskilling, victims are repatriated without having their vulnerability factors reduced.

6.8 FUNDING

Given the non-profit nature of NGOs, they are regularly hampered in their capacity and their activities due to limited and insufficient funds. To understand their capacity, focus, and the factors that affect efficient operations, it is necessary to identify the funding aspects related to counter-trafficking NGOs in South Africa. Respondents were asked to indicate their top three sources of funds, illustrated in Figure 6.8.

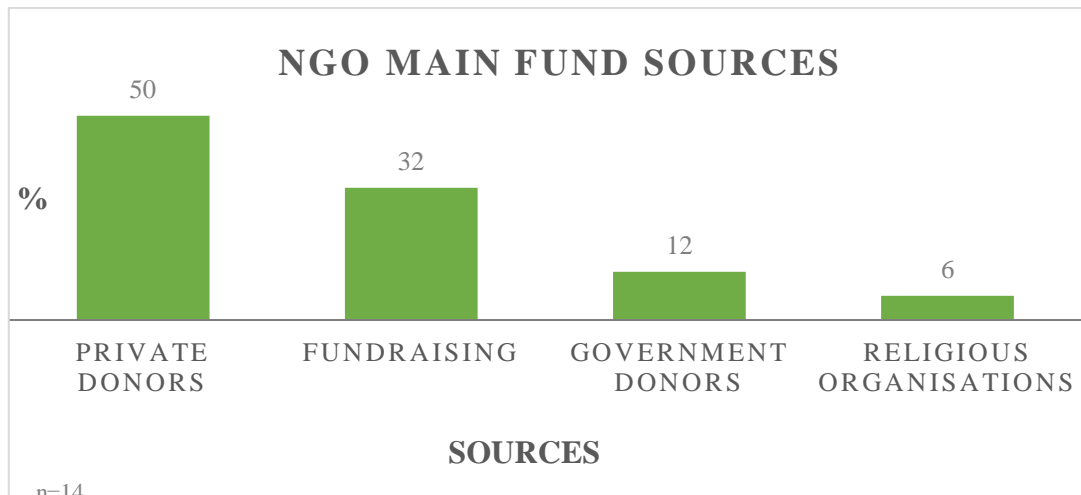


Figure 6.8 Main Sources of Funds for NGOs

Source: Researcher compilation of survey data

Private donors include individuals, businesses, and philanthropic bodies; together these sources account for half of the funds collected by respondents. Fundraising accounted for 32% of funds sources by anti-trafficking NGO's, which includes events and merchandise sales. Government grants and religious organisations are less active in funding anti-trafficking NGOs.

Only 12% of respondents reported having received funds from a government source. There is a stronger international funding presence in this NGO-network, than presence from government. The implications of this are that the state has little or no hand in aligning NGO activities to their own policy agenda. This shortcoming reduces the state's ability to capitalise on the comparative advantages that exist in the NGO-network.

It is not surprising that government agencies are assigned responsibility in policy documents; yet, these documents may not necessarily outline an official role for NGOs even though government agencies may intend to bring in NGOs for support (Department of Justice and Constitutional Development, 2019). This creates a disjuncture, as the lack of funding reserved for NGOs is a missed opportunity for the state to improve its implementation efforts across particular areas (where NGOs have been active in responding to gaps in enforcement). In addition, this may even risk increasing the misalignment between NGO priorities and policy goals.

Of equal importance is the understanding what portion of the funds come from international donors. A slight majority of 54% of respondents indicated that they do receive funding from international sources. From these, 71% indicated that these funds come attached with terms and conditions, and predetermined spending areas. Such a finding creates a risk that global agendas will dictate the response of NGOs whilst minimising local factors, while also alienating the NGO agenda from state policy. (Kamler, 2013).

NGOs that receive only local funding appear to have a broader focus on types of trafficking, shown in figure 6.9. ‘Other’ includes forced begging and forced petty theft, a type of trafficking that is not reported to receive a large share of attention. It appears that these types of trafficking are also lower down on the international donor agenda. Activities related to child trafficking and bonded labour are too, largely locally funded. Across other types of trafficking, there is a fairly even split regarding only locally funded NGOs and those that are not only locally funded.



Figure 6.9 Trafficking Focus (Local vs. Internationally Funded NGOs)

Source: Researcher compilation of survey data

Figure 6.10 shows the share of activities captured by NGOs that are wholly funded locally and NGOs that have reported receiving funds from international donors. The

latter group are active across a wider range of activities, particularly over those that align with the state’s prosecution and protection agendas.

Within the NPF, there is little to no budget allocated to NGOs who are able to bring the country closer to meeting certain goals. For example, NGOs in this field have proven their ability to carry out awareness campaigns and with R2 million set aside in the NPF for awareness, there would be value in allocating sufficient budget to capable NGOs, to assist in fulfilling prevention goals and alleviating some responsibility from an already overburdened government frontline.



Figure 6.10 NGO Activity (Locally vs. Internationally Funded NGOs)

Source: Researcher compilation of survey data

All three of the respondents who provide safe housing for rescued victims have reported receiving international funding. This strengthens evidence that, in a country where every safe house is autonomously NGO-run, the state might have little control

over safe house activities. This reiterates the need for increased state-funding for victim protection with the aim of coordinating the work being done in these safe houses (which is currently fragmented, discussed in Chapter 3). Although there is a standardised programme for former victims in safehouses, respondents suggest that there are inconsistencies in carrying them out. Training of first responders (a comparative strength of NGOs) is another activity with strong international donor presence. NGOs have reported a lack of funds as a hinderance to carrying out more training sessions, meaning that there might be an opportunity for the state to assist NGOs financially to increase the number of state-employed first responders that are trained on PACOTIP. Prevention is an important activity for NGOs, and Figure 6.10 shows that public awareness and education are carried out equally by NGOs with international donors, and those without.

6.9 GEOGRAPHIC SCOPE

The geographic spread of NGOs is likely to affect their impact and capacity; to determine their geographic reach, they were asked to indicate the provinces in which they are active.

Figure 6.11 shows the geographic scope of respondents, highlighting in which provinces NGOs are active in counter-trafficking activities and in which province they are headquartered.

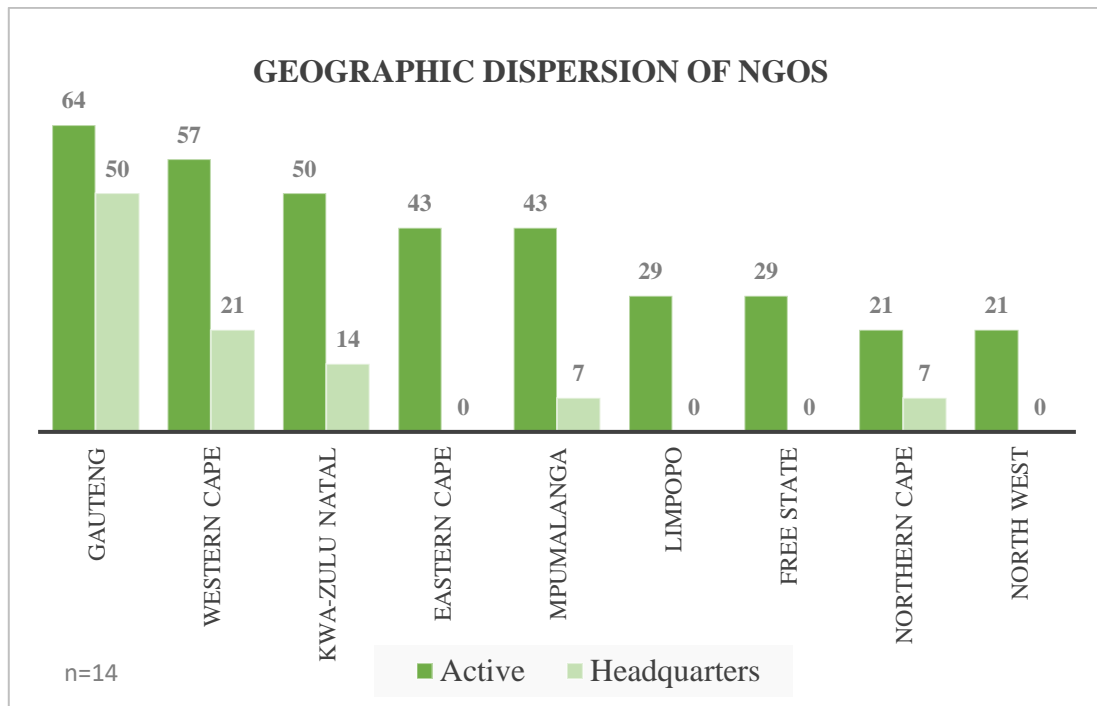


Figure 6.11 Geographic Dispersion of NGOs

Source: Researcher compilation of survey data

Gauteng has the highest NGO counter-trafficking activity and the largest share of NGO headquarters, accounting for 64% and 50% respectively. The Western Cape and Kwa-Zulu Natal have a noticeable NGO presence, and account for 57% and 50% of counter-trafficking activity in their respective regions. The data reveals that more NGOs are headquartered in urbanised provinces, with only 14% of NGOs headquartered in less urban provinces (in particular the Northern Cape and Mpumalanga). The unevenness in geographic presence does not necessarily infer that human trafficking is more prevalent in urbanised provinces but may be indicative that NGOs have greater access to resources, partners and infrastructure in these areas. The existing literature has pointed to urban centres being locations of exploitation, and rural provinces being hotbeds for recruitment. The strong NGO presence in a rural province such as the Eastern Cape (discussed in Chapter 2 as a known province for recruitment), may affirm that NGOs are responding to recruitment hotbeds. It is however worth noting that the reach of the NGO network is expansive enough to ensure its presence across every province in South Africa.

A further breakdown of types of trafficking focused on in a province (depicted below in Figure 6.12), shows that NGOs active in every province carry out a broad array of activities.

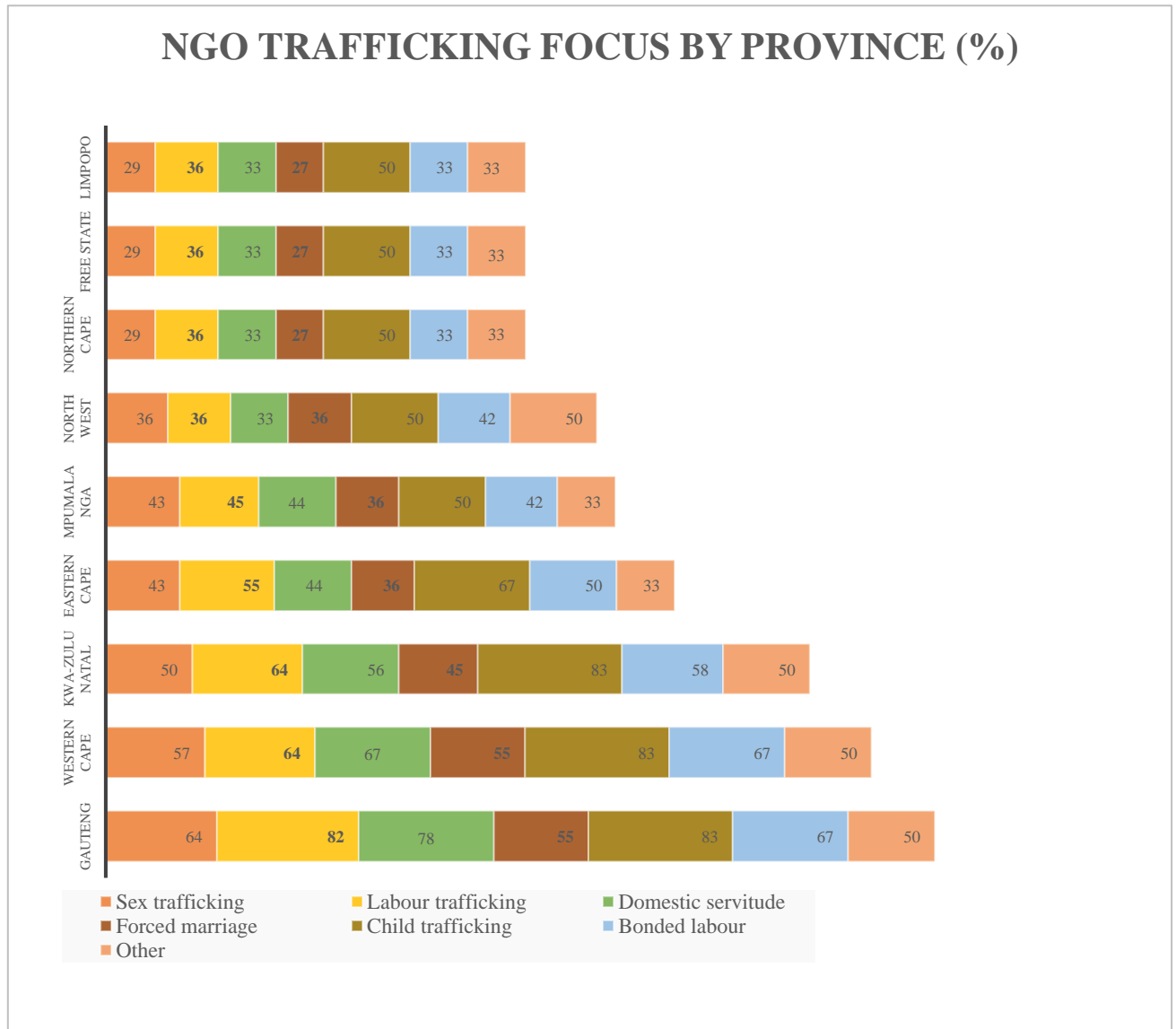


Figure 6.12 NGO Trafficking Focus by Province

Source: Researcher compilation of survey data

There are at least three NGOs working on each type of trafficking in every province of South Africa. Within Gauteng, Western Cape and Kwa-Zulu Natal there is generally a strong focus across all forms of human trafficking. These provinces have a relatively larger share of concentration in labour trafficking and bonded labour, which could be explained by incidences of foreign nationals (as discussed previously) and rural South

Africans recruited through false job opportunities, and bound for cities such as Johannesburg, Cape Town and Durban.

The Eastern Cape stands out for its strong focus on both labour and child trafficking, with 55% and 67% of active NGOs in the province working to curb each. Although, child trafficking has a relatively strong focus across NGOs every province, children are inherently vulnerable to traffickers, and typically affected the most by the crime (along with women).

Within provinces with larger urban centres, NGOs report a stronger capacity to work across all types of trafficking. Understanding the breadth and width of their reach will help identify where and across what types of trafficking NGOs can be utilised by the state to implement its national policy agenda.

6.10 OVERAL EFFECT OF THE PACOTIP ACT

The introduction of the PACOTIP Act was a massive step towards curbing human trafficking in South Africa. The most affected by this legislation are the victims of the crime and the relevant stakeholders in the field; the criminalisation of human trafficking in all of its forms has been well received by the NGOs surveyed.

The enforcement of PACOTIP began in 2015, with stakeholders in the field being supported by an official act under which to carry out their counter-trafficking activities. The respondents of this survey were asked to assess the state-led intervention from 2015 onwards. The assessment considered the overall effects of PACOTIP, the monitoring of the crime, and the effectiveness of the government systems that have been developed to manage cases of human trafficking. The official criminalisation of human trafficking in 2015 indicated that NGOs in the field were to adjust their activities to align with the processes, mandates, and regulations as set out in national legislation.

Examining how the introduction of PACOTIP has affected NGO work will assist in providing the necessary insights into the experience of these frontline actors. Figure 6.13 illustrates NGO experience under PACOTIP within three important factors, the effect of PACOTIP on NGO activity, the monitoring of the crime by the state, and the

implementation of government processes to address cases of human trafficking. Each of these shows how different types of trafficking have been affected by the criminalisation of the crime.

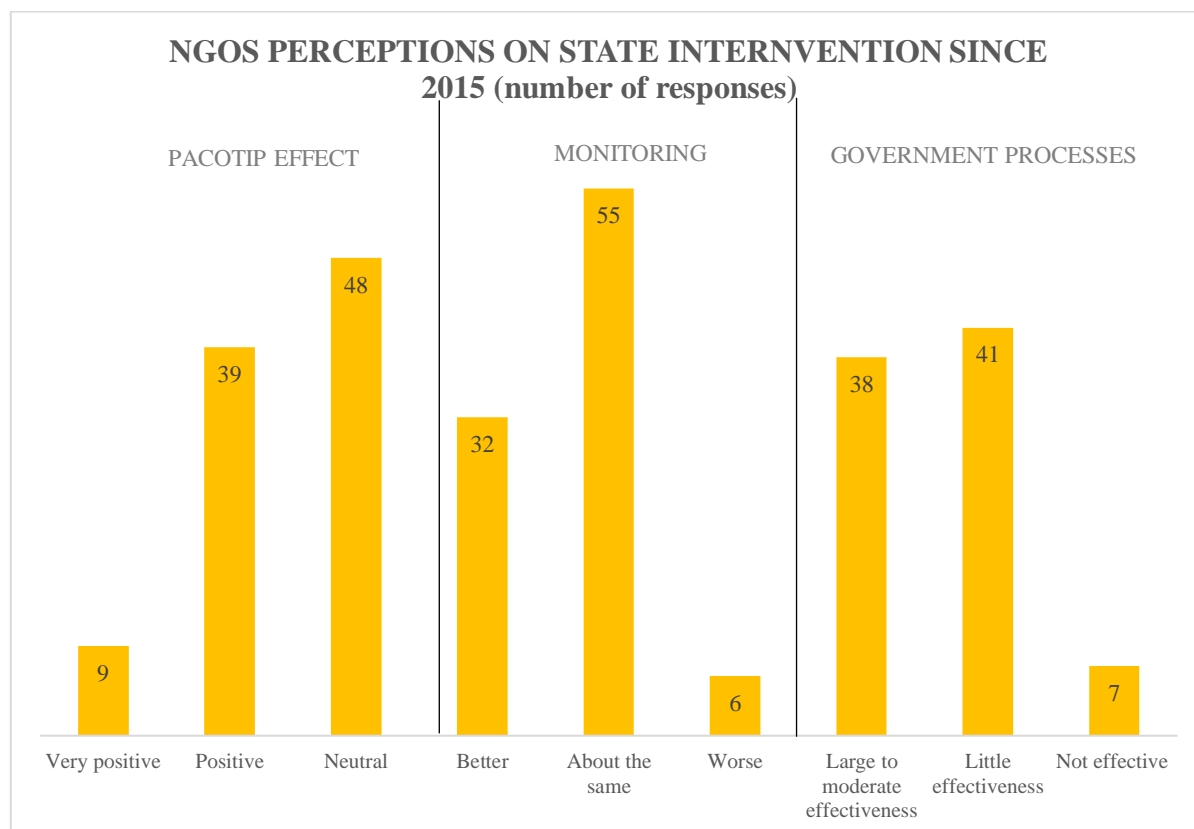


Figure 6.13 NGOs perceptions on State Intervention since 2015

Source: Researcher compilation of survey data

NGOs have confirmed that the act has noticeably affected their counter-trafficking efforts, although a sizable portion of respondents indicated that the effects of PACOTIP have mostly been neutral within their anti-trafficking activities. The research results indicate that bonded labour has been least affected by PACOTIP, followed by domestic servitude. Around half of the respondents reported positive or very positive effects from the act, with three forms of trafficking having been the most positively affected, namely, sex trafficking, labour trafficking, and child trafficking.

It is likely not a coincidence that these three forms of trafficking have also received the largest share of NGO attention in the country; however, there is no evidence to suggest whether this focus was influenced by their donor profiles or in improvements

in monitoring the crime under PACOTIP. What this does imply is that improvements made across these trafficking types highlight that PACOTIP has positively affected trafficking activities for NGOs.

Legislation and policy generally set out to solve a problem, creating an expectation of a positive impact, yet there is always potential for unintended adverse effects. Surveyed NGOs indicated varying degrees of positive influence from the PACOTIP Act. Almost two thirds of respondents reported a moderate improvement in their own efforts, with 23% noting large improvements, and the balance noting only small improvements. One third of respondents reported that PACOTIP has had some adverse impacts on their efforts, with two thirds of respondents not observing any unintended adverse effects.

The key impact of PACOTIP on NGOs is the official criminalisation of human trafficking, specifically, legitimising their efforts, providing a framework to operate within, and a definition of human trafficking to use. One respondent stated that working under the PACOTIP framework has given their NGO a platform to carry out advocacy-related tasks, with another respondent indicating that it has increased its access to schools, thus allowing awareness to reach more South African youth. A respondent noted that no particular factors have improved their efforts in the fight against human trafficking.

Overall, the introduction of PACOTIP has been positively received by the non-state stakeholders who now have a formalised legislation to legitimise their activities. PACOTIP is still young, and if enforcement could improve, the prospects of making it felt across all types of trafficking are enormous.

6.11 MONITORING OF HUMAN TRAFFICKING

Monitoring a crime involves mapping occurrences of the crime, ongoing vigilance in areas that it has previously occurred or is likely to occur, and detecting victims (Sanor, Yiu, & Rush, 2018, p. 99). Overall, respondents have indicated that monitoring of human trafficking in South Africa has largely remained unchanged under PACOTIP. Again, bonded labour and domestic servitude are noted to have been most unaffected,

with respondents indicating that monitoring has remained the same prior to PACOTIP. More than half of the respondents reported monitoring of labour trafficking to be unchanged – confirming the existing literature, which posits that the Department of Labour has been inactive in victim detection (Van der Watt, 2018). Forced marriages and child trafficking are reported to have the largest improvements in the monitoring of these crimes. Gaps in monitoring are further intensified by the persistent absence of formal screening procedures for victims, which has resulted in victims within vulnerable groups going unidentified (Emser & Francis, 2017).

6.12 EFFECTIVENESS OF GOVERNMENT PROCESSES

With the introduction of PACOTIP's various processes are to be followed when any stakeholder comes into contact with, or obtains information about a victim. If these systems, protocols, and processes work well, then information flowing between stakeholders ought to result in action and outcomes. Respondents that indicated that these processes have been largely effective and moderately effective have been grouped together for simplicity, yet the majority of respondents indicated that these governmental processes (introduced by PACOTIP), have had little effect or have not been effective.

Respondents indicated that the most positive effects of these processes have been seen on cases involving sex trafficking, forced marriages and child trafficking. NGO activities on labour, bonded labour and domestic servitude appear to have been the least improved by the processes placed by PACOTIP.

6.13 CHALLENGES WITH THE ENFORCEMENT OF PACOTIP

Respondents were asked to share the challenges they faced when working on particular types of trafficking. These are highlighted in Table 6.1.

Table 6.1 displays the identified themes in responses, aligning to the four main areas of national policy – partnerships, prevention, prosecution and protection – in order for one to assess where the prospects for strengthening enforcement lies in general and for each particular type of trafficking.

Table 6.1 Challenges of Trafficking

Policy area	Challenges	#	Sex trafficking	Labour trafficking	Bonded labour	Domestic servitude	Child trafficking	Forced marriage
Partnerships	Inefficient resource allocation / lack of resources	2						
Partnerships	Lack of coordination among government departments	2						
Partnerships	Lack of clear strategy and motivation	2						
Partnerships	Poor monitoring of trafficking crimes	4						
Prevention	Need for more research in trends on trafficking	2						
Prevention	Lack of prevention and awareness	4						
Prevention	Harmful cultural practices	1						
Prosecution	Poor border control	3						
Prosecution	Incoherent laws and systems/structures	2						
Prosecution	Law enforcement as a hinderance	2						
Prosecution	Prosecutions	2						
Prosecution	Investigations	3						
Prosecution	Corruption	3						
Protection	Victim identification	5						
Protection	Victim assistance	5						
Protection	Lacking aftercare	4						

Source: Researcher compilation of survey data

Prospects for strengthening partnerships through a coordinated network approach stems from improved coordination and collaboration amongst stakeholders. A major strategic goal in the NPF is to set up anti-trafficking coordination structures involving all state and non-state actors (Department of Justice and Constitutional Development, 2019, p. 32).

Respondents indicated that coordination within the state falls short on matters of labour trafficking and bonded labour. The existing literature highlights inactivity from the Department of Labour and a lack of strategy to curb the demand for goods produced from slave labour. Respondents in this research pointed to the lack of strategy and motivation for combatting labour trafficking and domestic servitude, further confirming the inactivity from the Department of Labour.

An additional strategic goal outlined in the NPF is to secure the necessary resources to implement the policy fully – including provisions for human, technical, and financial needs per province (Department of Justice and Constitutional Development, 2019, p. 35). Respondents highlighted resource inefficiencies and deficiencies – particularly on sex and labour trafficking. These two most prevalent forms of trafficking require significant resource commitments, predominantly from the NPF whose aim it is to secure all the required resources for implementation. Monitoring requires continuous data collection and analysis and is a policy area of the NPF (Department of Justice and

Constitutional Development, 2019, p. 36). Poor monitoring over child trafficking and forced marriages highlight that these extremely vulnerable groups require extra attention. Furthermore, labour trafficking and bonded labour require increased attention from the relevant government departments as previously highlighted.

Prospects for improving enforcement and implementation of the prevention agenda are spread across all main types of trafficking listed in the survey, as follows:

- The NPF aims to increase public awareness on the crime; respondents emphasise this need across labour trafficking, domestic servitude, child trafficking, and forced marriages. Labour trafficking is particularly prevalent in Africa, and South Africa is often seen as a land of economic prosperity among its neighbouring countries. Additionally, South Africans are left vulnerable to recruiters due to rampant unemployment pushing some victims to accept false job opportunities. Domestic servitude, child trafficking and forced marriages are often harder to detect, making awareness on these topics imperative; this will require a coordinated response from stakeholders.
- Improved knowledge and research on the crime is listed as a policy goal (Department of Justice and Constitutional Development, 2019, p. 40) – respondents point to a particular need for research on sex and labour trafficking.
- Raising awareness and enhancing public education on harmful cultural practices is likely to increase incidences of interception in forced marriages and child trafficking (particularly child brides). This is in particular reference to abuses associated with the cultural practice called Ukuthwala, which means that young brides are ‘stolen’ by a potential husband where the bride is willing and has given the man her consent to kidnap her. Abuses include cases where young girls, often minors, kidnapped to marry older men through force, rape, or by a guardian of the minor selling the child as a bride. This practice is common in certain rural provinces such as the Eastern Cape.

Respondents identified prospects for improving prosecution that are aligned with goals in the NPF:

- To strengthen the criminal justice system for better cooperation between prosecutors and investigators, and that all criminal justice stakeholders are trained on the topic (Department of Justice and Constitutional Development, 2019, p. 47). Findings from the survey indicate a particular gap in prosecutions for traffickers involved in labour trafficking, child trafficking, and forced marriages. When asked where the implementation of PACOTIP has fallen short with regards to child trafficking, one respondent stated that incoherent laws exist on child trafficking and forced marriages. This has contributed to the prosecution challenges faced across these two types of trafficking. Where laws are problematic, or where government departments are inactive, prosecution over those types of trafficking is expected to be low.
- The NPF states that it aims to improve capacity to detect and investigate forms of labour exploitation (Department of Justice and Constitutional Development, 2019, p. 48). Respondents and the existing literature have identified a need for intervention to achieve this policy goal.
- The NPF intends to eliminate corruption where it contributes to the persistence of the crime, although no clear strategy is mentioned (Department of Justice and Constitutional Development, 2019, p. 49). Respondents reported that corruption and poor border control contribute to almost every form of human trafficking in the country. This policy area will require rigorous measures of accountability, and more emphasis on values (such as integrity). Law enforcement is seen as a hindrance over matters on sex trafficking – it is often the case that law enforcement accept bribes from sex traffickers to ignore their illegal operations.
- Prospects for improving protection policy areas can be considered as being twofold. Policy goals to ensure victim identification rest on objectives to improve identification capacity in law enforcement and other state and non-state actors, while adopting standardised tools to this end (Department of Justice and Constitutional Development, 2019, p. 41).

Respondents point to challenges in victim identification across all but one form of trafficking, bonded labour. This challenge has been identified across the existing

literature and from the survey findings of this paper; it should be addressed through a coordinated effort to train all relevant persons. This could be done:

- Through improving all relevant stakeholders' ability to identify potential victims of trafficking; whilst it is clear that this requires a better trained frontline, it also requires communities to be equipped on how to identify trafficking and what to do after identifying a potential victim. The NGO-run hotline is a vital tool in this regard – where it receives calls from community members who often do not trust law enforcement or may even have been turned away from police stations, leading to them contacting the hotline. Thereafter, the hotline will determine if it is in fact potential trafficking and follows up with law enforcement.
- Victim assistance - the knowledge held by NGOs on victim identification is invaluable, and through collaboration with the government, public awareness, and training is likely to result in a record number of victims being identified and placed into the aftercare system. With training, victim assistance is likely to improve at station level, in hospitals, and other points of interception and assistance.
- Aftercare – currently provided solely through NGO-run safe houses – is faced with various challenges across most forms of trafficking. The challenges around aftercare are extensive and require attention, resources, and improved facilities.

6.14 COORDINATION AND NETWORKS

In order to improve understanding on how a coordinated network can build partnerships to enhance anti-human trafficking measures, it is vital to discuss how well actors work together, and to recognise where their strengths and weaknesses in collaboration are.

Respondents were asked to indicate (based on their experience), which stakeholders in the field are most effective to work with. Figure 6.14 displays respondents' experiences of the most effective actors they have collaborated with regarding counter-trafficking.

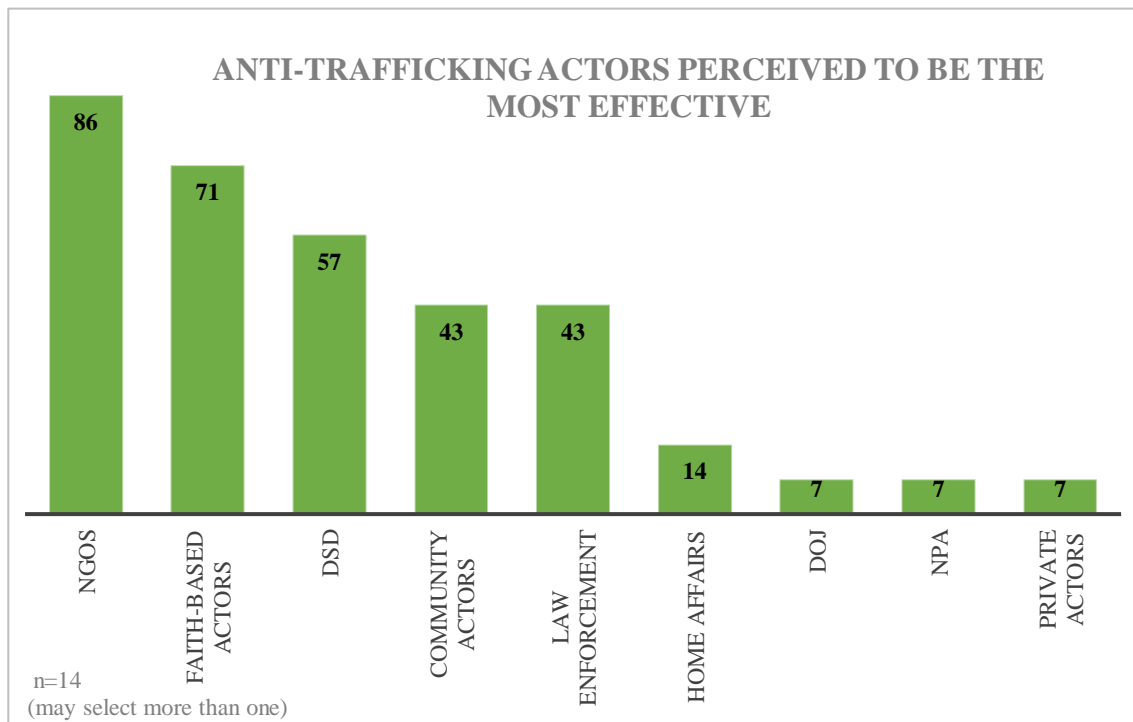


Figure 6.14 Perceived Most Effective Anti-Trafficking Actors

Source: Researcher compilation of survey data

NGOs have experienced effective outcomes when working with each other under the coordinated National Freedom Network; this finding is however, susceptible to self-reporting bias. Additionally, the large response for a perceived effectiveness of faith-based actors may be due in part, to the large influence that religious actors (such as churches), play in supporting these counter-trafficking NGOs, with some even drawn ideology directly from a faith-based mandate. This concept feeds back into discussions contained within the existing literature over perceptions on sex work and religious ideologies in the NGO space, and more importantly the influence of faith-based ideology on NGO operations (Yingwana, Walker, & Etchart, 2019).

The perceived effectiveness of community stakeholders' points to the necessity of a ground-up approach where affected communities are equipped to identify potential

trafficking and to report it immediately. As previous discussed, the NHTH works closely with communities through awareness, which is then translated into tip-offs, and these are reported to law enforcement for investigations. Where station-level law enforcement is ill equipped to determine instances of human trafficking and the correct protocols to follow, community members will contact local NGOs or the NGO-run hotline. There appears to be a certain level of trust between the *eyes* on the ground and NGOs, and this points to strong potential for NGOs to facilitate bottom-up community awareness.

Collaboration between the NGO network and the state varies between departments. This demonstrates that criticisms of the government's response by NGO respondents should not be viewed as a blanket criticism, as NGOs clearly believe that some state bodies are more effective than others are. Respondents reported to have experienced the most effective relationship with the Department of Social Development, in particular with its social workers. These social workers work tirelessly to ensure that victims are placed into the aftercare system and that they have their needs met. However, there are only a handful of DSD social workers who are trained to work with victims of trafficking, often causing a backlog which becomes a bottleneck for progress. Law enforcement, despite their discussed shortfalls, is a key aspect to anti-trafficking efforts. Respondents reported several positive encounters with the HAWKS and SAPS officials who specialise in organised crime, revealing the potential for closer collaboration of information sharing and coordination for victim assistance; working with some of the other government departments has been less effective. The Department of Home Affairs is of particular importance and is in a position to crack down on trans-national trafficking; incorporating the department into anti-trafficking measures would be useful, and training for relevant their staff has the potential to result in increases in victim identification, investigations, and interceptions.

Inter-Network Collaboration

The table below tabulates all 14 of the respondents' experiences in working with government departments that act under PACOTIP and the NPF to enforce and to implement anti-trafficking measures. This is the network made up of actors named in the NPF, responsible for the implementation of policy-level goals. This network adopts

a top-down approach to policy implementation and has the structure of a lead/administrative network form; it is a mandated network, in early stages of its development. On the other hand, the NFN is a voluntary network made up of NGOs in the anti-trafficking sphere.

Table 6.2 NGO Respondents' Experiences Working with Government Departments

Factors Facilitating Cohesion with State-led Policy Network	Factors Impeding Cohesion with State-led Policy Network
Willingness	Lack of leadership
Collaboration	Unwillingness to collaborate
Invitation to train government officials	Apprehensive attitude towards working with NGOs
Effective communication	State not willing to endorse NGOs to carry out tasks mandated to SAPS or DSD
Building relationships	Bureaucratic politics
Working with knowledgeable officials	Refusal by SAPS and social workers to take on cases
Recognising mutual benefit	Ignorance
Advocating for victims	Slow processes
	Mismanaged resources
	Classification of victims

Source: Researcher compilation of survey data

There is a mixed response about collaboration, where some respondents indicate its absence and others its presence, showing the varying degrees of collaboration with the state amongst individual NGOs. There is a reported apprehension from the state-led network towards working with NGOs, with only one respondent indicating an invitation to train government workers. The importance of training has been discussed, yet the indicated lack of enthusiasm from the state and the evidenced willingness from NGOs is not being utilised to address poor knowledge at the frontline. Where

collaboration does exist, there is an opportunity to foster partnership through building relationships, and in recognising the importance of mutual benefit for policy implementation and victims.

Despite only a slight minority of NGOs carrying out awareness activities (different to training) in government institutions (Figure 6.4), respondents have suggested a need for greater collaboration with the state in enhancing awareness efforts. The willingness shown by NFN members to work closer together with the state, could present a solution to the current fragmented approach to public awareness in the country.

Furthermore, respondents indicated that more funding and resources allocated to NGOs from the state would be helpful. There is potential for the state to allocate a portion of the NPF awareness budget to the network of NGOs, who have a proven comparative advantage in prevention work. This would not only better-equip awareness activities but would decrease the disjuncture between the activities for each network.

Other prospects for greater collaboration include improved stakeholder communication and a strong commitment from both groups to work together effectively. Through improving communication and building trust amongst stakeholders, there are opportunities for the state and non-state agendas to be synchronised and ultimately to reduce inefficiencies that exist in both networks.

One respondent indicated a desire for joint capacity building, with another stating that government bodies ought to provide non-government actors with insights into trafficking trends. The latter is an important facet of counter-trafficking work that has also been raised in the existing literature (Chapter 2). Van de Watt (2018) maintains that the elusive nature of the crime makes it difficult to quantify, particularly given the dynamic and ever-evolving characteristics that make it a challenge to uncover. A collaborative effort to unearth the realities of trends in trafficking within the country will have a positive ripple effect for all frontline stakeholders, researchers, and leadership so that prevention and prosecution can be improved.

Through the exogenous theory to assess networks (discussed in Chapter 3), the state-led policy network has been formed as a dominant lead organisation, where the National Inter-Sectoral Committee on Trafficking in Persons is to oversee the administration and decision making of the network. Despite this, a lack of leadership is identified within the existing literature (assertions of subpar national strategies to combat the crime), and from survey respondents.

The exogenous theory to explain network performance predicts that lead network structures are expected to be efficient in their operations. However, existing literature suggests otherwise, where two main concerns can be highlighted to illustrate potential inefficiencies within the network – high levels of corruption identified among stakeholders, and subpar national strategies. Respondents in this research have reported mismanagement of resources, building further evidence of inefficiencies in the state’s anti-trafficking response.

A risk of the state-led network form is that it may grow overly bureaucratic. Survey respondents have affirmed that working with the state is challenging because of *bureaucratic politics* and slow processes. Figure 6.13 highlights that most of the respondents have experienced that government processes are not particularly effective in helping to curb the crime. Such a prediction on slow processes from the exogenous theory is further evidenced by the existing literature that points to sluggish processes within SAPS operations. In order to improve collaboration with non-state actors, rigid processes may need to be improved through evaluation of their effectiveness.

A mandated network is at risk of not sharing a common goal, resulting in its members prioritising individual departmental goals over network goals. Respondents have shared experiences of reported refusal by SAPS and state social workers to take on cases of human trafficking. Additionally, ‘internal politics’ highlighted by respondents may also indicate that other departmental interests may be prioritised over network goals. However, the exogenous model predicts that an infant network, such as the state-led policy network, is likely not concerned with goal attainment but rather in forming its processes and operations to ensure network sustainability and functions. A focus on process-formation means that the state has an opportunity to resolve slow and

inefficient operations while the policy and the network are in their infancy. This would require central leadership, proactive strategies, and sound evaluation.

If the state-led network is unwilling to formalise collaboration over certain activities with the established NGO-network, then opportunities for mutual benefit are likely to be missed, and in the short to medium term, anti-trafficking measures are likely to be hindered by the state itself. For example, the reported ignorance from government workers and the misclassification of victims comes down to a lack of training, which can be rolled out quicker through collaboration with NGOs.

Notwithstanding the above, respondents have enjoyed working with government officials who are well versed on human trafficking and who exhibit high levels of commitment to the cause. The prospects for improving collaboration will stem from a willingness to on build relationships that already exist among individual actors within the state and NGOs; sharing the workload through maximising strengths; and a strong conviction to reduce the number of modern slaves in South Africa. Trust and respect must be established in order that more victims can be rescued, more traffickers be prosecuted, and more vulnerable groups empowered to enable their own protection.

CHAPTER 7: CONCLUSION

The challenges faced by governments across the globe when implementing anti-trafficking measures provide a rich source of lessons for South African anti-trafficking actors. The relatively new PACOTIP Act was designed with considerations for the victim, at the heart of its legislation and policy. Now is the time for every stakeholder involved to commit to reducing this crime and to protecting victims, with a readiness to collaborate, to learn and to share.

NGO respondents from the survey have provided deep insight into their work, allowing for a better understanding of how their collective efforts may assist the state in enforcing and implementing its anti-trafficking measures. The suggestions set out in this concluding chapter are an extension of the findings discussed in the previous chapter, written within the context of the existing body literature.

Firstly, anti-trafficking NGOs are active in every province of the country, with a significantly stronger presence in South Africa's urbanised provinces. Prospects for collaboration with the state are strongest in Gauteng, the Western Cape and Kwa-Zulu Natal, with the potential across the NGO network to reach every corner of the country with their activities. This is a first step in building a coordinated strategy that makes use of NGOs based on their location.

Secondly, a step towards aligning NGOs with the national policy agenda would be to increase government funding within the NGO network. The strong global influence across the network has the potential to lead to local NGOs adopting saviour ideologies. Prospects to increase collaboration with the government through funding is likely to formalise collaboration and consequently align NGOs with national policy goals.

Thirdly, NGOs have displayed a diverse focus across various types of trafficking. Where NGOs have concentrated on particular types of trafficking, they are likely to be in a position to support various state-led activities with knowledge and experience. The expertise gathered from a broad focus on different types of trafficking can be leveraged to impact investigations positively through a supportive role, consultations for developing standardised materials for public awareness and first-responder

training, and in developing tools for aftercare. There is potential for the state to work with NGOs to deepen knowledge and to develop content that can be used across the country.

NGOs have shown a willingness and the ability to carry out a number of activities that align with the national policy agenda. There is a clear need for a well-functioning network of stakeholders who are committed to their PACOTIP mandate, and until these actors display high levels of coordination, many of the problems explored in this paper are likely to persist.

Furthermore, the potential exists for state collaboration across public awareness, education programmes, training for first responders and various aftercare activities such as shelter, and counselling. Public awareness and education are key aspects of the government's prevention agenda, and coupled with a coordinated plan, NGOs have the potential to deliver awareness to every province in the country. This is expected to have a twofold effect – a reduction of vulnerability for at-risk populations and increased victim identification through knowledgeable community members. Having NGOs administer training to law enforcement and other relevant professionals is likely to increase knowledge, victim identifications, improve investigations, and victim assistance.

Aftercare requires high levels of coordination and cooperation between the government and NGOs (who are solely responsible for housing victims) such that the quality of aftercare is monitored, regularly improved, and meets the needs of victims. Collaboration across these activities is likely to improve policy outcomes in the prevention and protection of trafficking.

Opportunities also exist for the NFN to coordinate public awareness and frontline training with the state. The network could draw on its administrative form to coordinate a targeted public awareness and training strategy centrally through calling on members to undertake awareness in vulnerable communities within their area. This creates opportunity for standardised material and reduces fragmentation (or overlaps) through central mapping on groups reached. In turn, communities and the frontline are

likely be better equipped to identify victims, thus creating a bottom-up scheme to meet national policy goals.

The prospects for cohesive collaboration between state and non-state actors, rests on trust, accountability, attitudes and a willingness to cooperate. Under the government's partnership mandate, state and non-state collaboration requires the formation of a clear strategy, which accounts for micro-level stakeholders to be knowledgeable, equipped and motivated, as well as a macro-level strategy which employs creative and proactive channels to deter traffickers and consumers. Before this can happen however, the government must take steps to improve coordination amongst its own departments, particularly to ensure accountability.

Respondents highlighted varying observations and experiences of the government's attempts at enforcing PACOTIP. There are numerous prospects for collaboration between inactive government stakeholders and NGOs, and the potential to build on existing relationships that have contributed to counter-trafficking efforts. Prospects for addressing challenges faced by the enforcement of PACOTIP require a coordinated network response and an inclusive strategy that incorporates the NGO network to assist with activities; in particular, public awareness, training for frontline professionals and ensuring improvements over victim assistance and aftercare.

There must be a clear and efficient allocation of resources, where NGOs are given grants to carry out certain activities (where they have demonstrated a comparative advantage). In turn, these activities would be reported back to a central body mapping the impact of actions. These activities could include grants to NGOs for research, resources, and funds for public awareness and training of first responders. Building on partnerships to address existing challenges is likely to result in a harmonious and effective implementation of the national policy agenda to combat human trafficking.

Numerous prospects exist under the prevention mandate for collaboration to improve the implementation of national policy. Using the reach of the NGO-network to administer public awareness and training is likely to ensure that all members have a common goal resulting in an efficient resource allocation. Collaboration of this nature is a prospective way to fulfil various policy goals swiftly and efficiently.

Under the prosecution mandate, the expertise and knowledge held by NGOs is useful not only for training, but also for tip-offs, for guidance on victim assistance, and knowledge on ways to support a victim through a testimony. This can only be fruitful alongside an unyielding national drive to reduce corruption at police station level and at border posts.

Such collaboration should also be considered between the justice system and the NGO network. This is likely to have a twofold effect – more victims might be willing to participate in court proceedings and it could increase the potential for prosecutions. Prosecution under the PACOTIP requires collaboration for training, a national push for a crackdown on corruption, and it requires that first-responders cooperate with all involved stakeholders for the goals set out in the NPF to be achieved.

Under the protection mandate, prospects for collaboration are extensive, with cooperation likely to be a first step towards a strengthened aftercare system, particularly through efficient resource allocation, and grants for research into complex trauma and reintegration. There should be a cooperative effort between the state and NGO-run safe houses to ensure that there are enough resources available for upskilling victims before repatriation. Collaboration with the state-owned TCC's⁸ is likely to be beneficial; through improved communication and collaboration with these centres, victims can be identified and then receive assistance. The aftercare system will only work with a central strategy to ensure the highest possible level of care for victims, and a commitment to upskilling. Improvements in collaboration between the state and NGO-run safe houses must be geared towards the highest level of standardised care, regular research, and workshops for aftercare stakeholders and sufficient resources to upskill victims.

Across the four policy areas of partnerships, prevention, protection, and prosecution, the state can increase its impact positively through allocating tasks and resources to members of the NFN. It is imperative that both groups must improve on resource

⁸ The TCC's are a public service for victims of rape and gender-based violence (however, they are underused by victims of sex trafficking)

management as a means of optimising efficiency. All relevant government departments must be active in their PACOTIP mandate, in order for collaboration to be maximised for a united response to human trafficking.

WORKS CITED

- A21. (2019). *Walk For Freedom*. Retrieved from A21: www.a21.org/walkforfreedom
- Adepoju, A. (2005). Review of Research and Data on Human Trafficking in sub-Saharan Africa. *International Migration, 43*(2).
- Aderinto, S. (1997). "The problem of Nigeria is slavery, not white slave traffic": Globalization and the politicization of prostitution in Southern Nigeria, 1921-1955. *Canadian Journal of African Studies, 31*(1), 1-22.
- Amahazion, F. (2015). Human trafficking: the need for human rights and government effectiveness in enforcing antitrafficking. *Global Crime, 16*(3), 167-196.
- Avdeyeva, O. (2012). Does Reputation Matter for States' Compliance with International Treaties? States Enforcement of Anti-trafficking Norms. *The International Journal of Human Rights, 16*(2).
- Babatunde, A. (2014). Human Trafficking and Transnational Organized Crime: Implications for Security in Nigeria. *Peace Research, 46*(1), 61-84.
- Baker, W. E., & Faulkner, R. R. (1993). The Social Organization of Conspiracy: Illegal Networks in the Heavy Electrical Equipment Industry. *American Sociological Review, 58*(6), 837-860.
- Barner, J., Okech, D., & Camp, M. (2014). Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade. *Societies, 4*(2), 148-160.
- Beck, D., Choi, K., Munro-Kramer, M., & Lori, J. (2016, March). Human Trafficking in Ethiopia: A Scoping Review to Identify Gaps in Service Delivery, Research, and Policy. *Trauma, Violence, & Abuse, 18*(5), 532-543.
- Bell, S., & Banks, V. (2018). Women's Rights Organizations and Human Trafficking. *Social Science Quarterly, 99*(1), 362-376.
- Bello, P. (2018, March). Criminal justice response to human trafficking in Nigeria and South Africa: suggestions for better performance. *Contemporary Justice Review*.
- Bello, P., & Olutola, A. (2018). The enforcement of anti-human trafficking law in South Africa: a case of an aircraft without a pilot. *Police, Practice and Research, 19*(3), 270-283.
- Bogdanor, V. (1987). *The Blackwell encyclopedia of political institutions*. New York: Blackwell Reference.

- Brooks, S. (2018). Convergence Of Modern-Day Slavery With Poverty, Drugs, And Conflict In Vulnerable Populations: Training Rural Public Health Workers To Promote Human Trafficking Awareness. Columbia University.
- Buthelezi, S. (2015). Human trafficking and the new legal framework in South Africa: Intervention needed for the law to reach vulnerable girls and women. *Agenda*, 29(3), 155-164.
- Carlsson, L. (2000). Policy Networks as Collective Action. *Policy Studies Journal*, 28(3), 502-520.
- Creswell, J. W. (1998). *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*. Thousand Oaks: Sage Publications.
- de Heredia, M. I. (2008). People Trafficking: Conceptual issues with the United Nations Trafficking Protocol 2000. *Human Rights Review*, 9.
- Dean, L., & Britton, H. (2014). Policy Responses to Human Trafficking in Southern Africa: Domesticating International Norms. *Human Rights Review*, 15, 305-328.
- Deanna, D. (2013). Understanding the motivations and activities of transnational advocacy networks against child sex trafficking in the Greater Mekong Subregion: The value of cosmopolitan globalisation theory. *Cosmopolitan Civil Societies Journal*, 5(1), 39-68.
- Department of Justice and Constitutional Development. (2019). *Prevention on Combatting Trafficking in Persons National Policy Framework*.
- Dyk, A. M. (2013). Combating Human Trafficking in Poland: When Victims Are Lost In Translation. *Washington University Global Studies Law Review*, 12(783).
- Emsler, M. (2013). The Politics Of Human Trafficking In South Africa: A Case Study Of The Kwazulu-Natal Intersectoral Task Team And South African Counter- Trafficking Governance.
- Emsler, M., & Francis, S. (2017). Counter-trafficking governance in South Africa: an analysis of the role of the KwaZulu-Natal human trafficking, prostitution, pornography and brothels task team. *Journal of Contemporary African Studies*, 35(2), 190-211.
- Gallagher, A. (2015, July 31). *The 2015 US Trafficking Report: signs of decline?* Retrieved from Open Democracy: <https://www.opendemocracy.net/en/5050/2015-us-trafficking-report-signs-of-decline/>
- Giddens, A. (1984). *The constitution of society. Outline of the theory of structuration*. Cambridge: Polity Press.

- Global Slavery Index. (2016). *Global Slavery Index 2016*. Walk Free Foundation. Retrieved from <https://www.globalslaveryindex.org/findings/>
- Global Slavery Index. (2018). *Modern Slavery: A Hidden, Every Day Problem*.
- Goodey, J. (2008). Human trafficking: sketchy data and policy responses. *Criminology Crim Justice*, 8(421).
- Govender, D. (2015). A Conceptual Analysis of Strategies to Combat Organised Crime in South Africa. *Insight on Africa*, 7(2), 120–136.
- Government Gazette. (2013). *Prevention and Combating of Trafficking in Persons Act, 2013*. Republic of South Africa.
- Hanley, J., Oxman-Martinez, J., Lacroix, M., & Gal, S. (2006). The "Deserving" Undocumented?: Government and Community Response to Human Trafficking as a Labour Phenomenon. *LABOUR, Capital and Society*, 39(2), 78-103.
- International Labour Office. (2017). *Global Estimates of Modern Slavery: forced labour and forced marriage*. Geneva.
- International Labour Organisation. (2014). *Profits and poverty: The economics of forced labour*. International Labour Office.
- Jordan, V., & Schubert, K. (1992). A preliminary ordering of policy network labels. *European Journal of Political Research*, 2(1-2), 7-27.
- Kamler, E. (2013). Negotiating Narratives of Human Trafficking: NGOs, Communication and the Power of Culture. *Journal of Intercultural Communication Research*, 42(1), 73-90.
- Kandathil, R. (2006). Global Sex Trafficking and the Trafficking Victims Protection Act of 2000: Legislative Responses to the Problem of Modern Slavery. *Michigan Journal of Gender and Law*, 12, 87-119.
- Kara, S. (2009). *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University.
- Kenis, P., & Provan, K. (2009). Towards An Exogenous Theory Of Public Network Performance. *Public Administration*, 87(3), 440–456.
- Khanyile, B. (2018). *An Examination Of Non-Profit Organisation Response To Human Trafficking: The Case Study Of Durban, Kwazulu-Natal Province*. Kwazulu-Natal: University Of Kwazulu-Natal.
- Klijn, E.-H., & Koppenjan, J. F. (2000). Public Management And Policy Networks Foundations Of A Network Approach To Governance. *Public Management: an international journal of research and theory*, 2(2), 135–158.

- Knoke, D. (2016). Policy Networks. In *he SAGE Handbook of Social Network Analysis* (pp. 210-222). London: SAGE Publications Ltd.
- Kruger, H., & Oosthuizen, H. (2012). South Africa – Safe Haven For Human Traffickers? Employing The Arsenal Of Existing Law To Combat Human Trafficking. *PER*, 15(1).
- Labuschagne, G. (2004). Features and Investigative Implications of Muti Murder in South Africa. *Journal of Investigative Psychology and Offender Profiling*, 191–206.
- Lecey, J., Schmitz, H. P., & Swedlund, H. (2011). Non-Governmental and Not-for-Profit Organizational Effectiveness: A Modern Synthesis. *International Society for Third-Sector Research*, 23, 434–457.
- Leishman, M. (2007). Human Trafficking and Sexual Slavery: Australia's Response. *The Australian Feminist Law Journal*, 193-218.
- Limoncelli, S. (2016). What in the World Are Anti-Trafficking NGOs Doing? Findings from a Global Study. *Journal of Human Trafficking*, 2(4), 216-328.
- Meçe, M. (2016). Effectiveness of Counter-Trafficking Response in Albania. *Social Change Review*, 14(1), 25-46.
- National Freedom Network. (n.d.). Retrieved from National Freedom Network: <https://nationalfreedomnetwork.co.za/about-us/>
- National Prosecuting Authority of South Africa. (2010). *Understanding The Dimensions Of Human Trafficking In Southern Africa Republic Of South Africa 2010*. Human Sciences Research Council of South Africa.
- NHTH. (2018). Retrieved from National Human Trafficking Hotline - 0800 222 777: <https://0800222777.org.za>
- Noyori-Corbett, C., & Moxley, D. (2017). Addressing female sex trade human trafficking in Japan through NGO advocacy networks. *International Social Work*, 1(14).
- Palermo Protocol. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. Special Treaty, United Nations, New York.
- Rhodes, R. (1990). Policy networks: A British perspective. *Journal of Theoretical Politics*, 2(3), 293-317.
- SADC. (2016). *Trafficking in Persons in the SADC Region*. Policy Brief, SADC, Gabarone.
- Sanor, R., Yiu, L., & Rush, L. (2018). The measuring and monitoring of human trafficking. *Public Administration and Policy: An Asia-Pacific Journal*, 21(2), 94-106.

- Szablewska, N., & Kubacki, K. (2018). Anti-Human Trafficking Campaigns: A Systematic Literature Review. *Social Marketing Quarterly*, 24(2), 104-122.
- Tiapula, S. L., & Millican, M. (2008). Identifying the Victims of Human Trafficking. *The Prosecutor*.
- Trading Economics . (2018). *South Africa Unemployment Rate*. Retrieved May 13, 2018, from Trading Economics : <https://tradingeconomics.com/south-africa/unemployment-rate>
- U.S Department of State. (2017). *2017 Trafficking in Persons Report*.
- U.S Department of State. (2018). *Trafficking in Persons Report*.
- U.S Department of State. (2019). *Trafficking in Persons Report: June 2019*. U.S Department of State.
- United Nations. (2001). *United Nations Convention against Transnational Organized Crime*. United Nations, General Assembly.
- United Nations. (2010). *The United Nations Handbook for Legislation on Violence Against Women*. New York.
- UNODC. (2000). *United Nations Convention Against Transnational Organized Crime And The Protocols Thereto*. Vienna: United Nations.
- UNODC. (2016). *Global Report on Trafficking in Persons 2016*. United Nations, United Nations Office on Drugs and Crime, Vienna.
- UNODC. (2019). *Human Trafficking*. Retrieved from United Nations Office on Drugs and Crime: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>
- Van der Watt, M. (2018, March). The Nature and Future of Human Trafficking in South Africa.
- Van Raaij, D. (2006). Norms Network Members Use: An Alternative Perspective for Indicating Network Success or Failure. *International Public Management Journal*, 9(3), 249–270.
- Walker, R., & Oliveira, E. (2015). Contested spaces: Exploring the intersections of migration, sex work and trafficking in South Africa. *Graduate Journal of Social Science*, 11(2).
- Weitzer, R. (2014, May). New Directions in Research on Human Trafficking. *The Annals of American Academy* , 653.

- Wolf-Branigin, M., Garza, S., & Smith, M. A. (2010). Reducing Demand for Human Trafficking: A Non-linear Approach for Developing Capacity. *Social Work & Christianity*, 37(4), 424-436.
- Wolf-Branigin, M., Jensen, K., & Smith, M. A. (2008). Preparing for the Emerging Issue of Human Trafficking. *Journal of Immigrant & Refugee Studies*, 6(1), 132-137.
- Wooditch, A. (2011). The Efficacy of the Trafficking in Persons Report: A Review of the Evidence. *Criminal Justice Policy Review*, 22(4), 471–493.
- Yingwana, N., Walker, R., & Etchart, A. (2019). Sex Work, Migration, and Human Trafficking in South Africa: From polarised arguments to potential partnerships. *Anti-Trafficking Review*, 12, 74-90.

APPENDIX

APPENDIX A: ETHICS CLEARANCE FROM THE DEPARTMENT OF
POLITICAL STUDIES

APPENDIX B: SURVEY SENT TO NGO RESPONDENTS

APPENDIX A



UNIVERSITY OF CAPE TOWN

IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

Department of Political Studies
Room 5.33· Leslie Social Science Building · Upper Campus
University of Cape Town · Private Bag X3 · Rondebosch · 7701
Cape Town · South Africa
Telephone: +27 21 650 3381
Fax: 021 650 3799
Email: hum-politics@uct.ac.za

To: Dr Vino Naidoo

From: A/Prof Thiven Reddy

Subject: Ethics Clearance

Research: What are the challenges and prospects for combating human trafficking: insights from non-governmental organisations.

Date: 24th July 2018

This letter confirms that the student researcher, Ms Jaynisha Patel's Ethics Project Title: What are the challenges and prospects for combating human trafficking: insights from non-governmental organisations as been approved by the Political Studies Ethics Committee on the 24th July 2018

A/Prof Thiven Reddy

Ethics Committee

Department of Political Studies

"OUR MISSION is to be an outstanding teaching and research university,
educating for life and addressing the challenges facing our society."

APPENDIX B: SURVEY SENT TO NGO RESPONDENTS

Section 1: General Info

1. NGO Name:
2. Years active:
3. Number of employees:
4. Number of volunteers:
5. Active locations:
6. Headquarters Address (if non-confidential):

Section 2: Scope of Anti-Trafficking work

1. Does your NGO work solely on human trafficking?
 - a. Yes
 - b. No

2. Select the relevant types of activity carried about by your NGO (you may select more than one)

- | | |
|--|----------------------------|
| a. Public Education/Awareness | (Prevention and Awareness) |
| b. Legislative or Policy Advocacy | (Prevention and Awareness) |
| c. Legal Services | (Restoration) |
| d. Counselling | (Restoration) |
| e. Shelter/Housing | (Restoration) |
| f. Education | (Restoration) |
| g. Health Services | (Restoration) |
| h. Vocational Training or Employment | (Restoration) |
| i. Training of Law Enforcement and Other Professionals | (Prevention and Awareness) |
| j. Rescue | (Rescue) |

If respondent selects prevention and awareness (a):

1. What locations does the NGO carry out public education/awareness?
 - a. Schools
 - b. Community Centres
 - c. Universities
 - d. Religions Centres (cherches, mosquées, etc.)
 - e. Other (Please specify)

2. Does your NGO partake in broader awareness campaigns?
 - a. Yes (Please specify)
 - b. No

3. How many vulnerable South Africans did you reach for the following years:
 - a. 2017
 - b. 2016
 - c. 2015
 - d. 2014
 - e. 2013

4. What dictates where prevention and awareness activities will be carried out?
 - a. Targeting vulnerable populations
 - b. Areas within reach
 - c. On a request basis
 - d. Other (Please specify)

5. What awareness resources do you have available to you for distribution?
 - a. Flyers/Leaflets/Pamphlets

- b. Video clips
- c. DVDs
- d. Other (Please specify)

6. Does your NGO use the media to spread awareness?

- a. Yes
- b. No

7. If yes, which forms of media and what is your reach for each type of media used?

- a. TV interviews
- b. Radio Interviews
- c. Local Newspaper/Magazine
- d. Social Media (Facebook, Instagram, Twitter)

If respondent selects Legislative or Policy Advocacy (b):

- 1. What areas of policy gaps does your NGO address in its advocacy?
- 2. What areas of legislative challenges does your NGO address in its advocacy?
- 3. Through what means/channels do you advocate for policy/legislation?

If respondent selects legal services (c):

- 1. How many victims has your NGO provided legal services for in the following years:
 - a. 2017
 - b. 2016
 - c. 2015
 - d. 2014
 - e. 2013

2. Of these, how many cases concluded with a positive result (the desired outcome):

- f. 2017
- g. 2016
- h. 2015
- i. 2014
- j. 2013

3. What challenges does your NGO face when providing legal services?

4. What aspects of providing legal services works well for your NGO?

5. Do you receive government assistance when providing legal services?

If respondent selects counselling (d):

1. How many victims has your NGO provided counselling services to in the following years?

- a. 2017
- b. 2016
- c. 2015
- d. 2014
- e. 2013

2. How many sessions does the typical victim require, over what period of time?

3. What are the biggest challenges faced by your NGO with regards to providing counselling services?

4. What systems/structures in place work well for your NGO, as a provider of counselling services?

If respondent selects shelter/housing (e):

1. How many people can be housed in this shelter?
2. Which of the following are you mandated to house:
 - a. South African female
 - b. South African male
 - c. Foreign female
 - d. Foreign male
 - e. Minor female
 - f. Minor male

3. What is the typical duration of a rescued victims stay?
 - a. Less than a week
 - b. 1-4 weeks
 - c. 1-5 months
 - d. 6 months - 1 year
 - e. More than 1 year

4. What support structures are in place by government to assist your shelter/housing?

5. What are the biggest challenges faced by your shelter/housing?

6. Does your Shelter host illegal immigrants who have been rescued from human trafficking situations?
 - a. Yes
 - b. No

7. If yes, can you tell us more about the challenges involved in hosting and repatriating such a victim.

8. Have you worked with a South African victim who has been trafficked abroad?
 - a. Yes
 - b. No

9. If yes, can you tell us more about the challenges involved in hosting such a victim?

If respondent selects education (f):

1. What level of education does your NGO help to provide rescued victims?

- a. Primary
- b. Secondary
- c. Tertiary

2. How does your NGO fund the education of rescued victims?

3. Does your NGO monitor the students' progress through the duration of their education?

- a. Yes (Please specify?)
- b. No

4. How does your NGO select the educational institution for the student?

5. What are the biggest challenges when providing education services to rescued victims?

6. What systems/structures work well in ensuring the successful deliverance of educational services?

If respondent selects health services (g):

1. How many rescued victims has your NGO provided health services to in the following years?

- a. 2017
- b. 2016
- c. 2015

- d. d. 2014
- e. 2013

2. Please provide a brief description of the most common health risks faced by victims of human trafficking.

3. Victims of which of the following types of trafficking often require intensive healthcare:

- a. Sex trafficking
- b. Labour trafficking
- c. Bonded labour
- d. Domestic servitude
- e. Child trafficking
- f. Forced begging
- g. Forced marriage

4. What are the biggest challenges when providing healthcare services to rescued victims?

5. What systems/structures work well in ensuring the successful deliverance of healthcare services?

6. In what ways does government assist with providing healthcare services to rescued victims?

If respondent selects vocational services or employment (h):

1. How many rescued victims has your NGO provided vocational or employment services to in the following years?
 - a. 2017
 - b. 2016
 - c. 2015
 - d. 2014

e. 2013

2. What are the biggest challenges when providing vocational or employment services to rescued victims?
3. What systems/structures work well in ensuring the successful deliverance of vocational or employment services?

If respondent selects training of professionals (i):

1. What types of professionals does your NGO train?
 - a. Law enforcement
 - b. Healthcare professionals
 - c. Social workers
 - d. Mental healthcare professionals
 - e. Airport staff
 - f. Hotel staff
 - g. Taxi/cab drivers
 - h. Legal professionals
 - i. Educators (teachers, lecturers, etc)
 - j. Other (Please specify)
2. How many professionals has your NGO trained in the following years:
 - a. 2017
 - b. 2016
 - c. 2015
 - d. 2014
 - e. 2013
3. What are the biggest challenges faced when training law enforcement?

4. What systems/structures work well in ensuring the successful deliverance of training sessions?
5. Before training, do government officials generally have a good knowledge on human trafficking in South Africa?
 - a. Yes
 - b. No
6. Describe in detail what a typical training session is consists of; additionally, how long are the sessions,
7. Is the training continuous or once off?
 - a. Continuous
 - b. Once off
8. Does your NGO follow up after the training?
 - a. Yes
 - b. No

If respondent selects rescue (j):

1. What channels of victim identification does your NGO use?
2. Once receiving reliable information about a victim, what steps does your NGO follow?
3. Which law enforcement agencies do you work with?
 - a. SAPS
 - b. Hawks
 - c. Other (Please specify)
4. In general, does your NGO find law enforcement adequately equipped to deal with a case of human trafficking? (i.e aware of the Trafficking Act, aware of procedures to follow, able to do victim identification etc)
5. Please describe the typical process your NGO follows when working on a rescue mission.

6. What are the biggest challenges your NGO faces when partaking in a rescue mission?
7. What systems/structures in place work well when conducting a rescue mission?
8. Are you aware of law enforcement colluding with traffickers/acting unethically on cases of trafficking for personal gain?
9. In what provinces do you have the capacity and resources to partake in rescue operations?
10. When working with a rescued non-South African, what are the biggest challenges your NGO faces?
11. What recruitment trends has your NGO come to notice from working on rescues?
12. Please fill in the following table regarding the profile of rescued victims over the last 5 years:

Number of females rescued

Number of males rescued

Number of transgender victims rescued

Number of South Africans rescued

Number of non-South Africans rescued

Number of victims rescued from Gauteng

Number of victims rescued from Mpumalanga

Number of victims rescued from Limpopo

Number of victims rescued from Eastern Cape

Number of victims rescued from North West

Number of victims rescued from Northern Cape

Number of victims rescued from Western Cape

Number of victims rescued from Kwa-Zulu Natal

Number of victims rescued from Free State

Number of victims rescued from sex trafficking

Number of victims rescued from labour trafficking

Number of victims rescued from bonded labour

Number of victims rescued from domestic servitude

Number of victims rescued from forced begging

Number of victims rescued from forced marriage

Number of victims rescued from organ trafficking

Number of victims rescued from child trafficking

Number of victims rescued from other types of trafficking

If respondent selects investigations (k):

1. How many cases has your NGO assisted with investigations for in the following years:
 - a. 2017
 - b. 2016
 - c. 2015
 - d. 2014
 - e. 2013
2. Of those, how many have resulted in successful rescue?

- a. 2017
- b. 2016
- c. 2015
- d. 2014
- e. 2013

3. What process does your NGO follow when assisting with investigations?
4. What role does your NGO play in the investigation process?
5. What are the biggest challenges faced by your NGO when assisting with an investigation?
6. What processes/structures work well for your NGO when assisting with an investigation?
7. What recruitment trends has your NGO come to notice from working on investigations?

Section 3: Types of trafficking dealt with

1. Which types of human trafficking does your NGO deal with
 - a. Sex trafficking
 - b. Labour trafficking
 - c. Bonded labour
 - d. Domestic servitude
 - e. Child trafficking
 - f. Forced marriages
 - g. Forced begging
 - h. Organ trafficking
 - i. Other (Please specify)

If respondent selects sex trafficking (a):

1. What are the perceived factors that contribute to the prevalence of sex trafficking?
2. What systems/structures in place are effectively contributing to the fight against sex trafficking?

If respondent selects labour trafficking (b):

3. What are the perceived factors that contribute to the prevalence of labour trafficking?
4. What systems/structures in place are effectively contributing to the fight against labour trafficking?

If respondent selects bonded labour (c):

5. What are the perceived factors that contribute to the prevalence of bonded labour?
6. What systems/structures in place are effectively contributing to the fight against bonded labour?

If respondent selects domestic servitude (d):

7. What are the perceived factors that contribute to the prevalence of domestic servitude?
8. What systems/structures in place are effectively contributing to the fight against domestic servitude?

If respondent selects child trafficking (e):

9. What are the perceived factors that contribute to the prevalence of child trafficking?
10. What systems/structures in place are effectively contributing to the fight against child trafficking?

If respondent selects forced marriage (f):

11. What are the perceived factors that contribute to the prevalence of forced marriages?
12. What systems/structures in place are effectively contributing to the fight against forced marriages?

If respondent selects forced begging (g):

13. What are the perceived factors that contribute to the prevalence of forced begging?
14. What systems/structures in place are effectively contributing to the fight against forced begging?

If respondent selects organ trafficking (h):

15. What are the perceived factors that contribute to the prevalence of organ trafficking?
16. What systems/structures in place are effectively contributing to the fight against organ trafficking?

If respondent selects other (i):

17. What are the perceived factors that contribute to the prevalence of 'other' types of trafficking?
18. What systems/structures in place are effectively contributing to the fight against 'other' types of trafficking?

Section 4: Funding

1. Non-profit NGOs receive funding through various sources. Please select the **three** largest sources of funding your NGO receives annually:
 - a. Government grant
 - b. Private sector contributions/donations
 - c. Private/individual donations
 - d. Fundraising events
 - e. Merchandise sales
 - f. Philanthropic foundations
 - g. Membership dues
 - h. Other (Please specify)
2. Has your NGO requested funds from a government agency in the past?
 - a. Yes
 - b. No
3. If yes, were the funds granted to your NGO?
 - a. Yes
 - b. No
4. If yes, was it a smooth process and what were the attached conditions?
5. To what extent does a limited funding hinder your anti-trafficking efforts? (eg cannot operate widely, cannot attend meetings/conferences, cannot provide services to victims etc).
6. Do you receive funding from non-South African sources?

- a. Yes
 - b. No
7. If yes, does this funding come with predetermined direction?
- a. Yes
 - b. No

Section 5: What works?

1. Based on the Prevention and Combating of Trafficking in Persons Act, what positive effects has your NGO experienced since 2013?
2. How has the Prevention and Combating of Trafficking in Persons Act assisted your NGOs anti-trafficking efforts?
3. When working with government officials (social workers, law enforcement etc), what systems/structures in place work well for your NGO?
4. When working with other anti-trafficking NGOs, what structures enable effective cooperation?
5. Describe other positive ways government legislation and policy assists your NGO to operate effectively.

Section 6: Challenges

1. In what ways does the Prevention and Combating of Trafficking in Persons Act fail to assist your NGOs anti-trafficking efforts?
2. In your opinion, has the effect had any negative effects on the anti-trafficking efforts in South Africa?
 - a. No
 - b. Yes (Please specify)

3. When working with government officials (social workers, law enforcement etc), what systems/structures in place work hinder your NGOs work?
4. When working with other anti-trafficking NGOs, what structures hinder effective cooperation?
5. Describe where national policy and legislation fall short in assisting your NGOs anti-trafficking efforts

Section 7: Government partnerships and assistance

1. Please describe on what levels your interact with spheres of government officials.
2. Please describe the challenges experienced when working with government officials.
3. Please describe what works well in your government partnerships and assistance?
4. Does your NGO feel that government could be doing more to assist you?
 - a. No
 - b. Yes (Please specify)
5. Does your NGO have any affiliations to specific political parties?
 - a. Yes
 - b. No

Section 8: Long term strategies

1. Over the next five years, what direction and growth do you envision for your NGO?
2. What challenges do you pre-empt as you execute your plans?

3. Where could government policy best be directed to assist the work your NGO does?
4. Does your NGO perceive the anti-trafficking efforts in South Africa to be moving in a positive direction?
 - a. Yes
 - b. No
5. What changes (structural, procedural, ideological) does your NGO plan to implement over the next five years?
6. Do you share information with other anti-trafficking actors?
 - a. Yes
 - b. No
7. If yes, in what ways have you found this to be beneficial for the broader anti-trafficking efforts?

Section 9: Other

1. Please feel free to leave any comments you may want to add to this research which has not been covered in Sections 1-8 of this survey.

Thank you for taking the time to answer this survey. Your insight and experiences are invaluable to understanding how NGOs are leading the anti-trafficking effort in South Africa, and how government can better assist these efforts.