

The Stumbling Block: South African Police Service, and Non-Governmental Organisations Perspective on Human Trafficking in Durban, KwaZulu-Natal

Lindani Nkosi¹, Vuyelwa Maweni^{2*}, Stanley Osezua Ehiane^{3,4}, Penny Moanakwena⁵

^{1,2}*Department of Criminology and Forensic Studies, School of Applied Human Sciences, University of KwaZulu-Natal, South Africa. Email: nkosilindani1@gmail.com and maweniv@ukzn.ac.za*

^{3,5}*Department of Political and Administrative Studies, Faculty of Social Sciences, University of Botswana, Gaborone, Botswana. Email: ehianes@ub.ac.bw and moanakwena@ub.ac.bw*

⁴*School of Public Management, Governance, and Public Policy (SPMGPP), College of Business and Economics (CBE), University of Johannesburg, Johannesburg, South Africa. Email: stanleyehiane@yahoo.com*

Abstract: Human trafficking is not a recent phenomenon. Acts of human abduction for illicit intentions are believed to have been occurring since time immemorial. In South Africa, human trafficking remains a huge threat to peace and security and violates the human rights of all affected individuals. The South African Police Service (SAPS) and relevant non-governmental organisations (NGOs) are two of the systems that should not stint their efforts in addressing this crime. In light of the aforementioned, this study explored i) the frequency of human trafficking occurrences in a month, ii) the effectiveness of the legislature in addressing human trafficking, iii) challenges faced by SAPS in addressing human trafficking, and iv) lastly, the strategies for curbing human trafficking in the city of Durban. The study adopted a qualitative research design with semi-structured one-on-one interviews used for data collection. Purposive sampling was used to select the nine (9) participants drawn from the SAPS and NGOs. The collected data were analysed using the inductive thematic analysis. It is envisaged that this study will be significant in assisting relevant structures such as the SAPS and NGOs in devising new and effective strategies to respond to human trafficking in Durban.

Keywords: SAPS, NGOs, Human Trafficking, Human Rights, Durban.

1. INTRODUCTION

The Constitution of South Africa Act No. 108 of 1996 endeavours to protect citizens from all injustices they may experience thus the protection of human rights and elicitation of their responsibilities. Regardless of the operational efforts by relevant structures to curtail human trafficking, it remains a noticeable disgrace that this problem is becoming worse and seemingly impossible to curtail. This study aims to provide strategies to work against incidences of *human trafficking* in South Africa's Durban metropolis. The South African Police Service (SAPS) is mandated to maintain order by sustaining and administering the law in South Africa and the police discharge this mandate through section 205 (3) of the Constitution [1]. In exercising their power, the SAPS are expected to protect citizens against brutal activities, including *human trafficking* practices.

Human trafficking is caused and perpetuated by a variety of factors. Masika [2] identifies *globalisation, liberation and free market promotion* as contributing to the evident uncontrollable movement of capital and labour. The freedom of movement accorded by porous borders (locally, regionally, and internationally), as well as investments, trading, and capital, benefit elites from prosperous countries, while people from numerous countries are deprived of similar freedom [2]. Shelly [3] comes up with a longer list, purporting that the root causes of human trafficking include: the *economic imbalance among world regions, corruption, the rise in unemployment, poverty, weakened control of borders, ethnicity, gender discrimination, political inconsistency, and armed conflicts*. Human trafficking occurs both within and across international borders. Aronowitz [4] contends that internal trafficking occurs to a considerable degree in more countries than transnational trafficking does, and further observes that this form of crime is irrevocably associated with exploitation.

It is vital to note that human trafficking is acknowledged as the *third largest illicit international enterprise*, after illegal drug and weapon smuggling, which “creates an underground economy of illegal labour markets and businesses where both vast profits and great suffering happen” [5:2]. Moreover, Rudolph and Schneider (2013) submit that, in estimation, around one billion dollars is generated by this crime annually in developed countries alone, amounting to global profits of approximately US\$31.61 billion (about R410.5 billion) annually [6]; [7]. As further highlighted by [5] the International Labour Organisation (ILO) estimates that at any point in time so far, around 20.9 million people have been exposed to human trafficking as victims.

The [7] stated in their 2007 report that during that year, between 275 068 and 508 931 people fell prey to human trafficking both within and between country borders, with close to 2.45 million people becoming victims of human trafficking globally in the same period. Figures revealed by the US Government, together with those of the ILO [8] show that annually, the number of trafficked people across country borders was between 600 000 and 800 000, which was an increase from the figure 500 000 revealed by NGOs between the 1990s and 2000s. These rising figures indicate a rapid growth in the number of incidents of trafficking people, on an annual basis. Moreover, global approximations reveal that a frightening number of 12.3 million people become victims of trafficking at any given point in time, with approximately 1.2 million children falling prey to human trafficking nationally and internationally every year [9]. In 2016 approximately 40 million victims were forced to work against their will on any given day [10].

This study argues that if human trafficking is on the rise in Africa, municipalities such as Durban in South Africa are affected because they have ports and high population rates. The collaborative research conducted by the United Nations Office on Drugs and Crime (UNODC) and the Southern African Development Community (SADC) in 2007 showed that the rise in human trafficking and human rights violations occur perennially in the entire SADC region [11]. [11] reveal that the 2007 UNODC and SADC study undertaken in the three SADC states of Swaziland, Mozambique and South Africa, suggests that the human trafficking problem in these countries is enormous. Furthermore, they discovered that Swaziland, Mozambique and South Africa were major transit and destination points for human trafficking activities.

Worthy of note, because human trafficking occurs underground it is difficult to generate more accurate statistics on its occurrence and rate [12]. However, a more disturbing problem is the challenge presented in dealing with human trafficking crimes because of its elusiveness and lucrativeness. In this regard, Fitzgibbon [12] argues that the minimum risk and profitability of ‘modern-day slavery’, as the author refers to human trafficking, escalates its rate. An estimation by the UN suggests that trafficking in persons generates US\$7 billion (R91.02 billion) to US\$10 billion (R130.02 billion) annually for traffickers, which is the third largest market for illicit activities following arms dealing and narcotics trafficking [12].

In 2017, the SAPS exposed a trafficking ring that moved approximately 40 or more women and young girls every month between Mozambique and South Africa. Each of these victims was supposedly sold for R9 000. These figures indicate that the problem of human trafficking in the Southern African region cannot be ignored [11]. It should also be noted that SADC countries also become providers of ‘goods’ through human trafficking, as many people are lured away from their countries of origin with false promises of jobs in countries in North Africa, Asia, Europe and North Africa [11]. South Africa in particular, is considered one of the countries that experience high rates of human trafficking because it has become an ‘ideal location’ for human trafficking to and from the country [13]. However, the Criminal Justice System (CJS) has never litigated high levels of human trafficking cases, which shows that South Africa like some African countries has inadequate data on the seriousness of human trafficking.

It has been argued that the South African CJS has been successful in prosecuting the less complex human trafficking cases yet has not been able to prosecute the more complex so-called ‘international syndicate’ cases [14]. The problem of human trafficking is, therefore, recurring and persistent, especially in major cities of South Africa. This observation is supported by the work of [15], who opines that as a result many people in South Africa have taken the law into their own hands and are trying to deal with crimes related to drugs, prostitution, and human trafficking at community level instead of through the CJS. Consequently, violence erupted in locations such as Rosettenville, Mamelodi, Rustenburg and Krugersdorp [15]. In light of the aforementioned, the study adopted a

qualitative approach, using interviews to understand the frequency of human trafficking cases per month from the perspective of SAPS and NGOs, the effectiveness of the legislature in addressing human trafficking, challenges faced by SAPS in addressing human trafficking, and lastly, the strategies for curbing human trafficking in the Durban.

2. LITERATURE REVIEW

The study explores the views of selected SAPS and NGO representatives on human trafficking in the city of Durban, South Africa, where this form of crime has been on the increase. Human trafficking occurs in various forms and for various reasons, but it goes with the common practice of intended manipulation and coercion. The literature review for this study was limited to human trafficking for *sexual exploitation*, *labour practices*, *organ harvesting*, and *domestic servitude* to expose the facts underpinning the proliferating phenomenon at local, national, and international levels.

2.1 Human Trafficking for Sexual Exploitation

[16] argue that human trafficking for sexual exploitation refers to an inhuman form of trafficking that involves force and fraud in its execution. This practice is gaining momentum in our communities and the percentage of international and domestic victims has been immense in the past decade [17]; [18]. These authors also confirm that the most common victims are women and children who become enslaved to work as sex slaves in the sex industry and their payment is not even guaranteed. It can be contested that, in many instances, human trafficking for sexual exploitation is one business sector of organised crime that is escalating massively. In her speech to the Democratic National Convention, [19] declared sexual exploitation as the third biggest in the world. Furthermore, [17] makes an insightful revelation that sex trafficking is an international problem because victims are taken from low-income regions such as South and Southeast Asia, the former Soviet Union, Central and South America, to more developed economies such as Asia, the Middle East, Western Europe, and North America. One notable case is of eight princesses who were convicted in Belgium for trafficking servants and holding them hostage in a hotel for quite some time trafficked servants [20]).¹

2.2. Human Trafficking for Forced Labour

This study contends that it cannot be ignored that human trafficking is one of the world's greatest concerns as it happens not only for sexual exploitation but also for people who are trafficked for labour exploitation as well. [21] reveals the seriousness of this form of human trafficking by highlighting its far-reaching impact at a global level. [21] further provides that human trafficking for forced labour affects both men and women. In particular, this author argues that this practice has grown immensely to become the world's most significant concern. [2] observes that human trafficking for labour exploitation in the construction and agriculture industry occurs in many countries.

2.3 Human Trafficking for Organ Harvesting

The trafficking for organ removal has been the fastest-growing and most lucrative crime globally, with South Africa not spared. While it is impossible to determine the exact date because of the clandestine way this crime is executed [22], organ harvesting has grown across the world, and incidents continue to escalate. According to [23], the factors that give proportional rise to human trafficking for organ harvesting include *poverty*, *medical needs* and *criminal activities*. [24] asserts that trafficking for organs is among the most devastating international organised crimes. It involves organisers, nurses, medical practitioners, and medical facilities in its execution. Furthermore, the victims of this crime are either kidnapped or bought from their legal parents or guardians. The rise in this crime is perpetuated by the belief that specific body parts can cure people's sicknesses, and this occurs extensively in southern African countries [24].

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

2.4 Human Trafficking for Domestic Servitude

This form of human trafficking occurs undercover because workers are normally indoors and referred to as 'normal' domestic workers. In this respect, the [25:13] defines 'domestic servitude' as "a form of human trafficking that is difficult to detect for many reasons such as that it is mainly performed under closed systems such as private residences". This form of employment, perceived to be hidden, often forms part of the informal economy and the nature of work itself is precarious in the sense that workers work long hours, and their human rights are violated. Under socioeconomic issues such as lack of education and poverty, forms of trafficking such as domestic servitude and slavery are increasing in West African countries, where they are also regarded as 'cultural traditions' [26].

3. RESEARCH METHODOLOGY

In examining the crucial and complex problems associated with human trafficking, this study adopted an explorative qualitative research methodology. The design was crucial to the study's efforts to get comprehensive knowledge of the Police and NGO members' perspectives on human trafficking from which potential solutions could be suggested. The stakeholder perceptions on human trafficking were examined through the participants' viewpoints, which originate from field contact [27]. The emphasis was on eliciting meanings and interpretations from the subjective perspective of the participants, allowing for a better understanding of their social reality [28]. The participants' narrative is valuable in describing the experiences of the human trafficking phenomenon [28:199]. Interpretivism was exploited for affordances to gain a thorough grasp of the participants' varied realities and associated complexities, within their specific contexts [29].

3.1 Data Collection

Purposive sampling was adopted to recruit the nine (9) participants for the study the intention being to identify and select information-rich cases to make the most efficient use of the limited resources for the study [30]. This entailed locating and selecting individuals who are knowledgeable about or have personal experience with the topic of human trafficking [31]. Thus, the nine participants included six (6) SAPS detectives who investigate organised crime cases in the Durban Metropolitan human trafficking unit and three (3) participants from two NGOs that offer services to victims of human trafficking and/or were previously engaged in human trafficking outreach programs in Durban and Pine Town in the province of KwaZulu-Natal. Table 1 illuminates the inclusion criteria for participation in the study. This measure was applied to ensure that concrete and reliable data were obtained. Thus, the participants' years of experience and the time they had spent serving the community in the SAPS and NGO they were working for were recorded. The years of experience of the SAPS participants are presented in Table 1 to reveal the reliability of the collected data. However, NGO workers' years of experience are not presented as they were not comfortable with sharing information about this fact.

Table 1: Years of Experience of the Participants

Research Participant	Work Experience
PO 1	Between 13 and 15 years
PO 2	Between 12 and 14 years
PO 3	Between 12 and 14 years
PO 4	Between 13 and 15 years
PO 5	Between 13 and 15 years
PO 6	Between 13 and 15 years
NGO P1	Not Specified *
NGO P2	Not Specified*
NGO P3	Not Specified *

Source: Author

The methods for data collection were semi-structured interviews through which the participants were probed in-depth and field observation. The semi-structured interview process was guided by an interview schedule that lasted for a maximum time of 40 minutes and a minimum of 15 in some cases. Separate interview schedules, with similar but differently worded questions, had been prepared for the SAPS and the NGOs. The interviews were one-on-one without strong elements of formality [30]. They were conducted in English, but the language of preference was used for the few participants who requested, and for them IsiZulu was used without any limitation [31]. The voice-recorded interviews were transcribed verbatim to ensure that *isiZulu* words were accurately translated into English, while notes were taken during the interviews of participants who opted not to be recorded.

Pseudonyms were used to guarantee the anonymity of participants in storing the data and compiling the research report, while confidentiality was assured during the consenting process [30]. Before signing the written informed consent letter, the participants were informed of the voluntary nature of their participation, and they were notified of their right to withdraw from the interview without penalty if they so wished. The purpose of the study was also clearly read to them. At this point, it must be noted that this piece was extracted from a larger study for which ethical approval was provided by the University of KwaZulu-Natal's ethical committee (Protocol ref. Number HSS/1789/017M).

3.2 Data Analysis

To analyse the gathered data, inductive thematic content analysis was used to derive valuable sense from the transcripts, interview notes, and field notes. A correct transcription and notes representation was critical to avoid misinterpreting participants in the analysis, and to maintain data accuracy [30]. The analysis began with identifying insightful and recurring narrative patterns on participants' *human trafficking* experiences from the data, and related themes formed those [31]. The themes generated were representative codes to reflect the meanings derived from data narratives. Finally, the coded themes were analysed, and deliberated on to consider arguments from other studies on human trafficking. Of the eight themes which were generated, two of them are being discussed in this article.

Trustworthiness was ensured through *credibility*, *transferability*, *dependability*, and *confirmability*. Triangulation, peer review, persistent observation and reflexivity were employed for *credibility*. *Transferability* was maintained by providing rich accounts of the context, the sample and its size, sample strategy, demographics, interview procedure, and excerpts from the interview guide. To ensure *dependability*, a pilot test was conducted with a population that was similar to that of the study. To fulfil the task of *confirmability*, an audit trail of process notes, observation notes, audio recordings, and transcripts was maintained.

4. THE GEOGRAPHICAL CONTEXT OF THE STUDY

The study was undertaken inside the Durban Metropolitan demarcation to better comprehend *human trafficking* and associated reactions by the SAPS and NGOs, both being considered the main stakeholders regarding human trafficking reduction in KwaZulu-Natal (KZN). Human trafficking in the Durban Metropolitan is viewed as a transnational crime, not just limited to the study area. KZN is the second most populous South African province after Gauteng, with a total population of around 11.1 million; 19.6 per cent of the South African population [32]. The unemployment rate in KZN is at 23.9 per cent, being one of the highest in the country, [32]. Hence, socio-economic challenges may have a massive effect on the continued existence of human trafficking. Since unemployment is among the most catastrophic societal problems, it could be contended that KZN is susceptible to human trafficking proliferation and related threats. According to the SAPS data for 2014/2015, the sexual offence incidence, which is also strongly connected to sex trafficking, fell slightly in 2014 but steadily increased in 2015. [33].

5. THEORETICAL FRAMEWORK

The *general systems theory* (GST) and the *rational choice theory* (RCT) underpinned this study; to identify and discuss the underlying causes of perpetual human trafficking. Through these theories, the causes of human

trafficking are examined and once understood and addressed through legislation and law enforcement regulations, relevant stakeholders will be better equipped to deal with this issue.

The GST was developed and introduced by Ludwig von Bertalanffy in 1949 to emphasise the significance of the “science of ‘wholeness’ to complement mechanistic and reductionist approaches” [34: 601]. According to [35], the aim of GST is the amalgamation of science, and the core of this incorporation is interdisciplinary. Furthermore, “GST theorists believed that at least some ‘isomorphisms, formulated based on theoretical models of more than one scientific discipline, could be extended to other sciences, as well as the studies of new types of objects, and thus serve as general principles applicable to all systems”, thus von Bertalanffy viewed a system as comprising a variety of components functioning as a whole and not to be treated in isolation [35:109]. Figure 1 illustrates how the different elements (unity, relationship, and part) of such a system function as a whole.

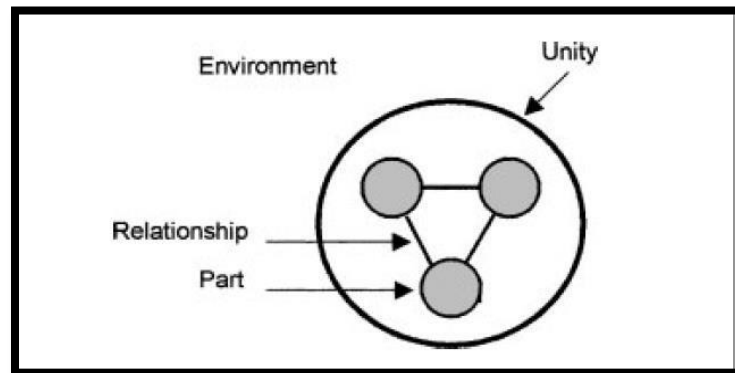


Figure 1: Ontological Picture of a System in GST

Source: [35]

Figure 1 depicts the unification of elements in the GST, and this study submits that for a government to thrive in responding to human trafficking, *unity* must be realised through ongoing *relationships* among all relevant *structures* (parts). In the context of this study, this theory emphasises the importance of mutual and collaborative efforts by all role-players in ‘the system’ against the scourge of human trafficking. This requires concerted efforts to coordinate the functions, knowledge, and operations of all relevant stakeholders to respond to human trafficking in the Durban Policing Area (DPA) effectively. The emphasis should be placed on mutually systematic partnership efforts by the SAPS and NGOs as a form of policing, while other relevant stakeholders (e.g., anti-trafficking institutions, civil society and the alliance of international federal structures) should be accommodated.

[36] developed the *rational choice theory* (RCT) to explain the offender’s criminal behaviour [36]. The prevalence of extensive and life-threatening criminal acts is often exacerbated by factors such as a lack of penalties and crimes that are perpetrated with impunity. The elusiveness of being held responsible for a crime plays a huge role in understanding criminal behaviour. [37] observes that academics have utilised the RCT for understanding persons’ misbehaviour in Sociology discourses. According to [37], potential criminals and their displayed behaviours have immensely grown, calling for the need to employ the RCT to explain such occurrences. However, this gave birth to growth in controversy associated with this theory, whereby the importance of the RCT, and its underlying deficiencies have become a core discussion [37]. This theory assumes that people are massively motivated by money which has led to the development of the model of human behaviour. [38] points out that many theorists believe that, if they base their discussion on economics, their discourses could reach the intended aims. RCT theorists have constructed their theories on the presumption that people are entirely rational; meaning that they tend to look thoroughly at the achievements of their unlawful behaviour and the cost of the illegal actions, and thus their decisions follow deep, rational thinking [38].

6. PRESENTATION OF FINDINGS AND DISCUSSIONS

The principal aim of conducting the study was to examine the crucial and complex problems associated with human trafficking in the Durban Policing Area (DPA). This study attempted to transcend mere exploration by

producing valid and reliable interventions that could be utilised to curb and ultimately eradicate the scourge of human trafficking. Furthermore, this study endeavoured to yield results that would be informative not only to the SAPS as the focal institution, but also to all the relevant organisations that combat and respond to human trafficking. Among the consequential results, the importance of developing interventions against this perennial menace has become a must.

To avoid any harm to the participants, the six (6) special human trafficking officers from the SAPS are thus presented here as PO (Police Official) followed by a sequential number (e.g., PO-1) and the three (3) employees from the NGOs are presented as NGO P (non-governmental organisation person) also followed by a sequential number (e.g., NGO P1). In the interest of authenticity, excerpts of the responses obtained from the participants' voice recordings are presented verbatim in italics. Excerpts are also provided from the interview notes recorded in writing for the participants who did not consent to the use of the recorder, and from the field notes data. Overall, the findings show that human trafficking persists. SAPS officials continuously uncover crimes related to human trafficking and [14] confirm that South Africa is considered to be an 'ideal location' for human trafficking. Furthermore, the [39] reported on the failure of South Africa to adequately respond to human trafficking which, according to this study, reflects the extent of the human trafficking problem in the country.

6.1 Frequency of Reports of Human Trafficking Cases

In the interview conducted, the SAPS and NGO participants confirmed that there was a high prevalence of human trafficking incidences in the DPA but neither could provide the exact number of cases they responded to within any given timeframe, with both parties citing that:

Excerpt 1 – [PO-1]: *“It depends on the cases discovered; it is changing. But we normally investigate too few cases a month because the investigation needs a thorough process and we cannot just arrest people without searching first, in that way, we follow the process such as obtaining search warrants.”*

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

Excerpt 3 – [PO-3]: *“The number of cases is inconsistent, but the problem is that there is the high problem of human trafficking, ... And it is significant to say that we respond to many cases a month. Some are given the status of missing persons.”*

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

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

Excerpt 7 – [NGO P1]: *“It depends on the number of victims brought here by the SAPS. We don't have a stable number. Sometimes we work with a small number in a year and some other times we deal with a lot.”*

Excerpt 8 – [NGO P2]: *“Maybe we accommodate five to six victims of human trafficking a year.”*

Excerpt 9 – [NGO P3]: *“It depends because we rely on the police provision. If they give us three people a month, we work with them and if they give us five victims a month we would work with that number. It depends on that, so it is not easy to provide the exact number.”*

The report of the [39] refers to inconsistent and insufficient efforts by the South African Government (and by implication the SAPS) in investigating and prosecuting human trafficking criminal cases in the country. In this report, it is revealed that the Government has been able to prosecute only 22 cases, and only eight traffickers have been convicted [39]. This report by implication also refers to an inability to identify victims and convict traffickers and it correlates with the claims by the SAPS officials (Excerpts 1 – 6) who referred to the changing number of investigations per month and the limited number of cases responded to per month. This is a disconcerting finding considering that literature shows that human trafficking is escalating at an alarming rate. Moreover, the slow rate of victim support by the NGOs is also a matter of concern, as it seems that the NGOs rely exclusively on the referral of victims to them by the SAPS, whereas they are ignorant of the issue in the societies where they work and thus do not contribute to the identification and exposure of human trafficking incidences. [40] argue that the police struggle to bring perpetrators to book despite the provision of resources by the Trafficking Victims Protection Act 2000 (TVPA), to identify trafficking. Excerpts 1 – 9 above strongly suggest that both agencies need to pull up their socks in their efforts to respond to human trafficking.

6.2 Effectiveness of the Legislature in Addressing Human Trafficking

On the question of the effectiveness of the legislature, participants reflected different perceptions. The police respondents expressed mixed feelings, observing that it worked well for some structures in CJS but not for the SAPS, also highlighting the lack of training about the legislation and non-engagement of the society as deterrents:

Excerpt 10 – [PO-1]: *“I find it adequate because, with the legislation we have and the evidence we can gather, the trafficker is charged [convicted] with a life sentence of 15 years for sexual exploitation. A perpetrator who is charged with human trafficking is charged with rape, the perpetrator is charged for kidnapping, the perpetrator is charged for abduction, the perpetrator is charged for drugs, the perpetrator is charged for the keeping a brothel, the perpetrator is charged for money laundering and the perpetrator is charged with proceeds of crime, but society is not part of the legislation which leaves the huge problem.”*

Excerpt 11 – [PO-2]: *“The legislation is adequate, but it needs to be enforced in policing units. There is a huge need for police in all structures to be fully trained to be able to detect crimes such as human trafficking at all levels. Again, police should be completely educated on how they may apply the legislation at their level because one legislation could be applied differently by different structures making up the criminal justice system of the country.”*

Excerpt 12 – [PO-4]: *“I might say it is adequate, the strength is needed in the implementation phase. Police at the police station level are not educated in these legislations. They should be educated to detect human trafficking-related incidents because the incident in most cases is first reported to them before it reaches our offices as investigators. Again, society plays a huge role in fighting crime, in that way, we need them so the legislation should create ways we could fully work with society.”*

The NGO's responses to the effectiveness of the legislature largely pointed to the need for educating communities on human trafficking and related legislature, noting that:

Excerpt 13 – [NGO P1]: *“Despite the whole effort from relevant structures, people are still ignoring that the phenomenon exists. We have developed a walk, people are becoming receptive, and we educate even young children. In this regard, we have gained a lot because year by year the number of participants has doubled so in that way the strategy has yielded*

some good results, more particularly because it was developed to grapple with crime and to see people joining in numbers.”

Excerpt 14 – [NGO P 2]: *“It is hard because we are a small organisation that lacks resources. This leads to a shortage of staff and resources. Nevertheless, some strategies do work, and we find out about that through making the follow-up. We always urge the community to engage in campaigns, but people are ignorant. I believe they have the power to change the current situation of human trafficking in the world at large.”*

Excerpt 15 – [NGO3]: *“They are making a difference, for instance in schools children know nothing about human trafficking so it helps to get to them and to educate them. School children like material things which is why they easily fall prey to traffickers. Our strategies are targeting schools and the entire society. We run those programmes in halls and clinics to be able to get high numbers to attend.”*

The perception of most SAPS and NGO participants regarding the current legislative framework revealed comprehensive insight but lacked specificity. However, they generally agreed that limited collaboration was a problem and they agreed that all role-players should be involved through adequate legislation in combating human trafficking. This finding is anchored by [41], who emphasises that the state structures, NGOs, and society should collaborate in their efforts to deal with all manner of crime. The South African legislation has both advantages and disadvantages in terms of fighting human trafficking. According to [40], the legislation may be considered ineffective concerning the prosecution of traffickers. As much as the legislation in place is sometimes useful in bringing perpetrators to book, the findings of this study reveal severe inadequacies in the application of the TVPA.

A predominant concern among the participants was the lack of understanding of the legal framework for human trafficking on the side of the police. It was evident that a lack of training impacted how SAPS members interpreted the Act and how they applied it in responding to human trafficking. Whereas the KZN human trafficking prostitution, pornography and brothel (HPPB) team seems to be doing an excellent job performing its tasks, [42] stated that a variety of challenges prevented it from fulfilling its duties effectively in some regards. For example, it has been difficult to align the plan of the province with the national plan, and it has also been impossible to acquire the necessary resources and shape the roles of the key players.

The RCT was effectively utilised in this study to explain the reasons behind the execution of human trafficking. This scourge has become perennial despite the efforts of governments and different stakeholders, including the SAPS and NGOs, to curtail it. This theory thus clarifies the reasons why human trafficking is escalating regardless of extensive efforts to curbit. The greed of human traffickers was exposed as a primary reason for its persistence. By implication, the higher the benefits of human trafficking activities are, the greedier and more persistent the perpetrators become, which is a push factor that exacerbates this crime. Human traffickers carefully and rationally consider all possible deterrence measures before going into action. Therefore, once they realise the limitations of the CJS in responding to and dealing effectively with the clandestine operations of human trafficking, they perpetuate. Figure 4 has been developed by the researcher to visually simplify the main hypothesis of RCT and to explain the escalating incidences of human trafficking in light of an ineffective and inefficient CJS that fails to bring perpetrators to book.

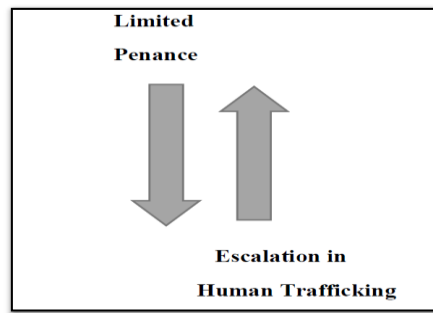


Figure 4: Diagram to Illustrate the Assumption of the RCT about Crime

Source: Author

Although simple, Figure 4 reveals a vivid understanding of what the RCT suggests as the reason for the persistent acts of human trafficking. It illustrates that the escalation of human trafficking is caused by the instability of punitive measures to deter lawbreakers. Thus, if the penance factor is not stable, human trafficking will rise uncontrollably. It is evidenced by a lack of detection and the prosecution of human trafficking cases in South Africa; that punishment for this crime does not serve as a deterrent [39], and it is postulated that this crime will escalate out of hand if something is not done to curb it.

6.3 Challenges Faced by SAPS and NGOs in Addressing Human Trafficking

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

Excerpt 16 – [PO-1]: “The challenge lies in the language barrier because in most cases victims are immigrants from countries that do not use English as their first language of communication. Secondly, a shortage of shelters also impacts the hardship of responding to the problem. The third challenge is that communication with other state agencies is not always possible. Lastly, the involvement of police officers in the crime is very disturbing because they know how we operate, and they easily alert the traffickers when we are after them. This makes it hard to do the work properly.”

Excerpt 17 – [PO-2]: “As in any agency there is a variety of challenges, and our organisation has visible challenges. The shortage of required resources is one of the challenges that affect the organisation. The absence of interpreters to assist the officers is one other challenging factor. Furthermore, the unstable relationship of the public and the organisation is very detrimental because communities have an idea of what is happening in their places in most cases.”

Excerpt 18 – [PO-4]: “We are still in need of resources because some challenges prevent us as investigators from performing our tasks efficiently. The number one thing is the lack of language interpreters. This becomes a challenge when we encounter a situation where victims are speaking a foreign language. It becomes a huge challenge because we are not provided with interpreters, and we cannot work with the interpreters of the court. In some cases, you are forced to arrest the victim because you do not even understand the language they are speaking. Furthermore, we lack some technological equipment to assist in the investigation process just like in other countries. The problem lies solely on the lack of resources, as well as the unstable relationship with other structures of other countries.”

Excerpt 19 – [PO-5]: *“The lack of training, the language barrier, and extradition problems hindrances involve extradition cities – others are economic trade, others are judicial – we could not have agreement on fighting crime. For instance, in Thailand being a sex worker is not a crime but here it is a criminal profession. The language barrier in some other cases is the problem. We sometimes get to a point where we need to deal with victims from other countries who are not using English as a communication language. Therefore, if we encounter such a case, we will need an interpreter, but we do not have interpreters. Also, weak borders affect the rise of human trafficking, because traffickers easily flee the country while some investigations are underway.”*

In support of the above claims by the SAPS officials, anti-trafficking NGO workers shared similar sentiments adding to those victim safety and support issues:

Excerpt 20 – [NGO-P1]: *“Victims themselves being so fearful, not trust anyone, they don’t disclose, and they do not want to do tests. Again, the language barrier is another challenge if we encounter a situation where we should assist a victim who is speaking a foreign language. It becomes problematic because they’d struggle to pronounce some words. And if the case needs legal mind we cannot help because we are unable to provide the victims with that.”*

Excerpt 21 – [NGO-P]: *“The first challenge is that there is no system to help detox them, in most cases they come here addicted to drugs because they are drugged. Another challenge is that you find that the victims want to leave because they are not making money, especially victims of human trafficking for sexual exploitation, so they prefer going back. We have a problem with the languages of the victims because some are speaking foreign languages, so it becomes difficult to communicate with them. Lastly, we have faced the problem of shortage of resources for a long time.”*

Excerpt 22 – [NGO-P5]: *“They are usually admitted to the agency only to find that they are already addicted to drugs so we can’t provide them with drugs and we cannot help them detox. Another challenge is that it is not easy to refer them to rehabilitation centres as soon as possible and we do not have enough funds to send those victims to private centres. Lastly, we have the challenge of communicating with others who are using foreign languages.”*

The responses revealed different obstacles experienced by the SAPS and NGOs in responding to the scourge of human trafficking in the DPA. The problems encountered include a *lack of training, a lack of partnerships among relevant structures, the language barrier, insufficient resources, a lack of trust by the victims, poor border control, a lack of trust in the NGO workers by the victims, drug problems, and the fact that female victims rather do sex work than live in poverty.* In a similar vein, [43], found, among others, challenges such as a lack of trust by the victims, inadequate training of officials, and language barriers as hindrances to effectively responding to human trafficking. Almost all the participants commented on the issue of language barriers. [44] also found that the language barrier was the biggest obstacle in policing human trafficking and that even NGOs were finding it challenging. One participant referred to SAPS officials’ complicity in human trafficking as a challenge to the process of responding to this crime. The report by the [39] also reveals that some police officials are part of criminal networks, which exacerbates the problem. It was also discovered that these NGOs are limited in the services that they can provide for the victims, as they lack financial and legal assistance. Anchoring this finding is the [25] which states that most NGOs are unable to render the required services, particularly legal advice, financial assistance, medical care, psychological support, and job training.

The SAPS participants’ comments revealed the covert nature of human trafficking. World organisations have rated South Africa as one of many that need to up their performance to be able to respond positively to save the

plagued country. The issue of human trafficking has been deteriorating in the past few years in Southern Africa and neighbouring regions, and the United Nations Office on Drugs and Crime (UNODC) found that the problem is significant in the Western, Central and Southern regions of Africa [2]. Despite the maximum attention to the issue of human trafficking by African states, minimal convictions have been recorded, including in South Africa [45]. In this respect, the study argues that if the convictions are minimal, human trafficking will continue to escalate in the future. The RCT was applied to illuminate ineffective and inconsistent punishment for human traffickers as a factor that exacerbates and causes human trafficking to escalate.

Furthermore, [45] brings to attention the absence of official statistics on human trafficking prosecutions in South Africa. For example, a report by the [39] reveals that only three convictions occurred in two consecutive years (2013 and 2014), and it argues that the inability to stop human trafficking in South Africa in recent years has been perpetuated by instability in the legal measures to prosecute and bring traffickers to book. The International Labour Organisation (ILO) has reported a disconcerting rate of human trafficking for labour exploitation, which is 80 million (41 per cent of the population) people from Africa. The victims are specifically children, with the highest trafficking rate in the world occurring in Africa [46]. A study conducted by [47] also revealed that internal trafficking is the most commonly reported form of human trafficking in South Africa. Human trafficking research reports produced in this country have revealed evidence of children being trafficked from poor socio-economic areas such as rural areas and farms in the Eastern Cape and KZN to developed parts of the country, such as urban areas in the Western Cape and Gauteng [48].

6.4 Curbing Addressing Human Trafficking

On the strategies for addressing human trafficking, the participants revealed the need to strengthen partnerships in responding to human trafficking, as noted by the participants in the interview excerpts below:

Excerpt 23 – [PO-1]: “We as SAPS officials should work very well with communities because they are the ones who normally witness the events. So, if we strengthen our partnership, we can find it possible to tackle the problem of human trafficking. Secondly, we need to be intelligence-driven, and we must all become active role-players as relevant structures, we need to completely involve other structures such as the Department of Social Development (DSD), the National Prosecuting Authority (NPA) as well as the Department of Home Affairs.”

Excerpt 24 – [PO-3]: “There is a huge need to strengthen the partnership of the structures such as SAPS and other relevant structures to grapple with this scourge. It is completely not going to happen if there is no strong relationship among us as the structures of the criminal justice system, and we need to work well with other structures outside the country since human trafficking is a crime that has been a menace throughout the world for many decades and it is still problematic.”

Excerpt 25 – [PO-4]: “The officials should be provided with an interpreter whenever they go on investigations, as this crime involves all the countries. It is also important that the state strengthens the partnership of the organisations with international stakeholders because it is hard for us to deal with a case when the suspect has fled the country, even though Interpol has the task to deal with that, it takes time. Furthermore, we as SAPS need to stabilise the relationship with society, especially in the places that are regarded as human trafficking zones.”

Excerpt 26 – [PO-5]: “Nothing can help improve the responses to human trafficking other than strengthening the partnership among relevant stakeholders even more. We need all the resources which can help us successfully investigate cases, and it is still a problem that other cases are regarded as missing cases only to find that, as time goes on, the case was a human trafficking case. This could be fuelled by the lack of communication between us and the police at the local station level.”

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

Excerpt 27 – [NGO-P1]: *“I think there should be collective action between different departments because victims are traumatised after the incident, so when different structures are taking part that can help the victim and the evidence regarding the case can be easily and fast collected.”*

Excerpt 28 – [NGO-P2]: *“We need collective action that would include structures such as schools, residents, and report cases. People should take human trafficking programmes very important. And NGOs should not be undermined when it comes to responding to crime because our effort is very huge. We should partner with all structures of the criminal justice system and society as well because they are very important when one wants to fight this crime, and they experience the crime.”*

Excerpt 29 – [NGO-P3]: *“Involving the society is one of the important interventions. I would suggest that SAPS and the Government establish a structure that would strengthen the participation of the people at the community level where there would be community forums. And there is a need to provide training regarding human trafficking to all the relevant systems including anti-trafficking organisations.”*

Excerpt 30 – [NGO-P 4]: *“Relevant departments should strengthen the partnership among all relevant stakeholders, such as hospitals because to detox the victims we rely on them. And we as an organisation need the sponsorship from government and many other agencies from the world.”*

Excerpt 31 – [NGO-P 5]: *“We as agencies fighting human trafficking need to raise awareness campaigns that can involve the whole country. We should have days when we all come together and target the whole country, and the campaign should include all the government agencies and society because people should be fully aware of human trafficking at all levels.”*

The findings on this question brought attention to the need for strengthening stakeholder partnerships and collaboration even further, with emphasis on both national and international structures and, even more significantly at the societal level. The findings also exposed instability in the partnerships of relevant structures, which is a barrier to positively responding to human trafficking in the Durban area and the country as a whole. In this regard, [49] explicates that, for inter-governance structures to positively respond to the menace of human trafficking, cooperation between relevant agencies and NGOs is of cardinal importance. They further emphasise that the strength of the KZN Task Team lies in the solid partnership of the relevant structures. [42] argues that collaboration among structures and organisations, at all levels is foremost in the sharing of information with the specific end goal of taking criminal perpetrators to task.

With that said, efforts have been made to strengthen partnerships among different structures in various countries, such as the cooperation between the police and prosecutors in evidence collection [39]. In this regard, the South African DPA is leading attempts by the state to positively deal with human trafficking. Thus, prosecutors have been made responsible for anti-trafficking efforts, and they have been mandated with the responsibility to provide police and community training and to strengthen the network of trained officials [39]. The [46] report on ... highlights the involvement of citizens at the grassroots level to curb human trafficking, urging their participation in decision-making on the safety and protection of community members. Effective collaboration among the state, law enforcement structures and society thus needs best practices that solely target societal problems.

The argument that a healthy relationship among structures in the CJS is vital was presented through the application of the *general systems theory*. Relevant stakeholders in the fight against human trafficking should work collaboratively to stabilise and continuously monitor the human trafficking threat to society. Systemic coordination

should occur at international, regional and local levels where a common ground should be established in response to the human trafficking threat to ensure success.

7. RECOMMENDATIONS

The SAPS and NGO participants in this study have recommended that the following be considered in addressing human trafficking:

7.1 Training of South African Police Service Officials at all Levels

It was revealed that only investigators tasked with human trafficking receive training in this regard while the local SAPS officials do not. This could jeopardise the whole process of responding to the human trafficking problem, as initial contact with the victims, their families and even with the criminals occurs at the local police station level. Thus, these officers need at least a basic knowledge of the crime to improve the response of the SAPS as a whole. If the training is costly, then officials who are knowledgeable about human trafficking can provide in-service training on-site. An important focus in this regard will be to train police officials to distinguish between a missing person case and a potential human trafficking case. Creating solid working partnerships between local enforcement officials and special units is also essential. This could be established utilizing combined workshops and regular collaborative briefing and debriefing sessions.

7.2 Budgetary Provisions

Without sufficient resources, there is a dire possibility that the human trafficking problem will escalate out of control. It is therefore urgent that structures such as the SAPS and NGOs in the Durban area be provided with the necessary resources, including vehicles, technological devices, and human resources. Therefore, the Government should ensure that the SAPS budget is sufficient to support these structures, whereas private enterprises should financially support NGOs in the invaluable work that they are doing. The organisations should have enough transport to promptly respond to incidents and situations and have sufficient human resources because as things stand, less than ten human trafficking investigators work in the Durban area. Manpower should also be deployed more efficiently at KZN borders, the airport and the harbour for immediate response to incidents of cross-border, air and sea trafficking. The state should play an integral part in assisting the SAPS in Durban to establish strategies such as campaigns, funding the ideas, and supporting organisations to implement the recommendations.

7.3 Strengthening Partnerships Among all Stakeholders

This study suggests that without a stable partnership among all relevant agencies, there is a high possibility that the response to human trafficking will continue to decline. Positive outcomes could be accomplished in Durban by actively involving community members in strategies such as information gathering and early reporting systems, and by harnessing local law enforcement officers' expertise. If relationships between local law enforcement agencies, NGOs and the community are strengthened, human trafficking could be addressed proactively. Moreover, local law officers work closely with many cases, including trafficking-related cases, and if the relationship is stable between them and trafficking investigators, this threat could be curbed.

7.4 Intelligence-Driven Police Operations

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

CONCLUDING REMARKS

In conclusion, the study examined the crucial and complex problems associated with human trafficking. The views and perceptions of SAPS officials and NGO workers regarding various aspects of human trafficking, with a particular focus on Durban were explored. It appears that NGOs' responses are both *reactive* as they support victims of this crime who are referred to them by the SAPS, and *proactive* because they exert efforts to inform communities of the threat of human trafficking. The SAPS, however, tends to respond primarily reactively when they execute 'sting' and search operations based on information they received. They also refer victims to NGOs for safety and their availability when cases are investigated. Reference was made by the SAPS participants about the need to execute intelligence-driven operations, which is endorsed as this will render their operations proactive rather than reactive. Human traffickers should be stopped in their tracks even before they recruit or kidnap their victims, or as soon after the event as possible. In this regard, the use of sophisticated technology and intelligence-driven operations that are given impetus by information-gathering initiatives among local communities may be a step in the right direction.

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

Overall, it was clear that the efforts of the SAPS and NGOs were mostly reactive, and it is argued that such efforts are ineffective in curbing the problem of human trafficking. Moreover, if partnerships are not strongly forged on collaborative and consultative practices that include all agencies – also members of society – their efforts to bring the perpetrators of human trafficking to book will remain impaired. The world as a whole has a task to approach the problem of human trafficking collectively. Furthermore, some improvements should be made to stabilise the response of all stakeholders to human trafficking in Durban, which should include periodical service provision by the Provincial Government and the support of the state. Unhealthy and unravelled partnerships at all levels of governance and a lack of resources have contributed to the escalation of human trafficking.

Relevant legislation and its implementation should be addressed because the number of convictions is limited compared to the extent and nature of human trafficking in Durban and South Africa at large. Various institutions and organisations work vis-à-vis in combating human trafficking, but this study argues that the establishment of places of safety must be a priority when SAPS officials have discovered a vulnerable victim of human trafficking. First things first, the safety of the victim is of cardinal importance before the initiation of an investigation of any kind.

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