

Human trafficking

Slavery by another name?

Human trafficking is a form of brutal and exploitative labour that trade unions seldom consider.

Janet Shapiro looks at the nature and extent of trafficking in South Africa and puts forward some ideas for ending this barbaric practice.



Thembi comes from the Eastern Cape. She is one of nine children. She was raped by her father when she was 12 years old. When she told her mother, her mother instructed her to be quiet about it because the father was the only breadwinner in the family. Her father continued to rape her regularly until she was 14. It was then that her cousin, Thumi, came on holiday from Johannesburg. She was smartly dressed and spoke about all the money there was to be earned in eGoli, working as a shop assistant and even in offices. She urged Thembi to go back with her and even promised to pay the taxi fare.

Filled with hope for the first time in years, Thembi agreed and, early one morning, she took a taxi with Thumi to Johannesburg. There Thumi took her to a house in the inner city suburb of Troyeville where Thembi met a man called Mr Mohapi. It turned out that he was a pimp who employed Thumi and had sent her home to recruit new prostitutes for his brothel.

He told Thembi she owed him for her fare to Johannesburg and for her accommodation and food as long as she stayed in the Troyeville house. He put her to work immediately. He even bought her pretty clothes, but she had to pay for them, as well as what she owed him for transport and accommodation, out of the R100 a month he paid her. Her debt to Mr Mohapi got bigger and bigger and she did not know how to break free. She worked six days a week, often for 12 hours, usually from mid-afternoon to the early hours of the morning. All the money she was paid for her services went to Mr Mohapi.

WHAT IS HUMAN TRAFFICKING?

The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime (2000), defines human trafficking in a precise way. It is: "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other

forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

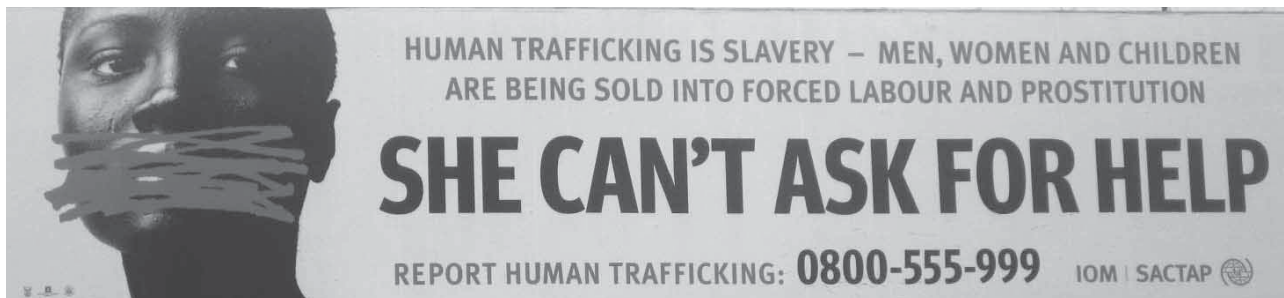
Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The consent of a victim of trafficking in persons to the intended exploitation... shall be irrelevant where any of the... [fore-mentioned] means have been used.

The recruitment, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons,' even if it does not involve... [any of the above listed means].

'Child' shall mean any person under eighteen years of age."

The above UN Protocol was ratified by South Africa in December 2000.



MYTHS AROUND HUMAN TRAFFICKING

There are many myths about human trafficking, some of which are explored below.

Myth 1: Human trafficking is the forced transportation of people across borders.

Reality: Forced transportation without exploitation is usually called 'kidnapping' and not trafficking. Human trafficking involves labour or commercial sexual exploitation and does not necessarily mean that transportation occurs. In South Africa, trafficking affects mainly women and girls, but also some boys, and even men. Although most of us do not realise, South Africa is a trafficking centre. It is a major destination, transit and place of origin. Trafficked people come from rural areas in South Africa, from surrounding countries but also from Asia and Eastern Europe.

Myth 2: Trafficking victims are only foreign nationals.

Reality: Much of the human trafficking in South Africa is from internal sources to internal destinations (see map). Poverty in rural areas, limited job opportunities, the rising number of HIV/AIDS orphans, family breakdown, violence and discrimination against women and girls all contribute to making people vulnerable to trafficking. *Molo Songololo* has reported on the abduction of children in Cape Town from shopping centres in the city centre. The children are then used for 'street work' in Green Point. Foreign victims of trafficking are

often deported by the South African government as illegal immigrants without concern for the circumstances by which they came to South Africa, circumstances that led to the trafficking. The International Organisation for Migration (IOM) provides assistance for such people.

Myth 3: Trafficking is always about prostitution.

Reality: People are trafficked for a range of low-paid jobs, such as farm-workers, domestic workers, construction workers and factory workers. They are also recruited into drug-running and other illegal activities. A case was reported of trafficked Mozambican children on farms in Mpumalanga receiving as little as R2.08 a day in return for 12 hours work.

Myth 4: Poverty is the cause of human trafficking.

Reality: Poverty may be a rich source of victims, as are political oppression and war-ravaged areas. Trafficking, however, is a criminal industry, making large profits because of high demand for low-paid workers with few risks of prosecution because of the vulnerable nature of victims and inadequate legislation. Estimated world profits are between US\$7 and 10-billion annually. According to a National Crime Victims' Rights Week statement (2007), human trafficking is the third most profitable criminal activity in the world, following only drug and arms trafficking.

Myth 5: It is an exaggeration to call trafficking 'slavery'.

Reality: Traffickers use violence, threats and other forms of coercion to force their victims to work against their will. This includes controlling their freedom of movement, where and when they work, and what pay, if any, they will receive. *Fair Lady* in December 2005 reported how trafficked women describe being paraded before would-be 'madams' (women who run brothels) so they can choose someone who looks 'least likely to create hassles'. People who are trafficked are very often debt-bonded. This means they have to work for the person who 'paid' for them until debts of transport, accommodation, food and sometimes clothes are paid for. They are paid very little and sometimes not at all until their 'debt' is settled, they work very long hours, are often abused and, if under 18, are denied schooling.

Myth 6: Trafficking does not affect that many people.

Reality: In 2005, the International Labour Organisation (ILO) estimated that at least 2.4 million people had been trafficked worldwide. In 2005, the US State Department estimated that 600 000 to 800 000 people are trafficked annually across international borders, of whom 80% are women and 50% minors. The Children's Aid Fund, a global initiative, claims there are more slaves in bondage today than were bartered in four centuries of the trans-Atlantic slave trade. Figures are difficult to come by and studies in South Africa tend to work with small samples, but indications are that levels of human trafficking in and through South Africa are high.

Myth 7: Our government has in place sufficient legislation to deal effectively with human trafficking.

Reality: South Africa does not have an effective legislative and policy framework to deal effectively with human trafficking. There is proposed legislation. There is, as yet, no legal definition of human trafficking, but certain elements are dealt with in a variety of laws, particularly in relation to sexual offences. There is currently a debate as to whether 'illegal contracts' are covered by labour legislation. The Children's Amendment Act (2008) makes all forms of child labour a crime.

There are two ways of looking at human trafficking. The one is from a criminal point of view which requires clear legislation. The other is from a human rights point of view which should be covered by the Constitution.

WHAT CAN BE DONE?

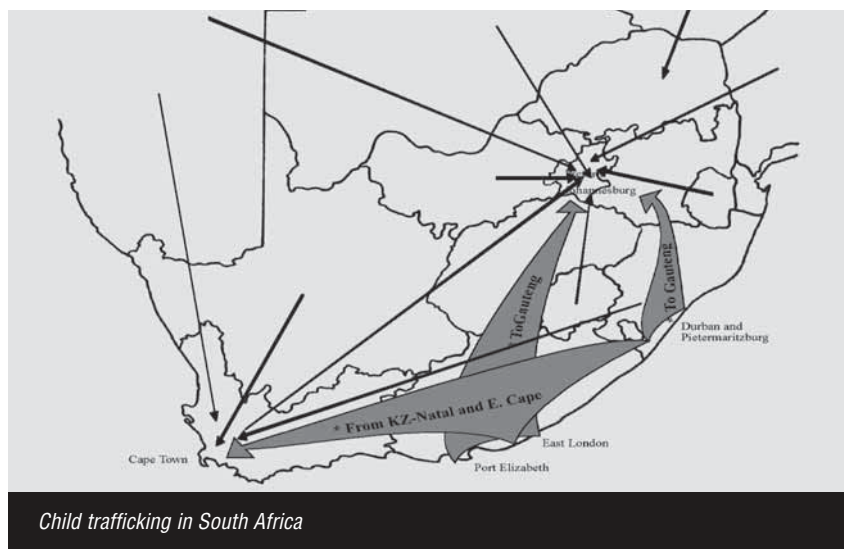
Do you think Thembi is a victim of trafficking? Is trafficking slavery by another name? What can be done?

Remedies need to be sought at a number of levels, apart from the over-arching one of addressing poverty.

Government

Government needs to create a legislative framework. This is happening slowly in South Africa.

The legislation needs to be 'owned' and coordinated through inter-departmental cooperation among relevant departments such as Social Welfare, Justice, Home Affairs, Safety and Security, Education, Labour, Land and Agriculture, Water and Forestry, Foreign Affairs. This should happen nationally and, where appropriate, provincially and locally. Within this, there is a need for 'champions' who drive the process, take a lead role and ensure



that implementation is on track.

Where laws exist they have to be used and perpetrators identified and prosecuted. In South Africa, for example, there is a move to seize the assets of brothel owners who use under-age children.

Government officials need to be trained to recognise and address trafficking.

Issues surrounding trafficking need to be integrated into the school curriculum so that teachers and learners are aware of trafficking and who is vulnerable to being trafficked. When children 'disappear' from school at an early age, teachers should follow-up with parents to ensure they are alright.

Government should support further research into trafficking and make data available regularly.

Government at all levels needs to encourage and support civil society interventions and those organisations already working with trafficked people, often with few resources.

Civil society

The staff at drop-in and support centres that exist for street children and destitute people need to be aware of the incidents of trafficking and keep records, where possible, that keep information around trafficking among their clients. This information should then be collated at government level.

Prevention, identification and reintegration programmes need to be extended. Those who work with

people who have been trafficked need exposure to international good practice and the opportunity to share their practices with others.

Trade union members need to play their part. Their members should be mobilised to help identify, rescue and support trafficked people.

So, for example, in the Philippines, trade union members in the tourism industry became aware of under-age children being exploited in a number of areas, working as prostitutes, working long hours in hotels and restaurants, all for very low pay. Union members worked with hotels, taxi drivers and tour services to identify these children and to support them through a process of withdrawal and reintegration.

The media can help by highlighting the issue regularly and by being careful with classified advertisements they carry.

All adults need to be made aware of the dangers of trafficking and of organisations and government departments that can help them if they have problems. LB

Janet Shapiro is an independent organisational development consultant. This article is based on a 2005 PowerPoint presentation: 'Child Trafficking: Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women' by Patric Solomons and Debora Mobilyn of Molo Songololo.