

SITUATIONAL ASSESSMENT OF HUMAN TRAFFICKING

A 2005 situational assessment of human
trafficking in the SADC region

A survey of South Africa, Zimbabwe and Mozambique



December 2007

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Acronyms

CSEC	Commercial sexual exploitation of children
DRC	Democratic Republic of the Congo
IOM	International Organization for Migration
NCB	National Central Bureau
NGO	Non-governmental organisation
NPA	National Prosecuting Authority
Rede Came	Rede Contra o Abuso de Menores
SACTAP	Southern African Counter Trafficking Assistance Project
SADC	Southern African Development Community
SAPS	South African Police Service
SARPCCO	Southern African Regional Police Chiefs' Cooperation Organisation
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States

Executive Summary

This report is based on responses to a questionnaire issued to persons in the three countries targeted – South Africa, Zimbabwe and Mozambique – as well as on interviews with members of law enforcement, justice and border control authorities, non-governmental organisations (NGOs), trafficking victims and the parent of one trafficking victim.

Those interviewed agreed that human trafficking is widespread in the three countries researched as well as in the whole SADC region. Parents often agree to this activity because they do not know that its purpose is human trafficking. Instead, they believe that their children are being given the opportunity to improve their standard of living. When they realise the seriousness of the problem, it is usually too late to reverse what has happened.

People who have been smuggled or persuaded to travel to a foreign country are typically used, then dumped, arrested and deported as they are unlikely to qualify to remain in the foreign country. It is also normal for the victims to be viewed as criminals because of the circumstances in which they find themselves.

This report provides information on the phenomenon of human trafficking, particularly as regards the profiles of traffickers, including the activities of organised crime groups in the three countries investigated. The report also looks at law enforcement responses and related anti-human trafficking efforts in the three countries.

The questionnaire referred to was more often than not used as a guide for face-to-face questioning, as in most cases the respondents preferred personal interviews to completing written questionnaires.

Legal experts and enforcement practitioners generally agreed that the laws intended to combat activities that fall within the general definition of human trafficking are inadequate for a comprehensive assault on the problem. Nor do these laws adequately cover the elements set out in the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially of Women and Children (Human Trafficking Protocol), in particular those covering the recruitment, transport and transfer of victims and the use of coercion, abduction, fraud, deception and other abuses of power by the traffickers.

The transnational nature of human trafficking presents numerous challenges to both law enforcement officials and prosecutors. In this sense, ‘transnational’ indicates that the commission of the crime commences in one country and

terminates in another. The traffickers further benefit from a situation in which many of their victims are willing partners and sometimes even pay for their own trafficking.

The report shows that women and children are the main targets for human traffickers. Law enforcement officers indicated that the abuse of victims can reach unimaginable proportions – sometimes even ending in their being killed. Some of those who investigate and prosecute such cases or who come into contact with victims during the course of their work are so badly affected by their experiences that they require professional counselling. The report quotes officials who believe that public awareness campaigns on the nature of human trafficking may keep some potential victims from falling prey to the traffickers.

The report’s findings and recommendations are wide-ranging and point to the need for government action – either regionally or nationally.

Some of the report’s main findings are as follows:

- There are no official statistics on human trafficking in the three countries reviewed for this report because there is no legislation that focuses directly on human trafficking as a crime. Nevertheless, specific cases have been highlighted which meet the definition of trafficking as outlined in the Human Trafficking Protocol. The cases were dealt with under other offences – sometimes several at a time.
- None of the three countries has appropriate legislation to deal directly with human trafficking, and this makes it difficult for law enforcement and prosecution officials to counter the problem.
- Mozambique and South Africa have signed and ratified the Human Trafficking Protocol, while Zimbabwe has yet to do so.
- South Africa is a source and transit country for persons trafficked to Asia, Europe and North America. It is also a destination country for persons trafficked from West, Central and Southern Africa, the Horn of Africa and Asia.
- Mozambique and Zimbabwe are both source and transit countries for victims who are destined for South Africa, North Africa, Europe and North America.
- There is a need for improved cooperation between the source, transit and destination countries involved in human trafficking.
- There are no official mechanisms for immigration and law enforcement officials in the three countries to allow them formally to share information and intelligence on human trafficking.
- Trafficking victims who are apprehended are normally deported without any investigation being carried out. In other words, the victims are the ones who are punished, while the traffickers are usually left free to carry on their trade. No mechanism is available to help establish whether immigrants are being voluntarily smuggled with the promise of greener pastures or whether they are being trafficked for exploitation.

- For the same reason, no further investigations are carried out to try to establish from the victims how they were trafficked, who trafficked them, who received them and what the intentions of the traffickers were.
- Unemployment, poverty and hunger contribute to the incidence of trafficking, as victims of these conditions are more vulnerable to recruiters.
- Corruption within the police, immigration, border police, home affairs and other government structures, as well as in prosecutors' offices, was highlighted during interviews as a major obstacle to the control of human trafficking.
- Owing to its economic strength, South Africa is the major destination of trafficking in the Southern African region. The routes used from Mozambique and Zimbabwe are through the land border posts by international cargo-carrying trucks, buses or by foot across any part of the border including undesignated crossing points.
- The proximity of Mozambique and Zimbabwe to South Africa makes these countries the main sources of victims in the region.
- Female victims may be sold to brothels or to individuals to be exploited as strip dancers, exotic dancers, prostitutes or models for pornographic photography and videos. They may also be sold to migrant mineworkers as concubines.
- Male victims are trafficked mainly for cheap labour.
- The law enforcement agencies and justice departments of all three countries collaborate with the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the International Labour Organization and NGOs in capacity-building projects, advocacy work and other intervention measures.
- All three countries have insufficient shelters for victims. The few shelters available are run by NGOs.
- Investigators (especially women) of human trafficking cases are often overcome by emotional stress when dealing with traumatised and abused children.

The following recommendations apply to the three countries, with more detail being set out in Chapter 6 of the report:

- Appropriate domestic legislation formulated with a regional outlook and within the framework of the Human Trafficking Protocol is needed as human trafficking is normally a cross-border problem. The legislation should provide for custodial sentences without the option of a fine for violating provisions of the appropriate law.
- In collaboration with government agencies and NGOs, capacity-building, workshops, meetings and conferences are required to raise the awareness of immigration officers, law enforcement agencies, magistrates and prosecutors to the human trafficking problem, to demystify human trafficking and to educate the agencies on the difference between human trafficking and

- human smuggling. Such capacity-building projects should include all role players and stakeholders in the countries in the region in order to bridge information, knowledge and cooperation gaps and to seek cooperative solutions to issues related to human trafficking.
- Shelters should be provided to accommodate victims while they are being rehabilitated, counselled and given medical attention.
- Time and trust are needed to encourage victims to give their counsellors information about their experiences.
- Counsellors and others whose duties include working with sexually abused and exploited women and children should receive training in stress management.
- Instead of relying on NGOs, governments need to fund their own programmes for combating human trafficking.
- Governments in the region need to share information across their borders.
- At a national level, governments should consider establishing contact points and specialised units to deal with human trafficking and to coordinate the activities of law enforcement and prosecution agencies on human trafficking matters.
- At a regional level, governments should consider establishing a database as well as coordination mechanisms for collating intelligence and exchanging information on human trafficking. Links with ports of entry and exit would provide feedback and help to monitor the movements of identified and suspected traffickers and their victims.
- States that have not ratified the UN Convention against Transnational Organized Crime (Palermo Convention) and the Human Trafficking Protocol should be encouraged to do so.
- Further research involving police and prosecution authorities in other Southern African Development Community (SADC) countries would be required in order to obtain a clearer picture of the human trafficking problem in the entire SADC region.

The UN Protocol on Human Trafficking

In the absence of legislation on human trafficking in Southern Africa, the provisions of the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially of Women and Children (which supplements the United Nations Convention against Transnational Organized Crime) have formed the framework of this report and have determined the relevance of the issues and cases encountered during the research.

The following articles of the Human Trafficking Protocol were helpful for the study:

■ **Article 2. Statement of Purpose**

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties, in order to meet those objectives.

■ **Article 3. Use of Terms**

For the purposes of this Protocol:

- (a) 'Trafficking in persons' shall mean the recruitment, transportation, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, 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 purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) 'Child' shall mean any person under eighteen years of age.

■ Article 4. Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

■ Article 5. Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
 - (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
 - (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
 - (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

CHAPTER 2

Introduction

BACKGROUND

The United Nations Office on Drugs and Crime (UNODC) sponsored this 2005 assessment of the trends in human trafficking in three Southern African Development Community (SADC) countries, particularly regarding the types of human trafficking that occur, including: the means and actions of recruitment, methods of transport and the types and purposes of exploitation; transnational and national routes and volumes of trafficking; the profiles of traffickers; and the involvement of organised crime groups. This assessment of the issue of human trafficking in the SADC region is to further implement the UNODC's Project FS/RAF/04/R49 – 'Assistance in the Formulation and Implementation of the SADC Declaration and Plan of action Against Human Trafficking'. The project objectives include providing support to SADC member states in:

- ratifying and implementing the key UN instruments;
- developing specialised anti-trafficking legislation;
- developing and adopting a declaration and plan of action against human trafficking; and
- strengthening the states' capacity to prevent, suppress and punish human trafficking.

The guiding instruments for the project and the assessment include the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) and, more particularly, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially of Women and Children (Human Trafficking Protocol).

METHODOLOGY

A generic questionnaire (see Appendix) was designed for distribution to government departments and other offices approached for information. Its 24 questions relate to trafficking trends, *modus operandi* (transport, concealment methods, routes, etc.), source and destination countries, reasons for trafficking, organisational structure of traffickers, profile of traffickers, legislation used to

prosecute traffickers, links of trafficking activities to transnational organised crime and cooperation with other countries.

The questionnaire also sought to identify possible contact offices that currently deal with cases of human trafficking in each country, and their current responses and interventions to the phenomenon. It sought to identify any best practices that can be used by other countries in the region. Except in the case of three telephone interviews, the questionnaire was handed to all the people interviewed. Chiefs of police and other police commanders, immigration officials, officials from justice systems, other governmental officials and non-governmental organisations (NGOs) were targeted for interviews in the three countries.

Although the questionnaire sought statistics for the most recent 12-month period, no country had any specific statistics, as in the absence of legislation relating to human trafficking the offences were recorded under various other crimes. At this stage in the legal development of the countries, law enforcement agencies are forced to charge people involved in human trafficking with minor offences not commensurate with the seriousness of the problems caused to society by those involved with human trafficking.

Interviews carried out with officials

A total of 46 people were interviewed in the three countries, including members of law enforcement agencies, prosecutors, NGOs, immigration officials, suspected trafficking victims and the parent of one alleged victim. Most of the information in the report is based on these interviews, while some information has been extracted from official records. As some cases were still under investigation and some were confidential, only the cases agreed with the interviewees have been included.

Cases encountered in official records and in discussions with officials in which persons are recruited across borders indicate that police investigations rarely go beyond seeking to prove offences on the statute book, unless there are specific reasons for further investigations. For instance, there would be no reason to prove that a foreign prostitute found in a brothel without a passport or having overstayed in a country was 'trafficked' or was being 'exploited'. The person would normally be dealt with as an illegal immigrant and charged with illegal immigration, overstaying or working illegally. The victim would then be deported soon after being fined or having served a sentence for the offence or offences identified.

As trafficked victims are often treated like criminals (which they become because they are arrested, tried and convicted), it is easy for traffickers to blackmail their victims. It often happens in the business of human trafficking that the victims are not allowed to go out on their own without someone watching over them. At the same time, they are genuinely afraid of the authorities as they could expose themselves to arrest, prosecution and deportation for violating any of the statutory offences referred to.

Traffickers are known to bribe officials heavily. Their chances of being convicted for serious offences are slim. If convicted, most of the offences attract minor sentences that do not go beyond paying a fine. It is only when the traffickers involve themselves in serious offences such as rape and kidnapping that they attract heavy sentences to themselves. The victims normally have no passports or money, as all travel documents are usually withdrawn soon after their arrival in the destination country and this makes it difficult for them to prove their identity to the authorities, or to escape. They usually cannot speak the local language, they do not know their way around, they are totally vulnerable and in a weak position. The traffickers have the upper hand and can easily exploit their victims. In cases where organised criminals are conducting the trafficking, they would know when victims are being deported and possibly wait at the other end, only to start the cycle again and re-traffick the victims under different names.

Organised crime links

In Gauteng and other parts of South Africa, law enforcement officials have found commercial sexual exploitation of children to be highly organised. Traffickers operate their own child prostitutes and are also linked to other traffickers. The police have received evidence from victims indicating that they were exchanged between criminal groups in Rosettenville, Germiston, Benoni, Pretoria and Durban. In the Gauteng area, trafficking rings run by Nigerians were found to be well connected and to be able to organise an exchange of victims.

Other groups, particularly those involved in trafficking women from Asia, are highly organised. There are people who do the recruiting in Asia, those who organise transport, those who control the women when they are in South Africa, those who receive the money and those who manage various centres. Groups that show some consistency in their operations should be considered as 'structured groups'.

The majority of cases encountered in Mozambique and Zimbabwe also fall under the definition of organised crime as the traffickers work in structured groups, especially when the trafficking is international in nature.

In all respects, the structured groups fall within the definition of organised criminal groups as outlined in the UN Organized Crime Convention. In accordance with Article 2 of the Convention, an 'organized criminal group' shall mean:

A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

In the same Convention, 'serious crime' shall mean:

Conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

Regional cooperation in respect of human trafficking matters is reported to be minimal. The Southern African Regional Police Chiefs' Cooperation Organisation (SARPCCO) desk officer and the police representatives in all three countries would like to see better cooperation in the Southern African region. When interviewed, some individual investigators said they believed that it is a waste of time to investigate all the elements of trafficking because the victims would have voluntarily got themselves into the situation and enjoyed doing what they later complain against. Child victims are often seen as juvenile delinquents and not as children in need of care and attention.

As none of the other countries in the region have legislation on human trafficking, any intervention and legal assistance is almost impossible. When one seeks their assistance, police authorities in other countries do not know which laws they should invoke to deal with the matter. Their first question is: 'Is it a crime?' Then: 'If it is, what crime is it?' Any investigations carried out are therefore cursory and superficial. The lack of legislation thus inhibits cooperation.

The real criminals, who are the human traffickers and the members of organised criminal groups, are protected by a void in legislation. Their victims are the ones who are viewed as criminals and they are afraid to report to the police for fear of arrest. They see the policemen as the enemy and their traffickers are often viewed in a better light as they sometimes give their victims gifts and food. There are instances when victims fall in love with their traffickers and would not like to see them in trouble. In such circumstances the victims are unaware that they are being exploited. These elements make human trafficking relatively risk free and highly profitable.

CHAPTER 3

South Africa

INTRODUCTION

South Africa shares borders with Botswana, Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe. The country has a number of busy seaports on the Indian Ocean as well as a considerable number of busy international airports, including the busiest in the Southern African region. The land borders are particularly difficult to police due to their length and because of local communities who share cultural relations with people in adjacent countries. The South African economy is still one of the most vibrant in the region, thereby attracting immigrants who are looking for better employment opportunities. Hence, human traffickers are equally attracted to the country.

The United States (US) Department of State's 2005 'Trafficking in Persons Report' places South Africa on its Tier 2 Watch List, with the following commentary:

South Africa is a source, transit and destination country which hosts many forms of trafficking. There is a lack of evidence of increasing efforts to combat severe forms of human trafficking in persons over the past year, and there is insufficient counter-trafficking legislation. Several law enforcement efforts have been made during the reporting period, and the South African Law Reform Commission made initial progress in drafting a comprehensive anti-trafficking bill. Approximately 200 new border officials and police officers received training on recognizing trafficking. At least 28 immigration officials were charged with trafficking-related fraud and malfeasance. The government provided funds for shelters and other counter-trafficking initiatives, including the IOM's [International Organization for Migration's] [Southern African Counter Trafficking Assistance Project] SACTAP. Although a national plan of action on human trafficking was adopted, little was done to disseminate the strategy.¹

A total of 12 people from the National Prosecuting Authority (NPA), the South African Police Service's (SAPS) Detective Services Branch and Organised Crime Unit, Interpol National Central Bureau (NCB), Border Control Unit, Immigration and the IOM were interviewed and the questionnaire was given to them to study

and respond to. This part of the report includes extracts from responses to the questionnaires and interviews with officials responsible for related matters.

There was general consensus that cases of human trafficking as defined in the Human Trafficking Protocol were widespread in South Africa. A number of examples were given that fit the definition of human trafficking. While no legislation deals directly with human trafficking – which means that no statistics are available – some of the activities involved are offences under various South African statutes.

The SAPS regularly conducts ‘disruptive’ operations at its border posts and at Johannesburg’s OR Tambo international airport in an attempt to disrupt the inflow of illegal immigrants who are being smuggled into the country either voluntarily or involuntarily.

On a single day at a border point with Mozambique the SAPS stopped a vehicle carrying six smuggled people and raided a ‘safe house’ where 36 people, including many women, had been smuggled from the Democratic Republic of the Congo (DRC), Mozambique and elsewhere and were waiting to be taken further inland. On another day, 11 people including five women and two children were found by the SAPS in another safe house.² The traffickers wanted R500 per person for assisting them to a point further inland. SAPS respondents noted that similar occurrences take place along the borders with Lesotho, Swaziland and Zimbabwe.

Documented cases in South Africa and Mozambique indicate that human trafficking is continuous. There is no screening to find out which would-be immigrants are simply being voluntarily smuggled to seek greener pastures in South Africa and which ones are being trafficked for exploitation.

Among people being charged for illegally entering the country are victims of trafficking. As they have no travel documents, they cannot go to the police to complain even after realising that they have been deceived.

The absence of legislation on human trafficking was indicated as causing problems to investigators and prosecutors. The SAPS and NPA have charged and prosecuted organised criminals in terms of the Aliens Control Act 96 of 1991, the Immigration Act, the Sexual Offences Act 23 of 1957, and tax and labour laws.

The transnational nature of human trafficking demands legislation incorporating violations of immigration and labour laws and tax evasion. Without it, no further interrogation is carried out on possible traffickers to find out more about the crime of trafficking as such questions would not reveal any further elements relevant to the proof of a further crime.

The NPA presented mainly cases of trafficking perpetrated within the borders of the country (internal trafficking). There is also a general awareness of cases of Thai women who have been trafficked into South Africa. To this extent, information is being shared between the police and the NPA.

The IOM and many NGOs are involved in advocacy work and other intervention measures that include conducting seminars, workshops, providing shelters and counselling and rehabilitating victims.

In Gauteng, the police have found commercial sexual exploitation of children to be highly organised in a local sense in that, although traffickers operate their own child prostitutes, they are interlinked with other traffickers. The police have received evidence from victims indicating that they were exchanged between brothels. Many child victims were exchanged between groups in Rosettenville, Germiston, Benoni, Pretoria and Durban. In the Gauteng area, trafficking rings run by Nigerians were found to be well connected and could organise an exchange of victims.

Government departments and NGOs are very active in carrying out awareness campaigns both in electronic and print media. Human trafficking cases, domestic violence and child abuse cases seem to be getting a fair share of air time and newspaper space.

There is no doubt within the police service that human trafficking is a serious problem. People are being trafficked within the country (internal), from outside the country into South Africa (inward bound), and from South Africa to destinations abroad (outward bound).

TRAFFICKING TRENDS

Recruitment for the local market

In South Africa, recruitment can be for either the local or the foreign market. It would seem that the methods of recruitment and the profiles of the targeted victims differ according to the target markets. Some trafficking organisations are more developed both financially and structurally.

Traffickers operating within the country target local victims who are generally and preferably good-looking young children, especially girls, between the ages of 13 and 17. The victims are usually spoiled with gifts, taken to nightclubs owned by the traffickers and given habit-forming drugs until they become dependent on them. As time goes by the traffickers stop giving drugs without payment, and it is at this stage that the victims are introduced to prostitution, for which the rewards will mainly be in the form of drugs. The victims are placed on street corners and are picked up by clients. The victims are ‘protected’ by men, who make sure that all the money they make goes to the traffickers. The victims themselves may be rewarded with a little money for necessities as well as drugs in relation to their income. Victims who recruit their friends for their traffickers will be rewarded with more drugs. Some have told the police that they were kept against their will in locked rooms where they were forced to take drugs. Some children exploited by Nigerian traffickers said that they had been promised in marriage to Nigerians and would be taken to Nigeria where they would work. However, no confirmation of traffic of this nature came out in the interviews.

Nigerian males aged between 25 and 35 years were found to be involved in an organised trafficking syndicate in the Johannesburg area and were found to

have links to Durban. The traffickers would normally pretend to be emotionally attached to their victims and to be their guardians and protectors.

In Pretoria, two white women were running a brothel in which two trafficked children were working as prostitutes.

Anybody can be a trafficker, their advantage being that their victims normally answer questions in ways that defend their traffickers, on whom they normally depend for their protection, upkeep and well-being until they realise that they are being exploited and the trust is breached.

According to the police, 'serious interventions' have to take place in the case of children who have become drug dependent. Rescued children who were using cocaine were unpredictable and difficult to deal with. Interventions were, however, more successful in other cases. Most of the children were emotionally involved with the men who had exploited them. 'Some of these children were in love with these men, despite being sexually exploited.' Children had also been made to believe that the police are the enemy: 'They don't believe that we are trying to help them, and in some extreme cases they see us as the enemy.'³

Delinquents are easy targets for recruitment by traffickers. In one case, delinquents who had run away from a reformatory were given a lift by traffickers who took them to a brothel instead of home. In another case, school-going children from poor backgrounds were treated well by an elderly woman, later promised employment and made to sign contract forms. When they started feeling comfortable, they were forced to have sex while everybody watched as a way of initiating them into the sex industry.

Recruitment for the foreign market

Recruitment for the foreign market seems to be targeting the more mature woman, between 18 and 30 years of age. Normally the recruitment involves false job promises in tourism, entertainment, the hotel industry or nursing and other professions. Jobs are sometimes advertised in newspapers and once contact is made the communication is normally by telephone or e-mail. The traffickers normally offer to pay all the travel expenses although in some rare cases they may ask for an advance payment or a deposit before the victim travels. Once in the country of destination, the victims' travel documents and tickets are taken away from them. The names of victims are usually changed and they are given either working names or numbers to which they must answer. They are forced into prostitution, and before their passports are given back to them they have to pay back the expenses incurred in bringing them into the country. Victims resisting prostitution or violating their traffickers' conditions may be sexually assaulted. They are typically kept in burglar-barred and locked houses without communication and sometimes under armed guard.

This recruitment method has been used for victims trafficked from South Africa to destinations abroad and also for those trafficked from outside the country into South Africa.

Different groups work independently of each other depending on their nationalities. Thais, Romanians, Bulgarians and Russians may, for example, work in separate organisations and normally lure women of their own nationalities, with their networks set up so that they have their own nationals at each end of the trafficking route. However, Nigerian-led syndicates usually deal with all nationalities for which there are opportunities. They, however, remain closely connected with their national networks. A trusted person of another nationality may be brought in for special reasons, especially to ease communications with local authorities and local networks and organisations.

Transport and routes

The destination for trafficking in the Southern African region is mainly South Africa. The economy is good and the perception is that there is a demand for sex and labour due to the vibrancy of the economy. It is not difficult to recruit people, especially for labour, to South Africa from the Southern African region as the country historically sourced cheap labour from countries around it under certain government-to-government arrangements. The belief still exists among citizens in countries surrounding South Africa that work opportunities are abundant in that country.

The transport means and routes used by traffickers into South Africa depend on the source of victims. There are primarily two general sources of victims for the South African market. One source is that of countries within Africa, with South Africa's neighbouring countries being the major suppliers. Victims from neighbouring countries are normally brought into the country by road, using trucks or pedestrian routes through undesignated entry points. The other main source is countries in the Asian region. Prospective workers from Asia are flown either directly into South Africa through the international airports, or into neighbouring countries and later brought to South Africa by road.

Agents of different nationalities devise different systems to get women to the intended destinations. Russians are known to use stolen visas in the passports of those trafficked. Thais usually come in on 30-day visa exemptions. Bulgarians often apply for refugee status. South African agents too have been busy trafficking South African citizens and, as a result, women have been repatriated from Israel, Macau and Switzerland. South Africans have been linked to both Asia and Europe and make use of the same methods as are used for bringing foreign nationals to South Africa.

Reported routes are overland transport by taxi, bus, train or on foot through the various border posts between South Africa and Mozambique, through the Ressano Garcia border post, through undesignated entry points along the border between the two countries, and through the Kruger National Park. In areas along the border, there are people, locally known as 'Mareyane', ready to assist illegal immigrants to cross the borders and to provide accommodation for a fee. The border between South Africa and Swaziland is equally open. Illegal immigrants from Mozambique also enter Swaziland and later South Africa. Illegal travel

documents for entering South Africa are easily obtainable in Swaziland. Lesotho is completely surrounded by South Africa and this makes entry into and exit from South Africa easy. Illegal immigrants from outside the region are known to fly into Lesotho before crossing to South Africa by foot or road.

Trafficking between South Africa and Zimbabwe is facilitated on foot through undesignated points along the Limpopo River or by paying bribes at the Beit Bridge border post. Heavy vehicles are normally used to smuggle illegal immigrants with no passports or other travel documents into South Africa. At times, Zimbabweans cross the border into Botswana and later get transport to South Africa. In one case, 18 Zimbabweans were found dead near the Tlokwenj border gate, the bodies having been left there by a truck driver after they had suffocated in his truck in their bid to cross the border into South Africa. An agent in Bulawayo, Zimbabwe, had been seen actively recruiting people for this trip, and those who died in the truck had paid the agent for the trip.

International airports are being used for trafficking persons to South Africa. Most of the women trafficked from Asia use the international airport at Johannesburg. Durban and Cape Town are also used by traffickers.

In June 2003, at least five Thai women destined for the same brothel entered South Africa through the airport on a flight from Bangkok. The police found that there were at least 24 other Thai women in this brothel who probably entered the country through the same airport.

Nelspruit has been mentioned as a first destination point for trafficking cases from Mozambique and Malawi. It would seem, however, that while there is a labour and sex market in this town for trafficking victims, it is mainly used as a transit town from where victims are trafficked further inland. The town of Musina plays a similar role in the north of South Africa.

Purposes of trafficking and exploitation

Investigations carried out by the Asset Forfeiture Unit and the SAPS have indicated that human trafficking involving victims from Thailand, Bulgaria, Romania, Russia, Ukraine, Hungary, Portugal, Czechoslovakia and Zambia is almost exclusively for prostitution, although some of the victims are brought in as strip dancers or exotic dancers. Almost all the trafficking involves organised crime groups.

The purposes of trafficking at internal and regional levels are more varied, with, for instance, female victims of trafficking syndicates operating between Mozambique and South Africa being sold to brothels or to individuals for prostitution or as participants in pornographic videos or as 'wives' to migrant mining labourers. The *Daily Sun* of 17 March 2005 reported the case of a 13-year-old girl who was sold by her mother to a truck driver. During the day she laboured as a servant and at night she was used for sex by her 'owner'. She was locked up and slept on the floor of a small room at night and was fed only on porridge. The police picked her up after she had run away and was sleeping under a bridge. The young girl was almost too traumatised to speak.⁴

Male children, as defined in Article 3(d) of the Human Trafficking Protocol, are also trafficked into South Africa for pornographic videos and as cheap labour. Most are volunteers looking for job opportunities and may be considered as smuggled people. However, the fact that they are children (any person under 18 years of age) and that they are eventually exploited places them in the category of trafficked victims. The police indicated that there were situations when people were trafficked for the purposes of being used as courier 'mules' for drug trafficking. In one case, child victims were used to steal from clients who were having sex in a brothel. Other reports note that children have been trafficked for the purpose of being used as beggars, with the money they earn being surrendered to the traffickers.

Compared with international trafficking, internal and regional trafficking seems to be less professional and less organised – sometimes being carried out by single individuals in contrast to organised criminal groups with branches in various countries, each with its own typical *modus operandi*, who are mainly responsible for international trafficking.

International trafficking

The methods used by the various international trafficking syndicates are so strikingly similar that one wonders how much collaboration there is among the organised criminal gangs operating between Southern Africa and Europe and Asia.

Women may be enticed as prostitutes or strip dancers or by the promise of well-paid jobs in hotels and clubs. While in many cases they may be aware of the nature of their planned employment, they have no idea of the extent of exploitation and abuse planned for them. While they often believe they have found work in a foreign country, they discover the true nature of their employment only after their arrival, when there is usually no way out.

As already indicated, victims may be deprived of their travel documents and tickets once they reach their destinations. Their papers will usually be returned to them only when they compensate the traffickers for all their expenses related to recruitment, travel, food, clothing and other services. These individual amounts can vary between R400 and R75,000. In most cases the amounts are so inflated that the victims find it difficult, and sometimes impossible, to find the money to secure their release from bondage.

Some traffickers put their victims on view and offer them for sale. The more professional syndicates require their victims to sign contracts with them, with all the money they make while under contract being surrendered to their traffickers. The money paid by clients for their sexual activities is paid to the trafficker. A brothel may exchange, lease, buy or sell prostitutes to or from other brothels. The victims' categories and prices will be agreed or negotiated. For example, Nicola, a South African woman who was trafficked to Macau, China, received a 'black VIP sauna' classification and was leased by her owners for some US\$600.

Corruption

Many of the interviewees highlighted corruption of officials as a major problem in controlling human trafficking. It was interesting that each of the departments accused other departments of corruption, with no government agency being considered as corruption-free. As such, any department that comes into contact with the members or agents of an organised crime syndicate should be considered vulnerable and potential targets for corruption. With the amount of protection money available, no department is likely to be immune from temptation.

Human trafficking links to money laundering

There are visible elements of money laundering in the business of human trafficking. According to the Assets Forfeiture Unit, between R25 million and R30 million was suspected to be involved in one case. Organised criminal groups demand huge amounts of money to facilitate the trafficking of their victims through deception in the source country. If the victims cannot pay for their own travel, the traffickers would offer to pay for the cost of the transport, but the figures would be highly inflated and they would be paid back under severe threats and duress, normally with interest.

In the case of women trafficked from Thailand, their return tickets may be destroyed and their passports and luggage taken away. Their flights had been sponsored by the trafficking syndicate, which made them indebted to the traffickers to the tune of US\$600 each, which meant that they were not to receive any payment until the traffickers had recovered the money due to them. In the event that the victims were to be transferred to another brothel, or they found someone who wanted to marry them, it would be normal practice that whoever was to take them over would be expected to pay back the whole amount due to the trafficker. The amounts are higher in other cases. The value remains the same as originally agreed on in the contract, as it seems that there is no depreciation value calculated on the woman during the exchanges. All these funds accrue to the credit of the trafficker and should be available for laundering.

This is a highly profitable business at a very low risk for the trafficker. Any criminal charges that may arise at this stage of legal development would attract minimal sentences. With the amount of money generated in the business, traffickers are able to bribe their way through. It is the victims who are at risk of prosecution, especially if they are foreigners trafficked from another country. Some of the traffickers were reported to have been drug traffickers before they became involved in the commercial sexual exploitation of children, often in a human trafficking context.

The Commercial Sexual Exploitation of Children (CSEC) Task Team found that in Durban, income derived from prostitution activities was being laundered through an identified bar. According to children encountered in the various disruptive operations in Gauteng, they would make between R800 and R1,500 a day from prostitution. In one of the cases discussed above the number

of children in one brothel at any one time was up to eight. If business was good, an enterprising trafficker who owns a brothel could therefore make between R6,400 and R12,000 a day from eight girls at one brothel. Some brothels are known to have at least 20 girls in them.

Links to HIV/Aids

This angle was not clear in interviews in South Africa. It will be discussed later in interviews carried out in the other countries. In the case of Audrey in Zimbabwe and a woman who was returned to Mozambique with two children and is now under the care of Terres des Hommes, both victims have tested HIV positive.

THE CURRENT LEGAL POSITION OF THE NATIONAL PROSECUTING AUTHORITY

South Africa is one of the few countries in the region that has signed the Human Trafficking Protocol and is working towards drafting legislation on the problem of human trafficking. Currently, cases that could fall under the definition as outlined in the Protocol are being dealt with under the Sexual Offences Act, 23 of 1957, or under the Aliens Control Act, 96 of 1991. Since some of the clubs in which trafficked persons were found were illegally supplying liquor, traffickers were charged for contravening section 154(1)(a) of the Liquor Act, 27 of 1989 (selling liquor without a licence).

The Sexual Offences Act contains provisions that are peripherally relevant to prostitution. Most of the cases of trafficking of women into and out of South Africa end up with the women being introduced into prostitution. This explains why many traffickers are charged under this law, although both the police and the prosecution would have preferred a law that directly deals with trafficking, considering its seriousness. The following are some of the sections under which charges are normally preferred.

Procuring is the obtaining or recruitment of persons for the purposes of their working as prostitutes. Offences relating to procuring are contained in sections 9 and 10 of the Sexual Offences Act. Section 9 specifically relates to the procuring of children. Section 10 provides that any person who:

- (a) procures or attempts to procure any female to have unlawful carnal intercourse with any person other than the procurer or in any way assists in bringing about such intercourse; or
 - (b) inveigles or entices any female to a brothel for the purpose of unlawful carnal intercourse or prostitution or conceals in any such house or place any female so inveigled or enticed; or
 - (c) procures or attempts to procure any female to become a common prostitute
- shall be guilty of an offence.

In terms of this section, procurement of any woman for sexual intercourse, for a brothel, to become a common prostitute, to become an inmate of a brothel or procuring by stupefaction constitutes a criminal offence. The elements of the offence, as defined in section 10(a), are that the accused procured a female to have unlawful sexual intercourse.

The offences created by section 10(b) are: obtaining females for prostitution in brothels; and concealing females in a brothel. Section 10(d) provides that it is an offence to procure or attempt to procure a woman to become an inmate of a brothel.

Enticing has been defined as 'alluring, beguiling or petitioning', while inveigling would have a related meaning, suggesting an additional element of deception (these elements could be understood to have the same meaning as the elements of trafficking which are fraud and deception as outlined in the Protocol). The prohibition on concealing a woman in a brothel is aimed at conduct that would seek to prevent a female enticed into the brothel from being discovered and removed by the family or officials. It is committed by concealing the female in a place which is the brothel.

The section 10(c) provision relating to a common prostitute differs from procuring a woman to have unlawful carnal intercourse by procuring her to enter the trade of prostitution. It also follows that the offence is committed only if the woman so procured is not already a common prostitute. Likewise, the offence is committed if the reason for which the accused procured the woman was common prostitution.

Section 20(1)(a) provides that it is an offence for any person knowingly to live wholly or in part on the earnings of prostitution, while in terms of section 21(3) a person who is proved to have no visible means of support and who:

- (a) resides in a brothel;
 - (b) lives with a prostitute or;
 - (c) habitually is in the company of a prostitute
- is deemed to be knowingly living wholly or in part on the earnings of prostitution.

The South African Law Reform Commission is currently drafting specific anti-trafficking legislation. Temporary provisions to deal with the phenomenon have been included in the Sexual Offences and Children's Bill. Additional intervention measures are required in the form of concerted efforts to eradicate corruption in the police and the Home Affairs department.

No legislation is currently available to deal with human trafficking. The police are using other legislation including the Aliens Control Act, the Immigration Act, the Child Care Act, the Sexual Offences Act and the common law.

While the police hope that the new Sexual Offences Bill will encompass trafficking issues, they are not confident that the law will be effective. This is because victims of trafficking, especially children, will often not testify against

their abusers as they may not regard the sexual abuse they have received as abuse – again because of the comfort, dependency and trust their traffickers have created. Their ability to understand the cause and effect of abuse unfortunately often develops only much later in their lives. It is for this reason that the police officers who deal with trafficking cases regularly feel that in deciding on the legality of the possession of a child victim, in particular by a trafficker, a competent court should not depend on the evidence of the victim alone but also on the evidence of others, including the arresting police officer, as well as on the circumstances and conditions under which the victim was held.

Organised crime links

The Assets Forfeiture Unit, which is part of the NPA, is alert to the fact that there are trafficking movements into South Africa, mostly of women from Thailand, Bulgaria, Romania, Russia, Ukraine, Hungary, Portugal, Czechoslovakia and Zambia. The purpose of trafficking was normally given as for prostitution, but in some cases also for strip dancing. The unit believes that the traffickers are organised.

Police responses

A Multi-Disciplinary Human Trafficking Consultation Forum has been established at national level, with a National Human Trafficking Task Team being created. The NPA, the SAPS, the departments of Home Affairs, Justice and Constitutional Development, Social Development and Labour, as well as the UNODC, the IOM and the South African NGO Molo Songololo, are involved in this forum. The SAPS has also established a CSEC task team in Gauteng to look into the commercial sexual exploitation of children in the province.

In the five months between October 2004 and March 2005, the task team dealt with 62 cases relating to the commercial sexual exploitation of children. During this exercise, 60 people were arrested for running child sex rings, and girls aged between 13 and 16 were rescued from brothels. Some of the children told the police that they had been held captive since the age of 11. Thirteen girls had been made drug dependent and were being used as prostitutes.

Although not all the cases may have all the elements of human trafficking, it became clear during the operations that women and children were most susceptible to trafficking. There are possibilities that such child prostitution syndicates could form the core of human trafficking in future as children are already being conditioned as prostitutes.

The operations of the CSEC task team in Gauteng disrupted some of the activities of those exploiting children for a period, and some of the traffickers moved their operations to other areas within South Africa. It should be noted that the operations of the CSEC task team were specifically aimed at disrupting the commercial sexual exploitation of children and not at investigating human trafficking. It is possible that the women in the brothels visited could have been there under exploitative situations or indeed trafficked. Even in the absence

of specific legislation directed against trafficking in terms of the Human Trafficking Protocol, the operations of the temporary Gauteng task team could, if they were conducted nationwide, help to reduce human trafficking cases in the country as they would disrupt both the inflow and outflow of possible victims.

During the operations in Hillbrow, the majority of traffickers were found to be Nigerian males aged between 25 and 35 years. They were found to be involved in an organised trafficking syndicate in the Johannesburg area that had links to Durban.

All the investigations dealt with by the task team during the Gauteng operations were specifically targeting brothels employing children. All the cases involving children were found to be internal trafficking cases. While no foreign children were found during the task team's investigations, the possibility that children are being trafficked into the country by these syndicates for this purpose still exists.

While the police were often not prepared to discuss specific cases as these may still have been before the courts, they were prepared to discuss the problem of human trafficking in general terms. In the absence of relevant legislation and defined offences in terms of the Human Trafficking Protocol, it was important for the research for this report that officers who are directly involved and who have first-hand experience of cases relevant to the Protocol were interviewed, even if these have had to be dealt with in terms of the Aliens Control, Immigration or Sexual Offences acts.

The Interpol NCB human trafficking desk, which monitors and deals with requests for investigations from and to other countries, is well aware of the human trafficking problem, whether it is internal or from or to outside countries. The NCB was reluctant to release statistics of actual cases it has dealt with as it felt that these might not be representative of the total number of cases handled by the SAPS on a countrywide basis. Indeed the SAPS Organised Crime Unit confirmed that it was dealing with a number of such cases.

CASE STUDIES

Case study 1: Ravensmead Reformatory runaways

This is an internal case of human trafficking that fits the definition in the Human Trafficking Protocol. There was no planning involved as the traffickers met the victims by chance and may have decided on the spur of the moment to take them to their brothel after realising their vulnerability.

Two complainants aged 13 and 14 had run away from a Ravensmead reformatory for girls.

The two accused had stopped their car near the girls and asked where they were going. When the girls said they were on their way home, the accused offered to take them home. One of the accused had a gun. Instead of taking them home, they took them through town and then to a house in Salt River,

Cape Town. One of the girls kept on asking when they would be taken home and one of the accused kept on saying 'later'. There were many other people in the house who were busy drinking, smoking and watching pornographic material. The second accused had locked the front door so that people could not leave the house.

The complainants were told that they could either steal from clients brought to the house for sex with some of the other girls, or they could work as prostitutes on the streets. Complainant 1 decided to steal from clients. She lay under a bed in which another girl was having sex with a client and stole from the client's wallet and clothes. She was then accused of keeping back R20 instead of handing over all the money she had stolen to the first accused. The first accused made her sit naked in the middle of the lounge with the other occupants sitting around her. When she denied that she had taken the money, the first accused ordered the other girls to assault her. Complainant 2 tried to intervene and was assaulted by the first accused, who then called the second accused to come closer. Accused 2 then took out his penis and accused 1 forced complainant 2 to watch while accused 2 tried to put his penis into the anus of complainant 1. When he failed to do this, he proceeded to rape complainant 1 under the instructions of accused 1.

Complainant 2 corroborated the evidence of complainant 1. She stated further that accused 1 forced her to watch while complainant 1 was raped. Accused 1 then told her 'this is what happens to girls who do not obey the rules'. After complainant 1 was raped in the lounge with everybody watching, accused 1 called complainant 2 to his bedroom and raped her as well. A few days later, complainant 1 escaped from the house while complainant 2 remained in the house for a couple of days and then informed accused 1 that she wanted to prostitute for him on the streets. He allowed that but sent someone along to watch her. When a client stopped to pick her up, she jumped into the car and told the driver to speed away as she was running away from accused 1. She was dropped at a friend's house where she stayed for the night. The complainants were traced by an NGO, Molo Songololo, years later and the accused were eventually arrested.

Accused 1 testified in his defence that the girls were at his house by choice and that he tried to get rid of them but they would not leave. Accused 2 denied ever having been present when the offences were committed. However, both accused were convicted of kidnapping both complainants, assault with grievous bodily harm of complainant 1, indecent assault of complainant 1 and rape of both complainants.

In this case, the two complainants were vulnerable victims who had run away from a reformatory and who needed transport to go home. They probably had no money on them to pay for their own transport. At the point where they were picked up, the complainants were deceived by the accused into believing that they would be taken home. Instead, they were taken to a brothel. One of the accused had a gun. Threats of violence and rape were used to keep them under control.

Case study 2: Students offered employment

In this case the traffickers were locals but one of their victims was foreign and one local. The recruitment pattern was similar although in this case the traffickers may have been stalking the victims before recruiting them, with considerable thought having gone into the recruitment of these two victims.

The two complainants, aged 15 and 16, were Pretoria schoolgirls. The first accused had gone to a fair where she met the two complainants. She offered them employment at a shop that she allegedly owned in Pretoria with an elderly woman. The elderly woman took the complainants to a shop, which appeared to be a café. The girls were then led to the back of the shop where the accused had a brothel. They were taken into a room and were told that they were signing an employment contract. The employment contract in fact stated that the complainants would work as 'escorts'. The complainants were not sufficiently literate to be able to understand the contracts. They were then locked in separate rooms.

Later that evening the accused returned with four foreign men. The girls could not indicate where the men were from and they were also never traced. The foreign men started fondling the girls and when the girls resisted the accused ordered the men to hold them down and rape them. The girls were raped while their trafficker watched and the men paid her for the services in the presence of the girls. The girls were only discovered six months later, by which time the 16-year-old had become so accustomed to the lifestyle that she no longer wished to return home.

It appeared from the evidence of the 15-year-old complainant that after the fifth rape she was paid R1,000, taken to buy clothing and removed to a remote location in the Eastern Cape. She could, however, not recall the name of the place nor how to get there as she was driven there at night. The accused did not escort her but one of the persons who perpetrated the first rape was the driver. She indicated that when they arrived, the driver knew the people there and there was an exchange of money. She could not state how much was exchanged. Two months later she managed to escape and hitch-hiked her way back to Pretoria.

After one of the complainants made a report to the police, the accused was arrested. The second girl was traced and her statement corroborated that of the first girl. However, the second girl disappeared soon after. The first girl indicated that she had spoken to her and she had stated that she would be moving to some place in the Eastern Cape. Unfortunately, she was never traced.

The prosecution proceeded with the testimony of the remaining complainant. The accused in the matter was charged with two counts of kidnapping as well as charges under the Sexual Offences Act. However, halfway through her testimony the complainant telephoned and indicated that she had found a job in the Western Cape and would be leaving. Her mother reported that the complainant stated that she was returning to the accused as she had lived a much more lavish lifestyle there. Three weeks after she disappeared she contacted her mother stating that she had been moved to another location and was being held hostage. She had still not been found seven months later and the accused was

ultimately acquitted as the accused's lawyer had not had an opportunity to cross-examine the complainant.

In September 2005, the complainant escaped from captivity and found her way home to her parents. A new trial of the accused was scheduled.

The two complainants' original evidence was that during their first three months in the brothel of the accused, at least six other girls had been brought to the brothel, at least two of them from another African country. These other girls were never traced. The two complainants had been exploited sexually under the duress of having signed contracts. The money paid by clients for sex with the complainants was paid to the trafficker. One of the complainants had been exchanged for money to another brothel. Their fear that they would be treated violently derived from their experience of being held down and raped in the company of the elderly woman they had regarded as a protector. The complainants had been recruited by deception after being promised employment and given employment contracts. Although they were schoolgirls, they were from relatively poor backgrounds and had jumped at the opportunity to get jobs. The victims were made to feel comfortable by being treated well by the elderly woman. There was an initiation period where sex was forced upon them while everybody watched. Generally they were abused and traumatised for the whole period they were under the control of the accused.

Case study 3: Asian links

This case study involved international trafficking. A 31-year-old woman from Thailand looking for work was visiting Singapore in February 2003 when her sister introduced her to another Thai woman. This woman said that if she was interested in working in South Africa she should contact a woman in Thailand whose name was 'On'. After being contacted, 'On' told the woman that she had a club in South Africa. If the woman would like to work there all her expenses would be paid by the manager of the club and she would have to pay him back only R600.

'On' further told the woman that when she arrived at the airport in Johannesburg she should go to the last counter on the right for a temporary residence permit. She left for South Africa on 10 April 2003 and arrived in Johannesburg the next day. She went to the counter indicated where the immigration officer indeed issued her with a temporary residence permit. Two people met her at the airport. One was a Thai woman who introduced herself as 'Lulu' and took the woman in a grey BMW to her house. At the house Lulu took away the woman's passport and return ticket. Lulu gave her a working name. She was to be called 'Pepsi' from then on. At the house there were 20 other women who were all Thai nationals. The next morning Pepsi and five other women were driven to another place where another Thai woman introduced herself and told her that she was the 'mama san' and was in charge of them.

When the woman was told that she was to have at least four bookings a day, she realised that she was in a brothel. After some time at the brothel, she and

another woman were taken to a lawyer in Kempton Park where they were made to sign papers for the extension of their visas. After the papers had been signed, Lulu took away their passports again. On 18 June 2003, she and five other women ran away from the house and went to the Thai embassy where they made a report.

They were subsequently interviewed by the police, who established that the women had escaped from a house in Cyrildene, Johannesburg, owned by a South African man and his Thai wife. When plainclothes police raided the brothel, they found that:

- they had to pay R50 each to enter the premises;
- alcohol was available for sale;
- pornographic videos were playing on monitors in the bar area;
- there were a lot of Thai women in the bar area, with at least 15 on the premises;
- one of the women would come to entertain a client then point to the action playing on the monitors and indicate that they could go and do the same;
- a fee of R350 per hour had to be paid at the reception desk before a client took the woman to one of the rooms;
- the same method had been used to recruit all the women; and
- the accused persons had previously been charged with several similar offences.

Further investigations showed that the same place had previously come to police notice for several violations of the law, including contravening the Liquor Act, and twice for contravening the Aliens Control Act. In this previous police visit, 10 women from Thailand were found on the premises and on the second occasion 14 were found. In all the previous cases, the prosecutor pressed for fines and the accused paid admission of guilt fines.

SAPS officers said that they had dealt with several other similar cases. A Chinese trafficking syndicate recruited Chinese women in similar circumstances on the pretext that they were going to work in an up-market hotel. After being taken to a two-storey building in Lynwood Ridge, Pretoria, they found that it was not a hotel but a brothel. They were told to 'earn their keep'. A man who was trafficked together with them was forced to do household chores and to work in the garden. They had to have sex with men and bring used condoms to the owner or his assistant to prove that they had worked. Ten of the women managed to break loose and made a report to the police. They did not want to do the work at first but some were beaten into submission. Most of the space in the house had been converted into areas for sex. They never saw the money they worked for.⁵

The IOM has reported on the trafficking of South African women to the Chinese city of Macau, the former Portuguese enclave sometimes referred to as the 'Las Vegas of Asia' because of its numerous casinos, nightclubs and 'saunas'.

The story is the same. South African women are lured with false job offers before being forced into prostitution with little chance of escaping.

Nicola (not her real name), a 23-year-old South African woman, escaped from her captors in Macau and returned to South Africa with the assistance of Macau law enforcement officers. She reported that she had encountered nine other South Africans of all races aged between 18 and 21 who were working under duress as prostitutes in Macau. Some had been there for as long as two years by the time Nicola escaped in February 2004, but the others were unable to escape. They probably were sold several times to different agents during that time. The trafficking syndicate has links between South Africa and Macau involving Chinese and South African citizens. Their targets for trafficking are strip dancers and sex workers in their late teens and early twenties interested in doing similar jobs overseas and are offered between US\$100 and US\$200 and all expenses paid. They sometimes recruit women through advertisements in newspapers and sex industry websites. Once they come into contact with their intended victims, they introduce them to drugs in order to influence them to travel abroad.⁶

Nicola's passport was confiscated and her captors imposed a rapidly escalating debt, starting with the equivalent of nearly US\$2,000 and increasing every day. She was told 'you owe us money, now you belong to us'. She and her fellow victims were fed once a day, denied access to a telephone, never permitted to leave the apartment without a guard, often assaulted in the apartment and threatened with arrest and even death. Each 'sauna' boss knows the other bosses and links exist between those in Macau and Hong Kong.

Nicola was placed in a sauna with 100 other women, many of them from Russia, Vietnam and Thailand, who she believes were trafficking victims. All the women have prices and they are allocated according to numbers. The number determines the price. Nicola was forced to sign a contract. Some of the women were required to provide sexual services to 16 clients in a 12-hour shift. The traffickers collect all her earnings. When Nicola asked for her passport and said that she wanted to go home she was beaten up and told that if she did not work she would be sent home 'in a box'. When she refused to work, she was beaten up again and left for dead on the street. She was found unconscious by the police and was hospitalised for three days. The police assisted her to lay charges after her recovery and eventually helped her to return to South Africa.

A number of features in Nicola's case are similar to the ordeal of the women from Thailand who were trafficked to South Africa in the case study reported above. Investigators are pursuing the theory that at least some of the crime groups involved in human trafficking are organised internationally with branches in different continents. An exchange of women between brothels in two or more countries might then be feasible.

CHAPTER 4

ZIMBABWE

INTRODUCTION

Zimbabwe is a land-locked country bordered by Botswana to the west, Mozambique to the east, South Africa to the south and Zambia to the north. Along the country's southern border, the Limpopo River is dry for some of the year, but the Zambezi River to the north provides a year-round natural barrier. The land borders to the east and west present no difficulty to illegal migrants. The Zimbabwean economy has been declining over the past few years prompting a demographic shift of part of the population to neighbouring countries, particularly Botswana and South Africa, and to Europe, looking for new job opportunities. Human traffickers are able to exploit the vulnerability of many members of this moving population.

The US Department of State's 2005 'Trafficking in Persons Report' places Zimbabwe on its Tier 2 Watch List and observes as follows:

Zimbabwe is a source and transit country for small numbers of women and children trafficked for the purposes of forced labour and sexual exploitation to countries such as South Africa and the UK [United Kingdom]. Zimbabwe needs to make further efforts to eliminate trafficking as well as to compile accurate trafficking data and to provide victim services. Progress was made in the law enforcement activities and victim assistance. The attorney-general's office developed an anti-trafficking education and training programme for prosecutors and judges to enable them to use existing laws to address trafficking-related cases. The government is committed to prevention, and is collaborating with international organizations and neighbouring countries to develop a regional action plan.⁷

Seventeen people in Zimbabwe were interviewed, including officials from the Ministry of Home Affairs, the Zimbabwe Republic Police, the Department of Immigration and the Interpol Sub-Regional Bureau for Southern Africa, which also doubles as the Secretariat of SARPCCO. Also visited were the offices of the IOM. A rehabilitation home was visited and a trafficking victim who is now recovering and being rehabilitated was interviewed. All those interviewed confirmed that human trafficking, especially of women and children, occurs

within and from Zimbabwe, which makes it both a source and a transit country.

In Zimbabwe, victims are known to be deceived with promises of job opportunities in countries overseas and in the region, particularly in Botswana and South Africa. Cases have been found where women and at times men have been lured with employment opportunities in Egypt and Israel. Jobs are advertised in newspapers and on the internet. Personal approaches to potential victims are sometimes also made.

A typical advertisement in local newspapers might read as follows: 'International job opportunities. Strike a chance to fly, stay and work abroad as maids/general hands. There is also a chance for an advance air ticket payable later.' Such advertisements sound enticing and look innocent. The possibility of paying later for an air ticket is an attraction to an unemployed person looking for a job, especially if the job is overseas.

The IOM traced a number of Zimbabwean women to Hillbrow, Johannesburg. Two of them admitted that they had been trafficked.⁸ Both had been promised jobs in South Africa, one by a relative, and both ended up being offered to clients as sex workers. The country's economic challenges and the belief that jobs are in abundance in South Africa have made many Zimbabweans vulnerable to human traffickers.

The economy in Zimbabwe is currently on the decline and unemployment levels are high. As a result, young people from Zimbabwe seek ways of escaping from unemployment by going to South Africa, where there are better job opportunities. Most of them do not have travel documents and leave the country illegally across unmarked land borders. Once across the borders these illegal migrants become vulnerable to exploitation by their hosts, who may be fellow Zimbabweans already established in the destination country, or other nationalities. The vulnerability is caused, among other reasons, by the fact that the environment is new to them and an approach to the authorities could result in their immediate deportation.

According to the Department of Immigration, approximately 50,000 Zimbabweans were deported from South Africa in 2005, or an average of 4,200 a month. A similar number were deported from Botswana. Immigration officials at the Beit Bridge border post estimate that some 12,000 Zimbabweans cross the border to South Africa every month to look for work. This makes Zimbabwe an easy hunting ground for human traffickers.

CURRENT LEGAL POSITION

Although there is no legislation in Zimbabwe covering human trafficking as described in the Human Trafficking Protocol, the Immigration, Sexual Offences and Labour acts deal with some of the aspects of trafficking. Offences such as rape, sodomy, indecent assault, abduction and kidnapping can also be dealt with in common law.

Although the Sexual Offences Act covers some of the elements of human trafficking, it is not specific about the recruitment, transport, transfer, harbouring or receipt of persons by the use of threats or force or other forms of coercion, abduction, fraud, deception and abuse of power.

Cases where people have been promised good jobs only to end up in servitude may not be successfully prosecuted both because of the lack of appropriate legislation and because such cases are reported to the authorities only after the victims have been deported or have returned to their countries of origin.

Immigration Act

Part of the purpose of the Immigration Act is 'to regulate the entry of persons into and the departure of persons from Zimbabwe; to prohibit the entry into and to provide for the removal from Zimbabwe of certain persons; and to provide for the control of aliens'.

According to section 14, prohibited persons include:

- any person who is a prostitute or homosexual;
- any person who lives or has lived on, or knowingly receives or has received, any part of the earnings of prostitution or homosexuality; or
- any person who has procured persons for immoral purposes.

Section 36 lays down penalties for those who, among other things:

- forge permits or travel documents;
- use permits or travel documents which they are not entitled to use;
- assist persons to enter, remain in or depart from Zimbabwe in contravention of this Act; or
- convey persons into or out of Zimbabwe in contravention of this Act.

The Immigration Act gives wide powers to immigration officers to deal with aliens and illegal immigrants. These powers provide an easy route for law enforcement officers to deal with undesirables, including prostitutes, by deporting them instead of deploying needed resources for investigation and prosecution. As a result, however, some innocent victims may be criminalised, particularly as the Act puts the onus of proof on accused persons to show that they are not guilty of the offences listed in the Act.

Sexual Offences Act

Parts II (Extra-marital sexual intercourse with young persons and intellectually handicapped persons), III (Non-consensual sexual acts) and IV (Suppression of prostitution) of this five-part Act are relevant to the present investigation and report. The South African Sexual Offences Act, which was referred to in the South African section of this report, is in many ways similar to the Zimbabwean Sexual Offences Act.

In the absence of legislation directly related to human trafficking, the police may arrest offenders and bring them before the courts on the basis of wording in the Sexual Offences Act, including bringing, assisting in bringing, procuring and coercing persons for immoral purposes or prostitution. At the same time, however, the transport, transfer, harbouring or receipt of persons, abduction, fraud, deception, abuse of power or position of vulnerability, payments or benefits are not covered in the Act.

The objective of the Sexual Offences Act is to criminalise certain sexual acts, including the sexual exploitation of young and mentally handicapped persons. It does not deal with adults, who are, however, included in the Human Trafficking Protocol, or with other forms of exploitation, such as labour exploitation, which are similarly included in the Protocol.

Certain sections of the Sexual Offences Act may, however, relate to aspects of human trafficking. These include:

- extramarital sexual intercourse or immoral or indecent acts committed with young persons (section 3);
- prevention of sexual exploitation of young persons and intellectually handicapped persons outside Zimbabwe (section 5);
- prevention of conspiracy of incitement abroad to exploit young persons or intellectually handicapped persons in Zimbabwe (section 6);
- brothels and pimping (section 9);
- detention of persons for sexual purposes (section 10);
- procuring (section 11); and
- coercing or inducing a person to have extramarital sexual intercourse (section 12).

It was not possible to get statistics of trafficking cases from the police due to the fact that no person has been charged directly for the crime of 'human trafficking'.

The Victim Friendly Unit of the Zimbabwe Republic Police investigates cases involving vulnerable groups, such as women and children, who may need special protection during investigations. Members of the unit come into contact with trafficked persons during the course of their duties, normally when such persons are victims of crimes such as rape, kidnapping, abduction and other sexual offences.

Although it does not expect much from prosecutors due to the lack of appropriate legislation, the Victim Friendly Unit does follow up clear cases of human trafficking that have come to its notice. While the unit might secure a conviction on a relatively minor charge, the seriousness presented by trafficking will not be punished under the existing law. Unfortunately, the unit lacks sufficient resources to investigate all the cases relating to trafficking.

No specific trends on human trafficking could be established in Zimbabwe although a number of cases that fit the trafficking definition outlined in the

Human Trafficking Protocol were encountered. The Interpol Sub-Region Bureau for Southern Africa Human Trafficking Desk and the IOM office, both situated in Harare, had registered five cases in Zimbabwe that fit the definition of trafficking within a period of 12 months⁹ and these were being dealt with by the police.

The Department of Immigration had dealt with more than 400 cases that it believes may fit the UN definition of trafficking in persons. The belief is centred on interviews held with illegal immigrants and other persons they encountered during the course of their duties. The victims come from the DRC, through Zambia and also from Somalia, through Kenya, Tanzania and Malawi into Zimbabwe. The trafficking route for victims trafficked from the DRC normally takes them from Kisangani into the Copperbelt of Zambia, from where they travel by road to Lusaka. From there they are taken to Bulawayo and then to South Africa. The common route for those trafficked from Malawi is normally through the Nyamapanda border post or through undesignated points near the Nyamapanda border after having transited Mozambique and later to Beit Bridge into South Africa. Long-distance trucks are the most common transport medium for illegal immigrants and trafficking victims.

After entering Zimbabwe, persons sourced from Somalia – men, women and children – are made to apply for political asylum. Once they are placed in refugee camps, they disappear within three days, not to be seen again. In one case, a motor vehicle was tracked along the highway towards Beit Bridge. The persons did not, however, arrive at the border post, indicating that they were made to cross the border through an undesignated crossing point. In Zimbabwe it has been discovered that there are agents of the traffickers who make local arrangements for the further transport of victims across the borders into South Africa. These people travel in groups of up to 70 at a time and appear to be under some form of control. Waves of these groups of people are coming through the north-eastern border of Zimbabwe and they have no travel documents. It would seem that there are agents in Malawi assisting them to come through. The traffickers, from both Zambia and Somalia, are highly organised and have agents in all the countries through which the victims are trafficked.

There is no officially structured coordination mechanism between the Zimbabwean and South African immigration departments. For this reason, no further approaches were made by the Zimbabwe authorities to South African authorities to find out what could have happened to the people who illegally crossed into that country, some of whom could have been victims of trafficking. The Department of Immigration does not think that people are being trafficked into Zimbabwe to remain in the country. The cases they have encountered were of people who were in transit to South Africa. From their own assessment, some of these people could be going to destinations beyond South Africa. Hence, the conclusion is that Zimbabwe is a transit country for persons trafficked from Somalia, the DRC, Zambia and Malawi who are destined for South Africa.

The destinations for those trafficked from Zimbabwe are South Africa, Egypt, Kenya (transit) and a host of European countries.

Immigration officers are conversant with two cases in the past 12 months involving women who were trafficked from Zimbabwe. Two women were trafficked to Egypt, having been recruited by an Egyptian executive who was working in Zimbabwe. One of the women managed to escape and reported to the Zimbabwean embassy in Cairo, which facilitated her return to Zimbabwe. She reported that she had been offered employment in Egypt and her travel was paid for. Once she was at the employer's place she was not allowed to communicate with anybody. She was not allowed to move out of the house. She was shouted at and often beaten up. At first she was paid US\$100 a month. This was reduced to US\$50 a month and eventually to nothing. The second woman is still in Egypt and the first woman does not know what became of her.

Anti-trafficking initiatives

Interventions by the Southern African Regional Police Chiefs' Cooperation Organisation (SARPPCO)

The Interpol Sub-Regional Bureau for Southern Africa is situated in Harare. It also serves as the Secretariat for SARPPCO. This office has a desk for trafficking in human beings, illegal immigrants and fraudulent travel documents. The desk officer is attempting to gather information on human trafficking from the 14 Southern African countries. In the 12 months preceding this research, he managed to receive information on and document five cases from Zimbabwe, three being transit cases and two in which Zimbabwe was the source country. The Interpol bureau has received data on a few cases of Zimbabweans and Malawians being brought into Mozambique, some in transit to South Africa. There is no capacity for the bureau to carry out further investigations in order to distinguish whether the people are being smuggled or trafficked. The bureau has not received any reports about Mozambique nationals being trafficked out of Mozambique.

The desk officer was worried about the lack of information from the countries and the difficulties he faced when he needed to access information from police in the various countries. There is inconsistency in the method of reporting cases by the Interpol NCBs in the respective countries, which tends to distort information documented by the Sub-Regional Bureau. The NCBs do not report all the cases factually and there is no independent verification of information provided by the NCBs, thereby bringing about a distortion of data. There was found to be need for cooperation between source, transit and destination countries in all cases of human trafficking so as to enable law enforcement agencies to identify and deal decisively with human trafficking syndicates and their organised structures. This information and intelligence gap can be reduced through the introduction

of focal points at national level through which all human trafficking cases are reported and intelligence shared among countries.

According to the desk officer, the countries' cooperation in intelligence sharing on these issues is minimal. He stressed the need to share information and intelligence. The most serious constraint for not sharing information is the fact that there is no legislation dealing with human trafficking, hence the police have no statistics and related documentation from which to extract the required information.

The IOM is funding most of the regional programmes attended by the desk officer. The bureaus have no capacity to carry out campaigns on their own, yet there is a need for awareness campaigns in the region for law enforcement officers, prosecutors and the public at large.

SARPCCO organised the first working meeting on Trafficking in Human Beings in Harare in November 2004. The meeting was convened in response to Resolution 8 of the seventh SARPCCO annual general meeting held at Victoria Falls, Zimbabwe, in September 2002, which read: 'The Council of Police Chiefs requests the Ministers to take the matter up with governments of SADC countries to expedite the signing of the UN Protocol on Human Trafficking Especially of Women and Children'. Nine countries, namely Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe attended the meeting.

The SARPCCO Training Subcommittee produced a training manual titled 'SARPCCO Training Manual for Crimes against Women and Children', during the course of 2003. The manual is based on a study carried out by the IOM. Training seminars have been carried out in the region to cover all the countries of Southern Africa.

Outcome of discussions during the first working meeting on trafficking in human beings

During the meeting, Botswana reported on a case where 18 Zimbabwean nationals were found dead, having been dumped near the Tlokweng border post. The driver of a truck that had been ferrying the illegal immigrants before they met their death was located and charged with culpable homicide. This was probably a case of volunteer illegal immigrants who were being smuggled across borders. The Botswana delegate noted that it was difficult to investigate human trafficking without information and intelligence.

The Lesotho delegate reported on cases where Basotho girls were promised work and study opportunities in the UK by Nigerians in Lesotho, South Africa and London. One victim who later returned revealed that upon her arrival in the destination country, her passport and ticket were taken away from her and she was locked in a house where she was abused.

The Malawi delegate reported that the country was experiencing the problem of human trafficking although there were no recorded police cases due to lack of legislation. The delegate informed the meeting that until 2004 only two cases

had been recorded where Malawian businesswomen took two women overseas on the pretext that they would offer them employment. The women were then placed in casinos and brothels and lived on prostitution. The delegate also noted that in 2000, five children were abducted into Malawi, two from Kenya and three from Tanzania. These children were offered scholarships to study in the UK and Malawi and their passports were organised by a local chief. Interpol informed the police and the trafficker was arrested.

Mozambique has signed the Protocol, but so far there is no legislation on human trafficking. The Mozambican delegate confirmed the existence of trafficking in Mozambique, in which five cases had been reported in 2004 and one person prosecuted. Organised criminal groups lured victims outside the country with false employment opportunities. The delegate also reported on a new challenge to the police and civil society that involved murders in which human body parts and organs were removed.

Swaziland's delegate reported that the country had identified human trafficking, illegal immigration and fraudulent travel documents as threats to the country's socio-economic well being. A police unit had been established to deal with human trafficking and legislation was being drafted. The delegate stressed the importance of cooperation between the states and also recommended that the countries should criminalise human trafficking, share information on human trafficking, take measures to protect victims, prosecute traffickers and raise public awareness of the problem.

South Africa has signed and ratified the Human Trafficking Protocol and legislation is being drafted. No official statistics were at hand regarding trafficking cases due to lack of specific legislation. Police units had carried out raids in clubs identified for conducting illicit activities, and owners were charged with contravening the Immigration Act and the Sexual Offences Act. The women and children who were found on the premises were deported if they were found to be foreigners. The South African delegate encouraged cooperation.

The Tanzanian delegate reported the prevalence of internal trafficking in which young girls aged between 15 and 21 were being trafficked from rural areas to work as domestic workers, barmaids and hairdressers. Some of them were turned into prostitutes in the bigger towns. Tanzania had not experienced external trafficking until the year 2001, when attempts at illegal human trafficking were noted involving Tanzanian youths aged between 18 and 22. Some culprits, who had been identified, lured the victims under the pretext that they were going to secure them scholarships in the US, UK and the Philippines. They later transported the victims from Tanzania to Kenya where the US embassy refused to grant the youths visas for America.

The Zambian delegation noted that the country faced a big challenge in trying to address crimes involving human trafficking, as human trafficking did not exist as a specific offence under the Zambian law. The delegate revealed statistics of abduction cases reported to the police involving girls aged between

12 and 18 years. He also discussed charges preferred under the Immigration Act and the use of fraudulent travel documents by illegal immigrants.

According to the Zimbabwean delegate, there was no specific legislation aimed at human trafficking. Where incidents of human trafficking arose, offenders were usually charged under the Immigration, Children's Protection and Adoption and Sexual Offences acts. Some of the victims, particularly those from areas around the Great Lakes region, were brought in disguised as refugees. While the victims were accommodated in transit camps for the vetting exercise to be completed, the traffickers facilitated their escape from the camps to their intended destinations. Trafficking syndicates in Zimbabwe were ethnically composed. Syndicates from West Africa, Asia and North Africa were active. Illegal immigrants used forged and fraudulently acquired passports. Recently, the law enforcement agencies in Harare unearthed a syndicate that was producing fake Congolese and Gabonese passports. Zimbabwe was mainly a transit country rather than a final destination country.

Mukelabai Mukelabai of the ISS, who was a guest presenter at the meeting, noted that there were a number of criminal groups operating in the region that were involved in various cross-border criminal activities such as drug smuggling, forged travel documents and money laundering. Increasingly, these organised criminal groups were becoming involved in human trafficking and the smuggling of migrants. He also emphasised that organised criminal groups do not cause illegal migration but use it as an opportunity to make money, and that perhaps one of the solutions to dealing with this problem would be to relax the current visa requirements in operation between SADC member countries.

During an interview a senior police officer with the Victim Friendly Unit in Zimbabwe, whose responsibilities include dealing with sexual offences, noted: 'Yes, trafficking is there but people don't come forward to inform the police. They may not be aware that they are being trafficked. Targets are normally unsophisticated and uneducated.' These sentiments tend to be confirmed by the advertisement discussed elsewhere above. It is clear that this advertisement targets unsophisticated and vulnerable people who would normally be employed as maids and general hands.

CASE STUDIES

Case study 1: Interview with a victim's parent

An interview was carried out with Dennis Dengu, the father of Bernadette Dengu, a woman who is currently in Egypt. His daughter is now 28 years old and left three young children in Zimbabwe and he is looking after them. Bernadette left Zimbabwe in February 2005 after an Egyptian executive bought her an air ticket. He is not the same person who is employing her. An Egyptian executive used a local person who is now in Egypt to recruit women to go to work in Egypt and Bernadette was one of the women recruited on the pretext

that she was going to be given a well-paid job as a housemaid. He believes that his daughter is being held in servitude. His reasons are as follows:

- She has three children whom she loves very much and she went to Egypt to get money to care for them. She has not sent a cent back home for the children's upkeep.
- She rarely phones home and when she does, her calls are very restricted, mainly just to say she wants them to know that she is fine. It seems as if the calls are monitored and she does not say much.
- She does not give a phone number for her parents to call her back.
- She does not give her physical address so no one can write to her.
- She does not write letters or send postcards.
- She does not reveal the identity of her employers.
- During the first call she made, she indicated that she wanted to come back home because she was not being paid. She stated that her employers were not happy with her decision and had told her to get her own ticket. When the father made efforts to get a ticket for her from Zimbabwe, the employers changed their minds and did not allow her to travel.
- During the first call she stated that there were too many problems at her place of work but she did not elaborate.

The father is very worried about the welfare and security of his daughter. He has looked for and found one woman, Sarudzayi, who was recruited in the same manner as his daughter. Sarudzayi managed to come back to Zimbabwe from Egypt. She told him that she was always locked up and worked under severe threats. Her employer cleaned his gun in front of her as a way of threatening her. She never went out of the house and at times she was starved as a form of punishment. She managed to escape and went to the Zimbabwean embassy, which helped to repatriate her. She also stated that she knew of six other Zimbabwean women who were held in servitude in Egypt.

Case study 2: Interview with a victim

The Victim Friendly Unit and IOM facilitated an interview with Audrey Mukachana, a 16-year-old trafficking victim who is being accommodated at a rehabilitation home run by Msasa Projects in Harare. Audrey was recruited by four white people, two men and two women, at Beit Bridge and was taken to a house in Musina, South Africa, where she stayed for eight months. She does not have any passport or travel documents. However, she was taken through the border after one of the white men went inside and talked to the officials at the border. On her way back, she was brought back in the same manner. She did not have to get out of the vehicle to go through immigration.

While at the house, the two men had sexual intercourse with her on several occasions either as individuals or jointly in a threesome. Other men were brought to the house during the day, normally when the women were away at

work and she was instructed to have sex with them the way they wanted. She was at times forced to perform oral sex on the men. On one occasion she was taken to a big house in Hillbrow where she was forced to have oral sex and to perform other sexual acts with men while videos and photographs were being taken from different sexual positions. On most of the occasions she was made to take drugs and was under the influence of drugs during the sexual acts. She was also threatened with death if she resisted and was reminded that nobody knew that she was in South Africa as her entry into that country was unregistered and she did not have travel documents.

Occasionally she was taken out by the women who bought her clothes and other gifts and also to have her hair done. She was taken back to the border by one of the female occupants of the house while the men were away and helped to cross back into Zimbabwe.

Once back in Zimbabwe, life she did not get on well with her stepmother and she decided to run away from home. She met a man who was driving a Pajero truck in Chiredzi town and went away with him. They crossed the border at Chirundu into Zambia, where they stayed for some days in a hotel in an area with many embassies before they went to Mangochi, Malawi, where they also stayed for some time. Although she had no passport, the man did not have any problem paying for her to be allowed through the border posts.

The man had lots of money and he spoiled her with expensive gifts. During his stay with her, he also fed her with drugs and took photographs of her while she was naked and in various sexual positions. He occasionally had sexual intercourse and oral sex with her. The man told her that he was from Tanzania and was going to take her there. However, he spoke French, indicating that he may not have been Tanzanian. As they were preparing to go to Tanzania one day, he took her to a restaurant in Lusaka and bought her some food. He went out as if he wanted to check his car and never came back. She was found crying outside the restaurant having realised that the man had left her. She had no money and all her clothes were gone. The woman who found her took her to the Zimbabwean embassy, which helped her get back to Zimbabwe.

In Zimbabwe, Audrey was taken to a rehabilitation home where she is receiving psycho-social support. She does not remember events all at once; each time one meets her she has more to tell about her ordeal. The specialists taking care of her indicated that loss of memory is normal for traumatised people. She has tested positive for HIV and hepatitis and her health is deteriorating.

Case study 3: Trafficking and murder

During September 2004, three friends, all Zimbabwean females, namely Mary Tafa (31), Rhoda Tavengwa (24) and Portia Muzidzi, saw an advertisement on the internet inviting applications for employment in hotels in Canada. As conditions for acceptance, respondents were to:

- pay their own airfares to Canada;

- undergo medical examinations in Kenya;
- submit US\$500 to sustain them until their first salary payment in Canada, which would be US\$9,000 a month.

The three friends were interested in the offer and responded through the internet. The person who was recruiting them was eventually identified as 'Claude Wilson'. He hired the girls on the telephone.

On 11 November 2004 Mary Tafa left Zimbabwe for Canada via Kenya as arranged. She never arrived in Canada and never left Kenya, although investigations proved that she arrived in Kenya. The other two girls also left for Kenya and arrived on 25 November 2004. They had been notified that persons displaying their names on a board would await them at Nairobi. Upon arrival in Nairobi, they were met at the airport and taken to a taxi by a man who indicated that they were being taken to Mombasa. A man, now believed to be Claude Wilson, took their passports and money away. Another man who was in the taxi whispered to the girls, 'girls you are in danger now'. In the meantime, somebody sent a message to Rhoda's mother by e-mail as if from Rhoda to tell her that they had arrived in Canada and were now employed.

The girls were left in a hotel room while the suspected trafficker went to attend to some other business. It was at this time that they made a call to the police who rescued them. After Portia and Rhoda's story was told, Claude Wilson was arrested and interrogated, which led to Claude confessing having murdered Mary and he led the police to a place outside town where he had buried the body of Mary Tafa. Her head was found buried separately from the body. A search was carried out at a place where Mary had briefly stayed and documents belonging to her were recovered. A number of other suspects were eventually arrested.

Information received from the Kenyan police by the Zimbabwe Republic Police indicated that Portia and Rhoda had been abused in Ukunda town in Kenya. The magnitude of abuse was not specified. The name 'Claude' has been mentioned in other trafficking cases from the DRC and Zambia. It has still to be checked whether the name refers to the same person.

Case study 4: Trafficking of minors

During July 2005, Rommy was arrested in Bulawayo when he was found booked in at a lodge with two juvenile girls aged seven and nine who were always locked up in their room for the duration of their stay at the lodge. While staying at the lodge, Rommy pretended to be the girls' father. Staff at the lodge became suspicious when they realised that the children were always locked up and that the 'family' members did not seem to understand each other's languages. This caused staff to make a report to the police.

Further investigations revealed that Rommy, a Zambian national, was paid US\$1,000 by Victor, another Zambian national, to traffic the two girls from Lusaka, Zambia. Through an interpreter the girls indicated that they were from

Kinshasa and spoke Lingala, a language of that region. The girls' intended destination was not clear, although it is now known that Victor had attempted to acquire an American visa for Rommy and the girls in Lusaka but had failed.

The children had been taken from Lusaka, Zambia, through Bulawayo, Zimbabwe, to South Africa. While in South Africa they stayed for a short time in Hillbrow, Johannesburg, before they were taken to Cape Town where they were supposed to board a flight to Japan. While in the process of checking in for the flight to Japan with the children, Rommy failed to prove that he had confirmed accommodation in Japan and was not allowed to board the aircraft. Rommy then made his way back to Zambia via Bulawayo and was subsequently arrested. Following his arrest, Rommy changed his story from being the father of the children to saying that the father of the children was in the UK and he was simply facilitating their transport. Investigations showed that Victor's credit card, which had been used to purchase the tickets to Japan, had been used to purchase another 35 air tickets during the same period to various destinations.

After Rommy was arrested the two children were happy to see him in handcuffs at the police station – indicating that their relationship with him was not good and that they could have been victims in one of several ways. The police could not get the required information from them due to language barriers. Soon after the arrest of Rommy, a woman who said she was from the DRC and who said that she was the mother of the two children claimed them and was allowed to take them away. It is not known who communicated with the woman and told her that the children were in Zimbabwe. The investigators now believe that the children may not have been related to each other and that the woman who claimed them may also not have been related to them but may herself have been a trafficker.

Rommy was charged under the Immigration Act with making a false declaration to an immigration officer. He was deported after paying a fine. The police believe that this could have been a far more serious crime calling for cross-border investigation if there had been legislation dealing with human trafficking.

It is clear that this group was highly organised. Victor was responsible for the tickets, Rommy did the trafficking, and there were people at the various destinations to receive them. The woman who collected the children was suspected to have been a member of the trafficking group who was sent to collect them after realising that the children had been intercepted. There was nothing emotional about her meeting with the children, and it is probable that they were re-trafficked through another route.

CHAPTER 5

Mozambique

INTRODUCTION

Mozambique shares borders with Tanzania to the north, Malawi, South Africa, Swaziland, Zambia and Zimbabwe to the west and South Africa to the south, while the Indian Ocean is to the east. The long land borders are difficult to police and Mozambique also has several harbours and airports. Tribes that live along the several borders share cultural identities causing a lot of uncontrolled movements. Smugglers and traffickers easily exploit such movements along the borders. Mozambican nationals are recruited as labourers, domestic workers, prostitutes, drug couriers and beggars.

Until recently South African mines and farms used to recruit labour officially from Mozambique. This history is still in the minds of people in Mozambique. For many years before independence, Mozambique was considered a source of labour for South Africa and the belief that work opportunities are abundant still lingers and therefore renders recruitment easy; if anybody parks a vehicle and announces that they want people to go and work in South Africa, they are overwhelmed with the number of volunteers.¹⁰

The US Department of State's 2005 'Trafficking in Persons Report' places Mozambique on a Tier 2 rating and reports as follows:

Women and girls are trafficked from Mozambique into South Africa for various forms of sexual exploitation. Although the country's counter-trafficking law enforcement efforts improved in 2004, law enforcement agencies have limited knowledge of human trafficking, and corruption remains an obstacle to adequate enforcement. The government has made modest attempts to provide basic protection for victims of trafficking, but prevention measures remain weak, with no national plan of action in place. However, there have been some efforts to provide counselling and shelter to victims of trafficking. In January 2005, the government formally approved the IOM's application to re-establish an office in Mozambique.¹¹

The 17 interviews in Mozambique were with police and immigration officers, prosecutors, an IOM representative and members of two NGO advocacy groups, Terres des Hommes and Rede Contra o Abuso de Memones (Rede Came).

While the police do not have statistics of trafficking cases, media reports suggest that there are human trafficking problems in Mozambique. A senior police officer indicated that some of the Mozambicans who go to South Africa after having been promised jobs and who go willingly and sometimes even pay for their own fares, are abused once they cross the border.

There have so far been no practical legal and police responses to the problem of human trafficking as this is widely considered to be a recent development in Mozambique. While legislation does not mention trafficking specifically, trafficking cases can sometimes be dealt with in terms of the laws against kidnapping and corruption of minors. The police believe that specific legislation against trafficking should be developed.

Going back several years, a programme for the protection of women and children was developed by the Ministry of Interior in 2000, and this was followed by the creation of a nationwide police unit to counter violence against women and children. This unit coordinates input from the prosecutor's office, the ministries of Justice, Women and Social Affairs and Health, the statistics office, the United Nations Children's Fund (UNICEF) and several NGOs. The police unit has no fewer than 96 branches at police stations, district commands and hospitals. The unit's trained staff trace and counsel women and children who have been the victims of violence.

The challenges faced by this police unit include a lack of facilities from which to carry out confidential interviews with victims. Shelters are also needed where victims can be counselled, medically treated, rehabilitated and returned to society. The unit plans a database for victims and it is recommended that this should include information on trafficking victims as well.

This unit has so far conducted seven seminars on domestic violence and trafficking of women and children in partnership with UNICEF and various NGOs. Its members participate in television and radio debates on issues of domestic violence, abandoned children and, peripherally, on human trafficking and other related subjects as well. The unit also distributes literature and T-shirts and hats with messages against domestic violence and abuse of women and children. The SARPCCO training manual on crimes against women and children is used in training seminars for law enforcement officers.

Officers from the Violence against Women and Children Unit reported cases of children being trafficked, mainly to South Africa. During the year 2005 they had encountered a number of cases from Nampula Province and involved the Ministry of Justice. The cases involved children who had been abused physically, psychologically, economically and sexually.

There is no coordination of human trafficking information between the police in Mozambique and South Africa. The Mozambican police would like the South African police to set up a procedure whereby their Mozambican counterparts are advised of any arrests or encounters with persons being trafficked or with illegal immigrants.

The police also report that foreigners are being smuggled into Mozambique with forged travel documents. Some of these are employed in the booming tourism, hotel and agricultural industries while others are in transit to South Africa. Most of these illegal immigrants originate from Nigeria, Pakistan, Burundi, Somalia and China – confirming Mozambique as a source, transit and destination country.

TRAFFICKING TRENDS AND RESPONSES

Routes and methods

From Maputo Province, people are normally trafficked to South Africa by road. In a typical case, young boys were found hidden in the cargo of long-distance road transporters. They were destined for South Africa but they were unaccompanied. When questioned about who had brought them, they said that their trip had been arranged some four months previously and that they would have jobs in South Africa. The children were orphans from poor backgrounds. Although they described the people who had recruited them and seen them off at the loading point, the police were not able to trace the traffickers. Another *modus operandi* that is common in Maputo Province is found in cases where, after recruitment, children are left near the border post. Another person would later appear and take them away.

In another case, three women were recruited by an Asian national at Inhambane for employment in South Africa. They were hidden in the back of a truck for the trip to South Africa as they did not have travel documents. Once across the border, they were offered to white men as prostitutes. The women later escaped and were helped to reach the border by other Mozambicans and were able to return to their homes.

No concrete cases were reported from Gaza Province although the police commander there is generally aware that these things occur.

No follow-up investigations were carried out with the South African immigration authorities by either the Mozambican or Zimbabwean authorities to find out where these illegal immigrants ended up. Nor was there a notification of such movement. As there is at present no mandate, legal framework or administrative mechanism for such an information exchange, no one knows whether South Africa was the actual destination for these victims. Such investigations could help the countries check corruption at their borders as intelligence could be gathered on how illegal immigrants and trafficking victims are assisted at the borders or who is issuing illegal travel documents.

Another problem that coordination might solve is the deportation of illegal immigrants to countries that are not their places of origin. So, for example, the South African authorities charge people being smuggled into their territory and later deport them. There are many instances when non-Mozambican nationals have been deported to Mozambique.

Mozambican police authorities are concerned about reported cases of inhuman treatment of illegal immigrants by South African police and immigration authorities. In cases where these people have not been given time to collect their belongings, the illegal immigrants find their way back to South Africa soon after being deported to Mozambique in order to claim their possessions.

A different regional approach to migration control that includes a mechanism for joint approaches to data collection, intelligence and investigation, would improve regional coordination and cooperation. Joint investigations, police say, would also lead to a reduction in the number of cases of human trafficking. They could also lead to a better investigation of trafficking cases that are not at present treated as such as victims are charged with being illegal immigrants and are then deported.

Mozambican officials also report cases in which citizens of Somalia are being trafficked to Southern Africa through Kenya. In Kenya they are received by agents who issue them with Kenyan emergency travel documents for travel to Tanzania as Kenyan citizens. In Tanzania, they receive further documents that enable them to travel into Malawi. In Malawi, they receive visas for travel to Mozambique, Swaziland and South Africa. The traffickers are highly organised and have agents in all these countries. They also bribe officials in transit countries. Some traffickers prefer to use the route through Zambia and get their visas from their representatives there. Many of the traffickers' networks and financiers have not yet been identified.

In one such case, a group of 92 suspected Somalis were travelling together in two buses from Kenya to South Africa via Tanzania, Malawi, Mozambique and Zimbabwe. Instead of passports they all carried emergency travel documents from Kenya. These documents were stamped for exit from Tanzania and entry to Malawi. In Malawi the group were issued with forged Mozambique visas and a forged letter from a tour company to the Mozambique vice-consulate in Blantyre. The writer of the letter noted that the members of the group were 'travelling to Zimbabwe and Swaziland, all being Christians on a mission of visiting relatives and friends while also attending a wedding'. All the members of the group were men between 20 and 30 years of age. Although bribes were also offered, the group was refused entry partly because they claimed to be Kenyans but could speak no Kenyan language.

Other routes from Mozambique are through Zimbabwe, where trafficked victims and other illegal immigrants seek asylum in transit camps. While in the transit camps, forged passports or other travel documents and transport may be prepared for them. The groups then typically disappear from the camps and make their way to South Africa. This method is confirmed by the Zimbabwean immigration officers, who have tracked at least one group of the illegal immigrants to an unmarked border crossing into South Africa.

Other groups have similarly arrived in Zimbabwe, sought political asylum, been placed in transit camps while waiting for their applications to be considered, escaped from the transit camps and proceeded or at least tried to proceed to

South Africa. These groups seem to be highly organised. They are, however, controlled by traffickers not actually travelling with the groups but making their transport and other logistical arrangements from outside the transit camps.

Authorities from both countries are still investigating these cases in a bid to identify the ringleaders. They note that large amounts of US dollars are being distributed to facilitate the passage of these people, whose final intended destination may not necessarily be known but which is usually assumed to be South Africa.

People from Côte d'Ivoire are being trafficked through the same route, using the same *modus operandi*, and also with quantities of US dollars available to facilitate their border crossings before reaching South Africa.

Another common factor is that the people being facilitated by traffickers through Mozambique are usually in groups of 70 or more, travelling together in buses or trucks that have been provided for them. Again there seem to be several well-funded and coordinated trafficking agents to facilitate the groups' passage across several borders to their ultimate destinations. The authorities believe that most of these cases represent trafficking in the true sense of the word as human smugglers are normally prepared only to help people across a single border, after which the relationship ends.

Information available to the Mozambican authorities suggests that many of the trafficked people from Mozambique are used to provide forced labour in, for example, sugarcane farms and factories in South Africa.

Police commanders at Mozambican borders provided the following list of priority activities to improve their border control capacity, especially as it relates to trafficking victims:

- Capacity building. There is a need for training at local level, regional conferences and seminars at which border police share experiences, discuss cases, profile traffickers and improve their familiarity with a range of forged documents.
- Literature on human trafficking. This includes reference books and investigation manuals to improve efficiency and to help stretch the limited budget available for the repatriation of illegal immigrants and trafficking victims.
- Transit accommodation and psychosocial support for identified trafficking victims. These are needed while their cases are being investigated and before they are repatriated. Until now, governments have not been prepared for the new legal problem of trafficking.
- Technical resources to help improve what is at present a very uneven contest between the traffickers and the authorities. Traffickers are well organised, well funded, have many agents and send their groups across long, uncontrolled borders. They have the advantage of time as they do the planning and preparations for the commission of the crime, while the law enforcement officers at present can only react to a situation. Police and

immigration officers are also confined to a few entry and exit control points and are immobile due to a lack of transport. They are not adequately trained and they lack surveillance and photographic equipment, computers and communications equipment.

- A human resources development programme. Specialist skills that need to be acquired include document examination and the counselling of victims. A regional training centre has also been recommended.
- Better records. There is at present no regional database of persons who move across borders in Southern Africa or who have been refused entry to various countries. As a result, illegal immigrants, traffickers and trafficking victims usually disappear into the communities of the countries they reach.
- Ratification of the Human Trafficking Protocol.
- Separate holding camps should be established for trafficked children, who are at present detained in a common facility with adult victims.
- A multinational agreement with guidelines for the support of victims of human trafficking in the Southern African region is required.

National responses by law enforcement agencies

The 11 regional commanders for Immigration and Border Control were met in Maputo. They are continuously encountering cases of human smuggling, which they deal with under the country's immigration laws. More complex to deal with legally are cases of human trafficking, due to the lack of appropriate legislation and the lack of cooperation at regional level.

Other responses

The IOM is involved in human trafficking awareness programmes to educate communities and government officials. It has found trafficking to be widespread in the border areas, where the local communities, which are invariably poor, are vulnerable to traffickers whose agents are actively recruiting women, girls and boys for labour and sexual exploitation.

Traffickers have links with their agents across borders, so that the law enforcement agencies need to be better coordinated if they are to be more successful in the fight against trafficking.

The IOM believes that governments may fail to implement programmes or fail to take action as regards projects, or for their agents to take action, because of a lack of capacity and resources, especially financial resources. Capacity building is required in governments as much as it is required in government departments and agents of governments.

Terre des Hommes is an NGO that was engaged by Molo Songololo, a South African NGO, to carry out a study on the situation of human trafficking in Mozambique. It is also involved in awareness campaigns. Its investigations indicate that victims may not be aware that they are being trafficked as there is little understanding of the trafficking concept. Since awareness campaigns began, cases have started to be reported both to the police and to the NGOs.

According to Terre des Hommes, children from all backgrounds and from rural and urban areas are being trafficked. Unemployment, poverty and hunger increase the incidence of trafficking as the victims of these disadvantages are especially vulnerable to recruiters. Families may traffic their own relatives and neighbours may traffic one another. Victims may be willing partners at the beginning and may often pay for their own transport. Some may be deceived with promises of a good life or well-paid jobs. For these reasons, human trafficking does not need a large capital investment.

Before Mozambique's independence there were arrangements between the former apartheid government of South Africa and the Portuguese colonial government in Mozambique that made it possible to recruit labour for South African mines from Mozambique. These former arrangements still affect the minds of many Mozambicans and many still believe that job opportunities are abundant in South Africa. Mozambicans still provide cheap labour in South Africa and families encourage their children to 'go south and find work'. This makes recruitment easy and human trafficking thrives. According to Terre des Hommes, 'anyone can go to these areas and recruit any number of people'.

Rede Came, an NGO advocacy group interested in matters relating to the protection of children, is working on a book on the perceptions and facts of human trafficking. It has offered training on the problem to police and legal officers. It works with the United Nations Educational, Scientific and Cultural Organization to validate reports of trafficking and to identify gaps in legislation.

This NGO believes there are links between trafficking and organised crime. In a 21-day period it found that 2,000 illegal immigrants had passed through the Ressano Garcia border post – big business indeed.

One of Rede Came's recent cases involved a child who had been trafficked to South Africa and has since been repatriated. It also had in its care a woman who had been trafficked to South Africa and sold as a wife. Now HIV-positive, she had been repatriated to Mozambique with two children. They are among the people needing psychosocial support, accommodation and food in rehabilitation centres, of which there are too few in Mozambique.

This NGO reported instances of young people who had left Mozambique for 'a better life' in South Africa in the 1980s, who had been forced into prostitution and who had themselves become recruiters for traffickers.

Many parents also think that life is good in South Africa, not knowing what may await their children. They have often therefore agreed to put their children in the care of protectors or guides at the borders, never realising that they are traffickers or their agents.

Internal trafficking

A recent Rede Came case involved the internal trafficking of 25 children aged between nine and 14 years who were recruited for farm labour. They were living in inhumane conditions, sleeping in one small room, not being paid for their labour and receiving one meal a day of maize porridge and beans. The case came

to the NGO's attention after one of the children died of cholera. Rede Came also knows of other children being similarly recruited to work in poor conditions on sugar plantations in South Africa and Swaziland.

Media reports of suspected trafficking have sometimes turned out to be murder cases in which human parts had been removed for ritual *muti* (medicine) purposes by witchcraft practitioners. Some Southern African black men still believe that *muti* will enhance their business, political or sexual performance.

In a case in Manica Province, a young boy was kidnapped and his penis was cut off. The boy was later found and received medical treatment in Portugal, but his assailant was never apprehended even though the local community had pointed a finger at a businessman in the area. In Nampula Province, too, several graves of people whose deaths had not been registered were found and in these cases, too, the community concerned claimed that the victims had been trafficked and then murdered for the removal of some of their organs. At the time of writing, the police were still investigating these cases.

Police reports showed that 29 children under the age of 10 had been kidnapped in 2004, while in the first six months of 2005, 51 cases of rape of children under the age of 13 had been reported to the responsible office for crimes against women and children. These figures are, however, thought to be no more than the tip of the iceberg as both children and their parents often lack either the confidence or the knowledge to volunteer information to the police. This is particularly so in the rural areas. The NGOs and authorities concerned see a need for public awareness programmes to change these perceptions.

Reporting that trafficking cases are on the increase, Terre des Hommes emphasised the need for shelters for the treatment, rehabilitation and counselling of trafficking victims.

International trafficking

Tete Province is a transit route for traffickers and their victims. People from Asian countries, including Pakistan and Bangladesh, arrive through Kenya and Malawi where they are issued with forged visas for travel to Mozambique. They are met in Mozambique by agents of the traffickers and smuggled into South Africa either through Maputo and the Ressano Garcia border post to Nelspruit, or through Swaziland, where they are often issued with false passports or other travel documents.

Immigration officials have noted that there are many active human trafficking points in the area around Zobue and Tete. A stretch of the Ruvuma River on the border with Tanzania has been identified as a major trafficking point for people of Asiatic descent. Many of these had claimed to be Muslims and were travelling on forged South African passports, temporary permits, emergency travel documents and visas. Most of the forgeries had been done in Pakistan. Once they are inside Mozambique the victims can be smuggled into South Africa across open borders using local guides or across border posts by bribing immigration officers. In one case, a group of 17 Asians was driven at high speed

through the Ressano Garcia border post into South Africa. They were not stopped.

CURRENT LEGAL POSITION

Mozambican legal experts say that in terms of Article 18 of the country's constitution, the ratification of an international protocol makes it legally binding in the country. Until this happens, no specific charges of human trafficking can be laid as no legislation covers this crime. In particular, the Ministry of Women and Social Action feels strongly that there should be such legislation as the police are indeed encountering cases of trafficking, particularly of children and women who end up in other countries where they are forced into marriages, prostitution or servitude.

As well as legislation on human trafficking there is consensus among stakeholders that there should be legislation for the protection of children, which should consolidate all the scattered laws into a single statute whose provisions include the abuse of children through trafficking, labour, marriage, sexual offences, mutilation and extraction of organs and body parts. In this regard, a final report on the Legislative Review for the Protection of Children in Mozambique has been completed.

NGOs further believe that judges and lawyers should be briefed on issues related to the Human Trafficking Protocol, so that they are aware of the ramifications and effects of human trafficking in the SADC region.

CASE STUDIES

Case study 1: Girl sold as wife

A 13-year-old girl was picked up by a South African police patrol while she was sleeping under a bridge on a main road south of Johannesburg. She told the police that she had been living with her mother and three brothers and sisters in Maputo Province in southern Mozambique. In January 2005 she saw her mother and a truck driver negotiating outside their home. Little did she know that they were agreeing on a price for her. The driver, whom she came to know as James, then drove her away to South Africa.

While in South Africa, she slept with the truck driver at night and worked for him during the day. She was regularly forced to drink five litres of hot water containing salt, coffee and washing powder to 'clean out her stomach' or keep her from falling pregnant, and she was beaten if she did not swallow her drink fast enough. She was always locked up and was made to sleep on the floor of a small room at night and was fed only on porridge. Police took over the case for investigation. The girl had no passport and no money. When she was found, she was shaking, frightened and very hungry. She was traumatised and did not want any of the policemen to touch her. She panicked when a policeman tried

to help her out of the police van that had brought her to the station. When the police took her with them to try to find the house where the driver had kept her captive, she resisted, saying that James was a bad man and that she did not want to see him.

The police noted that it was common with the syndicates operating south of Johannesburg that traffickers would first force women to have sex with them to destroy their self-esteem and then sell them into prostitution or servitude.

Case study 2: Mareyane trafficking syndicates

The recruiters for trafficking syndicates operating along the borders between Mozambique, South Africa and Swaziland are mainly Mozambican and Swazi men, known as Mareyane. Their controllers are normally South Africans who may own minibuses (taxis) or have contacts among taxi drivers. The recruiters rely on their local knowledge and have contacts along the border to help them traffic women and girls into South Africa. Before they are helped across the borders on foot or by taxi, the women are promised jobs, education, a better life or marriage. At times they are robbed of their personal possessions and raped.

Some Mareyane not only traffic women but may also help with the smuggling of illegal immigrants, including men, for the job market. Cases have been reported of young boys being trafficked into paedophile rings. The syndicates are also involved in smuggling illegal immigrants from as far as Pakistan and China across borders with South Africa.

Once they are across the border, the Mareyane contact taxi drivers who collect the women and take them to safe houses in settlements along the border. From there the women are distributed, with some sold as wives and taken to the homes of their buyers where they are normally held in servitude, characterised by forced labour and physical and sexual abuse. They are rarely married in accordance with custom and have no way of refusing to be sold. The Mozambican authorities only learn about such cases when something happens to the women and officials of either country get involved in a repatriation exercise.

South African law enforcement agents on border patrols may arrest Mozambicans as illegal immigrants, whether or not they may be victims of trafficking syndicates. The persons so arrested are placed in holding camps and are later deported.

CHAPTER 6

Findings and Recommendations

FINDINGS

The purpose of this assessment was to discover facts and trends relating to different elements of human trafficking in South Africa, Zimbabwe and Mozambique. The assessment was carried out by interviewing people from law enforcement agencies, prosecutors, NGOs and immigration officials in the three countries under review. The focus of the interviews was on the profiles of traffickers and their victims, types of human trafficking, routes and volumes of trafficking, involvement of organised crime groups, law enforcement responses, related existing country-specific anti-human trafficking efforts, as well as on identifying gaps and needed additional interventions in combating human trafficking.

Although a good deal of new information and cases of human trafficking were discovered, conducting the research proved to be challenging as there was little first-hand information available, especially in Zimbabwe and Mozambique.

Key findings concerning the human trafficking situation in the three countries to which this assessment and report refer are summarised below.

- There are no official statistics on human trafficking in the three countries due to the fact that there is no legislation that focuses directly on human trafficking as a crime. No country was found to have any specific statistics, as statistics are registered under various other crimes in the absence of specific legislation related to human trafficking. Human trafficking is, however, rife in all three countries. Specific cases have been highlighted which are in line with the definition of trafficking as outlined in the Human Trafficking Protocol. The cases could not be dealt with as such by law enforcement agencies for the reason that there is no legislation in any of the countries that covers all the essential elements of trafficking. The cases were therefore dealt with under other offences which at times demanded that the accused be charged with several offences. The sentences for these offences are not commensurate with the requirements of the Protocol.
- The absence of legislation dealing directly with human trafficking makes it difficult for law enforcement and prosecution officials to identify and deal with this problem, and also affects the quality of the investigation and prosecution of what would be trafficking cases if the legislation were available.

- Mozambique and South Africa have signed and ratified the Human Trafficking Protocol, while Zimbabwe has still to do so.
- South Africa is a source and transit country for persons trafficked to Asia, Europe and North America. It is also a destination country for persons trafficked from West, Central and Southern Africa, the Horn of Africa and Asia. The country's economy is good and there is demand for sex workers and other labour, making it attractive for traffickers in the African continent and beyond.
- Mozambique and Zimbabwe are both source and transit countries for victims who are destined for South Africa, North Africa, Europe and North America.
- There is a need to improve cooperation between source, transit and destination countries in all cases of human trafficking and smuggling so as to enable law enforcement agencies to identify and deal decisively with human trafficking syndicates and their organised structures.
- There are no structured information-sharing and intelligence-exchange mechanisms for immigration and law enforcement officers in Mozambique, South Africa and Zimbabwe relating to the movement of illegal immigrants, human traffickers and trafficking victims. The fact that law enforcement and immigration officers are not sharing such intelligence presents an opportunity to traffickers, who themselves are highly organised.
- The three countries carry out operations to combat illegal immigration along their borders and to deport illegal immigrants – again with no coordination with other countries. Trafficking victims caught up in the operations are deported without any investigations being carried out. There is also no screening mechanism to differentiate between immigrants being voluntarily smuggled to seek greener pastures and those being trafficked for exploitation.
- Unemployment, poverty and hunger contribute to the prevalence of trafficking as people so deprived become vulnerable to recruiters. Families traffic their own family members and neighbours traffic their neighbours.
- Corruption within government structures and at ports of entry and exit is a major obstacle to the control of human trafficking. Traffickers are known to carry large amounts of money for the purposes of bribing officials.
- The destination of trafficking in the Southern African region is mainly South Africa. The routes used from Mozambique and Zimbabwe are through border posts by cargo trucks and buses or across undesignated crossing points on foot. From the Great Lakes region, the Horn of Africa, West Africa and Asia the routes used to South Africa may be through Tanzania, Zambia, Malawi, Mozambique or Zimbabwe. Traffickers bribe officials to facilitate border crossings or pay agents to lead victims across borders.
- The proximity of Mozambique and Zimbabwe to South Africa makes them the main sources of victims in the region.
- Female victims may be sold off to brothels or individuals to be exploited as strip dancers, prostitutes, for shooting pornographic material, or to be sold

off as 'wives' to migrant mining labourers. Male victims are trafficked mainly for cheap labour.

- Once victims have arrived in their countries of destination, their travel documents and tickets are collected from them. These may only be released after the trafficker has been compensated for all his expenses related to the recruitment, travel and other costs.
- Agencies in all three countries are collaborating with the UNODC, UNICEF, IOM and NGOs in law reform and capacity-building projects, advocacy work and other intervention measures.
- None of the countries has sufficient shelters for caring for victims. The few shelters available are being run by NGOs.
- Investigators (especially women) of human trafficking cases are often overcome by emotional stress when dealing with traumatised and abused children during investigations. They tend to look at the cases from the viewpoint of a parent, brother, sister or even a former victim if they have themselves previously been abused.

RECOMMENDATIONS

The following recommendations apply to all three countries.

- Legislation with a regional outlook and formulated within the framework of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially of Women and Children is needed as human trafficking is normally a cross-border problem.
- Capacity building is required to broaden knowledge of the problem, to demystify human trafficking and to differentiate between human trafficking and human smuggling.
- Shelters are needed for victims who require medical treatment, rehabilitation and counselling. Time and trust are needed for victims to be encouraged to release information about their experiences.
- States should not rely on NGOs but should fund their own programmes to combat human trafficking.
- States should bridge information gaps by sharing information with neighbouring countries.
- States should establish contact points or units at a national level to coordinate the activities of agencies involved in human trafficking matters.
- The national contact points should be regionally coordinated for information on human trafficking to be exchanged. A regional database should also be established and linked to ports of entry and exit to provide intelligence on the movements of suspected traffickers and their victims.
- States should be encouraged to formulate domestic legislation within the framework of the Human Trafficking Protocol.

- States that have not ratified the Palermo Convention and the Human Trafficking Protocol should be encouraged to do so.
- Further research should be undertaken in other countries in the region for a clearer picture of the problem.
- Stress management should be part of the training of officers working on human trafficking cases in general, and particularly on cases of sexually abused and exploited women and children.

Endnotes

- 1 Available at <http://www.state.gov/g/tip/rls/tiprpt/2005/>.
- 2 Interviews with the Mozambican officials indicate that the women would have been deceived to go to South Africa on the pretext that they would be offered jobs. The traffickers would sell them if they cannot pay for their trafficking.
- 3 Extracts from interviews with the police.
- 4 This condition has been found in at least two other victims in Mozambique and Zimbabwe. Traumatized victims seem not to remember everything about their abuse. They remember incidents piecemeal. During every subsequent interview, they may remember yet another thing which is crucial to the case to the extent that they may even surprise their interviewers.
- 5 This case was extensively reported by the *Pretoria News*, 8 April 2003.
- 6 IOM, *Eye On Human Trafficking*, Issue 2, May 2004.
- 7 Available at <http://www.state.gov/g/tip/rls/tiprpt/2005/>.
- 8 IOM, *Eye On Human Trafficking* Issue 7, July 2005.
- 9 As at 11 November 2005.
- 10 Interviews with Immigration and Border Control employees.
- 11 Available at <http://www.state.gov/g/tip/rls/tiprpt/2005/>.

APPENDIX

Questionnaire

Situational Assessment on Trafficking in Persons

USE OF TERMS:

For the purposes of this study, 'trafficking in persons' shall be defined in the same manner as it is defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Organized Crime, i.e.:

- (a) The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of 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, servitude or removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) 'Child' shall mean any person under eighteen years of age.

Purpose of questionnaire

The purpose of this questionnaire is basically to collect information on the phenomenon of trafficking in persons, particularly as regards the profiles of traffickers, including organised crime groups, crime trends, law enforcement responses, and related country-specific anti-human trafficking efforts. The questionnaire will also assist to identify persons, offices and organisations with whom the UNODC and SADC can relate on matters relevant to the assessment. Any cases in which the *modus operandi* falls within the above definition, although they may have been dealt with under one or several other legislations, in the case where there is no legislation on trafficking in human beings should for the purposes of this exercise only, be considered as 'trafficking in persons'.

QUESTIONNAIRE

- 1) Department and its responsibilities.
- 2) Number of cases meeting the above criteria dealt with by the department in the last 12 months.
- 3) Out of the above, how many were cases involving people being trafficked within the country?
- 4) Methods used in these trafficking cases (transport, concealment, routes, etc.).
- 5) How many were cases of persons being trafficked to destinations outside the country?
- 6) Methods used in these cases (transport, concealment, routes, etc.).
- 7) State countries whereto the persons were being trafficked.
- 8) How many were cases of persons being trafficked from other countries into your country?
- 9) Methods used in these cases (transport, concealment, routes, etc.).
- 10) State countries from where the persons were being trafficked.
- 11) Reasons for trafficking (quantify) in number of cases, e.g. prostitution, forced labour, slavery/servitude or the removal of organs or body parts.
- 12) Were the traffickers operating in an organised manner (please state how)?
- 13) Profile of traffickers (description of the organised groups and how organised).
- 14) Legislation used in prosecuting/charging the traffickers.
- 15) Does the country have legislation directly concerned with trafficking in human beings?
- 16) Please list the legislation.
- 17) Are there any additional intervention measures required, nationally, regionally, internationally to combat trafficking of persons? Please state.

- 18) Has the country signed and ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially of Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime?
- 19) Has your department encountered cases of money laundering related to human trafficking?
- 20) If so, how much was involved?
- 21) Is there any cooperation at regional/subregional/bilateral level on issues of human trafficking?
- 22) In what areas is there cooperation? (State whether judicial, law enforcement, financial regulatory authorities, etc.)
- 23) Are there any exchanges of information/intelligence on this matter at regional/international level? Also state whether the methods used are effective.
- 24) State any other responses to the problem of human trafficking which you would like to see the region engaging in.

