

THE EFFECTS OF HUMAN TRAFFICKING ON VICTIMS: A CASE STUDY OF THREE AREAS IN THE GAUTENG PROVINCE, SOUTH AFRICA

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Abstract

Human trafficking is a serious crime and a grave violation of human rights; almost every country in the world is affected by trafficking, whether as a country of origin, transit, or destination for victims. This article explores the effects of human trafficking on victims. This study utilised a phenomenological qualitative framework following semi-structured interviews. The sampling methods adopted for this study were purposive, using snowball sampling, where the authors could identify the samples, one after the other, through references given earlier. It focused on 37 participants from the Directorate for Priority Crime Investigation (DPCI), the South African Police Service (SAPS), the Department of Home Affairs (DHA), the Department of Social Development (DSD) and the Gauteng Provincial Office, from Pretoria, Springs and Kempton Park. Three themes emerged from the data analysis and these were, physical and psychological scars; multiple abuse over an extensive period; and trafficking weakens ties of parental affection and/or a family, undermines extended family relationships and decreases the family's influence and control over the child. The findings indicated that the victims suffered from physical, psychological and spiritually-related illnesses. Based on the findings, the author recommends improved, user-friendly platforms and multi-disciplinary units dealing with human trafficking within the criminal justice system (CJS). Furthermore, the study recommends psychological and social approaches in the prevention of human trafficking and psychosocial restoration of victims. Suggestions for psychological and social approaches, as far as prevention and psychosocial restoration for victims as survivors, are presented. The authors of this manuscript are of the view that successfully assisting vulnerable populations to protect themselves should be the focus of future research.

Keywords: Human trafficking, Human rights violations, Migration laws, Victims, Criminal justice system

1. INTRODUCTION

Human trafficking is not a new problem in South Africa and statistics have indicated that it is on the increase (Motseki, 2018). Aba (2016) notes that the crime of human trafficking is clandestine and complex. Emser (2013) postulates that human trafficking is a complex issue that can be considered from different perspectives and its associated legal framework, in very general terms, states will be responsible for their own acts or omissions that breach their obligations under international law, including human rights law. Connell (2012) concurs that responding to human trafficking should be treated as human right South Africa. The researchers are of the view that human trafficking is a worldwide problem and, undoubtedly, a South African issue. The damage it causes and the criminal systems it sustains work inside an unpredictable arrangement of intensity connections that have the interest for sexual services, both unlawful and lawful, at their root. The human trafficking discourse, whose beginning might be traced back to the last quarter of the nineteenth century and the implied 'white slave exchange' has been restored and rehashed in the cutting edge time (Emser, 2013; Genesis 37 as cited in Mofokeng and Olutola, 2014; Motseki, 2018). Contemporarily, it is argued that human trafficking is prevalent in Southern Africa, but on the rise in South Africa. However, the accuracy of several assertions on the phenomenon is hard to prove with any certainty as reliable data is sketchy (Chiumia & Wilkinson, 2013; Frankel, 2016; Kruger, 2016; Bello & Olutola, 2020). There are no reliable official statistics on human trafficking in South Africa (UNESCO, 2007; Mofokeng & Olutola, 2014:115). Since human traffickers endeavour to avoid recognition by concealing their victims from general visibility, trafficking statistics likely underrepresent the quantity of trafficking victims. Traffickers will, in general, target defenceless populaces from underestimated networks. Anybody could become a victim of trafficking (UNESCO, 2007; Mofokeng & Olutola, 2014).

2. PROBLEM STATEMENT

The egregious and devastating impact of human trafficking engendered the United Nations Organisation (UNO) to introduce legal standards that aim to criminalise the heinous crime on a global scale (Bello, 2015:vi). South Africa, being a signatory to the Palermo Human Trafficking Convention, ratified it and has taken radical steps

to domesticate some of the provisions of this law (Palermo Convention) by introducing a comprehensive law on human trafficking, namely the Prevention and Combating of Trafficking in Persons Act (7 of 2013). Human trafficking and counter-trafficking in South Africa stay under-concentrated from all points of view. In-depth understanding and comprehension of the problem, as well as efficacy and the effect of reactions, are required to plan viable policies and techniques. Understanding the human trafficking and role players associated with counter-trafficking, their cooperations and their modus operandi (MO) is important as this assists South Africa in developing strategies for handling the human trafficking crime. There is a gap in the literature on preventing and combating human trafficking in South Africa.

The different ways to deal with fighting human trafficking are moderately new to the CJS in South Africa. In certain occurrences, this has resulted in the mishandling of trafficking cases, with the victims of the crime being arrested and treated as criminals (Erez, 2010). In addition, it destroys the trust required for compelling joint effort in the investigation and prosecution of the offenders. It additionally revictimises and derides victims in the process. Hoshi (2013:1) explains that the experiences to which victims of human trafficking are subjected cause severe and enduring psychological trauma. Unaccounted thousands of victims of human trafficking for sexual, forced labour and different types of misuse in South African are yet to be known (Motseki, 2018).

3. LITERATURE REVIEW

Limited research exists on the actual effects suffered by victims of human trafficking (Hoshi, 2013; Trafficking in Persons Report (TIP Report), 2010; 2011; 2012; 2013; 2014; 2015; 2016; 2017; 2018; Warpinski, 2013) although scholars concur that human trafficking is a growing phenomenon in South Africa, despite a lack of official statistics (Connell, 2012; Mofokeng & Olutola, 2014). This paper provides an overview of the effects of victims of human trafficking and the practical implications of related relevant stakeholders in the areas of responding adequately to minimise traumatic maltreatment and secondary victimisation (Hossain, Zimmerman, Abas, Light & Watts, 2012; Moore, 2006; Warpinski, 2013). First, this section provides a brief overview of the previous studies regarding causes and consequences that have been identified, as well as the gaps in the literature that exist and how the current study seeks to fill that gap. The consulted literature indicates that a high demand drives the high volume of supply; increasing demand from consumers for cheap goods incentivises corporations to demand cheap labour, often

forcing those at the bottom of the supply chain to exploit workers (Bello & Outola, 2020; Burke, 2017; Dragiewicz, 2014; Enrile, 2018; Gallagher, 2011; U.S. Department of State, 2018). Secondly, increased demand for commercial sex – especially with young girls and boys – incentivises commercial sex venues including strip clubs, pornography and prostitution to recruit and exploit children (Bucher, Manasse & Milton, 2015; Monto & Milrod, 2013; Shively, Kliorys, Wheeler & Hunt, 2012; Spencer & Broad, 2012). Lastly, systemic inequalities and disparities make certain groups much more vulnerable to exploitation (Bales, 2012; Duvel, 2014; Wheaton, Schauer, & Galli, 2010). Mass displacement, conflict, extreme poverty, lack of access to education and job opportunities, violence and harmful social norms like child marriage are all factors that push individuals into situations of trafficking (Campana, 2015; Spencer & Broad, 2012; Mofokeng & Olutola, 2014).

The consequences of human trafficking are that families living in extreme poverty or families in situations of desperation are more likely to accept risky job offers. When girls are not allowed to learn, parents are more likely to sell their daughters to men for marriage. Ultimately, harmful social norms and systemic inequity fuel trafficking because traffickers target vulnerability. Traffickers look for people living in poverty, those who are desperate, those without legitimate job options, those without educational opportunities and the those looking for a way to escape violence (Gould, Richter & Palmery, 2010; Naramore, Bright, Epps & Hardt, 2017; International Labor Office (ILO), 2014; Kimberly, Finkelhor & Wolak, 2010). Previous research focused more on quantification of the problem (Gould, 2010a, 2010b; Qaba, 2007) instead of trying to quantify the problem in terms of the number of human trafficking victims. Previous research thus describes human trafficking as a growing phenomenon and the authors of this study question such views, since any assessment of an increase in human trafficking is impossible to quantify, except in general terms. Thus, the authors of this study make an attempt to bridge the gap by focusing on vulnerability of victims, as this approach will enhance the human rights component of trafficking prevention policies. Reasons for this include differences in national definitions of the crime of trafficking, as well as of who constitutes a victim of trafficking, along with a lack of consistent, reliable and comparable data. Both crime prevention and reduction of vulnerability are valid approaches to combating human trafficking and each calls for different dynamics in policy and programme planning. A focus on vulnerability will enhance the human rights component of trafficking prevention policies.

3. METHODOLOGY

This study utilised a phenomenological qualitative framework following semi-structured interviews. The goal was to gain a deeper understanding of the nature of everyday experiences as well as amplify the voices of participants and one survivor of human sex trafficking. The sampling methods adopted for this study were purposive and snowball sampling was utilised, where the authors could identify the samples, one after the other, through references given earlier. It focused on 37 participants of which four were from Directorate for Priority Crime Investigation (DPCI), who held the ranks of Captains and Lieutenants and were all males. The SAPS constituted of 24 participants from Pretoria, Springs and Kempton Park, with the ranks of Constables, Sergeants, Warrant officers, Lieutenants and Captains. Participants from the SAPS constituted of eight females and 16 male officers. From the Department of Social Development (DSD), two male officials were interviewed from head office in Pretoria, holding positions of Assistant Director: Coordinator of the anticipation fighting of the trafficking in persons and Director: Coordinator of social crime prevention and one female, whose position was Social Work: Trafficking in Persons Coordinator.

In terms of Department of Home Affairs (DHA), five officials were interviewed, of which three were females and two were males. Three hold positions of Deputy Director: Analysis, one is Assistant Director: Immigration Service and the other Assistant Director: Tracing and Monitoring. These participants had between 24 and 34 years of experience from selected government departments including one female survivor of domestic human sex trafficking, after one year of being separated from the trafficker and leaving the commercial sex industry. All participants of this study participated in a semi-structured interview, taking approximately 45 minutes. All interviews were undertaken with the informed written consent of participants. Confidentiality and anonymity were maintained through the secure storage of data in password-protected computers and under lock and key and by using pseudonyms or generic summarisation of the data. Ethical clearance was obtained from the Tshwane University of Technology (TUT) and permission to conduct this research was obtained from all the participating departments. Only one interview was conducted with a victim of human trafficking in the course of this study. Data saturation was achieved in terms of the thematic analysis of challenges experienced by participants in responding to the needs of victims and challenges faced by victims of human trafficking during investigations, trial and post-trial phase and understand the challenges that hinder improved strategies and methods when

dealing with victims of human trafficking. There are also potential limitations in terms of the generalisability of the findings.

5. PRESENTATION AND DISCUSSION OF FINDINGS

Data interpretation was done with the goal to find how the SAPS, DPCI, DSD, DHA and survivors of human trafficking understand the effects of human trafficking. It also sought to explore the challenges faced by victims of human trafficking during investigations, trial and post-trial phase and understand the challenges that hinder improved strategies and methods when dealing with victims of human trafficking. The following three themes emerged, namely physical and psychological scars; multiple abuses over an extensive period; and trafficking weakens ties of parental affection and/or a family and these themes are discussed below.

5.1 Physical and psychological scars

The findings revealed that the majority of the participants concurred that victims of human trafficking grappled with psychological as well as physical scars. It also emerged from the results that while proper procedures and best practices were followed through medical treatment, with an attempt to restore survivors' physical health and relieve the traumatic experience, many continue to grapple with emotional wounds long after their bodies heal. The majority of participants concur that victims displayed, one way or another, some symptoms associated with psychological challenges, such as, but not limited to nervousness, dejection, post-traumatic stress disorder (PTSD), panic disorder or attacks, complex post-traumatic stress disorder (C-PTSD) and for some, Stockholm Syndrome. In support of this, some of the participants gave the following responses:

Some, if not many, of survivors need medical attention, not because they were sick per se, but due to craving of illicit drugs. These victims fight a losing battle as they were introduced to substance abuse because by their traffickers, who got them addicted to drugs in order to maintain their compliance and dependence (Participant 1 from DPCI).

Many victims find it difficult, to cooperate with the local law enforcement agencies as they often treat them like criminals. That added an element of trauma as these victims still feel some level of coercion to cooperate (Participant 3 from the SAPS).

The responses above highlighted that victims of transnational crime experience 'double jeopardy'; they suffer first in the hands of perpetrators, with everlasting psychological effects and, secondly, in the hands of the law enforcement agencies, due to the treatment and negative attitude displayed towards them. Research indicates that victims of trafficking may also face legal consequences (Mofokeng & Olutola, 2014). As often as possible, when victims of human trafficking are in the hands of nearby law enforcement officials, they are accused of infringement of laws; hence, they are treated not as victims, but as criminals (Erez, 2010). According to Erez (2010), "while internationally they are seen as victims, locally they may be treated like criminals". The consequence of the illegal acts is that these victims are often given names such as 'bad girls', which reduces the dignity and the rights they are entitled to by virtue of being humans. It is argued that since the idea of the injuries brought about by human trafficking is basically a complete denial of decision and self-assurance, investigators must, to the degree practicable, offer decisions to victims by the way they wish to take part (Hossain, Zimmerman, Abas, Light & Watts, 2010; Warpinski, 2013).

The United States Department of Health and Human Services Administration for Children, Youth and Families (ACYF) (2013), implies that while dealing with victims can be provoking prosecutors to work with, by denying them of voice, decision and approval, even appointed authorities perceive that investigators deceive them once more. In this manner, survivors of human trafficking are constantly, gone up against with exploitation, both with the culprits, just as with the CJS. One key methodology inside this class manages modification of the marking and wording the examiners use to allude to victims. Victims must be named as victims, not crooks; hence, references to victims as "youngster whores," "trouble makers" and so forth is just unsafe to the casualty's respect and the believability of her record of what occurred (Warpinski, 2013).

The attitude of the CJS officials, such as prosecutors and police officials, often paints a picture of deportation to the victims, as these victims are being sent back to the country of origin, which has a long-term legal effect on the victims' ability to travel again to a particular country (Lalor & McElvaney, 2010). Even if they are willing to testify, the name-calling, become clear that these victims returned to their country of origin, after the trial has ended. Some countries, unlike South Africa, however, are creating procedures and regulations that would allow victims to apply for permanent residency through their status as trafficking victims. The implications for the service providers, such as safe homes where the victims are kept, as well as handlers, or caregivers, should be made aware of the interrelated emotional trauma

as well as health consequences that result from trafficking experience (Moore, 2006).

The absence of a system identifying with making mindfulness is one of the issues standing up to all stakeholders. Awareness is done at the wrong places and at the wrong times. The way it is done is not targeting the potential victims of human trafficking. The participants also highlighted that some of the MO employed by the traffickers included depriving victims of essential necessities such as water and food in an attempt to subject victims to mental breakdown. Other MO utilised was to target young women from 13-26 years; that is, young women who are still at secondary school or tertiary education. If awareness is done during the week at the malls and taxi ranks, it will not reach the impact level as the potential victims are not found at those places. Some of the comments were as follows:

“The main strategy is awareness campaigns at the farms, shopping malls during the week, shopping complex and road shows, and the legislation, before there was no Act dealing with human trafficking, in 2015 the President signed into law the Act 7 of 2013” (Participant 5 from the SAPS).

“We (DHA) conduct disruptive operations, where we target certain areas where we feel human trafficking is taking place. We conduct also awareness campaigns at the Bus stops, distribute pamphlets, visit refuge areas, we do go to the borders gates. We also have the hotlines which is open to the public. The hotline focuses on human trafficking and smuggling” (Participant 6 from the DHA).

5.2 Multiple abuses over an extensive period

When asked what other challenges confronted victims of the transnational crime, the majority of the participants concurred that victims were not afforded the opportunity of self-protection, if subjected to sex trade, in the form of the use of condoms or other methods of birth control. Therefore, these victims might face the risk of contracting, amongst others, sexually transmitted diseases (STDs), gynaecological problems, unwanted pregnancies and probably even miscarriages. It also emerged from the findings that some law enforcement officials, over time, become aware of these practices that victims are subjected to and there was no attempt to intervene, due to corrupt practices. Some said:

“Corruption is very rife within the human trafficking environment; police are involved in corruption a lot, because they protect the traffickers not to get

caught. Some officials from the DHA, allow illegal immigrants to enter our borders gates, airports and seaports, without taking any legal steps against perpetrators at all. Some of the immigration officers are also corrupt and protect those who do not have proper documents to enter South Africa. Some of the officials from the DSD also 'sell' or hand over the victims back to the traffickers after they were rescued from the trafficking ring” (Participant 2 from the DPCI).

“Corruption in the case of home affairs is a problem. Police officers are friends with traffickers; they tip traffickers about the operation of the police. Immigration officers should undergo security clearance and vetting when they are being employed”. “If we don't root out corruption, then this scourge will continue to increase in South Africa. This has to be thoroughly investigation with the collaboration effort of all relevant stakeholders” (Participant 7, 9, 12 and 15 from the DHA, the SAPS and DSD).

One victim relates the trauma she went through and said:

“When I was trafficked my rights were undermined by the traffickers, I was raped, forced to use drugs and to sleep with different men without being given food or proper medication. I was isolated from my family and loved ones for eight years. In process of this, I got infected by different diseases and some men forced to sleep with me without protection and if they paid more money then traffickers allowed it without taking into considerations my health or sexually transmitted diseases” (Victim – only one victim interviewed).

The responses above paint a bleak picture, as the participants highlighted that corrupt practices are prevalent within the CJS. Corrupt practices, together with the negative treatment or maltreatment of victims, undermine the basic human rights and dignity of victims. The implications are that secondary victimisation is activated whenever victims experience dehumanising experiences in the custody of perpetrators, which is not limited to sexual assault. Many victims still experience a range of psychological, spiritual and physical emotional reactions, including severe stress and depression. The perceptions and reactions by the victims after bad experiences at the hands of their protectors becomes an obstacle for stakeholders to succeed in the quest to reduce challenges brought by transnational crime. Perpetrators are well informed of the operations of the law enforcement agencies. These intelligence-led operations enable the perpetrators to identify those police and immigration officials who assist them in harbouring, transporting and kidnapping the victims (Mofokeng & Olutola, 2014; Motseki, 2018).

5.3 Trafficking weakens ties of parental affection and/or a family

When asked what the characteristics of an ideal family setting are, it emerged that the majority of participants from the DSD and the SAPS concurred that although the definition of family has taken many forms, especially in recent years, they accepted that the traditional family of a father, mother and children, with the children benefiting from direct parenting is normally successful in producing caring, loving, responsible children. It also emerged that participants observed that human trafficking places enormous stress on the family, some of which can lead to the dissolution of the family structure, causing fear, anxiety and feelings of grief and loss and the inability of the family to function normally, which can spill over to the next generation.

It emerged that the majority of participants agreed that foundational premises of family-centred practices within the DSD are to implement a service plan with victims of human trafficking. Those victims who come to the attention of the DSD officials should experience an environment that assures them of their safety and security, just as that provided by a normal and functional family. The participants further elaborated that within an ideal family setting, love, security and a sense of belonging are the cornerstones. However, victimisation brought about by transnational crime invokes a broken family system. It emerged further that participants concurred that the effect of human trafficking on a family has many different aspects and many far-reaching results. Some said:

Fear and loss of a loved one is traumatic to the entire family. Recovery of the victim becomes the overriding mission of the family and normal life is suspended, affecting all family members (Participant 11).

The effect on families of persons who are trafficked, with the possibilities that the victims' organs can be harvested is devastating to family members. The loved one and often breadwinner disappears never to return. The emotional, physical, and financial loss often spells ruin for the family (Participant 23).

The responses above highlighted the importance of the family, as well as the trauma family members are subjected to if one of their loved ones is either kidnapped or goes missing without trace. Research indicates that survivors of human trafficking often experience symptoms of post-traumatic stress disorder, which can include nightmares, involuntary memories, negative changes in mood and

avoidance. Avoidance and the repression of their trafficking experience creates an underlying atmosphere of anxiety and stress in the family and has a psychological effect on the next generation (Clawson & Grace, 2007; Kiss, Pocock, Naisanguansri, et al., 2015; United Nations (UN), 2004:41-52). Children of human trafficking victims often display an anxious disposition, are prone to externalise anger and have behavioural problems at school. Trafficking victims often are overprotective, controlling and demanding of their children, which places children in a constant situation of stress and anxiety (Kiss & Zimmerman, 2019).

6. CONCLUSION AND RECOMMENDATIONS

This paper, through its findings, succeeded to provide an overview of the effects of victims of human trafficking and the practical implications for relevant stakeholders in the areas of responding adequately to minimise traumatic maltreatment and secondary victimisation. Against these findings, it is essential that all relevant stakeholders should make attempts to service the victims of trafficking in a way that recognises their fundamental human rights. The Constitution of the Republic of South Africa, 1996, afforded fundamental rights such as protection, justice and support to a minimum, to every inhabitant within South Africa. It is, therefore, recommended that the CJS, in collaboration with relevant role-players, work on prevention of secondary victimisation of victims amongst other best practices to be adopted. It is an obligation of the entire CJS, in collaboration with relevant role-players, that a safer environment, which creates a feeling of safety and security, is seen to be supported by policies, as well effective implementation of such. Policies can only be of benefit to people when mechanisms or systems are put in place and monitored by a competent oversight body.

In conclusion, this paper highlighted evidence that indigenous strategic solutions, which reduce exploitation and abuse, are lacking and the way to reduce secondary victimisation of victims has a long way to go for the CJS. The authors of this manuscript are of the view that successfully assisting vulnerable populations to protect themselves should be the focus of future research. Prevention from harm is not possible without an understanding of what makes victims vulnerable to violence, abuse and exploitation in the first place. While the broad concept of prevention exists as part of the normative framework of many countries, viewing prevention models in terms of their relationships to the social, cultural, economic and political vulnerability of certain populations or groups to being trafficked has been largely neglected in practice.

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