

# **Trafficking in Children in the Western Cape Province**



**A report by Molo Songololo**

**Trafficking in children in the Western Cape Province - South Africa**

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*Girls are particularly vulnerable*

## About Molo Songololo

Molo Songololo is a non-profit child rights organisation that strives to advance children's rights to ensure their protection, development, survival and participation through education, training, lobby, advocacy, and support services.

The organisation was established in 1979 to combat apartheid policies, racial segregation and oppression; and to advance the rights of the child, expose the plight of children and pioneer interventions for their protection.

Molo Songololo embraces a child participation and empowerment approach creating interaction, dialogue and learning amongst children to breakdown racial and cultural barriers

The organisation's pioneering work and history reflects the development of the rights and protection of children in South Africa from an apartheid state to a free and democratic country.

Molo Songololo believes that children have a right to participate in decisions and actions concerning them; and that children who know their rights and responsibilities are better able to protect themselves.

Key concerns for the organisation include increase levels of human rights abuses and crimes being committed against children; lack of services for the protection, support and development of children, and their families; increase in abuse of substances, delinquency, school drop-out, teen pregnancy, sexual assault and exploitation of children, and the impact of HIV/AIDS on children.

### **Molo Songololo's programmes and activities are focused around the following focal areas;**

- Child rights and responsibility education for children / young people
- Life-skills education and training for children / young people
- Child participation in law and social policy reform, social actions and awareness and educational campaigns.
- Advocacy for the rights and protection of children in difficult circumstances (child trafficking, child prostitution, child labour, etc.)
- Lobby for the reform of the law and policy development for child protection.
- Education and training on the rights of the child and trafficking in children for service providers; including SAPS.
- Rescue, exit, healing and recovery support and assistance for victims of trafficking in persons and sexual exploitation (including child prostitution)
- Research, data collection and dissemination – trafficking in children
- Public awareness and community mobilization

## Structure of the report

### Section 1

Provides a brief description of the rationale, collection methods, and sites, profile of the province and principal findings of the report.

### Section 2

Provides a description of available information on trafficking in children in South Africa that has been published to date. It highlights the key features of trafficking in children, especially with regard to trafficking in children for sexual exploitation. It provides information on patterns and trends in respect of cross-border and internal trafficking in children.

### Section 3

Provides a brief overview of legal measures in respect of child labour, child sexual exploitation, especially for commercial purposes as well as legal measures for children's protection that are currently in existence. It also gives details of proposed legislation in respect of trafficking in children. The section also provides details of international child rights-based instruments that South Africa has agreed to and focuses on its provisions as it relates to trafficking in children.

### Section 4

Provides information on trafficking in children and child labour in the Western Cape. It also provides information on child labour in South Africa generally. In this section the information collected during interviews are also recorded.

### Section 5

Looks at the results of the questionnaire, which was administered to one hundred and seventy respondents. All of these respondents are service providers either in the government or non-government sector. These respondents were also participants in multi-sectoral workshops conducted by Molo Songololo and focus group discussions were held with them as part of the administration of the questionnaire.

The section highlights that knowledge about trafficking in children and children's vulnerability to exploitative labour situations are generally low. An important finding is that knowledge is lower among non-government providers although they are often the first point of contact. The results of the focus group discussions with children are also included in this section.

### Section 6

Contains policy proposals for intervention as well as concluding remarks. Three appendices also appear in this report. The first is a list of interviewees. The second the English version of the questionnaire and the third a report of training workshops conducted with police officers within the greater metropolitan area of the City of Cape Town.

# 1 Overall Introduction

## 1.1. Introduction

This report seeks to extend our understanding of the manifestation of trafficking in persons and in particular that of trafficking in children in the Western Cape Province. It is part of Molo Songololo's ongoing contribution to increasing our knowledge of trafficking in children.

Molo Songololo has had a specific focus on trafficking in children and has designed programmes to create interventions for victims of trafficking since 2000. To facilitate this work and give it particular focus the organisation has adopted the United Nation's definition of trafficking in persons<sup>1</sup>.

The definition is provided in Section 3, of this report. Important aspects of the definition are:

- Trafficking in children involves the way a child is removed from her or his usual environment and subsequent exploitation by others that violates the child's human rights.

As per the United Nations' definition it includes "the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat of force or other forms of coercion, of abduction, fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

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

The "consent" of a child is irrelevant if any of the following means above has been used to remove the child.

There are a number of exploitative situations that might constitute trafficking in persons. The removal of a child that results in that child being exploited in any of the following situations will always constitute trafficking in persons:

- Exploitation of the prostitution of others (i.e. the use of a child in prostitution)
- Other forms of sexual exploitation (for instance child pornography)
- Forced labour or services
- Slavery or practices similar to slavery
- Servitude
- The removal of organs

<sup>1</sup> As provided in Article 3 of the Supplementary Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially Women and Children (2000)

Earlier studies<sup>2</sup> have focused nearly exclusively on trafficking in persons for sexual exploitation and have provided us with valuable information regarding trends and patterns in trafficking in persons both inside South Africa and across its borders.

This report's geographical focus is restricted to the province of the Western Cape and focuses primarily on trafficking in children for labour purposes.

The focus and substance of this report was largely determined by available information and information gathered from participants during multi-sectoral sensitisation workshops and focus group discussions with children. The locations from where information was collected, mainly the rural areas; also determined the focus to be trafficking in children for labour purposes.

This is an exploratory study and asks six separate questions about the phenomena and makes policy proposals that will assist in combating these practices that violate children's rights to dignity and to grow up in safe and stable environments. The questions it asks are:

- Why does trafficking in children and child labour exist in the Western Cape?
- What are the factors that influence the manifestation of child labour and trafficking in children?
- What makes some children more vulnerable to child labour and trafficking in children?
- What creates the demand for child labour?
- What knowledge, understanding and attitudes do service providers in the vulnerable communities have and how would this influence or impact on intervention strategies?
- How do law enforcement officers understand the phenomena and how does their understanding(s) influence or impact on responses to child labour and trafficking in children? This is outlined in Appendix B.

The last of these is the result of workshops conducted with police officers in the greater metropolitan area of the City of Cape Town. The workshop format and outcomes of the workshops are provided in Appendix B.

A combination of data collection methods was to gather information. These are:

- Focus group discussions with teenagers in the selected sites
- Focus group discussion with nine teenage girls in Murraysburg, some of whom had been trafficked as child domestic labour
- Interviews with service providers responsible for implementation
- Interviews with girl victims of trafficking in children
- Focus group discussions conducted during multi-sectoral workshops
- A questionnaire on knowledge and attitudes administered to government and non-government service providers

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<sup>2</sup> See for instance: Molo Songololo: **Trafficking in Children for Purposes of Sexual Exploitation – South Africa: A Report** (Cape Town, 2000), Molo Songololo: **Trafficking of Women into the South Africa Sex Industry** (Cape Town, 2000), ECPAT: **The Commercial Sexual Exploitation of Children in Southern Africa** (2001), K. Koen and B. Van Vuuren: **Children in Domestic Service: The Case of the Western Cape** (Terre des homes -Switzerland, Basel, 2002,) International Organisation for Migration: **Sex, Slavery and Seduction: Trafficking in Women and Children in Southern Africa** (Pretoria, 2003)

**Trafficking In Children In The Western Cape Province – South Africa**

Five sites were selected for data collection. These were:

- The Cape Metropolitan area, which was divided into north and south
- The Breede River Valley in the Boland, which includes areas such Worcester, Rawsonville, De Doorns, MacGregor, Tulbagh and Robertson
- The southern Cape, which includes, Cornville, George, Knysna, Oudtshoorn, Riversdal and Plettenberg Bay
- The Cedarberg, which includes Citrusdal, Vredendal, Saldanha Bay and towns on the West Coast
- Beaufort West, which includes, Leeugamka, Richmond, Victoria West and Murraysburg



## Profile of the Western Cape

<b>Capital</b>	Cape Town
<b>Politics</b>	ANC led provincial government
<b>National importance</b>	Cape Town - National parliament, Major Port City and makes a substantial contributes to the national gross domestic product
<b>Population</b>	4 740 981 (2003 estimates)

The Western Cape is situated on the southern-most tip of South Africa and the African continent. It is a region of majestic mountains; beautiful valleys; wide, sandy beaches; and breathtaking scenery. Cape Town International Airport and Table Bay Harbour is linked to a major road and rail network transporting goods and people throughout the province and into the rest of the country and continent.

Important towns in the province include Saldanha Bay, a notable harbour for iron exports and the fishing industry; Worcester and Stellenbosch in the heart of the wine lands; George, renowned for its indigenous timber and vegetable produce; Oudtshoorn, known for its ostrich products and the world-famous Cango Caves; and Beaufort West on the dry, sheep-farming plains of the Great Karoo.

### Agriculture and marine fishery

The Western Cape is rich in agriculture and fisheries. Primary industries, i.e. agriculture, forestry and fishing, and mining and quarrying contributed 5,4% to the Gross Domestic Product (GDP) of the province in 2002, which translated to R7 287 million (Gross Domestic Product per Region (GDPR), 2002).

The agricultural sector plays a key role as an agent of growth, accounting for more than 9% of provincial employment, more than 55% of all South African agricultural exports, and 23% of the national agricultural contribution to GDP.

### Industry

The Western Cape economy contributed 14,2% (at current prices) to South Africa's GDP in 2002 and grows at an average 3,3%, which is higher than the national average. The tertiary sector, which involves finance, real estate, retail and tourism, has shown tremendous growth and is the main contributor to the Gross Geographical Product (GGP).

Major insurance, petroleum, energy, information and communication technology and textile companies, and banks are based in the province and operations are being expanded to the rest of the country and other countries. The clothing and textile industry remains the most significant industrial source of employment in the province.

## Tourism

The tourism industry in the Western Cape contributes 14% to the total GDP of the province and is the most important growth force in the province. In 2003, more than nine million overseas tourists visited the Western Cape.

## Population

More than 4,7 million people live in the Western Cape on 129 370 km<sup>2</sup> of land (*Mid-Year Estimates, 2003*). The majority of the population is Afrikaans-speaking, while the other main languages are Xhosa and English. The Western Cape has the highest adult-education level in the country, with only 5,7% of people aged 20 years or older having undergone no schooling (Census 2001). The province has a strong network of higher education institutions.

The official unemployment figure for the province is 20,6% (*Labour Force Survey, September 2003*). This was somewhat lower than the national unemployment rate of 28,2% in 2003.

## Children

According to Stats SA's 2003 estimates, there are about 1, 747 819 children between 0-19 years of age in the Western Cape, with the lowest infant mortality rate and under-five mortality rate at 32.0 and 46.3% respectively. Major causes of death include common preventable diseases and poverty-related conditions such as HIV/AIDS, accidents, homicide and other forms of risk-taking behavior. Amongst teens suicide is on the increase.

School enrollment is high, but the province experiences a high dropout rate amongst children from poor families and communities. Children in rural, informal and formal poor communities experience severe lack of support, sports and recreational services. Substance abuse, crime and inappropriate social and sexual behavior are prevalent amongst teens in communities where gangs, shebeens and drug peddling are fairly pervasive. High levels of domestic violence, child abuse and sexual exploitation have also been reported.

## Historical Context – Trafficking in Persons

For Africa, trafficking in person's dates back to the slave trade that involved the capture, abduction and transportation of people to new territories including Europe and the Americas. In the Cape Colony of the seventeenth century, the slave trade resulted in the Dutch 'importing' people from Indonesia, Java, Ceylon, India, East Indies, Mauritius, Malaya, Sundry and many other places.

As colonization spread in Southern Africa, so did trafficking in persons spread to inland territories. Thus the Western Cape has a history of trafficking in persons that dates back 350 years. Between 1726 and 1834 officially recorded slaves stood at 36 169.



# 2 An Overview of Trafficking in Children

## 2.1. Introduction

Prior to 2000 the only reports of trafficking in persons in South Africa were anecdotal accounts that appeared periodically in newspaper reports. Since then there have been several reports as well as more details accounts in both electronic and print media. Whilst a number of reports still conflate trafficking in especially children with commercial sexual exploitation of children there is now greater awareness of the phenomenon.

Trafficking in children is a complex process that often involves various actors and is nearly always highly organised. It essentially involves the movement of a child from their normal place of residence to a place that in some instances is unfamiliar to them.

Trafficking in children is not criminalised although some illegal activities that occur during the process often are. This does not allow for the prosecution of trafficking in children, although certain infringements of law can be prosecuted. Because it is organised those in the trafficking chain who are perpetrators often go to elaborate lengths to disguise the nature of their operations as well as the identities of others involved in the operation.

Trafficking in children is characterised by supply and demand factors. These factors are also described as “push” and “pull” factors. The United Nations Children’s Fund (UNICEF) has identified the following push factors as characteristic of trafficking in children world-wide:<sup>3</sup>

- Poverty
- Family break-up
- Violence or other dysfunction
- Lack of job opportunities

**Case Study: Fourteen-year-old domestic worker from De Aar interview with Head: Dept. Social Services - Wynberg, Mr N Dampies. <sup>1</sup>**

*The social worker made mention that the department deals with this issue quite a lot, more child trafficking for domestic labour. They had several cases in the beginning of 2005. He cited a particular case of a 14-year-old girl who came from De Aar. She came to Cape Town with a taxi. According to the social worker people in Cape Town book children to come and work here.*

*People, in De Aar promising her a job as a domestic worker recruited her. Upon arrival in Cape Town she was taken to a house in Ruyterwacht in the Goodwood area. According to Mr Dampies, this “looks very organised.” Starting from the taxi drivers to the place where the child is eventually going to work.*

*According to him “these children or female migrant workers are not told upfront about the repayment of taxi fare and accommodation and that these will be deducted from their first salary. Often these children have to work at several other places. This is also not communicated before hand.*

*Parental give consent for their children to work in Cape Town. “Parents allow their under aged kids to work because of poverty back in place of origin. This 14- year- old girl landed up at the Department of Social Services after running away from “a situation where she was exploited.*

*She did not want tot go back home though. She wanted to go back to the agency in Ruyterwacht because there is nothing for her back home, but poverty.”*

*In discussions with the girl it also transpired that she had lied about her age to the recruiters and said that she was old enough to work.*

<sup>3</sup> UNICEF: **Trafficking in Children for Sexual Purposes: An Analytical Review** (New York, 2001) p. 5

- Low education levels or the wrong skills for the jobs that is available
- Family pressures or a sense of responsibility to provide for the family
- Discrimination or marginalisation including the very fact of being female

Similarly UNICEF identified “pull” factors that it sees as universally true of trafficking in children.<sup>4</sup> These are:

- Economic differentials that make even relatively poor neighbouring cities or regions seem a likely source for livelihoods
- Unmet demand for cheap labour
- Demand for sexual services for example linked to tourism development

## 2.2. Trafficking Trends

Reports published to date have identified the following trends.

- The trafficking in children in South Africa is predominantly an in-country phenomenon. There have however over the last two decades been a few reports of trafficking in children from neighbouring states, in particular Mozambique. So the Network against Child Labour (NACL) reported in 1992 on “the exploitation of thousands of refugee children from Mozambique in Gazankula and Bophutatswana that is seen daily by aid and development organisations operating in these areas. Wealthy black employers as well as white farmers are involved. Some go to a refugee settlement to recruit all available children, and then use their labour until they are due to be paid. They then report them to the police as illegal aliens, and the authorities repatriate them to Mozambique.”<sup>5</sup> (See also reproduced newspaper article at end of this section) It is more common that children are taken from rural areas in South Africa to work in urban areas, often in domestic service.”<sup>6</sup> Girl children are the primary targets, although boy children have also been identified as victims.
- Parents, bogus employment agencies and touts acting on behalf of these agencies and local gangs are the primary traffickers of children, sometimes in collusion with each other. Traffickers in South Africa are thus predominantly locals.
- With regard to the cross-border trafficking of children, traffickers have been identified as foreign as well as South Africans. These traffickers have been identified as individuals and crime syndicates from Eastern Europe, Mozambique and Thailand as well as criminal groupings from South Africa, although other countries may also be involved. Individuals from these countries as well individual South Africans have also been implicated.
- The supply and demand factors that give rise to the increase in the phenomenon lie primarily in the economic situation in South Africa. This

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<sup>4</sup> Ibid. p. 5

<sup>5</sup> J. Loffel: ‘Survey of Child Labour in South Africa’ in Community Law Centre, University of the Western Cape and Centre for Development Studies: **International Conference on the Rights of the Child** (Cape Town, 1992) p.88

<sup>6</sup> Department of Labour: **Towards a National Child Labour Action Programme for South Africa**: Discussion Document (Pretoria, 2002) p.4

together with related phenomena such as, the breakdown in extended and nuclear families, which are often accompanied by changes in cultural attitudes and practices, place children at risk. Demand for sex with children and demand for children as cheap labour are also primary causes.

### 2.3. Recruitment Methods

Recruitment methods vary and are dependent on the type of trafficking operation as well as the sectors that children are trafficked into. The following recruitment methods have been identified.

- Strangers, individuals and others who are linked to gangs or syndicates forcibly recruit children to work in the sex industry. The children subsequently either work in brothels or on the street. These brothels can be well-run operations in suburban areas or it can be a shack in a semi-rural area. This type of trafficking is of both an in-country and cross-border type. The nature of the trafficker or pimp's involvement with criminal activities or organised crime as well as the pimp or trafficker's access to commercial endeavours will determine whether the trafficked child becomes a brothel, escort agency or street worker.
- Agents and recruiters recruit children into the domestic service and agricultural sectors. In some instances their family members recruit them. This is done through:
  - Deception
  - Coercion
- New or relatively established business ventures advertise in national and local newspapers for teenage girls of working age for work in the hospitality or film industries. This work then turns out to be work in the sex industry.

#### Case Study: Shamim a domestic worker from Danielskuil in the Northern Cape Province<sup>1</sup>

*Shamim's mother is deceased and her father a pensioner. She was brought to Cape Town by a recruiter and taxi driver known as Leon. He works for an agency. She however does not know the agency's name. Shamim, traveled to Upington from Danielskuils, a township in Kimberley to meet Leon's taxi.*

*According to her girls from Danielskuils and other townships in Kimberley travel to Upington to meet the taxi, as they know when Leon will be there to transport girls in search of work to Cape Town.*

*The girls are aware that they will have to pay R 380 for their transport to Cape Town and that this will be deducted from their first month's wages.*

*Shamim arrived in Cape Town on 15 February 2005. This was her first job and a woman in the Strand area employed her. She does not know the address but knows how to get to the house.*

*At first the relationship between her and the employer was good but after a while it changed and the woman " became very demanding and nasty." According to Shamim " I earned R1000 but the taxi fare to Cape Town was deducted off my salary."*

*Her employer is also the owner of a bar, and Shamim had to do cleaning at the bar, which also involved "changing bedding and vacuuming." The daughter of the employer who is over twenty also had to help with the cleaning of the three rooms which were used for sexual purposes.*

*Shamim said that the girls working in the bar also have engage in sex with men who frequent the bar, in exchange for money. They used the rooms she and the owner's daughter cleaned every Friday.*

*She left on her own accord in September 2005. At the time of the interview Shamim wished to return to home but needed taxi fare.*

**Interview: 5 October 2005**

**The interviewee's name was changed**

The process by which the child is coerced into doing sex work appears to be similar to the manner in which syndicates and individual gangs operate. The syndicate or gang involvement in this form of trafficking is not clear. On the surface it would seem that there is no involvement. The methods of operation however indicate that this is a more sophisticated form of recruitment and that it might be an attempt to recruit middle class girls with better educational qualifications. This in turn might be an indication that there is an increased demand for such girl children.

- The cross-border trafficking of children into South Africa is organised by crime syndicates and individuals in the countries of origin and in South Africa. Little information is available on the nature and extent of these operations. It has been possible to establish that children are trafficked from Russia, Thailand, Taiwan, Mozambique, Lesotho and Angola. Trafficking from Mozambique and Angola involves both girls and boys.
- South African children are recruited into sex industries in Europe. This trafficking appears at present to be the work of individual pimps. Children it seems are recruited by these pimps who come to South Africa and negotiate agreements with the children's parents in which agree to send the parents money on a regular basis.<sup>7</sup>

In this respect Adepoju has commented on trafficking in children to Europe thus:

*"Traffickers have recently extended the destinations of children to the European Union, especially the Netherlands, UK, and beyond. Women and children are trafficked to Europe (Italy, Germany, Spain, France, Sweden, UK, and the Netherlands) for commercial sex. Children are similarly moved in connection with domestic labour, sexual exploitation, and pornography."*<sup>8</sup>

While it is possible to discern these methods by which children are trafficked, it is also possible to establish what the contributing factors are.

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<sup>7</sup> See for instance *The Observer*, 24 December 2000 and 21 February 2001

<sup>8</sup> A. Adepoju: **Changing Configurations of Migration in Africa: Migration Information Source**, 1 September 2004

## Map of South Africa – Trafficking in Children for Sexual Purposes – main routes



### 2.4. Factors that increase children's vulnerability

Trafficking in persons is essentially a phenomenon that is fueled by both supply and demand factors. In South Africa these supply factors have been identified as:<sup>9</sup>

- Increasing poverty and unemployment
- Changes in family structure as a result of changes in broader society. This tends to impact negatively on the lives of children and leaves them vulnerable to exploitation
- Increasing urbanisation and migration
- Changes in religious and cultural beliefs
- Changes in domestic and international sex industries
- Lack of social welfare and protective services, especially for children

Demand-side factors include:

- Changes in the informal economy and growing involvement of criminal groupings within this sector and as a result an increase in illegal activities
- Globalisation and development has resulted in better infrastructure and better transportation and improved communication across the globe
- Changes in the economy, which has increased the demand for cheap labour
- Demand from certain types of men for sex with children

<sup>9</sup> See for instance Molo Songololo: *Trafficking in Children for Purposes of Sexual Exploitation*, Ibid. Chapter 4

- These supply and demand-side factors combined culminate in the phenomenon of trafficking in persons, especially of women and children and leave them vulnerable to exploitation.

In addition the following situations place children at risk:

- Children who have run away from places of institutional care and rehabilitation
- Girl children who live in areas where there is a high incidence of gangsterism and gangs engaged in prostitution, as one of their money-making activities
- Girls who give into the pressure of a culture that equates the wearing of certain clothing brands as indicative of status and conformity among peers
- Children increasingly need to fend for themselves and provide for their own economic needs
- Children who drop out of school
- Girl children who desire careers in the modeling, film or hospitality industries
- Children who do not have appropriate adult supervision
- Girl children vulnerable to parental pressure and coercion can be more vulnerable to being subjected to sexual exploitation
- Girl children who live in families where sexual abuse and sexual exploitation of children is tolerated and regarded as normal are more at risk of being trafficked for sexual purposes
- The consequences of factors such as the impact of AIDS is resulting in more children being vulnerable and needing to fend for themselves
- Conflict situations in some parts of Africa (and elsewhere) result in dislocation and migration and as a result children especially become vulnerable to traffickers and others who wish to exploit them
- Internal migration in South Africa, especially from rural to urban areas has also become an increasing phenomenon among young people in South Africa.<sup>10</sup>

**Case Study: Eighteen- year- old domestic worker from Beaufort West Interview with Grassy Park Victim Empowerment (VEP) Officer**

*The Grassy Park Victim Empowerment (VEP) Officer cited a case of an 18-year-old girl from the area of Beaufort West. She came to Cape Town when she was 17 years old. This girl was allegedly recruited for the purpose of domestic labour.<sup>1</sup> She came to Cape Town to work for a family in the area of Pelican Park, Grassy Park area.*

*She worked for the family from 2004 to 2005. Apparently she worked for this family without pay for almost a year, with no time off. From what the VEP officer indicated the young girl looked extremely undernourished at the time that she had first contact with her which was on 7 July 2005. It is said that a neighbour dropped off this young girl at the Grassy Park police station.*

*On the day in question the VEP officer from Grassy Park came on board late afternoon after the police had interaction with the girl. She tried to facilitate for some assistance and support for the young girl, however she found that "most places were full. Care Haven was willing to take her but could only do so the following day as. She stayed over night at the police station.*

*The Superintendent at Grassy Park Police Station observed that this young girl looked a bit ill. The girl however insisted that she was well. The following day she was taken to Care Haven shelter in the Athlone area. She spent the night at Care Haven."<sup>1</sup> The following day staff at the shelter informed the Victim Empowerment Officer that the girl had passed away, apparently from unnatural causes. The case was then handed over to the Athlone Police Station since the young girl died in that jurisdiction.*

**Interview October 2006**

<sup>10</sup> Department of Social Development and Poverty Alleviation: **South Africa Population Report 2001** (Pretoria, 2001) p. 14

Children who elect to move from their homes, on their own are often at risk of being recruited for jobs where they are likely to be exploited. They usually also do not have financial resources to pay for their travel to cities or towns and consequently are vulnerable to suggestions by recruiters and others in the trafficking chain. Such out-migration is also an international phenomenon and according to one study there are a number of reasons why children migrate;<sup>11</sup>

- Some leave either with relatives or on their own
- Some children are dispatched by their families
- Some choose to leave home themselves
- Many children leave as a result of crises, war and natural disasters
- Children who migrate from rural areas to cities for mainly two reasons: in search of missing parents or in search of work
- Children who have run away from places of safety
- Children who left parental homes because of physical and or emotional abuse
- Children who were sexually exploited as a result of peer pressure

## **2.5. Places of Origin and Destination**

In South Africa trafficking takes various forms and involves a number of methods. Cross-border trafficking occurs both into South Africa and out of South Africa. In internal trafficking South African children are usually trafficked across provinces. Usually such trafficking takes place from Eastern Cape and the Northern Cape to the Western Cape.

Children trafficked between provinces for sexual purposes are usually trafficked by individuals or by organized criminal groupings. Children are trafficked to the Western Cape from the Northern Cape, Eastern Cape and KwaZulu-Natal for sexual purposes. Children have also been trafficked from within the Western Cape and from the Northern Cape, Eastern Cape and in some instances from Limpopo into domestic service.

In some cases children are also trafficked within a province this is particularly so in the case of domestic service. Children are usually trafficked into domestic service from rural and peri-urban areas of the Western Cape to urban areas.<sup>12</sup>

Cross-border trafficking involves the trafficking of children and mainly women into South Africa and from South Africa to other countries. Children are trafficked into South Africa for sexual purposes from mainly three geographical regions. These are:<sup>13</sup>

- Eastern Europe
- Southeast Asia
- The rest of Africa

<sup>11</sup> M. Dottridge: **Kids as Commodities? Child trafficking and what to do about it** (International Federation Terre des Hommes, Germany, 2004) p.16

<sup>12</sup> K. Koen and B. Van Vuuren: *Ibid.*

<sup>13</sup> As identified by Molo Songololo and the International Organisation for Migration

The majority of trafficking victims however come from within the Southern Africa region and this has led to South Africa being compared to "the United States in that it is a magnet state. Because it is mostly economically developed, cosmopolitan and diverse, it has become a lucrative market for child traffickers. Many are sent from Angola, Botswana, Democratic Republic of Congo and Lesotho, as well as from Thailand and Russia." <sup>14</sup>According to this report parents prostitute many of these children.

During the data collection process for this report a South African Police Service's officer who wants to remain anonymous related the case of a child protection officer while he was still attached to the now restructured Child Protection Unit.

A 15- year old Somali girl was encouraged by her uncle who was living in the Western Cape to come to South Africa as schooling facilities are better here. He would see to her education, see to her needs and send her back home once she was educated. The parents agreed to this better life prospect for their child so she left for the Cape with the consent of the parents.

They traveled via airplane to South Africa. Upon arrival she was taken to Somerset West, Macassar area. Her uncle then entered into an agreement with a man to whom the child would be a wife. "He sold the girl to the man. She had to stay there as a wife to this man, she was locked up during the day, could not do go anywhere. All she had to do was cook and be ready for sex for this man." <sup>15</sup> She managed to escape and was assisted by a non-government agency. She was placed with a Somali family living in Cape Town and is currently attending school. She did not want to go back home to Somalia.

In a report on the trafficking of children for sexual purposes, Molo Songololo identified the following countries as countries of origin for each region:

**Southeast Asia**

- Mainland China
- Taiwan
- Thailand

**Eastern Europe**

- Czech Republic
- Poland
- Ukraine
- Russia

**From rest of Africa**

- Angola
- Ethiopia
- Kenya

<sup>14</sup> *The Citizen*, 18 May 2004

<sup>15</sup> The officer did not want to be named.

- Mozambique
- Senegal
- Tanzania
- Uganda
- Zambia
- Lesotho

South African children are also trafficked for sexual purposes to European countries. For example, the London-based newspaper *The Observer* reported in February 2001 that under-aged South African children were being used in brothels in London.

These children had apparently been taken to London with the consent of their parents who received weekly or monthly payments from the pimps who were using their daughters.

During the data collection process for this report a police officer from MacGregor in the Breede River Valley related the case of a sixteen-year-old girl from the Breede River Valley who was recruited by a worker in the merchant navy to apparently work on the rice plantations in Japan. According to this account she was “smuggled out of the country on a ship.” Once she was in Japan she was however exploited sexually.

## **2.6. Concluding Remarks**

Trafficking in children takes different forms and those in the trafficking chain employ different methods to recruit and exploit victims. In some instances family members recruit children into exploitative situations. In other instances children are recruited and transported by highly organised criminal groupings.

Several supply and demand factors have been identified as contributing to the increase in trafficking in children. These include poverty and lack of education and skills as well as family breakdown, on the supply side and the need for cheaper and more exploitable labour on the demand side.

Information at hand at the present time indicate that trafficking in children is a global phenomenon and on the case of cross-border trafficking South Africa is clearly part of the globalised world and trafficking networks are said to span several countries and continents.

However, it is clear from the paucity of authenticated reports that more research is needed to understand both the specific supply and demand context within South Africa, as well as the rural and urban specific push and pull factors that creates the enabling conditions for child trafficking

## **Child Labour uncovered in South Africa<sup>16</sup>**

African Eye News Service (AENS) 26 May 2001

Children as young as six are being forced to work on farms in the South African province Mpumalanga as part of a deliberate strategy by farmers to use the cheapest and most docile workers available. A police raid on 15 farms uncovered the widespread use of illegal Mozambican child labour.

The children, employed on sprawling citrus and sugar farms in Mpumalanga's fertile Onderberg region, are paid as little as R2, 08 per day in return for 12-hours hard physical labour, from sunrise to sunset. Most of the children and up to 80 percent of the women working on the farms are illegal Mozambicans who can't complain about their working conditions without being deported to impoverished villages in central and southern Mozambique. Some farmers are so blasé about the abuse that they openly boast about "teaching them young" and using 'baasboys'\* to beat anyone who complains.

Labour Department inspectors who raided 15 of the Onderberg farms this week were visibly shocked by the children's fatalistic acceptance that they were doomed to a life of literal slavery. "I am revolted. I've been doing this job for years but have never seen children working this young or abuse on this scale," said departmental inspection and law enforcement assistant director Boikie Mampuru.

Mampuru co-coordinated the raids on farms stretching from the Mozambican border at Komatipoort to lush citrus estates bordering the private Marloth Park game reserve near Malelane.

Serious labour abuses were discovered on all 15 farms but Piet Maritz's estate near Marloth Park was cited as the worst example of child labour the inspectors had yet seen. "We don't employ anyone unless they ask us for work, and these children do. This is in any case a good way for them to learn how to work while they are still young," insisted Maritz on Thursday.

South Africans are also very (lazy) and only want to work in offices these days, so we sue these illegal Mozambicans who are eager to do real work, said Maritz.

The youngest workers on Maritz's farm are a group of girls between six and nine years old. The girls are used as babysitters for even younger children and are responsible for herding the toddlers around after their teenaged mothers as they pick and package oranges on the estate. The girls start work at dawn and work the same hours as the adults, knocking off just before sunset six days a week. None of the girls go to school or receive any kind of formal education.

Twenty-two-year old Jeanette Mbiza is mother to one of the babies and openly told inspectors that it was expected to pay her child's minder R50 per month, or just over R2

per day, from her own meagre salary. "I don't have a choice. There is no time during the day for me to look after my baby or even take her to doctors. The farmer deducts R20 (almost two days labour) if I take a morning off," said Mbiza.

<sup>16</sup> [http://www.afrol.com/News2001/sa026\\_childlabour\\_raid.htm](http://www.afrol.com/News2001/sa026_childlabour_raid.htm)

*I only earn R275 per month and breastfeed the baby during my breaks. I know it's not good but it is the best I can do, said Mbiza. Maritz claimed ignorance of the laws prohibiting the use of workers younger than 15-years old. Fifteen-year old Mozambican Julio Mphisa said workers knew they were being ill-treated and underpaid, but were too scared to complain for fear of deportation or beatings. "Life is very bad here. The white (farmers) beat us even for even small mistakes and the money is not good. I earn only R100 per month, but there is no other work so we have no choice," said Mphisa.*

*Nearby, a 10-year old boy picked oranges but was too scared to speak for fear of reprisals by farm supervisors. Selina Moyana, 17, has life slightly easier but still works from dawn to sunset six days per week in Maritz's citrus warehouse. "We only rest on Sundays, when we pray for a better life. I earn R276 per month but also get one kilogramme maize meal and some salt," she said.*

*Maritz insisted his farm paid the highest wages and offered some of the best working conditions in the region. He said that all workers received free accommodation, maize meal, and occasional rice and soya mince packages.*

*Mampuru and his team were distinctly unimpressed and formally charged Maritz with employing underage workers and illegal immigrants. Maritz and 14 other farmers were also issued with notices warning them to comply with the Basic Conditions of Employment Act or they would face additional criminal charges.*

*It's sad that this raid was so successful, said Mampuru. "The best result would have been if we found no violations and everyone was happy, but we have instead found serious abuses on all 15 farms we visited." Agri-Mpumalanga Union representative Lourie Bosman stressed on Friday that all "decent" farmers disapproved of child labour and the use of illegal immigrants. "They will get no support or protection from us. The government must implement the full force of the law," said Bosman.*

*South African Human Rights Commissioner Charlotte McClain expressed shock at the 'feudal' conditions on the farms. "This is completely unconstitutional and illegal. We're glad the agricultural union has reacted so responsibly and is condemning the reported abuses," said McClain. But more needs to be done, she says. "The Human Rights Commission is launching an 18-month probe into violations against farmers and farm labourers and will be investigating this case as well."*

*McClain expressed concern however, those economic refugees from Mozambique were being targeted for exploitation and called for more vigilance.*

- Boss boys / Supervisors



Photo: Sizwe samaYende / AENS

# 3 Domestic and International Legal Framework

## 3.1. Introduction

The democratisation of the Republic of South Africa has provided opportunities not only for establishing a democratic system but also for making children's issues, concerns and needs central to the establishment and functioning of the system. The new constitution of the Republic of South Africa, 1996 includes provisions that respect and protect the human rights of all citizens; including special provisions for children as reflected in Section 28 of the Bill of Rights.

Eleven years after the advent of democracy children's legal position has changed substantially. Many laws have been reviewed and enacted which provide children with equality in the law and particular constitutional provisions for their protection. This is a reflection of the rights-based approach to democratisation, which affords all equality in the law.

Unfortunately, there remain key draft child protection legislation that has not been finalized; such as the Children's Bill, the Sexual Offences Bill and the Child Justice Bill. These draft legislation, once enacted will transform child care and protection legislation and comply with the SA constitution and key international legal instruments.

In the area of trafficking in children laws have not yet been enacted although this is in the process, of taking place, with the eminent passing into law of Section 75 provisions of the Children's Bill. Chapter 18 of the current Children's Bill is dedicated to making trafficking in children, an offence. South Africa as yet does not have legislation that criminalises trafficking in persons.

In addition to such progress in legislation South Africa already have laws and legal provisions that guarantee children protection from abuse, exploitation, and neglect and enshrine children's rights to shelter, food and education among other socio-economic rights.

Provisions are also in place that protects children from harmful and hazardous working conditions and exposure to any form of sexual exploitation.

In addition to these provisions in domestic legislation South Africa also has obligations in terms of international rights-based instruments that provide for children's protection from harm and neglect and the enshrines their right to life.

The rest of this section outlines the important domestic and international provisions that grant children these protections.

## 3.2. National Legal Provisions Protecting Children

### 3.2.1. The Constitution of the Republic of South Africa, 1996

The rights-based approach finds expression in the constitutional provision in Section 28 of the Constitution<sup>17</sup> that guarantees children protection. According to this provision:

1. Every child has the right:
  - (a) to a name and a nationality from birth;
  - (b) to appropriate alternative care when removed from the family environment
  - (c) to basic nutrition, shelter, basic health care services and social services;
  - (d) to be protected from maltreatment, neglect, abuse or degradation
  - (e) to be protected from exploitative labour practices
  - (f) not to be required or permitted to perform work or provide services that-
    - (i) are inappropriate for a person of that child's age
    - (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development
  - (g) not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be
    - (i) kept separately from detained persons over the age of 18 years; and
    - (ii) treated in a manner, and kept in conditions, that take account of the child's age;
  - (h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
  - (i) not to be used directly in armed conflict, and to be protected in times of armed conflict.

The Constitution states further in Section 28(2) that 'a child's best interests' are of paramount importance in every matter concerning the child.' It further states in Section 28(3) "in this section 'child' means a person under the age of 18 years."

Children however do not always benefit from these constitutional provisions. One area in which children have increasingly become vulnerable is that of trafficking in persons and the abuse and exploitation that accompanies it.

<sup>17</sup> The Constitution of the Republic of South Africa, 1996

### 3.2.2. The Children's Bill (Section 75)

The Children's Bill (Section 75)<sup>18</sup> that is intended to replace the Child Care Act of 1983 adopts the United Nations' definition of trafficking in persons as contained in the Protocol on Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Bill provides in Chapter 18 for the prohibition of trafficking in children. The purposes of the Chapter are provided in Section 280 and states that the purposes are -

- (a) to give effect to the UN Protocol to Prevent Trafficking in Persons;
- (b) to give effect to certain bilateral or multilateral agreements relating to trafficking in children; and
- (c) generally to regulate trafficking in children.

Section 283 is specifically concerned with the prohibition of trafficking in children and specifically states that:

1. No person may traffic in children.
2. The consent of a child who is a victim of trafficking to the intended exploitation is no defence to a charge of contravening subsection (1).
3. If a court finds that a parent or care-giver of a child or any other person who has parental responsibilities and rights in respect of a child has contravened subsection (1) in respect of that child, the court may —

- (a) suspend all parental responsibilities and rights of that parent, care-giver or person pending an inquiry by a children's court; and
- (b) put that child in temporary safe care pending the placement of the child in alternative care

#### Penalties

The Penalties attached to the Provisions include:

The Children's Bill Section 75 makes provision for specific penalties. These include;

(5) A person who is the owner, lessor, manager, tenant or occupier of any premises on which the commercial sexual exploitation of a child occurred is guilty of an offence if that person, within a reasonable period of gaining information of that occurrence, fails to report to occurrence to the South African Police Service.

(6) A person convicted of an offence in terms of subsection (1), (2), (3), (4) or (5) is liable to a fine as may be determined in terms of applicable legislation, or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.

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<sup>18</sup> The Children's Bill – a Section 75 Bill

### 3.2.3. Basic Conditions of Employment Act, 57 of 1997

Child Labour is prohibited in the Basic Conditions of Employment Act, 57 of 1997. The Act provides in Chapter 6 for the prohibition of employment and forced labour. Section 14(1) of this Chapter makes it an offence for any person to employ a child under the age of 15 or who is under the minimum school-leaving age in terms of any law. It states further in Section 14(2) that no child may be employed in any kind of 'work' that is inappropriate for the age of that person and Section 14(2)(b) further prohibits the employment of a child if such employment conditions places at risk the child's well being, education, and physical or mental health, or spiritual, moral or social development.

Section 48 of this Act prohibits forced labour and highlights that "no person may for his or her own benefit or for the benefit of someone else, cause, demand or impose forced labour."

These sections can be applied for the protection of child victims of trafficking in persons. Children forced by traffickers or others into circumstances in which they are exploited and abused are in situations that endanger their well being, 'physical or mental health, or spiritual, moral or social development'. In addition, any form or method of trafficking in persons for the purpose of children's exploitation should automatically be regarded as 'forced labour' and therefore be prosecutable under this provision.

This position is also reflected in other South African legislation to some extent. The Child Care Act <sup>19</sup>deals with child sexual exploitation in Section 50 (A) and defines the commercial sexual exploitation of children as:

"The procurement of a child to perform a sexual act for a financial or other reward payable to the child, the parents or guardian of the child, the procurer or any other person. The Act further states that

"Any person who participates or is involved in the commercial sexual exploitation of a child shall be guilty of an offence." <sup>20</sup>

In Section 50(A) 2 the Act also states that:

"Any person who is an owner, lessor, manager, tenant or occupier of a property on which commercial sexual exploitation of a child occurs and who, within a reasonable time of gaining information of such occurrence, fails to report such occurrence at a police station, shall be guilty of an offence."

The Act criminalises the actions of those directly involved in child sexual exploitation as well as any person legally linked to a property where such exploitation takes place. It however does not criminalise third party involvement such as that of those who facilitate child sexual exploitation

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<sup>19</sup> Child Care Act, 74 of 1983 as amended in 1999

<sup>20</sup> Ibid.

through coercion and force such as pimps and family members who benefit from children’s sexual exploitation.

It also does not criminalise those involved in other aspects of the sex industry, who facilitate children’s sexual exploitation as well as benefit from it such as those in pornography.

**Penalties**

The Act states that;

(1) Any magistrate’s court has jurisdiction to impose a penalty for an offence provided for in the Act

(2) Any person convicted of an offence in terms of any section mentioned in the first column of the table below may be sentenced to a fine or imprisonment for a period not longer than the period mentioned in the second column of that table opposite the number of that section.

**Offences and penalties**

<b>Section under which convicted</b>	<b>Maximum term of imprisonment</b>
Section 43	3 years
Section 44	3 years
Section 46	3 years
Section 48	3 years
Section 90(1) and (3)	1 year
Section 92	1 years

### 3.2.4. The Sexual Offences Act, 23 of 1957 as amended in 1988

The Sexual Offences Act<sup>21</sup> provides such criminal sanction as it deals directly with the issues of brothels and 'unlawful carnal intercourse', which is limited to sexual intercourse between a male and female person. In terms of Section 3 any person who is directly or indirectly involved in the running of brothel is guilty of an offence. The Act provides sanctions against the actions of any parent or guardian<sup>22</sup> of a child under eighteen-years of age, whom:

1. permits, procures or attempts to procure such child to have unlawful carnal intercourse, or to commit any immoral or indecent act, with any person other than the procurer; or to reside in or to frequent a brothel, or
2. orders, permits, or in any way assists in bringing about, or receives any consideration for, seduction, or prostitution of such a child.

#### Penalties

The act makes specific provisions for sanctions against offenders. It states "A person who intentionally receives financial or other reward, favour or compensation from a the commission of a child by another person is guilty of an offence of benefiting from the sexual exploitation of a child and is liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both such fine and such imprisonment".

This Act has been under review since 1996. New proposed legislation, The Sexual Offences Bill has been drafted and waits the parliamentary lay reform process.

### 3.2.5. The Refugee Act, 130 of 1998

The Refugee Act<sup>23</sup> provides principles and standards relating to refugees. Section 32 deals with unaccompanied children of foreign nationality and reads in Section 32(1)

1. Any child who appears to qualify for refugee status in terms of section 3, and who is found under circumstances which clearly indicate that he or she is a child in need of care as contemplated in the Child Care Act, 1983 must forthwith be brought before the Children's Court for the district in which he or she was found. The Children's Court may order that a child contemplated in subsection (1) be assisted in applying for asylum in terms of this Act.

A situation where a 'found' child is submitted to exploitation and through activities related to trafficking brought into South Africa would indicate that such a child is 'a child in need of care'. This means, that a child in these circumstances should be able, with the assistance of the Children's Court, to apply for refugee status. Especially, since it is in the 'child's best interest' not to

<sup>21</sup> Sexual Offences Act, 23 of 1957 as amended in 1988,

<sup>22</sup> Ibid.

<sup>23</sup> The Refugee Act, 130 of 1998

be sent back into conditions which would most likely allow for trafficking for the purpose of exploitation all over again.

Section 3 of the Act defines the circumstances under which a person qualifies for refugee status. It states in Section 3(a) that a person is eligible to apply whom

Owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable, owing to such fear, unwilling to return to it.

### **3.2.6. Films and Publications Act, 65 of 1996 as amended 2004**

The Films and Publications Act<sup>24</sup> aims to provide for the classification of certain films and publications and deals with matters arising from the production, possession and distribution of such classified materials. The broad definition of '*publications*' makes this Act also applicable to computer software, soundtracks as well as '*any figure, carving, statue or model*'. The Act's definition also includes, '*any picture intended for exhibition through the medium of any mechanical, electronic or other device*'.

The classification or even refusal thereof for '*publications*' and '*films*' is aimed at regulating distribution of films and publications based on fundamental constitutional rights.

Schedule 1, Section 1(a) of this Act allows for the classification of '*publications*' if it contains a visual presentation, simulated or real of a person who is, or is depicted as being, under the age of 18 years, participating in, engaging in or assisting another person to engage in sexual conduct or lewd display of nudity.

The same criterion applies to '*films*' as described in Schedule 6, Section 1(a) of this Act.

This means, that any form of pornographic '*film*' or '*publication*' depicting children would be classifiable. This could include a catalogue or pamphlet that advertises children for the purpose of sexual exploitation. However, a very narrow definition of sexual conduct limits the applicability of the above criterion.

The possession (Section 27) and distribution (Section 28) of child pornographic publications and films are offences. Section 27(a) prohibits any person knowingly producing, importing or being in possession of child pornography, while Section 28(a) prohibits the distribution of child pornography.

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<sup>24</sup>Films and Publications Act, 65 of 1996 as amended 2004

However, the above classifications and restrictions do not *apply 'in respect of a bona fide scientific, documentary, literary' 'film' or 'publication'*, (Schedule 5 and Schedule 10) which leaves a broad scope of interpretation and potential misuse, since it could be argued that the portrayal of child pornography is *'scientific' or 'documentary'*.

The Act defines child pornography to include... “any image, real or simulated, however created, depicting a person who is or who is shown as being under the age of 19 years, engaged in sexual conduct or a display of genitals which amounts to sexual exploitation, or participating in, or assisting another person to engage in sexual conduct which amounts to sexual exploitation or degradation of children.”

The Act as amended also makes specific provisions in relation to, but not confined to the Internet and thus provides the following definition of ‘publication’: “any message or communication, including a visual presentation, placed on any distributed network...”

This amendment criminalize the creation, distribution and receiving / downloading of child pornography.

### **Penalties**

A court judgment can include the following penalties for convicted offenders of the Act;

- Suspension of licenses for a given period
- Declare that a person disqualify to obtain another license for a given period
- Fines convicted offenders
- Imprison convicted offenders



*It's Your Move members at the World Social Forum in Brazil*

### 3.3. International Legal Framework relating to trafficking in children

Children have been the focus of international law, and as such there are a number of international legal instruments designed to promote and protect the wellbeing and rights of children worldwide. The United Nations and its member countries have adopted a number of international and regional instruments, protocols and treaties for the advancement and protection of children's rights, dignities and freedoms.

Similarly, there are international instruments specifically designed to prevent the abuse, exploitation, sale, and trafficking in children. Some of these are discussed below.

#### 3.3.2 The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

This Protocol more commonly known as the Palermo Protocol supplements the United Nations Convention against Transnational Organised Crime provides us with the first universally acceptable definition of trafficking in persons. It defines trafficking in persons as a process and states in Article 3 that:

*"Trafficking in persons shall mean the recruitment, transportation, transfer harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. 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 removal of organs."*

The definition encompasses the following:

- Trafficking in children involves the way a child is removed from her or his usual environment and subsequent exploitation by others. The definition does not prescribe that such removal can only occur across borders

The consent of a child is irrelevant if any of the following means have been used to remove the child:

- The threat or use of force
- Other forms of coercion
- Abduction
- Fraud
- Deception
- The abuse of power
- The abuse of a position of vulnerability

- The giving or receiving of payments or benefits with the object of achieving the consent of a person who has control over another person (in the case of trafficking in children this would be a child)

There are a number of exploitative situations that might constitute trafficking in persons however the removal of a child that results in that child being exploited in any of following situations will always constitutes trafficking in persons:

- Exploitation of the prostitution of others (i.e. the use of a child in prostitution)
- Other forms of sexual exploitation (for instance child pornography)
- Forced labour or services
- Slavery or practices similar to slavery
- Servitude
- The removal of organs

The UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, 2000 supplement the UN Convention against Organised Crime. South Africa signed the protocol at the Palermo Conference in 2000 and has since ratified it on 24<sup>th</sup> February 2004.

### **3.3.2.1 The United Nations Convention on the Rights of the Child**

The United Nations Convention on the Rights of the Child, 1979 (UNCRC) is the most widely supported, signed and ratified child rights instrument that sets basic global standards for the care, development, protection and survival of children. South Africa is now obligated to implements its responsibilities and duties to realize children's right.

These are several articles that place specific obligations on state parties

Article 19: State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 34 and 35: These articles highlights the need for national legislation to protect children from sexual exploitation and the abduction, sale and trafficking in children. The articles also highlight the importance of cooperation and the necessity of bilateral and multilateral agreements in combating cross-border trafficking in children.

Article 39: It obligates state parties to take the necessary measures to promote physical and psychological healing and recovery of victims of neglect, abuse, exploitation, torture and trafficking. This article also highlights the need to prevent further victimization and advocate for the reintegration of children into families and communities of origin.

The UNCRC is an evolving legal instrument. It has several protocols that have since been adopted that further advocate for the care and protection of children.

Some of these are discussed below.

South Africa ratified the United Nations Conventions on the Rights of the Child on 16 June 1995.

### **3.3.3 Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography**

The Optional Protocol, 1995 seeks to extend the obligations under the UNCRC in relation to these specific areas. In terms of the Optional Protocol States Parties that have ratified it must criminalise the following and make an offence to:

- Give or receive payments for the following purposes
- Offering, delivering or accepting, by whatever means a child for the purpose of:
  - Sexual exploitation
  - Transfer of the organs of the child for profit
  - Engagement of a child in forced labour
  - Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international instruments on adoption;
- A set of rules for States Parties to establish their jurisdiction over these crimes, in particular when these crimes have not been committed within their own countries
- A set of rules that should facilitate extradition for these crimes
- An obligation for States Parties to afford one another the greatest possible measure of assistance in connection with investigations or criminal extradition proceedings
- An obligation to provide for the seizure and confiscation of crime-related goods and proceeds
- A set of measures to protect the rights and interests of child victims in the course of the criminal justice processes
- Measures to strengthen policies and programmes, raise public awareness, provide assistance to the victims, ensure compensation for damages from those legally responsible, and prohibit advertisements for offences
- A set of measures to strengthen international cooperation.

South Africa signed the Optional protocol in 2000

### **3.3.4. International Labour Organisation's Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182 (1999)**

This Convention obligates South Africa, as a country that has ratified the Convention to implement the following measures:

- Immediate and effective legal measures that prohibit trafficking in children. Such measures should be developed with a view to eliminating the practice
- Put in place appropriate mechanisms that will record and monitor the incidence of trafficking in children
- Monitor the success efforts designed to eliminate trafficking in children
- Develop and implement a programme of action to eliminate trafficking in children as a matter of urgency

Put in place time-bound measures that are effective that will:

- Prevent trafficking in children
- Provide appropriate mechanisms and support for children to be intercepted during the trafficking process
- Provide appropriate support so that children can be removed from exploitative situations
- Provide for recovery and re-integration
- Ensure that child victims have access to free basic education, or if more appropriate vocational training
- Put measures and programmes in place that are directed at vulnerable groups of children
- Pay particular attention to the vulnerabilities of girls

Engage in activities that will curtail trafficking in children across national boundaries

Recommendation 190 that accompanies this Convention obligates States Parties to implement measures that will alleviate the worst forms of child labour, especially in respect of girls. States' Parties should give particular attention to:

- (i) Younger children
- (ii) The girl child
- (iii) The problem of hidden work situations in which child victims of trafficking are at particular risk

South Africa ratified the International Labour Organisation Convention 182 on 7<sup>th</sup> June 2000

### 3.3.5. African Charter on the Rights and Welfare of the Child (1990)

South Africa signed the African Charter on the Rights and Welfare of the Child in 1996. The Charter contains provisions related to the rights and responsibilities of children. It contains provisions to deal with the sexual exploitation, and the sale and trafficking of children. These provisions while in essence similar to provisions in the CRC contain a number of additional aspects.

Article 16 of the African Charter protects children against abuse and torture and its wording is identical to Article 19 of UN CRC. It imposes the obligation on States Parties to take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.

In Article 16(2) emphasis is placed on the importance of establishing *'forms of prevention and for identification, reporting, referral, investigation and follow up of instances of child abuse and neglect'*.

This implies not only an obligation to introduce child protective legislation, such as the Child Care Act, but also to introduce (as argued under Article 19 of the UN Convention) anti-trafficking legislation *per se*. It also emphasises the need to provide legislative procedures to effectively implement the legislation. In addition, it asserts that every sphere of society should take responsibility for the protection of children against any form of violence and/or abuse.

Article 21 is aimed at the protection of children against harmful social and cultural practices. The emphasis lies on the elimination of harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

- (a) those customs and practices prejudicial to the health or life of the child; and
- (b) those customs and practices discriminatory to the child on the grounds of sex or other status.

Article 21(2) states that child marriages and the betrothal of children shall be prohibited and places an obligation on State Parties to pass legislation, which *'specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory'*.

In the context of trafficking for purposes of sexual exploitation the 'sale' of a child as a 'bride' would be covered under this article.

Article 27 of the African Charter focuses on the prohibition of sexual exploitation of children. In its essence it repeats Article 34 of the UN Convention. It emphasises the State Parties obligation to protect the child from all forms of sexual exploitation and abuse and to *'take measures to prevent:*

- (a) the inducement, coercion or encouragement of a child to engage in any sexual activity
- (b) the use of children in prostitution or other sexual practices
- (c) the use of children in pornographic activities, performances and materials.

This Article implies, along with Article 16 of the African Charter, and Articles 19 and 34 of the UN Convention, an obligation to introduce comprehensive legislation preventing any form of sexual exploitation of children, including the use of children in the sex industry and pornography.

Article 29 highlights the prevention of the sale, trafficking and abduction of children and reads:

States Parties to the present Charter shall take appropriate measures to prevent:

- (a) the abduction, the sale of, or traffic in children for any purpose or in any form, by any person including parents or legal guardians of the child
- (b) the use of children in all forms of begging.

### **3.4. Concluding Remarks**

South Africa has a rights-based framework that protects both its own and children from other countries from violations that can be perpetrated against them during the trafficking process. Giving effect to these provisions however remains challenging. These challenges relate to adult's knowledge of these laws.

This is dealt with fully below in discussions on law enforcers' knowledge about laws that protect children as well as their attitudes to children's protection in respect of trafficking in children. We also discuss the results of a survey administered to service providers in government departments and non-governmental organisations, that reveals the levels of knowledge about trafficking in children as well as government and community responses to the phenomenon.

# 4 Trafficking in Children and Child Labour

To fully understand the phenomenon of trafficking in children, which involves the way children are moved from their usual place of stay, social support and protection systems for the purpose of exploitation; it is important to understand the nature of that exploitation. "Trafficking children or adults is inextricably associated with their subsequent exploitation by others in a way that violates their human rights – usually by being forced to make money for them by working... to understand what is involved it is necessary to look at the forms of exploitation."<sup>25</sup>

Trafficking in children for purposes of exploitative labour practices has been defined as one of the worst forms of child labour. The extent of trafficking in children for purposes of labour exploitation is not known.<sup>26</sup> However, there have been reports of children trafficked into agriculture and domestic service. These reports emanate from Mpumalanga and the Western Cape respectively.

*"Child labour remains a widespread phenomenon throughout the world. For large numbers of children work is an ordeal, a source of suffering and exploitation, and a fundamental abuse of human rights. Often, child labour results in educational deprivation, social disadvantage and poor health and physical development. Yet child work can be an important element in maturation, securing the transition from childhood to adulthood. It can also be essential for family survival. Thus, child labour has many facets."<sup>27</sup>*

## Case Study: Three child domestic workers from Citrusdal interview with Victim Empowerment (VEP) Officer and Trauma Counselor in Citrusdal, in the Cedarberg<sup>1</sup>

*The VEP officer cited cases of three young girls aged 13-15. These girls are from Citrusdal and surrounding farming areas. Their backgrounds include that of poverty, alcohol abuse of parents, early school dropouts. One of the three girls has also been a seasonal worker on the orange/ citrus farms in Citrusdal. It is alleged that the recruiters of these young girls were people from Cape Town "die mense moet die bakkies" (the people with the trucks) who buy oranges in huge quantities for resale on the market in Cape Town.*

*These girls were promised that they would work in people's homes looking after children in the Grassy Park area. They left with the owners of the bakkie to Cape Town. They were taken to a house in Grassy Park.*

*Apparently this house is a "drug house". These girls were kept at this house against their will "like hostages" according to the VEP officer. They found a way to escape. They met another domestic worker from Bitterfontein working in the area. She assisted them with food.*

*The girls found their way to a police station in the Parow/Bellville area and the police wanted to facilitate their passage home. They thus contacted the Police Station in Citrusdal. APS from this side wanted to facilitate for the young girls to go home. They contacted SAPS Citrusdal.*

*The girls were debriefed on arrival at the Citrusdal police station. According to the girls they had been lured to work in Cape Town with false promises and they were keen to return home after their ordeals. The VEP officer and the SAPS in Citrusdal accompanied the girls to their parents' homes and assisted with the reintegration process.*

<sup>25</sup> Kids as Commodities: Mike Dottridge, p 16

<sup>26</sup> Child Labour Action Programme: Final Draft, Oct 2003

<sup>27</sup> A. Bequele and J. Boyden (eds.): **Combating Child Labour** (ILO, Geneva, 1995) p.v

## 4.1 Introduction

It has been noted that child labour “hinders a third of the world’s countries’ industrial development. Factory and industry bosses do not buy labour-saving technology because child labour is cheaper.”<sup>28</sup> According to one study “the most pressing reason (for children) to seek work is the need to reduce to the greatest extent possible the poverty in which (they are) living and thus satisfy (their) basic needs.”<sup>29</sup>

According to Terre des homes – Switzerland this is because “along with globalisation, world trade has come to rely on cheap labour in developing countries.” The organisation further states that cheap labour “alongside raw materials is what the crisis-ridden countries of Africa, Asia and South America still have to offer on the world market. Children say the organisation “are brutally caught up in this dynamic” which leads to unemployed adults who have no choice but to exchange their children for money.<sup>30</sup>

In the 1983 Anti-Slavery Society<sup>31</sup> highlighted the fact that child labour as a problem was being denied in South Africa. However children have been working and engaged in child labour in South Africa for centuries. Studies on Child Labour however are sparse and subsequently there are no accurate statistics on the extent or numbers of children engaged in labour.

The Network Against Child Labour estimated in 1998 that there were 400 000 children working in South Africa.<sup>32</sup> According to the Human Rights Committee, these, children were working in both the formal and informal sectors of the economy. Of the children working in the informal sector; there were 200 000 between the ages of 10 to 14 and 200 000 between the ages of 15 and 18.

The report further stated: “child labour is everywhere, from taxi ranks to farms and coal yards. They are forced to work hours that adults are protected against simply because they have no voice in the labour market or recourse to law. Their average wage is R10 a day.”<sup>33</sup> A pilot study in Johannesburg revealed that child workers “wages ranged from no pay to R150 per month (for working seven days a week totaling about 200 hours a month).<sup>34</sup>

A Department of Labour pamphlet on the Basic Conditions of Employment Act states that “from the October Household Survey of 1994, we can estimate that at least 200 000 children are working in South Africa, with about 50% of these on farms.”<sup>35</sup> The Labour Department has conducted a survey in which it concludes that most South African children are engaged in some form of work, although not all of the activities that children are engaged in can be classified as harmful or dangerous labour.<sup>36</sup>

<sup>28</sup> K-M. McCartney: ‘Reasons for Child Slave Labour’ December 2000 accessed at [www.geocities.com/Athens/Styx7487/reasons.html](http://www.geocities.com/Athens/Styx7487/reasons.html)

<sup>29</sup> E. Mendelievich (ed.): **Children at Work** (International Labour Organisation, Geneva, 1979) p. 8

<sup>30</sup> Terre des Hommes Schweiz: Press Release – Child Domestic Workers: In the Shadows of World Trade (Basel, October, 2002)

<sup>31</sup> Anti-Slavery Society: **Child Labour in South Africa: Child Labour Series, No.7** (London, 1983) p. 7

<sup>32</sup> C. Bhengu, ‘Children Forced into Prostitution’, *Sowetan*, 17 March 1998

<sup>33</sup> C. Bhengu, ‘Children Forced into Prostitution’, *Sowetan*, 17/3/98

<sup>34</sup> Human Rights Committee, **Quarterly Review: Children’s Rights and Personal Rights** 1999

<sup>35</sup> J. Loffel: *Ibid.* p. 89

<sup>36</sup> Chief Directorate of Labour Relations: Basic Conditions of Employment Act Campaign – Our future lies with our children (Pretoria, no date)

<sup>36</sup> Department of Labour: Towards a National Child Labour Action Programme for South Africa: Discussion Document (Pretoria, 2002)

These activities include household chores and range from fetching water and collecting wood to work in classrooms. Activities and types of labour that are harmful and dangerous are prohibited within current South African legislation. Such activities are defined in the International Labour Organisation's Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182 of 1999.

These include all forms of slavery or practices similar to slavery including trafficking and bonded labour. It is further also an offence to employ children under the age of 15 years.

According to Statistics South Africa "the major industries employing children are agriculture and trade. African children are the main victims in the agriculture sector; while White and Indian children often are found in trading activities. Almost all the children are used in elementary occupations, such as cleaning and packing."<sup>37</sup>

Child labour in South Africa has been identified in the following commercial endeavours:<sup>38</sup>

- In agriculture
- Fruit and vegetable farming, sugar cane and tobacco farming
- In construction
- In manufacturing
- In mining
- In the provision of services such as:
  - Car washers
  - Coal carriers
  - Commercial sex workers
  - Corner café assistants
  - Domestic servants
  - Flea market assistants
  - Flower sellers
  - Fruit and vegetable sellers
  - Parking lot attendants
  - Retail shop assistants, and
  - Taxi fare collectors
- Begging

The Department of Labour has begun to take action against employers who make use of child labour and a few farmers have been fined in the last few years. In July 2004 a farmer in Vryburg, in the Free State province was R15 000 for using children as farm labour.<sup>39</sup>

Whilst the Survey of Young People's Activities conducted by Statistics South Africa show that there are more children in agriculture and other sectors of the South African economy it is the sexual exploitation of children that has received most attention. As a result we know more about trafficking in

<sup>37</sup> H. Radebe: 'State Vows to Tackle Child Labour in SA' *Business Day* 11 August 2004

<sup>38</sup> K. Koen and B. Van Vuuren: **Children in Domestic Service the Case of the Western Cape** (Terre des hommes, Switzerland, 2002) p. 9

<sup>39</sup> H. Radebe: 'State Vows to Tackle Child Labour in SA' *Business Day* 11 August 2004

children for sexual purposes than for other purposes. Child labour and the use of children by adults to commit crimes are deserving of our attention.

A police constable in Citrusdal, in the Cedarberg recounted a tale of an 8-year-old boy who was recruited by a drug dealer.<sup>40</sup> The boy “comes from a very poor background, parents often unable to take care of the child, parents who abuse alcohol. Drug dealer took care of the child to win his trust. He groomed the child with food, attention, enticing the child with nice things. This child was then used as a drug courier to the drug lord. As a result the boy ended up in conflict with the law.”<sup>41</sup>

Reports from those who participated in the multi-sectoral sensitization workshops suggest that there are children in rural areas who are abducted and yet others who are forced by their parents into exploitative situations because the parents are debt-bonded to gangsters or others with power in the community.<sup>42</sup> From discussions with service providers in the selected sites it would appear that these issues are major concerns in rural areas although the knowledge and resources do not exist to combat these practices. While it is clear from this research process that a data collection exercise designed specifically to capture this is necessary it is also clear that the issue of child domestic workers and trafficking in children for this purpose is discussed more readily than in earlier times and this area is in need of urgent attention. It is to this group of young people that we turn our attention.



*Learning about Trafficking in children*

<sup>40</sup> Telephonic interview with Constable F. George

<sup>41</sup> Ibid.

<sup>42</sup> Telephonic interview conducted with /senior Superintendent Swanepoel of the Breede River Valley conducted on 30 November 20005

## 4.2. Trafficking and Child Domestic Workers

*“Child domestic workers are the world’s most forgotten children, which is why it is worth considering their plight before that of any other, more familiar groups of child workers. Although domestic work need not be hazardous, most of the time it is just that. Children in domestic servitude may well be the most vulnerable and exploited children as well as the most difficult to protect. They are often extremely poorly paid or not paid at all; their terms and conditions are very often entirely at the whim of the employers and take no account of their legal rights; they are deprived of schooling, play and social activity, and of emotional support from family and friends. They are vulnerable to physical and sexual abuse. What more miserable conditions can there be for a child – sometimes as young as age five – than to experience such conditions often among hostile strangers?”<sup>43</sup>*

Children are generally recruited into domestic service from impoverished rural areas. Employment agencies usually have agents who operate in rural areas and recruit both adults and children. Agents usually promise work as shop assistants, office workers or domestic workers. On arrival in Cape Town the prospective job seeker finds that she is in a situation that is very different from the one she was expecting. She is usually taken to an agency where she is held until prospective employers arrive to select her, as a domestic worker. The method detailed in Lorraine’s story (see case 5 below) appears to be a divergence from this. Where the prospective employers have already ‘booked’ or ordered a domestic worker through the recruiter/taxi driver. She is also told that the cost of her travel to Cape Town plus an agent’s fee will be deducted from her first month’s salary. She usually signs a contract, which commits her to work for the employer for a specified time period, usually not less than a year.<sup>44</sup> Children in domestic service “work 12-hour days, seven days a week. In addition to doing housework some of them were also expected to do other work such as work in the employer’s shop, take care of an elderly

### **Case Study: Three child domestic workers from Citrusdal interview with Victim Empowerment (VEP) Officer and Trauma Counselor in Citrusdal, in the Cedarberg<sup>1</sup>**

*The VEP officer cited cases of three young girls aged 13-15. These girls are from Citrusdal and surrounding farming areas. Their backgrounds include that of poverty, alcohol abuse of parents, early school dropouts. One of the three girls has also been a seasonal worker on the orange/ citrus farms in Citrusdal. It is alleged that the recruiters of these young girls were people from Cape Town “die mense moet die bakkies” (the people with the trucks) who buy oranges in huge quantities for resale on the market in Cape Town.*

*These girls were promised that they would work in people’s homes looking after children in the Grassy Park area. They left with the owners of the bakkie to Cape Town. They were taken to a house in Grassy Park.*

*Apparently this house is a “drug house”. These girls were kept at this house against their will “like hostages” according, to the VEP officer. They found a way to escape. They met another domestic worker from Bitterfontein working in the area. She assisted them with food.*

*The girls found their way to a police station in the Parow/Bellville area and the police wanted to facilitate their passage home. They thus contacted the Police Station in Citrusdal. APS from this side wanted to facilitate for the young girls to go home. They contacted SAPS Citrusdal.*

*The girls were debriefed on arrival at the Citrusdal police station. According to the girls they had been lured to work in Cape Town with false promises and they were keen to return home after their ordeals. The VEP officer and the SAPS in Citrusdal accompanied the girls to their parents’ homes and assisted with the reintegration process.*

<sup>43</sup> C. Bellamy: *The State of the World’s Children* (Oxford University Press, London, 1997) p.32

<sup>44</sup> Interview with Julayga Alfred conducted 19 September 2005

person or disabled child or perform work for members of the extended families.”<sup>45</sup> Anecdotal evidence suggests further “some children are even held captive where they work, and some are reportedly subject to sexual violence.”<sup>46</sup>

In addition to these conditions child domestic workers also experience the following circumstances at their places of employment.<sup>47</sup>

### **Accommodation**

- Lack privacy
- Most do not have appropriate and separate accommodation
- Some have accommodation in sheds in the backyard, with no access to separate access to bathrooms or toilets

### **Sleeping arrangements**

- Some sleep in garages together with other child and adult employees
- Reports of children who sleep in disused dog kennels
- Several reports of children who sleep on the floor either in the kitchen or in the lounge
- Some sleep under kitchen tables
- Some sleep in storerooms or garages where merchandise for shop are stored

### **Food Provision**

- Eats alone and after family
- Is given porridge (pap) as a staple diet
- Does not eat the same food as the family

### **Punitive Measures**

- Some children experience physical and verbal abuse
- Have money deducted from their wages for purchase of toiletries and clothes
- Accused of laziness or of having stolen clothes and have their wages withheld, as punishment
- Some children humiliated in public
- Children not allowed to leave the house alone, often escorted

It has not been possible to draw an accurate composite of trafficking routes for domestic labour exploitation during this research process. This is mostly due to the methodology chosen to collect information, which in turn was determined by the limited time and the resource allocation. However some stories did emerge these are detailed below.

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<sup>45</sup> K. Koen and B. Van Vuuren: Ibid. p. 18

<sup>46</sup> Focus group discussion with teenage girls in Murraysburg conducted 23 September 2005

<sup>47</sup> Focus group discussion with girls in Murraysburg conducted 22 September 2005 see also K. Koen and B. Van Vuuren: Ibid. pp. 34-35

### 4.3. Concluding Remarks

There is much about child labour in the Western Cape that we do not know. However it is clear that child domestic work is a serious problem in need of intervention. The conditions that these children are exposed to violate not only children's basic rights but also contravenes provisions in current legislation designed to protect children and provide them with recourse to the law and justice.

That children are aware of what awaits them, in some instances, and they still proceed to seek employment through agents and recruiters is indicative of children's desperation and their need to take care of themselves and in some instances their families.

This desperation has its origins in poverty and lack of employment. It is therefore important that in addition to improving detection and law enforcement that these issues be addressed as part of a multi-disciplinary and multi pronged strategy to address children's vulnerability to exploitation. We also need to pay attention to children's migration.

This report has also not been able to adequately explore the phenomenon of missing children and what happens to them. According to a police officer in the Breede River Valley " young girls are employed by foreigners who have moved into rural areas. These foreigners have highly organised operations and young girls get involved with them. Initially they work for them and then they disappear. It is very difficult to trace their movements."<sup>48</sup>



*Its your move member handing out of pamphlets about trafficking in children in Atlantis*

<sup>48</sup> Telephonic interview conducted with Senior Superintendent Swanepoel of the Breede River Valley on 30 November 2005

# 5 Knowledge and Attitudes among Service Providers and Young People

## 5.1 Introduction

In this section we detail some of the results of the questionnaire administered to 170 respondents as well as the outcome of focus group discussions with 131 teenagers. The questionnaires were administered and the focus group discussions held in 6 sites situated in five geographical areas in the Western Cape Province. These areas are detailed in Section 1. Of the respondents to the questionnaire 57% or 97 respondents were from the government sector and 43% or 73 respondents from the non-government sector.

The questionnaire was designed to assess respondents' levels of awareness, knowledge and attitudes about trafficking in children, child labour, child sexual exploitation and knowledge about children's rights enshrined in South African legislation. A Likert scale was used to assess this. The questionnaire was made available to respondents in the three official languages of the Western Cape Afrikaans, English and Xhosa. The English version of the questionnaire is attached to this report as Appendix A.

The questionnaire was administered to the participants of multi-sectoral workshops conducted in six different geographical sites in the Western Cape province. This was part of the negotiation process during the setting up of the workshops. The issue and ethical considerations were discussed with workshop participants prior to the administration of the questionnaire. Participants who did not wish to complete the questionnaire did not do so. The breakdown of respondents by geographical area is represented in Table 1 below.

**Table 1: Number of respondents**

Sector	Beaufort West	Breede River Valley	Cedarberg	Northern suburbs	Southern Cape	Southern suburbs	Totals
Government	16	18	12	15	24	12	97
NGO's	14	8	11	19	7	14	73
<b>Totals</b>	<b>30</b>	<b>26</b>	<b>23</b>	<b>34</b>	<b>31</b>	<b>26</b>	<b>170</b>

A difficulty that was not anticipated with the administration of the questionnaire was the relatively low levels of literacy among some respondents from the non-government sector. Nonetheless these respondents had someone they work with read the questions to them and help them complete the questionnaire. Respondents' views on the questionnaire were elicited.

Respondents' views on the questionnaire were elicited. Below is a sample of the responses that are representative of all responses received.

- Very interesting
- It was difficult
- Too much information
- Learnt a lot from the questionnaire
- Some questions are confusing
- Found Section C dealing with legal aspects confusing
- All the issues listed in Section 5 are priority areas and it's difficult to make a choice
- Shorten the questions
- Questionnaire designed to elicit perceptions
- Language is good
- Questions are repetitive
- Some questions are tricky
- Makes you think before you make a decision
- Not really for layman/laywomen it assumed that all will be familiar with law this is not the case for everyone
- Eye opener
- Section B tricky for someone that does not necessarily work with the issues on a daily basis
- Difficult to understand questions

Section A of the questionnaire assessed respondents' understanding of trafficking in children. Responses were varied and indicate that in general the understanding of what is "trafficking in children" is low. A sample of comments is reproduced below.

- Removal of children from point A to point B with false promises
- Children removed for labour and used for other specific reasons
- Happens inside community – children removed from "problem families" to "foster families" and abuse happens
- Children removed from vulnerable (abusive) domestic situations to "drug dens" to lure men and provide sexual favours to them
- Promise of jobs – removal of people point A to point B – upon arrival at point B the scenario is completely different
- Deceiving children and selling them. This leads to sexual exploitation
- Children who are traded for prostitution and trained to be child prostitutes
- Money is exchanged
- How to speak to a child
- Deceit
- Sex work which is unpaid
- Abduction and misuse of children
- Children do dirty work such as drug trafficking
- Money is exchanged for illegal activities
- Child labour
- Young girls becoming sex slaves
- Violation of children's rights
- Child domestic labour recruited by agents or madams

- Kidnapping or abduction of children to use them as prostitutes
- Parents selling children for food
- Targeting poor families – farm children are exploited
- Domestic workers becoming more aware of their rights
- Debt bondage on farms

During the multi-sectoral workshops<sup>49</sup> conducted by Molo Songololo in the selected sites participants were asked what their experiences of trafficking in children in their areas are. These responses are not necessarily related to trafficking in children but are a reflection of how members of the communities in the selected sites view the issue of trafficking in children. Below are some of these responses.

- Capetonians advertise jobs in Citrusdal for domestic work. When these young girls get to the place of destination, they are often ill treated and abused; they don't receive the money promised. Often they have to pay back the money for transport from their first month's salary. They are often transported with taxis.
- In other instances children are also coerced to sell drugs, also to courier drugs. A police constable cited a case of an 8-year-old boy who was caught with the drugs which he allegedly sold or couriered for drug lords
- Drug traffickers target places which children frequent. They entice children with money or goods. They know which children to identify. They groom children through a process. They get children hooked on drugs
- Child labour -children work on the Citrus farms to assist with family income, this usually happens during holidays or fruit seasons.
- In Worcester, a social worker cited a case of a 9-year boy who was used by gangs in the area to commit several crimes
- Children are being used as commodities. We need to deal with issues of poverty, where drug lords see as a loophole to groom children for their own ends
- A case was cited of children who were trafficked from Mitchell's Plain and Eerste River by drug lords in Worcester. The boys are used as fruit sellers at a roadside stall. The roadside stall is actually a front for the drugs that the children are forced to sell

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<sup>49</sup> These multi-sectoral workshops are part of the broader project administered by the UNODC

Workshop participants cited the following as reasons for children's vulnerability to these situations:

- Child neglect
- Lack of love and attention from parents
- Peer pressure
- Lack of money for essentials increases children's vulnerability
- Socio-economic circumstances also forces children to work
- Abusive circumstances at home
- Migration for economic reasons
- Lack of recreational opportunities
- Children's vulnerability due HIV/AIDS pandemic
- Alcohol abuse in the home
- Lack of development of children
- Lack of education and opportunities

### **5.1.1. Responses to child sexual exploitation**

Section B.1 listed 19 attitude statements that are usually made in relation to child sexual exploitation respondents were asked to tick their level of agreement on a five point scale ranging from strongly agree to strongly disagree.

Whilst the results are varied it reveals that 50% of non-government respondents strongly agreed "Girls are more vulnerable to sexual exploitation than women" and similarly 47 out of 97 government respondents strongly agreed with this statement.

Forty-eight percent of government respondents agreed that "sexual abuse and sexual exploitation are the same" whereas 41% of non-government respondents strongly agreed with this statement.

On the statement "gangs are more likely to prostitute children in cities than rural areas" 39% of non-government respondents were unsure and 26% of government respondents agreed. An interesting observation here is that responses were more varied to this question than most others and an equal number of non-govern respondents, 39% were also unsure about this question.

To the statement "a sixteen-year-old who is a prostitute can consent to having sex with a client" 36% of government respondents said that they strongly agree with the statement and 33% that they agree with the statement. Non-government respondents' had diverse responses, 39% were unsure whereas 22% agreed and an equal number disagreed.

Legally a sixteen-year-old girl can consent to sex, but a child under the age of eighteen years cannot consent to sex in exchange for money. This then appears to be an area where more awareness is needed as it influences responses to sexually exploited children over the age of sixteen.

Forty-four percent of non-government respondents agreed that “children engage in prostitution and pornography because they help support their families” an equal number, 43% of government respondents had the same response.

Thirty percent of government respondents strongly disagreed that all men who “sexually exploit children are paedophiles” whereas non-government respondents selected the options Agree and Unsure most with an equal number selecting each option, 27%.

As to whether “foreign men are more likely to have sex for money with a South African child than South African men” 38% of non-government respondents were unsure and 36% of government respondents were unsure. Twenty-four percent of government respondents also agreed with this statement.

### **5.1.2. Responses to child labour**

Section B.2 of the questionnaire listed seventeen attitude statements in relation to child labour. Twenty-seven percent of government respondents disagreed that “ girls are more vulnerable to child labour than boys”. However 32% of this group agreed that this is so. In contrast 37% of non-government respondents agreed with the statement and 29% strongly agreed with it.

To the statement “children who are sent from rural areas to live with relatives in the city are always exploited” 40% of non-government respondents were unsure and 45% of government respondents disagreed with the statement.

Sixty-five percent of government respondents agreed, “Boys are more likely than girls to be employed as farm labour”. Most non-government respondents, 53% also agreed with this statement.

### **5.1.3. Responses to trafficking in children**

This section has 13 attitude and knowledge statements. Issues covered here include girls’ vulnerability as opposed to that of boys. The legal age of age to sex; whether trafficking in children only occur across borders, whether children who “have been deceived by adults to commit crimes” can be victims of trafficking and whether the illegal adoption of a child constitutes trafficking in children.

As to whether “girls are more vulnerable to trafficking than boys” 34% of non-government respondents strongly agreed with the statement and 38% of them agreed with the statement. The percentage of those who agreed with the statement was highly among government respondents with 46% agreeing. In this group 28% of respondents strongly agreed with the statement.

Whereas only 38% of non-government respondents disagreed with the statement “trafficking in children is only a crime if children are transported across a border” 44% of government respondents disagreed with the statement and strongly 37% disagreed. It would seem then that there is need for more awareness raising, among non-government organisations in respect of internal trafficking.

Whether children “who have been deceived by adults to commit crimes” can be victims of trafficking received the following responses. Twenty-six percent of non-government respondents were unsure about this whereas 32% of them agreed with the statement. Responses were stronger from the government sector with 42% agreeing with the statement and 28% strongly agreeing with the statement.

On the question of whether an illegal adoption is automatically trafficking in children 32% of non-government respondents were unsure about the accuracy of the statement however an equal number of respondents in this group, 32% agreed with the statement. Among government respondents 21% were unsure whereas 22% strongly agreed with the statement and 36% agreed with the statement. This is an area that also needs attention during awareness raising campaigns as children who are illegally adopted are not necessarily exploited and therefore not victims of trafficking.

#### **5.1.4. Responses to legal questions and ranking of priority areas for intervention**

Respondents were asked in Section C to select one of three options; ‘yes’, ‘no’, or ‘not sure’ for statements related to legal provisions contained in current South African legislation. The purpose of the section was to ascertain respondents’ understandings of legal rights that children have. Some of the statements they were presented with are:

- It is a criminal offence to neglect a child in South Africa
- In South African law the best interests of the child is most important
- Child labour is against the law
- Trafficking in children is a crime in South Africa
- Sex with a girl under 16 years is statutory rape

Most respondents appear to have a fair understanding of the legal provisions that protect children, although some respondents’ comments indicated that they found this section difficult. Thus while respondents appeared to have intuited or guessed the appropriate responses there seems to be levels of uncertainty among them.

This indicates that there is a need for service providers who have direct responsibility for children’s protection to be trained in the legal framework governing their work. This is needed not only to legal aspects as it related to trafficking in children but as it relates to children in general.

In Section D respondents were presented with a list of 25 possible priority areas in need of intervention. This list included items directly related to children such as “child labour”, “trafficking in children”, and “providing opportunities for young people”. It also included macro level issues such as “job creation”, “political participation”, “HIV/AIDS”, “the public health system” and “addressing poverty”. In respect of rating priority areas at national and provincial levels that are in need of intervention most respondents selected the overarching macro level issues that first affect the lives of adults and then impact on children.

These include addressing, poverty, unemployment, the housing shortage, addressing the low levels of education and lack of skills. For most respondents then it is the lives of adults that need to be addressed before meaningful interventions can be made in the lives of children.

### 5.1.5. Multi-sectoral cooperation

During the multi-sectoral workshops participants identified their roles and responsibilities in respect of trafficking in children. They also identified what is needed to fulfill these responsibilities. There was agreement during the workshops that only a multi – or inter-sectoral approach will be effective in efforts to combat trafficking in children. The outcome of this across the selected sites is represented in tabular form below.

**Table 2: Roles and responsibilities of service providers in relation to trafficking in children, child labour and sexual exploitation**

Sector	Roles and Responsibilities	Needs
<b>Department of Labour</b>	<ul style="list-style-type: none"> <li>• Administer and enforce laws</li> <li>• Deal with the protection of vulnerable workers</li> <li>• Operate with particular limitations</li> </ul>	<ul style="list-style-type: none"> <li>• Laws are not in concert with each other</li> <li>• Greater cooperation amongst different role players</li> <li>• Labour inspectors need to be trained around this</li> </ul>
<b>Department of Social Development and Poverty Alleviation</b>	<ul style="list-style-type: none"> <li>• Initiate statutory processes in the absence of trafficking legislation but they do have protocols to deal with issues of child sexual exploitation</li> <li>• Provide assistance with the process of reintegration of victims</li> <li>• Trafficking cases not reported as such rather under something different presents difficulty to identify cases and or victims of trafficking lead to cases not being reported and processed properly</li> </ul>	<ul style="list-style-type: none"> <li>• Limited capacity</li> <li>• Need for training and building capacity</li> <li>• Resource allocation</li> <li>• Proper data management</li> <li>• Greater cooperation amongst different role players</li> <li>• Resource directory</li> <li>• Lack of specialised staff</li> <li>• Lack of experience in dealing with the issue</li> <li>• Addressing the causes i.e. assistance to struggling families</li> <li>• Need for specialised services instead of generic</li> <li>• Need for proper data systems</li> <li>• Facilitation and coordination</li> </ul>
<b>South African Police Services</b>	<ul style="list-style-type: none"> <li>• Investigating whether a crime has been committed</li> <li>• Upholding law and order</li> <li>• In most cases first point of contact with victim</li> <li>• Refer victim to relevant role player</li> </ul>	<ul style="list-style-type: none"> <li>• Currently a lot of ignorance on the part of SAPS, need for training and to enhance skills, (Beaufort West; George; Citrusdal and Worcester and surrounding areas)</li> <li>• Need a crime code for trafficking in persons</li> </ul>

	<ul style="list-style-type: none"> <li>• Asses whether crime has been committed</li> <li>• Have a victim support services available at most Client Service Centres</li> <li>• Provide counselling to victim</li> </ul>	<ul style="list-style-type: none"> <li>• Identification of victims of trafficking</li> <li>• Better cooperation and coordination around the issue</li> </ul>
<b>Community Policing Forums</b>	<ul style="list-style-type: none"> <li>• Victims support room as part of CPF sub structure</li> <li>• Mouthpiece of the community</li> <li>• Eyes and ears of community</li> <li>• Empowering community to get involved</li> </ul>	<ul style="list-style-type: none"> <li>• Raise awareness</li> <li>• Training and enhancing capacity</li> </ul>
<b>Department of Justice (NPA and Judiciary)</b>	<ul style="list-style-type: none"> <li>• Adjudication</li> <li>• Investigating and upholding the law</li> <li>• Use existing laws or find other ways to deal with the issue, best way is the Prevention of Organised Crime Act</li> </ul>	<ul style="list-style-type: none"> <li>• Legislation will enhance our capacity</li> <li>• Alignment with national level Developments around trafficking</li> <li>• Training and capacity building</li> <li>• Knowledge as to how to question witnesses</li> <li>• Identification of cases</li> </ul>
<b>Community-based organisations and non-government organisations</b>	<ul style="list-style-type: none"> <li>• First reported to</li> <li>• Provide assistance to victims</li> <li>• Provide counselling services</li> <li>• Provide temporary care</li> </ul>	<ul style="list-style-type: none"> <li>• Need for training and capacity building</li> <li>• Systems to be in place to manage data and information</li> <li>• Identification of good practices</li> <li>• Need for protocols</li> <li>• Where do we report this to ensure effective and efficient results</li> <li>• Insufficient places of safety, need appropriate places of safety</li> <li>• Need for greater cooperation and collaboration with other structures</li> <li>• No specialised services</li> </ul>
<b>Department of Health</b>	<ul style="list-style-type: none"> <li>• Awareness around primary health care and prevention; treatment and referral of victims to relevant role players</li> </ul>	<ul style="list-style-type: none"> <li>• Training and capacity building</li> <li>• Sensitisation</li> </ul>
<b>Department of Education</b>	<ul style="list-style-type: none"> <li>• Prevention through education</li> </ul>	<ul style="list-style-type: none"> <li>• Include this in the curriculum</li> <li>• Training to educators</li> </ul>
<b>Religious Institutions</b>	<ul style="list-style-type: none"> <li>• Crucial link in the community can raise awareness on a massive scale</li> <li>• Has the capacity to deal with government</li> </ul>	<ul style="list-style-type: none"> <li>• Sensitise religious leaders</li> </ul>

## 5.2. Focus group discussions with teenagers

The purpose of the focus groups was to capture their understanding and as well as ascertain whether they had any knowledge of instance taking place in their communities. It was also viewed as an opportunity for Molo Songololo to create awareness where such awareness might not exist.

**Table 3: Numbers of teenagers by gender and area**

Place	Male	Female	Totals
Beaufort West	5	20	<b>25</b>
Breede River Valley	9	14	<b>23</b>
Cedarberg	7	10	<b>17</b>
Northern Suburbs	9	11	<b>20</b>
Southern Cape	10	10	<b>20</b>
Southern Suburbs	6	20	<b>26</b>
<b>Totals</b>	<b>46</b>	<b>85</b>	<b>131</b>

The participants in the focus groups were asked for their understanding of what constitutes “trafficking in children”. Their responses are represented in the table below.

**Table 4: Teenagers’ Understandings of what is “trafficking in children”?**

Place	Comments
Beaufort West	<ul style="list-style-type: none"> <li>• Child Prostitution</li> <li>• Children moved across borders for sex with men</li> <li>• Children doing school patrol</li> </ul>
Breede River Valley	<ul style="list-style-type: none"> <li>• Children not expose to their Rights</li> <li>• Children being sold for reasons of money</li> <li>• Misleading of children</li> <li>• Prostitution of children</li> <li>• Children being lured for prostitution</li> <li>• Children working on farms</li> <li>• Children exported from country to country</li> <li>• Having sexual commitment at early stage</li> <li>• Getting married at early age</li> </ul>
Cedarberg	<ul style="list-style-type: none"> <li>• Children doing the work of traffic cops at school</li> <li>• Men at the robots</li> <li>• Children at nightclubs</li> <li>• Child labour</li> </ul>
Northern Suburbs	<ul style="list-style-type: none"> <li>• Children standing on the road</li> <li>• Some one hurting children</li> <li>• Children forced to have sex</li> <li>• Children getting into taxis, and have sex with the drivers</li> <li>• Children strip for the men and have sex</li> </ul>

Southern Cape	<ul style="list-style-type: none"> <li>• Child doing work of traffic officers</li> <li>• School patrol</li> <li>• Child learning to drive</li> <li>• Children who take care of their siblings</li> <li>• Children who their sell bodies to men</li> <li>• Child Prostitution</li> <li>• Children who are neglected by parents</li> <li>• Removal of children from one place to other</li> <li>• Children sold to teachers to have sex</li> <li>• Children doing domestic work</li> <li>• Children with negative attitudes</li> </ul>
Southern Suburbs	<ul style="list-style-type: none"> <li>• Children exposed to drugs</li> <li>• Child prostitution</li> </ul>

The various focus groups' participants were asked for their knowledge of instances where trafficking in children might have occurred. This was after the concept was explained to them and examples given. Below is a synopsis of their responses, summarised in tabular form.

**Table 5: Teenagers' knowledge of instances of children's vulnerability**

Place	Comments
Beaufort West	<ul style="list-style-type: none"> <li>• Girls go to the truck stops and have sex with the drivers in exchange for money</li> <li>• Some truck drivers take the girls with them on long drives</li> <li>• Children get HIV from having sex with adults</li> <li>• Children are neglected by parents and get into all sorts of mischief</li> <li>• Children from surrounding areas go to Cape town to work there and are exploited</li> </ul>
Breede River Valley	<ul style="list-style-type: none"> <li>• Poverty leads to prostitution</li> <li>• Drug use make young people vulnerable to exploitation and some girls end up in prostitution.</li> <li>• Teenage pregnancy is a problem schools</li> <li>• High rate of unemployment</li> <li>• Alcohol abuse by young people</li> <li>• Young people frequent shebeens</li> <li>• Children end up in prostitution because of peer pressure</li> <li>• Child prostitution is the result of socio-economic situation in the Breede River Valley</li> <li>• Some girls believed that they could make quick money by going to town at night an prostitute at the Engen Garage on the N2 National Road</li> </ul>
Cedarberg	<ul style="list-style-type: none"> <li>• Drug merchants selling drugs to gangsters</li> <li>• Girls interfering sexually with men</li> <li>• Police officers having sexual relationships with girls</li> <li>• Girls enjoy themselves at shebeens</li> <li>• Children send their children to shebeens to exchange sex for money</li> <li>• Farmers who pay their workers with alcohol</li> <li>• Parents allow the sexual exploitation of their children because they want to use the money to buy alcohol and drugs</li> <li>• The community ignore children's problems</li> <li>• Girls who solicit for sex on the freeway</li> <li>• Girls getting pimples because they are promiscuous</li> <li>• Children using drugs</li> </ul>
Northern Suburbs	<ul style="list-style-type: none"> <li>• Parents neglect their children</li> <li>• Children share cigarettes with their parents</li> <li>• Children use 'tik' and marijuana</li> <li>• Parents send their children to the main road in Goodwood to exchange sex for money</li> <li>• Parents allow their girl children to have sexual relationships with taxi drivers</li> </ul>

	<ul style="list-style-type: none"> <li>• People live in disharmony with one another</li> <li>• Parents have sex in their children's presence</li> <li>• Parents prostitute their children for drugs and alcohol</li> <li>• Step fathers sexually exploit children in exchange for money</li> </ul>
Southern Cape	<ul style="list-style-type: none"> <li>• There is a car, that takes girls to Mosselbay and the driver has sex with them</li> <li>• Girls engage in sex with men because of money, the men also give them alcohol</li> <li>• Some parents don't work so they tend to allow their children to be involved in sex work</li> <li>• Tarveners also target young girls to have sex with them in Thembaletu</li> <li>• Some of the girls stand on the freeway and beg for money</li> <li>• Some girls have boyfriends because of peer pressure so that the boyfriends can buy them clothes</li> <li>• Some young girls say its good to sleep with older people so that they can also get HIV</li> <li>• Young girls sell their bodies to men to get money</li> <li>• Some girls have relationships with teachers and get involve in sex with them</li> <li>• Some children leave home because of the abuse at home</li> <li>• Some girls are nightclub strippers it's a new thing in our township for young girls age 14 years to 16 years</li> <li>• Girls hike from George to Knysna for fun and get picked up by truck drivers</li> <li>• Some girls leave school because of the parents' alcohol problems and become prostitutes</li> <li>• Teachers do children's home work in exchange for sex</li> </ul>
Southern Suburbs	<ul style="list-style-type: none"> <li>• Some parents drink and neglect their children</li> <li>• Some girls have boyfriends so that the boyfriends can buy them clothes</li> <li>• Some girls exchange sex for money with taxi drivers</li> <li>• Some girls believe that taxi drivers are their boyfriends</li> <li>• Some children from rural areas work in people's houses as domestics</li> <li>• Boys work on the street selling various things</li> <li>• Some children beg on the streets because their parents force them to</li> </ul>

At the end of each focus group discussion participants were asked for their recommendations to address trafficking in children and children's vulnerability. These recommendations are represented by area in table 6, below.

**Table 6: Recommendations by teenagers**

Place	Recommendations
Beaufort West	<ul style="list-style-type: none"> <li>• Need for recreation centres for young people</li> <li>• Need more information around trafficking in children</li> <li>• People need to understand difference between prostitution and trafficking</li> <li>• Need to educate young people about dangers of working in the city</li> <li>• Children need to have education and skills</li> <li>• Parents and rest of community need information about trafficking</li> <li>• Girls should be protected from truck drivers</li> </ul>
Breede River Valley	<ul style="list-style-type: none"> <li>• Entertainment centre for young people</li> <li>• Form support groups to discuss child and youth issues</li> <li>• Need to have a youth centre</li> <li>• More workshops must be conducted on life skills</li> <li>• Establish a youth desk to address young peoples' problems at schools and in their communities.</li> <li>• More awareness about trafficking in children</li> <li>• Youth centres should extend opening hours to 19H00</li> <li>• Need more activities that will teach and educate young people</li> <li>• Need to have awareness among parents about trafficking in children</li> <li>• Need awareness about teenage pregnancy</li> <li>• Need awareness about child labour</li> </ul>
Cedarberg	<ul style="list-style-type: none"> <li>• Increase recreation facilities for children</li> <li>• Need to increase safety measures for children</li> </ul>

	<ul style="list-style-type: none"> <li>• Clinics must not be selective and help all people</li> <li>• Create awareness around children's vulnerability</li> <li>• Have a March at Citrusdal with business people, churches, community leaders, police and farm school to highlight the problems</li> <li>• Need to reduce poverty and unemployment</li> <li>• Improve socio-economic situation of people in Cedarberg area</li> <li>• Molo Songololo should come back and do workshops with children about their rights</li> <li>• Need for parents to have education and awareness about parenting skills</li> </ul>
Northern Suburbs	<ul style="list-style-type: none"> <li>• Need intervention on main road in Goodwood where young people engage in sex work</li> <li>• Need intervention around taxi drivers who sexually exploit girls</li> <li>• Parents should be educated to take responsibility for their children</li> <li>• Need more awareness raising about trafficking in children</li> </ul>
Southern Cape	<ul style="list-style-type: none"> <li>• Young girls need education about HIV</li> <li>• Community leaders should pressurize shebeen owners not to sell children alcohol</li> <li>• Need awareness campaign to highlight problems</li> <li>• All community leaders should support the awareness campaign</li> <li>• Have radio talks around issues affecting children and youth</li> <li>• Increase recreational centres for young people</li> <li>• Request Municipality to open their centres from 15h00 till 18h30</li> <li>• Introduce life skills programmes for young people</li> <li>• Organise youth activities in communities</li> <li>• Reduce unemployment</li> <li>• Reduce alcohol and drugs abuse in community</li> <li>• Need Child and Youth Desk to protect children</li> <li>• Parenting skills workshops for parents</li> <li>• Child Care Grants given to parents who neglect their children should be monitored</li> </ul>
Southern Suburbs	<ul style="list-style-type: none"> <li>• Children need information and education about child labour</li> <li>• Need for prevention programmes around drugs</li> <li>• Perpetrators should be prosecuted</li> <li>• Girls should be protected from gangs that prostitute them</li> <li>• Need for awareness among parents</li> <li>• Police should not collude with gangsters</li> </ul>

### 5.3. Concluding Remarks

Trafficking in children, while a significant feature in all the selected sites either as places of origin or destination has not yet become a priority area for members of these communities. This is in part because the overriding push factors that cause trafficking in children and children's vulnerability to exploitation and abuse are seen as the important issues. This raises some challenges for implementing strategies. The generally low levels of knowledge among respondents about trafficking in children and issues related to trafficking in children such as child sexual exploitation and child labour needs to be addressed through education and training workshops.

Although most respondents have a good understanding of the legal protections available to children in South Africa there is still a need to have information on the law available to service providers as it would seem from respondents' comments on this section of the questionnaire that they are not confident about the knowledge that they do have. This might indicate that respondents have a general 'feel' for what the law should say rather than actual knowledge of what it says.

### Recommendations

Respondents made the following recommendations during the workshops to address the issue of trafficking in children.

- Improving the level of knowledge about child trafficking
- Informing sensitising and mobilising partners
- Setting up a proper legal framework
- Strengthening the intervention capacity of concerned structures
- Setting up prevention and reintegration programmes
- Develop standardised services for child victims of trafficking
- Education around responsible parenthood
- Strengthening the legal and judicial system
- Raising awareness among the general public, particularly those living in areas concerned
- Building professional skills and provide training
- Establishing mechanisms for coordination and monitoring – structures to be created to bring together key actors in the area, ensuring coordination and monitoring activities. The local government structures needs to be engaged
- Alignment on what is happening on a national level
- Reporting of cases
- Follow up workshops around the SA Law commission's Discussion Paper once finalised
- Develop uniform protocol to respond to the issue child trafficking
- Regulations to be in place to administrator the problem of child trafficking across the board
- Government allocation of sufficient resources
- Involvement of municipalities in coordinating activities in concert with civil society

- Integrated management of information systems that runs across different role players
- Adoption of multi sectoral strategy

As indicated from the focus group discussions with teenagers, they have a stake in eliminating trafficking in children. And it is clear that their understanding of the phenomenon and that of child labour and child sexual exploitation should be increased. Children that are especially vulnerable should also be targeted so that they can be empowered with alternatives.

An important feature of children's responses across the five selected sites is that of improved recreation facilities for young people as well as increased access to such facilities. It would probably be important for teenagers themselves to advocate for such facilities and it would probably be useful to them to have the skills to advocate and lobby of that which is in their interest.

A striking feature of teenager's responses is that they highlight the issues for alcohol and drug abuse by parents and that they identified the need for parents to be exposed to parenting workshops and education. This is also an issue raised by service providers in the multi-sectoral workshops. It would seem then that this too is an urgent need.



*Participants of focus group discussion- George, Southern Cape*

# 6 POLICY PROPOSALS

## 6.1. Introduction

*“Understanding the various actors and stages involved in the trafficking of children helps target measures to combat it. A comprehensive approach to eliminating child trafficking must address it at every level and must reach every category of actor involved. In this way, not only will trafficking be addressed, but the exploitative work into which children are trafficked can be targeted as well.”<sup>50</sup>*

It is clear from the results in this report that there are indications of organised trafficking networks. However a lack of understanding of the phenomenon as well as limited resources and lack of coordination hampers effective intervention. From the results of this report it would appear that there are two areas in need of urgent intervention, especially in rural areas in the Western Cape, the places of origin. These are child domestic work and children used by adults to commit crimes.

During interviews and discussions with service providers from the government sector the comment was often made that “there are many problems at inter-sectoral level, there is no continuity within government departments in responding to child trafficking.”<sup>51</sup>

This is also a view shared by the non-government sector in relation to its work with government departments.<sup>52</sup> From the government sector there has also been a response that “NGO’s are responding faster than government, this is forcing government to fast track responses.”<sup>53</sup>

The Western Cape provincial department of Social Service is also challenged to “ensure an enabling environment for NGO’s to be able to implement and use existing policies. Government departments are not the experts therefore this department will outsource work and ensure that experts play a pivotal role to ensure that the overall care and protection plan is coherent and smooth.

This is important as the Department of Social Services and Poverty Alleviation is the custodian of the Child Care Act.<sup>54</sup> As custodians of the Act the department views the following as priority areas:

- Prioritise all children’s issues
- Contextualise the contributions that parents can make
- Proper planning regarding the outputs of the five-year-plan
- Ensure the availability of resources needed to match the plan
- Balance the dimensions with an inter-sectoral approach to see the bigger picture

<sup>50</sup> International Labour Organisation: **Unbearable to the Human Heart: child trafficking and action to eliminate it** (Geneva, 2002) p. 11

<sup>51</sup> Interview conducted with Ivor Pollson, Department of Labour Cape Town on 6 December 2005

<sup>52</sup> Interview with Julayga Alfred. Ibid.

<sup>53</sup> Telephonic interview conducted with Ms Sharon Follentine, Department of Social Services and Poverty Alleviation, Provincial government on 6 December 2005

<sup>54</sup> Ibid.

## 6.2. Policy Proposals

Girls appear to be particularly vulnerable to trafficking and exploitation for both sexual and labour purposes. It is therefore important to include a gendered dimension in efforts to combat trafficking in children. This would also give effect to Recommendation 190 of ILO Convention 182.

It is also clear that the majority of respondents view poverty as the major push factor. Especially children but also representatives of the government have raised as an important part of an intervention strategy the inclusion of parents. We make the following proposals in this regard:

- Target invisible child workers, most of who appear to be girls by using an area specific approach, especially those areas of destination where children are known to be working; i.e. Athlone, Grassy Park, Strand, Constantia, etc.
- Target sectors where girls are known to be working
- Provide alternative livelihood strategies to families prone to resorting to allowing their children to work; i.e. domestic work
- Provide adults in vulnerable communities with alternative employment
- Incorporate an explicit gender dimension in all policies and programmes against child labour
- Increase gender awareness among all service providers and stakeholders
- Adoption of an gender mainstreaming policy that is explicit in policy programming, resource allocation and accountability procedures
- Education and or vocational training for child victims of trafficking
- Increase the participation of women and especially girls in intervention and prevention strategies

There is also a serious lack of places of safety for children who have been removed from exploitative situations. Therefore

- Resources should be allocated and staff appropriately trained
- Protocols should be established for the removal and reintegration of children
- Greater cooperation between NGO's and current shelters to ensure that victims have a place to stay once they have been removed or have escaped

The issue of especially boys being used by gangs to commit crimes is also in need of serious attention and redress. That boys are recruited from urban areas to rural areas for such purposes is something that we need to understand more fully and therefore research is needed in this area. This will increase our knowledge and allow for appropriate prevention and intervention strategies to be devised.

### 6.3. Concluding Remarks

This report highlights that there are several causal factors that have contributed to the increase in trafficking in children. Media reports about specific cases have periodically resulted in public moral outrage. However despite this much needs to be done by civil society and government to address the issue. As a result South Africa is still some way from reducing the numbers of children at risk of and vulnerable to neglect, violence and maltreatment that is both a cause and a consequence of trafficking in children.

Trafficking in children and children's exploitation in labour situations as well as criminal activities are serious and growing phenomena in South Africa. There is much that we still do not know. We need to know how many children are involved in labour that is harmful, exploitative and detrimental. Children engaged in such working situations are at the worst end of the continuum of child labour and it is these children that policies and programmes need to impact on more urgently.

Without more detailed and clearer information the scale of the problem will not be known. We can only have appropriate intervention and prevention strategies once we have developed and administered instruments and procedures to measure the nature and extent of child labour and trafficking in children.

The gaps in our knowledge however should not deter us from treating this as an urgent issue in need of immediate action and remedies. In doing so we should be mindful of our international commitments taking into account our own national and regional specifics. There are also a large number of initiatives worldwide that we can learn from. In embarking on a national programme we should also be mindful that "tackling the . . . exploitation of children demands responses that cut across national borders.

The powerful forces that allow the use of children for adults' (purposes) – organised crime, centuries old traditions and beliefs, a growing drug trade and conspiracy of silence –require a forceful response. Governments, national and international NGOs, United Nations agencies, regional organisations and the private sector must collaborate and draw on one another's strengths if there is any progress to be made in putting an end to the exploitation of children." <sup>55</sup>

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<sup>55</sup> UNICEF: *Profiting from abuse: An investigation into the sexual exploitation of our children* (New York, 2001)

## 7 Concluding Remarks – Trafficking in Children in the Western Cape Report

The situation of children remains a major concern for the government and civil society in the Western Cape Province and nationally. Children form a major social group and are the most vulnerable sector of society. Increase awareness of the rights and needs of children has resulted in various commitments to address children's vulnerabilities and human rights violations being committed against them as reflected in this report.

Children in rural and urban areas in the Western Cape Province are experiencing and are vulnerable to various threats as a result of poverty-related conditions, poor health and HIV/AIDS, lack of support and social assistance, dysfunctional families, domestic violence, substance abuse, neglect, abuse and exploitation. However, this report highlights that rural children are particularly vulnerable due to increase unemployment, migration to urban areas and lack of economic opportunities.

The exploitation of children in the Western Cape and elsewhere in South Africa is not a new phenomenon. It is rooted in the historical socio-economic and political systems of the past, which was based on exclusion, discrimination, and oppression of indigenous and non-white people. Children became a source of cheap labour on farms and various manufacturing, building, retail and home industries; as well as in people's homes as domestic workers. Thus the nature of exploitation of children today needs to be seen in this historic context within the Western Cape Province.

Trafficking in children is a complex phenomenon. There exist very little knowledge and understanding of its extent, manifestations and nature. Trafficking in children does not involve a particular act of human rights violation committed against a child. It involves a process; the way a child is removed from his/her usual place of stay and subsequent exploitation of that child. Many respondents to the questionnaire were unsure as to what constitutes trafficking in children and had difficulty identifying a case that might constitute trafficking in children.

Earlier research by Molo Songololo and various other reports, including the media has highlighted trafficking in children for the purpose of sexual exploitation. This report confirms that there is a lack of information concerning trafficking in children for purposes of exploitative labour practices.

This report provides some insight into the vulnerabilities of children and trafficking in children for exploitative labour, and in particular child domestic work. The case studies of this report also indicate that children from rural areas are systematically targeted, lured and transported into exploitative situations. In some cases they are held captive, abused and their freedoms of movement limited.

The research conducted for this report sets out to establish a picture of trafficking in children in the Western Cape Province. From the onset, the project experienced various challenges which determined the eventual strategy for the collection of data and information. These included;

- Delays in the transfer of the project grant
- Several rescheduling of implementation date
- Limited budget and limited timeframe
- Relocation of researcher out of Cape Town
- Theft of computer that held initial draft report

The methodology employed for the collection of data and information included focus group discussions with teenagers in selected 5 sites. The focus group discussions were held simultaneously during multi-sectoral workshops for service providers and community workers where the questionnaire was also administered voluntarily with participants. Due to the vast distances between these sites, it was difficult to spend enough time to follow-up reported cases or identify and locate possible victims of trafficking in children. Responses to the questionnaire and feedback from focus group discussion largely determined the focus and tone of this report.

Subsequently the report highlights several causal factors that have contributed to the increase in trafficking in children. It also reflects the need for both government and civil society to address and reduce the numbers of children at risk of and vulnerable to neglect, violence, abuse and exploitation and consequent trafficking in children.

There is much that we still do not know. We need to know how trafficking in children manifest itself, the nature of trafficking in children and the extent of the phenomenon in the Western Cape Province and elsewhere. We also need to establish a clear profile of the traffickers and how networks operate that facilitate trafficking in children; and the consequent exploitation that is harmful and detrimental to children's wellbeing and survival. Thus the need for further research and monitoring is important.

The gaps in our knowledge however should not deter us from treating trafficking in children as an urgent issue in need of immediate action and remedies. In doing so we need to be mindful of

- Implementation of existing policies and programmes for direct impact on the vulnerability of children
- Appropriate intervention and prevention strategies to combat trafficking in children
- Responsibilities of duty-bearers providing appropriate support and assistance to children in need
- Lack of national legal framework concerning trafficking in children and their subsequent exploitation
- International remedies and commitments taking into account national and regional specifics

“Tackling the... exploitation of children demands responses that cut across national borders. The powerful forces that allow the use of children for adults’ (purposes) – organized crime, centuries old traditions and beliefs, a growing drug trade and conspiracy of silence – require a forceful response. Governments, national and international NGOs, United Nations agencies, regional organizations and the private sector must collaborate and draw on one another’s strengths if there is any progress to be made in putting an end to the exploitation of children.”

Molo Songololo recommends the following actions for immediate follow-up to this research report;

- Public awareness and educational drives within the selected sites
- Awareness and educational workshops in the selected sites amongst targeted groups; services providers (government and civil society) and teenage children
- Training of Labour, Justice and South African Police Services personnel to increase capacity for the detection and management of trafficking in children cases.
- Production of appropriate awareness and educational materials for targeted groups and communities
- Strengthening and expansion of the provincial trafficking in children task team
- Development, implementation and management of a provincial plan of action and protocol on trafficking in children
- Encourage broad public participation in the law reform process – Children’s Bill, Sexual Offences Bill, child Justice Bill and the South African Law Reform Commissions Trafficking in Persons Discussion Paper.



*Community awareness raising about trafficking in children*

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## **LEGISLATION**

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Child Care Act, 74 of 1983 as amended in 1999  
The Children's Bill – a Section 76 Bill  
The Refugee Act, 130 of 1998  
Sexual Offences Act, 23 of 1957 as amended in 1988  
Films and Publication Act, No 65 of 1996, as amended 2004

### **International Rights-based Instruments**

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)  
The United Nations Convention on the Rights of the Child (1989)  
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (1999)  
International Labour Organisation's Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182 (1999)  
African Charter on the Rights and Welfare of the Child (1990)

### **INTERNET SOURCES**

[http://www.afrol.com/News2001/sa026\\_childlabour\\_raid.htm](http://www.afrol.com/News2001/sa026_childlabour_raid.htm)  
[www.geocities.com/Athens/Styx/7487/reasons.html](http://www.geocities.com/Athens/Styx/7487/reasons.html)

## Appendices

### Appendix A: List of Interviewees

#### Victims of trafficking

**Shamim:** victim of trafficking for domestic labour interviewed in Cape Town

**Lorraine:** Victim of trafficking for domestic labour interviewed in Murraysburg

#### Service Providers

Ivor Pollson, Department of Labour, Cape Town

Julayga Alfred, Activists Networking against the Exploitation of Child Domestic Workers (ANEX-CDW)

Sharon Follentine, Department of Social Services and Poverty Alleviation, Provincial Government

Anonymous South African Police Service's Officer

Senior Superintendent Swanepoel, Breede River Valley

Mr Neville Dampies, Head: Department Social Services – Wynberg

Victim Empowerment Officer and Trauma Counselor, Citrusdal

Victim Empowerment Officer, Grassy Park

## Appendix B (1): Children's Questionnaire

DATE:

### SECTION 1: PERSONAL INFORMATION

1. NAME:

2. AGE:                      3. GENDER:

4. LEVEL OF EDUCATION:

5. PLACE OF ORIGIN:

6. SIZE OF FAMILY:

7. LIST OF FAMILY MEMBERS:

8. NO OF FAMILY MEMBERS WORKING:

9. DESCRIPTION OF LIFE AT HOME:


10. REASON(S) FOR WANTING TO LEAVE HOME AND WORK ELSEWHERE:


11. WHAT PROMPTED DECISION TO SEEK WORK?


12. ADDITIONAL NOTES ON PERSONAL INFORMATION:


**SECTION 2: EMPLOYMENT INFORMATION**

1. PLACE OF EMPLOYMENT:

2. LENGTH OF EMPLOYMENT:

3. ANY PREVIOUS EMPLOYMENT:

4. IF YES, PLEASE PROVIDE DETAILS:


5. NATURE OF CURRENT EMPLOYMENT:


6. HOW DID YOU HEAR OF THIS EMPLOYMENT?


7. LIST TYPES OF DUTIES PERFORMED:


8. HOW LONG IS AN AVERAGE WORKING DAY?

9. WHAT TYPE OF ACCOMMODATION DO YOU HAVE?


10. WHAT IS YOUR MONTHLY/ WEEKLY SALARY?

11. DO YOU RECEIVE PAYMENT IN KIND?

12. IF YES TO 11, ABOVE PLEASE STATE WHAT YOU RECEIVE


13. ANY ADDITIONAL COMMENTS ON WORKING CONDITIONS:


**THANK YOU VERY MUCH FOR YOUR TIME AND WILLINGNESS TO SHARE YOUR STORY WITH US**

## Appendix A (2): Trafficking In Children Questionnaire

Trafficking in children and the purposes for which children are trafficked has received much public attention recently. It is regarded by some as a serious problem that affects South African society and South African children particularly. Molo Songololo in partnership with the United Nations Office on Drugs and Crime and the Western Cape Department of Community Safety have therefore decided to conduct a situation and needs analysis that will inform an intervention strategy for the Western Cape. This questionnaire is intended to collect information about service providers' knowledge about and attitudes towards the issues of trafficking in children, the sexual exploitation of children and child labour.

It is intended that the information collected through this process will help identify the training needs for the Western Cape Province.

We value your willingness to complete this questionnaire and ask that you answer all questions.

---

### SECTION A

In this section we would like to know how you understand trafficking in children. Please tick one answer for questions 1, 2 and 4 and provide explanations for your responses in questions 3 and 5.

1. Have you heard of trafficking in children?

Yes	No	Not sure
-----	----	----------

2. Do you know what trafficking in children is?

Yes	No	Not sure
-----	----	----------

3. If "yes" please tell us what you understand it to be?


4. If your answers to the previous questions are "yes" do you think there should be laws against trafficking in children?

Yes	No	Not sure
-----	----	----------

5. Why do you say this?


## SECTION B

In this section there some statements that people have made about child sexual exploitation, child labour and trafficking in children. Please tick your level of agreement with the following statements.

### B.1. Child sexual exploitation

		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
1.	Girls are more vulnerable to sexual exploitation than women					
2.	Child sexual abuse is the same as child sexual exploitation					
3.	All men who sexually exploit children are paedophiles					
4.	A 13-year old prostitute can seduce a man into having sex for money with him or her					
5.	All child prostitutes have pimps					
6.	Child prostitutes can be rehabilitated					
7.	Children in rural areas do not engage in street prostitution					
8.	Child prostitution is a form of child labour					
9.	Child pornography is a form of child sexual exploitation					
10.	Child prostitutes are likely to be drug addicts					
11.	Child prostitutes from poor backgrounds are more likely to be stigmatised than child prostitutes from wealthier backgrounds					
12.	Children engage in prostitution and pornography because they earn money to buy luxury items					
13.	Children engage in prostitution and pornography because they help support their families					
14.	Gangs are more likely to prostitute children in cities than rural areas					
15.	It is a crime to prostitute a girl between 16 and 18 years of age					
16.	When a family member prostitutes a child in or near their home it is trafficking in children					
17.	A 16-year old girl who is a prostitute can consent to having sex with a client					
18.	Sex tourism is responsible for the increase in child prostitution					
19.	Foreign men are more likely to have sex for money with a South African child than South African men					

### B. 2. Child labour

		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
1.	Girls are more vulnerable to child labour than boys					
2.	Child labour is a necessary evil in a country where there is poverty					
3.	Children from poor backgrounds should not be prevented from working even if they are exploited because they help their families					
4.	Children younger than 15 years of age can legally work in South Africa					
5.	Only children 15 years and older can legally work in South Africa					
6.	It is a crime to expose children to hazardous working conditions					
7.	Children younger than 15 years can legally work if it does not affect their schooling					
8.	South Africa has laws that prohibit child labour					
9.	Children should help their parents financially, especially in rural areas					
10.	There is demand for girls as domestic workers because women are too lazy to work as domestics					
11.	There is demand for girls as domestics because it is easier to exploit them than women					

12.	Boys are more likely than girls to be employed as farm labour					
13.	Child beggars are children working on the street					
14.	Children who assist their parents in small businesses such as corner café's and spaza shops are engaged in child labour					
15.	It is not possible for a parent to exploit a child by making them work					
16.	Children who are sent from rural areas to live with relatives in the city are always exploited					
17.	There is child labour in South Africa because children are cheaper to employ than adults					

**B. 3. Trafficking in children**

		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
1.	Girls are more vulnerable to trafficking in children than boys					
2.	Only gangs and syndicates traffic in children					
3.	A 14-year old girl who has been forced by her parents to live with an older man as his wife is a victim of trafficking					
4.	Trafficking in children is only a crime if children are transported across a border					
5.	Trafficking is the same as child prostitution					
6.	Any child who has been abducted is a victim of trafficking					
7.	Trafficking in children is a process that always result in the exploitation of a child					
8.	Trafficking in children is the same as slavery					
9.	A child can only be a victim of trafficking if the child has been transported from the place they live to another place without their consent					
10.	Children who are deceived by adults to commit crimes are victims of trafficking					
11.	Illegal adoption of a child is trafficking					
12.	Missing children have usually been trafficked					
13.	The increase in sex tourism is responsible for trafficking in children					

**B.4. Please tick the purposes for which children are trafficked**

**Children are trafficked for:**

1.	Child prostitution	
2.	Domestic work	
3.	Farm labour	
4.	Begging	
5.	To commit crimes	
6.	Use of their body parts as muti	
7.	Adoption	
8.	Child pornography	
9.	Child brides	
10.	To work in small businesses such as house shops	

**SECTION C**

In this section we would like to know how you understand some of the rights that children have in South Africa.

Please tick one answer

1. It is a criminal offence to neglect a child in South Africa.

Yes	No	Not sure
-----	----	----------

2. Children's rights are provided for and protected in the Constitution.

Yes	No	Not sure
-----	----	----------

3. In South African law the best interests of the child is most important.

Yes	No	Not sure
-----	----	----------

4. All police, officers, social workers and health care professionals are obliged to report child abuse and neglect.

Yes	No	Not sure
-----	----	----------

5. All children should know their rights.

Yes	No	Not sure
-----	----	----------

6. All children should know their responsibilities.

Yes	No	Not sure
-----	----	----------

7. Sex with a girl under 16 years of age is statutory rape.

Yes	No	Not sure
-----	----	----------

8. Child labour is against the law.

Yes	No	Not sure
-----	----	----------

9. Trafficking in children is a crime in South Africa.

Yes	No	Not sure
-----	----	----------

## SECTION D

In this section we would like to know what you consider to be the most important issues facing South Africa.

Please tick the 5 most important issues from the list below and rank them from 1 to 5. A ranking of 1 indicating that you regard it as the most important and a ranking of 2 as the 2<sup>nd</sup> most important, a ranking of 3 the 3<sup>rd</sup> most important, a ranking of 4 as the 4<sup>th</sup> most important and ranking of 5 as the 5<sup>th</sup> most important issue.

		Tick	Ranking
1.	Addressing poverty in South Africa		
2.	Providing opportunities for young people		
3.	Upgrading community infrastructure		
4.	Economic empowerment of the male head of the household		
5.	Economic empowerment of the female head of the household		
6.	The public health system		
7.	Increased opportunities for political participation by all		
8.	Addressing exploitation of workers		
9.	Child labour		
10.	Illegal migration to South Africa		
11.	Addressing the housing crisis		
12.	Trafficking in children		
13.	Children at risk of exploitation		
14.	HIV and AIDS		
15.	Opportunities for women in society		
16.	Violence against women and children		
17.	Crimes against people		
18.	Skills development and education		
19.	Race Relations		
20.	Promoting Tourism		
21.	Race Relations		
22.	Political Participation		
23.	Transport		
24.	Unemployment		
25.	Job Creation		

## SECTION E

In the last section we would like to know a little about you so that we can see how different types of people feel about the issues we have been examining. We would appreciate it if you can provide us with your details. The information that you provide will remain confidential and will be used only for the purpose of this questionnaire.

Surname: \_\_\_\_\_ Name: \_\_\_\_\_

Sex:  Female  Male

Organisation/Institution: \_\_\_\_\_

Department: \_\_\_\_\_

Position: \_\_\_\_\_

## Appendix B: Training workshops conducted with South African Police Services

### Contents page:

- 1.1 Introduction
- 2.1 Background
- 2.2 Structure of the Handbook
- 3.1 Scope of the Project
  - 3.1.1 Terms of Reference
- 4.1 Methodology
- 5.1 Framework of workshops
  - 5.1.1 Workshop schedule and program
  - 5.1.2 Overview of workshop conducted
  - 5.1.3 Order of events
- 6.1 key challenges
  - 6.1.1 Key recommendations
  - 6.1.1 Evaluation
- 7.1 stories by SAPS on child trafficking
- 7.1 Conclusions
- 8.1 Attendance register

### Executive Summary

From the beginning of October 2005 to end November 2005, Molo Songololo conducted weekly two-day training workshops on Trafficking in Children designed specifically for personnel from the South African Police Services (SAPS). The workshops were held at the SAPS Training / Menasie Centre in Pinelands.

The training workshops which builds on Molo Songololo's initiatives to create awareness, education and capacity amongst service providers concerning trafficking in persons forms part of a 12-month STOP CHILD TRAFFICKING project in partnership with the United Nations Office on Drugs and Crime (UNODC), Pretoria. The training workshops set out to

- o Sensitise SAPS personnel about trafficking in persons, especially children
- o Develop understanding and increase knowledge about trafficking in children and identify needs of victims
- o Develop strategies for increase detection, investigations, charging of offenders and assistance to victims of trafficking in children

Molo Songololo entered into partnership with the SAPS Training Divisions, Western Cape and agreed to target SAPS personnel in the West Metropole District. This partnership facilitated the for the following;

- o Development of a training schedule with fix dates
- o Sourcing of a suitable central venue and catering
- o Recruiting workshop participants – selected by station commanders

In total 90 SAPS personnel participated in 7 two-day workshops. The participants came from various police stations in the West Metropole District and included the following ranking personnel; superintendents, captains, inspectors, detectives and constables.

The trainers for the workshop were sourced from within Molo Songololo and from other organisations. They included trainers from SAPS, Rape Crisis and the National Prosecuting Authority. Deborah Mobilyn from Molo Songololo designed, planned and coordinated the workshops.

The outcomes and benefit for participants include the following;

- o Aware and have increased knowledge about trafficking in children
- o Shared and learnt from each other's experiences
- o Identified key challenges for intervention for SAPS personnel
- o Informed about the law / law reform process, limitations of the law and explored strategies for intervention
- o Have greater understanding of victim needs for support and assistance
- o Increased knowledge on statement taking in relation to trafficking in children

- o Explored strategies for improved case handling and need for cooperation with policing, investigation and prosecuting services

Key recommendations made by workshop participants include the continuation of the workshops in other districts and follow-up training around child protection.

### 1. Introduction

In South Africa trafficking in persons is both a trans-national crime as well as a crime that takes place within the borders of the country. South Africa lacks awareness and adequate institutional frameworks to efficiently deal with trafficking in persons. Furthermore, draft legislation on trafficking in persons is still underway, making it difficult for police and prosecutors to efficiently deal with offenders of such human rights violations.

The Western Cape, Cape Town in particular has been identified as a centre of trafficking in persons, especially child trafficking. Cape Town and surrounding areas have been identified as a centre for trafficking in persons.

In addition, there have been reported cases of children forced into exploitative labour practices; children going missing, and girls being forced into prostitution. Being a port city with an international airport, with well developed road and rail infrastructures; the city is an economic and tourist attraction. The city is constantly marketed as the ideal tourist destination. There are reports of individuals and taxi drivers procure young girls and boys for sex to tourists.

Education and training is an important component in efforts aimed at combating trafficking in persons. The training for law enforcement officials was designed to assist and equip them with knowledge and skills that will assist in detecting the "crime" of trafficking in persons, where victims should be referred to, what available legislation could be used in such cases, in the absence of a "crime code" for trafficking in persons

In 2003 South Africa adopted two Protocols on Extradition and Mutual Legal Assistance in Criminal Matters. Similarly the UNODC-Pretoria who is a main partner to this current project STOP CHILD TRAFFICKING, has a mandate which include the following

- o Assistance in the formulation of and implementation of a SADC declaration and plan of action against trafficking in persons.
- o Assistance to law enforcement, prosecution services and courts in Southern Africa to implement the protocol to prevent, suppress and punish Trafficking in persons, especially women and children, to the United Nations convention on transnational organized crime.

This provincial initiative to STOP CHILD TRAFFICKING aims to achieve the following outcomes;

- o A provincial situational analysis with a needs assessment and resource manual
- o A provincial task team and prevention strategy developed in consultation with key role-players
- o Information and education materials produced about child trafficking
- o Awareness and education in public and among key government, CBOs, NGOs
- o Education and training held for key government and NGO role players
- o Support and assistance to victims, including healing and therapy workshop

### Training Workshops for SAPS

The project proposal obligates Molo Songololo to conduct five multi-sectoral awareness and education workshops for key role-players and service providers. However, during our consultations with key role-players for their buy-in and support for this process, the following was realized with SAPS;

- o The multi-sectoral workshops will not be suitable for SAPS personnel
- o SAPS training division was interested for Molo Songololo to provide a special training workshop on trafficking in children
- o That this process will build on initiatives already in place between Molo Songololo and SAPS Training Division – training provided to East Metropole personnel in 2004
- o Molo Songololo and SAPS will jointly facilitate a series of training workshops for the West Metropole personnel between October and November 2005

To this end it was agreed that Molo Songololo will continue to conduct the five multi-sectoral 2-day awareness and education workshops; and conduct separate training workshops for SAPS West Metropole personnel.

### Main Aim

Enhance the understanding and knowledge of trafficking in persons, especially children for increase detection, investigations, charging of offenders and; including support and assistance to victims of trafficking.

### Specific Objectives

- o Create aware and understanding of the nature and complexity of trafficking in persons, especially children
- o Awareness and education on relevant legislation, international instruments and law reform process
- o Information and education on victims needs for support and assistance
- o Exploring suitable case handling strategies and techniques
- o Improve statement taking techniques and skills
- o Identifying key challenges and strategies for intervention
- o Encourage SAPS to develop specific guidelines and or procedures in dealing with cases of trafficking

### Expected outcomes for participants

- o Have increased knowledge and understanding of trafficking in persons, especially children
- o Explored and examined the nature of specific trafficking operations
- o Identified those involved in trafficking operations and possible crimes committed in the process
- o Have increased knowledge and understanding of the law, law reform process, gaps and challenges as it relates to trafficking in children
- o Know and understand the needs of child victims and aware of the kind of possible support and assistance victims might need
- o Display empathy and understanding for victims of trafficking

- o Have increase understanding of importance of Crime Prevention and their role.

**The Preparation**

Exploratory meetings were held between Molo Songololo and the SAPS Training Division West Metropole. The outcomes of these engagements included:

- o Development of a training schedule with fixed dates
- o Sourcing of a suitable venue for training workshops
- o Sourcing trainers within SAPS for the sections of statement taking
- o Identifying participants for the training – via station commanders

Molo Songololo together with West Metropole liaison personnel facilitated for a process where logistics for workshops were put into place. Dates were sent out to stations to identify participations. Station commanders had to select / nominate members from their respective stations. Workshops took place on the following dates at the SAPS Menasie in Pinelands

Dates	Venue
5 - 6 October 2005	Pinelands MENASIE
12 – 13 October 2005	Pinelands MENASIE
26 - 27 October 2005	Pinelands MENASIE
2 - 3 November 2005	Pinelands MENASIE
9 - 10 November 2005	Pinelands MENASIE
23 - 24 November 2005	Pinelands MENASIE
30 November – 1 December 2005	Pinelands MENASIE

**The workshop programme**

The programme was designed drawing on the experience and recommendations from the training workshops conducted By Molo Songololo in 2004 with SAPS personnel from East Metropole. The programme also considered the availability of outside facilitators and included the following main sessions;

- o Presentation on trafficking in persons, especially children
- o Interactive discussions and group work - Identifying the crimes committed and the offenders involved in trafficking operations
- o South African legal framework, International instruments and law reform
- o Statement taking in the context of trafficking in persons
- o Dealing with victims of trafficking in persons / children
- o Social crime prevention – in relation to trafficking in persons / children

The programme was conducted over two days and included homework exercises where participants had to examine a cases study of a victim of trafficking.

**Facilitators and trainers**

Facilitators / trainers were sourced within Molo Songololo and from outside organisations, including from SAPS. The facilitators / trainers were the following

- o **Molo Songololo**  
*Debora Mobilyn – coordinator / trainer*  
*Vanessa Anthony*  
*Ronnie Ngalo*
- o **South African Police Service**  
Inspector Muller from Diepriver police station SAPS  
Captain Gerhard Niemand Kraaifontein SAPS
- o **Rape Crisis**  
Benita Moolman
- o **National Prosecuting Authority**  
Dawn Coleman  
Lizel Africa

**Workshop materials**

Molo Songololo designed a Handbook on Trafficking in Persons which was used in its 2002 and subsequently amended for the 2003 and 2004 SAPS Training Workshops. The handbook was again adapted especially for the latest workshops and contains the following interactive study units;

- o Trafficking in persons in South Africa
- o South African Legal framework – Trafficking in persons and the law
- o Social Crime Prevention and Community Policing
- o Statement Taking in relation to trafficking in persons
- o Victim support and assistance – case management for prevention of secondary trauma – rape trauma syndrome – post trauma stress

The handbook was designed as an interactive resource which can be useful as a reference and tool after the workshops. Various exercises provide participants the opportunity to relate their own experience and knowledge around the issue of trafficking in persons. Each participant received a copy of the handbook.

Facilitators / trainers also prepared handouts for the participants around their specific study unit. In addition Molo Songololo also made available copies of the proposed Children's Bill provision dealing with child trafficking.

Copies of the handbook and other materials are available on request.

### Workshop Participants

In total 90 SAPS personnel participated in the workshops. The participants came from various stations in the West Metropole area of Cape Town. Their ranks ranged from constable to senior superintendent.

Superintendent	Captain	Inspector/Detective	Constable
2	11	48	30

### Workshop methodology

A workshop of this nature needs a methodology that can facilitate and enhance interactive participation and using the experience and knowledge of participants as a basis of sharing and learning. Trafficking in persons is a complex and difficult issue to understand and comprehend. The following methodology was applied in the workshops, each running over two days;

- o inputs and lecture style power-point presentations
- o using video materials, clipboards, handbook and handouts
- o case study methods – discussion and debate
- o interactive brainstorming sessions
- o focused small group discussions
- o plenary presentations
- o role play and reflections

### Catering

The catering service at SAPS Menasie Centre were contracted to provide catering for the workshop. A reasonable fee per participant was negotiated as we were not sure as to the exact number of participants per workshop. We only know this on the morning of the actual start of the workshops. This meant that we were only charged for the exact number of participants, including the facilitators / trainers at any given meal and tea time.

### Overview of the workshops

The following is an overview and reflection of all the seven 2-day workshops. Each workshop followed the same methodology and structure. The number of participants varied from workshop to workshop. One workshop was cancelled due to low attendance.

### Opening of the Workshops

The head of SAPS training Division, Director Arendse deliver the opening remarks at the launch of the training workshops and set the tone. His comments included the following;

- o Noted the longstanding relationship and partnership between Molo Songololo and SAPS Training Division – concerning crime prevention and in particular concerning the building of capacity of SAPS personnel.
- o Highlighted the 5 priority areas for SAPS which include women and children.
- o Raised the importance and need for training around the phenomena of trafficking in persons in the absence of a police crime code.
- o Highlighted the need to apply existing legislation for the types of crimes in the trafficking process e.g. rape, abduction, kidnapping, use of force; etc.
- o Expressed the need for SAPS to lobby The National Minister for a crime code around trafficking in persons in order to prevent and police the crime.
- o Encouraged police officials to interact & engage openly in the workshops to increase their knowledge and capacity.
- o Challenged police to see how best they could implement their newly acquired knowledge and learning in their day to day execution of their tasks
- o Also to see how trafficking in persons interfaces with other crimes

### Expectations of participants

- o know more about trafficking
- o share information
- o use the information and knowledge to impart into the community
- o know where to refer victims to
- o to know difference between trafficking and sexual exploitation
- o how to combat this problem from the police side
- o what is our role in terms of intervention & prevention
- o have more information around the issue, use the information to assist and use elsewhere
- o want to know more about Molo Songololo
- o what are the visible signs of a trafficked child
- o how to deal with victims of trafficking
- o Concerned about missing children. Are there any links with trafficking, why does South Africa does not have any laws on human trafficking?
- o what information exist about missing children
- o how do we educate the parents
- o How do we take statements from children
- o how to control, what to look out for
- o How does it start who are the perpetrators?
- o how to handle it, how to investigate?

- o what South African Police Services do to prevent
- o what to do if there a case of trafficking
- o what available resources can one use
- o What do you do when you receive information about trafficking how do we process that information
- o how do we identify syndicates
- o in the event that trafficking is not criminalised, what do we do now

#### Why are you here?

This session was lead by and icebreaker to relax participants and make them feel comfortable. It included for participants to introduce themselves and state the reasons why they are at the workshop. This session indicated and reflected the attitude of participant's towards the training workshop. Some of their responses included the following,

"I am here because I am forced to be here"

"I am here because I want to be here."

"I want to learn".

Establishing the purpose of the training workshop with participants via a brainstorming method, the following was raised;

- o Learn about existing laws and operating procedures
- o Be equipped to deal effectively with child victims of trafficking and victims of exploitation and abuse
- o Respond to victims of child trafficking and child prostitution in a way that is professional and sensitive
- o Enable police officers to deal effectively with issues related to the trafficking of children, child prostitution, sexual exploitation of children and child labour
- o Sensitise police officers to the importance of Crime Prevention (intervention)

#### What do you understand by the term human trafficking?

For a training workshop of this nature, it is important to solicit participant's views, knowledge and experience on the subject. Participants were asked what they understand by the term human trafficking. Besides the traffic on the road and other strange ideas, the following comments reflect participants understanding,

- o almost the same as drug trafficking
- o people are taken from one point to point another
- o It involves movement
- o unlawful taking of human being/ **child** , purpose of money /
- o money is involved
- o gangsters forcing people and recruiting them for the purpose of committing illegal activities such drug dealing, break ins
- o trafficking of humans/ persons from one place to another place / deny them their rights and freedom for a purpose of prostitution
- o promises made to that person not fulfilled
- o no freedom of movement
- o removal of a person's rights
- o exploitation

#### Understanding trafficking in persons

This session included watching of a video produced by Special Assignment in 2003 around the phenomena of trafficking in persons. The video specifically focus on sexual exploitation. This was followed by discussion on the video and to further unpack participants understanding of trafficking in persons. Some comments made included

- o Participants felt that video was not a pleasure to watch
- o Others felt a bit uncomfortable watching it.
- o Some participants felt that the video is a "distortion of reality and not a true reflection."
- o One specific participant expressed her thoughts as follows "to put it plainly it is a lot of crap" This same participant indicted that these women had "choices", and they opted to stay in the situation they found themselves in. Is this trafficking? Or is it migration. What is the difference?
- o Other participants felt very emotional about the video. A key point came out that this is a not children being featured in the video.

The discussion included a focus on SAPS in relation to trafficking in persons and encouraged participants to identify key challenges they face. The following obstacles in relation to the role and function of SAPS;

- o Need for crime code for trafficking in persons
- o Need to establish and foster greater relations with other government departments and the prosecuting authority.
- o Need for a multi sectoral approach and involvement of key role players and departments that will compliment the work of SAPS
- o Lobbying commissioners to be part of the training workshops
- o Need to step border patrol to stamp out corruption and illegal border crossings
- o Need for intelligence, monitoring and dissemination of information
- o Improved mechanisms for the management of information and data

#### Power-point presentation on trafficking in persons

This presentation which is based on Molo Songololo's research findings on Trafficking in children in South Africa, 2000; and reflects latest national and international developments focussed on the following;

- o Defining trafficking – Using the United Nations definition of trafficking in persons
- o The process of trafficking – and those involved
- o Trafficking routes – networks and operations
- o The Palermo Protocol – implications for South Africa
- o Factors that places children at risk – victims of trafficking in persons
- o Key challenges for prevention and intervention

This presentation consolidated the discussions and ideas shared by participants earlier and presented to them a clear picture of what trafficking in persons entails, that children are also trafficked and that trafficking operations are complex involving individuals and organised individuals and groups; and that people can be trafficked for many different purposes.

To further develop the knowledge and understanding of participants on trafficking in persons and focusing on children, they were divided into 4 groups to discuss a case study; each group had to select a speaker and a scribe. In addition to this, each group had to come up with a role-play depicting the solutions in dealing with their specific case study.

### Feedback from the case study

Felicia (not her real name) is a minor who ran away from home and landed up working as a domestic. Participants felt that she needed her parents consent to leave home. She was also under age to work. They also highlighted that Felicia came to Cape Town under false pretences or she was deceived. She thought she would work in a factory and earn R800. Instead, upon her arrival she was taken to a place where conditions were horrible. She was exploited and abused. She worked long hours with no breaks, the conditions where she worked was also not favourable.

Participants felt that Felicia was trafficked into domestic labour. They provided the following in support of their arguments:

- o She was recruited to work in a factory (deceit)
- o The first house she was taken to 17 women lived in abhorrent conditions.
- o Her freedom of movement was restricted (power of authority)
- o She had no privacy
- o Dignity taken away from her
- o Salary not paid as promised
- o Assaulted (Abused)
- o Responsibilities too much for Felicia, she herself is still a child (exploitation)

### Reflections on role-play

Each group had to act out "a real life situation as to how they would deal with such a case as police officials after which participants will comment on the strategies and interventions applied. This session proved to be great fun as participants presented their sketches. The following feedback was given

- o Police neglected their role in terms of offering Felicia support
- o Some police officials opted to "Pass the Bug" -refer to any other organisation or refer to social services, it is not a matter for SAPS, she needs to be referred to Department of Labour
- o groups indicated a co-ordinated response to the problem
- o Multi -sectoral approach should be included in dealing with a case of this nature
- o In some cases, groups noted that no empathy was visible from the side of the police to whom the complaints has been lodged

### Recommendations made by participants

- o Participants generally felt that the role - play is a good way of imparting certain important skills.
- o By simulating real life experiences one can illustrate different responses to the problem.
- o One participant said "It is also an opportunity to measure one's own performance in relation to what one's job requires from you".

This session was concluded with a feelings check to gauge the mood and the impact of the training thus far. Responses included: "I am feeling fine"

"I feel angry, because there are so many children that are being violated and there no laws to protect these children".

"I feel optimistic, there is still some hope"

**Prosecuting trafficking in persons in the current SA legal environment"** This session was presented by Dawn Coleman from the NPA. Her presentations highlighted the different laws in relation to trafficking in persons and scope thereof; i.e.

- o The South African Constitution
- o Sexual Offences Act
- o Child Care Act
- o Prevention of Organised Crime Act
- o Common Law- statutes – rape; abduction; assault
- o Films and Publication Act
- o Intimidation Act 72/82
- o Corruption Act 94/92
- o Extortion – common law
- o Conspiracy – S18(2)(a) Riotous Assemblies Act 17/56
- o Witness Protection Act 112/98
- o International Cooperation in Criminal Matters Act 75/96
- o Immigration Act 13/2002
- o Protective measures:- Criminal Procedures Act

**The NPA challenges in relation to prosecuting cases which involves trafficking in persons. These were cited as follows:**

- o Identification of cases in ambit of trafficking
- o Application of relevant and appropriate laws
- o Use of available protective measures
- o Avoidance of criminalizing victims
- o Specialist prosecutors
- o Prosecutor-guided investigations
- o Profile of victims / complainants – unwilling to testify and 'unreliable'
- o Proof of 'organised' element of the offence (POCA)
- o Collection of intelligence / information
- o Co-ordination and co-operation of law enforcement agencies, both nationally and internationally

- o Extraterritoriality – Mutual Legal Assistance Agreements
- o Loop holes in the Witness Protection Program

The presenter was clear in her statements that “South Africa does not as yet have anti trafficking legislation. She also urged police investigators to work closely with prosecutors to increase conviction rates. Her presentation was thoroughly enjoyed by all participants. She left participants with this, “think outside the box and always get a second opinion”, trafficking is a complex crime.

This session was followed by another case study. Participants worked in groups and analysed the different crimes that might have been committed. Discussions amongst participants followed concerning the different laws and which to use for which crime. It is clear that participants need to develop a greater working understanding about child care and protection legislation.

### **International human rights**

This session was introduced to highlight for participants the interconnectedness of the South African Constitution in relation to Protocols and Conventions signed and ratified by the South African government. The key focus was on the principles relation to victims of trafficking and how they should be treated.

The presentation made reference to the different Protocols and Conventions that the South Africa government signed and ratified in the in the recent past; UN Convention on the Rights of the child, the African Charter, the ILO Convention Concerning the Prohibition and Immediate Action to Eliminate of the worst form of child labour, and the Palermo Protocol concerning

- o Protection of citizens and non citizens alike from exploitation and harm
- o Set standards for treatment of victims
- o Enter into multi and bilateral agreements with other states so that traffickers and their exploiters are prosecuted
- o Increase border control

The day was concluded with a wrap-up session recapping the learning of the day and to give the participants home-work from the handbook. Participants general found the day interesting, engaging and learnt allot. However, many felt that the section on International instruments difficult to connect with their everyday work

## **Day Two**

### **Reflections**

Participants reflected on the day before, that it was positive, learnt allot, enjoyed the day and look forward to the next sessions. Participants highlighted the following key learning areas;

- o no specific laws around human trafficking in South Africa
- o We have laws at our disposal that could be used
- o You have to exercise a measure of sensitivity when dealing with any victims of crime
- o listen very carefully when dealing with children and taking statements from them
- o who are the victims – what are the factors that make them vulnerable
- o trafficking victims are often lured by false promises

It is important to note here that most of the trainers for day two were Senior Police officials who had expertise in their specific areas but not in the area of trafficking in persons. The challenge was to bring in focus trafficking in persons, especially children. Facilitators provided the introductory remarks on trafficking in children.

### **Homework**

We briefly went through the exercise that was handed out as homework. The aim of this was to gauge participants understanding of trafficking in persons, especially children. The following observations were made concerning the homework,

- o Most participants did their homework
- o All participants went through the handbook
- o Most participants had a clear understanding of the definitional aspects
- o All participants able to identify different elements of the definition, the purpose and means, elements to trafficking in persons
- o And finally were able to identify the exploitation part in all of the case studies.

### **Statement taking in the context of trafficking in persons, especially children**

The session was presented by inspector Muller. The main tenets of this particular session included the following learning areas:

- o The WHO guidelines for interviewing victims of trafficking
- o Highlighting the importance of the Palermo Protocol
- o When interviewing such a child, “come down to the child’s level as to what had happened.
- o Do not cause child victim’s secondary trauma.
- o He stressed that one should be consistent with children since they have evolving capacities
- o He urged officials to exercise language with due course, “use the language that the child understands.
- o Establishing trust with child victims is very important since these children were violated it is difficult to trust anyone.
- o He also mentioned that an effective law enforcement response to trafficking is dependent on cooperation of trafficked persons and other witnesses. This poses a problem since individuals are reluctant or unable to report traffickers and to serve as witnesses. This he said presents problems to police because witnesses have little confidence in the police and the judicial system because of the absence of any effective protection mechanism.
- o he stressed the importance of law enforcers to be sensitized to the importance of ensuring the safety of trafficked persons; here she stressed the responsibility of the Investigating officer
- o He also stressed the importance of this training in terms of the investigation and prosecution process of trafficking cases.
- o He highlighted the fact that, in the event of identifying cases of trafficking, we will be able to combat it and thereby, afford the necessary protection to the rights of victims.
- o He stressed this point by saying efforts should be stepped up to protect individual trafficked persons during the investigation and the trial process as well as for any period for the victim might require the protection. This he said is an appropriate protection program which involves:

- o Identifying an adequate place of safety
- o Access to legal counsel
- o Protection of identity in the legal proceedings and settlement of repatriation.

#### **Questions around Statement taking in the context of human trafficking**

This session was very interesting raising many questions posed by participants. Below are key questions and responses given.

#### **How do you know what the witness is telling you is the truth?**

If the statement does not make sense, ask leading questions. For example "who was the person that hurt you" "What is his name" "How do you know?"

You must make sure of the identity of the person. Don't feel offended if the child does lie to you.

#### **How old must the child be?**

There are three things for child witnesses. They must be mentally and verbally capable. And they must be acceptable as witnesses. They must be able to communicate effectively. No standard is set for the child you need to listen to. If a child is telling a lie, ask what you must do if discovered that you are telling a lie.

If child don't know how old he or she is, write it down on your statement. Watch your on body language and facial expression- Don't let children see the shock on your face, keep your posture.

He suggested the following strategies to get the child talking.

- o Exercise sensitivity
- o Speak to parents - if the child is shy
- o what does the child like
- o what games does he play-
- o listen to the child; when child gets attention; react
- o First tell the child is not his fault.

He highlighted the following as her concluding remarks

- o lobby government on both levels to introduce laws around trafficking
- o in relation to children- cases often take very long, lobby for effective procedures to speed this up
- o special needs of children should also be taken into account
- o delays getting the cases to court, lack of family & institutional support the age of the child

#### **Benita Moolman from Rape Crisis followed with her session that dealt with secondary victimization of victims.**

The session dealt with the containment process and social responses to rape.

The containment process dealt with providing support and services to survivors of sexual assault. Social responses to rape focused on the victim of an attack.

She conducted an exercise where she requested from participants to recall a very traumatic event that happened to them in the past.

Participants responded positively to the exercise. These are some of the responses to the question "How did you feel at that time?"

- o Sad
- o Angry
- o Indifferent
- o numb

She used this exercise and based her two-hour input around this.

Her key points are as follows.

- o How do we look at ourselves in terms of trauma?
- o People who deal with trauma do not necessarily see themselves as victims.
- o She made mention of the differences between crisis & trauma.

She differentiated between the two concepts by making the following example: A crisis would be starting school or when we are stuck in traffic. It does not overwhelm us; it is also not something, which is out of control. On the other hand trauma is huge, life-changing events affects people on different levels. Trauma is unpreventable, we working with people what has already traumatised.

She zoomed into her presentation of trauma and the effects. An exercise was conducted with Participants where they had to think of an experience that was unpleasant, she urged them to reflect their experiences before and after the event.

#### **Social Crime Prevention in the context of trafficking in persons.**

##### **Captain Gerhard Niemand facilitated for this session.**

The key focus in this section has been to look at law enforcement on a preventative and social crime / community level.

It have been stressed here that policing forum units are central to the prevention of crime.

#### **Key for challenges for SAPS in to child trafficking**

- o Availability of resources once legislation finalized
- o Lack of commitment
- o State prosecutors needs to be sensitized
- o Must be seen as a priority crime
- o Poorly trained prosecutors
- o Corruption specifically at border post
- o Greater working relationship between investigators and presto
- o Prosecutor led investigations
- o Needs for specialist units

#### **Trafficking In Children In The Western Cape Province – South Africa**

- o Lack of trained investigators, develop the capacity and investigative skills of specialist investigators
- o Long delays of cases Human trafficking desk of SAPS needs to be aligned on provincial level
- o Provide infrastructural support and building capacity of the Human Trafficking unit in terms of staff and resources allocation
- o Need for qualified border patrol need border police experts
- o Good that legislation is in the pipeline, laws must follow policy implementation
- o Improve Witness Protection to ensure victim safety and protection
- o Find a way of dealing with victims of cross border trafficking in the absence of a proper mechanism to avoid deportation
- o Lobby in getting more female doctors for FCS unit for Falsebay hospital
- o child domestic work not regarded as "victims" they are able to access services at trauma rooms at police station, enforcement of victims charter SAPS

### Key Recommendations from workshops

- o Legislation and procedural mechanisms not enough to protect children from human trafficking
- o Available laws must be enforced
- o principle agencies to enforce these laws police & immigration authorities
- o how effective these authorities function – dependent on the resources made available to them
- o equal offences treated as serious crimes; police officers must be appreciated and rewarded for detection in the same manner for other crimes
- o adequate training of police essential for handling o trafficking cases
- o finally the police must be adequately resourced –person power;
- o provide equipment and back up services to enable them to carry out tasks effectively
- o Children who go missing /run way from home found; also proper investigation needs to happen once they have been unified –families
- o Interdisciplinary approach came out very strongly
- o liaise and cooperative relations between police & NGO's is important to improving sharing of information and resources
- o Greater awareness raising
- o Developing educational opportunities
- o Interdisciplinary training development of community watch programmes
- o Take this training to station level
- o educate spiritual leaders, as well as people positions of authority
- o Try to retrieve informants
- o Put into practise / implement what we have learnt at the workshop.
- o "Lobby" key law enforcement officials to bring about a crime code to make our work easier
- o be observant and objective
- o Implement human trafficking – syllabus in schools (make kids aware)
- o Involve the religious leaders
- o Role players e.g. police, justice, correctional services, school (educational department) must be trained
- o Heavier sentences must be imposed
- o Consider joint workshops with justice

### Outcomes of training workshops

- o Law enforcement Police sensitized
- o Greater understanding of the process of trafficking
- o Greater understanding around international protocols
- o Increased understanding of the problem and its manifestations specifically in the south African context
- o Police officers where to refer victims to and the importance to network with other structures
- o Police informed how to identify cases of human trafficking
- o Police imparted with knowledge of how to identify a victim of trafficking by asking the right questions
- o Police imparted with knowledge
- o Capacity of law enforcement officials to adequately detect and deal with cases of HT is strengthened
- o Knowledge on the Importance to cooperate with other structures imparted

### Stories from police

Police officials cited a couple of stories in relation to exploitation of children including some cases of migration. We must add here that the clearest examples child trafficking is that of children trafficked for domestic labour. These cases were mainly cited by officials from Athlone who deals with issues of repatriating these children/ young women on a daily basis.

#### o Gangs

Some officials cited stories of especially young boys that are recruited into selling drugs. Or those that are recruited to commit crimes such as break ins. Methods of recruitment includes grooming them, or offering them material goods, sometimes they are "coerced into doing these illegal activities.

#### o Prostitution of young girls

There have a lot of these cases cited. Especially in the Wynberg area. Mention was made of the case of Faroukie case. Methods of recruitment includes getting young girls hooked on drugs, once they hooked, they sometimes gets drugs on credit. They are then forced to repay the drug debt off; as a result they are then "coerced or forced into prostitution. Sea point police cited some of these examples where the Nigerian Drug syndicates coerce young girls into this kind of "trade".

#### o Children trafficked for domestic labour

The clearest examples of human trafficking. Athlone police official's deals with this daily. Stories have been cited of young girls that

are recruited sometimes under false pretences to come and work in Cape Town. Here the MIA case came to the fore.

They have a great task at hand getting the women back home.

#### o Maverick's case

A Claremont police official cited this case. According to him, women are recruited in their home countries knowing that they are going to do sex work. They have all the legal documentation, Pass ports and visas. They enter into contracts knowingly. These

contact state working hours, makes references to their "work" and what percentages they will get. We asked him if these women are exploited, are they paid what they have been promised, are they free to go and soon. He replied that there is understanding between employer and employee. They only get fined if they don't deliver. In his words "everything is legal, there is no exploitation."

o **Migration**

Table Bay Harbour police officials cited cases of illegal immigrants that enter the ports with out proper documentation. Upon investigating how they got to SA they often find that the person/s (illegal immigrant) have paid someone back home to "smuggle" them into the country. Reasons cited for migration have been cited for better economic prospects

**Case of cross border trafficking**

A police officer in the employ of the FCS unit cited a case of a 15 year old from Somalia. Her uncle recruited her to come and school here in South Africa. He promised er parents that he was going to put her through school; see to her needs and send her back home once she is educated. The parents agreed to this better life prospect for their child. She left with the consent of the parents t travel to SA with her uncle. They travelled via plane to South Africa. Upon arrival she was taken to Somerset West, Macassar area. The uncle entered into an agreement prior to this with a man. That he would bring him a wife. He sold the girl to the man. The 15 year old became a wife to this man. She had to stay there as a wife. She was locked up during the day, could not do go anywhere. He exploited her. ALL SHE HAD TO DO WAS TO COOK AND BE READY FOR SEX FOR THIS MAN. She managed to escape...landed up with IOM who assisted with the placement of this girl with another Somalian FAMILY somewhere in the Cape Town are. She is in school now. She did not want to go back home to Somalia.

o **Kidnapping a child for purposes of begging**

Athlone police dealt with this case of a two year old child. A homeless Mother was sleeping by the road side, with the 2 year child. A mentally challenged woman from Hanover Park kidnapped the child she took the child and used the child for purposes of begging at the Waterfront. The child was found three days later by the police. They seeked help for the women.

o **Pornography**

There have been reports that gangs "invite" young girls 14-16 year olds to "tik parties" at house in Table view. Drugs are freely available to these girls. Once girls are high on drugs, they are forced to watch pornographic movies. This is meant to entice girls. Soon video cameras are taken out to film the raping of the young girls by these gangsters. According the police official, these films are then distributed on the international market. Apparently these gangs have a combination of illegal activities such drug dealing, prostitution and pornography. They are able to quickly distribute this due to their connections with international syndicates.

**Evaluation of the training workshops**

The following reflects the opinions of participation concerning their experience of the training workshops. Each workshop was concluded with the administration of an evaluation questionnaire that was filled in by the participants.

Key Questions	Responses included
What is your overall impression of the workshop?	Very good
Did the workshop meet your expectations?	Yes
What aspect of the workshop did you find most useful?	Presentation on Trafficking in persons Social crime prevention Victim support and assistance
What aspect of the workshop did you find least useful?	International instruments
How do you find the handbook and handouts provided?	Very useful resource Interesting information
Was information communicated clearly by resource persons?	95% of respondents indicated excellent, facilitators know their areas well, they are well prepared.
Follow up this workshop with other trainings?	Participants suggest follow-up training on child protection and child rights, domestic violence A follow-up workshop once SALRC's Trafficking in Persons Discussion Paper is finalized International best practices - Interpol Updates and training on Children's and Sexual Offences Bills & when its enacted into law.
Would you suggest a different approach to workshop?	Most respondents were very happy with the workshop approach and feel it should remain unchanged.

**General Observations**

In general the police are doing little to control trafficking in persons. This inactivity appears to be a result of many factors including the most significantly the lack of a crime code in the absence of legislation, a lack of resources dedicated by the government to the prevention and prosecution of trafficking. In addition police efforts are hampered by a lack of clear mechanisms for enforcement in existing law and in some cases corruption of law enforcement officials by traffickers.

Victims are reluctant to turn to the police for help because they fear they will not assist them and in some cases might harass them. Trafficking cases are particularly difficult to prosecute given the present status quo. Some police officials extend their work beyond their call of duty to make when victims of trafficking needs to be taken home.

**Way forward**

Whilst we hoped to have achieved our objectives through this type of training, we unfortunately failed to meet specific targets set out. For one or other reason, those members nominated never made it to the training workshop. Reasons were not specified why members were unable to attend. It is our hope and intention to continue this training in 2006. We hoped to follow a different approach in relation to sourcing participants. We hope to manage this process through Area west training division them to send out nominations.

- o get uniformed members on board they are the first points of contact with possible victims of trafficking
- o get training accredited through the SAQA process
- o meet with training division next year to work mechanism for monitoring the impact of the training of law enforcement officers
- o access training colleges to incorporate training on human trafficking for new recruits
- o target training at station level for 2 hour information sessions on the what trafficking is and how to identify it
- o expand the training to other provinces
- o get more female police officials onboard the training

In addition to this we hope to structure training on two levels:

- o Sensitivity – training - to take training to Police station level, proposing two hour sessions at station level. According to this method more members could be reached
- o in depth training – conducting this session over a three day period where a key focus to be around the legislative framework including best practice around this

### **8.1 Concluding remarks**

This workshop proved be a very interesting experience for both facilitators and police officials. It has been an empowering experience to learn and understand some of the frustrations and constraints that police face in their day to day execution of their tasks, sometimes with little or no resources at their disposal. These are the women and men that must be commended for their hard work and dedication.

We hope through funding will be available to continue this necessary intervention.



*Drumming for rights- Community awareness raising about trafficking in children*

## Attendance Registers

06 – 07 October 2005					
Name	Rank	Station	Contact Number	Fax number	
1. CARLO ANIHA	INSPECTOR	STEENBERG	7991304	799 1317	
2. W.VAN REENEN	INSPECTOR	LANDDOWN	700 9000		
3. MARLON MARAIS	CONSTABLE	RONDEBOSCH	685 7345	689 0733	
4. G.M.ARENDSE	INSPECTOR	MUIZENBERG	787 9000	788 3709	
5. D.LWILLIAMS	INSPECTOR	ATHLONE DETECTIVES	697 9200	696 9777	
6. R.F DIRKS	INSPECTOR	ATHLONE CID	697 9235	696 9777	
7. TEZA WILLIAMS	INSPECTOR	WYNBERG CSC	799 1400	799 130	
8. VUYELWA MBUYA	INSPECTOR	STEENBERGCS	799 1315	799 1370	
9. DEREK VAN DER MERWE	INSPECTOR	MOWBRAY	689 1304	689 9072	
10. PETER WHITEHEAD	INSPECTOR	LANGA	695 8000	695 8004	
11. PAUL BESTER	INSPECTOR	LANGA	695 8000	695 8004	
12. EBEN MINNIE	INSPECTOR	PINELANDS	531 2334	531 7638	
13. KEVIN PRETORIUS	CONSTABLE	PINELANDS	531 2334	531 7638	
14. MLUNGISELEJI CLAY	CONSTABLE	TABLEBAY HARBOUR CSC	4 19 4870		
15. VAKALISA NKATHA	CAPTAIN	SEAPOINT CSC	430 3700	439 8484	
16. J.J RANK*	INSPECTOR	CLAREMONT	657 2240	657 2240	
12- 13 October 2005					
Name	Rank	Station	Contact Number	Fax number	
1. KEITH MEYER	INSPECTOR	ATHLONE	697 9238	696 9777	
2. M.W.KILI	INSPECTOR	ATHONE	697 9238	696 9777	
3. BC JOHNSON	INSPECTOR	STEENBERG FCS	799 1315	799 1317	
4. H ABRAHAMIS	INSPECTOR	STEENBERG FCS	799 1315	799 1317	
5. JT LOUW	INSPECTOR	ATHONE	697 9238	696 9777	
6. D LIPPERT	INSPECTOR	HOUTBAY	790 2510	790 4523	
7. M BARNARD	INSPECTOR	WYNBERG	799 1300	799 1370	
8. CJ MATHEE	SNR SUPT	CLAREMONT	657 2291	657 2296	
NAME	Rank	Station	Contact number	Fax number	
9. DANIEL KINEAR	INSPECTOR	CLAREMONT	082 343 2683		
10. MBULELO DUNA	CONSTABLE	HOUTBAY	073 404 6879		
11. H HANEKOM	INSPECTOR	STEENBERG FCS	083 775 9511		
12. NL DAVIDS	INSPECTOR	STEENBERG FCS	072 130 3368		
13. A MEYER	INSPECTOR	MOWBRAY	082 921 3513		
14. F J JAPHIA	INSPECTOR	MUIZENBERG	787 9000	788 3709	
15. JOHAN PENIZ	INSPECTOR	SEAPOINT	430 3700	439 8484	
16. DZ HSANA	INSPECTOR	NYANGA	380 3300	386 1973	

17. IR FALKEN	INSPECTOR	ATHLONE	697 9225	696 9777
18. STEVEN MEYER	INSPECTOR	PINELANDS	5316888	
19. RIAN HEUNIS	CONSTABLE	PINELANDS	531 2334	

**26-27 OCTOBER 2005**

NAME	Rank	Station	Contact number	Fax number
1. NINO GRIBELAAR	INSPECTOR	WYNBERG	799 1317	
2. SHAUN SMALLBERG	CONSTABLE	WYNBERG	083 485 8637	
3. RIAN GOLIATH	INSPECTOR	ATHLONE	697 9225/ 073 574 6832	
4. JOHN BARLETT	CONSTABLE	STEENBERG	701 1390/ 072 755 7874	701 5724
5. HEINRICH WITBOOI	CONSTABLE	STEENBERG	701 1390/ 076 465 2091	701 5724
6. JEREMY TIBELI	CONSTABLE	SEAPOINT	083 9429365	
7. ANTONIO CHALEMANE	INSPECTOR	ATHLONE	697 9225	696 9777
8. DELVEN MATROOS	CAPTAIN	MOWBRAY	689 1304	689 9072
9. QUEENIE SWAYENA	CAPTAIN	STEENBERG/FCS	7991315/ 083 3348340	799 1317
10. DION JEPHTA	CAPTAIN	ATHLONE	697 9230	696 9777
11. MANDLA TSHEME	CONSTABLE	HOUTBAY	790 2510 / 083 240 3255	790 4523
12. IZETIE PHEIFER	CONSTABLE	HOUTBAY	790 2510/ 083 258 6158	790 4523
13. WILBURN JANUARY	INSPECTOR	ATHLONE	697 9223	696 9777
14. WILLIAM SOLOMON	CONSTABLE		083 232 8112	701 5724
15. LULAMILE GALELA	INSPECTOR	NYANGA		

**9- 10 NOVEMBER 2005**

NAME	Rank	Station	Contact number	Fax number
1. J LEONARD	INSPECTOR	LANSDOWNE	700 9008	700 9003
2. F FATYELA	CONSTABLE	ATHLONE	697 9238	696 9777
3. V. V PUDUMO	CAPTAIN	CAPE TOWN FCS	467 6656	467 6630
4. G VISSER	INSPECTOR	MOWBRAY	689 1304	689 9072
5. B MULLER	CONSTABLE	WYNBERG	799 1400	799 1370
6. S MADUNA	CAPTAIN	GRASSY PARK	700 3900	
7. A V PETERSEN	CONSTABLE	STEENBERG	701 2540	
8. HWG VAN DER MERWE	INSPECTOR	ATHLONE	697 9200	697 9777
9. ZIMBALI	CONSTABLE	NYANGA	371 1900	
10. MC PRINS	INSPECTOR	SEAPOINT	430 3700	439 8484
11. J BREAKY	CAPTAIN	SEAPOINT	430 3700	439 8484
12. C JOOSTE	CAPTAIN	ATHLONE	697 9217	696 9777
13. SF BEUKES	INSPECTOR	ATHLONE	697 9217	696 9777
14. XD MAHANJANA	CAPTAIN	LANSDOWNE	700 9000	700 9003

<b>23 &amp; 24 November 2005</b>						
<b>NAME</b>	<b>Rank</b>	<b>Station</b>	<b>Contact number</b>	<b>Fax number</b>		
1. CLIVE LEVITT	INSPECTOR	MOWBRAY	689 1304	689 9072		
2. PATRICK RENS	INSPECTOR	SEAPOINT	430 3700	439 8484		
3. ZAMILE MQU	CONSTABLE	STEENBERG	701 1390	701 5427		
4. JASON CHETTY	CONSTABLE	STEENBERG	701 1390	701 5427		
5. SHAUNOCTOBER	INSPECTOR	GRASSY PARK	700 3912	705 5395		
6. ABIGAIL NOBLE	INSPECTOR	GRASSY PARK	700 3912	705 5395		
7. NKOSANA NYANDI	CONSTABLE	TABLEBAY HARBOUR	419 4870	421 5461		
8. T. V MASWANTA	CONSTABLE	TABLEBAY HARBOUR	419 4870	421 5461		
9. A. M WILLEMSE	CONSTABLE	SEAPOINT	430 3700	439 8484		
10. A.M COETZEE	CONSTABLE	SEAPOINT	430 3700	439 8484		
<b>NAME</b>	<b>Rank</b>	<b>Station</b>	<b>Contact number</b>	<b>Fax number</b>		
11. N. ARENDSE	INSPECTOR	CLAREMONT CID	657 2240	657 2296		
12. BONGIWE MGOJO	SUPERINTENDANT	WYNBERG	799 1389	799 1370		
<b>30 NOVEMBER &amp; 1 DECEMBER 2005</b>						
<b>NAME</b>	<b>Rank</b>	<b>Station</b>	<b>Contact number</b>	<b>Fax number</b>		
1. MARILYN SAUL	CAPTAIN	ATHLONE	697 9218	696 9777		
2. FRANCISCO ELY	INSPECTOR	ATHLONE	697 9228	696 9777		
3. SIYANDA SALMANI	CONSTABLE	HOUTBAY	790 2510/073 3834 333	790 4523		
4. MALAN STEENKAMP	INSPECTOR	SEAPOINT	430 3700/ 084 6800114	434 1692		
5. CHESLYN SWIECELAAR	CONSTABLE	WOODSTOCK	442 3121/ 072 5923143	421 5461		
6. GISELLE MENTOOR	CONSTABLE	TABLEBAY HARBOUR	419 4870/ 084 8060 604	421 5461		
7. GERALDINE MARAIS	CONSTABLE	HOUTBAY	790 2510/ 073 3858 535	790 4523		
8. SILVINO DAVIDS	INSPECTOR	WYNBERG	799 1400 / 084 8562 930			
9. ELTON LUCAS	INSPECTOR	WYNBERG	701 1391 /			
10. XOLILE NDIKOLO	CONSTABLE	WOODSTOCK	442 3100/ 082 2198 091			
11. CHRISTOPHER DAVIDS	CONSTABLE	WOODSTOCK	442 3114 / 083 9484 067			
12. GRANVILLE ROMAIN	CONSTABLE	MUIZENBERG	787 9000 / 076 148 4025			
13. MICHEAL DARIES	INSPECTOR	ATHLONE	697 9228	696 9777		
14. CASSIEM ROBERTSON	CONSTABLE	WOODSTOCK	442 3121			

**Handbook – Trafficking in persons, especially children**

The handbook was modified specifically aim to meet the objectives of the training workshops to capacitate, sensitize and empower law enforcers around trafficking in persons, especially children and consists of following study units.

- Study unit one: Trafficking in persons and the South African Police Services
- Study unit two: Trafficking in persons in South Africa
- Study unit three: Social Crime Prevention and Community Policing
- Study unit four: Statement Taking
- Study unit five: Trafficking in persons and the law

**Objectives of the handbook**

- Raise awareness of non specialist law enforcement officers of the phenomenon of human trafficking crime
- Enable them to detect trafficking in persons as part of their daily duty
- Enable them to deal professionally and adequately with any allegation of the crime and any victims of during the initial phase of the law enforcement response
- Enhance cooperation between police, NGOs and other government departments thereby fostering an integrated response to problem

In addition to the overall content of the handbook, Rape Crisis was contracted to conduct a session that covers the following topics:

- Impact of Trauma and Post Traumatic Stress Response
- Rape Trauma Syndrome
- Preventing Secondary Victimization through effective sensitive case management.

The **main aim** of Rape Crisis section of the workshop included:

- o To minimise the traumatic impact of the investigation on the survivor (of sexual assault), through exploring effective actions and attitudes of the health care practitioner.
- o To give law enforcement officials in practical guidelines in the form of a model for implementation of the protocol.
- o To use a case study to give workshop participants the opportunity to focus on ways of minimising trauma and to allow them to find ways of showing empathy for survivors in order to prevent secondary trauma.

Central to this workshop have been to orientate law enforcement officials with the South African legal framework as it relates to sexual exploitation and trafficking in persons, especially children. The collaborative partnership included the support of the National Prosecuting Authority, and SAPS Training utilising their expertise for purpose of mainstreaming the issue of trafficking in persons

**Training Workshop Programme**

**Day One - Wednesday**

- 08h30 Arrival, Welcome and Opening Address  
Director Peter Arends – SAPS Training Division
- 09h30 Expectations & Purpose of Workshop
- 10h00 Trafficking in persons – video & discussion
- 11h00 TEA
- 11h30 Presentation on Trafficking in Persons, especially children  
Defining trafficking in persons – UN Definition – Molo Songololo
- 12h30 LUNCH
- 13h30 Identifying crimes committed in the process of trafficking in persons  
Group activities and plenary session
- 14h30 SA Legal Framework – NPA presentation
- 15h30 International instruments – Trafficking in persons
- 16h00 Wrap / closure

**Day Two – Thursday**

- 08h30 Arrival, Welcome & Reflections
- 09h30 Statement taking – SAPS Presentation
- 11h00 TEA
- 11h30 Dealing with Victims of trafficking – Rape Crisis Presentation
- 13h00 LUNCH
- 14h00 Social Crime Prevention – SAPS Presentation
- 15h00 Reflection & Evaluation
- 15h30 END